

CHARTER OF THE
CITY OF OAK RIDGE,
TENNESSEE



PREFACE

Oak Ridge was organized under the modified city manager-city council charter. This charter, originally drafted in 1952 as proposed private act legislation for the incorporation of Oak Ridge, was rewritten and passed by the Tennessee General Assembly as an optional general law. The charter was adopted by Oak Ridge citizens May 5, 1959.

The City of Oak Ridge was incorporated under that law, codified as Chapters 30 through 36 of Title 6, Tennessee Code Annotated. Those chapters became the Home Rule Charter of the City as a result of a referendum held November 7, 1962. A home rule charter can be changed by local referendum, but the Tennessee General Assembly cannot pass private acts to affect cities like Oak Ridge. Oak Ridge must follow laws that affect Tennessee cities generally unless such laws provide for local option.

Amendments to any home rule charter must be approved by a local referendum, and may be placed on the ballot in any of three ways. Charter amendments may be proposed by ordinance of a home rule municipality; by a charter commission provided for by the General Assembly; or by a charter commission of seven (7) members chosen at-large not more often than once in two (2) years in a municipal referendum pursuant to a petition for such election signed by at least 10 percent of the qualified voters who voted in the most recent general municipal election.

Amendments to the original Oak Ridge Charter have been placed on referenda in 1964, 1966, 1974, 1976, and 1986. Copies of each edition of the charter are on file in the office of the city clerk.

The Charter Commission elected in June 2003 voted to retain the city manager-city council form of government and to make no major change in the mode of operation of the city. The Commission proposed this revised and updated charter based on the original charter as amended through 1986, but consistent with prevailing laws and current methods of communication and operation. This revised charter was approved by Oak Ridge voters in a referendum on August 5, 2004.

In accordance with Article III, Section 14, of the Charter, City Council appointed a seven member Charter Review Committee at its July 16, 2007 meeting whose duty it was to review the charter to ensure consistency with State law. This Review Committee approved four (4) separate changes to the charter which were approved by the voters at the August 7, 2008 General Election.

On November 4, 2008, a seven (7) member Charter Commission was elected by the voters after a petition calling for the election was circulated among the citizens of Oak Ridge. This Commission approved eight (8) changes to the charter. A resolution containing the changes to be placed on the November 2, 2010 ballot was forwarded to the Election Commission, and all the changes were approved by the voters at this election.

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¹All of the City of Oak Ridge's "home rule" amendments through 2009 have been incorporated. Each section of the charter which has been amended by the city carries a citation to the ordinance responsible for such amendment.

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ARTICLE I

ELECTIONS

Section 1. Method of electing governing body.

All corporate, legislative, and other powers of the city, except as otherwise provided in Articles I through VI inclusive of this Charter, shall be vested in a Council, and said Council shall be composed of seven (7) members to be elected at large.

Election to the Board of Education shall be as provided in Article VI of this Charter.

Elections shall be conducted under the provisions of the Tennessee Code Annotated 2-1-102, et seq.

Section 2. Time of elections.

A regular city election shall be held biennially on the date of the general state election held on the first Tuesday after the first Monday in November of even-numbered years in accordance with the general election laws of the State of Tennessee. [As amended by referendum, November 11, 2010]

Section 3. Qualifications for voting.

For the purposes of city elections, a citizen of the United States eighteen (18) years of age or older who is a resident of this state and the City of Oak Ridge is a qualified voter unless the citizen is disqualified under the provisions of this Charter or under a judgment of infamy pursuant to TCA 40-20-112.

Section 4. Nonpartisan city elections.

All city elections shall be nonpartisan.

Section 5. Eligibility for office of council member.

Any qualified voter of the city shall be eligible for election to the council, if the voter has been a resident of the city for one (1) year next preceding the day of election and provided that before taking office the elected voter resign any position of employment with the city, or office filled by state, county, or other municipal public election. [As amended by referendum, November 11, 2010]

Section 6. Nomination of council members.

Nomination of Council members shall be conducted in accordance with the general election laws of the State of Tennessee. [As replaced by Ord. #15-08, May 2008, which was approved by the voters at the August 7, 2008 General Election]

Section 7. Term of office.

Four (4) council members shall be elected for a term of four (4) years in the regular city election of June 2005, and three (3) council members shall be elected in the regular city election of June 2007 for a term of four (4) years. Commencing with the next following regular city election and at all subsequent regular city elections thereafter, the council seats then becoming vacant shall be filled by council members each elected for four (4) year terms.

Section 8. Restrictions on candidates and supporters -- Penalty.

If a candidate or any person on the candidate's behalf directly or indirectly gives or promises to any person or persons any office, employment, money, benefit, or anything of value in connection with the candidacy, the candidate shall thereafter be ineligible to hold any office or position of employment in the city government for a period of five (5) years.

Section 9. Time of taking office.

After certification of the election by the county election commission, persons elected to the office of council member shall take office upon taking the oath of office as provided in Article I, Section 10.

Section 10. Oath of office.

Every officer or employee, before taking any office in the city government, shall take, subscribe to and file with the city clerk the following oath or affirmation:

"I solemnly swear (or affirm) that I possess all the qualifications prescribed for the office (or position) of _____, as prescribed by this Charter, and that I will support the Constitution and will obey the laws of the United States and of the State of Tennessee, and that I will, in all respects, observe the provisions of the Charter and ordinances of the City of Oak Ridge, Tennessee, and that I will faithfully discharge the duties of the office (or position) of _____."

Section 11. Vacancies in council.

A vacancy shall exist if a council member resigns, dies, takes residence outside the city or has been continuously disabled for a period of three (3) months so as to prevent the council member from discharging the duties of the office, accepts any state, county or other municipal office which is filled by public election or position of employment with the city, or is convicted of malfeasance or misfeasance in office, a felony, a violation of this Charter, or a violation of the election laws of the state. A vacancy shall be filled within thirty (30) days by an affirmative vote of a majority of the remaining council members, the appointee to serve until the next regular city, county, or state election, at which time a successor shall be elected to fill the unexpired term. If a tie vote by the council to fill a vacancy is unbroken for thirty (30) days, the mayor shall appoint a qualified person to fill the vacancy. No appointment to fill the vacancy shall be made within sixty (60) days prior to any regular city, county, or state election.

Section 12. Recall petition -- Members of city council and board of education.

Recall petitions initiated under the provisions of TCA 2-5-151 shall require the signature of at least fifteen (15) percent of the registered voters in the City of Oak Ridge. All petitions for recall shall be filed with the county election office within 75 days of certification by the election commission.

Section 13. Recall elections.

At recall elections, voters qualified to vote for a successor to the incumbent shall vote either "for recall" or "against recall." If at least sixty-six percent (66%) of those voting vote "for recall" the person named shall be declared removed from office and the office declared vacant. Such vacancy shall be filled as directed in Article I, Section 11, for city council and Article VI, Section 7, for members of the board of education. The said method of removal shall be cumulative and additional to the methods heretofore existing by law. No more than one election for the purpose of recall shall be held in any six (6) month period, and no such election shall be held within a period beginning ninety (90) days before and ending ninety (90) days after a regular municipal election.

