

Filed for intro on \_\_\_\_\_  
Senate Bill \_\_\_\_\_  
By \_\_\_\_\_

House No. HB1833  
By Phelan

AN ACT to amend Chapter 267 of the Acts of 1899, as amended by Chapter 439 of the Acts of 1901, Chapter 256 of the Acts of 1903, Chapter 106 of the Private Acts of 1911, Chapter 195 of the Private Acts of 1915, Chapter 256 of the Private Acts of 1927, Chapter 286 of the Private Acts of 1929, Chapter 269 of the Private Acts of 1933, Chapters 87 and 177 of the Private Acts of 1955, Chapter 28 of the Private Acts of 1971, Chapter 230 of the Private Acts of 1976, Chapter 236 of the Private Acts of 1984, and all other acts amendatory thereto, relative to the charter of the City of Dyer.

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

SECTION 1. Chapter 267 of the Acts of 1899, as amended by Chapter 439 of the Acts of 1901, Chapter 256 of the Acts of 1903, Chapter 106 of the Private Acts of 1911, Chapter 195 of the Private Acts of 1915, Chapter 256 of the Private Acts of 1927, Chapter 286 of the Private Acts of 1929, Chapter 269 of the Private Acts of 1933, Chapters 87 and 177 of the Private Acts of 1955, Chapter 28 of the Private Acts of 1971, Chapter 230 of the Private Acts of 1976, Chapter 236 of the Private Acts of 1984, and all other acts amendatory thereto, is amended by deleting Article I, Section 4 in its entirety.

SECTION 2. Chapter 267 of the Acts of 1899, as amended, is further amended by deleting Article II, Section 1 in its entirety and substituting instead the following:

Legislative power vested in city council. The legislative power of the City of Dyer shall be vested in City Council, consisting of a mayor and eight (8) aldermen to be

elected from the city at large in accordance with the provision of Article 4 as hereinafter set out.

SECTION 3. Chapter 267 of the Acts of 1899, as amended, is further amended by deleting Article II, Section 5 in its entirety and substituting instead the following:

Recorder to keep minutes of council proceedings and votes. A record of the proceedings of the city council shall be kept by the recorder, hereinafter provided for, and in the event of the recorder's sickness or absence the assistant recorder or some member of the city council may act as recorder for the purpose of recording the proceedings of such city council. All votes of the city council shall be by "Aye or No" and no ordinance shall be binding unless the record of the vote on same shall show that a majority of the votes cast were for same.

SECTION 4. Chapter 267 of the Acts of 1899, as amended, is further amended by deleting the last sentence of Article II, Section 6 in its entirety and substituting instead the following:

Until further change be made by the council the stated meetings of the same shall be held upon the second (2nd) and fourth (4th) Monday of each month.

SECTION 5. Chapter 267 of the Acts of 1899, as amended, is further amended by deleting Article II, Section 9, Subsection 17 in its entirety.

SECTION 6. Chapter 267 of the Acts of 1899, as amended, is further amended by adding at the end of Article II, Section 9, Subsection 18 the following:

fire hydrant, over or by sewer line, etc.

SECTION 7. Chapter 267 of the Acts of 1899, as amended, is further amended by deleting Article II, Section 11 in its entirety and substituting instead the following:

Power of mayor and council to elect and/or terminate all city employees. That the mayor and council shall have and is hereby given the authority and power to elect all city employees. Such employees shall be elected by the mayor and city council when an opening, vacancies, or termination occurs. There shall be two (2) exceptions:

volunteer firefighters, and part-time or temporary employment. Employment and termination of part-time or temporary employees shall be the responsibility of the mayor and department head.

SECTION 8. Chapter 267 of the Acts of 1899, as amended, is further amended by deleting Article II, Section 13 in its entirety and substituting instead the following:

Power of council to elect police chief and police officers. That the city council shall have and is hereby given the authority and power to elect a police chief and police officers. Such officers shall be elected by the city council when a vacancy or vacancies occur. Said officers shall be subject to disciplinary action or removal from employment from the City of Dyer by use of personnel policies.

