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CHARTER DRAFT

COUNCIL-MANAGER FORM OF GOVERNMENT

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Published jointly by

The Bureau of Public Administration

and the

Municipal Technical Advisory Service

The University of Tennessee

Knoxville / also pub

In cooperation with the Tennessee Municipal League

November, 1950

F O R E W O R D

This publication consists of two proposed city charters, Part I providing for the mayor-council form of government and Part II for the council-manager plan. The two charters are closely parallel, the main difference being that the executive powers in the first are vested in a mayor elected by the people, and in the second are vested in the city manager with a mayor elected by the council from its membership.

These are intended to be purely suggestive drafts, especially for use by the smaller cities in Tennessee, as a guide and working basis for the preparation of special act charters proposed for enactment by the General Assembly. By appropriate word changes, deletions or other modifications, it should be possible for the officials of any city thus to arrive at a charter draft suited to their particular requirements and preferences. The staff of the Municipal Technical Advisory Service is available, upon request, to assist in the preparation of such particularized charters. Additional copies of this publication are available upon request.

A need for this publication has been demonstrated by the number of requests received in recent months for comprehensive charter revisions. Our study of the present general laws of the state, as well as an examination of several special act charters, indicated conclusively that a modernized, simplified charter act draft undoubtedly would fill this need and could become a major factor in the improvement of municipal government in Tennessee. In general, these drafts do not deal with matters already covered by general laws of the state. The 1921 act providing for the council-manager form of government (Chapter 173 of the Public Acts of 1921; Code Sections 3517-3646) is poorly organized, has many antiquated provisions, and lacks an alternate form of school organization under the traditional separate school board. The so-called mayor-council charter, contained in Chapter 1 of Title 9 of the Tennessee Code (Section 3292 et. seq.), actually is not a charter act but merely a collection of general acts passed over a period of some 75 years, many of which apply to any city regardless of how incorporated, and hence it falls far short of meeting the standards of a compact, easily understandable city charter. It also provides for a weak mayor-council form of government, which is considered generally to be less satisfactory than the strong mayor-council form as incorporated in this charter draft.

Mr. Hobday has been responsible for most of the research and has prepared the basic manuscript, which we have reviewed and revised in some respects. Credit should

be given, and our appreciation is expressed, to Mr. Herbert J. Bingham, Executive Secretary of the Tennessee Municipal League, Mr. Harold V. Miller, Executive Director of the State Planning Commission, Mr. Porter C. Greenwood, Consultant on Municipal Law, MTAS, and Mr. M. U. Snoderly, Consultant on Municipal Engineering-Public Works, MTAS, for their review of the manuscript and constructive comments. We also wish to thank other members of the MTAS staff, including Mr. Wendell H. Russell, Administrative Assistant, and Mrs. Pan Dodd Wheeler, Publications Officer, for valuable suggestions and assistance, and Miss Sara Lawson, Mrs. Erika Sinor, Mrs. Bettye Daniel, and Mrs. Mary Bush, for their part in bringing this manuscript through various stages of preparation to final publication. Finally, we owe a debt of gratitude to the many city officials, too numerous and anonymous to mention by name, whose experiences and comments over the years have given us a richer background for undertaking this assignment.

A good charter is basic to proper and efficient municipal government, and many Tennessee cities today are operating at an unnecessary disadvantage with outmoded charters which are seriously deficient in many ways. We hope that we have succeeded, in this publication, in providing a means by which city officials will be aided in their consideration and preparation of improved charters, and thereby advance the cause of better municipal government in Tennessee.

Lee S. Greene

Gerald W. Shaw

November, 1950

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AN ACT to provide a new charter for the city of _____, and
repealing Chapter ____ of the Private Acts of ____, ... etc.¹

ARTICLE I. CHARTER, DEFINITIONS, CITY LIMITS AND CORPORATE POWERS

Section 1.01. This Act is a charter. Be it enacted by the
General Assembly of the State of Tennessee, That this Act shall
constitute the whole charter of the city of _____,
repealing and replacing the charter provided by Chapter _____
of the Private Acts of ____, ... etc.¹ The city of _____,
in the county of _____, and the inhabitants thereof, are
hereby constituted and declared a body politic and corporate by
the name and style of _____, Tennessee, and by that
name 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. Be it further enacted, That as
used in this Act the following words and terms shall have the
following meanings:

(a) "City" shall mean the city of _____.

(b) "Councilman" and "member of the council" shall mean a
person elected to the city council as provided in this Act,

¹ It is recommended that all previous acts constituting the
city's charter be repealed and that any provisions in such
previous acts which the city desires to have continued ~~be~~
should be incorporated in the new charter act.

and shall include the mayor and vice-mayor after their election to such offices.

(c) "Non-partisan" shall mean without any designation of candidates as members or candidates of any state or national political party or organization.

(d) "At large" shall mean the entire city, as distinguished from representation by wards or other districts.

(e) "Public way" shall mean any land used by the public as a passage way, including but not limited to streets, roads, highways, expressways, freeways, boulevards, avenues, parkways, alleys, lanes, sidewalks, walks, bridges, viaducts, subways, underpasses, tunnels, and other thoroughfares, and including the right of ways of such public ways.

(f) "Code" shall mean 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 municipality, or by a trade association or other organization generally recognized as an authority in its field of activity.

(g) "Agency" shall mean any office, court, utility, board, commission, institution, or other organization in charge of or administering any public function or municipal affair of the city of _____.

(h) "Officer" shall mean and include the mayor, councilmen, city judge, members of boards and commissions, and any other persons classified as public officers by the laws

or judicial decisions of this state. An "officer" as herein defined shall fill an "office," and an "employee" shall fill a "position of employment."

(i) "Elector" shall mean a person residing within the city who is qualified to vote therein.

(j) The masculine shall include the feminine, and the singular shall include the plural and vice versa.

Section 1.03. City limits. Be it further enacted, That the boundaries of the city shall be ... (detailed designation of the boundaries).

Section 1.04. Corporate powers. Be it further enacted, That the corporate powers of the city, to be exercised by the city council, shall include the following:

(a) To levy and to provide for the assessment and collection of taxes on all property subject to taxation, but the tax rate for general purposes, exclusive of debt service, shall not exceed (amount) on each one hundred dollars (\$100.00) of assessed valuation.