ARTICLE II
COUNCIL AND MAYOR

Section 1. Regular meetings of council.

The council shall hold regular meetings in Oak Ridge at least once monthly. Increased frequency, time of day, and place of its meetings shall be established by resolution.

Section 2. Special meetings of council.

Special meetings shall be called by the clerk on the written request of the mayor, the manager, or any two (2) council member(s) by providing each council member with twenty-four (24) hours' written notice served personally or left at his or her usual place of residence. Business transacted at any special meeting shall be limited to subjects recited in the notice of such meeting.

Section 3. Council meetings to be public.

All council meetings shall be open to the public and citizens shall have a reasonable opportunity to be heard. The council shall exercise its powers only at public meetings.

Section 4. Quorum of council.

At least a majority of the members then in office shall be a quorum for the transaction of business at all council meetings; but in the absence of a quorum, two (2) members may adjourn the meeting to a later date.

Section 5. Attendance and conduct at council meetings.

The council may enforce orderly conduct and compel the attendance of its members and other city officers at its meetings. Any member of the council or other officer of the city who refuses to attend meetings when served with notice or conducts himself or herself in a disorderly manner thereat may be deemed guilty of misconduct in office. Upon council request the manager shall designate a police official or officer to serve as the sergeant-at-arms of the council.

Section 6. Mayor.

The council, at its first regular meeting following a regular city election and after all newly-elected members have been duly qualified, shall elect one of its members mayor for a term of two (2) years. Whenever a vacancy occurs in

the office of the mayor, the council shall elect one of its members to serve until the time fixed herein for the regular election of mayor. The mayor shall preside at meetings of the council, shall have a vote on all matters but no veto power, shall be the ceremonial head of the city, shall sign ordinances and resolutions on their final passage, shall sign deeds, bonds and contracts when authorized by the council to do so, shall be the officer to accept process against the city, shall not have any regular administrative duties, and shall perform only such duties as shall be specifically conferred.

Section 7. Mayor pro tem.

The council shall choose one of its members mayor pro tem who shall act in the temporary absence or disability of the mayor.

Section 8. Council rules -- Transaction of business.

The council shall determine its own rules and order of business subject to the following provisions: The affirmative vote of at least a majority of the members of council then in office shall be required to approve any proposed action other than those listed in Article II, Section 2, and Article II, Section 4. There shall be a journal of proceedings of all council meetings, signed by the mayor and clerk and to which the public shall have access at all reasonable times. A summary of council proceedings shall be published in the official city newspaper within fifteen (15) days after a meeting, showing the substance of each council action. A vote upon all proposed ordinances and resolutions shall be taken by "yea" and "nay" vote, and the vote of each council member entered upon the journal. The journal shall also report the names of the council members present and absent, each motion considered, and the title of each ordinance or resolution considered. There shall be no standing committee of the council.

Section 9. Powers to subpoena.

The council may by resolution make investigations into the affairs of the city and the conduct of all city departments, offices, boards, commissions, committees, and agencies, and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. [As replaced by referendum, November 11, 2010]

Section 10. Compensation of council and mayor.

Each member of council shall be compensated at the rate of one hundred and fifty dollars (\$150.00) per month. The mayor shall receive the sum of one hundred and fifty dollars (\$150.00) per month in addition to compensation as a

council member. Council shall establish rules under which members may be reimbursed for actual and necessary expenses incurred in the conduct of their official business.

Section 11. Form of ordinance.

Any action of council having a regulatory or penal effect, relating to revenue or the expenditure of money, or required to be done by ordinance under this Charter, shall be done only by ordinance. Each ordinance shall relate to a single subject, which shall be expressed in a title that contains a summary of its contents. Each ordinance shall be approved as to form and legality by the city attorney, and upon adoption shall be further identified by a number. The enacting clause of each ordinance shall be: "Be it ordained by the Council of the City of Oak Ridge, Tennessee." Other actions may be accomplished by resolutions or motions. Each resolution or ordinance shall be in written form before being introduced.

Section 12. Passage, preservation and publication of ordinances.

Each ordinance, before being adopted, shall be read at least by title at two meetings not less than one (1) week apart, and shall take effect ten (10) days after its adoption, except that, where an emergency exists and the public safety and welfare requires it, an ordinance containing a full statement of the facts and reasons for the emergency may be made effective upon its adoption if approved by a majority of the members of the council on two (2) readings on successive days. At least the title of each ordinance, except an emergency ordinance, shall be published in the official city newspaper at least one (1) week before its adoption and within ten (10) days after its adoption, either separately or as part of the published proceedings of the council. The newspaper publication shall include locations where the ordinance is available for public review. The entire ordinance shall be published on the city's website at least one (1) week before its adoption and shall remain on the website for a minimum of 30 days after its adoption. The ordinance shall be available at the public library and at the office of the city clerk, and upon adoption shall become a permanent record in the office of the city clerk. Amendments of ordinances and resolutions or parts thereof shall be accomplished only by setting forth the complete section, sections, subsection, or subsections in their amended form. An ordinance may be repealed by reference to its number and title only and publication of the ordinance may be similarly limited.

All ordinances and their amendments shall be recorded by the city clerk in a book to be known as the "ordinance book," and it shall be the duty of the mayor and city clerk to authenticate such records by their official signatures. A separate record shall be maintained for resolutions. The original copies of all

ordinances, resolutions, and minutes of City Council meetings shall be filed and preserved by the city clerk.

If any portion of an ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or application, provided such remaining portions are not determined by the court to be inoperable, and to this end ordinances are declared to be severable.

Section 13. Codification of ordinances.

The council shall arrange for the regular codification of all ordinances having a regulatory effect or having continuing general application. Current loose-leaf editions of the official code shall be maintained and be made available for purchase by the public at a reasonable fee established by the council. Copies of the official code may be certified by the city clerk, and when so certified shall be competent evidence in all courts and legally established tribunals as to the matters contained therein.

Section 14. Rules and regulations.

The council may by ordinance authorize the city manager to formulate and promulgate formal rules and regulations having regulatory effect or having general application on various matters, subject to such restrictions and standards of guidance as the council may prescribe. No such formal rule or regulation shall take effect until it is filed with the city clerk, who shall file and preserve the original copy. Such rules and regulations shall be included as a separate section of the city code. Amendments of such rules and regulations shall be accomplished only by setting forth complete sections or subsections in their amended form.

ARTICLE III
POWERS OF CITY AND COUNCIL

Section 1. Powers under general statutes.

The City of Oak Ridge shall have all the powers and authority enumerated in Sections 6-2-201, 6-19-101 and 6-19-102, Tennessee Code Annotated, which are incorporated in this Charter by reference. The amendment of these sections of the Code shall not in any way change such powers as they apply to the City of Oak Ridge, but such powers shall be increased, decreased or changed only by amendment of this Home Rule Charter in the manner provided in Article XI, Section 9, of the Constitution.

