

CHARTER OF THE CITY OF COLUMBIA, TENNESSEE¹

CHAPTER 380

House Bill No. 2497
By Richardson, McWilliams

Substituted for: Senate Bill No. 2291
By Blank

AN ACT continuing the corporate existence of the City of Columbia, Tennessee, providing a new charter for said corporation, and repealing Chapter 210 of the Private Acts of 1941.

SECTION 1: Be it enacted by the General Assembly of the State of Tennessee, that

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¹Priv. Acts 1972, ch. 380, is the current basic charter act for the City of Columbia, Tennessee. The text of the basic charter act set out herein includes all its amendments through the 2009 session of the Tennessee General Assembly. Sections of the charter which have been amended contain at the end of those sections the citation to the official act or acts constituting the amendment or amendments. No other changes have been made to the charter except the addition of a table of contents to facilitate its use. A list of all the acts including the basic charter appears at the end of the charter.

Acts which did not expressly or in effect amend any particular section or part of the basic charter, but which supplemented it, have been placed after the charter act as "Related Acts."

Acts of a temporary nature with no general or continuing application, such as bond authorization and validation acts have not been included in this compilation.

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ARTICLE I

CHARTER; CITY BOUNDARIES; FORM OF GOVERNMENT;
CORPORATE POWERS; DEFINITIONS; WARDS

SECTION 1.01: ACT CONSTITUTES CITY CHARTER. The City of Columbia, Tennessee, shall be and shall continue as a municipal body politic

and corporate in perpetuity by the name of the "City of Columbia", and this act shall constitute its complete charter.

SECTION 1.02: CITY BOUNDARIES. The boundaries of the City shall be those fixed by Chapter 210 of the Private Acts of 1941, all acts amendatory thereof, and annexations made pursuant to general law.

SECTION 1.03: FORM OF GOVERNMENT: The municipal government provided by this charter shall be known as the "Council-Manager Government". Pursuant to its provisions and subject only to the limitations imposed by the Tennessee Constitution and by this charter, all powers of the City shall be vested in an elective council, hereinafter referred to as "the Council", which shall enact local legislation, adopt budgets, determine policies, and appoint the city manager, who shall execute the laws and administer the government of the city. All powers of the city shall be exercised in the manner prescribed by this charter, or if the manner be not prescribed, then in such manner as may be prescribed by ordinance.

SECTION 1.04: CORPORATE POWERS: The City shall have all the powers granted to municipal corporations and to cities by the Constitution and general laws of this State together with all the implied powers necessary to carry into execution all the powers granted, including by way of illustration and not by limitation the powers set forth in Section 6-1901, Tennessee Code Annotated, as the same may be amended from time to time. Reference to the foregoing particular powers shall not be deemed to be exclusive, and in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the City shall have and may exercise all powers which under the Tennessee Constitution it would be competent for this Charter specifically to enumerate.

SECTION 1.05: DEFINITIONS: As used in this Charter the following words and terms shall have the following meanings.

- (1) "City" shall mean the City of Columbia, Tennessee.
- (2) "Council" and "City Council" shall mean the legislative body of the city, which shall be composed of the mayor and six (6) councilmen elected as provided in this Charter, and any incumbent until the expiration of their current terms of office.
- (3) "Councilman" and "member of council" shall mean a person elected to the office of councilman as provided in this Charter, and may include the mayor when the context so requires.
- (4) "Nonpartisan" shall mean without any designation of candidates as members or candidates of any state or national political party or organization.

(5) "At large" shall mean the entire city, as distinguished from representation by wards or other districts.

(6) "Code" shall mean any publication or compilation of rules, regulations, specifications, standards, limitations, or requirements relating to any aspect of municipal affairs, prepared or recommended by an agency of the federal or state government, or by a trade association or other organization generally recognized as an authority in its field of activity.

(7) "Elector" shall mean a qualified voter residing within the city.

(8) "Official newspaper" shall mean a newspaper of general circulation, published in the City not less than weekly, designated as an official newspaper of the City by the Council, provided that if there is no newspaper which meets these requirements, the Council may designate any other newspaper of general circulation generally circulated to residents of the City not less frequently than weekly.

(9) The masculine shall include the feminine, and the singular shall include the plural, and vice versa, except when the contrary intention is manifest.

SECTION 1.06: WARDS: There shall be in the City five (5) wards, the boundaries of which shall initially be as presently established to coincide with the 1st, 2nd, 3rd, 4th, and 5th magisterial districts of the Quarterly Court of Maury County. The boundaries of the five wards shall thereafter be changed and established by ordinance as required following each decennial census, or following any annexation which materially alters the population ratio between wards, to provide that each ward shall as nearly as practical contain an equal number of residents, the new wards to take effect at the next regular election of councilmen from wards following the release of each decennial census or following annexation.

ARTICLE II

THE COUNCIL

SECTION 2.01: NUMBER: The Council shall be composed of the Mayor, a Councilman at Large who shall also serve as Vice-Mayor, and five (5) Councilmen from wards, each of whom shall serve terms as hereinafter set forth.

SECTION 2.02: QUALIFICATIONS: The Mayor and Councilman at Large shall reside in the City and shall be qualified electors of the City. Councilmen elected from wards shall be electors of the City and shall reside in the respective wards from which they are elected. Neither the Mayor nor Councilmen shall hold other public office except that of notary public, school teacher or member of the National Guard or armed forces reserve, not on active duty.

SECTION 2.03: DISQUALIFICATION: No person shall become or continue to be Mayor or Councilman who is not in compliance with the foregoing Section 2.02, or who shall have been convicted of malfeasance or misfeasance in office, bribery or other corrupt practice or crime, or of violating any of the provisions of Sections 3.06 and 3.07 of Article III of this Charter.

SECTION 2.04: POWERS: All powers of the city and the determination of all matters of policy shall be vested in the Council. Without limitation of the foregoing, the Council shall have the power to:

- (1) Appoint and remove the city manager;
- (2) Establish other administrative departments and distribute the work of divisions;
- (3) Adopt the budget of the city;
- (4) Authorize the issuance of bonds by ordinance;
- (5) Inquire into the conduct of any office, department or agency of the city and make investigations as to municipal affairs;
- (6) Prescribe the manner in which any powers of the City shall be exercised;
- (7) Provide all means necessary or proper therefor; and
- (8) To do all things needful within or without the State to protect the rights of the City and the inhabitants thereof.

SECTION 2.05: LIMITATION ON POWERS: The Council shall exercise its powers as a body in session duly assembled, and no member, or group of members thereof, shall exercise or attempt to exercise the powers conferred upon the Council except through proceedings adopted in regular or duly called special meeting. No member shall interfere in any way with the performance of duties by the Manager or any other City officer or employee, and shall not give orders or directions to any subordinate of the Manager, either publically or privately. Nothing contained herein shall prevent the Council or any member thereof from conducting such inquiries into the operation of the City and the City's affairs as it or they may deem necessary, or from discussing the City's affairs with the Manager or other employees on an informal, day to day basis.

SECTION 2.06: MEETINGS: (a) The Council shall by ordinance fix the time and place at which its regular meetings shall be held, but there shall be two regular meetings each month. Until otherwise provided by such ordinance, the regular council meetings shall be held at 7:30 o'clock P.M., prevailing time, on the first and third Thursdays of each month at the City Hall.

(b) Whenever, in the opinion of the Mayor or the City Manager, or of any four councilmen, the welfare of the City demands it, the Mayor, or the Manager, or the eldest of the calling councilmen may call a special meeting of the Council upon at least thirty-six (36) hours' written notice to the Mayor, each Councilman, the Manager, the Recorder, and City Attorney, Director of Finance

said notice to be served personally or left at the usual place of residence of each person entitled under this Charter to have a seat on the Council. Each call for a special meeting shall set forth the character of the business to be discussed and acted upon at such meetings, and no other business shall be considered at such meeting.

(c) The editor or publisher of all official newspapers and managers of all public radio stations with broadcasting facilities in the city shall also be given notice of all special meetings at least thirty-six (36) hours before any such meeting is to be held. [As amended by Priv. Acts 1990, ch. 202, § 1]

SECTION 2.07: (a) QUORUM: A majority of all members of the Council shall constitute a quorum, but a smaller number may adjourn from day to day and may compel the attendance of the absentees in such manner and under such penalties as those members of the Council in attendance may provide.

(b) VOTING: No action of the Council except as otherwise provided in subparagraph (a) supra, shall be valid or binding unless adopted by the affirmative vote of a majority of a quorum of members of the Council.

SECTION 2.08: CONDUCT OF COUNCIL MEETINGS: (a) The Council may determine the rules of its proceedings, and shall conduct its meetings in accordance with ROBERT'S RULES OF ORDER, except where the same may be inconsistent with the express provisions of the Charter.

(b) The presiding officer or a majority of the Council may cite or cause to be arrested any member or other person behaving in a disorderly or contemptuous manner in its presence, and the City Judge, after hearing, shall determine the guilt or innocence of the person charged and shall fix the punishment of those persons found guilty. The Council shall have the power, and may delegate the power to any committee appointed by it, to subpoena witnesses, and order the production of books and papers relating to any subject within its jurisdiction; and shall have power to call upon its own officers or the Chief of Police to execute its processes and arrest or cite for contempt any person refusing to obey such subpoena or order, provided that no fine for any one offense under this section shall exceed \$50.00 nor shall any imprisonment exceed ten (10) days, but each day's continuance in any refusal as aforesaid shall constitute a separate offense.

(c) The presiding officer or the chairman of any committee may administer oaths to witnesses.

(d) The Council shall keep a journal of its proceedings, the "ayes" and "nays" on all questions other than routine motions shall be entered thereon, and the journal shall be open to public inspection.

(e) All sessions of the Council shall be open to the Public.

SECTION 2.09: MAYOR AND PRESIDING OFFICER: The Mayor shall preside at all meetings of the Council, may introduce ordinances or resolutions

for consideration by the Council, and shall have a seat, a voice and a vote, but no veto. He shall sign the journal of the Council and all ordinances and resolutions on their final passage; execute all deeds, bonds, contracts, proclamations and other official documents made in the name of the City; and shall be recognized as head of the City government for all ceremonial purposes and by the Governor of the State of Tennessee and the President of the United States for purposes of military law, but shall have no regular administrative duties. In the absence of both the Mayor and Vice-Mayor the eldest member of the Council in attendance shall preside over meetings of the Council as Chairman-Pro-Tem.

SECTION 2.10: VICE-MAYOR: The councilman elected at large shall also serve as Vice-Mayor and shall act as Mayor in the temporary absence or disability of the Mayor. Whenever a vacancy occurs in the office of Mayor by death, resignations, disability of permanent or indefinite duration, disqualification, or removal, the Vice-Mayor shall become Mayor and hold office as such for the unexpired term.

SECTION 2.11: FILLING OF VACANCIES: Any vacancy in the office of Councilman, whether by death, resignation, disability of permanent or indefinite duration, disqualification, or removal shall be filled by appointment by a majority of the remaining members thereof provided that not more than three appointed members shall serve at the same time, and any vacancy occurring while there are three appointed members shall be filled by special election to be held within forty-five (45) days of the occurring of the vacancy; and provided further that any person so appointed or elected shall be fully qualified for election to the office as provided herein: Any person so appointed or elected shall hold office until his successor shall have been duly elected at the next regular municipal election; provided, however, that if the vacated term does not expire at the next regular municipal election the Council shall request the County Election Commission to hold a special election to fill the unexpired term, said special election to be held at the time of the next regular municipal election. If the office of Vice-Mayor shall become vacant by succession of the incumbent to the office of Mayor, or otherwise, the Council shall appoint to said office one of their own number.

SECTION 2.12: SALARIES OF MAYOR AND COUNCILMEN: The salary of the Mayor shall be \$200.00 per month and the salary of each councilman shall be \$150.00 per month, or such other sum as the Council may hereafter from time to time establish by ordinance but shall not be increased during the current term of councilmen enacting such ordinance.