(b) To levy and to provide for the collection of license taxes on privileges, occupations, trades, and professions. A collection fee of one dollar (\$1.00) may be added to each such license tax.

(c) To levy and to provide for the collection ~~and~~ ^{of} registration fees on automobiles and trucks owned by residents of the city, and also on automobiles and trucks owned by non-residents and operated within the city with any regularity.

Such registration fees on trucks or automobiles may be graduated according to their tonnage capacities, weight or horsepower.

(d) To appropriate and borrow money to provide for payment of the debts of the city, and to authorize the expenditure of money for any municipal purpose or matter of national or state interest.

(e) To acquire, dispose of, and hold in trust or otherwise any real, personal or mixed property, inside or outside the city.

(f) To condemn property, inside or outside the city, for present or future use, under sections 3109 to 3134 of the Code of Tennessee, 1932, or under other applicable public acts.

(g) To acquire, operate and dispose of public utilities, subject to the provisions of applicable general laws.

(h) To grant franchises or make contracts for public utilities and public services, not to exceed a period of twenty years. The council may prescribe the rates, fares, charges, regulations, and standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor.

(i) To regulate the rates and services of public utilities in so far as not in conflict with such regulation by the State Railroad and Public Utilities Commission or other similar state or Federal agency having jurisdiction in such matters.

(j) To provide for the acquisition, construction, building,

operation and maintenance of public ways, parks, public grounds, cemeteries, markets and market houses, public buildings, libraries, sewers, drains, sewage treatment plants, airports, hospital, and charitable, educational, recreational, sport, curative, corrective, detentional, penal and medical institutions, agencies and facilities, and any other public improvements, inside or outside the city, and to regulate the use thereof, and for such purposes property may be taken under sections 3109 to 3134 and 3397 to 3401, inclusive, of the Code of Tennessee, 1932, or other applicable public acts.

(k) To require real estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands. A real estate owner shall be liable for any injury or damage sustained by reason of a defective sidewalk adjoining his lot or land and the city shall not be liable for any such injury or damage, if a city officer or employee, authorized to do so by the city council, at least ten days prior to occurrence of the injury or damage served him with personal notice or sent a notice by ordinary mail to the owner of record that the sidewalk should be repaired and placed in a safe condition.

(l) To prescribe standards of health and sanitation and to provide for the enforcement of such standards.

(m) To provide for the collection and disposal of garbage, rubbish and refuse. Charges may be imposed to cover the costs of such services which, if unpaid, shall constitute a lien against any property of persons served, which lien shall be second in priority only to liens for county and city property taxes and shall be enforceable in the same manner and under the same remedies as a lien for city property taxes.

(n) To define, regulate and prohibit any act, practice, conduct, or use of property, detrimental, or likely to be detrimental, to the health, morals, safety, security, peace, convenience, or general welfare of inhabitants of the city.

(o) To establish minimum standards for and to regulate building construction and repair, electrical wiring and equipment, gas installations and equipment, plumbing, and housing, for the health, sanitation, cleanliness and safety of inhabitants of the city, and to provide for the enforcement of such standards.

(p) To regulate and license weights and measures.

(q) To provide that persons given jail sentences in the city court shall work out such sentences on the streets or any public works of the city or in a city workhouse established for this purpose, as provided by ordinance; or the council may provide for the commitment of city prisoners to the county workhouse or jail by agreement with the appropriate county officers.

(r) To regulate and license or prohibit the keeping or running at large of animals and fowls, and to provide for the impoundment of same in violation of any ordinance or lawful order and for their disposition, by gift, sale, or humane killing, when not redeemed as provided by ordinance.

(s) To order any railroad operating within the city to construct viaducts or underpasses to eliminate grade crossings or to pave and maintain grade crossings in a smooth and safe condition. The city shall pay the costs of constructing

approaches to the railroad's right of way line. Each day's failure of the railroad to comply with such an order after a reasonable time has elapsed shall be a misdemeanor and a separate offense, and shall be punished by a fine not to exceed fifty dollars (\$50.00) in the city court for each offense. If the railroad refuses to do such work the city may have the work done and may collect the cost thereof from the railroad by the use of all legal and equitable remedies available under the law.

(t) To regulate and license vehicles operated for hire in the city, to limit the number of such vehicles, to require the operators thereof to be licensed, to require public liability insurance on such vehicles in amounts prescribed by ordinance, and to regulate and rent parking spaces in public ways for the use of such vehicles.

(u) To levy and provide for the collection of special assessments for public improvements.

(v) To provide that the violation of any ordinance, rule, regulation or order shall be punishable as a misdemeanor.

(w) To exercise and enjoy all other powers, functions, rights, privileges and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, morals, and general welfare of the city and its inhabitants, and all implied powers necessary to carry into execution all powers granted in this Act as fully and completely as if such powers were fully enumerated herein. No enumeration of particular powers in this

Act shall be held to be exclusive of others nor restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to cities under the constitution or applicable public acts of the state.

ARTICLE II. CITY COUNCIL

Section 2.01. Election of councilmen. Be it further enacted, That on the _____² in _____² a non-partisan election shall be conducted by the county election commissioners, at the same hours and places for holding general elections and under the general election laws of the state, to elect five councilmen from the city at large. Any elector may become a candidate by submitting to the county election commissioners, at least thirty days prior to the election, a petition nominating him and signed by at least _____³ electors. If an elector signs more petitions than the number of councilmen to be elected, in the first or any succeeding election, his signature shall be invalid on the petitions last filed. Each elector shall be entitled to vote for five candidates in the first election, and for three or two candidates in later elections, as the case may be according to the number of councilmen to be elected, as provided hereinafter. In the first election the three candidates receiving

² Here insert the date desired for the election, such as "fourth Saturday" in "October, 1951."

³ Here insert the minimum number of signers, such as ten or fifty. The minimum number may be stated as a percentage of the total number of registered voters in the city.

the highest number of votes shall be elected for terms of four years, and the two candidates receiving the next highest number of votes shall be elected for terms of two years. Thereafter biennial elections shall be held on the (same numbered week day or same month as first election) in each (odd- or even-) numbered year to elect likewise three or two councilmen, as the case may be, for four year terms. The terms of office of councilmen shall begin at 12:01 A.M. on the first Monday in (month) next following their election, and they shall serve until their successors have been elected and qualified. The terms of office of all present (councilmen, commissioners, or other titles of members of present legislative body) of the city shall terminate and end at 12:01 A.M. on the (same day that first councilmen take office). No informality shall invalidate such an election, providing it is conducted fairly and in substantial conformity with the requirements of this Act.