Section 2. City judge -- Clerk and employees of city court.

The city judge shall be a person licensed to practice law in the state of Tennessee and shall be elected by popular vote at the same time as provided for election of the governing body of such corporation, and in the same manner as provided for election to the board of education. Such judge shall be elected for a term of four (4) years. The city council shall by ordinance provide for the compensation of the city judge and other employees of the court, except that the judge shall be authorized to appoint, promote, suspend, remove or to take any other established personnel action with respect to the court clerk and other court employees consistent with the provisions of this Charter. The compensation fixed for the judge and court employees shall in no way be related to the amount of moneys collected by the court, and the compensation so fixed shall be in lieu of all fees, fines, penalties, forfeitures, or other moneys collected by the court.

A vacancy shall exist if the city judge resigns, dies, or has been continuously disabled for a period of three (3) months so as to prevent the city judge from discharging the duties of office; and such vacancy shall be filled by a majority vote of the city council, the appointee to serve until the next regular city or county election, whichever is first held, at which election a duly qualified person shall be elected to fill the unexpired term of the office.

Whenever the city judge finds it necessary to be absent from holding court, the city judge may designate in writing, to be filed with the clerk of the city court, a name of a special judge to hold court in the city judge's place and stead. The special judge shall be a person who has the qualifications of city judge and the special judge shall take the same oath and have the same authority as the regular city judge to hold court for the occasion.

Section 3. City court.

The council shall by ordinance establish and provide for the administration of a city court. The judge of the city court shall have jurisdiction in and over all cases for the violation of and all cases arising under the laws and ordinances of the city, and in all such cases the judge is authorized to tax in the bill of costs the same amounts and for the same items allowed in general session courts for similar work in state cases; provided the council may provide for smaller costs. Warrants, subpoenas, orders and other processes of the court shall be executed by police officers of the city, who for such purposes of the court shall have the same powers and authority of a sheriff in executing process of a circuit court. All fines, penalties, forfeitures, and money collected by the court, or the officers and employers thereof, shall be promptly turned over to the city treasury. The council shall require an audit of the accounts of the court at least annually. The records of the court shall be prescribed by ordinance. [As replaced by Ord. #16-08, May 2008, which was approved by the voters at the August 7, 2008 General Election]

Section 4. Removal of city judge.

The city judge shall be subject to removal from office for the same causes and in the same manner as provided for the removal of public officers by Sections 8-47-101 through 8-47-126 of Tennessee Code Annotated. In case of the absence or inability of the judge to serve, the city council may appoint and fix the compensation of an acting city judge who may be removed at any time without cause. Except as provided herein, officers and employees of the court are also subject to the provisions of Title 8 of the Tennessee Code Annotated.

Section 5. Advisory boards.

The council shall by ordinance create a personnel advisory board and may create by ordinance, resolution or motion such other long- or short-term advisory boards to the council and/or manager with respect to specific municipal functions as it may deem necessary, prescribing in each case the number, manner of appointment, length of term, and advisory duties of members of such boards who shall serve without compensation but may be reimbursed for necessary expenses incurred in official duties. An advisory board shall elect its own chair and any other officers from its membership. A council member may be appointed as a member of any advisory board, except the personnel advisory board. The council may direct the city manager to appoint a non-voting staff representative to any advisory board.

Section 6. Planning commission.

The council shall establish a planning commission and may within the framework of this Charter exercise authority in the fields of planning, zoning and subdivision control and related activities as provided by general laws of the state. At a time determined by city ordinance and consistent with applicable state law the planning commission shall submit to the city council a long-term capital improvement program with recommendations as to the priority of individual projects and the methods of financing them. The recommendations of the planning commission are to be considered by the council for the purpose of providing guidance to the city manager in preparing the annual budget as provided in Article V., Section 11. The members of the planning commission shall serve without compensation, but may be reimbursed for necessary expenses incurred in official duties.

Section 7. Intergovernmental agreements and contracts.

In addition to other powers granted in this Charter, the city council shall have power to contract and cooperate with any other municipality or other political subdivision of the state, or with an elective or appointive official thereof, or with any duly authorized agency of the federal or state government, for the planning, development, construction, acquisition, or operation of any public improvement, utility, or facility, for a common public service, for having the same individuals serve as officers or employees in more than one political subdivision and/or federal or state agency on a part-time basis in each, for the construction or operation of federally-owned utilities and other property on behalf of the federal government, for the acquisition by gift or by transfer or by purchase of federal property and if by purchase for the financing of its acquisition, for entering into contracts relating to acceptance of payments in lieu of taxes and/or state, federal, or other contributions, and for the furnishing of services to the federal government and its designees, outside the city limits as well as within; provided that the subject and purpose of any such contract or cooperative action made and entered into by the council shall be within the scope of the powers of the city.

Section 8. Arrangements and contracting powers.

The city council may exercise the powers conferred in Article III, Section 7, by ordinance setting out the terms agreed upon by the parties to such a contract or cooperative action. The parties to such a contract or cooperative action, or any of them, may acquire, by gift or purchase, or by the power of eminent domain exercised by one or more of the parties, the lands, buildings, and other property necessary or useful for the purposes of the contract or cooperative action, either within or without the corporate limits of one or more

of the contracting parties, and shall have the power to hold or acquire such lands as tenants in common. The city may provide for the financing of its share or portion of the cost or expenses of such a contract or cooperative action in the same manner and by the same procedure for the financing by the city of the subject and purposes of the contract or cooperative action as if acting alone and on its own behalf.

Such contract also may provide for the establishment and selection of a joint commission, officer, or officers to supervise, manage, and have charge of such joint service or project, and may provide for the powers and duties, terms of office, compensation, if any, and other provisions relating to the members of such joint commission, officer, or officers. Such contract may include and specify terms and provisions relative to the termination or cancellation of the contract or cooperative action by ordinance or resolution, and the notice, if any, to be given of such termination or cancellation; provided, that such cancellation or termination shall not relieve any party participating in such contract or cooperative action from any obligation or liability for its share of the cost or expense incurred prior to the effective date of any such cancellation or termination.

Section 9. Liability of officers.

All public officers acting under the authority of a contract or cooperative action under the provisions of Article III, Section 7 and Section 8, shall be deemed to be subject to the same liabilities to which they would have been subjected for actions occurring entirely within their own territorial limits.

Section 10. Deposits and disbursements of funds.

All money received pursuant to any such contract or cooperative action, under the provisions of Article III, Section 7 and Section 8, unless otherwise provided by law, shall be deposited in the appropriate fund or funds and disbursed in accordance with the provisions of such contract or cooperative action.

Section 11. Franchises.

