

CHAPTER NO. 41

HOUSE BILL NO. 2104

By Representative Winningham

Substituted for: Senate Bill No. 2023

By Senator Burks

AN ACT to amend Chapter 26 of the Acts of 1905; as amended by Chapter 633 of the Private Acts of 1919; Chapter 51 of the Private Acts of 1927; Chapter 498 of the Private Acts of 1931 and Chapter 174 of the Private Acts of 1965; and any other acts amendatory thereto, relative to the charter of the town of Gainesboro.

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

SECTION 1. Chapter 26 of the Acts of 1905, as amended by Chapter 633 of the Private Acts of 1919, Chapter 51 of the Private Acts of 1927, Chapter 498 of the Private Acts of 1931 and Chapter 174 of the Private Acts of 1965, and any other acts amendatory thereto, is amended in Section 7, subdivision (3) by deleting the following:

to levy and collect a poll on all persons within the corporate limits subject to a poll tax to the State; provided that no levy for general purposes shall exceed \$1.50 on each \$100.00 of taxable property. Said levy to be fixed by said Board of Mayor and Aldermen in making their annual levy, and shall not exceed two dollars on each poll; and provided further, that

SECTION 2. Chapter 26 of the Acts of 1905, as amended by Chapter 633 of the Private Acts of 1919, Chapter 51 of the Private Acts of 1927, Chapter 498 of the Private Acts of 1931 and Chapter 174 of the Private Acts of 1965, and any other acts amendatory thereto, is amended in Section 7, subdivision (12) by deleting the following language:

To erect and organize a work-house in or near the said town, and to provide for committing and working in said work-house or on the public streets, or town works, of any person who shall fail to pay or secure the fine and cost assessed against them for the violation of any ordinances, or who for any such violation may be sentenced to the said work-house, and to provide for the management and control of the same.

SECTION 3. Chapter 26 of the Acts of 1905, as amended by Chapter 633 of the Private Acts of 1919, Chapter 51 of the Private Acts of 1927, Chapter 498 of the Private Acts of 1931 and Chapter 174 of the Private Acts of 1965, and any other acts amendatory thereto, is amended in Section 8, subdivision (4) by deleting the language "two-thirds" and by substituting instead the language "majority".

SECTION 4. Chapter 26 of the Acts of 1905, as amended by Chapter 633 of the Private Acts of 1919, Chapter 51 of the Private Acts of 1927, Chapter 498 of the Private Acts of 1931 and Chapter 174 of the Private Acts of 1965, and any other acts amendatory thereto, is further amended in Section 8, subdivision (4) by deleting the following language:

provided further, that said bonds shall not run for a shorter term than ten years, and shall not bear a greater rate of interest than six percent.

SECTION 5. Chapter 26 of the Acts of 1905, as amended by Chapter 633 of the Private Acts of 1919, Chapter 51 of the Private Acts of 1927, Chapter 498 of the Private Acts of 1931 and Chapter 174 of the Private Acts of 1965, and any other acts amendatory thereto, is amended in Section 8, subdivision (5) by deleting the following language:

That the Board of Mayor and Aldermen of the town of Gainesboro Tennessee, may levy and collect a tax of twenty-five cents on each hundred dollars' worth of property in said town or the corporate limits thereof, for the purpose of creating a sinking fund to retire school bonds heretofore issued by said town, and such fund, when created, shall be used for no other purpose.

SECTION 6. Chapter 26 of the Acts of 1905, as amended by Chapter 633 of the Private Acts of 1919, Chapter 51 of the Private Acts of 1927, Chapter 498 of the Private Acts of 1931 and Chapter 174 of the Private Acts of 1965, and any other acts amendatory thereto, is amended in Section 9 by deleting the language "and a Town Marshal,".

SECTION 7. Chapter 26 of the Acts of 1905, as amended by Chapter 633 of the Private Acts of 1919, Chapter 51 of the Private Acts of 1927, Chapter 498 of the Private Acts of 1931 and Chapter 174 of the Private Acts of 1965, and any other acts amendatory thereto, is further amended in Section 9 by deleting the following language:

No person shall be eligible to any of these offices unless at the time he would be eligible to the office of Mayor. They shall also, upon the organization of the first board, elect three qualified voters in said town, who can read and write as Town School Directors, one of whom shall hold the office for one year, one for two years, and one for three years.

SECTION 8. Chapter 26 of the Acts of 1905, as amended by Chapter 633 of the Private Acts of 1919, Chapter 51 of the Private Acts of 1927, Chapter 498 of the Private Acts of 1931 and Chapter 174 of the Private Acts of 1965, and any other acts amendatory thereto, is amended in Section 10 by deleting the first two sentences and by substituting instead the following language:

Be it further enacted, That the compensation of the Mayor shall not exceed \$25.00 per annum, to be fixed by the Board of Aldermen. He shall preside at all meetings and in his absence the City Manager or designee by the Board of Aldermen shall preside.

SECTION 9. Chapter 26 of the Acts of 1905, as amended by Chapter 633 of the Private Acts of 1919, Chapter 51 of the Private Acts of 1927, Chapter 498 of the Private Acts of 1931 and Chapter 174 of the Private Acts of 1965, and any other acts amendatory thereto, is further amended in Section 10 by redesignating the existing language as Section 10, subdivision (A) and by adding the following new subdivision:

(B).

Be it further enacted, That the town may appoint a Town Manager to serve at the will of the Board. The Manager shall be appointed on the basis of his executive and administrative qualifications.