Section 2.02. Restrictions on candidates and their supporters. Be it further enacted, That if a candidate or any person on his behalf directly or indirectly gives or promises to any person or persons any office, employment, money, benefit, or anything of value in connection with his candidacy, upon conviction thereof he shall be punished by a fine of not more than fifty dollars (\$50.00), or by imprisonment for not to exceed one year, or by both such fine and imprisonment, and shall thereafter be ineligible to hold any office or position of employment in the city government for a period of five years.

Section 2.03. City council. Be it further enacted, That the five councilmen shall compose the city council, in which is vested all corporate, legislative and other powers of the city, except as otherwise provided in this Act. The council shall be the final judge of the election and qualifications of its members. All members of the council shall serve without salary, but they may be reimbursed for actual and necessary expenses incurred in the conduct of their official duties.⁴ The council shall hold regular public meetings at a stated time and place, as provided by ordinance, and shall meet in special session on written call of the mayor or any two councilmen served on the other councilmen personally or left at their residences at least twelve hours in advance of the meeting, but such notice of a special meeting shall not be required if all councilmen attend the meeting. Only the business stated in the written call may be transacted at a special meeting, except by unanimous consent of all councilmen elected and holding office. The council shall exercise its powers only in public meetings. A majority of the council shall constitute a quorum. 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 council may subpoena and examine

⁴ Each city should decide whether to pay salaries to councilmen, and if salaries are to be paid this sentence would be changed accordingly. Since the council is relieved of all administrative duties under the council-manager plan, salaries if paid are usually nominal.

witnesses, order the production of books and papers, and shall have the same powers as a circuit court to punish for refusal to obey such an order or subpoena or for disorderly or contemptuous behavior in the presence of the council.

Section 2.04. Mayor and vice-mayor. Be it further enacted, That the council at the first regular meeting after the newly elected councilmen have taken office following each biennial election, shall elect from its membership a mayor and vice-mayor for terms of two years. In the event that no decision is reached at such first regular meeting, the council shall, within five ballots to be taken within ten days following such meeting, elect the mayor and vice-mayor or the councilman who received the highest number of votes when he was last elected shall become mayor and the councilman who received the second highest number of votes shall become vice-mayor. The mayor shall preside at meetings of the council, shall have a vote on all matters but no veto power, shall be the ceremonial head of the city, shall sign ordinances and resolutions on their final passage, shall sign deeds, bonds and contracts when authorized by the council to do so, shall be the officer to accept process against the city, and shall perform other duties imposed by this Act and ordinances not inconsistent with this Act. The vice-mayor shall perform the duties of the mayor during his absence or inability to act, and shall fill out any unexpired term in the office of mayor, in which case a new vice-mayor shall be elected by majority vote of the council.

Section 2.05. Vacancy in office of councilman. Be it further enacted, That a vacancy shall exist if a councilman resigns, dies, moves his residence from the city, has been continuously disabled for a period of six months so as to prevent him from discharging the duties of his office, accepts any Federal, state, county, or other municipal office or position of employment, except as a notary public or member of the National Guard or other reserve component of the U. S. Armed Forces, or is convicted of malfeasance or misfeasance in office, a felony, a violation of this Act, or a violation of the election laws of the state. The council shall appoint a qualified person to fill such a vacancy for the remainder of the unexpired term. If a tie vote by the council to fill a vacancy is unbroken for fifteen days, the mayor shall appoint a qualified person to fill the vacancy. At no time shall there be more than two councilmen so appointed holding office, and if a vacancy occurs with two councilmen so appointed on the council a special election shall be held by the county election commissioners on the eighth (day of week) following occurrence of the vacancy, at which election a councilman shall be elected to serve the remainder of the unexpired term of the vacant office; provided that no such election shall be held if a regular biennial election will occur within six months. Candidates in such a special election shall be nominated by petitions as provided in section 2.01.

Section 2.06. Restrictions on councilmen. Be it further enacted, That the council shall act in all matters as a body,

and no member shall seek individually to influence the official acts of the city manager or any other officer or employee of the city, 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 city manager or any other officer or employee. The council shall deal with the various agencies, officers and employees of the city, except boards or commissions authorized by this Act, solely through the city manager, and shall not give orders to any subordinates of the city manager, either publicly or privately. Nothing herein contained shall prevent the council from conducting such inquiries into the operation of the city government and the conduct of the city's affairs as it may deem necessary. The office of any councilman violating any provision of this section shall immediately become vacant upon his conviction in a court of competent jurisdiction.

Section 2.07. City clerk. Be it further enacted, That the city manager shall appoint a city clerk, who shall be responsible for keeping and preserving the city seal and all records of the council; attending meetings of the council and keeping a journal of its proceedings at such meetings, including the names of councilmen present and absent, the vote of each councilman on each question, each motion considered, and the title of each resolution or ordinance considered; preparing and certifying copies of official records in his office, for which fees may be prescribed by ordinance; and performing such other

duties as may be required by the council or city manager.

Section 2.08. Official city newspaper. Be it further enacted, That the council by resolution shall designate a newspaper of general circulation in the city as the official city newspaper.

