

TITLE 5**MUNICIPAL FINANCE AND TAXATION¹****CHAPTER**

1. PERSONAL PROPERTY TAXES.
2. DEBT POLICY.
3. INTERNAL FINANCIAL CONTROLS POLICY.

CHAPTER 1**PERSONAL PROPERTY TAXES****SECTION**

5-101. When due and payable.

5-101. When due and payable.² Taxes levied by the city against personal property shall become due and payable annually on the first Monday of October of the year for which levied.

¹State law reference

Depositories of municipal funds: § 6-4-402.

²State law references

Tennessee Code Annotated, §§ 67-1-701, 67-1-702 and 67-1-801, read together, permit a municipality to collect its own property taxes if its charter authorizes it to do so, or to turn over the collection of its property taxes to the county trustee. If a municipality collects its own property taxes, tax due and delinquency dates are as prescribed by the charter; if the county trustee collects them, the tax due date is the first Monday in October, and the delinquency date is the following March 1.

CHAPTER 2

DEBT POLICY

SECTION

- 5-201. Purpose.
- 5-202. Definition of debt.
- 5-203. Approval of debt.
- 5-204. Transparency.
- 5-205. Role of debt.
- 5-206. Types and limits of debt.
- 5-207. Use of variable rate debt.
- 5-208. Use of derivatives.
- 5-209. Costs of debt.
- 5-210. Refinancing outstanding debt.
- 5-211. Professional services.
- 5-212. Conflicts.
- 5-213. Review of policy.
- 5-214. Compliance.

5-201. Purpose. The purpose of this debt policy is to establish a set of parameters by which debt obligations will be undertaken by the City of Ridgeseide, Tennessee (the "city"). This policy reinforces the commitment of the city and its officials to manage the financial affairs of the city so as to minimize risks, avoid conflicts of interest and ensure transparency while still meeting the capital needs of the city. A debt management policy signals to the public and the rating agencies that the city is using a disciplined and defined approach to financing capital needs and fulfills the requirements of the State of Tennessee regarding the adoption of a debt management policy.

The goal of this policy is to assist decision makers in planning, issuing and managing debt obligations by providing clear direction as to the steps, substance and outcomes desired. In addition, greater stability over the long-term will be generated by the use of consistent guidelines in issuing debt. (Ord. #2011-01, Nov. 2013)

5-202. Definition of debt. All obligations of the city to repay, with or without interest, in installments and/or at a later date, some amount of money utilized for the purchase, construction, or operation of city resources. This includes, but is not limited to, notes, bond issues, capital leases, and loans of any type (whether from an outside source such as a bank or from another internal fund). (Ord. #2011-01, Nov. 2013)

5-203. Approval of debt. Bond anticipation notes, capital outlay notes, grant anticipation notes, and tax and revenue anticipation notes will be

submitted to the State of Tennessee Comptroller's Office and the city commission prior to issuance or entering into the obligation. A plan for refunding debt issues will also be submitted to the comptroller's office prior to issuance. Capital or equipment leases may be entered into by the city commission; however, details on the lease agreement will be forwarded to the comptroller's office on the specified form within forty-five (45) days. (Ord. #2011-01, Nov. 2013)

5-204. Transparency. (1) The city shall comply with legal requirements for notice and for public meetings related to debt issuance.

(2) All notices shall be posted in the customary and required posting locations, including as required local newspapers, bulletin boards, and websites.

(3) All costs (including principal, interest, issuance, continuing, and one (1) time) shall be clearly presented and disclosed to the citizens, city commission, and other stakeholders in a timely manner.

(4) The terms and life of each debt issue shall be clearly presented and disclosed to the citizens/members, city commission, and other stakeholders in a timely manner.

(5) A debt service schedule outlining the rate of retirement for the principal amount shall be clearly presented and disclosed to the citizens/members, city commission, and other stakeholders in a timely manner. (Ord. #2011-01, Nov. 2013)

5-205. Role of debt. (1) Long-term debt shall not be used to finance current operations. Long-term debt may be used for capital purchases or construction identified through the capital improvement, regional development, transportation, or master process or plan. Short-term debt may be used for certain projects and equipment financing as well as for operational borrowing; however, the city will minimize the use of short-term cash flow borrowings by maintaining adequate working capital and close budget management.