No franchise or grant for the operation of a water, electric, telephone, steam, or public transportation or other utility which is not revocable at the will of the council shall be granted or become operative except by ordinance. Such ordinance shall become effective thirty (30) days after its adoption by the council unless twenty percent (20%) of the qualified electors of the city shall sign a petition and present it to the council during such thirty (30) day period requesting that the ordinance be referred to the electors, in which case it must receive the approval of a majority of the electors voting thereon at a municipal

election, and all renewals, extensions and amendments thereof shall be granted only in the same manner.

All public utility franchises granted under this Charter shall be subject to the following rights of the city, provided however, that this enumeration is not to be construed as being exclusive or as impairing council authority to impose any condition that may be in the municipal interest and within the power of the city to impose or require:

- (a) To revoke for misuse, or non use, or for failure to comply with the provisions thereof;
- (b) To require proper and adequate provision, extension, and maintenance of plant and service at the highest practicable standard of performance;
- (c) To establish reasonable standards of service and prevent unjust discrimination in service or rates;
- (d) To require uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof; and
- (e) To impose such other regulations as may be determined by the council to be necessary to the health, safety, welfare, and accommodation of the public.

The council may institute such actions or proceedings as may be necessary to enforce a franchise and may revoke, cancel, or annul all franchises which have become inoperative, illegal, or void and not binding upon the city. Subject to state law, all public utility franchises shall prescribe the manner of fixing rates, fares, and charges, and the readjustments thereof at reasonable intervals at the discretion of the city. The values of the property of the utility used as a basis for fixing such rates, fares, and charges shall in no event include a value predicated upon the franchise, good will, or prospective profits.

Provided, however, that this section shall not be construed to repeal, abridge, modify or supersede any statute or law of the state pertaining to the public service commission or the regulation of public utilities which are subject to its jurisdiction; and the provisions of subdivisions (b), (c), and (d) of this section shall not apply to any public utility over which the said commission exercises regulatory authority.

Section 12. Official city newspaper.

The council by resolution shall designate a newspaper of general circulation in the city as the official city newspaper. The official notices and publications to be published in the official city newspaper shall also be published on the city's web site. [As amended by referendum, November 11, 2010]

Section 13. City attorney.

The council shall appoint a city attorney together with such assistant city attorneys as the council shall determine are required. The city attorney shall be responsible for representing and defending the city in litigation in which the city is a party, shall be the prosecuting officer in the city court, shall attend all meetings of the council, shall advise the council, city manager and other officers and employees of the city concerning legal aspects of the city's affairs, shall approve as to form and legality all contracts, deeds, bonds, ordinances, resolutions, motions, and other official documents, and shall perform such other duties as may be prescribed by the council or city manager. The city attorney shall be an attorney licensed in the State of Tennessee.

Section 14. Periodic charter review.

Every eight years beginning in July 2007, the city council shall appoint a Charter Review Committee. The duty of the Committee shall be to review the Charter to ensure consistency with state law. The Charter Review Committee shall consist of seven members appointed by the city council. The city manager and city attorney shall serve as non-voting ex officio members. The Charter Review Committee shall conduct regular meetings, appoint one of its members as chair, keep minutes of its meetings, and submit its proposed amendments to the city council not later than 10 months from the date of official appointment. The city council shall consider the recommendations of the Charter Review Committee, and submit amendments that the council deems appropriate to a referendum of the voters in accord with the home rule provisions of the Tennessee Constitution.

ARTICLE IV
TAXATION AND ISSUANCE OF OBLIGATIONS

Section 1. Assessments.

The council by ordinance may provide for the assessment of property lying within the corporate limits by city assessing personnel, or may enter into any necessary agreements with the appropriate county officials for joint assessments by the city and county, or may elect to use county assessments. There shall be added to any county assessment any property omitted from such assessments.

Section 2. Equalization board – Establishment.

The council may by resolution establish an equalization board, and may appoint as members three (3) persons who are property owners and qualified voters of the city for a two (2) year term. Otherwise, the equalization board and its powers, duties, and procedures will be governed by state law.

Section 3. Levy, due date, and delinquencies.

Unless otherwise provided by ordinance, the schedule for ad valorem property tax levy, due date, and delinquencies shall be the same as provided by general law for counties, provided that the tax levy shall be set by council prior to the beginning of the new fiscal year. If no levy is made before the end of the fiscal year, the current levy shall be carried forward to the new fiscal year.

Section 4. Municipal debt.

The City of Oak Ridge may borrow money as provided by Tennessee General Law. Such authority is found within Title 9, Chapter 21, of the Tennessee Code, entitled Local Government Public Obligation Act.

ARTICLE V

CITY MANAGER--ADMINISTRATION OF CITY AFFAIRS

Section 1. Appointment, term and qualifications of city manager.

The council shall appoint a chief administrative officer of the city who shall be entitled city manager, and who shall serve at the pleasure of the council. The manager shall be selected on the basis of training, experience, and other administrative qualifications for the office and without regard to political or religious preference or place of residence at the time of appointment. No member of council shall be eligible for the position of manager within two (2) years after the expiration of his or her latest council term.

Section 2. Temporary absence of manager.

The council may designate a qualified administrative officer of the city to assume the duties and authority of the manager during periods of vacancy in the office, temporary absences or disability of the manager.

Section 3. Council-manager relationships.

The manager shall be responsible to the council for the administration of all units of the city government under his or her jurisdiction and for carrying out policies adopted by the council. Except for the purpose of inquiry, the council and its members shall deal with the administrative officers and employees solely through the manager. Neither the council nor any member thereof shall give orders to the manager's subordinates or otherwise interfere with managerial functions through such means as directing or requesting the appointment or removal of any of the manager's subordinates, or the making of particular purchases from, or contracts with, any specific organization. The office of any council member violating any provision of this section shall immediately become vacant upon the member's conviction in a court of competent jurisdiction.

Section 4. Duties and authority of manager.

The manager shall supervise the administrative affairs of the city. The manager shall be charged with the preservation of the public peace and health, the safety of persons and properties, and the enforcement of the laws, ordinances, and franchises, and the development and utilization of the city's resources. The manager shall make such reports and recommendations as may be deemed desirable and perform such other duties as may be prescribed by this Charter or required of him or her by ordinance or resolution of the council not inconsistent with this Charter. The manager shall have the right to take part

in the discussion of all matters coming before the council, but not the right to vote.

Section 5. Administrative organization.

Within the framework established by this Charter, the administrative organization of the city shall be organized into departments of general government, finance, and such other departments necessary to provide health, welfare, police, recreation, fire, library, public works, utilities and other municipal services as shall be provided in a plan of administrative organization to be developed by the city manager and submitted to the council for approval and adoption by ordinance. The council may by ordinance amend the plan of administrative organization only after receiving the written recommendations of the city manager. Administrative regulations governing the operations and relationships of departments, agencies, and offices within the administrative organization shall be prepared and issued by the city manager. The authority to prepare and issue departmental rules and regulations may be delegated to designated subordinates.

Section 6. City clerk.