SECTION 2.13: REMOVAL OF MAYOR AND COUNCILMEN: The Mayor, or any Councilman, subject to the provisions of this Charter, may be

removed from office for crime or misdemeanor in office, for intentional or willful violation of the provisions of this Charter, for grave misconduct showing unfitness for public trust, for disqualification, or for disability of permanent or indefinite duration, by a two thirds majority vote of the other members of the Council voting for said removal. The proceedings for such removal shall be upon specifications in writing which, with a notice stating the time and place of the hearing, shall be delivered to the official sought to be removed, or published at least three consecutive times in an official newspaper.

The hearing shall be public and the official sought to be removed shall have the right to appear and defend in person or by counsel and have processes of the Council to compel the attendance of witnesses in his behalf. Such vote shall be determined by "ayes" and "nays", and the names of the members voting for or against such removal shall be entered in the journal. Immediately upon the vote for the removal of such person, his official status, power, and authority shall cease without further action. Anyone removed hereunder shall have the right of appeal only by way of certiorari to the Circuit Court of Maury County, Tennessee, filed within thirty (30) days after removal.

SECTION 2.14: RECALL: The Mayor or any Councilman may be recalled and his office declared vacant by a majority vote of those electors voting in a special recall election called by the County Election Commission upon receipt and certification of a Petition for Recall signed by a number of qualified electors of the City in the case of the Mayor or Vice-Mayor, or the respective wards in the case of Councilmen elected from wards, equal to sixty per cent (60%) of the total number voting in the particular election, in which he was elected, or in the case of a Councilman appointed by the Council, the particular election in which his popularly elected predecessor was elected. Any office vacated by recall shall be filled by special election held by the County Election Commission within forty-five (45) days of recall and the person elected thereto shall serve the unexpired term of his predecessor.

ARTICLE III

CITY ELECTIONS

SECTION 3.01: ELECTIONS OF MAYOR, COUNCILMAN AT LARGE AND COUNCILMEN FROM WARDS. ELECTION OF MAYOR AND COUNCILMEN: The first election of the Mayor and Councilman provided under this act shall be held on the first Tuesday in November 1973 at which time the Mayor and Councilman at Large shall be elected to hold office for a period of four (4) years, and shall be elected each four (4) years thereafter, and the Councilmen elected from each ward initially shall be elected to hold office for a period of two (2) years, after which time they shall be elected to hold office for a period of four (4) years, and shall be elected each four (4) years thereafter. In the event no candidate shall have received a majority of the votes cast in any race, the candidate having received the most votes in the race shall be declared the winner of that election and no run-off election shall be held. The persons

duly elected shall take office on the first Thursday in January 1974. [As amended by Priv. Acts 1979, ch. 150]

SECTION 3.02: ELECTIONS HELD, BY WHOM: The County Election Commission for Maury County, Tennessee shall conduct all regular, special and recall elections and shall appoint the necessary and proper officers. Elections shall be held under and pursuant to the general laws prescribed for elections for members of the State Legislature. The cost of city elections held separately and the additional costs of holding city elections with other elections shall be borne by the City.

SECTION 3.03: QUALIFICATION OF CANDIDATES: (a) Any elector who is a resident of the City may be qualified as a candidate for the office of Mayor or Councilman-at-large by nominating petitions submitted to the County Election Commission no later than twelve o'clock (12:00) noon, prevailing time, on the fortieth day previous to the election. If such day should fall upon a Sunday, then no later than twelve o'clock (12:00) noon, prevailing time, on the previous Saturday. The nominating petition shall be signed by not less than twenty-five (25) qualified electors of the City. Any candidate for election as Councilman from a Ward may be qualified by nominating petition submitted to the County Election Commission no later than twelve o'clock (12:00) noon, prevailing time, on the fortieth day previous to the election. If such day should fall upon a Sunday, then no later than twelve o'clock (12:00) noon, prevailing time, on the previous Saturday. The nominating petition shall be signed by not less than twenty-five (25) qualified electors of the Ward from which the candidate seeks election.

(b) Any candidate may withdraw his nomination at any time prior to election day by written notice to the County Election Commission. All votes cast for a candidate who has died or withdrawn his nomination prior to election shall not be counted or considered in determination of the results of the election. Names of candidates shall be listed alphabetically by surname as shown on the first nominating petition filed. [As replaced by Priv. Acts 1985, ch. 32]

SECTION 3.04: QUALIFICATIONS OF ELECTORS: All persons who are residents of the City of Columbia or who are non-residents but own real property in the City of Columbia, and who are otherwise qualified to vote under the general laws of the State of Tennessee, are entitled to be registered to vote in all city elections. [As amended by Priv. Acts 1996, ch. 183, § 1]

SECTIONS 3.05: REGISTRATION BY WARDS: All persons registering to vote in elections shall be registered in the ward in which they reside or in which they own real property. No person may be registered to vote in more than one (1) ward at any one (1) time. There shall be at least one (1) polling place in each ward. [As amended by Priv. Acts 1996, ch. 183, § 2]

SECTION 3.06: CITY OFFICIAL AND EMPLOYEES NOT TO TAKE PART IN ELECTION CAMPAIGNS: No official, other than the Mayor and Councilmen, nor any employee of the City shall electioneer for or against or take any active part in or contribute any money toward the nomination or election of any candidates for elections to the office of Mayor or Councilmen, except to vote and to answer each questions as may be put to them and as they may desire to answer. A violation of this section shall be cause for removal from office or discharge from employment.

SECTION 3.07: CANDIDATES OR OTHERS NOT TO PROMISE ANYTHING OF VALUE, FOR AID OF VOTES: No candidate for any office, nor any person acting on behalf of a candidate shall directly or indirectly give or promise any person or persons any office, employment, money, benefit, or anything of value for the purpose of influencing or obtaining political support, aid, or vote for such candidate. Any person violating this provision shall be guilty of a misdemeanor.

ARTICLE IV

THE CITY MANAGER

SECTION 4.01: QUALIFICATIONS AND APPOINTMENT: The council shall appoint and fix the salary of the City Manager, who shall serve at the will and pleasure of the Council. He shall be chosen without regard his political beliefs and solely on the basis of his executive and administrative qualifications, with special reference to his experience, training and knowledge in respect to the duties and professional practices of his office. At the time of his appointment he need not be a resident of the City, or of Tennessee, but during his tenure in office he shall reside within the city.

SECTION 4.02: DUTIES: The City Manager shall be the administrative head of the City government. He shall be responsible to the Council for the proper administration of all affairs of the City. He shall devote his full working time and abilities to the affairs of the City, with such exceptions which do not interfere with his duties as may be authorized by the Council.

SECTION 4.03: POWERS: The City Manager shall be empowered, subject to the direction of the Council, and it shall be his responsibility, in the name of and on behalf of the City:

(a) To appoint on the basis of merit and fitness alone, and when necessary to remove or discipline all officers and employees of the City except as otherwise provided by this Charter.

(b) To enforce all laws and ordinances and to see that all violations thereof are prosecuted.

(c) To supervise, direct and control the work of all officers and employees of the City.

(d) To see that all terms and conditions imposed in favor of the City or its inhabitants in any public utility, franchise or contract are faithfully done, kept and performed.

(e) To attend all meetings of the Council, take part in all discussions therein, and recommend to the Council for adoption such measures as he may deem appropriate, but not to vote.

(f) To act as Budget Director and keep the Council fully advised of the financial condition and needs of the City.

(g) To act as purchasing agent for the City and to purchase all materials, supplies and equipment necessary to the proper conduct of the City's business, pursuant to such authority and instructions regarding quotes and bids as the Council shall by ordinance prescribe.

(h) To perform such other duties as may be prescribed by this Charter or required by him by Resolution or Ordinance of the Council.

SECTION 4.04. The City Manager may appoint the Assistant City Manager, a Personnel Director, and a Director of Grants and Planning. They shall be chosen without regard for their political beliefs and solely on the basis of their executive and administrative qualifications, with special reference to their experience, training and knowledge in respect to the duties and professional practices of their designated offices. [As added by Priv. Acts 1979, ch. 123, § 1; amended by Priv. Acts 1986, ch. 135, § 1; replaced by Priv. Acts 1987, ch. 36; amended by Priv. Acts 1987, ch. 47; Priv. Acts 1995, ch. 34, § 1; and replaced by Priv. Acts 2002, ch. 72]

SECTION 4.05. (a) The duties of the assistant city manager shall generally be the same as those of the city manager except that the assistant city manager shall work under the direction of the city manager.

(b) The duties of the personnel director shall be to establish and administer personnel employee policy; to establish qualifications and duties of the employees of the city; to assist in the selection of employees to be hired by the city.

(c) The duties of the Director of Grants and Planning shall be to assist the city in obtaining any state, federal, or other grants, to assist the city in planning policy and to perform such other duties as may be prescribed from time to time by the City Manager. The Director of Grants and Planning shall serve under the direct supervision of the City Manager. [As added by Priv. Acts 1979, ch. 123, § 1; amended by Priv. Acts 1986, ch. 135, § 2; and further amended by Priv. Acts 1995, ch. 34, § 2]

ARTICLE V

OFFICERS AND EMPLOYEES

SECTION 5.01: ELECTION AND SALARIES OF OFFICERS: The Council shall establish and make provisions in the annual appropriations ordinance for such officers, agents and employees as may be necessary to the proper conduct of the City's affairs. Unless otherwise expressly provided herein, all officers, agents and employees shall be appointed by the City Manager and may be removed or disciplined by him at any time for any reason whatsoever, except as otherwise provided in this Charter.

SECTION 5.02: OATH OF OFFICE: Every officer of the City, before entering upon his duties, shall take, subscribe, and file with the Recorder an oath or affirmation that he has all the qualifications named in this Charter for the office he is about to assume, that he will support the Constitutions of the United States and of this State and the Charter and Ordinances of the City, and that he will faithfully discharge the duties of his office.

SECTION 5.03: BONDS REQUIRED OF WHOM: Every officer, agent, and employee having duties embracing the receipt, disbursement, custody, or handling of money shall, before entering upon his duties, execute a fidelity bond with some corporate surety company authorized to do business in the State of Tennessee, as surety (except that bonds for five hundred dollars or less may be given with personal surety), in such amount as shall be prescribed by ordinance of the Council, except where the amount is prescribed in this Charter. All such bonds and sureties thereto shall be subject to the approval of the Council. The cost of making said bonds is to be paid by the City.

SECTION 5.04: ADDITIONAL BONDS MAY BE REQUIRED, WHOM: If, at any time, it appears to the Mayor, City Manager, or Recorder, that the surety or sureties on any official bond are insufficient, the officer or employee shall be required to give additional bond, and if such officer or employee fails to give additional bond within twenty (20) days after he shall have been notified, his office shall be vacant.

ARTICLE VI

CIVIL SERVICE BOARD

SECTION 6.01: There shall be a Civil Service Board of the City of Columbia, to consist of five¹ members who shall have been registered electors of the City of Columbia for not less than two years next preceding his or her election. Upon taking effect of this Charter the members then holding office shall continue in office until the regular expiration of their term of office. Thereafter upon the expiration of each term, the Council shall elect a qualified person to fill the vacancy. All the newly elected members shall serve for terms of six (6) years or until their successors are elected and qualified. This Board shall be known as the Civil Service Board. Their compensation shall be as fixed by the Council.

Should there be a vacancy in the Civil Service Board by reason of death, resignation, or removal, the same shall be filled by the election of a qualified person to the vacancy by the Council, to fill out the balance of the unexpired term.

The members of said Board shall not hold any other public or political office while serving as members of said Board, except those excepted in Section 2.02, supra, and in the event any member of said Board shall accept public or political office or actively become a candidate for an elective office, or cease to be a bonafide resident of the City of Columbia, his membership on said Board shall be and become thereby automatically vacated, and thereupon the Council shall elect a successor. Members of the Board may be removed by the Council for the same reasons and in the same manner as provided for removal of Councilmen in Section 2.13, supra.