Section 2.09. City legislation. Be it further enacted, That any action of the council having a regulatory or penal effect, relating to revenue or the expenditure of money, or required to be done by ordinance under this Act, shall be done only by ordinance. Other actions may be accomplished by resolutions or motions. Each motion, resolution and ordinance shall be in written form before being introduced. The affirmative vote of at least three members of the council shall be required to pass any motion, resolution or ordinance, including both readings in the case of an ordinance. Each ordinance, before being adopted, shall be read at two meetings not less than one week apart, and shall take effect ten days after its adoption, except that, where an emergency exists and the public safety and welfare requires it, an ordinance containing a full statement of the facts and reasons for the emergency may be made effective upon its adoption if approved by at least four members of the council on two readings on successive days. No ordinance relating to a franchise, exclusive contract, or other special privilege shall be passed as an emergency ordinance. Amendments of ordinances and resolutions or parts thereof shall be accomplished only by

setting forth the complete section, sections, subsection, or subsections in their amended form. A code may be adopted by an ordinance which contains only a reference to its title, date and issuing organization, and the city clerk shall file a copy of the code in his office. The city shall furnish a copy of any such code to any person for a reasonable fee. After adoption of a code of ordinances, as provided in section 2.10 of this article, the city clerk shall number ordinances consecutively in the order of their final adoption and shall copy them into a permanent record book used solely for this purpose, and the city clerk shall do likewise for resolutions, using a separate series of numbers and a separate record book. The original copies of all ordinances, resolutions and motions shall be filed and preserved by the city clerk. An abstract of the essential provisions of each ordinance shall be published once in the official city newspaper within ten days after its adoption, except that only the title shall be so published of a code adopted by reference as provided in this section.

Section 2.10. Codification of ordinances. Be it further enacted, That within three years after this Act becomes effective there shall be prepared, under the direction of the city manager and with the advice of the city attorney, a codification of all ordinances and resolutions having a regulatory effect or of general application which are to be continued in force. Existing ordinances and resolutions may be revised, amended, and consolidated in making the codification, which shall then be adopted as a single ordinance to be known and cited as the Official Code

of the city of _____, and thereupon all ordinances and resolutions in conflict therewith shall be repealed. The ordinance containing the code need not be published in a newspaper, either in full or in abstracted form, but a notice of its adoption shall be published once in the official city newspaper. The code shall be reproduced in loose-leaf form and shall be made available to any person desiring a copy, for which a reasonable fee may be charged. An additional annual fee may be charged for furnishing revisions currently. After adoption of the code each ordinance shall be adopted as a numbered section or sections of the code, as amending existing sections or adding new sections. Such new ordinances shall be integrated into the code, and at least once a month new pages shall be reproduced to replace existing pages (with instructions to destroy existing pages) or to be added to the code, and shall be distributed to city officers and employees having copies of the code and to other persons who have paid the annual fee for current revisions. Notes shall be inserted at the end of amended or new sections, referring to the dates and numbers of ordinances making the amendments or adding the new sections, and such references shall be cumulative if a section is amended more than once in order that the current copy of the code will contain references to all ordinances passed since the adoption of the original code.

Section 2.11. Rules and regulations. Be it further enacted, That the council may by ordinance authorize officers and agencies of the city to promulgate formal rules and regulations

within their respective jurisdictions, subject to such restrictions and standards of guidance as the council may prescribe. No such formal rule or regulation shall take effect until it is filed with the city clerk, who shall file and preserve the original copy in his office. Such rules and regulations shall be included as a separate section of the Official Code and shall be reproduced and distributed in loose-leaf form as required by section 2.10. Amendments of such rules and regulations shall be accomplished only by setting forth complete sections or subsections in their amended form.

ARTICLE III. ORGANIZATION AND PERSONNEL

Section 3.01. Organization. Be it further enacted, That the city government shall be organized into a department of general government, department of finance, police department, fire department, and department of public works, unless and until otherwise provided by ordinance, but no such ordinance shall be adopted until after the council has received and considered the written recommendations of the city manager. The council by such ordinances may establish, abolish, merge, or consolidate offices, positions of employment, departments, and agencies of the city, 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 city, subject to the following exceptions: (a) the number of members and authority of the council, as provided in this Act, shall

not be changed, (b) all officers and employees of the city, except as otherwise specifically provided in this Act, shall be appointed and removed by and shall be under the direction and control of the city manager, (c) the office of city manager shall not be abolished, nor shall his powers, as provided in this Act, be reduced, (d) the city judge shall not hold any other city office or position of employment, and (e) no person shall hold at the same time the office of councilman and any other governmental office or position, whether such other office or position be in the Federal, state, county or city government, but this prohibition shall not apply to the office of notary public or an appointment in the National Guard or other reserve component of the U. S. Armed Forces.

Section 3.02. City manager. Be it further enacted, That the council by resolution shall appoint and fix the salary of a city manager, who shall serve at the pleasure of the council, except that he may be removed during his first year in office only for incompetence or neglect of duty. He shall be appointed solely on a basis of his executive and administrative qualifications, without regard to his political affiliations or place of residence, but during his tenure in office he may reside outside the city only with the consent of the council. He shall give his full time to the office unless otherwise provided by resolution. The council may remove the city manager only after adopting a preliminary resolution stating the reasons for his proposed removal,

which shall be published once in the official city newspaper. If within five days after such publication the city manager delivers to the mayor or city clerk a written request for a hearing, a public hearing shall be held within ten to twenty days after publication of the preliminary resolution, to consider any written reply or oral statement he wishes to make, in person or through counsel. After following this procedure, and after the public hearing, if one be held, the council may adopt a final resolution of removal from which there shall be no appeal. The preliminary resolution may suspend the city manager from duty, but in any event he shall be paid his regular salary until the time of adoption of the final resolution of removal. The council may, and if the council does not the city manager shall, designate a person to act as city manager during his absence or inability to act. An acting city manager may be appointed by the council to fill a vacancy in the office for not to exceed one year, who may be removed by the council at any time without regard to the procedure prescribed in this section for removal of the city manager.

Section 3.03. Powers and duties of city manager. Be it further enacted, That the city manager shall be the executive head of the city government, responsible to the council for the efficient and orderly administration of the city's affairs. He shall be responsible for the enforcement of laws, ordinances and franchises in the city, and the city attorney shall take such legal actions as the city manager

may direct for such purposes. He shall have authority to appoint, promote, transfer, suspend and remove all officers and employees and to direct and control their work, except as otherwise provided in this Act. He shall attend all meetings of the council and may participate in the discussions of the council but shall have no vote. He shall submit to the council annual budgets, reports, and such other information as he may deem necessary or the council may require. He shall have authority to make allotments of funds within the limits of appropriations and no expenditure shall be made without his approval. If no other employee is designated as purchasing agent he shall act as purchasing agent for the city. He may conduct inquiries and investigations into the conduct of the city's affairs and shall have such other powers and duties as may be provided by ordinances not inconsistent with this Act.