The city manager shall appoint a city clerk, together with such deputy city clerks as may be authorized by ordinance. The city clerk shall be responsible for keeping and preserving the city seal and all records of the council; attending meetings of the council and keeping minutes at such meetings; preparing and certifying copies of official records in the office of the city clerk, for which fees may be prescribed by ordinance; and shall perform all other duties as are prescribed by the council or city manager.

Section 7. Assessment and collection of taxes.

The city manager or administrative personnel appointed by the manager shall make use of every method provided by general law to insure the collection of taxes due the city, and shall also be authorized to use and shall use, if necessary, the methods now available to cities organized under the uniform city manager-commission charter, TCA 6-22-110 through TCA 6-22-116.

Section 8. Administration of finances.

The city manager or an officer appointed by the manager shall have charge of the administration of the financial affairs of the city. There shall be maintained such accounting controls over the finances of the city, and such financial reports as may be required by this Charter, by ordinance, or by the

manager. The manager shall provide for the auditing, approving and payment of all claims against the city.

Section 9. Fiscal year.

The fiscal year of the city shall begin on the first day of July and shall end on the thirtieth day of June of the succeeding year, but another fiscal year may be fixed by ordinance for the entire city government or for any utility.

Section 10. Manager to prepare budget – Contents.

After one or more council meetings devoted to guidance to the city manager with respect to the budget to be submitted, as determined by the council, on or before a date fixed by the council, the manager shall submit to the council a proposed budget for the next fiscal year. The budget shall present a complete financial plan for the ensuing year, including at least the following information:

(a) Detailed estimates of all proposed expenditures for each department, board, officer or other agency of the city, showing in addition the expenditures for corresponding items for the last preceding fiscal year, appropriations and anticipated expenditures for the current fiscal year, and reasons for recommended departures from the current expenditures pattern.

(b) Statements of the bonded and other indebtedness of the city, including the debt redemption and interest requirements, the debt authorized and unissued, and the condition of the sinking funds.

(c) Detailed estimates of all anticipated revenues of the city from all sources including current and delinquent taxes, non tax revenues and proceeds from the sale of any bonds, with a comparative statement of the amounts received by the city from each of such sources for the last preceding fiscal year, the current fiscal year, and the coming fiscal year.

(d) A statement of the estimated balance or deficit, as of the end of the current fiscal year.

(e) Such other supporting schedules as the council may request, or are otherwise required by law.

Section 11. Capital budget program.

As a part of the proposed annual budget, the city manager shall include a statement of pending capital projects and proposed new capital projects, relating the respective amounts proposed to be raised therefor by appropriations in the budget and the respective amounts, if any, proposed to be raised therefor by the issuance of bonds during the fiscal year. Such pending and proposed capital projects shall be based upon the guidance of council as expressed in the

guidance meeting(s) carried out under Article V, Section 10 of this Charter. Council shall use as one basis of its guidance to the manager the program of capital projects prepared annually by the planning commission. The manager shall provide the council written comments on the planning commission program at the time of the first guidance meeting.

Section 12. Public hearing on budget -- Inspection -- Distribution.

A public hearing on the budget shall be held before its final adoption by the council, at such time and place as the council shall direct, and notice of such public hearing shall be published ten (10) days in advance of the date of the hearing. All persons present shall be given a reasonable opportunity to be heard for or against the estimates of any item thereof. The budget and budget message and all supporting schedules shall be a public record in the office of the city clerk open to public inspection by anyone. The city manager shall cause sufficient copies of the budget and budget message to be prepared for distribution to interested persons at least ten (10) days before the hearing.

Section 13. Adoption of budget -- Appropriation ordinance.

Before the beginning of the next fiscal year, the council shall adopt an appropriation ordinance, based on the city manager's budget with such modifications as the council considers necessary or desirable, provided that modifications in the school budget as submitted by the board of education shall be subject to the limitations of Article VI, Section 13, of this Charter. Appropriations need not be in more detail than a lump sum for each fund. The council shall not make any appropriations in excess of estimated revenues, except to provide for an actual emergency threatening the health, property or lives of the inhabitants of the city and declared by a unanimous vote of all members of the council present, when there is a quorum. Provided, however, that if for any reason an appropriation ordinance is not adopted prior to the end of the fiscal year, the appropriations for the current fiscal year shall be carried forward for the new fiscal year, until the adoption of the new appropriation ordinance. The appropriation ordinance insofar as it relates to the appropriation for schools shall be further subject to the provisions of Article VI, Section 14, of this Charter.

Section 14. Amendments to appropriation ordinance.

Amendments may be made to the original appropriation at any time during a current fiscal year after a public hearing before the council on ten (10) days notice published once in the official city newspaper, provided that increased appropriations may be made only after the city manager has certified

in writing that sufficient amount of unappropriated revenue will be available, except for emergency appropriations as provided above.

Section 15. Unexpended appropriation to lapse.

Any portion of an annual appropriation remaining unexpended and unencumbered at the close of a fiscal year shall lapse and be credited to the general fund, except that any balance remaining in any other fund at the end of a fiscal year may remain to the credit of that fund and be subject to further appropriation.

Section 16. Budget control.

At the beginning of each quarterly period during the fiscal year, and more often if required by the council, the manager shall submit to the council data showing the relations between the estimated and actual revenues and expenditures to date; and if it shall appear that the revenues are less than anticipated, the council may reduce the appropriations, as prescribed in Article V, Section 14, except amounts required for debt and interest charges, and with the further exception to such a degree as may be necessary to keep expenditures within the receipts. The manager may provide for monthly or quarterly allotments of appropriations to all departments, agencies or activities within the manager's jurisdiction under such rules as he or she shall prescribe, and make transfers between departments, agencies, or activities within each fund, and when authorized by the city council, from one fund to another, provided that any transfer of moneys from the city school fund to any other fund shall be made only with the concurrence of the board of education.

A summary balance sheet, including a listing of all fund balances exceeding \$100,000.00, a summary quarterly city income and expense statement, and a statement of the number of city employees and full-time equivalent city employees shall be placed quarterly on the city's website. A comparison between actual and previously estimated fiscal year revenues to date by source and expenses to date by department shall be placed semiannually in the local library and posted on the city's website.

Section 17. Purchasing.

Except for purchases made by the school system under Article VI, Section 15, the city manager shall be responsible for all city purchasing, but may delegate that power and duty to any subordinate. However, the city council shall by ordinance set a dollar limitation on purchases, beyond which purchases must be made by competitive bidding, and bids awarded to the lowest and best responsible bidder. Such purchases must be approved by the city council, and within the limits prescribed by state law, the city shall have the right to reject

any and all bids. But where the city manager makes a written recommendation to the city council that it is clearly to the advantage of the city to make purchases by noncompetitive bidding, the council may, by unanimous resolution of those present, authorize the city manager to make the purchase in question without competitive bidding. Agreements entered into by the city including construction work or professional services involving the expenditure of an amount exceeding the limit established by ordinance must be evidenced by a written contract. The council may also authorize city departments or other city agencies to make public improvements, and to perform other city work, without competitive bidding.