The members of the Civil Service Board shall be required to take the oath prescribed in Section 5.02, supra. [As amended by Priv. Acts 1975, ch. 194, § 1]

SECTION 6.02: The Civil Service Board is authorized and empowered to make such rules and regulations as it may from time to time deem necessary for carrying into effect the provisions, objects and purposes of this Article VI.

It is hereby declared to be the intent and purpose of this Act that employees of the City of Columbia covered by Civil Service shall be kept out of

¹The membership was increased from 3 to 5 members by Priv. Acts 1975, ch 194. The 1975 act provided that: "The two additional members of the Civil Service Board authorized by this Act shall be elected by the Council to serve terms of three (3) years and five (5) years, respectively. Such initial terms of the additional members shall expire on the same date as the incumbent member's term which expires in 1978 and 1980, respectively. Their successors shall be elected for terms of six (6) years."

politics, so that their positions cannot be endangered, nor these employees be annoyed or disturbed by the political plans and schemes of anyone; and the Civil Service Board is hereby authorized to make and enforce such rules and regulations consistent with the provisions of this Act, as will keep Civil Service employees out of politics, and as will guarantee to all such Civil Service employees the right to cast their votes in all elections free from any embarrassment or duress of any sort. It is hereby made the duty of the Mayor to see that the rules of the Civil Service Board are enforced for the protection of all Civil Service employees; and if the Mayor shall willfully neglect any of the duties imposed upon him in this regard, it shall subject him to removal from office upon as provided in Section 2.13, supra.

SECTION 6.03: The Civil Service Board shall make an annual report to the Council containing a general statement of its actions for the preceding year, its rules and regulations, and any suggestions it may approve for the more effectual accomplishment of the purposes of this Act. A copy of such report shall be filed with the Recorder not less than five days prior to the second regular meeting of the Council in January of each year, and shall be available for public inspection.

SECTION 6.04: The Civil Service Board shall hold at least one regular meeting in each three calendar months, and may be convened in extraordinary session upon call of the Chairman, or whenever in the judgment of the majority of said Board it may be deemed necessary and proper. Three members of the Board shall constitute a Quorum for the transaction of all business. The members shall each year select one of their number to serve as Chairman of the Board. [As amended by Priv. Acts 1975, ch. 194, § 2]

SECTION 6.05: The Director of Personnel or other person designated by the Director of Personnel shall serve as the clerk of the Civil Service Board, without additional compensation, and whose duties shall include those herein defined. Provisions shall be made by the Council for necessary expenses of the Board, certified by the Chairman to the proper authorities and same shall be paid out of the general funds of the City. [As replaced by Priv. Acts 1990, ch. 202, § 2]

SECTION 6.06: The Civil Service Board shall keep or cause to be kept by the Clerk minutes of its proceedings, and records of its examinations, hearings, and other official action.

It shall be a part of the duties of the Clerk of the Civil Service Board to keep a complete merit and demerit record on each Civil Service employee of the City of Columbia, in a form to be prescribed in the regulations of the Board, and it shall be the duty of the City Manager and the heads of the respective

departments wherein such Civil Service employees are employed to furnish the necessary information for the keeping of the records prescribed by the Board.

The City Manager and heads of all departments of the City shall file with the Clerk of the Civil Service Board from time to time, as required by the Civil Service Board, a complete list of all Civil Service employees showing the name, address, occupation, department, compensation, date of employment, age when employed, present age, and any other information required under the regulations, or requested from time to time by the Civil Service Board.

SECTION 6.07: All applications for positions herein defined as Civil Service positions shall be filed with the Clerk of the Civil Service Board, and said Board shall examine applicants or cause them to be examined by open competitive examinations under such rules and regulations in regard to suitability, physical fitness and other qualifications as said Board may deem proper, and may from time to time prescribe. All applications must be filed within such time as the Board may from time to time prescribe prior to the examination of such applicant upon forms designated and provided by said Board.

No question in any form or application, or in any examination shall be so framed as to elicit information concerning the political or religious opinions or affiliations of any applicant, nor shall entry be made concerning such opinions or affiliations, and disclosures thereof by any applicant shall not be countenanced. No discrimination whatsoever shall be practiced, threatened or promised in favor of or against any applicant for a Civil Service position because of his or her race, sex, or political or religious opinions or affiliations.

The Board may require all applicants for Civil Service positions to undergo a physical examination as a prerequisite to employment, and may authorize payment for such examinations.

SECTION 6.08: The examination for positions and prescribed forms of application for positions required to be filed by applicants shall apply to all persons applying for Civil Service positions from and after the passage of this Act. Provided, further, that other than as provided herein to the contrary, that all persons regularly employed and holding Civil Service positions, shall be continued in such positions and be entitled to all the benefits of the Civil Service provisions of this Charter.

SECTION 6.09: In connection with any application for a Civil Service position, the Civil Service Board may require such recommendations of persons having knowledge of the applicant as may be deemed necessary and proper. The Board may refuse to examine an applicant, or after examination may refuse to certify an applicant if he or she be determined to lack any of the established preliminary requirements for the examination of the position or employment for which he or she has made application; or any applicant who is determined to be

physically unfit for the performance of the duties of the position for which he or she has made application; or who is determined to be addicted or subject to the habitual use of intoxicating liquors or drugs; or whose conduct is determined to be infamous or notoriously disgraceful; or any applicant who is determined to have been dismissed from the public service for delinquency or misconduct; or any applicant who is determined to have made a false statement of any material fact, or practice, or attempted to practice any deception or fraud in his or her application, in his or her examination, or in any way establishing his or her eligibility; or any applicant who is determined in any manner to have failed to comply with the rules and regulations of the Board, or who the Board may determine for just cause to be unfit for the Civil Service position for which he or she has made application.

SECTION 6.10: Other than as provided in Section 6.11, every Civil Service position as herein defined unless filled by promotion, reinstatement, or reduction, shall be filled in the following manner:

The City Manager shall notify the Civil Service Board in writing of any vacancy in the service which he desires to fill, and shall request a certification of eligibles. The Board shall forthwith certify from the appropriate eligible list the names of the three persons thereon who bear the highest rating under the regulations and examinations prescribed by the Board. The City Manager shall thereupon make the desired appointment from said eligible list so certified to him or it. When there are a number of positions of the same kind to be filled at the same time, each appointment shall be made separately and in accordance with the foregoing provisions. Whenever the list of eligible applicants has previously been selected from the City Manager may request that the Board readvertise and test any new applicants for eligibility before certifying the names of the three highest rated eligibles.

The Civil Service Board shall remove from any such certified list the name of any person, who after certification and upon further review, the Board finds to be disqualified under the provisions of Section 6.09. The Board shall remove from such certified list the name of any person who notifies the Board or the City Manager that he or she no longer desires to be considered for the position applied for. In all cases where the Board removes the name of any person from a certified list pursuant to this section, the Board shall furnish the City Manager with the name of the person with the next highest rating making application for the position being filled. The City Manager shall then consider all three applicants in making the desired appointment. [As amended by Priv. Acts 1981, ch. 55]

SECTION 6.11: (a) Whenever there may exist urgent reasons for filling a vacancy in any Civil Service position, by appointment or promotion, and there is not a current list of persons eligible for appointment, the City Manager may make a provisional appointment to such position. However, no such provisional

appointment may continue for a longer period than three months. At the termination of a period of provisional appointment, the Board may ratify the appointment, whereupon such employee shall become a probationary employee of the City, or shall certify to the City Manager a list of the three highest rated qualified applicants for the position, and the City Manager shall make the desired appointment from the list of eligibles so certified.

(b) Department heads, subject to the approval of the City Manager, may employ such casual employees on a temporary, day to day basis as may be needed to fill vacancies caused by illness, absence, unforeseen emergencies, or other causes. Such temporary employees shall not be covered by the provisions of this Article VI.

SECTION 6.12: All vacancies in the Civil Service positions filled by promotions from among Civil Service employees shall be based upon merit, the qualifications therefor being ascertained by such tests or examinations as may be prescribed and held from time to time by the Civil Service Board, and upon the superior qualifications of the persons promoted as shown by his or her previous service and experience.

Promotions shall be made in the same way as original appointments, as provided in Section 6.10 and 6.11, supra.

SECTION 6.13: Whenever it may be deemed to be in the interest of efficiency or economy and recommended by the City Manager, the Council may by ordinance provide for a reduction in the number of employees in any department; provided, however, that in the event of any such reduction in number of Civil Service employees thereby relieved from duty in any particular department shall be the ones who have served the shortest period of time in that department when such abolition or reduction occurs. Any Civil Service employee thus relieved from duty shall thereafter be given preference in filling the position formerly held by him if said position shall be subsequently reinstated. Said preference shall be granted, however, only after said employees shall pass the examination and otherwise meet the rules, regulations and requirements prescribed by the Civil Service Board.

SECTION 6.14: No Civil Service employee shall be called upon by any official, agent or employee of the City for any contribution or assessment to any political organizations or member of any committee thereof, nor shall any Civil Service employee be allowed to solicit any contributions or to sell any tickets or to procure any money by any device for any party, directly or indirectly, or to give or promise any party any office, employment, benefit, or anything of value for the purpose of influencing or obtaining the political support, aid or votes of any person or persons; no Civil Service employee shall appear at the polls in any election held within the City, wearing a badge indicating support of any candidate party or ticket in such election nor hand out or distribute any

literature concerning any candidate, party, or ticket involved in such election; nor seek in any other manner to use his official position to influence any voter. Nothing herein contained shall be construed as abridging the Constitutional right of any City employee to express his opinions or to cast his vote.

The Council may grant a leave of absence without pay to any Civil Service employee who may desire to become a candidate for any political office.

SECTION 6.15: Other than by judgment of the Board upon specification of charges filed under Section 6.16 hereof, the City Manager shall have exclusive power to dismiss, suspend, reduce in rank or otherwise discipline all employees of the City, provided, however, that the head of any department, as regards his subordinate employees, shall have the power at any time to temporarily suspend without pay an offending or derelict employee for a period of not to exceed ten (10) days without prior approval of the City Manager, but this power to temporarily suspend shall not be exercised against any one employee more often than twice in any twelve month period. Any Civil Service employee, other than a probationary employee, who is dismissed, suspended, reduced in rank, or otherwise disciplined, within ten (10) days after such action, may request in writing filed with the Clerk of the Board, a hearing before the Civil Service Board. Upon receipt of a request for hearing the Board shall notify the City Manager who shall cause to be filed with the Clerk of the Board written specifications of charges. A copy of such specifications shall be furnished the employee at least ten days prior to such hearing, and a copy of any amendment or amendments made to such specifications before or during the hearing shall be furnished the employee not less than five (5) days prior to the time he shall be required to answer. All specifications of charges, and all amendments thereto, shall plainly and particularly set forth the offense or offenses, and shall be recorded by the Civil Service Board in a record kept for that purpose. A transfer of an employee from one department to another, whether or not accompanied by a decrease in compensation, shall be considered a reduction in rank within the meaning of this Article VI, unless consented to by the employee. A transfer of an employee from one section of a department to another section, not accompanied by a decrease in compensation, shall not be considered a reduction in rank within the meaning of this Article VI. The employee shall have the right to be represented at the hearing by an attorney, shall have the right to confront and examine all witnesses, and may introduce on his own behalf any evidence relevant to the charges specified against him. Upon hearing the Board may sustain, modify, or overrule the action of the City Manager, may order the employee reinstated, with or without back pay, or may order such other disciplinary action as deemed appropriate from the facts and evidence adduced at the hearing.

