

SENATE BILL 2369

By Beavers

AN ACT to repeal Chapter 160 of the Private Acts of 1935; as amended by Chapter 714 of the Private Acts of 1937; Chapter 836 of the Private Acts of 1937; Chapter 61 of the Private Acts of 1943; Chapter 352 of the Private Acts of 1945; Chapter 601 of the Private Acts of 1945; Chapter 838 of the Private Acts of 1947; Chapter 929 of the Private Acts of 1949; Chapter 649 of the Private Acts of 1951; Chapter 273 of the Private Acts of 1976; Chapter 252 of the Private Acts of 1984; Chapter 32 of the Private Acts of 1987, and any other acts amendatory thereto, and to enact a new charter of the Town of Alexandria.

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

SECTION 1. Chapter 160 of the Private Acts of 1935, as amended by Chapter 714 of the Private Acts of 1937, Chapter 836 of the Private Acts of 1937, Chapter 61 of the Private Acts of 1943, Chapter 352 of the Private Acts of 1945, Chapter 601 of the Private Acts of 1945, Chapter 838 of the Private Acts of 1947, Chapter 929 of the Private Acts of 1949, Chapter 649 of the Private Acts of 1951, Chapter 273 of the Private Acts of 1976, Chapter 252 of the Private Acts of 1984, Chapter 32 of the Private Acts of 1987, and any other acts amendatory thereto, is hereby repealed, and the following shall become the charter of the Town of Alexandria:

ARTICLE I

CHARTER DEFINITIONS, TOWN LIMITS, AND CORPORATE POWERS

SECTION 1.01. The Town of Alexandria, Tennessee, shall continue as a body politic and corporate by the name and style of Town of Alexandria, Tennessee, and this act shall constitute its complete Charter. The Town of Alexandria shall have perpetual succession, may sue and be sued, plead and be impleaded, in all the courts of law and equity, and in all actions whatsoever, and may have and use a common seal and change it at pleasure.

SECTION 1.02. Definitions. As used in this Charter, unless the context otherwise requires:

(a) "Alderman" and "Member of the Board" means a person elected to the office of Alderman as provided in this Charter;

(b) "At large" means the entire town;

(c) "Board" and "Town Board" means the legislative body of the town, which shall be composed of six (6) Aldermen elected as provided in this Charter;

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

(e) "Elector" means a qualified voter residing within the town; and a registered owner of real estate situated within the town, or a non-resident who owns property in the town and is otherwise qualified to vote;

(f) "Nonpartisan" means without any designation of candidates as members or candidates of any state or national political party or organization;

(g) "Town" means the Town of Alexandria; and

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

SECTION 1.03.

(1) Town Limits. The boundaries of the town are as follows:

Beginning on the north gate post of East View Cemetery and running as follows: "Running south to the northeast corner of Henry Nixon; thence northwest to E. T. Dinges northeast corner on Hickman Creek; thence west up said creek to the bridge on Brush Creek road; thence north to Tom McMillian's southwest corner; thence east with McMillan's line to Hickman creek, thence down the creek to Tom McMillian's southeast corner mill lot; thence west to the little bridge on Brush Creek road; thence from the west side of said road and southward with its

west boundary line to the northeast corner of the Brush Creek Road; thence southward, with the west boundary of said road, to the northeast corner of I. A. Eaton's lot; thence westward with Eaton's and John Barbee's line to a walnut, (Eaton's west corner); thence westward to the northeast corner of the fairgrounds; thence southward with Eaton's west boundary to Eaton's southwest boundary line of the fairground, thence southward, to the north bank of Hickman Creek; thence up said creek on the north bank of same to a point one hundred feet northwest of the J. D. Goodner barn; thence southward to a point on the north side of Highway U. S. No. 70 N., 50 feet west of the J. D. Goodner residence; thence westward with said highway and on the north side of same to the northeast corner of second bridge; thence with the south boundary of said highway, across N.W. to S.E. corner of Bridge to Porter Malone's northwest corner; thence southward with said Malone's west boundary line to his southwest corner; thence eastward with Malone's and J. W. Young's south boundary line to the Mrs. Wm. Gann lot line; thence southward with the west boundary on the Gann lot line and Mrs. L. W. Compton's line to Thomas' water-gate on Hickman Creek; thence eastward to the west side of Statesville Road; thence southward with the west side of said road, to a point opposite W. B. Angell's southwest corner; thence across said road eastward with Angell's south boundary to a point opposite Dock Daves' northwest corner; thence across the street and with Dock Daves' west boundary line to said Daves' southwest corner; thence with Daves' south boundary line to his southeast corner; thence eastward to a point in Effie Simpson's rock fence 50 feet southwest to Effie Simpson's residence; thence northward with Effie Simpson's line to her northeast corner; thence northeastward to J. S. Barry's southwest corner; thence eastward with his south boundary line and the south boundary line of all other town lots on the south side of Locust Street to Ed Simpson's northeast corner near the M. E. Church; thence southward with Simpson's line to a point on Finley Avenue; thence westward on the north side of Finley Avenue; to a point north of Ezra Smith's northwest corner;