The city council shall have the authority to adopt other ordinances governing purchases that are not inconsistent with this charter or any state law that applies to the city's purchases. [As replaced by Ord. #17-08, May 2008, which was approved by the voters at the August 7, 2008 General Election; and replaced by referendum, November 11, 2010]

Section 18. Management of city property and equipment.

The management of all city property and equipment except school property and equipment shall be the responsibility of the city manager who shall prepare for the approval of the council regulations governing the acquisition, custody, use and disposal of all such property and equipment. Such regulations shall provide for a regular inventory, appraisal and marking of all such property and shall require that the disposal of any city property and equipment shall be by sale, with sealed bids taken or public auction held on such property and equipment other than real estate valued at more than an amount established by ordinance and that such sales shall be subject to the approval of the city council.

The management of all city real property, except school real property, shall be the responsibility of the city manager. The council may delegate by ordinance to the city's Industrial Development Board or any other city board or officer the authority to manage and sell council-designated city lands. Except for those lands where such authority to sell has been delegated by the council, all sales of city lands whose value exceeds a limit established by ordinance shall be subject to the approval of the city council.

No real estate zoned as Greenbelt and belonging to the city shall be sold, offered for sale, or offered for lease without a prior public hearing before city council. This public hearing shall be announced at least two (2) weeks before the date of the hearing by causing to be published in the official newspaper of the city a notice of such hearing which shall include a description of the property to be sold and the reasons for the proposed sale. No action to sell the property in question shall be taken until thirty (30) days after the public hearing.

Section 19. Annual audit.

At the end of each fiscal year an audit shall be made of the accounts and funds of the city, covering the operations of the past fiscal year, by a certified public accountant selected by the council. The council may employ certified public accountants to audit all or any of its accounts and funds at the time it takes office or at any time it may deem expedient to assure correctness thereof.

Section 20. Fees paid to city.

All fees received in handling city business by any officer or employee shall belong to the city and shall be paid promptly into the city treasury, except fees received by school officers and employees which shall be paid into the city school fund.

Section 21. Depository for city funds.

The council shall designate a commercial bank or banks as depository or depositories for city funds and shall provide for the regular deposit of all city moneys. The Council shall require any city funds deposited with a financial institution to be secured by collateral in the same manner and under the same conditions as state deposits, under Title 9, Chapter 4, parts 1 and 4, or as provided in a collateral pool created under Title 9, Chapter 4.

Section 22. Appointment, removal and supervision of personnel under the city manager.

The manager shall have the power to appoint, promote, suspend, transfer, and remove, or to take any other established personnel action consistent with the provisions of Article V, Sections 23 through 33, inclusive, of this Charter with regard to all administrative officers and employees of the city responsible to him or her; or the manager may authorize the head of a department or office to take such actions regarding their subordinates. The manager shall appoint such heads of administrative offices, organization units, and activities as deemed necessary. The manager may combine any such administrative offices herein or otherwise established, or may delegate parts of the duties of the manager's office to designated subordinates.

Section 23. General personnel policy.

It shall be the policy of the city to provide equal employment opportunity to all employees and applicants for employment and to recruit, hire and promote for all job classifications without regard to race, religion, creed, color, sex, age, national origin or handicapped status except where age and handicapped status

are bona fide occupational qualifications. It shall further be the policy of the city that all personnel actions such as compensation, benefits, transfers, layoffs, return from layoffs, training, education, tuition assistance and social and recreational programs will be administered without regard to race, religion, creed, color, sex, age, national origin, handicapped status or sexual orientation. To this end the manager shall appoint an Affirmative Action Officer who shall be responsible for preparation and implementation of the city's Affirmative Action Plan. The manager shall make an annual report to the council on the city's progress towards achieving the goals of the Affirmative Action Plan.

The policy of the city shall be to employ those persons fully qualified to carry out the functions of the city. To this end the council shall, by ordinance, establish a merit system providing for the appointment and promotion of city officers and employees on the basis of competence and fitness. All officers and employees shall be included in such merit system except:

- (a) Council members.
- (b) Members of boards who are not city employees.
- (c) The manager and the manager's secretary.
- (d) Department heads.
- (e) Organizations and their employees and other persons who

are engaged by the city on a contractual basis.

[As amended by referendum, November 11, 2010]

Section 24. Manager to administer merit system.

The manager shall be responsible for the administration of the merit system. The manager shall, with the advice of the personnel advisory board, develop, maintain, and apply suitable provisions for the classification of positions and for the recruitment, compensation, training, promotions and disciplinary and related aspects of personnel management. The manager shall develop and revise as necessary a comprehensive pay plan and personnel rules setting forth employment conditions. The personnel advisory board shall review such plans and rules and proposed revisions thereof, and submit them to the council with recommendations for adoption.

Section 25. Investigation of complaints by personnel advisory board--Findings--Review.

The personnel advisory board shall investigate complaints made to it in writing by any officer or employee who is included in the merit system and who is suspended or removed from his or her position or otherwise adversely affected by a personnel action. If in the opinion of the board, the procedures established for such personnel action were not complied with, the board shall make decisions that shall be binding. In all other cases, the board shall report its findings and recommendations, which shall be advisory in nature, in writing to

the manager, and the decision of the manager shall be final. Provided, however, that in all such cases any such officer or employee shall have the right to common law certiorari to review the action of the board and the manager.

Section 26. Personnel advisory board to assist manager.

The personnel advisory board shall assist the manager in other personnel matters as may be set forth by ordinance and may investigate and make recommendations and reports to the council and manager on improvements in conditions of municipal employment and on significant violations of the principles of sound personnel administration.

Section 27. Compensation of officers and employees.

Except as otherwise provided in this Charter, the compensation of all officers and employees of the city shall be fixed by the manager within the limits of budget appropriations and in accordance with a comprehensive pay plan adopted by the council.

Section 28. Salary or wages to be only compensation--Disposition of fees and commissions.

The compensation of officers and employees as fixed or otherwise provided for by this Charter shall be in full payment for all official services of such officers or employees, and shall be in lieu of any and all fees, commissions, and other compensation which may be receivable by such officers in performance of the duties of their offices; such fees, commissions and compensation shall belong to the city, be collected and accounted for by such officers, and be paid over to the city.

Section 29. Employee welfare benefits.

The council shall provide for the retirement of the city's nonelective officers and employees and may make available to them any group, life, hospital, health, or accident insurance, either independently of, or as a supplement to, any retirement or other employee welfare benefits otherwise provided by law.

Section 30. Separations and resignations.

The council shall prescribe by ordinance appropriate procedures with respect to resignations of officers and employees and with respect to the orderly transfer of records, assets, and other effects in the custody of such officers and employees to their successors or supervisors.

Section 31. Surety bonds of officers and employees.