SECTION 6.16: In addition to the foregoing powers granted to the City Manager regarding dismissal, suspension, reduction in rank, or discipline of any

employee, and the powers granted to Department Heads regarding temporary suspension of their subordinate employees, any person, including members of the Board, may file and prefer specification of charges against any Civil Service employee, but no member of the Board shall be qualified to participate in the hearing of any specification of charges preferred by him. Hearing on such specification of charges shall be conducted as if filed under Section 6.15.

SECTION 6.17: For the purpose of investigating the conduct of any Civil Service employee or of conducting a hearing upon specification of charges against a Civil Service employee the Board shall have the power to issue subpoenas compelling the attendance of witnesses, the production of books, papers and other documentary evidence, and to cite for contempt before the City Judge any person failing or refusing to answer or obey said summons or give or produce testimony before the Board, provided, punishment for contempt shall not exceed a fine of \$50.00 and imprisonment for ten (10) days. Each day's refusal shall constitute a separate contempt.

SECTION 6.18: The judgment and findings of the Civil Service Board upon hearing on specification of charges against any Civil Service employee shall be final and shall be subject to review only for illegality or want of jurisdiction, except that any Civil Service employee whose dismissal has been ordered or sustained by judgment of the Board, may within 30 days of the Board's action prepare and file the record certified by the Chairman of the Board, in the Circuit Court of Maury County, Tennessee where the case may be heard DE NOVO solely upon the certified record.

SECTION 6.19: All full time employees of the city, other than the city manager, department heads, the city attorney, the city judge, the chief of police, the chief of fire, the assistant city manager, the personnel director, the director of grants and planning and the director of communications are hereby declared to be civil service employees, subject to all the conditions, limitations, and requirements of this Article VI and entitled to the benefits thereof. All employees of the city hired after the effective date of this charter shall be probationary employees until they have completed one (1) year of continuous employment with the city and the granting of civil service status by the civil service board, with or without the recommendation of such employee's department head. A probationary employee shall be entitled to the benefits of Article VI, except that he may be dismissed, suspended, reduced in rank, or otherwise disciplined by the city manager or his department head without having the right of review by the civil service board. [As amended by Priv. Acts 1979, ch. 123, § 2; Priv. Acts of 1986, ch. 135, § 3, and replaced by Priv. Acts 1992, ch. 238]

SECTION 6.20: Any department head, police chief or fire chief, who is a civil service employee on the effective date of this Act, or any civil service employee of the city who is appointed as police chief, fire chief, head of any department of the city, the assistant city manager, the personnel director or the director of grants and planning subsequent to the effective date of this Act shall continue as a civil service employee of the city as regards seniority, tenure in employment with the city, and all other rights and privileges of a civil service employee, except that he may be removed from the position of department head, police chief, fire chief, assistant city manager, personnel director or director of grants and planning, reduced to his former rank, suspended or otherwise disciplined by the city manager, and shall not have the right of review by the board, except in cases of dismissal or suspension for a period in excess of thirty (30) days, provided that any suspension after a cumulative suspension of more than thirty (30) days shall be denied the equivalent of dismissal. Any department head, chief of police or fire chief, who is a civil service employee on the effective date of this Act, or any civil service employee of the city who shall be appointed as head of any department, police chief, fire chief, assistant city manager, personnel director or director of grants and planning, subsequent to the effective date of this Act, who is removed from the position of department head, police chief, fire chief, assistant city manager, personnel director or director of grants and planning, but not dismissed from service with the city, shall be entitled to be reinstated to the highest rank he held with the city prior to his appointment, with full seniority to include all periods served as department head, police chief, fire chief, assistant city manager, personnel director or director of grants and planning. Any appointment to fill a vacancy created by appointment of a civil service employee as head of a department, police chief, fire chief, assistant city manager, personnel director or director of grants and planning shall be temporary so long as the employee so appointed remains in that position. Any department head, police chief, fire chief, assistant city manager, personnel director or director of grants and planning who has not been a civil service employee of the city but subsequently to and within one (1) year of removal as department head, police chief, fire chief, assistant city manager, personnel director, or director of grants and planning is employed by the city in a civil service position shall be entitled to a credit on seniority for time served as department head, police chief, fire chief, assistant city manager, personnel director or director of grants and planning. All department heads, police chief, fire chief, assistant city manager, personnel director, and director of grants and planning shall be entitled to any retirement, pension, disability, or other fringe benefits provided for civil service employees. [As replaced by Priv. Acts 1979, ch. 123, § 3, and amended by Priv. Acts 1986, ch. 135, § 4]

ARTICLE VII

CITY COURT

SECTION 7.01: A city Court is hereby established for the City of Columbia, which shall have exclusive jurisdiction in and over all violations of the laws and ordinances of the City of Columbia and shall have concurrent jurisdiction with that of General Sessions judges in and over all offenses against the criminal laws of the State committed within the police jurisdiction of the City of Columbia.

SECTION 7.02: CITY JUDGE TO PRESIDE. The City Court shall be presided over by the City Judge, who shall hear and determine all cases for the violation of and offenses against or arising under the ordinances of the City of Columbia, and who may hear and determine all cases for the violation of and offenses against or arising under the Laws of the State of Tennessee, where such offenses have been committed within the City, in the same way and manner as a General Sessions Judge, or he may order such State cases transferred to the General Sessions Court of Maury County, Tennessee, for disposition.

SECTION 7.03: ELECTION OF CITY JUDGE. The Council shall elect and fix the salary of the City Judge, whose term of office shall be two years and who shall be a person versed in the laws. In the event of the sickness, disability or inability of the City Judge to serve for a definite or indefinite period, the Mayor, or in his absence the Vice-Mayor, shall appoint in writing, a City Judge pro tem, who shall serve until the regular City Judge is again able to serve, or until the next regular meeting of the Council, at which time such appointment shall be confirmed by the Council. The City Judge pro tem shall receive the same compensation, be clothed with the same power and shall perform the same duties conferred upon the City Judge.

SECTION 7.04: FINES AND FORFEITURES. The City Judge shall have power and authority to impose fines, costs and forfeitures and to punish for contempt and to punish by fine or imprisonment, or both, for violation of City Ordinances, to preserve and enforce order in his Court, to enforce the collection of all fines, costs and forfeitures imposed by him, and in default of the payment of good and sufficient security given for the payment of any such fine, costs and forfeitures imposed by him he shall have the power and it shall be his duty to commit the offender to the workhouse or other place provided for each purpose, and to such labor as may be provided by ordinance until such fine, costs, or forfeiture shall be fully paid at the rate of one day's imprisonment for each Five Dollars of such fines, costs or forfeitures; provided, that no sentence shall exceed eleven (11) months twenty-nine (29) days' imprisonment for any one offense, and provided further that no fine shall exceed \$50.00. The City Judge may remit or

suspend, with or without condition, fines and costs imposed for violation of any ordinance or charter provision.

SECTION 7.05: APPEALS. In any case heard and determined by the City Judge, the defendant, as a matter of right, may within ten (10) entire days thereafter, appeal to the next term of the Circuit Court of Maury County, Tennessee, at Columbia, by depositing a cash bond or giving an appearance bond, which shall not exceed \$250.00, with good and sufficient sureties, as approved by the City Judge, Clerk of the City Court, or Clerk of the Circuit Court, for the appearance of the defendant before the Circuit Court at the next term thereof, in Columbia, Maury County, Tennessee, and faithful prosecution of the appeal from said City Court to said Circuit Court, or upon an affidavit of indigency the defendant may appeal in forma pauperis.

The appeal and appearance bond or affidavit of indigency shall be substantially in the form prescribed for appeals from General Sessions Court to Circuit Court. In the event a defendant having appealed from the judgment of the City Court, to the next term of the Circuit Court by giving the bond as herein provided or by proceeding in forma pauperis, fails to appear at the next term of the Circuit Court, fails to prosecute his appeal, and is fined and or the judgement of the lower court is affirmed in tho Circuit Court, then such defendant and his sureties on the Appeal and Appearance Bond, shall be jointly and severally liable for the fine and costs, and the judgment shall be entered accordingly in the Circuit Court. In the event such defendant appealing as above appears and prosecutes said appeal and the judgment of the City Court is affirmed, and said person performs the judgment of said Court, then the sureties on his bond shall not be liable on said Appeal and Appearance Bond, and the judgment shall be entered accordingly. But, if such person appears and prosecutes the appeal and is fined or the judgment of the lower Court is affirmed, then such person shall be in the hands of the Chief of Police of the City of Columbia to perform the judgment of the Circuit Court.

SECTION 7.06: FINES PAID INTO CITY TREASURY. All fines imposed by the City Court for violation of City Ordinances shall belong to and be paid into the treasury of the City of Columbia; and any labor performed in the execution of a workhouse sentence for such violation shall be performed for the City of Columbia under officers or agents appointed by the City Manager and at the direction of the City Manager; provided, the Council may contract with the County for the custody and work of city prisoners.

SECTION 7.07: PLEAS OF GUILTY. The Clerk of the City Court may be empowered to accept pleas of guilty and fix fines in all cases of traffic violations wherein the maximum fine is not more than \$50.00 and the costs. [As amended by Priv. Acts 1990, ch. 202, § 3]

SECTION 7.08: TAXING COSTS. The City Judge, in all cases heard or determined by him for offenses against the corporate laws and ordinances, and the Recorder or Deputy Recorder, in all cases submitted to before him, shall tax in the bill of costs such amount as may be hereafter provided by Ordinance, and in addition thereto shall add \$1.00 as a tax on the same; that in traffic violations wherein the maximum fine is fixed at not more than \$10.00 it shall be discretionary with the City Judge, or the Clerk of the City Court, whether they shall tax the defendant with any costs.

SECTION 7.09: COLLECTION OF FINES. The City Judge shall be empowered to issue executions for the enforcement and collection of fines, costs and forfeitures imposed by him for offenses against the laws and ordinances of the City. The Chief of Police or any police officer shall be empowered hereunder to execute said processes by levying the same and selling the property levied on in the same manner as executions from Justices of the Peace.

SECTION 7.10: SALARIED OFFICERS RECEIVE NO COSTS. All costs, including tax, charged against and paid by any defendant, shall belong to the City and be paid into its treasury, and no officer or other person paid a fixed salary by the City shall become entitled to or receive any costs charged against or collected from any defendant in the City Court.

SECTION 7.11: CLERK OF THE CITY COURT; COLLECTION OF FINES. The Recorder shall serve or shall designate someone to serve as the Clerk of the City Court. It shall be the duty of the Clerk of the City Court to collect and receipt for all fines imposed and make settlements in the manner hereafter provided by Ordinance; provided, that where the case has been entered upon the docket and a fine has been assessed, the Recorder, Deputy Recorder, or any assistant to the Recorder, shall be empowered to receive and receipt for fines or payments on fines. The Clerk of the City Court shall have concurrent jurisdiction with the City Judge to issue warrants and take bail bond.

SECTION 7.12: COURT DOCKET. The City Judge shall keep or cause to be kept a Court Docket embodying complete detailed records of all cases handled by him, showing the offense charged, the fine and costs imposed, or other disposition made of the case and the officers connected with the same.

SECTION 7.13: WARRANTS, SEARCHES AND ARRESTS. All warrants issued, searches conducted and arrests made shall be in conformity with the laws of the State of Tennessee.

SECTION 7.14: JURISDICTION. The territorial jurisdiction of the City Court shall extend to a distance of one mile beyond the corporate limits thereof

for the suppression of disorderly acts and practices forbidden by the General Laws of the State.

ARTICLE VIII

ORDINANCES

SECTION 8.01: ACTION REQUIRING AN ORDINANCE. In addition to other acts required by law or by specific provision of this charter to be done by ordinance, those acts of the City Council shall be by ordinance which:

- (1) Adopt or amend an administrative code or establish, alter or abolish any city department, office or agency;
- (2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- (3) Levy taxes;
- (4) Grant, renew or extend a franchise;
- (5) Regulate the rate charged for its services by a public utility;
- (6) Authorize the borrowing of money, except the authorization for the issuance of bonds may be by resolution.
- (7) Convey or lease or authorize the conveyance or lease of any lands of the City;
- (8) Amend or repeal any ordinance previously adopted.