Section 3.04. City attorney. Be it further enacted, That the city manager shall appoint a city attorney, together with such assistant city attorneys as may be authorized by ordinance. The city attorney shall be responsible for representing and defending the city in all litigation in which the city is a party, shall be the prosecuting officer in the city court, shall attend all meetings of the council, shall advise the council, city manager and other officers and employees of the city concerning legal aspects of the city's affairs, shall approve as to form and legality all contracts, deeds, bonds, ordinances, resolutions, motions, and other

official documents, and shall perform such other duties as may be prescribed by the council or city manager.

Section 3.05. City court. Be it further enacted, That a city court, presided over by a city judge, on a full or part-time basis as may be prescribed by ordinance, is hereby established, which shall have jurisdiction over violations of this Act and ordinances of the city. The city court shall also have concurrent jurisdiction with that of a justice of the peace over offenses against the criminal laws of the state committed within the city. The city judge shall have authority to impose fines, costs, forfeitures, and imprisonment in a jail or workhouse, as provided in this Act and by ordinance, and except as provided in this Act his authority and powers and the procedure in the city court shall be the same as provided by state law for a justice of the peace. Appeals from the city court shall be to the circuit court. Warrants, subpoenas and other processes of the city court shall be executed by police officers of the city, who for such purposes shall have the same powers and authority of a sheriff in executing process of a circuit court. The city attorney, or assistant city attorney, shall be the prosecuting officer of the court.

Section 3.06. City judge and city court clerk. Be it further enacted, That the council shall appoint and fix the salary of the city judge for terms of two years, and such salary shall not be changed during a term of office. The council may impeach and remove the city judge for neglect or

refusal to enforce the laws of the state and ordinances of the city, or for other misconduct in office or neglect of duty, but any person so removed may appeal to the circuit court and thence to the Supreme Court of the state. The council shall fill a vacancy in this office by appointment for the unexpired term. The city judge shall recuse himself from a case in which (a) he is interested, (b) he is related to the defendant by blood or marriage within the third degree, or (c) for any reason he believes that he will be prejudiced, and such a case, as well as cases during the absence or disability of the city judge, shall be heard and decided by an acting city judge appointed by the mayor. The mayor may remove the acting city judge at any time without cause. The compensation of an acting city judge shall be fixed by ordinance. The council may authorize a city court clerk and other personnel, to assist and to be appointed and removed by the city judge, to perform such duties as may be prescribed by ordinance or by the city judge.

Section 3.07. Other officers and employees. Be it further enacted, That the council by ordinance, after receiving the written recommendations of the city manager, may establish offices and positions of employment and may abolish, combine or modify them. The powers and duties of such offices and positions of employment may be defined by ordinance, and if not defined by ordinance shall be defined in formal rules and regulations issued by the city manager, as provided in section 2.11 of this Act, but in any event the city manager

may require officers and employees of the city, except those appointed by and accountable to the council, to perform such additional duties as may be considered necessary by him for the proper and efficient conduct of the city's affairs.

Public utilities owned or operated by the city may be under the supervision of the city manager and employees appointed by him or may be under boards or commissions appointed by and answerable to the council, as provided by ordinance. The salaries of all officers and employees of the city shall be fixed by ordinance under a pay plan applying uniformly to all officers and employees having similar responsibilities and doing like work.

Section 3.08. Appointment, suspension and removal of employees. Be it further enacted, That all employees of the city, except as otherwise provided in this Act, shall be appointed, promoted, transferred, suspended and removed by the city manager. During a suspension, an employee's salary may be reduced or eliminated, as determined by the city manager. Before suspending for more than thirty days or removing an employee, the city manager shall serve the employee with a written notice of intention to suspend or remove him, containing a statement of the grounds for such proposed action and notification that the employee may appeal to the personnel board by filing, within ten days, with the city clerk written notice of his intention to do so. The personnel board shall be composed of three members appointed by the council for three year terms, except that

of the first appointees one shall be for a term of one year and one for two years. The personnel board shall elect a chairman from its membership and shall adopt rules governing conduct of its business. The decisions of the personnel board in cases of such appeals by employees shall be final.⁵

Section 3.09. Oath of office. Be it further enacted, That before a person takes any office in the city government, he shall take, subscribe to and file with the city clerk the following oath or affirmation:

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

Section 3.10. Official bonds. Be it further enacted, That the city manager and every officer, agent and employee of the city having duties embracing the receipt, disbursement, custody, or handling of money, and other officers and employees

⁵ Dr. Greene recommends an appointive commission or board with authority to review such cases and to render final decisions, on the grounds that an employee is entitled to a significant hearing before an authority superior to the city manager with power to make a final decision in such cases. He would, however, omit any requirement of a hearing unless a formal merit system is established. Mr. Shaw holds to a view that such restrictions on the city manager would be inconsistent with the basic premise of this form of government, namely, that the city manager should be vested with full authority over administration and then held accountable for results. Mr. Hobday is inclined to agree with Mr. Shaw, though he recognizes some merit in the arguments for employee protection, particularly if a pension plan on a contributory basis is involved.

as may be required by ordinance, shall give a fidelity bond or faithful performance bond, as provided by ordinance, with some surety company authorized to do business in the State of Tennessee as surety, in such amount as shall be prescribed by ordinance. All such bonds and sureties thereto shall be subject to approval by the council. The cost of such bonds shall be paid by the city. All such bonds shall be kept in the custody of the city clerk, except that the city clerk's bond shall be in the custody of the city manager.

Section 3.11. Political activity prohibited. Be it further enacted, That no officer or employee of the city, other than councilmen, shall continue in the employment of the city after becoming a candidate for nomination or election to any public office. 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 any test, appointment, proposed appointment, promotion, or proposed promotion, to any office or position of the city government. No person shall orally, by letter, or otherwise solicit or be in any manner concerned in soliciting any assessment, subscription or contribution for any political party or political purpose from any officer or employee of the city. An officer or employee of the city, other than councilmen, shall not make any contribution to the campaign funds of any candidate in any city election, and shall not take any part in the management, affairs or political campaign of any city election, other

than in the exercise of his rights as a citizen to express his opinions and to cast his vote.⁶ Any person who by himself or with others willfully or corruptly violates any provision of this section shall be guilty of a misdemeanor and shall upon conviction thereof be punished by a fine of not more than fifty dollars (\$50.00), or by imprisonment for not more than one year, or by both such fine and imprisonment. Any person who is convicted under this section shall be ineligible to hold any office or position of employment in the city government for a period of five years thereafter, and if he be an officer or employee at the time of conviction shall immediately forfeit and vacate the office or position he holds.

