

OAK RIDGE CITY COUNCIL SPECIAL MEETING
Municipal Building Courtroom

August 23, 2010 – 6:30 p.m.

AGENDA

1. **PLEDGE OF ALLEGIANCE**

2. **ROLL CALL**

3. **RESOLUTION**

A resolution receiving for the record the proposed amendments to the Oak Ridge City Charter developed by the Charter Commission elected on November 4, 2008, and requesting that the Anderson and Roane County Election Commissions cause the amendment questions to be placed on the ballot for the November 2, 2010 general state election.

4. **ADJOURNMENT**

CITY CLERK MEMORANDUM
No. 10-58

DATE: August 19, 2010

TO: Mark S. Watson, City Manager

FROM: Jacquelyn J. Bernard, City Clerk

SUBJECT: PROPOSED AMENDMENTS TO THE OAK RIDGE CITY CHARTER

Attached to this memorandum are (1) a letter from Mr. Chuck Agle, Chair of the Oak Ridge Charter Commission, transmitting to City Council the Commission's approved ballot questions for amendments to the City Charter, (2) a revised list of ballot questions, as approved by the Commission in a special meeting on August 17, 2010, and (3) a resolution receiving the Charter Commission's proposed amendments and requesting the Anderson and Roane County Election Commissions to place them on the ballot for the November 2, 2010 general state election.

This Charter Commission was elected on November 4, 2008 after the circulation of a petition calling for such an election. The Commission has been working diligently since that time, meeting essentially on a weekly basis, and has conducted a review of the entire charter. The attached ballot questions represent the culmination of that review. Following the receipt of the Chair's letter with proposed ballot questions, the City Attorney and I met with the Commission on August 17th and worked with them to arrive at simplified questions that would be more "voter friendly." The revised list, approved by the quorum of Commissioners present at that meeting, is the final list of ballot questions.

According to the Tennessee Constitution and relevant sections of the Tennessee Code Annotated, the proposed charter changes must be published by the legislative body (City Council) in the designated newspaper (The Oak Ridger) at least 60 days prior to the election date. This means publication no later than September 3, 2010. It is my plan to publish not only the questions, but also the current wording of the affected sections of the Charter and the proposed new wording. The first publication will be intended to meet the legal requirement; however, I plan to publish this information at least twice more with the final publication being very close to the election date. It will also be placed on the City's web site immediately upon the adoption of the attached resolution, and it will remain there until the referendum has been held.

Tennessee law also requires that each of the ballot questions be accompanied by the statement of the jurisdiction's Chief Financial Officer with reference to the financial impact of the proposed amendment, if approved. Attached are two statements signed by Janice McGinnis, the City's Finance Director. The first estimates the possible cost savings with approval of the first ballot question and the second will be attached to each of the remaining seven questions.

Mr. Chuck Agle, Chair of the Oak Ridge Charter Commission, and several of its members will be present at the August 23rd special meeting.


City Clerk

Attachments

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OFFICE OF THE CITY CLERK

August 10, 2010

The Honorable Mayor and Members of Council
City of Oak Ridge
P.O. Box 1
Oak Ridge, Tennessee 378331-0001

Dear Mayor and Members of Council,

Attached are the approved ballot questions from the Oak Ridge Charter Commission for the Oak Ridge City Council to approve conveying to the Anderson County Election Commission to be placed on the November ballot.

It is my understanding that, per state law, the ballot questions will have a review by the city attorney as to form and legality. A determination of the cost of any proposed amendment and the drafting of a statement in this regard will be performed by the city Chief Financial Officer. Any amendment containing 300 words or more will be summarized by the City Attorney and, finally, the adoption of a resolution by City Council that formally receives the proposed changes from the Charter Commission, lists them in detail, and formally requests the Election Commissions of both counties to place them on the November 2 ballot.

As was requested through the office of the City Clerk, the Charter Commission asks to be placed on the agenda of the August 23rd special meeting of the City Council for formal presentation of the ballot questions.

Sincerely,



Chuck Agle, Chair
Oak Ridge Charter Commission

AMENDMENTS TO THE OAK RIDGE, TENNESSEE HOME RULE CHARTER
PROPOSED BY THE CHARTER COMMISSION OF THE CITY OF OAK RIDGE ELECTED
ON THE 2nd DAY OF November, 2008, PURSUANT TO ARTICLE XI, SECTION 9,
OF THE TENNESSEE CONSTITUTION, AND THE CHARTER COMMISSION'S CALL
FOR A REFERENDUM ON THOSE AMENDMENTS ON THE DATE OF THE GENERAL
STATE ELECTION TO BE HELD ON THE 2nd DAY OF November, 2010.

WHEREAS, the charter commission of the City of Oak Ridge, Tennessee has proposed amendments to Articles I, II, III and V of the Oak Ridge Home Rule Charter, which proposed changes are outlined below,

NOW THEREFORE, BE IT PROPOSED TO THE CITY COUNCIL OF THE CITY OF OAK RIDGE, THAT THESE AMENDMENTS BE SUBMITTED TO A REFERENDUM OF THE VOTERS OF THE CITY ON THE DATE OF THE GENERAL STATE ELECTION TO BE HELD ON THE 2nd DAY OF November, 2010.

