

HOUSE BILL 1527

By Leatherwood

AN ACT to amend Chapter 58 of the Private Acts of 2012; as amended by Chapter 51 of the Private Acts of 2014; and any other acts amendatory thereto, relative to the charter of the city of Millington.

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

SECTION 1. Section 4.07 of Chapter 58 of the Private Acts of 2012, and any other acts amendatory thereto, is amended by deleting the language "except by unanimous consent of all the Aldermen present at such meeting".

SECTION 2. Section 4.08 of Chapter 58 of the Private Acts of 2012, as amended by Chapter 51 of the Private Acts of 2014, and any other acts amendatory thereto, is amended by deleting the language "published in a newspaper of general circulation within the community and".

SECTION 3. Section 4.09 of Chapter 58 of the Private Acts of 2012, and any other acts amendatory thereto, is amended by deleting the section and substituting instead the following:

SECTION 4.09. OFFICIALS' OATH OF OFFICE. The Mayor, Aldermen, and any person assuming any office of the city shall, before entering upon the duties of the respective offices, take an oath, before a person authorized to administer oaths in this state, to faithfully, uprightly, and honestly demean themselves as such officers of the city during their continuance in office and shall subscribe to the following oath or affirmation:

"I, _____, do solemnly swear, that I will faithfully discharge the duties of _____ for the City of Millington, Tennessee, and will uphold the Charter and ordinances of the City of Millington, the Constitution and laws of the State of Tennessee and of the United States of America. I further swear, that I shall

perform my duties without favor or partiality, and not affected by personal consideration of gain or conflict. This, I do solemnly swear, so help me God."

SECTION 4. Section 5.02 of Chapter 58 of the Private Acts of 2012, as amended by Chapter 51 of the Private Acts of 2014, and any other acts amendatory thereto, is amended by deleting subsection (a) and substituting the following:

(a) DUTIES. The City Manager shall be directly responsible to the Mayor and the Board to exercise general administrative responsibilities assigned to the City Manager for the coordination and direction of the activities of the operating departments, including, but not limited to: the preparation of official agenda for all meetings; the preparation and administration of annual operating and capital improvement budgets; the preparation of reports for the Mayor and Board; purchasing; investigation of citizens' complaints; preparation of applications for grants and administration thereof; and administration of personnel policies, including the selection and discipline of personnel. However, the qualifications of all applicants for operating department heads shall be reviewed by the City Manager, and operating department heads shall be appointed by a simple majority vote of the Board. The termination of operating department heads may be done upon recommendation of the City Manager and approved by a simple majority of the Board or by five (5) Aldermen without recommendation of the City Manager. The City Manager may direct the City Attorney to initiate legal proceedings to enforce contracts and provisions of the City Code. The City Manager shall perform such other duties as may be described by ordinance. The City Manager shall also maintain all necessary intergovernmental relationships and attend all meetings of the Board. The job description of the City Manager shall be as approved by resolution by the Mayor and Board of Aldermen.

SECTION 5. Section 6.02 of Chapter 58 of the Private Acts of 2012, and any other acts amendatory thereto, is amended by adding the following language immediately preceding the last sentence: "The City Attorney may initiate legal proceedings on behalf of the City as directed by the City Manager or by resolution adopted by the Board of Mayor and Aldermen."

SECTION 6. Section 8.01 of Chapter 58 of the Private Acts of 2012, and any other acts amendatory thereto, is amended by deleting the section and substituting instead the following:

SECTION 8.01. DEPARTMENTS, OFFICES, AND AGENCIES. The Board may establish or abolish City departments, offices or agencies including those created by this Charter and may prescribe the functions of all departments, offices and agencies not in conflict with this Charter.

SECTION 7. Section 9.04 of Chapter 58 of the Private Acts of 2012, and any other acts amendatory thereto, is amended by adding the following to the end of the section:

The budget must provide separately for each Fund maintained by the City and be prepared on the same accounting basis as generally accepted accounting principles require for the financial statements of that fund.

SECTION 8. Section 9.13 of Chapter 58 of the Private Acts of 2012, and any other acts amendatory thereto, is amended by deleting the word "ordinance" and substituting instead the word "resolution".

SECTION 9. Section 11.01 of Chapter 58 of the Private Acts of 2012, and any other acts amendatory thereto, is amended by deleting the language "and shall also have concurrent general sessions jurisdiction over offenses against criminal laws of the State committed within the City".

SECTION 10. Section 11.02 of Chapter 58 of the Private Acts of 2012, and any other acts amendatory thereto, is amended by deleting the section and substituting instead the following:

SECTION 11.02. NUMBER OF JUDGES. The City shall have a City judge or judges as the need is determined by the Board. The Board shall appoint all City judges, who will hear only violations of municipal ordinances, and specify the term and duties of said judges.

SECTION 11. Section 11.03 of Chapter 58 of the Private Acts of 2012, and any other acts amendatory thereto, is amended by deleting the section and substituting instead the following:

SECTION 11.03. (Deleted by amendment in 2019.)

SECTION 12. Section 11.04 of Chapter 58 of the Private Acts of 2012, and any other acts amendatory thereto, is amended by deleting the following language:

The jurisdiction of the elected City judge shall extend to the trial of all offenses against the ordinances of the City and, concurrently with the Court of General Sessions of Shelby County, Tennessee, for violation of the criminal laws of the State.

SECTION 13. Section 11.05 of Chapter 58 of the Private Acts of 2012, and any other acts amendatory thereto, is amended by deleting the section and substituting instead the following:

SECTION 11.05. (Deleted by amendment in 2019.)

SECTION 14. Section 11.07 of Chapter 58 of the Private Acts of 2012, and any other acts amendatory thereto, is amended by deleting the section and substituting instead the following:

SECTION 11.07. (Deleted by amendment in 2019.)

SECTION 15. Section 11.08 of Chapter 58 of the Private Acts of 2012, and any other acts amendatory thereto, is amended by deleting the section and substituting instead the following:

SECTION 11.08. TERMS; ELECTION PROCEDURE. The City judge elected at present shall remain in office through the term for which he was elected and shall have all authority and jurisdiction that existed at the beginning of the term.

SECTION 16. Section 11.09 of Chapter 58 of the Private Acts of 2012, and any other acts amendatory thereto, is amended by deleting the section and substituting instead the following:

SECTION 11.09. VACANCIES. A vacancy in the office of the current elected City judge shall be filled by appointment of the Board. The person appointed, however, may serve only until the next regular August City election. Thereafter, the City judge shall be an appointed position.

SECTION 17. Section 11.10 of Chapter 58 of the Private Acts of 2012, and any other acts amendatory thereto, is amended by deleting the section and substituting instead the following:

SECTION 11.10. COMPENSATION. Judges appointed by the Board shall be compensated in accordance with personnel policies applicable to city employees and state law.

SECTION 18. Section 11.11 of Chapter 58 of the Private Acts of 2012, as amended by Chapter 51 of the Private Acts of 2014, and any other acts amendatory thereto, is amended by deleting the section and substituting instead the following:

SECTION 11.11. RECORDS; DOCKETS; CITY COURT CLERK. The City Court Clerk shall be hired and compensated in accordance with personnel policies applicable to city employees. The City Court Clerk shall maintain accurate detailed records and summary reports of all financial transactions and affairs of the court in accordance with applicable laws. Subject to the general law and the authority of the City judge, the Board shall fix the regular time for holding court.

SECTION 19. 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 Millington. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 20. 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 19.