thence southward across said avenue and with said Smith's west boundary line to his southwest corner; thence eastward with his south boundary line and the south boundary line on Ed Fults and L. V. Self to a point in the Verg Dowell lot, 200 feet westward from the Highway No. 70 N; thence southward and two hundred feet all the way from the said road to a point 100 feet southwest of J. D. Colvert's dwelling and 200 feet from said Highway; thence east to the east side of said Highway; thence northward with said Highway to Mrs. Jas. Barry's south west corner; thence eastward 300 feet to a point; thence northward to a point in Martin & Ida Foutch's north boundary 300 feet from said Highway; thence northward with the east boundary line of all the town lots fronting on State Highway No. 26 to a street or lane leading from Highway No. 26 eastward to a branch which crosses the lane or street which leads from Jenkins' Store; thence with the branch to the south side of Cemetery Street; thence on the south side of Cemetery Street to the south gate-post of East View Cemetery; thence south to the southwest corner of East View Cemetery; thence with the south boundary of East View Cemetery to the northeast corner of the Colored Cemetery; thence southward with the east boundary line of the Colored Cemetery to the southwest corner of East View Cemetery; thence east with the south boundary line of the East View Cemetery to Don Dinges' southwest corner; thence northward with the east boundary of East View Cemetery; to the northeast corner of said Cemetery; thence with the north boundary of said Cemetery to the Beginning.

Provided, however, that all property located within the corporate limits of said town and which is to be used as a part of the right-of-way for the new State Highway 26 is expressly deleted from the area or boundary now comprising the corporate limits of said town.

(2) In addition to the boundaries described above, the town's boundaries shall include any property or areas annexed subsequent to Chapter 160 of the Private Acts of 1935.

SECTION 1.04. Corporate powers. The town shall have powers to:

(1) Assess, levy and collect taxes for all general and special purposes on all subjects or objects of taxation, and privileges taxable by law and authorized for municipal purposes;

(2) Adopt classifications of the subjects and objects of taxation that are not contrary to law;

(3) Make special assessments for local improvements;

(4) Contract and be contracted with;

(5) Incur debts by borrowing money or otherwise, and give any appropriate evidence thereof, in the manner hereinafter provided;

(6) Issue and give, sell, pledge or in any manner dispose of, negotiable or nonnegotiable interest-bearing or noninterest-bearing bonds in accordance with the Local Government Public Obligations Act of 1986 as codified at Tennessee Code Annotated, Title 9, Chapter 21, warrants, promissory notes or orders of the municipality, upon the credit of the municipality or solely upon the credit of specific property owned by the municipality or solely upon the credit of income derived from any property used in connection with any public utility owned or operated by the municipality, or solely upon the credit of the proceeds of special assessments for local improvements, or upon any two (2) or more such credits;

(7) Expend the money of the municipality for all lawful purposes;

(8) Acquire or receive and hold, maintain, improve, sell, lease, mortgage, pledge or otherwise dispose of property, real or personal, and any estate or interest therein, within or without the municipality or state;

(9) Condemn property, real or personal, or any easement, interest, or estate or use therein, either within or without the municipality, for present or future public use; the condemnation shall be effected in accordance with the terms and provisions of Tennessee Code Annotated, Title 29, Chapter 16, or in any other manner provided by law;

(10) Take and hold property within or without the municipality or state upon trust; and administer trusts for the public benefit;

(11) Acquire, construct, own, operate, and maintain, or sell, lease, mortgage, pledge or otherwise dispose of public utilities or any estate or interest therein, or any other utility of service to the municipality, its inhabitants, or any part thereof, and, further, may issue debt for these purposes in accordance with Tennessee Code Annotated, Title 9, Chapter 21;

(12) Grant to any person, firm, association or corporation, including the municipality, franchises for public utilities and public services to be furnished the municipality and those therein. The power to grant franchises shall embrace the power to grant exclusive franchises. Whenever an exclusive franchise is granted, it shall be exclusive not only as against any other person, firm, association, or corporation, but also against the municipality itself. Franchises may be granted for a period of twenty-five (25) years or less, but not longer. The board may prescribe in each grant of a franchise, the rate, fares, charges and regulations that may be made by the grantee of the franchise in accordance with state and federal law. Franchises may, by their terms, apply to the territory within the corporate limits of the municipality at the date of the franchises, and as the corporate limits thereafter may be enlarged; and to the existing streets, alleys and thoroughfares that thereafter may be opened;

