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

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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.

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- ▶ 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.

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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.

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