All city officers or employees receiving, disbursing or responsible for city funds shall be bonded. The council may require any officer or employee to give a bond, approved by and in such amount as the council shall determine. All such bonds shall be corporate surety bonds, and the premiums thereon shall be paid by the city. No such bond shall be issued for a term exceeding four (4) years. No bond required by this section shall be renewed upon its expiration or in the event of the reappointment of any officer or employee to a position for which a bond is required, but a new bond shall be furnished. The resignation, removal, or discharge of any officer or employee of the city shall not, nor shall the election or appointment of another to his or her office or employment, exonerate such officer or employee or his or her sureties from liability.

Section 32. City Ethics Policy.

The City Council shall establish an ethics policy consistent with state law. [As replaced by referendum, November 11, 2010]

Section 33. Political activity prohibited.

No city employee shall engage in political activity, support or opposition to any candidate, party or measure in any election when on duty or off duty while in uniform or acting in employee's official capacity. When off duty and acting as a private citizen, no employee shall be prohibited from engaging in political activity or denied the right to refrain from engaging in such activity. No employee of the city shall serve on the city council.

Section 34. Financial records of utilities.

Separate financial and accounting records shall be maintained for each utility in accordance with accepted principles of utility accounting and as may be required by the city council, without impairing the authority of the city to manage and operate the utilities with the same personnel and equipment.

Section 35. Disposal of utility plants and property.

The city shall not sell, exchange, lease, or in any way alienate or dispose of the property, easements, or other equipment, privileges or assets which are essential parts of any utility which it may acquire, unless and except the proposition for such purpose shall first have been submitted and approved by a majority vote of the electors voting thereon at a municipal election in the manner provided in this Charter. All contracts, negotiations, licenses, grants, leases, or other forms of transfer in violation of this provision shall be void and

of no effect as against the city. The provisions of this section shall not, however, be interpreted to preclude the sale, exchange, or other disposal to the advantage of the city, of parts of a utility's property and assets which are not essential to continued effective utility service and the disposal of which will not prejudice municipal interests.

ARTICLE VI
PUBLIC SCHOOLS

Section 1. Board of education.

The control and management of the schools of the city shall be the responsibility of a board of education which shall consist of five (5) qualified voters of the city, meeting the requirements of Article I, Section 5. The members of the board of education are to be elected at large and shall hold office for a term of four (4) years.

Section 2. Nomination and election of board members.

The members of the board of education shall be nominated by petition as provided in Article I, Section 6 and elected at the same time and places as provided in this Charter for elections of the members of the city council. Eligibility of voters shall be the same as Article I, Section 3. Each candidate to the board or any person acting in the candidate's behalf shall be subject to Article I, Section 8. After certification of the election by the county election commission, persons elected to the board of education shall take office upon taking the oath of office as provided in Article I, Section 10. The members of the board shall be subject to the provisions for recall as provided in Article I, Section 12 of this Charter.

Section 3. Election of board of education -- Term of office.

Three (3) board members shall be elected for a term of four (4) years in the regular city election of June 2005, and two (2) board members shall be elected in the regular city election of June 2007 for a term of four (4) years. Commencing with the next following regular city election and at all subsequent regular city elections thereafter, the board of education seats then becoming vacant shall be filled by board members each elected for four (4) year terms.

Section 4. Board of education chair -- Vice-chair.

At the first meeting after each regular biennial election, the board shall elect a chair and vice-chair. The chair shall preside at the meetings of the board and may vote as any other member but shall have no power of veto. The chair shall perform the duties imposed by the rules of the board. The vice-chair shall perform the duties of the chair in case of the chair's absence or inability to act. In the event of a permanent vacancy in the office of chair a new chair shall be elected.

Section 5. Powers and duties of board of education.

The board of education shall have the following powers and duties:

(a) To appoint and remove a superintendent of schools as provided in Article VI, Section 9.

(b) To establish schools, determine the attendance areas of the various schools, and determine the policies and programs of the city school systems, subject to the availability of school funds.

(c) To determine the number of teachers and other employees in the city school system subject to availability of school funds, after considering the written recommendations of the superintendent of schools.

(d) To review, revise and approve budget estimates prepared by the superintendent of schools and to submit such estimates to the city manager, in accord with budget control procedures described in Article III, Section 6 and in Article V, Sections 10, 11 and 16.

(e) To initiate, review, revise and approve plans for the erection or improvement of buildings and facilities to be used for educational purposes and to transmit copies of all such plans, which bear on the long range development of the schools to the city planning commission for incorporation as part of the capital improvement program as described in Article VI, Section 13.

(f) To purchase or otherwise acquire land for school buildings, playgrounds and other purposes connected with the city school system; to purchase, construct, operate and regulate the use of all buildings, required for purposes of the city school system; and to do any and all other acts necessary to establish, maintain, and operate a complete public educational system within the city, including adult education, subject to the availability of school funds.

(g) To review, revise and act upon any recommendation by the superintendent of schools relating to the operation and maintenance of school buildings.

(h) To cooperate with the city council, city manager and other officials of the city government, and with the officials of other governmental jurisdictions, in programs leading to improvements and economies in the public services provided the residents and taxpayers.

(i) To make any investigation which the board may consider desirable concerning administration of the city school system.

(j) To exercise any and all powers not specifically stated in Articles I through VI of this Charter but given to boards of education by general law.

Section 6. Rules of procedure and meetings.

The board shall adopt rules governing the conduct of its business and meetings; provided that regular meetings shall be held at least once a month, at a time and date to be determined by the board. The board shall provide by resolution for the time of day and place of all its meetings. A majority of the

board shall constitute a quorum and the affirmative vote of at least three (3) members shall be required to approve any action. A special meeting shall be called by the chair, by any two (2) members of the board, or by the superintendent of schools, by a written notice delivered at least twenty-four (24) hours in advance of the meeting either personally or left at the usual place of residence of the members and superintendent. Such notice shall set forth the character of business to be discussed at the meeting, and no other business shall be considered at such meeting. All board meetings shall be open to the public and citizens shall have a reasonable opportunity to be heard. The board shall exercise its powers only at public meetings.

Section 7. Vacancies on board.

A vacancy shall exist if a board member resigns, dies, moves from the city, has been continuously disabled for a period of three (3) months so as to prevent the member from discharging the duties of the office, accepts any state, county, or other municipal office or position of employment with the city, except as a notary public or member of the national guard or reserves, or is convicted of malfeasance or misfeasance in office, a felony, a violation of this Charter, or a violation of the election laws of the state. A vacancy shall be filled within thirty (30) days by an affirmative vote of a majority of the remaining board members, the appointee to serve until the next regular city, county, or state election at which time a successor shall be elected to fill the unexpired term in the manner specified in Article I, Section 11, except that the chair of the board shall be read for mayor. If a tie vote by the board to fill a vacancy is unbroken for thirty (30) days, the chair of the board shall appoint a qualified person to fill the vacancy. No appointment to fill the vacancy shall be made within sixty (60) days prior to any regular city, county, or state election. The candidates in such an election to fill the vacancy shall be nominated by petition as provided in Article VI, Section 2.

Section 8. Compensation of board members.