(13) Make contracts with any person, firm, association or corporation for public utilities, and public services to be furnished the municipality and those therein. The power to make contracts shall embrace the power to make exclusive contracts. When an exclusive contract is entered into, it shall be exclusive against any other person, firm, association or corporation. These contracts may be entered into for a period of twenty-five (25) years or less, but not longer. The board may prescribe in each such contract entered into, the rates, fares, charges, and regulations that may be made by the person, firm, association or corporation with whom the contract is made. Such contracts may by their terms apply to the territory within the corporate limits of the municipality at the date of the contract, and as the corporate limits thereafter may be

enlarged, and to the then existing streets, alleys and thoroughfares and to any other streets, alleys and other thoroughfares that thereafter may be opened;

(14) Prescribe reasonable regulations regarding the construction, maintenance, equipment, operation and service of public utilities, compel reasonable extensions of facilities for these services, and assess fees for the use of or impact upon these services. Nothing herein shall be construed to permit the alteration or impairment of any of the terms or provisions of any exclusive franchise granted or of any exclusive contract entered into under subdivisions (12) and (13);

(15) Establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds, public facilities, libraries and squares, wharves, bridges, viaducts, subways, tunnels, sewers and drains within or without the corporate limits, regulate their use within the corporate limits, assess fees for the use of or impact fees and adequate facility taxes, not in violation of the County Powers Act, codified as Tennessee Code Annotated, Title 67, Chapter 4, Part 29, upon such property and facilities, and take and appropriate property therefor under the provisions of Tennessee Code Annotated, §§ 7-31-107-7-31-111 and 29-16-114, or any other manner provided by general law;

(16) Construct, improve, reconstruct and reimprove by opening, extending, widening, grading, curbing, guttering, paving, graveling, macadamizing, draining or otherwise improving any streets, highways, avenues, alleys or other public places within the corporate limits, and assess a portion of the cost of these improvements on the property abutting on or adjacent to these streets, highways or alleys under, and as provided by Tennessee Code Annotated, Title 7, Chapters 32 and 33;

(17) Assess against abutting property within the corporate limits the cost of planting shade trees, removing from sidewalks all accumulations of snow, ice,

and earth, cutting and removing obnoxious weeds and rubbish, street lighting, street sweeping, street sprinkling, street flushing and street oiling, the cleaning and rendering sanitary or removal, abolishing, and prohibiting of closets and privies, in such manner as may be provided by general law or by ordinance of the board;

(18) Acquire, purchase, provide for, construct, regulate and maintain and do all things relating to all marketplaces, public buildings, bridges, sewers and other structures, works and improvements;

(19) Collect and dispose of drainage, sewage, ashes, garbage, refuse or other waste, or license and regulate their collection and disposal, and the cost of collection, regulation, or disposal may be funded by taxation, special assessment to the property owner, user fees or other charges;

(20) License and regulate all persons, firms, corporations, companies and associations engaged in any business, occupation, calling, profession or trade not prohibited by law;

(21) Impose a license tax upon any animal, thing, business, vocation, pursuit, privilege or calling not prohibited by law;

(22) Define, prohibit, abate, suppress, prevent and regulate all acts, practices, conduct, business, occupations, callings, trades, use of property and all other things whatsoever detrimental, or liable to be detrimental, to the health, morals, comfort, safety, convenience or welfare of the inhabitants of the municipality, and exercise general police powers;

(23) Prescribe limits within which business occupations and practices liable to be nuisances or detrimental to the health, morals, security or general welfare of the people may lawfully be established, conducted or maintained;

(24) Inspect, test, measure and weigh any article for consumption or use within the municipality, and charge reasonable fees therefor, and provide standards of weights, tests and measures in such manner as may be provided by general law;

(25) Regulate the location, bulk, occupancy, area, lot, location, height, construction and materials of all buildings and structures in accordance with general law, and inspect all buildings, lands and places as to their condition for health, cleanliness and safety, and when necessary, prevent their use and require any alteration or changes necessary to make them healthful, clean or safe;

(26) Provide and maintain charitable, educational, recreative, curative, corrective, detentive, or penal institutions, departments, functions, facilities, instrumentalities, conveniences and services;

(27) Purchase or construct, maintain and establish a correctional facility for the confinement and detention of persons who violate laws within the corporate limits of the town, or contract with the county to keep such persons in the correctional facility of the county;

(28)

(A) Enforce any ordinance, rule or regulation by fines, forfeitures, and penalties, and by other actions or proceedings in any court of competent jurisdiction;

(B) Provide by ordinance for court costs in accordance with the Municipal Court Reform Act of 2004, codified at Tennessee Code Annotated, Title 16, Chapter 18, Part 3;

(29) Regulate tax, license or suppress the keeping or going at large of animals within the municipality, impound them, and in default of redemption, sell or kill them;

(30) Call elections as herein provided; and

(31) Have and exercise all powers that now or hereafter it would be competent for this charter specifically to enumerate, as fully and completely as though such powers were specifically enumerated.

