

CHAPTER NO. 23

HOUSE BILL NO. 2370

By Representative McKee

Substituted for: Senate Bill No. 2345

By Senator Miller

AN ACT to amend Chapter 455 of the Private Acts of 1953, as amended by Chapter 260 of the Private Acts of 1976, as amended by Chapter 213 of the Private Acts of 1990, as amended by Chapter 215 of the Private Acts of 1992, as amended by Chapter 83 of the Private Acts of 2000, as amended by Chapter 16 of the Private Acts of 2001, and any other acts amendatory thereto, relative to the charter of the City of Athens.

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

SECTION 1. Article IX, Section 2, of Chapter 455 of the Private Acts of 1953, as amended by Chapter 260 of the Private Acts of 1976, as amended by Chapter 213 of the Private Acts of 1990, as amended by Chapter 215 of the Private Acts of 1992, as amended by Chapter 83 of the Private Acts of 2000, and any acts amendatory thereto, is amended by deleting subsection (i) in its entirety and substituting instead the following language:

(i) Maximum expenditures by City Manager: The City Council shall prescribe by ordinance the maximum expenditure which the City Manager may make without specific authorization of the council, and shall prescribe rules for competitive bidding, but no purchase shall be made at any one time in an amount which in the aggregate will exceed ten thousand dollars (\$10,000) unless bids shall have been requested through public advertisement and award made on bids most advantageous to the city. Any exceptions to competitive bidding established by state law shall apply to purchases by the city including, but not limited to, those exceptions set forth in section 6-56-304. When any contract is not awarded to the lowest bidder, the reason for such action shall be given in writing to the City Council.

SECTION 2. Article XXI, Section 6, of Chapter 455 of the Private Acts of 1953, and any acts amendatory thereto, is amended by deleting the first sentence in the second paragraph and substituting instead the following language:

An annual election of officers shall be held at the regularly scheduled meeting of the board held in the first month of the fiscal year.

SECTION 3. Article XXI, Section 18 of Chapter 455 of the Private Acts of 1953, as amended by Chapter 260 of the Private Acts of 1976, as amended by Chapter 213 of the Private Acts of 1990, as amended by Chapter 215 of the Private Acts of 1992, as amended by Chapter 16 of the Private Acts of 2001, and any acts amendatory thereto, is amended by deleting Section 18 in its entirety and substituting instead the following language:

Section 18. Be it further enacted, that the Athens Utilities Board shall prescribe by resolution the maximum expenditures which the general manager may make without specific authorization of the board and shall prescribe rules for competitive bidding. The

limit for competitive bidding shall be consistent with the amount specified in Article IX, Section 2(i) entitled "Maximum Expenditures by City Manager". Any exceptions to competitive bidding established by state law shall apply to purchases by the Athens Utilities Board including, but not limited to, those exceptions set forth in section 6-56-304. When any contract is not awarded to the lowest bidder, the reason for such action shall be given in writing to the Athens Utilities Board of Directors.

SECTION 4. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Athens. Its approval or nonapproval shall be proclaimed by the presiding officer of the City of Athens and certified to the secretary of state.

SECTION 5. 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 as provided in Section 4.

PASSED: March 23, 2005


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 5th day of April 2005


PHIL BREDESEN, GOVERNOR