(2) In accordance with generally accepted accounting principles and state law:

(a) The maturity of the underlying debt will not be more than the useful life of the assets purchased or built with the debt, not to exceed thirty (30) years; however, an exception may be made with respect to federally sponsored loans, provided such an exception is consistent with law and accepted practices.

(b) Debt issued for operating expenses must be repaid within the same fiscal year of issuance or incurrence. (Ord. #2011-01, Nov. 2013)

5-206. Types and limits of debt. (1) The city will seek to limit total outstanding debt obligations to fifty percent (50%) of assessments, excluding overlapping debt, enterprise debt, and revenue debt.

(2) The limitation on total outstanding debt must be reviewed prior to the issuance of any new debt.

(3) The city's total outstanding debt obligation will be monitored and reported to the city commission by the mayor each year. The mayor shall monitor the maturities and terms and conditions of all obligations to ensure compliance. The mayor shall also report to the city commission any matter that adversely affects the credit or financial integrity of the city.

(4) The city is authorized to issue general obligation bonds, revenue bonds, TIFs, loans, notes and other debt allowed by law.

(5) The city will seek to structure debt with level debt service payments over the life of each individual bond issue or loan.

(6) As a rule, the city will not backload, use "wrap-around" techniques, balloon payments or other exotic formats to pursue the financing of projects. When refunding opportunities, natural disasters, other non-general fund revenues, or other external factors occur, the city may utilize non-level debt methods. However, the use of such methods must be thoroughly discussed in a public meeting and the mayor and governing body must determine such use is justified and in the best interest of the city.

(7) The city may use capital leases to finance short-term projects. (Ord. #2011-01, Nov. 2013)

5-207. Use of variable rate debt. (1) The city recognizes the value of variable rate debt obligations and that cities have greatly benefitted from the use of variable rate debt in the financing of needed infrastructure and capital improvements.

(2) However, the city also recognizes there are inherent risks associated with the use of variable rate debt and will implement steps to mitigate these risks, including:

(a) The city will annually include in its budget an interest rate assumption for any outstanding variable rate debt that takes market fluctuations affecting the rate of interest into consideration.

(b) Prior to entering into any variable rate debt obligation that is backed by insurance and secured by a liquidity provider, the city commission shall be informed of the potential affect on rates as well as any additional costs that might be incurred should the insurance fail.

(c) Prior to entering into any variable rate debt obligation that is backed by a letter of credit provider, the city commission shall be informed of the potential affect on rates as well as any additional costs that might be incurred should the letter of credit fail.

(d) Prior to entering into any variable rate debt obligation, the city commission will be informed of any terms, conditions, fees, or other costs associated with the prepayment of variable rate debt obligations.

(e) The city shall consult with persons familiar with the arbitrage rules to determine applicability, legal responsibility, and

potential consequences associated with any variable rate debt obligation. (Ord. #2011-01, Nov. 2013)

5-208. Use of derivatives. (1) The city chooses not to use derivatives or other exotic financial structures in the management of the city's debt portfolio.

(2) Prior to any reversal of this provision:

(a) A written management report outlining the potential benefits and consequences of utilizing these structures must be submitted to the city commission; and

(b) The city commission must adopt a specific amendment to this policy concerning the use of derivatives or interest rate agreements that complies with the state funding board guidelines. (Ord. #2011-01, Nov. 2013)

5-209. Costs of debt. (1) All costs associated with the initial issuance or incurrence of debt, management and repayment of debt (including interest, principal, and fees or charges) shall be disclosed prior to action by the city commission in accordance with the notice requirements stated above.

(2) In cases of variable interest or non-specified costs, detailed explanation of the assumptions shall be provided along with the complete estimate of total costs anticipated to be incurred as part of the debt issue.

(3) Costs related to the repayment of debt, including liabilities for future years, shall be provided in context of the annual budgets from which such payments will be funded (i.e., general obligations bonds in context of the general fund, revenue bonds in context of the dedicated revenue stream and related expenditures, loans and notes). (Ord. #2011-01, Nov. 2013)

5-210. Refinancing outstanding debt. (1) The city will refund debt when it is in the best financial interest of the city to do so, and the chief financial officer shall have the responsibility to analyze outstanding bond issues for refunding opportunities. The decision to refinance must be explicitly approved by the governing body, and all plans for current or advance refunding of debt must be in compliance with state laws and regulations.