ARTICLE II

MAYOR AND TOWN BOARD

SECTION 2.01. Election of Mayor and Board of Aldermen.

(1) A Mayor and six (6) aldermen shall be elected at large in a nonpartisan municipal election conducted by the Election Commission of DeKalb County at the same hours and places for holding general elections and under the general election laws of the state, as follows:

At the regular town election to be held on the first Thursday in September, 2009 and every four (4) years thereafter, there shall be elected a Mayor and three (3) Aldermen who shall hold office for four (4) years and until their successors are duly elected and qualified. At the regular town election to be held the first Thursday in September, 2011 and every four (4) years thereafter, there shall be elected three (3) Aldermen who shall hold office for four (4) years and until their successors are elected and qualified. Any elector who has been a resident of the town for at least one (1) year may be qualified as a candidate by a nominating petition submitted to the DeKalb County Election Commission at such time and manner as determined by the general laws of the State of Tennessee.

(2) Each elector shall be entitled to vote for three (3) candidates for Alderman in any regular municipal election, and candidates receiving the three (3) highest number of votes for Alderman shall be elected. In special town elections to fill vacancies in the office of Alderman, each elector shall be entitled to cast votes equal to the number of vacancies being filled. Each elector shall be entitled to cast one (1) vote for Mayor in the September, 2009 regular municipal election, and every four (4) years thereafter.

(3) The terms of office of Mayor and all Aldermen shall commence at 12:01 P.M. on the next day following their election, and they shall serve until their successors have been elected and qualified. No informality shall invalidate such an election, provided it is conducted fairly and in substantial conformity with the requirements of this Charter and the general election laws of the state.

SECTION 2.02. Restrictions on candidates and their supporters. The giving or promising to any person or persons any office, employment, money, benefit, or anything of value, by or on behalf of any candidate, pursuant to Tennessee Code Annotated, § 8-17-101, et seq., is strictly prohibited, and any person convicted of such shall be deemed to be ineligible to hold an office or position of employment in the town government for a period of five (5) years.

SECTION 2.03. Town Board.

(a) Six (6) Aldermen elected under this Charter shall comprise the Town Board, in which is vested all corporate, legislative and other powers of the town, except as otherwise provided in this Charter.

(b) The salary of the Mayor and Aldermen shall be as determined by a majority vote of the entire Board, however no salary may be increased or decreased during a term of office.

(c) The Board shall meet regularly at least once every month at the town hall or municipal building, or at such other place and time as may be prescribed by ordinance. The Board shall meet in special session on written notice of the Mayor or any three (3) Aldermen and served on the other members of the Board personally at least twelve (12) hours in advance of the meeting. Only the business stated in the written call may be transacted at a special meeting. Informal meetings or work sessions of the Board may be held for the purpose of fact finding and conducting inspections; however, there shall be no official action taken by the Board in such meetings. The Board shall exercise its powers only in public meetings.

(d) A majority of the Board shall constitute a quorum, and the presence of the Mayor and three (3) Aldermen, and in the absence of the Mayor, the presence of the Vice-Mayor and three (3) Aldermen shall constitute a majority. The Council may, by ordinance, adopt rules and by-laws to govern the conduct of its business, including procedures and penalties for compelling the attendance of

absent members. The Board may subpoena and examine witnesses and order the production of books and papers.

SECTION 2.04. Duties of the Mayor. The Mayor shall preside at meetings of the Board and is authorized to vote in the event of a tie vote of the Board. He shall have veto power over any legislative actions of the Board. The Mayor shall have ten (10) days after the passage of a legislative matter to notify the Board in writing of his veto. In the event the Mayor does not sign the legislative action within ten (10) days or notify the Board of his veto, the measure shall be approved without his signature. A simple majority vote of the Board, at the next meeting following the Mayor's veto, shall be required to override the Mayor's veto.

The Mayor shall be the chief administrative officer of the town, unless the Board has provided otherwise, and shall be recognized as the ceremonial head of the town. He shall be the officer to accept process, and upon whom process against the town shall be served. He shall perform other duties prescribed by this Charter and by ordinances not inconsistent with this Charter.

SECTION 2.05. Vice-mayor. The Board shall elect from its membership a Vice-Mayor for a term of two (2) years and who shall have a vote on all questions proposed at any meeting. The Vice-Mayor shall perform the duties of the Mayor during his absence or inability to act, and shall fill out any expired term in the office of Mayor, in which case an Alderman shall be elected by majority vote of the Board to serve as Vice-Mayor.

SECTION 2.06.