Acts other than those referred to in the preceding sentence may be done either by ordinance or by resolution. [As amended by Priv. Acts 1990, ch. 202, § 8]

SECTION 8.02: FORM OF ORDINANCES. Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be "Be it Ordained by the City of Columbia".

SECTION 8.03: PROCEDURE FOR PASSAGE OF ORDINANCES; WHEN ORDINANCES MAY BECOME EFFECTIVE. Before its adoption, every ordinance shall be voted on by the City Council on three different days in open session. Not less than one week shall elapse between the first and third votes. Any ordinance not adopted in accordance with these provisions shall be null and void.

No Ordinance shall take effect until at least fifteen (15) days after the first passage thereof, except where required by the public welfare and upon the unanimous vote of all members of the Council present and voting, provided, however, that no Ordinance making a grant, renewal or extension of franchise or other special privilege, or regulating the rate to be charged for its services by

any public utility, shall ever become effective until at least fifteen (15) days after the first passage thereof. [As amended by Priv. Acts 1987, ch. 18]

SECTION 8.04: VOTES BY AYES AND NAYS. In all cases under the preceding section the vote shall be determined by ayes and nays, and the names of the members voting for or against an Ordinance shall be entered upon the journal.

SECTION 8.05: ORDINANCES TO BE RECORDED. Every Ordinance shall be immediately taken charge of by the Recorder and by him numbered, copied in an Ordinance Book, filed and preserved in his office.

SECTION 8.06: PENAL ORDINANCES MUST BE PUBLISHED TO PUT THEM IN FORCE. All Ordinances of a penal nature enacted as required herein shall be published at least once in an official newspaper of the City, and no such Ordinance shall be in force until it is published.

ARTICLE IX

CITY ATTORNEY

SECTION 9.01: QUALIFICATION AND APPOINTMENT. The City Attorney shall be an attorney-at-law licensed to practice in all of the Courts of the State. He shall be appointed by the Council.

SECTION 9.02: DUTIES AND SALARY. The City Attorney shall direct the management of all litigation in which the City is a party, shall be prosecuting attorney in the City Court, shall represent the City in all legal matters and proceedings in which the City is a party or interested, or in which any of its officers are officially interested; shall attend all meetings of the Council; shall advise the Council and committees or members thereof, the City Manager, and the heads of all departments and divisions, as to all matters of law affecting the City's interest; and shall approve, as to form, all contracts, deeds, bonds, ordinances, resolutions and other documents to be signed in the name of or made by or with the City.

The City Attorney shall receive such compensation as may be fixed by the Council. City Attorneys pro tem, Deputy City Attorneys, and Special City Attorneys may be provided for and their compensation fixed by the Council, as required.

ARTICLE X

RECORDER AND DIRECTOR OF FINANCE

SECTION 10.01: DIRECTOR OF FINANCE AS FINANCE OFFICER.

The Director of Finance shall be the head of the Department of Finance and shall be appointed by the City Manager. He shall give a bond to the City for not less than \$10,000.00, or such additional sum as may be required by Ordinance. He shall have a seat and a voice but no vote in the meetings of Council. He shall sign all Ordinances involving the expenditure of monies and his signature on such Ordinances shall constitute the certification required by Section 10.10. [As replaced by Priv. Acts 1990, ch. 202, § 4, and amended by Priv. Acts 1995, ch. 34 § 3]

SECTION 10.02: RECORDER. The Recorder shall be appointed by the

City Manager. He shall give a bond to the city for not less than \$10,000.00, or such additional sum as may be required by Ordinance. He shall have a seat and a voice but no vote in the meetings of the Council. He shall, by his signature and the Official Seal of the City, attest all instruments signed in the name of the City and all official acts of the Mayor, and shall have the power to administer oaths. It shall be the duty of the Recorder or a deputy designated by him to be present at all meetings of the council and keep a full and accurate record of all business transacted by the Council, which record shall be preserved in approved book form. [As replaced by Priv. Acts 1990, ch. 202, § 4, and amended by Priv. Acts 1995, ch. 34, § 4]

SECTION 10.03: RECORDER TO KEEP CITY SEAL, PUBLIC

RECORDS, ETC. The Recorder shall have custody of and preserve in his office, the City seal, the public records, original rolls of Ordinances, Ordinance Books, minutes of the Council, contracts, bonds, title deeds, certificates and papers, all official indemnity bonds (except his bond, which shall be in the custody of the Mayor), and all other bonds, oaths and affirmations and all other records, papers and documents not required by this Charter or by ordinance to be deposited elsewhere, and register them by numbers, dates and contents, or keep an accurate and modern index thereof. [As replaced by Priv. Acts 1990, ch. 202, § 4]

SECTION 10.04: RECORDER TO CERTIFY COPIES FOR FEES FOR

CITY; CAUSE ORDINANCES TO BE PRINTED. The Recorder shall provide, and when required by any officer or person, certify copies of records, papers and documents in his office, and charge therefor, for the use of the City, such as may be set by the Council, cause copies of Ordinances to be printed, as may be directed by the Council, and keep the same in his office for distribution. [As replaced by Priv. Acts 1990, ch. 202, § 4]

SECTION 10.05: DIRECTOR OF FINANCE'S DUTIES AS TO CITY FINANCES, AND RECORD OF FINANCIAL OPERATIONS. The Director of Finance, as the head of the Department of Finance, shall exercise a general supervision over the fiscal affairs of the City, and general accounting supervision over all City property, assets, and claims and the disposition thereof. He shall be the general accountant and auditor of the City; he shall have custody of all records, papers and vouchers relating to the fiscal affairs of the City, and the records in his office shall show the financial operations and condition, property, assets, claims, and liabilities of the City, all expenditures authorized and all contracts in which the City is interested. He shall require proper fiscal accounts, records, settlements, and reports to be kept, made, and rendered to him by the several departments and officers of the City, including all deputies or employees of his department charged with the collection or expenditures of money, and shall control and audit the same. He shall, at least monthly, adjust the settlements of officers engaged in the collection of the revenue. [As replaced by Priv. Acts 1990, ch. 202, § 4]

SECTION 10.06: ACCOUNTING SYSTEM TO BE USED; ANNUAL AUDITS BY INDEPENDENT AUDITORS. The Director of Finance, with the approval of the City Manager, shall cause an efficient system of accounting for the City to be installed and maintained. The Director of Finance shall at the second regular meeting each month present an operating statement for the preceding month including a list of vendors doing business with the City and the amount of total purchases from each vendor. In addition the Council shall make provision and contract for an annual audit of the City's financial operations by independent auditor who shall be a Certified Public Accountant and who shall submit his audit to the Council in regular session. [As replaced by Priv. Acts 1990, ch. 202, § 4]

SECTION 10.07: TREASURER, DUTY TO COLLECT TAXES. The Recorder shall also serve as Treasurer, and shall collect, receive and receipt for taxes, and all other revenues, deposit and account for the same together with bonds of the City and the proceeds of its bond issues. [As replaced by Priv. Acts 1990, ch. 202, § 4]

SECTION 10.08: DIRECTOR OF FINANCE TO AUDIT PAYROLLS AND CLAIMS WHICH MUST BE APPROVED BY CITY MANAGER AND HEAD OF DEPARTMENT; EVIDENCE REQUIRED; LIABILITY FOR LOSS BY CORRUPT APPROVAL OF CLAIMS. Except as by this Charter or by law or ordinance otherwise provided, the Director of Finance shall prescribe and regulate the manner of paying creditors, officers, and employees of the City. He shall audit all payrolls, accounts and claims against the City and certify thereon the balance as stated by him, but no payroll, account or claim, or any part thereof, shall be audited against the City or paid unless authorized by law or

Ordinance and approved and certified by the City Manager, and the head of the department for which the indebtedness was incurred, and the amount required for payment of the treasury. Whenever any claim shall be presented to the Director of Finance, he shall have power to require evidence that the amount claimed is justly due, and is in conformity to law and ordinance, and for that purpose he may summon before him any officer, agent or employee of any department of the municipality, or any other person, and examine him upon oath or affirmation relative there. The City Manager, Director of Finance and head of the department concerned and their sureties shall be liable to the municipality by reason of the corrupt approval of any claim against the municipality. [As replaced by Priv. Acts 1990, ch. 202, § 4]

SECTION 10.09: AUTHORITY TO ISSUE WARRANTS; FORM OF WARRANTS. Subject to the provisions of the foregoing section, warrants shall be issued by the Director of Finance. Each warrant shall specify the particular departmental fund against which it is drawn and shall be payable out of no other fund. Any officer or employee in the Finance Department office may be designated by the Director thereof, with the approval of the City Manager, to draw warrants with the same effect as if signed by the Director of Finance, such designation to be in writing, in duplicate, and filed with the City Manager; provided, that the City Manager may make such designation if the Director of Finance be absent or disabled and there be no one in his office designated to act. Any such designation may be revoked by the Director of Finance by filing the revocation in duplicate with the City Manager and receiving the approval of the City Manager. [As replaced by Priv. Acts 1990, ch. 202, § 4]

SECTION 10.10: NO CONTRACT FOR EXPENDITURE OF MONEY UNLESS DIRECTOR OF FINANCE CERTIFIES THAT THE MONEY IS IN THE TREASURY; OR BOND MONEY UNTIL ISSUANCE AND SALE AUTHORIZED. No contract, agreement or other obligation involving the expenditure of money shall be entered into, nor shall any Ordinance, Resolution of order for the expenditure of money be passed by the Council or be authorized by any officer of the City, unless the Director of Finance shall first certify to the Council or the proper officer, as the case may be, that the money required for such contract, agreement, obligation or expenditure, has been budgeted and is in the treasury or safely assured to be forth coming and available in time to comply with or meet such contract, agreement or other obligation involving the expenditure of money payable from the proceeds of bonds of the City shall be entered into until the issuance and sale of such bonds have been duly authorized in accordance with the provisions of the Charter in reference to City bonds. However, except where prohibited by law, nothing in this Section shall be construed to prevent the making or authorizing of payments or making contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for

payments beyond the end of the fiscal year, provided that such action is made or approved by ordinance. [As replaced by Priv. Acts 1990, ch. 202, § 4]

SECTION 10.11: NO CONTRACT LIABILITY SHALL BE INCURRED WITHOUT AUTHORITY, EXCEPT BY ORDINANCE IN EMERGENCIES. No contract liability shall be incurred without previous authority of law or ordinance, but the Council may, by ordinance, empower the proper officials to pay out money or incur contract liability for the City for the necessary preservation of the City's credit, or in other extreme emergency, under such restriction as may be provided in said Ordinance; provided, that any such liability shall mature not later than three years from date of its incurrence. [As replaced by Priv. Acts 1990, ch. 202, § 4]

SECTION 10.12: DEPOSITORIES TO SECURE CITY FUNDS; DESIGNATION. Depositories of the City funds shall be designated by Ordinance, which Ordinance shall in every case require the depository, before being given custody of any City funds, to furnish adequate security to protect in the interest of the City either by collateral in the form of bonds of the United States, State of Tennessee Maury County, or City of Columbia, in an amount ten per cent in excess of the deposits, or by a bond in a sum ten per cent in excess of the deposits, with surety to be approved by Council. [As replaced by Priv. Acts 1990, ch. 202, § 4]

SECTION 10.13: ALL FORMS TO BE NUMBERED, AND TO BE ACCOUNTED FOR. All forms used either in connection with receipt or disbursement of City funds shall be numbered consecutively and all spoiled or unused forms shall be accounted for. [As replaced by Priv. Acts 1990, ch. 202, § 4]

SECTION 10.14: RECORDER AND DIRECTOR OF FINANCE TO PERFORM OTHER DUTIES. The Recorder and the Director of Finance shall also perform any other duties imposed upon them by this Charter, by Ordinance, or by the City Manager. [As replaced by Priv. Acts 1990, ch. 202, § 4]

ARTICLE XI

TAXATION AND REVENUE

SECTION 11.01: ASSESSMENT, LEVY AND COLLECTION OF TAXES AND SPECIAL ASSESSMENTS IN CHARGE OF CITY RECORDER. Assessment of property for taxation shall be the responsibility of the City Recorder or such other official or entity as the City Council may designate, until such time as assessment responsibility within Maury County shall have been

consolidated into one office pursuant to the provisions of Section 67-317 Tennessee Code Annotated. Levy and collection of taxes and special assessments shall be the responsibility of the Recorder, subject to the limitations of this Charter, unless the Maury County Trustee be authorized to collect such taxes pursuant to Section 67-5-1801 Tennessee Code Annotated. [As replaced by Priv. Acts 1990, ch. 202, § 5]

SECTION 11.02: ALL TAXABLE PROPERTY AND PRIVILEGES SHALL BE TAXED FOR CITY. All property and all privileges subject to taxation by municipalities shall be taxed and taxes thereon collected by the City for municipal purposes as hereinafter provided.