Section 3.12. Officers and employees not to profit from connections with city. Be it further enacted, That no officer or employee of the city shall profit personally, directly or indirectly, from any contract, purchase, sale, or service, between the city government and any person or company, nor shall any officer or employee accept any free or preferred service, benefits or concessions from any person or company, except that free transportation may be provided to policemen and firemen on official duty.

ARTICLE IV. FISCAL ADMINISTRATION

Section 4.01. Fiscal year. Be it further enacted, That

⁶ Mr. Hobday is of the opinion that these restrictions should also apply in county, state and national elections.

the fiscal year of the city government shall begin on the first day of July and shall end on the thirtieth day of June of the succeeding year, but another fiscal year may be fixed by ordinance for the entire city government or for any utility.

Section 4.02. City manager to submit annual budget. Be it further enacted, That on or before a date fixed by the council but not later than forty-five days prior to the beginning of each fiscal year, the city manager shall submit to the council a proposed budget for the next fiscal year, showing separately for the general fund, each utility, the school system (if there is a separate city school system), and each other fund the following: (a) revenue and expenditures during the preceding fiscal year, (b) appropriations, and estimated revenue and expenditures for the current fiscal year, (c) estimated revenue and recommended expenditures for the next fiscal year, (d) a comparative statement of the assets, liabilities, reserves, and surplus at the end of the preceding year, and estimated assets, liabilities, reserves and surplus at the end of the current fiscal year, and (e) such other information and data, such as work programs and unit costs, in justification of recommended expenditures, as may be considered necessary by the city manager or requested by the council. The city manager may recommend and estimate additional revenue measures, providing such estimates are separated clearly from normal revenue estimates. The budget shall be accompanied by a message from the city manager containing a statement of the general fiscal policies of the

city, the important features of the budget, explanations of major changes recommended for the next fiscal year as compared with the current fiscal year, a general summary of the budget and such other comments and information as he may deem pertinent. A sufficient number of copies of the city manager's message shall be reproduced to furnish a copy to any person desiring one, and a copy of the budget in full shall be filed with the council and furnished to each member of the council.

Section 4.03. Public hearing. Be it further enacted, That after receiving the budget from the city manager, the council shall fix a time and place for a public hearing thereon and shall cause a public notice thereof to be published once in the official city newspaper at least ten days in advance of the date of the hearing. The public hearing shall be held before the council at the stated time and place, and all persons present shall be given an opportunity to be heard.

Section 4.04. Action by council on budget. Be it further enacted, That after the public hearing and before the beginning of the ensuing fiscal year the council shall adopt an appropriation ordinance, based on the city manager's budget with such modifications as the council considers necessary or desirable. Appropriations need not be in more detail than a lump sum for each department and agency. The council shall not make any appropriations in excess of estimated revenue, except to provide for an actual emergency threatening the health, property or lives of the inhabitants of the city and

declared by a unanimous vote of all members of the council. If emergency conditions prevent the adoption of an appropriation ordinance before the beginning of the new fiscal year, the appropriations for the last fiscal year shall become the appropriations for the new fiscal year, subject to amendment as provided in this section. Amendments may be made to the original appropriation ordinance at any time during a current fiscal year after a public hearing before the council on five days notice published once in the official city newspaper, provided that increased appropriations may be made only after the city manager has certified in writing that a sufficient amount of unappropriated revenue will be available, except for emergency appropriations as provided above. Any portion of an annual appropriation remaining unexpended and unencumbered at the close of a fiscal year shall lapse and be credited to the general fund, except that any balance remaining in any other fund at the end of a fiscal year may remain to the credit of that fund and be subject to further appropriation.

That at the end of each month the city manager shall submit a detailed budget report to the council, showing estimated and actual receipts and expenditures or encumbrances for that month and the fiscal year to the end of that month, as well as the amount encumbered or expended in excess of any of the itemized estimates of expenditures supporting the appropriations.

Section 4.05. Allotments. Be it further enacted, That

the city manager shall have authority to make periodic allotments of appropriated funds, and no contracts or purchases, except those made by the council, may be made in excess of the amount allotted by the city manager for any allotment period. In no event may contracts or purchases be made in excess of appropriations. Any expenditures except for salaries and wages may be reduced or eliminated through such allotment control.

Section 4.06. Centralized purchasing. Be it further enacted, That all contracts and purchases, except those that may be reserved to the council by ordinance, shall be made by the city purchasing agent, who shall be the city manager or an employee appointed by him. Any expenditure or contract for more than five hundred dollars (\$500.00) shall be made only after publication, advertisement and competition by sealed bids, as prescribed by ordinance and an award shall be made to the lowest and best bidder; provided that bids need not be required for professional services or for services for which the rates or prices are regulated by public authority. Competition by bids shall not be required for the purchase of equipment, materials or supplies from any other governmental agency.

Section 4.07. Sale of city property. Be it further enacted, That the city manager may sell any city property which is obsolete, surplus or unusable, if the proceeds do not exceed five hundred dollars (\$500.00), without taking bids, but sealed bids shall be taken or a public auction

shall be held for any sale producing more than five hundred dollars (\$500.00); provided that any sale for more than one thousand dollars (\$1,000.00) or any sale of real estate shall be subject to approval by the council.

Section 4.08. Annual audit. Be it further enacted, That the council shall employ a certified public accountant to make an annual audit of all financial books and records of the city. The accountant shall file his report with the council, at a time agreed to between him and the council, and shall prepare a summary of the report which shall be published once in the official city newspaper.

