

RESOLUTION 2010-38

A RESOLUTION APPROVING 2010 PRIVATE ACT, CHAPTER NUMBER 60

WHEREAS, the Board of Mayor and Aldermen approved, by unanimous vote, Resolution 2010-11 regarding general language clarification of the City's Charter; and

WHEREAS, the Tennessee Legislature, on request of the Board of Mayor and Aldermen considered and approved Resolution 2010-11, subsequently assigning it to Private Act, Chapter Number 60 (2010 Tenn. Priv. Acts 60); and

WHEREAS, pursuant to Resolution 2010-11 and Private Act, Chapter Number 60, Section 5, the Board of Mayor and Alderman must approve the 2010 Tenn. Priv. Acts 60 by a 2/3 vote of the whole membership.

NOW THEREFORE, BE IT RESOLVED, BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, TENNESSEE THAT:

2010 Tenn. Priv. Acts 60 is hereby approved.

Approved this ____ day of _____, 2010.

ATTEST:

BY: _____
ERIC S. STUCKEY
City Recorder/Administrator

DRAFT

CITY OF FRANKLIN, TENNESSEE

BY: _____
JOHN C. SCHROER
Mayor

PRIVATE CHAPTER NO. 60

HOUSE BILL NO. 3976

By Representatives Sargent, Casada

Substituted for: Senate Bill No. 3934

By Senator Johnson

AN ACT to amend Chapter 79 of the Acts of 1903; as amended by Chapter 126 of the Private Acts of 1967; Chapter 45 of the Private Acts of 1987; Chapter 79 of the Private Acts of 2008; and any other acts amendatory thereto, relative to charter of the city of Franklin.

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

SECTION 1. Chapter 79 of the Acts of 1903, as amended by Chapter 126 of the Private Acts of 1967, and any other acts amendatory thereto, is amended in Article VI, Section 2 by deleting Subsection (c) in its entirety and by substituting instead the following:

(c) See to the enforcement of the ordinances of the city, and to the preservation of its health and peace. In emergencies he is empowered to call to his aid every inhabitant of the city in such enforcement, and the board may prescribe penalties for a failure to obey such call.

SECTION 2. Chapter 79 of the Acts of 1903, as amended by Chapter 126 of the Private Acts of 1967, Chapter 45 of the Private Acts of 1987, Chapter 79 of the Private Acts of 2008, and any other acts amendatory thereto, is amended in Article VII by deleting Sections 1 and 2 in their entirety and by substituting instead the following:

Section 1. Officers. The following officers shall be appointed or confirmed by the board of mayor and aldermen, as determined by ordinance, and shall serve at the will and pleasure of the board: city administrator and city recorder. The board may confirm one (1) person to serve as both city administrator and recorder. The board shall, by ordinance, fix the salaries of all officers, which shall be the sole compensation to which they shall be entitled.

Section 2. Powers and Duties of City Administrator. There shall be created the full-time position of city administrator for the city of Franklin. The city administrator shall be nominated by the mayor, advised by an ad hoc search committee, and confirmed by an affirmative vote of a majority of the board. The administrator shall serve at the will and pleasure of the board.

The duties of the city administrator shall be set by ordinance, and shall include, but not be limited to, the following:

- (1) Take executive direction only from the mayor.

(2) Discuss city business, including constituent concerns, with members of the board of mayor and aldermen.

(3) Appoint, transfer, demote, discipline, or discharge department heads. The board may, by ordinance or rule, establish hearing and appeals procedures governing such actions by the city administrator, but no such procedure shall contain provision for appeal to or review by the board. The decision of the city administrator shall be final.

(4) Give executive direction to department heads.

(5) Prepare the budget.

(6) Participate in the preparation of long-range plans as they affect budget considerations.

(7) Perform such other duties required by this charter or other law, and such duties as may be required by ordinance not inconsistent with this charter or other law.

SECTION 3. Chapter 79 of the Acts of 1903, as amended by Chapter 126 of the Private Acts of 1967, Chapter 45 of the Private Acts of 1987, and any other acts amendatory thereto, is amended in Article VIII by deleting Section 7 in its entirety and by substituting instead the following:

Section 7. Amendment after Adoption. If during the fiscal year the city administrator certifies that there are available for appropriation revenues in excess of those estimated in the budget, the board by ordinance may make supplemental appropriations for the year up to the amount of such excess.

SECTION 4. Chapter 79 of the Acts of 1903, as amended by Chapter 126 of the Private Acts of 1967, and any other acts amendatory thereto, is amended in Article X by deleting Section 4 in its entirety and by substituting instead the following:

Section 4. Jurisdiction, Powers. The city judge shall try all persons charged with violation of the ordinances of the city and shall have the power to levy fines, penalties and forfeitures not exceeding fifty dollars (\$50) for each violation and to impose such costs as the council may by ordinance provide, to issue all necessary process, to administer oaths, and to punish for contempt pursuant to general law.

The City Judge, if elected, shall be vested with concurrent jurisdiction with Judges of the General Sessions Courts of the state of Tennessee in all cases charging violation of the criminal laws of the state of Tennessee, so long as the provisions of Article VI, Section 4 of the Tennessee constitution are met and the Board of Mayor and Aldermen vote to seek concurrent General Sessions jurisdiction pursuant to Tennessee Code Annotated, Section 16-18-311.

The City Judge may appoint a clerk of the City Court who shall receive such compensation as may be fixed by the board of mayor and aldermen. Any

person so appointed as the clerk of the City Court shall fulfill such duties and functions as may be delegated to him or her by the City Judge, including but not limited to the maintenance of books and records pertaining to the disposition of cases coming before the court, the collection of fines and costs, preparation of orders, preparation of reports, and attendance at all sessions of court.

SECTION 5.

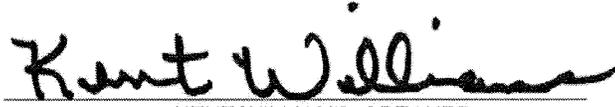
(a) This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the city of Franklin within sixty (60) days of its signing by the governor of this state, or unless it is approved by a majority of the number of qualified voters of the city of Franklin voting in an election on the question of whether or not the act should be approved. The local legislative body, in its discretion, shall determine which of the preceding methods of local approval shall be used.

(b) If the local legislative body chooses the method of local approval that requires the vote of the legislative body, then the approval or nonapproval of this act shall be proclaimed by the presiding officer of the legislative body of the city of Franklin and certified to the secretary of state.

(c) If the local legislative body chooses the method of local approval that requires a referendum, then the local legislative body shall determine whether such referendum shall be part of the next regularly scheduled election or if a special election shall be called. The ballots shall have printed on them a summary of this act and the voters shall vote for or against its approval. The votes cast on the question shall be canvassed and the results proclaimed by the county election commissioners and certified by them to the secretary of state as provided by law in the case of general elections. The qualifications of voters voting on the question shall be the same as those required for participation in general elections. All laws applicable to general elections shall apply to the determination of the approval or rejection of this act.

SECTION 6. 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 ratification as provided in Section 5.

PASSED: April 15, 2010



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 30th day of April 2010



PHIL BREDESEN, GOVERNOR