SECTION 9. Chapter 267 of the Acts of 1899, as amended, is further amended by adding at the end of Article III, Section 2 the following:

The mayor shall be the supervisor of all department heads.

SECTION 10. Chapter 267 of the Acts of 1899, as amended, is further amended by deleting from Article III, Section 7, the following:

for said office

SECTION 11. Chapter 267 of the Acts of 1899, as amended, is further amended by deleting Article III, Section 11 in its entirety and substituting instead the following:

Depository for municipal funds. The board of mayor and aldermen shall designate an official depository or depositories for deposit and safekeeping of funds of the City, with such collateral security as may be deemed necessary by the board.

SECTION 12. Chapter 267 of the Acts of 1899, as amended, is further amended by deleting Article IV, Section 1, in its entirety and substituting instead the following:

Elections; terms of office. That effective June, 1995, four (4) aldermen will be elected at-large for four (4) year terms. The same will continue in June, 1997 and each subsequent odd years. The mayor shall be elected for the term of four (4) years in June, 1995 and subsequent odd years.

SECTION 13. Chapter 267 of the Acts of 1899, as amended, is further amended by deleting Article IV, Section 6, in its entirety and substituting instead the following:

Vacancies in office. Should a temporary vacancy occur in any office provided for herein, except that of mayor, the alderman of the city council may fill the same by election of a citizen by majority vote, to serve the unexpired term or until the regularly elected aldermen shall return to serve the remainder of his term. Should a permanent vacancy occur in any elective office provided for herein, the same shall be filled by nominations from the three (3) members of the board of citizens until such time there is another municipal election. The three (3) members shall be appointed by the mayor and approved by the board of aldermen. The nominee(s) shall be elected by majority vote to serve until the next regularly scheduled city election. A temporary vacancy shall occur when any member does not report for regularly scheduled meetings for three (3) months. A permanent vacancy shall occur on removal of residence from the City of Dyer, death, or resignation.

SECTION 14. Chapter 267 of the Acts of 1899, as amended, is further amended by deleting from Article IV, Section 7, Paragraph 2, the language “marshall, night watchman or other policemen” and substituting instead the language “chief-of-police and policemen”.

SECTION 15. Chapter 267 of the Acts of 1899, as amended, is further amended by deleting from the last sentence of Article VI, Section 4, the following:

and give same to the marshall for collection

SECTION 16. Chapter 267 of the Acts of 1899, as amended, is further amended by deleting from the first sentence of Article VII, Section 1, the language:

not to exceed 6 per cent per annum,

SECTION 17. Chapter 267 of the Acts of 1899, as amended, is further amended by deleting from the first sentence of Article VIII, Section 1, the following:

who shall be ex officio marshal

SECTION 18. Chapter 267 of the Acts of 1899, as amended, is further amended by deleting Article VIII, Section 2, in its entirety and substituting instead the following:

Compensation of chief-of-police and policemen. Be it further enacted, that the salary of the chief-of-police and other policemen of the City of Dyer, in Gibson County, Tennessee, shall be regulated by a majority vote of the city council of the City of Dyer, and neither the chief-of-police nor any other policemen shall be entitled to any other compensation for their services rendered the city during their employment on the police force.

SECTION 19. Chapter 267 of the Acts of 1899, as amended, is further amended by deleting from Article VIII, Section 3, the language "marshal" wherever it appears and substituting instead the language "chief-of-police".

SECTION 20. Chapter 267 of the Acts of 1899, as amended, is further amended by deleting from Article VIII, Section 4, the language "marshal" wherever it appears and substituting instead the language "chief-of-police".

SECTION 21. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the governing body of the City of Dyer. Its approval or nonapproval shall be proclaimed by the presiding officer of the City of Dyer and certified to the secretary of state.

SECTION 22. 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 upon being approved as provided in Section 21.

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