(a) Vacancy in office of Mayor or Alderman. A vacancy shall exist if the Mayor or a Alderman resigns, dies, moves his residence from the town, is convicted of malfeasance or misfeasance in office, a felony, a violation of this Charter or election laws of the state, or a crime involving moral turpitude, fails to attend any meeting of the Aldermen for a period of ninety (90) days with no extenuating circumstances, or has been continuously disabled for a period of six (6) months so as to prevent him from discharging the duties of his office. The Board by resolution shall declare a vacancy to exist for any of these reasons, and such finding shall be final.

(b) In the event of a vacancy in the office of Mayor, the Vice-Mayor shall serve as Mayor until the next municipal election. The Board shall fill vacancies in the office of Alderman by affirmative vote of a majority of the remaining members, but any portion of an unexpired four (4) year term for Alderman or Mayor that remains beyond the next municipal election shall be filled by the voters at such election, if the vacancy occurs at least twenty (20) days before the latest time for filing nominating petitions for candidates in that election.

(c) All such elections by the Board shall be made by voice vote, on the calling of the roll. If a tie vote occurs in filling a vacancy on the Board, the presiding officer shall vote to break the tie.

(d) Any person convicted of malfeasance or misfeasance in office, a felony, or a crime involving moral turpitude shall be prohibited from holding office or employment with the town for a period of ten (10) years thereafter.

SECTION 2.07. Restrictions on Aldermen. The Board shall act in all matters as a body, and no member shall seek individually to influence the official acts of the Mayor or any other officer or employee of the town, or to direct or request the appointment of any person to, or his removal from, any office or position of employment, or to interfere in any way with the performance of duties by the Mayor or any other officer or employee. The Board shall deal with the various agencies, officers and employees of the town, except boards or commissions authorized by this Charter, solely through the Mayor, and shall not give orders to any subordinates of the Mayor, either publicly or privately. Nothing herein shall prevent the Alderman from conducting such inquiries into the operation of the town government and the conduct of the town's affairs as such Alderman may deem necessary. The office of any Alderman violating any provision of this section shall immediately become vacant upon his conviction in a court of competent jurisdiction.

SECTION 2.08. Designation of official newspaper. The Board may, by motion, designate from time to time a newspaper of general circulation in DeKalb County, Tennessee, as the newspaper for publication of official notices of the town.

SECTION 2.09. Town legislation.

(a) Any action of the Board having a regulatory or penal effect, or as required by this Charter or general law, shall be done only by ordinance. Other actions of the Board may be accomplished by resolutions or motions. Ordinances and resolutions shall be in written form before being introduced. The enacting clause of ordinances shall be: "Be It Ordained by the Board of Aldermen of the Town of Alexandria:". No action of the Board shall be valid or binding unless approved by the affirmative vote of at least four (4) members of the Board, or three (3) members and the Mayor in the event that he should cast a tie breaking vote. Any ordinance which repeals or amends existing ordinances shall set forth at length the sections or sub-sections repealed or as amended. Every ordinance except an emergency ordinance must be approved on two (2) readings not less than one (1) week apart and shall become effective when adopted upon second and final reading unless its terms provide a later effective date. Every ordinance, except codes adopted by reference as provided in subsection (c) of this section, shall be read in full on the first reading; the second and subsequent readings, if any, may be by title only except that any amended provisions shall be read in full. Each resolution shall be read in full one (1) time and shall become effective when adopted unless its terms provide otherwise. To meet a public emergency affecting life, health or property, an emergency ordinance may be adopted on two (2) readings on separate days and become effective immediately, by the affirmative votes of four (4) members of Board, if the ordinance contains a full statement of the facts creating the emergency. However, any emergency ordinance shall be effective for only ninety (90) days. Appropriations, revenues, franchises, contracts, levy of taxes, or special privileges shall not be passed as emergency ordinances.

(b) The Board shall have the general and continuing ordinances of the town assembled and copied in a well bound book or loose leaf filler book, a copy

of which shall be kept currently up to date by the Town Recorder and shall be available to the public for inspection.

(c) The Board may have the general and continuing ordinances of the town assembled into an official Code of the Town, a copy of which shall be kept up-to-date by the Town Recorder and shall be available to the public for inspection. Upon adoption of the Town Code all ordinances shall be adopted as additions to, deletions from, or amendments to the Code.

(d) Standard Codes may be adopted by ordinances which contain only references to titles, dates, issuing organizations, and such changes to the standard Codes as the Board may deem desirable. Procedures prescribed by general law shall be followed when adopting such standard codes. Copies of the official Code and any standard Codes so adopted by reference shall be available to the public at prices fixed by the Board.

(e) The original copies of ordinances, resolutions, contracts, and other documents shall be filed and preserved by the Town Recorder.

SECTION 2.10. Contributions, Donations to Non-Profit Organizations. The Board is authorized to appropriate public funds for contributions or donations to non-profit organizations, in accordance with the general laws of the State of Tennessee. The Board is prohibited from appropriating public funds for private for-profit organizations.