Members of the board of education shall be compensated at the rate of one hundred and fifty dollars (\$150.00) per month. The chairperson shall receive one hundred dollars (\$100.00) per month in addition to compensation as a board member. All board members may be reimbursed for actual and necessary expenses incurred in the conduct of their duties, provided these expenses are approved by the board at a regular meeting.

Section 9. Superintendent of schools--Board secretary.

The board of education shall appoint a superintendent of schools who shall be the administrative head of the city school system. The superintendent

shall be subject only to the board of education and all orders of the board relating to the management of the schools shall be given through him or her. Except for the purpose of inquiry the board and its members shall deal with administrative officers, principals, teachers and other employees solely through the superintendent. Neither the board nor any member thereof shall give orders to the superintendent's subordinates or otherwise interfere with the superintendent's functions through such means as the making of particular purchases from, or contracts with any specific individual or organization. The office of any board member violating any provision of this section shall immediately become vacant upon conviction in a court of competent jurisdiction.

The board of education shall fix the superintendent's salary. The superintendent shall serve at the pleasure of the board as provided by the contract of employment. The superintendent shall have the right to take part in the discussion of all matters coming before the board, but not the right to vote. The superintendent, or other employee designated by the board on the recommendation of the superintendent, shall serve as secretary to the board.

Section 10. Powers and duties of superintendent of schools.

The superintendent of schools shall have the following powers and duties:

(a) To manage and direct the city school system in accordance with the policies and programs of the board of education.

(b) To appoint, promote, transfer, retire, and remove and take any other established personnel action with regard to all teachers, and other employees in the city school system consistent with the provisions of this charter, policies and programs adopted by the board of education and the general laws of the state.

(c) To prescribe, control and correlate the courses of study, textbooks, and educational apparatus and equipment, consistent with the school laws of the state, and the policies and programs adopted by the board of education.

(d) To prepare and issue rules and regulations for the administration and execution of the policies, plans, and programs adopted by the board.

(e) To prepare budgets for the city school system for approval by the board of education and submission to the city manager for final consideration by the city council.

(f) To make periodic allotments of funds appropriated for city school purposes.

(g) To make purchases and contracts subject to the limitations of this Charter and such policies as may be prescribed by the board of education.

(h) To prepare for approval by the board of education salary schedules for teachers and other employees of the city school system as provided in Article VI, Section 11.

(i) To prepare, for approval by the board of education, plans for constructing, enlarging or improving school buildings and other school facilities.

(j) To exercise such other powers and to perform such other duties not inconsistent with this Charter or other general laws, as may be prescribed by the board of education.

Section 11. Officers and employees of school system.

All of the officers and employees of the city school system shall be subject to the provisions of Article V, Sections 27-33, inclusive, of this Charter, with the school system standing in the stead of the city, with the board of education in the stead of the city council, board members in the stead of council members, board chair in the stead of the mayor, and the superintendent of schools in the stead of the city manager and the city clerk, and that on actions taken under this Charter, the rules and regulations of the board shall have the same force and effect as an ordinance of the city council.

Further, the board of education shall establish and appoint a school personnel advisory board whose functions and duties shall be the same for officers and employees of the school system as those of the personnel advisory board for officers and employees of the city, except that its functions shall not extend to tenured personnel of the school system. No board of education member shall serve on this advisory board.

Section 12. Financial management.

All school moneys appropriated by the city council, all state and county funds received for the city school system, and all other moneys, fees, revenues or income which are received by the city school system or which heretofore or hereafter are granted or permitted to the city school system shall be deposited in a city school fund to be withdrawn only upon the order of the board of education provided that a full estimate thereof shall have been summarized in each school budget and provided further that those portions of such funds derived from city appropriation ordinances shall be subject to the provisions of Article V, Sections 14-16. The board of education shall establish such school funds as are required by general law or as it considers necessary for the operation of the school system. At the end of each fiscal year an audit shall be made of the accounts and funds of the school system covering the operations of the last fiscal year by certified public accountants selected by the board. The board of education may employ certified accountants to audit all or any of the school funds and accounts at any time it may deem expedient to assure the correctness thereof. Article V, Section 21, shall apply with the board of education standing in the stead of council.

Section 13. School budget.

The city school budget submitted by the board of education through the city manager to the city council shall include estimates of all school revenues as well as estimates of expenditures necessary for the operation of the school system for the next fiscal year period. Neither the city manager nor the city council shall have any authority to modify or delete any item of the school estimates and the council shall have the power to modify only the total amount of the school budget, except that in no event shall a reduction in school budget exceed the total sum requested by the board of education from current city tax revenues. Such budget estimates shall not include any requests for the purchase of land or the purchase, construction, reconstruction, or major alteration of any building for school purposes. Requests for such improvements shall be transmitted to the planning commission for review and incorporation into the capital improvement program before November 1 prior to the next fiscal year.

A summary balance sheet, including a listing of all fund balances exceeding \$100,000.00, a summary quarterly schools income and expense statement and a statement of the number of schools employees shall be placed quarterly on the city's web site.

Section 14. Notice of appropriation.

The adoption by the city council of an appropriation ordinance for the next fiscal year, or the allowance of a continuation of the appropriation for the last fiscal year, shall serve as notice to the board of education of the total amount of the school appropriation for the next fiscal year period.

Section 15. Purchases and contracts.

All materials, supplies and equipment shall be purchased by the superintendent of schools in accordance with procedures approved by the board of education, except that centralized purchasing with the city administration may be utilized where it is mutually agreed upon by the council and board or their delegated representatives. The board of education or superintendent of schools, in making purchases and contracts, shall be subject to the provisions of this Charter relating to purchases and contracts by the city council and city manager, with the board of education standing in the stead of the council and the superintendent of schools standing in the stead of the city manager. No purchase, expenditure or contract shall be made in excess of available school funds.

Section 16. Disbursements.

All disbursements of moneys from the city school funds or other established school funds for the city school system shall be made by checks countersigned by the superintendent of schools or by other school personnel designated by the board of education upon recommendation of the superintendent.

Section 17. Transfer of city schools to county.

Any governing body action to transfer the city school system or part thereof to a county, or to consolidate school systems with a county, may be adopted after considering the written recommendation of the city board of education. Such action shall respect the equity that citizens of Anderson and Roane Counties each hold in the physical and intellectual property of the city school system. Any such action to transfer or consolidate shall be subject to subsequent approval by a majority of the qualified voters voting in a city referendum held for that purpose.

Section 18. Agreement with county to take over county schools.

The city council, after considering the written recommendations of the board of education, may enter into an agreement with the county for the city school system to take over ownership, management and control of that part of the county school system within the city, including land, buildings and all other school property, equipment, and facilities.

Section 19. Resolution of conflicts with state laws.

Where any provision of this article conflicts with the provisions of the Tennessee Educational Improvement Act of 1992, as amended, the provisions of the Tennessee Educational Improvement Act of 1992, as amended, shall prevail. [As added by Ord. #18-08, May 2008, which was approved by the voters at the August 7, 2008 General Election]