SECTION 11.03: CITY TAX ASSESSOR; CITY EQUALIZATION BOARD. Until such time as all assessments for taxation within the county are consolidated pursuant to Section 67-317, Tennessee Code Annotated, the City of Columbia may by Ordinance, insofar as not otherwise prohibited by general laws, provide for an assessment to be made by the City Tax Assessor, to be elected by the Council, who shall not be a civil service employee, and may provide for and regulate a Board of Equalization to equalize and adjust all tax adjustments on real and personal property within the limits of the City of Columbia.

SECTION 11.04: TAXES ARE DUE, WHEN; RECORDER IS TAX COLLECTOR; DISTRESS WARRANTS FOR DELINQUENT TAXES; LEVY AND SALE UNDER SUCH WARRANTS. All taxes due the City, except privilege and merchants' ad valorem taxes, shall, until otherwise provided by ordinance, be due and payable on the first day of November of the year for which the taxes are assessed.

Distress warrants may issue for the collection of taxes, and any such distress warrant shall be executed by, the Chief of Police or any policeman of the City by a levy upon, and sale of goods and chattels under the same provisions as prescribed by law for the execution of such process of General Sessions Court Judges.

The Council shall have full power to levy and collect, taxes as of January 10th of each and every year.

As soon as practicable in each year after the assessment books are complete (which shall be after Equalization Boards provided for by general laws or this Act shall have finished their work), it shall be the duty of the Recorder to prepare or cause to be prepared from the said assessment books a tax book similar in form to that required by the laws of the State to be made out for the County Trustee, embracing, however, only such property and persons as are liable for taxes within the City. Such tax books, when certified to be true, correct and complete by the Recorder, shall be the assessment for taxes in said City for all municipal purposes; provided, that there may be an assessment by

the Recorder, at any time, of any property, subject to taxation found to have been omitted, and such assessment shall be duly noted and entered on the assessment books of the City, or on the consolidated assessment books of the County.

SECTION 11.05: LEVY OF TAXES. It shall be the duty of the Recorder in each year as soon as the assessment roll is complete, to submit to the Council a certified statement of the total amount of the valuation of assessment of the taxable property for the year within the City limits (including the assessment of all railroads, telephone, telegraph and other utilities), together with a certified statement of the revenue derived by the City from other taxes, fines for the preceding fiscal year, and miscellaneous revenue. Upon the presentation of such statements by the Recorder, the Council shall proceed by Ordinance to make the property levy to meet the expenses of the City for the current fiscal year. It shall then be the duty of the Recorder, immediately after the levy of taxes by the Council, to cause said levy to be extended upon the said tax books in the same manner that extentions are made upon the tax books in the hands of the County Trustee.

SECTION 11.06: RECORDER TAX BOOKS. The Recorder shall be the Custodian of the tax books and shall be the tax collector of the City, subject to the provisions of Section 11.01 and other provisions of this Charter. At and after the expiration of one month from the date when taxes become due, as in this Section provided, or as may be provided by Ordinance, the tax books in the hands of the Recorder shall have the same force and effect of a judgment of a Court of Record, and the Recorder shall have power to issue distress warrants, alias and pluries warrants, in the name of the City of Columbia, to enforce the collection of taxes against the person owning the property on January 10 of the year for which the taxes are assessed, by a levy upon the personalty of such taxpayer; and such distress warrant shall be executed by the Chief of Police or other policemen of the City of Columbia by a levy upon and sale of goods and chattels under the same provisions as prescribed by law for the execution of such processes.

This same process may be used in the collection of all privileges, licenses and merchants' ad valorem taxes. [As amended by Priv. Acts 1990, ch. 202, § 6]

SECTION 11.07: LIEN FOR TAXES. All city taxes on real estate in the City of Columbia, and all penalties, and costs accruing thereon, are hereby declared to be a lien on said realty from and after the 10th day of January of the year for which same are assessed, superior to all other liens, except that of the United States, State of Tennessee, and County of Maury, for taxes legally assessed thereon, with which it shall be a lien of equal dignity. No assessment shall be invalid because the size and dimensions of any tract, lot or parcel of land shall not have been precisely named or the amount of the valuation or tax

incorrectly given, nor because the property has been assessed in the name of the person who did not own the same, nor because the same was assessed to unknown owner, nor on account of any objection or informality merely technical, but all such assessments shall be good and valid. The Council shall have power at all times to correct any errors in the tax or the assessments or upon a certificate filed by the Tax Assessor or the assessing body.

SECTION 11.08: PENALTY FOR DELINQUENCY. On the first day of December of the year for which taxes are assessed, or on such other date as may hereafter be fixed by ordinance, all City taxes shall bear interest at the rate set by ordinance not to exceed the maximum rate legally allowable and, in addition, a penalty of one-half of one per cent for each month the taxes are delinquent to be added on the first day of each month, beginning with the first of February thereafter, or such additional penalty as the Council may by ordinance prescribe.

SECTION 11.09: DUE, DELINQUENT AND DISCOUNT DATES. The Council may, by ordinance passed by unanimous vote change the due date and delinquent date of all taxes and may provide for the payment of taxes by installment payments, or provide for a discount not to exceed 2% and may provide that taxes must be paid at least thirty days before the regular due date thereof.

SECTION 11.10: SUITS IN CHANCERY FOR TAXES. The Council may by ordinance, direct the City Attorney to enforce collection of delinquent taxes due it by suits in the Chancery Court in the manner following, or may elect to have the Recorder certify to the Trustee of Maury County under the provisions of the State law for the collection of delinquent taxes, a list of all real estate upon which municipal taxes remain due and unpaid, or which is liable for sale for other taxes, and the same shall be sold in like manner and upon the same laws and conditions as real estate is sold for delinquent State and County Taxes.

SECTION 11.11: RECORDER REPORT DELINQUENT TAXES. In the event the Council should elect to enforce the collection of delinquent City taxes in the Chancery Court by the City Attorney, the Recorder shall report to the City Attorney a list of all real estate on which municipal taxes are delinquent, setting forth the persons to whom said realty is assessed as owner, the assessed description of said realty, the assessed value thereat the taxes, penalties and fees due thereon. This list shall be certified by the Recorder, under the seal of the City, and shall by him be turned over to the City Attorney within such times may be prescribed by ordinance.

SECTION 11.12: PUBLICATION, SUITS IN CHANCERY. The City Attorney, as soon as possible after the said list comes into his hands, shall

proceed to enforce the liens in like manner and upon the same laws and conditions as real estate is sold for delinquent State and County taxes.

SECTION 11.13: SALES. If any lot or parcel of land reported delinquent for taxes due the City of Columbia be also delinquent for State and County taxes, or if said lot or parcel of land has been previously sold by the trustee of the County and purchased by or for the State, and has not been redeemed, the State and County, as well as the record owner of said property, may be made parties defendant to said suit for the purpose of having all taxes that are a lien on the land settled in one proceeding, and said lot or parcel of land shall not be sold for less than the amount of all taxes and interest due on the same, with the pro rata part of the costs chargeable thereto.

If for any reason the original owner shall set aside said sale and be entitled to recover the ownership and possession of said lot or parcel of land, he shall pay the whole amount of taxes, with interest and costs found to be due in said suit, or which he may show to be justly due, and this provision shall apply not only to the owner, but to his heirs and assigns, or to anyone having a vendor's lien, mortgage or other lien on the same, who may be able to recover said land or subject it to his debt or lien.

Said lot or parcel of land shall be sold on credit and in bar of the equity of redemption as in other Chancery cases for the enforcement of mortgages or other liens on land, and title shall be vested, deeds ordered to be made, writs of possession awarded, references directed, and all other such steps taken as are taken in like cases in the Chancery Court.

SECTION 11.14: ABUTTING PROPERTY ASSESSMENTS. The Council shall have authority to file like suits in the name of the City of Columbia, for the collection of assessments and levies made for payment for improvements or service in said City, such as paving, sidewalks, curbing, gutters, sewers, and other improvements allowed by, or rendering services for which assessments may be made under this Charter, or by any other Act in said City, the cost of which is made a charge on property owners abutting said improvements and a lien on abutting property, the suits to be conducted as other suits in Chancery for the enforcement of like liens and under the rules of law and practice provided for the same; provided, that said suits shall not be dismissed because the owners of different parcels or lots of land are made parties hereto, it being the intention hereof that all persons in the same improvement district, or liable for portions of the same assessment and levy for improving a portion of the City as aforesaid, and on whose property said assessment or levy is a lien, shall be made parties defendant in one suit.

SECTION 11.15: LIEN OF ABUTTING PROPERTY ASSESSMENTS. That portion of the cost of such improvements and services referred to in Section 11.14, supra, as are properly chargeable so abutting property shall be and

become a lien against said property when the assessment thereof shall have been confirmed and made final and filed in the Recorder's Office, and thereupon shall take precedence over all other liens, whether created prior to or subsequent to the filing in the Recorder's Office, except State, County, and Municipal property taxes, and prior special assessments. Said lien shall not be defeated by or postponed by any private or judicial sale, by any mortgage, or by any error or mistake in the description of the property or in the names of the owners so long as the description and names are sufficient to identify the property subject to assessment. No irregularity in the proceedings authorizing the improvement shall exempt any benefited property from the lien for the improvement assessment, or from the payment thereof, or from the penalties or interest thereon.

ARTICLE XII

LICENSE TAXES

SECTION 12.01: LICENSE TAXES ON PRIVILEGES AND MERCHANTS; TREASURER TO COLLECT. Except as otherwise provided by general law, license taxes may be imposed by ordinance upon any and all privileges, businesses, occupations, vocations, pursuits, or callings, or any class or classes thereof, now or hereafter subject to taxation under the laws of Tennessee; and a separate license tax may be imposed for each place of business conducted or maintained by the same person, firm or corporation. The City shall not be required to assess privileges at the same rate as fixed by the State Statutes, but may adopt the rates fixed by the State Revenue Statutes.

The Recorder shall enforce the collection of merchants' taxes and for the purpose shall have and exercise the powers by law vested in, and follow the same procedure and methods prescribed for County Court Clerks.

ARTICLE XIII

ANTICIPATION OF CURRENT REVENUES

SECTION 13.01: COUNCIL MAY BORROW MONEY, ETC. The Council, for the sole purpose of meeting the necessary current expenses for the operation of the City of Columbia, is herein and hereby authorized and empowered by Ordinance to borrow money not in excess of fifty (50%) per centum of the anticipated revenues from taxes and other sources, for the current fiscal year, issuing therefor negotiable notes of said City of Columbia, to be executed in behalf of and in the name of the City of Columbia, by its Mayor and countersigned by the Recorder, bearing interest at the lowest legal rate obtainable.

