

HOUSE BILL 1513

By Cochran

AN ACT to amend Chapter 455 of the Private Acts of 1953; as amended by Chapter 260 of the Private Acts of 1976; Chapter 121 of the Private Acts of 1986; Chapter 213 of the Private Acts of 1990; Chapter 215 of the Private Acts of 1992; Chapter 83 of the Private Acts of 2000; Chapter 114 of the Private Acts of 2002; Chapter 92 of the Private Acts of 2004; Chapter 23 of the Private Acts of 2005 and Chapter 3 of the Private Acts of 2007; and any other acts amendatory thereto, relative to the charter of the city of Athens.

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

SECTION 1. Article IX, Section 2, subsection (i), of Chapter 455 of the Private Acts of 1953, as amended by Chapter 260 of the Private Acts of 1976, Chapter 213 of the Private Acts of 1990, Chapter 215 of the Private Acts of 1992, Chapter 83 of the Private Acts of 2000, Chapter 92 of the Private Acts of 2004, and Chapter 23 of the Private Acts of 2005, and any other acts amendatory thereto, is amended by deleting the subsection and substituting instead the following:

Maximum expenditures by City Manager: The City Council shall prescribe by ordinance the maximum expenditure which the City Manager may make without specific authorization of the council, and shall prescribe rules for competitive bidding, but no purchase shall be made at any one time in an amount which in the aggregate will exceed the state-adopted maximum as provided in Tennessee Code Annotated, Title 6, Chapter 56, Part 3, unless bids shall have been requested through public advertisement and award made on bids most advantageous to the city. Any exceptions to competitive bidding established by state law shall apply to purchases by the city, including, but not limited to, those exceptions set forth in Tennessee Code Annotated, Section 6-56-304.

When any contract is not awarded to the lowest bidder, the reason for such action shall be given in writing to the City Council.

SECTION 2. Article XX, Section 7 of Chapter 455 of the Private Acts of 1953, as amended by Chapter 3 of the Private Acts of 2007, and any other acts amendatory thereto, is amended by deleting the section and substituting instead the following:

Be it further enacted, That said Board of Education shall, at its first meeting after the official certification of each general city election elect from its number for a one-year term, a Chairperson, a Vice-Chairperson, a Secretary, and a Treasurer. Upon the expiration of these one-year terms, the Board of Education shall elect from its number a Chairperson, a Vice-Chairperson, a Secretary, and a Treasurer to serve for a one-year term or until the official certification of a General City Election at which time these offices shall be elected again for a one-year term; provided, however, that the board in its discretion, may combine the latter two (2) officers and may appoint the Superintendent of Schools as its Secretary or Treasurer, either or both. Said Board of Education shall keep minutes of all its proceedings in a well bound book, signed by the Chairperson and attested by the Secretary--said book to constitute a permanent and public record. The Treasurer shall receive and hold all school money for the City of Athens, from whatever source (until disbursed on checks signed by himself and countersigned by the Chairperson); provided, that the Treasurer of said board shall, before entering upon the duties of his office, file a bond with the head of the Department of Finance of the City of Athens, in the minimum sum of five thousand dollars (\$5,000.00), or such other and additional amount as the board may require, endorsed by a responsible indemnity corporation, costs for which shall be paid by check issued by said board conditioned upon the faithful discharge of his duties, which bond shall be approved by the Board of Education.

Checks shall be issued only when adequate funds are available for the purpose and where the particular expenditure is authorized by the school budget hereinafter referred to. (Said Treasurer shall submit a periodic financial statement to the City Council.)

SECTION 3. Article XX, Section 13 of Chapter 455 of the Private Acts of 1953, as amended by Chapter 121 of the Private Acts of 1986, Chapter 215 of the Private Acts of 1992, and Chapter 114 of the Private Acts of 2002, and any other acts amendatory thereto, is amended by deleting the language "five thousand dollars (\$5,000)" wherever it appears and substituting instead "the state-adopted maximum as provided in Tennessee Code Annotated, Title 6, Chapter 56, Part 3".

SECTION 4. Article XXIII, Section 1 of Chapter 455 of the Private Acts of 1953, as amended by Chapter 213 of the Private Acts of 1990, Chapter 215 of the Private Acts of 1992, and Chapter 83 of the Private Acts of 2000, and any other acts amendatory thereto, is amended by deleting the language after the language "Be it further enacted," and substituting instead the following:

That any public work or improvement, costing more than the amount authorized by Article IX, Section 2, subsection (i) entitled "Maximum expenditures by City Manager," shall be executed by contract, except when specific work or improvements are authorized by the City Council and approved by the City Manager, to be done by the city's own departments.

But the City Manager shall have the power to reject all bids and to perform the work with the city's departments subject to the approval of the City Council and all advertisement shall contain a reservation of this right.

SECTION 5. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Athens. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 6. 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 5.