Hot Topics for Tennessee cities and towns

April 4, 1995 #13

Charters Change for Three Types of General Law Cities: Mayor-Aldermanic, Uniform City Manager-Commission and Modified City Manager-Council

Effective immediately upon its signing Mar. 17 by Gov. Sundquist, a new law made two significant changes in the uniform city manager-commission charter.

1. The first change reduced the number of required readings of an ordinance from three to two.
2. The second change deleted the provision that all powers enumerated under the charter had to be performed by ordinance.

The rest of the charter changes made by this new law were predominately housekeeping. Remember: all the changes affect general law charters. If you have a private act charter, this doesn't affect your city.

The following changes were made to the mayor-aldermanic charter:

- The requirements for incorporation have changed from a population of 750 to 1,500 (*Tennessee Code Annotated* 6-1-201).
- The petition for incorporation plan of service has to "set forth the identification and projected timing of municipal services proposed to be provided and the revenue from purely local sources to be payable annually." In the past, these revenue sources had to be from property taxes.
- *T.C.A.* 6-1-205 was amended to clarify that the provisions of this charter apply only to those municipalities that adopt the mayor-aldermanic charter.
- The penalty provision of $50 is taken out under *T.C.A.* 6-2-201 (28)(B) and 6-4-302 (c). State law was previously amended under *T.C.A.* 6-54-308 to allow municipalities to impose penalties by ordinance for violation of municipal ordinances (except for moving traffic violations) up to $500, but the individual charters weren't changed.

The following changes were made to the uniform city manager-commission charter:

- The provisions to adopt the city manager charter have been slightly altered with the deletions of *T.C.A.* 6-18-103 (c) and 6-18-103 (d). Those sections had provided for a 15-month abeyance period for incorporation whenever existing cities asked for the incorporation to be held. These provisions were no longer necessary because changes had previously been made so that incorporations couldn't take place within three miles of an existing city.

MTAS LIBRARY
UNIV. OF TENN APR 5 1995

- *T.C.A.* 6-18-106 was amended to clarify that the provisions of this charter apply only to those municipalities that adopt the city manager-commission charter.
- *T.C.A.* 6-19-101 previously read that all powers of the city (items 1-33) had to be exercised by ordinance. This included items such as making of contracts. ***This is a very big change to the way cities under this charter will conduct business. Please review the statute in detail.***
- The penalty provision of $50 is taken out under *T.C.A.* 6-19-101 and 6-21-502. State law was previously amended under *T.C.A.* 6-54-308 to allow municipalities to impose penalties by ordinance for violation of municipal ordinances (except for moving traffic violations) up to $500, but the individual charters weren't changed.
- *T.C.A.* 6-20-215 was amended so that ***ordinances now have to be passed with two readings instead of three.***
- *T.C.A.* 6-21-108 has been amended to clarify the role of the city manager with regard to personnel decisions. It now provides that the city manager power and duties include the ability to "appoint, promote, demote, suspend, transfer, remove, and otherwise discipline all department heads and subordinate employees at any time, subject only to any personnel rules and regulations adopted by ordinance or resolution by the commission. Any hearings on, or appeals from, the city manager's personnel decisions provided for in the personnel rules and regulations shall be exclusively before the city manager or a hearing officer designated by the city manager."
- Appropriation ordinance amendments now can be done at any time during a current fiscal year without publishing the ordinance revisions in the newspaper one week before board consideration.

The following change was made to the modified city manager-council charter:

- *T.C.A.* 6-30-106 was amended to clarify that the provisions of this charter apply only to those municipalities that adopt the modified city manager-council charter.

Clip and Post by Your Phone

The University of Tennessee
Municipal Technical Advisory Service

600 Henley Street, Suite 120
Knoxville, TN 37996-4105
(615) 974-0411
Fax (615) 974-0423

226 Capitol Boulevard, Suite 402
Nashville, TN 37219-1804
(615) 532-MTAS (6827)
Fax (615) 532-4963

605 Airways Boulevard, Suite 109
Jackson, TN 38301
(901) 423-3710
Fax (901) 425-4771

P.O. Box 100
Martin, TN 38238
(901) 587-7055
Fax (901) 587-7059

208 Sunset Drive, Suite 408
Johnson City, TN 37604
(615) 854-9882
Fax (615) 854-9223

The University of Tennessee does not discriminate on the basis of race, sex, color, religion, national origin, age, handicap, or veteran status in provision of education opportunities or employment opportunities and benefits.

The University does not discriminate on the basis of sex or handicap in its education programs and activities, pursuant to requirements of Title IX of the Education Amendments of 1972, Public Law 92-318, and Section 504 of the Rehabilitation Act of 1973, Public Law 93-112, and the Americans With Disabilities Act of 1990, Public Law 101-336, respectively. This policy extends to both employment by and admission to the University.

Inquiries concerning Title IX, Section 504, and the Americans With Disabilities Act of 1990 should be directed to Gary W. Bastelle, Director of Business Services, 109 Student Services and Administration Building, Knoxville Tennessee 37996-0212, (615) 974-6622. Charges of violation of the above policy should also be directed to Mr. Bastelle.

Authorization No. E14-1050-00-002-95

The University of Tennessee
Municipal Technical Advisory Service
600 Henley Street
Suite 120
Knoxville, Tennessee 37996-4105

MTAS Mission Statement

The Municipal Technical Advisory Service (MTAS) was created in 1949 by the state legislature to enhance the quality of government in Tennessee municipalities. An agency of The University of Tennessee's Institute for Public Service, MTAS works in cooperation with the Tennessee Municipal League and affiliated organizations to assist municipal officials.

By sharing information, responding to client requests, and anticipating the ever-changing municipal government environment, MTAS promotes better local government and helps cities develop and sustain effective management and leadership.

MTAS offers assistance in areas such as accounting and finance, administration and personnel, fire, public works, law, ordinance codification, communications, and wastewater management. MTAS houses a comprehensive library and publishes scores of documents annually.

MTAS *Hot Topics* are information briefs that provide a timely review of current issues of interest to Tennessee municipal officials. *Hot Topics* are free to Tennessee local, state, and federal government officials and are available to others for $2 each. Photocopying of this publication in small quantities for educational purposes is encouraged. For permission to copy and distribute large quantities, please contact the MTAS Knoxville office at (615) 974-0411.

Printed on Recycled Paper