SECTION 13.02: 50% CURRENT REVENUES. If such notes are issued prior to the annual tax levy for the year in which said indebtedness is contracted, the amount so issued shall not exceed fifty (50%) per centum of the revenues of said City for the preceding fiscal year.

SECTION 13.03. PROCEEDS LIMITED, CURRENT EXPENSES. The proceeds of such notes as may be issued under the authority of this Article shall be applied only in payment of current and necessary expenses of the City, and there shall be included in the annual tax levy a tax sufficient, when combined with other current revenue, to pay the same at maturity. In the event that the revenues in any one fiscal year, for any reason are insufficient to pay, when due, all the lawful debts of the City which shall have been contracted for said fiscal year, the Council is authorized and directed to levy and collect in the next succeeding year a sufficient tax, when supplemented by other current revenues, to pay all of said lawful contracted indebtedness, for said preceding fiscal year, and may borrow money and issue notes as provided in this Section in anticipation of such tax and other current revenues to pay such lawfully contracted indebtedness; provided, however, that no notes shall be issued under the provisions of this Section for a longer period than eighteen (18) months.

SECTION 13.04: NOTES, DUE DATES. Any notes issued under the provisions of this Article may be made payable on a specific date or serially, or subject to call and redemption, subject, however, to the limitations of this Act that no notes, or any part thereof, shall run more than eighteen (18) months after issuance.

ARTICLE XIV

SINKING FUNDS

SECTION 14.01: CUSTODIAN OF SINKING FUNDS. The Director of Finance shall be custodian of all sinking funds established for retiring bonds of the City, to be managed in accordance with the provisions of this Article and the law governing such sinking funds. [As amended by Priv. Acts 1990, ch. 202, § 7]

SECTION 14.02: INVESTMENT OF SINKING FUNDS. All sinking funds of the City shall be invested by the Director of Finance, by and with the consent of the Council, in bonds of the United States, of the State of Tennessee, of the county, or of other states or counties on the best terms obtainable. [As amended by Priv. Acts 1990, ch. 202, § 7]

SECTION 14.03: WHEN SINKING FUND BONDS MAY BE SOLD. The Director of Finance, by and with the consent of the Council, may sell the securities belonging to a sinking fund, or any part of them, at any time, when

the proceeds thereof may be needed for the payment of bonds, on the best obtainable terms. [As amended by Priv. Acts 1990, ch. 202, § 7]

SECTION 14.04: WHEN SINKING FUND BONDS MAY BE EXCHANGED FOR THE CITY BONDS. The Director of Finance, by and with the consent of the Council, may exchange any bonds belonging to a sinking fund for bonds of the City whenever such change may be advantageous for the City. [As amended by Priv. Acts 1990, ch. 202, § 7]

SECTION 14.05: IF SINKING FUND APPEARS TO BE SUFFICIENT TO PAY BONDS AT MATURITY TAX LEVY MAY BE OMITTED; BUT WHEN THE FUND APPEARS TO BE INSUFFICIENT, LEVY RESUMED. If the amount of any sinking fund, with the interest or revenue thereof, computed to the maturity of the City bonds, be sufficient to pay at maturity all of the bonds for which it is held, the levy of the tax for such sinking fund shall then be omitted but, if by reason of decrease of interest or depreciation of investments or other cause said fund shall not be sufficient, the levy shall be resumed.

SECTION 14.06: SINKING FUND REMAINING AFTER PAYING BONDS GOES INTO THE GENERAL FUND. Any moneys remaining in a sinking fund, after payment of the entire bonded debt for which it was accumulated, shall be paid into the general fund.

ARTICLE XV

BUDGET AND APPROPRIATIONS

SECTION 15.01: BUDGET PREPARATION, ADMINISTRATION. The City Manager shall prepare the budget and shall be responsible for the administration of the budget after its adoption. The fiscal year of the City shall begin on the first day of July unless otherwise provided by ordinance.

SECTION 15.02: SUBMISSION OF PROPOSED BUDGET; FORM. Not less than 45 days prior to the beginning of each fiscal year, the City Manager shall submit to the Council a detailed proposed budget for the ensuing fiscal year. Copies of the proposed budget shall be available for public inspection in the office of the Recorder. The proposed budget shall be compiled from detailed information obtained from the heads of the several departments on uniform blanks provided by the City Manager. Estimates of expenditures and revenues shall be as nearly uniform as possible for all divisions of all departments and shall give in parallel columns comparative information for the preceding year, the current year, and the year for which the budget is proposed. Expenditures shall be classified by department, function, character and activity, according to

established and recognized standards of accounting, as nearly as local conditions permit.

SECTION 15.03: PROPOSED BUDGET, REQUIRED INFORMATION.

The proposed budget shall include the following:

(A) An itemized statement of estimated revenues from all sources, including comparative years. Such estimated revenues shall also include the estimated surplus or carry-over, if any, by fund, which will be available for the proposed budget year.

(B) An itemized statement of proposed expenditures recommended by the City Manager for each department.

(C) A statement of the financial requirements for debt service.

(D) A budget message stating the important items included in the budget and a full and complete explanation of the proposed budget, including reasons for any major changes from the preceding year.

(E) A general budget summary.

(F) Such other information as is required by the Council or that the City Manager may deem advisable.

SECTION 15.04: TENTATIVE APPROPRIATION ORDINANCE. Public hearing, Council action. Upon receipt of the City Manager's proposed budget, a tentative appropriation ordinance shall be published in the official newspaper not less than one week prior to consideration by the Council. Notice shall also be included that a Public Hearing will be held concerning the budget stating the time and place and the fact that; any interested person shall be given an opportunity to appear and be heard in person or by attorney. Following the Public Hearing the Council may revise the proposed budget in any manner except for specified, fixed expenditures. Should the Council increase the total proposed expenditures, estimated revenues must be increased in a like amount. Should the Council not take final action prior to the first of the fiscal year, the previous year budget shall continue on a pro rated basis until final action. The appropriation ordinance adopting the budget shall be passed prior to the first day of the fiscal year.

SECTION 15.05: UNEXPENDED BALANCES SHALL REVERT TO GENERAL FUND; WHEN. At the end of each year, all unencumbered balances or appropriations in the treasury shall revert to the general fund and be subject to further appropriations. Such balances shall be considered unencumbered only when the City Manager shall certify to the Council in writing that the purposes for which they were appropriated have been completely accomplished and that no further expenditure in connection with them shall be necessary.

SECTION 15.06: ADJUSTMENTS TO THE ADOPTED BUDGET. After adoption of the budget the City Manager, when he deems it in the interest of the

City, may make adjustments within divisions to the various objects of expenditure. Following approval of the Council, adjustments may be made between divisions and departments, so long as the total estimated expenditure has not been changed. The Council may by ordinance revise the appropriation ordinance adopting the budget.

ARTICLE XVI

DEPARTMENTS

SECTION 16.01: DEPARTMENTS ESTABLISHED. That the work and affairs of the city may be classified and arranged conveniently and conducted efficiently, there are hereby established the following departments: (1) Department of Finance; (2) Department of Public Safety; (3) Department of Public Works; (4) Department of Parks and Recreation; (5) Department of Traffic Control; (6) Department of Narcotics and Vice; and (7) such other departments as council by ordinance adopted by a majority vote may create. [As replaced by Priv. Acts 1989, ch. 123, § 1]

SECTION 16.02: SALARIES OF ALL DEPARTMENTS TO BE FIXED; DUTIES PRESCRIBED; DEPARTMENTS CREATED, COMBINED, OR ABOLISHED; TEMPORARY DEPARTMENTS. The Council shall by Ordinance fix all salaries in all departments, prescribe the duties and functions of all departments except as prescribed by this Charter, and may by a majority vote of its entire membership create new departments, combine, or abolish existing departments, or establish temporary departments for special work.

ARTICLE XVII

POLICE DEPARTMENT AND DEPARTMENT OF NARCOTICS AND VICE

SECTION 17.01: CHIEF OF POLICE, CHIEF OF NARCOTICS AND VICE, PATROLMEN AND MEMBERS OF NARCOTICS AND VICE APPOINTED BY CITY MANAGER. The City Manager shall appoint a Chief of Police, a Chief of Narcotics and Vice and such other members of the Police Department and the Department of Narcotics and Vice as may be provided by ordinance, subject to the provisions of Article VI of this Charter. [As amended by Priv. Acts 1989, ch. 123, § 2, and replaced by Priv. Acts 1991, ch. 40]

SECTION 17.02: DUTIES OF CHIEF OF POLICE, CHIEF OF NARCOTICS AND VICE AND RESPECTIVE MEMBERS OF THEIR DEPARTMENTS. It shall be the duty of the Chief of Police and the members of the Police Department to preserve order in the City, protect the inhabitants and property owners therein from violence, crime, and all criminal acts, prevent the

commission of crime, violations of law and of the City Ordinances, and perform a general policy duty, execute and return all processes, notices and orders of the Mayor, City Manager, City Attorney, City Judge and Recorder, and all other processes, notices and orders as in this Charter or by ordinance may be provided. Further, the Chief of the Department of Narcotics and Vice and the members of the Department of Narcotics and Vice shall have concurrent duties with those of the Police Department above insofar as violations relating to narcotics, alcohol, prostitution, gambling, numbers and other related offenses are concerned. [As amended by Priv. Acts 1989, ch. 123, § 2, and replaced by Priv. Acts 1991, ch. 40]

SECTION 17.03: IN RIOT OR EMERGENCY, ASSISTANTS SUMMONED; DUTIES OF CITIZENS. In time of riot or other emergency, the Mayor or City Manager shall have power to summon any number of inhabitants to assist the Police Department and the Department of Narcotics and Vice. In all cases it shall be the duty of all citizens to cooperate with these authorities in the performance of their official duties and to provide such information as may reasonably be requested of them by such authorities conducting official investigations. [As amended by Priv. Acts 1989, ch. 123, § 2, and replaced by Priv. Acts 1991, ch. 40]

SECTION 17.04: DUTY OF MEMBERS OF POLICE DEPARTMENT AND DEPARTMENT OF NARCOTICS AND VICE AS TO VIOLATION OF CITY ORDINANCES. Members of the Police Department and the Department of Narcotics and Vice, whenever necessary for the purpose of enforcing the ordinances of the City in their respective areas of responsibility, shall procure the issuance of warrants, serve the same, and appear in the city courts as prosecutors, and insofar as practical, relieving complaining citizens of the burden of instituting cases involving the violation of city ordinances; but this shall not be construed to relieve any person from the duty of appearing in court and testifying in any case. [As amended by Priv. Acts 1989, ch. 123, § 2, and replaced by Priv. Acts 1991, ch. 40]

ARTICLE XVIII

FIRE DEPARTMENT

SECTION 18.01: CHIEF OF FIRE DEPARTMENT AND OTHER MEMBERS APPOINTED BY CITY MANAGER. The City Manager shall appoint a Chief of the Fire Department and such other members of the said Department as may be provided by ordinance, subject to the provisions of Article VI of this Charter.

SECTION 18.02: DUTIES OF CHIEF AND MEMBERS. It shall be the duty of the Chief of the Fire Department and the members thereof to take all proper steps for fire prevention and suppression.

SECTION 18.03: POLICE POWER OF CHIEF OR ASSISTANT. The Chief of Fire Department or any assistant of such chief in charge at any fire shall have the same police powers at such fire as the Chief of Police, under such regulations as may be prescribed by ordinance.

SECTION 18.04: FIRE MARSHAL AND HIS DUTIES. The City Manager may appoint a Fire Marshal whose duty shall be, subject to the Chief of the Fire Department, to investigate the cause, origin, and circumstances of fires and the loss occasioned thereby, and assist in the prevention of arson.