Section 4.09. Property taxes. Be it further enacted, That all property subject to taxation for state or county purposes, including the capital stock of merchants and public service companies, assessed as of January 10 in each year, shall be subject to the property tax levied by the city. The council by ordinance may elect to use the county assessment or may provide for an independent city assessment by a city assessor appointed by the city manager. If an independent city assessment is made, a board of equalization, consisting of three persons appointed by the council, with compensation fixed by ordinance, shall hear appeals of taxpayers taken within ten days after the city assessor has sent a notice by ordinary mail of a new or increased assessment; provided that such notice shall not be required nor may appeals be taken in the case of initial city assessments that are the same as county assessments. Except as otherwise provided in this

section, appeals involving city property assessments may be taken as provided by general law. The board of equalization may increase or decrease the assessment of all property of the same class by a uniform percentage, in which case individual notices shall not be mailed but a notice of such action shall be published once in the official city newspaper; such a blanket increase or decrease shall not be subject to appeal.⁷ The authority and duties of such city assessing personnel shall be the same as those provided by general law for county assessing personnel. The city assessor shall meet with and assist the board of equalization. The board of equalization, upon completion of its work, shall submit a written report to the council, including total increases and decreases made by it and the final total assessment of each class of property.

Section 4.10. Tax levy. Be it further enacted, That the council shall make a tax levy, expressed as a fixed rate per one hundred dollars (\$100.00) of assessed valuation, and if no tax levy is made within ninety days prior to the tax due date, or within ninety days prior to the due date of a second instalment if two instalments are authorized by ordinance, the property tax rate in effect the last fiscal year shall continue in effect as the tax rate for the new fiscal year.

⁷ Mr. Shaw recommends that the board of equalization also be vested with authority to increase or decrease individual assessments on its own initiative, after proper notice to taxpayers concerned.

Section 4.11. Tax due dates and tax bills. Be it further enacted, That the due dates of property taxes shall be fixed by ordinance and provision may be made for equal semi-annual instalments. The city shall send tax bills to taxpayers, showing the assessed valuations, amounts of taxes due, tax due dates, and information as to delinquency dates and penalties. Failure to send such tax bills shall not, however, invalidate any tax. Property taxes shall become delinquent thirty days after a due date, at which time a penalty of five per cent (5%) shall be added and thereafter such taxes shall be subject to interest at the rate of one-half of one per cent ($\frac{1}{2}$ of 1%) for each month or fraction thereof until paid. On and after the date when such taxes become delinquent, the tax records of the city shall have the force and effect of a judgment of a court of record.

Section 4.12. Collection of delinquent taxes. Be it further enacted, That the council may provide by ordinance for the collection of delinquent taxes by distress warrants issued by the city manager for the sale of goods and chattels to be executed by any police officer of the city under the laws governing execution of such process from a justice of the peace, or by the county trustee as provided by general law, or by the city attorney acting in accordance with general laws providing for the collection of delinquent city and/or county taxes, or by any two or more of the foregoing methods, and by the use of any available legal processes and remedies. A lien shall exist against all property on which

city property taxes are levied, as of the assessment date of January 10 of each year, which shall be superior to all other liens except that it shall have equal dignity with those for Federal, state or county taxes.

Section 4.13. Special assessments. Be it further enacted, That the city may assess all or part of the cost of constructing, reconstructing, widening, or improving any public way, sewers, or other utility mains and appurtenances, against the abutting property owners, under such terms and conditions as may be prescribed by ordinance. Such special assessments shall become delinquent thirty days after their due dates (after the due date of each instalment if paid on an instalment basis), shall thereupon be subject to a penalty of five per cent (5%), and shall thereafter be subject to interest at the rate of one-half of one per cent ($\frac{1}{2}$ of 1%) for each month or fraction thereof until paid. A lien shall exist against the abutting property superior to all other liens, except that it shall be of equal dignity with liens for county and city property taxes, and said lien shall be enforceable by the same procedures and under the same remedies as provided in this article for city property taxes.

Section 4.14. Disbursements by checks. Be it further enacted, That all disbursements, except for the city school system, shall be made by checks signed by the city manager and counter-signed by the mayor.

Section 4.15. Official depository. Be it further

enacted, That the council shall designate an official depository or depositories for deposit and safe-keeping of the funds of the city, and may require such collateral security as it deems necessary.

ARTICLE V. PUBLIC SCHOOLS

Section 5.01. School district authorized. Be it further enacted, That a separate school district with boundaries coterminous with the city limits is hereby authorized to be established by ordinance. The general school laws of the state shall apply to the schools of the city, except as modified by this Act, and the city school district shall be entitled to a distribution of money from the public school fund on the same basis as the distribution of money to other school districts. The provisions of this article shall not be operative unless a city school district is established.

Section 5.02. Board of education to be appointed; terms of office; no compensation. Be it further enacted, That the council shall appoint a board of education consisting of five qualified voters of the city. Each member shall hold office for four years and until his successor is appointed and qualified, except that two of the members first appointed shall hold office for a term of two years and the other three members shall serve for four year terms. The members of the board of education shall receive no compensation, but may be reimbursed for actual and necessary expenses incurred

in the conduct of their duties. A vacancy on the board shall be filled by a person appointed by the council to fill out the unexpired term.

Section 5.03. Chairman, vice-chairman, and secretary of board. Be it further enacted, That the board of education at the first meeting after each biennial appointment of new members shall elect a chairman and vice-chairman. The chairman shall preside at the meetings of the board and may vote as any other member but shall have no power of veto. He shall perform the duties imposed upon him by the rules of the board. The vice-chairman shall perform the duties of the chairman in case of the chairman's absence or inability to act, and in the event of a permanent vacancy in the office of chairman a new vice-chairman shall be elected. The superintendent of schools or other employee designated by the board shall serve as secretary to the board.

Section 5.04. Rules of procedure and meetings. Be it further enacted, That the board shall adopt rules governing conduct of its business and meetings, provided that regular meetings shall be held at least once each month except during the summer months. A majority of the board shall constitute a quorum and the affirmative vote of three members shall be required to approve any action. A special meeting may be called by the chairman, by any two members of the board, or by the superintendent of schools, by a notice delivered at least twelve hours in advance of the meeting either personally or left at the usual place of residence of

the members to be notified. Such notice shall set forth the character of business to be discussed at the meeting, and no other business shall be considered at such meeting except by unanimous consent of all members of the board. The board shall exercise its powers only at regular or special public meetings as herein provided.

Section 5.05. Powers and duties of board of education.
Be it further enacted, That the board of education shall have the following powers and duties:

(a) To appoint and remove a superintendent of schools as provided in this article.

(b) To establish schools and to determine the policies and programs of the public school system, within the limits of funds appropriated by the council.

(c) To determine the number and salaries of teachers and other employees in the public school system, subject to availability of appropriated funds, after considering the written recommendations of the superintendent of schools.