(2) The chief financial officer will consider the following issues when analyzing possible refunding opportunities:

(a) Onerous restrictions. Debt may be refinanced to eliminate onerous or restrictive covenants contained in existing debt documents, or to take advantage of changing financial conditions or interest rates.

(b) Restructuring for economic purposes. The city will refund debt when it is in the best financial interest of the city to do so. Such refunding may include restructuring to meet unanticipated revenue expectations, achieve cost savings, mitigate irregular debt service payments, or to release reserve funds. Current refunding opportunities

may be considered by the chief financial officer if the refunding generates positive present value savings, and the chief financial officer must establish a minimum present value savings threshold for any refinancing.

(c) **Term of refunding issues.** The city will refund bonds within the term of the originally issued debt. However, the chief financial officer may consider maturity extension when necessary to achieve a desired outcome, provided such extension is legally permissible. The chief financial officer may also consider shortening the term of the originally issued debt to realize greater savings. The remaining useful life of the financed facility and the concept of inter-generational equity should guide this decision.

(d) **Escrow structuring.** The city shall utilize the least costly securities available in structuring refunding escrows. Under no circumstances shall an underwriter, agent or financial advisor sell escrow securities to the city from its own account.

(e) **Arbitrage.** The city shall consult with persons familiar with the arbitrage rules to determine applicability, legal responsibility, and potential consequences associated with any refunding. (Ord. #2011-01, Nov. 2013)

5-211. Professional services. The city shall require all professionals engaged in the process of issuing debt to clearly disclose all compensation and consideration received related to services provided in the debt issuance process by both the city and the lender or conduit issuer, if any.¹ This includes "soft" costs or compensations in lieu of direct payments.

(1) **Counsel.** The city shall enter into an engagement letter agreement with each lawyer or law firm representing the city in a debt transaction.

(No engagement letter is required for any lawyer who is an employee of the entity or lawyer or law firm which is under a general appointment or contract to serve as counsel to the entity. The entity does not need an engagement letter with counsel not representing the entity, such as underwriters' counsel.)

(2) **Financial advisor.** If the entity chooses to hire financial advisors, the entity shall enter into a written agreement with each person or firm serving as financial advisor for debt management and transactions.

¹For new issues of debt which constitutes a "security" for which the time of formal award (as defined in rule G-34(a)(ii)(C)(1)(a)) occurs after November 27, 2011, the municipal securities rulemaking board has prohibited broker, dealer or municipal securities dealer serving as a financial advisor to an issuer for a particular issue from switching roles and underwriting the same issue. Policies must be adjusted to comply with amended rule G-23 as it applies to securities, including exceptions to the prohibition.

Whether in a competitive or negotiated sale, the financial advisor shall not be permitted to bid on, privately place or underwrite an issue for which they are or have been providing advisory services for the issuance.

(3) **Underwriter.** If there is an underwriter, the entity shall require the underwriter to clearly identify itself in writing (e.g., in a response to a request for proposals or in promotional materials provided to an issuer) as an underwriter and not as a financial advisor from the earliest stages of its relationship with the entity with respect to that issue. The underwriter must clarify its primary role as a purchaser of securities in an arm's-length commercial transaction, and that it has financial and other interests that differ from those of the entity. The underwriter, in a publicly offered, negotiated sale shall be required to provide pricing information both as to interest rates and to takedown per maturity to the governing body (or its designated official) in advance of the pricing of the debt. (Ord. #2011-01, Nov. 2013)

5-212. Conflicts. Professionals involved in a debt transaction hired or compensated by the entity shall be required to disclose to the entity existing client and business relationships between and among the professionals to a transaction (including, but not limited to, financial advisor, swap advisor, bond counsel, swap counsel, trustee, paying agent, underwriter, counter party, and remarketing agent), as well as conduit issuers, sponsoring organizations and program administrators. This disclosure shall include that information reasonably sufficient to allow the entity to appreciate the significance of the relationships.