Oak Ridge City Charter Amendment Question 1

Question 1: Shall the Oak Ridge City Charter Article I be amended as follows to change the date of city elections and to provide for transitional terms of city council and board of education members to achieve the change in the dates of city elections:

(A) **Section 2.** The language of Section 2 is deleted in its entirety and is replaced with this language: "A regular city election shall be held biannually 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."

(B) **Section 7.** The language of Section 7 is deleted in its entirety and is replaced with this language:

The terms of the four council members elected for a term of four (4) years in the regular city election in June, 2009 shall be extended to the date of the general state election held on the first Tuesday after the first Monday in November of 2014. The terms of the three council members elected in the regular city election in June, 2007, will serve a term that will expire on the date of the general state election held on the first Tuesday after the first Monday in November, 2012. In each and every regular city election thereafter, the council seats then becoming vacant shall be filled by council members elected for terms of four (4) years.

Oak Ridge City Charter Amendment Question 2

Question 2: Shall the Oak Ridge City Charter Article I be amended as follows to change the residency requirements for election to city council:

(C) **Section 5.** In the phrase “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 six (6) months . . .”. The words and figure “six (6) months” are deleted and replaced with the words and figure “one (1) year.”

Oak Ridge City Charter Amendment Question 3

Question 3: Shall the Oak Ridge City Charter Articles II, III, V be amended as follows:

Article II is amended as follows:

(A) **Section 9.** The language in Section 9 is deleted and is replaced with this language:

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.

Article III is amended as follows:

(A) **Section 12.** The language in Section 12 is deleted in its entirety, and is replaced with this language:

The council by resolution shall designate a newspaper of general circulation in the city as the official city newspaper for the purpose of official notices and publications. In addition, any such notices and publications shall be published on the city’s website.

Article V is amended as follows:

(A) **Section 14.** In the following phrase in Section 14 “Amendments may be made to the original appropriation at any time during a current fiscal year after a public hearing before the council on five (5) days notice published once in the official city newspaper,”

The words and figures “five (5) days” are deleted, and replaced with the words and figures “ten (10) days.”

(B) **Section 17 .** The language in Section 17 is deleted in its entirety and replaced with this language:

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 purchase

(C) Section 23. The first sentence in Section 23 is deleted and replaced with the following new sentence:

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, sexual orientation, age, national origin or handicapped status except where age and handicapped status are bona fide occupational qualifications.

(D) Section 32. The title of Section 32, which presently reads "Pecuniary interest prohibited" is amended to read "City Ethics Policy", and the text of Section 32 is deleted in its entirety and replaced with the following language: "The City Council shall establish an ethics policy consistent with state law."

**OAK RIDGE CITY CHARTER AMENDMENT QUESTIONS
TO BE PLACED ON THE NOVEMBER 2, 2010 ELECTION BALLOT**

- Question 1. Shall Article 1, Sections 2 and 7, **Time of elections and Term of office**; Article III, Section 2, **City Judge**; and Article VI, Section 3, **Election of board of education – Term of office**, of the Oak Ridge City Charter be amended to provide for regular city elections to 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?
- Question 2. Shall Article 1, Section 5, **Eligibility for office of council member**, of the Oak Ridge City Charter be amended to lengthen the residency requirement for election to city council from six (6) months to one (1) year?
- Question 3. Shall Article II, Section 9, **Powers to subpoena**, of the Oak Ridge City Charter be amended to provide that 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?
- Question 4. Shall Article III, Section 12, **Official city newspaper**, of the Oak Ridge City Charter be amended to add that the official notices and publications to be published in the official city newspaper shall also be published on the city's web site?
- Question 5. Shall Article V, Section 14, **Amendments to appropriation ordinance**, of the Oak Ridge City Charter be amended to change the notification requirement for a public hearing on amendments to the appropriation ordinance from five (5) days notice to ten (10) days notice?
- Question 6. Shall Article V, Section 17, **Purchasing**, of the Oak Ridge City Charter be amended by deletion of the current language in its entirety and replacement with the following new language for greater clarity?
- Except for purchases made by the school system....
- Question 7. Shall Article V, Section 23, **General Personnel Policy**, of the Oak Ridge City Charter be amended by adding "sexual orientation" to the list of characteristics for which there shall be no discrimination in the provision of equal employment opportunity?
- Question 8. Shall Article V, Section 32, **Pecuniary interest prohibited**, of the Oak Ridge City Charter be amended by deletion of this section in its entirety and substitution of a new Section 32, titled **City Ethics Policy**, which shall read: "The City Council shall establish an ethics policy consistent with state law"?

Approved by the Oak Ridge Charter Commission on August 17, 2010.