ARTICLE XIX

ADVERTISEMENT FOR PUBLIC WORKS

SECTION 19.01: CONTRACTS AWARDED LOWEST BIDDER. All contracts for public work or improvement, costing more than \$2500 shall be executed by written agreement, except where a specific work or improvement is authorized by the Council, based on detailed estimates submitted by the department authorized to execute such work or improvement, and approved by the City Manager. All contracts for more than \$2500 shall be awarded to the lowest responsible bidder after such publication, and advertisement, as may be prescribed by Ordinance; but no contract for any public work or improvement shall be awarded except on condition that the contractor give bond with some bonding company authorized to transact business in the State of Tennessee, as surety, in a sum equal at least to 50% of the contract price of the particular work or improvement for the faithful performance of such contract. The City Manager shall have the authority to reject any or all of the bids and in the event all bids are rejected, then he may advertise again. All advertisements shall contain a reservation of this right. [As amended by Priv. Acts 1989, ch. 123, § 3]

ARTICLE XX

MISCELLANEOUS

SECTION 20.01: OFFICIAL NEWSPAPER, ADVERTISING, ETC. The Council shall, before the end of each fiscal year, by Resolution or Ordinance, designate an official newspaper or papers published or circulating in the City for the publishing of all advertising, notices and other matter of every description that the City may publish, and may contract for the same or award the same to the best bidder under such terms as it may designate by resolution.

SECTION 20.02: RIGHTS AND PRIVILEGES OF OFFICERS AND EMPLOYEES PRESERVED. (a) Nothing in the Charter, except as otherwise specifically provided, shall affect or impair the rights and privileges of persons who are City officers or employees at the time of its adoption.

(b) Any employee holding a civil service job or position with the City at the time this Charter takes effect, who was serving in that same or a comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in the same position, but in all other respects shall be subject to the provisions of Article VI hereof.

SECTION 20.03: REPEAL OF ORDINANCES, RESOLUTIONS, ORDERS AND REGULATIONS IN CONFLICT WITH THIS CHARTER. All ordinances, resolutions, orders and regulations which are in force when the Charter takes effect shall continue in full force and effect except that they are and shall be repealed to the extent that they are inconsistent with or interfere with the effective operation of this Charter or of ordinances, resolutions, orders and regulations adopted pursuant thereto.

SECTION 20.04: LIBERAL CONSTRUCTION TO EFFECT SUBSTANTIAL OBJECT OF THE ACT. In the construction of any portion of this Charter the meaning or application of which is in dispute, it is intended that the provision shall be liberally construed to effect the substantial objects of the law.

SECTION 20.05: CONSTITUTIONALITY. If any section or part of a section of this Charter is held to be invalid or unconstitutional, the same shall not be held to invalidate or impair the validity, force or effect of any other section or part of a section of this Charter, unless it clearly appears that such other section or part of a section is wholly or necessarily dependent for its operation upon the section or part of a section so held unconstitutional or invalid.

SECTION 20.06: CHARTER EFFECTIVE, WHEN. This charter shall take effect upon approval as required in Section 3, *infra*, and thereupon any then existing Charter of said City shall immediately become abrogated, null and void; provided; however, that the right, title and ownership of all the property of said City and all of its uncollected taxes, dues, claims, judgements, choses in action, fines, costs, penalties, interest, and all of its right of every kind whatsoever, shall immediately become vested in the corporation chartered under this Act; and said new corporation shall answer and be liable for all debts, contracts, bonds, and obligations of the corporation which it succeeds in the same manner and proportion and to the same extent a said former corporation was liable under existing laws; and, provided further, that all private and public acts of the Legislature and all ordinances, resolutions, laws and by-laws duly

enacted and in force under any former Charter and not inconsistent with the provisions of this Charter, shall remain in full force and effect until repealed, modified, or amended as herein provided. It being understood, however, that the present Mayor, Vice Mayor and Commissioners now holding office shall continue in office, shall serve as the governing body of the municipal corporation chartered under this Act, and no additional members shall be selected, except to fill such vacancies as may arise by reason of death, disability, disqualification, or resignation of an incumbent, until their successors shall have been duly elected and qualified at the time and in the manner provided in Section 3.01, supra, and further, that the provisions of Section 2.14, supra, shall not be applicable until from and after the first Thursday in January, 1974.

SECTION 2. BE IT FURTHER ENACTED, That Chapter 210 of the Private Acts of 1941, all acts amendatory thereof, and all other acts, laws or parts of laws in conflict with this Act be and the same are hereby repealed.

SECTION 3. BE IT FURTHER ENACTED, That this Act shall have no effect unless the same shall have been approved by a majority vote of those qualified voters of the City of Columbia voting in a referendum submitting the question of approval of this Act to be held at the same time as the General Election in November 1972 after its approval by the chief executive of this State.

The results of said election, having been certified by the Maury County Election Commission shall be proclaimed by the Mayor of the City of Columbia and shall be certified by him to the Secretary of State.

PASSED: April 7, 1972

James R. McKinney,
SPEAKER OF THE HOUSE OF REPRESENTATIVES

John S. Wilder,
SPEAKER OF THE SENATE

APPROVED: April 13, 1972

Winfield Dunn,
GOVERNOR

RELATED ACTS

PAGE

Priv. Acts 1994, ch. 194,
"Impact Fee Act." C-44

CHAPTER NO. 194

SENATE BILL NO. 2905

By Jordan

Substituted for: House Bill No. 2923

By Napier

AN ACT Relative to the authority of the City of Columbia to levy and collect fees against new land development in order to provide that new development contributes its fair share of the cost of providing public improvements and services.

WHEREAS, Orderly growth patterns within the City of Columbia, and within the area in which the City of Columbia provides urban-type services, are essential to the welfare of the City and its citizens; and

WHEREAS, Tremendous growth in the construction of houses, apartments and businesses is occurring in the City of Columbia and the areas in which the City of Columbia provides urban-type services; and

WHEREAS, The construction of new residences and businesses and the expansion of existing businesses has created and imposed, and will create and impose, severe financial pressure on the City of Columbia to provide urban-type services, such as water and sewer, to the City of Columbia and to the areas in which the City of Columbia provides urban-type services; and

WHEREAS, Columbia lacks the financial base capable of generating the funds required to provide services and capital improvements to new residences and businesses that such new growth demands; and

WHEREAS, In order to protect the public health, safety and general welfare of the citizens and residents of Columbia, it is necessary that an additional method of financing public improvements for urban-type services be granted and that Columbia be authorized to levy impact fees upon such developments, with the fees collected to be earmarked for the funding of such services necessitated by the new development; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as "City of Columbia and Areas Served by the City of Columbia Impact Fee Act".

SECTION 2. As used in this act, unless a different meaning appears from the context:

(a) "Governmental entity" means the incorporated City of Columbia.

(b) "Governing body" means the governing body of the incorporated City of Columbia.

(c) "Capital or public improvements" means the construction, building, replacement, extension or enlargement of any waterworks, water distribution system, sewer or sewerage system authorized by the governing body of the governmental entity; and includes any one (1) or more or any combination of these public improvements.

(d) "Developer" means the person, corporation, partnership or other entity responsible for any new land development.

(e) "Urban-type services" means sanitary sewer and potable water services.

(f) "Area in which urban type services are provided by the City of Columbia" means the areas provide sanitary sewer and/or potable water by the City of Columbia.

(g) "Public Improvements" means sanitary sewer and/or potable water.

SECTION 3. It is the intent and purpose of this act to grant to the Columbia governing body the authority to establish a regulatory procedure or system to collect fees from the developer of any new land development activity so as to require the developer to share in the burdens of growth by paying a pro rata share for the reasonably anticipated expansion cost of public improvements generated by the new land development activity.

SECTION 4. The governing body of the City of Columbia may perform or order the construction, building, replacement, extension or enlargement of any capital or public improvements and provide for the payment of the cost of any such public improvements by levying and collecting an impact fee on new land development.

SECTION 5. When the governing body of Columbia determines to make any public improvement authorized by this act and defray the expense thereof by an impact fee, the governing body shall adopt an ordinance to so declare by stating the nature of the proposed public improvement. The ordinance shall establish the portion of the expense to be paid by the impact fee, the manner in which the impact fee shall be made and when the impact fee is to be paid. The governing body shall establish an impact fee formula that requires the developer to pay an impact fee that does not exceed a pro rata share of the reasonably anticipated cost for the public improvements created by the new land development activity.

SECTION 6. The governing body shall provide a schedule and method for the payment of the fees in a manner appropriate to the particular circumstances of the proposed new development. The ordinance may not require the payment of an impact fee before a building permit is issued. The governing body shall require security ensuring payment of the fees subsequent to the issuance of a building permit. The security may be in the form of a cash bond, security bond, an irrevocable letter of credit or a lien or mortgage on the lands to be covered by the building permit.

SECTION 7. The impact fees collected by the City of Columbia pursuant to this act shall be kept in a separate fund from other revenue of the governmental entity. Funds collected by impact fees shall be used for the acquisition, expansion and development of the capital or public improvements for which they were collected and shall be withdrawn and expended as may be designated by ordinance of the governing body.

SECTION 8. The provisions of this act shall in no manner repeal, modify or interfere with the operation of any general abutting property law or any special or local assessment or abutting property law enacted for the benefit of the City of Columbia. This act shall be deemed to create an additional and alternative method for the City of Columbia to collect fees for the purpose of defraying the costs of capital or public improvements.

SECTION 9. If any word, phrase, sentence, paragraph or other provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other word, phrase, paragraph or other provision or application of this act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 10. This act shall have no effect unless it is approved by two-thirds (2/3) vote of the city council of the City of Columbia. Its approval or

nonapproval shall be proclaimed by the mayor of the city council and certified to the Secretary of State.

SECTION 11. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 10.

PASSED: April 20, 1994

JOHN S. WILDER,
SPEAKER OF THE SENATE

JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 9 day of May 1994

CHARTER AND RELATED ACTS FOR THE CITY OF
COLUMBIA, TENNESSEE

YEAR	CHAPTER	SUBJECT
1972	380	Basic charter act.
1975	194	Amends §§ 6.01 and 6.04 relative to the civil service board.
1979	123	Adds §§ 4.04 and 4.05 relative to the city manager and amends §§ 6.19 and 6.20 relative to the civil service board.
1979	150	Amends § 3.01 relative to city elections.
1981	55	Amends § 6.10 relative to the civil service board.
1985	32	Amends § 3.03 relative to city elections.
1986	135	Amends §§ 4.04 and 4.05 relative to the city manager and §§ 6.19 and 6.20 relative to the civil service board.
1987	18	Amends § 8.03 relative to ordinances.
1987	36	Replaces § 4.04 relative to the city manager.
1987	47	Amends § 4.04 relative to the city manager.
1989	123	Amends § 16.01 relative to departments; §§ 17.01, 17.02, 17.03, and 17.04 relative to police force; and § 19.01 relative to public works advertisements.

YEAR	CHAPTER	SUBJECT
1990	202	Amends § 2.06 relative to the council; § 6.05 relative to the civil service board; § 7.07 relative to city court; § 8.01 relative to ordinances; §§ 10.01--10.14 relative to the recorder and director of finance; §§ 11.01 and 11.06 relative to taxation; and §§ 14.01--14.04 relative to sinking funds.
1991	40	Replaces Art. XVII relative to the police department.
1992	238	Replaces § 6.19 relative to the civil service board.
1994	194	Impact fee act. See related acts following the charter.
1995	4	Amends § 4.04 relative to the City Manager and the appointment of the Assistant City Manager, the Personnel Director and a Director of Grants and Planning; amends § 4.05(c) relative to the Director of Grants and Planning serving under the direct supervision of the City Manager; amends § 10.01 relative to the appointment of the Director of Finance by the City Manager; and amends § 10.02 relative to the appointment of the Recorder by the City Manager.
1996	183	Amends § 3.04 relative to qualifications of electors; and amends § 3.05 relative to registration by wards.

YEAR	CHAPTER	SUBJECT
2002	72	Replaces § 4.04 relative to the office of assistant city manager, personnel director, and director of grants and planning.