ARTICLE III

ORGANIZATION AND PERSONNEL

SECTION 3.01. Organization of Town Government. The town government shall be organized into departments of Records, Finance, Police, Codes, Fire, and Public Works and Utilities, unless otherwise provided by ordinance. The Board shall determine, by ordinance, the functions and duties of all departments and offices. The Board may, by ordinance, establish, abolish, merge, or consolidate offices, positions of employment, departments, and agencies of the town, may provide that the same person shall fill any number of offices and positions of employment, and may transfer or change the

functions and duties of offices, positions of employment, departments, and agencies of the town, subject to the following limitations:

(a) The number of members and the authority of the Board, as provided in this Charter, shall not be changed;

(b) All officers and employees of the town, except as otherwise specifically provided in this Charter, shall be appointed and removed by the Mayor but only with the approval of the majority of the Board voting upon such appointment or removal, and said employees shall be under the direction and control of the Mayor; and

(c) The office of Mayor shall not be abolished, nor shall his powers, as provided in this Charter, be reduced.

SECTION 3.02. Administrative duties of Mayor. The Mayor shall be the executive head of the town government, responsible for the efficient and orderly administration of the affairs of the town. The Mayor shall be responsible for the enforcement of laws, rules and regulations, ordinances, and franchises of the town, and the Town Attorney shall take such legal actions as the Mayor may direct for such purposes. The Mayor may conduct inquiries and investigations into the affairs of the town and shall have such other powers and duties as may be provided by ordinance not inconsistent with this Charter.

SECTION 3.03. Town Attorney. The Board shall appoint a Town Attorney, and such Assistant Town Attorneys as may be authorized by ordinance. The Town Attorney, or an Assistant Town Attorney designated by such Town Attorney, shall be responsible for representing and defending the town in all litigation in which the town is a party; attending all meetings of the Board; advising the Board, Mayor and other officers and employees of the town concerning legal aspects of their duties and responsibilities; approving as to form and legality all contracts, deeds, bonds, ordinances, resolutions, motions, and other official documents; and performing such other duties as may be prescribed by the Board.

SECTION 3.04. Department of Records. The Town Recorder shall be the director of the Department of Records.

(1) Appointment. The Mayor, with the approval of a majority of the Board, shall appoint a Town Recorder, who also may be appointed to the positions of Finance Director or Treasurer, or both.

(2) Recorder's Functions at Board Meetings. The Town Recorder, or his designee, shall be present at all meetings of the Board and keep a full and accurate record of all business transacted by the Board, to be preserved in permanent form.

(3) Custody of Official Records. The Town Recorder, or his designee, shall have custody of, and preserve in the Recorder's office the town seal, the public records, original rolls of ordinance, ordinance books, minutes of the board, contracts, bonds, title deeds, certificates, and papers, all official indemnity or security bonds, except the Recorder's bond, which shall be in the custody of the Mayor, and all other bonds, oaths and affirmations and all other records, papers, and documents not required by this charter or by ordinance to be deposited elsewhere, and register them by numbers, dates and contents, and keep an accurate and modern index thereof. The Recorder shall be the custodian of all employee personnel records.

(4) Ownership of Records. All such records shall be the property of the Town of Alexandria.

(5) Copies of Records and Ordinances.

(A) The Town Recorder shall provide, copy, and, when required by any officer or person, certify copies or records, papers and documents in his office.

(B) Fees for copying and certification shall be charged as established by ordinance in accordance with general law.

SECTION 3.05. Town Judge--Town Court.

(a) A town court is hereby established to be presided over by a Town Judge appointed by the Board.

(b)

(1) The Town Judge shall have the qualifications, term of office, if any, and receive the compensation the board may provide by ordinance.

(2) In the absence or disability of the Town Judge, the Mayor may designate a qualified person to serve as Town Judge to be the acting Town Judge until one can be appointed at the next regularly scheduled meeting of the Board, or as otherwise provided by ordinance.

(c) Powers to Enforce Ordinances. The Town Judge may in accordance with the Municipal Court Reform Act of 2004, codified as Tennessee Code Annotated, Title 16, Chapter 18, Part 3:

(1) Impose fines not to exceed fifty dollars (\$50.00), costs and forfeitures, and punish by fine for violation of town ordinances;

(2) Preserve and enforce order in the court and enforce the collection of all fines, costs and forfeitures imposed; and

(3) Remit, with or without condition, fines and costs imposed for violation of any ordinance provision.

(d) Fines and costs. Receipts of the Town Court shall be deposited daily with the Town Treasurer, and the Town Judge shall make monthly reports thereof to the Board.

(e) The Town Judge shall keep a docket of all cases handled by him.

(f) The Town Judge shall be the exclusive judge of the law and the facts in every case before him, and no officer or employee of the town shall attempt to influence his decision except through pertinent facts presented in open court.