RESOLUTION

WHEREAS, on November 4, 2008, a Charter Commission of seven (7) members was elected pursuant to petition for such election signed by qualified voters of the City of Oak Ridge, Tennessee; and

WHEREAS, the Charter Commission so elected has reviewed the Charter of the City of Oak Ridge and has proposed amendments to Articles I, II, III, V, and VI of the Oak Ridge Home Rule Charter to be offered to the voters of the City of Oak Ridge for their approval or disapproval; and

WHEREAS, the proposed amendments have been transmitted to the Oak Ridge City Council in accordance with Article XI, Section 9, of the Constitution of the State of Tennessee, along with the questions to be placed on the ballot for the November 2, 2010 general state election to be held in Anderson and Roane Counties; and

WHEREAS, it is the duty of the Oak Ridge City Council to publish the proposed Charter amendments and to submit the questions to the qualified voters of the City of Oak Ridge at the November 2, 2010 general state election.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That this Council hereby receives for the record the proposed amendments to the Oak Ridge City Charter developed by the Charter Commission elected on November 4, 2008, and requests that the Anderson and Roane County Election Commissions cause the following questions to be placed on the ballot for the November 2, 2010 general state election:

- Question 1. Shall Article 1, Sections 2 and 7, **Time of elections and Terms of office**; Article III, Section 2, **City Judge**; and Article VI, Section 3, **Election of board of education – Term of office**, of the Oak Ridge City Charter be amended to provide for regular city elections to 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?
- Question 2. Shall Article 1, Section 5, **Eligibility for office of council member**, of the Oak Ridge City Charter be amended to lengthen the residency requirement for election to city council from six (6) months to one (1) year?
- Question 3. Shall Article II, Section 9, **Powers to subpoena**, of the Oak Ridge City Charter be amended to provide that 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?
- Question 4. Shall Article III, Section 12, **Official city newspaper**, of the Oak Ridge City Charter be amended to add that the official notices and publications to be published in the official city newspaper shall also be published on the city's web site?
- Question 5. Shall Article V, Section 14, **Amendments to appropriation ordinance**, of the Oak Ridge City Charter be amended to change the notification requirement for a public hearing on amendments to the appropriation ordinance from five (5) days notice to ten (10) days notice?
- Question 6. Shall Article V, Section 17, **Purchasing**, of the Oak Ridge City Charter be amended by deletion of the current language in its entirety and replacement with the following new language for greater clarity?

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.

- Question 7. Shall Article V, Section 23, **General Personnel Policy**, of the Oak Ridge City Charter be amended by adding "sexual orientation" to the list of characteristics for which there shall be no discrimination in the provision of equal employment opportunity?
- Question 8. Shall Article V, Section 32, **Pecuniary interest prohibited**, of the Oak Ridge City Charter be amended by deletion of this section in its entirety and substitution of a new Section 32, titled **City Ethics Policy**, which shall read: "The City Council shall establish an ethics policy consistent with state law"?

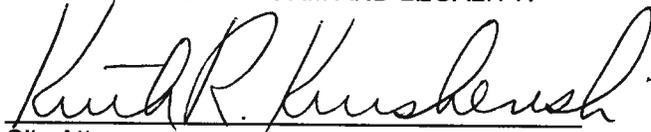
BE IT FURTHER RESOLVED that the attached statements, certified by the City's chief financial officer, shall appear on the ballot immediately after the designated question as required by TCA § 6-53-105(c).

BE IT FURTHER RESOLVED that a certified copy of this resolution, with attachments, shall be transmitted to both the Anderson and Roane County Election Commissions by the City Clerk forthwith.

BE IT FURTHER RESOLVED that prior to the referendum, these ballot questions, along with the current wording and the proposed new wording of the affected sections of the city charter, shall be published at least once in a newspaper of general circulation in the city and shall be placed on the City's web site where they shall remain until the referendum on the approval or disapproval of the questions has been held.

This the 23rd day of August 2010.

APPROVED AS TO FORM AND LEGALITY:



City Attorney

Mayor

City Clerk

FOR ATTACHMENT TO BALLOT QUESTIONS 2 THROUGH 8

STATEMENT OF CHIEF FINANCIAL OFFICER
OF THE CITY OF OAK RIDGE, TENNESSEE

I, Janice E. McGinnis, Finance Director of the City of Oak Ridge, Tennessee, pursuant to TCA § 6-53-105(c) hereby certify that the approval of this amendment to the Oak Ridge City Charter will result in no significant annual increase or decrease in City revenues or costs.

Janice E. McGinnis

Date _____

FOR ATTACHMENT TO BALLOT QUESTION 1

STATEMENT OF CHIEF FINANCIAL OFFICER
OF THE CITY OF OAK RIDGE, TENNESSEE

I, Janice E. McGinnis, Finance Director of the City of Oak Ridge, Tennessee, pursuant to TCA § 6-53-105(c) hereby certify that the approval of this amendment to the Oak Ridge City Charter will result in an estimated cost saving of approximately \$17,000 on a biennial basis.

Janice E. McGinnis

Date _____