By letter filed with the Town Recorder, the Manager may designate, subject to approval by the Board, a qualified town officer to exercise the powers and perform the duties of Manager during his temporary absence or disability. The Board may revoke such designation at any time and designate another officer of the Town as acting Manager.

The Town Manager shall be the chief administrative officer of the Town. He shall be responsible to the Board for the administration of all the Town's affairs placed in his charge by or under this charter. He shall have the following powers and duties:

- 1) He shall appoint and, when he deems it necessary for the good of the City, suspend or remove all City employees and appointive administrative officers provided for by or under this Charter. He may authorize any administrative officer subject to his direction and supervision to exercise these powers with respect to subordinates in that officer's departments, offices and agencies of the Town except the Town Court.
- 2) He shall direct and supervise the administration of all departments, offices and agencies of the Town except the Town Court.
- 3) He shall attend all Council meetings and shall have the right to take part in discussion but may not vote.
- 4) He shall see that all laws, provisions of this Charter and acts of the Council, subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed.
- 5) He shall prepare and submit the annual budget and capital program to the Council.
- 6) He shall submit to the Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year.
- 7) He shall make such other reports as the Council may require concerning the operations of City departments, offices and agencies subject to his direction and supervision.
- 8) He shall keep the Council fully advised as to the financial condition and future needs of the City and make such recommendations to the Council concerning the affairs of the City as he deems desirable.
- 9) He shall perform such other duties as are specified in this Charter or as may be required by the Council.

Neither the Council nor any of its members shall in any manner dictate the appointment or removal of any City administrative officers or employees whom the Manager or any of

his subordinates are empowered to appoint, but the Council may express its views and fully and freely discuss with the Manager anything pertaining to appointment and removal of such officers and employees. The Town Manager does not need to be a resident of Gainesboro.

SECTION 10. Chapter 26 of the Acts of 1905, as amended by Chapter 633 of the Private Acts of 1919, Chapter 51 of the Private Acts of 1927, Chapter 498 of the Private Acts of 1931 and Chapter 174 of the Private Acts of 1965, and any other acts amendatory thereto, is amended in Section 11 by deleting the following language:

That the Recorder shall hold his office for a term of two years, and until his successor is elected and qualified, unless he is sooner removed by the board for good cause.

and by substituting instead the following new language:

That the Recorder shall be appointed by the Board of Aldermen and be supervised by the Town Manager. The Town Manager may recommend hiring and/or removal of the Recorder, which shall be submitted in writing to the Board for determination. The Recorder does not need to be a resident of Gainesboro.

SECTION 11. Chapter 26 of the Acts of 1905, as amended by Chapter 633 of the Private Acts of 1919, Chapter 51 of the Private Acts of 1927, Chapter 498 of the Private Acts of 1931 and Chapter 174 of the Private Acts of 1965, and any other acts amendatory thereto, is amended in Section 12 by deleting the following language:

That the town Marshall shall be the criminal officer of the town, and the Chief of police. He shall hold his office for a term of two years, and until his successor is elected and qualified, unless sooner removed by the board.

and by substituting instead the following new language:

That the Police Chief shall be the criminal officer of the town. The Police Chief shall be appointed by the Board of Aldermen and be supervised by the Town Manager. The Town Manager may recommend hiring and/or removal of the Police Chief, which shall be submitted in writing to the Board for determination. The Police Chief does not need to be a resident of Gainesboro.

SECTION 12. Chapter 26 of the Acts of 1905, as amended by Chapter 633 of the Private Acts of 1919, Chapter 51 of the Private Acts of 1927, Chapter 498 of the Private Acts of 1931 and Chapter 174 of the Private Acts of 1965, and any other acts amendatory thereto, is further amended in Section 12 by deleting the following language:

When, in his judgment it is necessary, he shall have the power to confine any one arrested, in the jail or town caboose.

SECTION 13. Chapter 26 of the Acts of 1905, as amended by Chapter 633 of the Private Acts of 1919, Chapter 51 of the Private Acts of 1927, Chapter 498 of the Private Acts of 1931 and Chapter 174 of the Private Acts of 1965, and any other acts amendatory thereto, is amended in Section 13 by deleting the following language:

He shall hold his office for two years, and until his successor is elected and qualified, unless he shall be sooner removed by the board.

and by substituting instead the following new language:

The Treasurer shall be appointed by the Board of Aldermen and be supervised by the Town Manager who may recommend hiring and/or removal of the Treasurer, which shall be submitted in writing to the Board for determination. The Treasurer does not need to be a resident of Gainesboro.

SECTION 14. This act shall have no effect unless it is approved by a majority of the number of qualified voters of the town of Gainesboro voting in an election on the question of whether or not the act should be approved. The ballots used in the regular election to be held in August 2004 shall have printed on them a summary of this act and the voters shall vote for or against its approval. The votes cast on the question shall be canvassed and the results proclaimed by the county election commissioners and certified by them to the secretary of state as provided by law in the case of general elections. The qualifications of voters voting on the question shall be the same as those required for participation in general elections. All laws applicable to general elections shall apply to the determination of the approval or rejection of this act.

SECTION 15. For the purpose of approving or rejecting the provisions of this act, as provided in Section 14, it shall be effective upon becoming a law, the public welfare requiring it, but for all other purposes, the provisions of the act shall be effective only upon being approved as provided in Section 14.

PASSED: May 12, 2003


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 27th day of May 2003


PHIL BREDESEN, GOVERNOR