SECTION 3.06. Officers and employees. Offices and positions of employment shall be filled from time to time as provided in Section 3.01 above. Salaries, wages, and remuneration for all positions shall be in accordance with a motion duly made and adopted by majority vote. In determining salaries, wages, and remuneration, due consideration shall be given to duties, responsibilities, technical knowledge and skill and education required to satisfactorily perform the work, and the availability of persons having the qualifications desired.

SECTION 3.07. Personnel actions. The appointment and promotion of employees of the town shall be on the basis of merit, considering technical knowledge

and education required to perform satisfactorily the work, experience in the particular or similar line of work, and administrative or supervisory qualifications. Unless otherwise provided by this Charter, the Mayor shall, with the approval of a majority of the Board, make appointments, promotions, transfers, demotions, suspensions, and removal of employees. The Mayor may, without the approval of the Board, for reasonable cause, suspend any employee. Upon suspension of an employee by the Mayor, he shall call a meeting of the Board within ten (10) days of such suspension and present the matter of the suspension to the Board. The Board shall make such investigation of the suspension as it may choose, and then by affirmative vote of a majority of the Board revoke the suspension and reinstate the employee, set a definite period of suspension, or dismiss the employee. The Board shall also by a majority vote, decide whether or not an employee shall receive compensation during any period of suspension. If an employee is dismissed, he shall receive only such compensation as was due him through the last day he worked for the town and any accumulated annual leave.

SECTION 3.08. Personnel rules. The Board shall by ordinance adopt personnel rules and regulations governing personnel administration by the town, not inconsistent with the provisions of this Charter.

SECTION 3.09. Oath of Office. Before a person takes any office in the town government, he shall subscribe to the following oath or affirmation, administered by the Town Recorder or any judge or official authorized by general law to administer oaths:

"I solemnly swear (or affirm) that I will support the constitution and will obey the laws of the United States and the State of Tennessee, that I will, in all respects observe the provisions of the Charter and ordinances of the Town of Alexandria, and that I will faithfully discharge the duties of the office of _____.

SECTION 3.10. Official bonds. The Mayor and every officer, agent, and employee of the town having duties embracing the receipt, disbursement, custody, or handling of money, and other officers and employees designated by the Board, shall give a fidelity bond or faithful performance bond, as determined by the Board, with some

surety company authorized to do business in the State of Tennessee as surety, in such amount as shall be prescribed by the Board. All such bonds and sureties thereto shall be subject to approval by the Board. The cost of such bonds shall be paid by the town. Such bonds shall be blanket bonds covering offices and positions to be bonded, and individual bonds may be secured only when blanket bonds are not obtainable.

SECTION 3.11. Political activity prohibited. No person shall, directly or indirectly, give, render or pay any money, service, or other valuable consideration to any person for or on account of or in connection with employment by the town government.

SECTION 3.12. Personal financial interest. Officers or employees of the town shall not profit personally, directly or indirectly, from any business transacted with the town government, nor shall any officer or employee accept any free or preferred service, benefits or concessions from any person, company or firm regulated by or doing business with the town.

ARTICLE IV

FISCAL ADMINISTRATION

SECTION 4.01. Fiscal year. The fiscal year of the town government shall begin on the first day of July of each year and end on the last day of June of each year. The fiscal year of all boards, commissions, branches, or other divisions of the town government shall begin and end as the Board may provide by ordinance, and if no such ordinance is passed by the Board, the same shall be commensurate with the fiscal year of the town government.

SECTION 4.02. Control of expenditures. The Mayor, or such other official as the Board may direct, shall be responsible for controlling expenditures of the various agencies of the town government so as to accomplish maximum efficiency and economy.

SECTION 4.03. Purchasing. Purchasing for the Town of Alexandria shall be in accordance with the Municipal Purchasing Law of 1983, codified at Tennessee Code Annotated, Title 6, Chapter 56, Part 3.

SECTION 4.04. Unauthorized contract or expenditure. Any contract or agreement made in violation of the provisions of this Charter or ordinances of the town shall be void and no expenditure shall be made thereunder. Every officer and employee who shall knowingly make or participate in any such contract or agreement, or authorize or make any expenditure hereunder, and their sureties on their official bonds, and every person who shall knowingly receive such payment, shall be jointly and severally liable to the town for the full amount so paid or received. A violation of this section by any officer or employee shall be cause for their removal.

SECTION 4.05. Annual audit. Within thirty (30) days after the beginning of each fiscal year, the Board shall employ an independent, certified public accountant to make an audit of all financial records of the town for that year. The auditor shall perform adequate sampling to determine validity of the records. Each such audit shall include a determination of the legality of transactions, the mathematical accuracy of records, complete accountability, and the application of accepted municipal accounting principles. It shall be made in accordance with generally accepted auditing standards and in conformity with generally accepted accounting principles. The audit shall be completed and a report, including a summary for publication, shall be submitted to the Board within one hundred eighty (180) days after the end of the fiscal year.