(d) To prescribe and adopt rules and regulations governing the administration and execution of policies, plans and programs adopted by the board.

(e) To review, revise and approve budget estimates prepared by the superintendent of schools and to submit such estimates to the city manager in such form and at such time as may be prescribed by the city manager.

(f) To review, revise and approve any plans for the erection or improvement of buildings and facilities to be

used for educational purposes, within the limits of funds appropriated by the council.

(g) To purchase or otherwise acquire land for school-houses, playgrounds and other purposes connected with the public school system; to purchase, construct and operate all necessary buildings, auditoriums, public meeting places, and similar facilities required for purposes of the public school system; and to do any and all other acts necessary to establish, maintain, and operate a complete public educational system within the city, including adult education, within the limits of funds appropriated by the council.

(h) To review, revise and adopt any recommendations by the superintendent of schools and/or city manager relating to the operation and maintenance of school buildings.

(i) To consult with the council, the superintendent of schools, and the city manager concerning school administration and related administrative services, and to assist in fostering improvements in such administration.

(j) To make any investigation which the board may consider desirable concerning administration of the public school system and to report its findings and recommendations to the council.

Section 5.06. Superintendent of schools. Be it further enacted, That the board of education shall appoint a superintendent of schools who shall be the executive head of the public school system. The board of education shall fix his salary, subject to availability of funds appropriated by the

council. He shall serve for an indefinite term unless otherwise provided by his contract of employment, and may be removed by a majority vote of all members of the board of education under the same procedure and requirements as provided in section 3.02 of this Act, with the board of education standing in the stead of the council and the superintendent of schools standing in the stead of the city manager.

Section 5.07. Powers and duties of superintendent of schools. Be it further enacted, That the superintendent of schools shall have the following powers and duties:

(a) To manage and direct the public school system, in accordance with the policies and rules and regulations of the board of education.

(b) To appoint, promote, transfer, retire, and remove all teachers, and other employees in the public school system, subject to the restrictions or requirements of this article or other general law and any rules and regulations adopted by the board of education.

(c) To prescribe and control, subject to approval of the board of education, the courses of study, textbooks, and educational apparatus and equipment.

(d) To prepare budgets for the public school system for approval by the board of education and submission to the city manager for final consideration by the council.

(e) To make periodic allotments of funds appropriated for public school purposes.

(f) To prepare for approval by the board of education rules and regulations for the management and operation of the public school system.

(g) To make purchases and contracts subject to the limitations of this Act and such rules as may be prescribed by the board of education.

(h) To prepare for approval by the board of education a definition of policy and administrative relationships between the board of education and the superintendent of schools.

(i) To prepare for approval by the board of education salary schedules for teachers and other employees of the public school system, subject to availability of funds appropriated by the council.

(j) To prepare, for approval by the board of education, plans for constructing, enlarging or improving school buildings and other school facilities, subject to availability of appropriated funds.

(k) To cooperate with the city manager in the development of plans for coordinating the facilities, services and programs of the public school system with those of other agencies of the city.

(l) To exercise such other powers and to perform such other duties, not inconsistent with this Act or other general laws, as may be prescribed by the board of education.

Section 5.08. City may transfer schools to county.

Be it further enacted, That the council may at any time

transfer the city's public school system, or any part thereof, to the county, after considering the written recommendations of the board of education. When such action is taken by the council, the board of education, the office of superintendent of schools, and all positions of employment in the public school system shall be ipso facto abolished.

Section 5.09. Agreement with county to take over county schools. Be it further enacted, That the council, after considering the written recommendations of the board of education, may enter into an agreement with the county to take over ownership, management and control of that part of the county school system within the city, including land, buildings, and all other school property, equipment, and facilities.

Section 5.10. Purchases and contracts. Be it further enacted, That all materials, supplies and equipment, except those used only in the public school system or excepted by ordinance, shall be purchased by the city purchasing agent, on a basis of requisitions submitted by the superintendent of schools. Materials, supplies and equipment excepted from this procedure may be purchased by the superintendent of schools in accordance with procedures approved by the board of education, and the board of education or superintendent of schools, in making purchases and contracts, shall be subject to the provisions of this Act relating to purchases and contracts by the council and city manager, with the board of education standing in the stead of the council and the superintendent of schools standing in the stead of

the city manager. No purchase, expenditure or contract shall be made in excess of appropriated funds.

Section 5.11. Disbursements. Be it further enacted, That all disbursements of funds appropriated for the public school system shall be made by checks signed by the superintendent of schools and countersigned by the chairman of the board of education.

Section 5.12. State and county school funds subject to appropriation. Be it further enacted, That the share of state and county school funds allocated and distributed to the city public school system shall be spent in such manner as shall be determined by appropriation ordinances enacted by the council.

ARTICLE VI. MISCELLANEOUS

Section 6.01. Restrictions on actions for damages against city. Be it further enacted, That no action shall be maintained against the city for damages unless a written statement by the claimant or by his agent, attorney or representative, setting forth the basis for his claim, shall have been filed with the city manager within sixty days after such cause of action shall have occurred, except that when the claimant is an infant or non compos mentis, or an injured person dies within such sixty days, the time limit for filing a claim shall be one hundred and twenty days. No officer or employee of the city may waive this requirement.

Section 6.02. General laws may be used. Be it further enacted, That the council in its discretion may elect to use the provisions of any general laws of the state in addition to or instead of the provisions of this Act.

Section 6.03. Penalties. Be it further enacted, That the violation of any provision of this Act, for which a penalty is not specifically provided herein, is hereby declared to be a misdemeanor and shall be punished by a fine of not more than fifty dollars (\$50.00), or by imprisonment for not to exceed one year, or by both such fine and imprisonment.

Section 6.04. Severability. Be it further enacted, That if any article, section, sub-section, paragraph, sentence, or part thereof, of this Act shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair other parts of this Act unless it clearly appears that such other parts are wholly and necessarily dependent upon the part or parts held to be invalid or unconstitutional, it being the legislative intent in enacting this Act that each article, section, sub-section, paragraph, sentence, or part thereof, be enacted separately and independently of each other.

Section 6.05. Effective date. Be it further enacted, That this Act shall be effective on and after _____.

MAR 27 1958

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