Professionals who become involved in the debt transaction as a result of a bid submitted in a widely and publicly advertised competitive sale conducted using an industry standard, electronic bidding platform are not subject to this disclosure. No disclosure is required that would violate any rule or regulation of professional conduct. (Ord. #2011-01, Nov. 2013)

5-213. Review of policy. This policy shall be reviewed at least annually by the city commission with the approval of the annual budget. Any amendments shall be considered and approved in the same process as the initial adoption of this policy, with opportunity for public input. (Ord. #2011-01, Nov. 2013)

5-214. Compliance. The mayor is responsible for ensuring compliance with this policy. (Ord. #2011-01, Nov. 2013)

CHAPTER 3

INTERNAL FINANCIAL CONTROLS POLICY

SECTION

- 5-301. Purpose.
- 5-302. Receipts and deposits of funds.
- 5-303. Check writing and disbursements.
- 5-304. Credit or debit card.
- 5-305. Petty cash.

5-301. Purpose. The Board of Commissioners of the City of Ridgeside has adopted and implemented this internal financial controls policy to safeguard public funds and to provide clear instructions to city officers and employees as to how such funds should be processed and recorded. All city officers and employees handling city funds shall be subject to the requirements of this policy. This policy may be amended from time to time by the board of commissioners. (Ord. #2013-5, Nov. 2013)

5-302. Receipts and deposits of funds. The treasurer shall be responsible for opening all incoming mail and stamping "For Deposit Only" on all checks immediately upon receipt. The treasurer will also prepare a list of checks or payments and calculate the total amount of all money/checks received. In addition, any checks received without payment stubs shall be receipted in duplicate. The list of payments received shall be signed by the treasurer and remitted along with the money/checks, stubs and receipts to the accountant for processing.

Each pool season, one (1) member of the Ridgeside Pool Committee shall be responsible for opening all incoming mail for the Ridgeside Pool and stamping "For Deposit Only" on all checks immediately upon receipt. This same designee will also prepare a list of checks or payments and calculate the total amount of all money/checks received. In addition, any checks received without payment stubs shall be receipted in duplicate. The list of payments received shall be signed by the pool committee designee and remitted along with the money/checks, stubs and receipts to the accountant for processing.

All cash payments should be received by the treasurer or Ridgeside Pool Committee designee who shall be responsible for preparing a written receipt and duplicate for all such funds. All cash and duplicate receipts should be turned over to the accountant within two (2) business days. A daily collection report should be prepared by each employee receiving any cash payments summarizing all collections by source.

Anytime custody of money changes from one (1) person to another the money should be counted by both. A pre-numbered receipt or other document

recording the count should be prepared and signed by both people indicating concurrence with the amount transferred.

This document should be retained by the individual turning the money over.

All deposits of cash, checks or other payments should be posted to the city's cash receipts journal by the accountant. The treasurer and pool committee designee shall be responsible for making deposits and all collections must be deposited no later than three (3) working days after initial receipt. Deposit receipts should also be retained and matched against the collection reports. (Ord. #2013-5, Nov. 2013, modified)

5-303. Check writing and disbursements. The board of commissioners are the only designees to write or sign checks for the City of Ridgeside and the Ridgeside Pool. The accountant who is responsible for reconciling the bank statements shall not be authorized to sign checks.

One (1) commissioner will initially review the supporting documentation and approve the invoices received. Two (2) authorized signatures are required for each check. The two (2) remaining commissioners will be the authorized signers. Before signing checks, each signatory should review the supporting documentation (such as vendor invoices, purchase authorizations, etc.) to verify that the expenditure is legitimate before the check is signed. (Ord. #2013-5, Nov. 2013, modified)

5-304. Credit or debit card. The City of Ridgeside does not have credit or debit cards. (Ord. #2013-5, Nov. 2013)

5-305. Petty cash. The City of Ridgeside does not maintain a petty cash fund, but the Ridgeside City Pool does. Petty cash disbursements are only allowable for legitimate purposes, are not for personal use and must be properly documented. An invoice/receipt, accompanied by a written petty cash voucher/request showing the items purchased, and signed by the person receiving the cash, is required in each transaction at the time the petty cash is withdrawn. The amount on hand and the petty cash vouchers and related invoices/receipts written must total to the originally authorized amount. The Ridgeside Pool Manager shall be responsible for monitoring the petty cash account and shall "audit" the petty cash account for any discrepancies at least once a week. This employee shall not make any withdrawals from petty cash. The petty cash account may be used only for withdrawals of less than fifty dollars (\$50.00) and the total account balance shall not exceed two hundred dollars (\$200.00). (Ord. #2013-5, Nov. 2013)