SECTION 4.06. Bonds for public works contracts. Each bid on a contract for any public works or improvement shall be accomplished by a cash or surety company bid bond in the amount of five percent (5%) of the amount bid. Before any contract is awarded, the contractor shall give bond for the faithful performance of the contract, with a surety company authorized to transact business in Tennessee, in an amount equal to one hundred percent (100%) of the contract price. The Council may waive these requirements for contracts under five thousand dollars (\$5,000).

SECTION 4.07. Property taxes. All property subject to taxation shall be subject to the property tax levied by the Town Board. The County Assessor of Property shall assess all property subject to taxation, except property assessed by the State of Tennessee.

SECTION 4.08. Tax levy. The Board is authorized to make a tax levy expressed as a fixed rate per one hundred dollars (\$100) of assessed valuation not later than July 1 of each year, and such tax levy may be set by the Board at a regular meeting or at a meeting specially called for that purpose. In the event of the Board's failure to make a tax levy as herein provided, the prior year's tax rate shall continue in effect.

SECTION 4.09. Tax due dates. Property taxes shall be due on October 1 of each year. Property taxes shall become delinquent on March 1 of each year, at which time a penalty shall be added and thereafter such taxes shall be subject to interest at the rate prescribed by the general law for each month or fraction thereof until paid. On and after the date when such taxes become delinquent, the tax records of the town shall have the force and effect of a judgment of a court of record.

SECTION 4.10. Delinquent taxes. The Board may provide by ordinance for the collection of delinquent taxes by distress warrants issued by the Town Judge for the sale of goods and chattels to be executed by any police officer of the town under the laws governing execution of such process from a General Sessions Court; or by the County Trustee as provided by general law; by garnishment; by suits in Chancery; by any two (2) or more of the foregoing methods, or by the use of any other available legal processes.

SECTION 4.11. County may collect taxes. The town may contract with the county for the collection of town taxes. The contract may provide for reasonable fees to be paid to the county for such service.

SECTION 4.12. Taxes not to be excused. All officers or employees of the town are prohibited from excusing taxes, penalties, interest, special assessment, or other charges due the town, but errors may be corrected when authorized by the Board.

SECTION 4.13. Disbursements by checks. All disbursements, except for any agency of the town administered by a separate Board or Commission, shall be made by checks signed by the Town Treasurer and countersigned by the Mayor, Vice-Mayor, or other elected Board member authorized by ordinance. The Board may by resolution

designate other officers to sign such checks in the absence or disability of the Mayor or Town Treasurer.

SECTION 4.14. Official depository. The Board shall designate an official depository or depositories for deposit and the Board may deem safekeeping of funds of the town, with such collateral security as necessary.

SECTION 4.15. Tax anticipation borrowing. The Board may borrow money in anticipation of taxes, for payment of current and necessary expenses.

ARTICLE V

INTERGOVERNMENTAL COOPERATION AND CONTRACTING

SECTION 5.01. Intergovernmental cooperation and contracts. In addition to other powers granted in this Charter, the Town Board 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 exercise of any power or function which the town is authorized to undertake by this Charter.

SECTION 5.02. Execution of such powers. The Town Board may exercise the powers conferred in this Article by ordinance or resolution setting out the terms to be included in any such 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 property jointly. The town may provide for the financing of its share or portion of the cost or expenses of such contract or cooperative action in the same manner as if it were acting alone and on its own behalf.

Such contract may also provide for the establishment and selection of a joint commission, officer or officers to supervise, manage, and have charge of a 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 of the contract or cooperative action by ordinance or resolution, and the notice, if any, to be given of such termination or cancellation. 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 5.03. Immunities and liabilities of officers. All public officers acting under the authority of a contract or undertaking cooperative action under the provisions of this Article shall enjoy the same immunities and be subject to the same liabilities as if they were acting entirely within the territorial limits of their respective governmental units.

SECTION 5.04. Handling of funds. All money received pursuant to any such contract or cooperative action, under the provisions of this Article, unless otherwise provided by law, shall be deposited and disbursed in accordance with the provisions of such contract or cooperative action.

ARTICLE VI

MISCELLANEOUS PROVISIONS

SECTION 6.01. Penalties. A person found to be in violation of any provision of this Charter, for which a penalty is not specifically provided herein, shall be fined not more than fifty dollars (\$50.00). Each day the violation continues shall be considered a separate violation.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the Town of Alexandria, such vote to be taken not less than sixty (60) nor more than one hundred twenty (120) days after the date this act takes effect. Its approval or nonapproval shall be proclaimed by the presiding officer of the town and certified to the secretary of state within ten (10) days of such approval or nonapproval.

SECTION 4. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 3.