

CHARTER FOR THE CITY OF LOUDON, TENNESSEE

CHAPTER NO. 74<sup>1</sup>

House Bill No. 1040

By Stafford, O'Brien

Substituted for: Senate Bill No. 1186

By Koella

AN ACT to amend the Charter of the City of Loudon, Tennessee, the same being Chapter 229, Private Acts of 1927, as amended.

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

SECTION 1. The Charter of the City of Loudon, Tennessee, the same being Chapter 229, Private Acts of 1927, as amended, is hereby amended in its entirety to read as follows:

TABLE OF CONTENTS

<u>ARTICLE</u>	<u>PAGE</u>
I. Corporate Capacity . . . . .	C-2
II. Powers . . . . .	C-3
III. Elections. . . . .	C-7

---

<sup>1</sup>Chapter 229, Private Acts of Tennessee for 1927, as amended, is the Charter of the City of Loudon. However, the Charter, as amended, was completely rewritten by Chapter 74, Private Acts of 1975. The text of the basic charter act set out herein was last amended to reflect legislation passed in the 2021 session of the Tennessee General Assembly and is current with the laws from the 2024 Regular Session of the 113<sup>th</sup> Tennessee General Assembly. No changes have been made in the 1975 act as set out here except that a table of contents has been added and its amendments have been incorporated.

<u>ARTICLE</u>	<u>PAGE</u>
IV. City Council . . . . .	C-8
V. City Manager . . . . .	C-12
VI. City Attorney . . . . .	C-14
VII. Recorder . . . . .	C-14
VIII. Administration . . . . .	C-16
IX. Finance . . . . .	C-17
X. Taxation . . . . .	C-20
XI. City Court . . . . .	C-21
XII. Civil Service System . . . . .	C-23
XIII. Miscellaneous and Transitional Provisions . . . . .	C-296

ARTICLE I

CORPORATE CAPACITY

SECTION

1. Incorporation, name, and general powers.
2. Boundaries.

SECTION 1. Incorporation, name, and general powers. The City of Loudon, in the County of Loudon, and the inhabitants thereof, are hereby constituted a body politic and corporate by the style and the name of the "City of Loudon" and shall have perpetual succession by the corporate name; may sue and be sued, plead and be impleaded, grant, receive, purchase and hold real, mixed and personal property, and dispose of the same for the benefit of said City, and may have and use a corporate seal and change it at its pleasure.

SECTION 2. Boundaries. The boundaries of the City shall be as fixed by Chapter No. 229 of the Private Acts of the General Assembly of the State of

Tennessee for 1927, as amended by Chapter No. 1 of the Private Acts of 1945, and as further amended pursuant to general law.<sup>1</sup>

## ARTICLE II

### POWERS

#### SECTION

##### 1. Powers enumerated.

SECTION 1. Powers enumerated. The City shall have power: (1) To assess, levy, and collect taxes for all general and special purposes on all subjects or objects of taxation, polls and privileges taxable by law for State, County or City purposes.

(2) To adopt such classifications of the subjects and objects of taxation as may not be contrary to law.

(3) To contract and be contracted with.

(4) To expend the money of the City for all lawful purposes.

(5) To acquire or receive and hold, maintain, improve, sell, lease, mortgage, pledge, or otherwise dispose of property, real or personal, and any estate, or interest therein, within or without the City or State.

(6) To condemn property, real or personal or any interest, or estate or use therein, either within or without the City, for present or future defined public use; to condemn property for easements for public uses including, but not limited to, public utilities, roadways and railway lines and spur tracts serving industrial parks or industrial buildings; such condemnations to be made and effected in accordance with the procedures and provisions of Chapter 14 of Title 23 TCA, or in such other manner as may be provided by general law.

(7) To take and hold property within or without the City or State upon trust; and to administer trusts for the public benefit.

---

<sup>1</sup>The corporate boundaries have been amended pursuant to general law by the following ordinances of record in the recorder's office. Two (2) of the ordinances are dated November 13, 1961, and two (2) are dated December 11, 1961. The others are numbered as 462, 463, 503, 512, 530, 545, 550, 569, 582, 583, 595, 600, 605, 611, 623, 638, 639, 645, 652, 655, 659, 663, 665, 669, 674, 682, 683, 684, 692, 697, 698, 706, 727, 733, 735, 738, 746, 749, 1988-6, 1989-6, 1989-10, 1990-4, 1990-14, 1990-15, 1991-2, 1991-12, 1995-11, 1996-7, 1996-9, 1997-1, 1997-10, 1997-13, 1998-03, 1998-08, 1999-15, 2000-09, 2000-11, 2000-12, 2000-13, 2000-14, 2001-01, 2001-18, 2001-19, 2002-06, 2002-07, 2002-17, 2002-18, 2003-08, 2003-09, 2004-01, 2004-08, 2004-09, 2005-03, 2005-08, 2005-10, 2006-07, 2006-09, 2006-12, 2006-17, 2006-18, 2007-01, and 2010-13.

(8) To acquire, construct, own, operate, and maintain, or sell, lease, mortgage, pledge, or otherwise dispose of public utilities or any estate or interest therein, or any other utility of service to the City, its inhabitants, or any part thereof.

(9) To grant to any person, firm, association, or corporation franchises for public utilities and public services to be furnished the City and those therein. Such power to grant franchises shall embrace the power hereby expressly conferred, to grant exclusive franchises, and whenever an exclusive franchise is granted, it shall be exclusive against any other person, firm, association, or corporation. Franchises may be granted for the period of twenty-five (25) years or less, but not longer. The City Council may prescribe in each grant of a franchise, to public utilities not regulated by the Tennessee Public Service Commission, the rates, fares, charges, and regulations that may be made by the grantee of the franchise. Franchises may by their terms apply to the territory within the corporate limits of the City at the date of the franchises, and as said corporate limits thereafter may be enlarged; and to the then existing streets, alleys, and other thoroughfares that thereafter may be opened.

(10) To make contracts with any person, firm, association or corporation, for public utilities and public services to be furnished the City and those therein. Such power to make contracts shall embrace the power, expressly conferred, to make exclusive contracts; and when an exclusive contract is entered into, it shall be exclusive against any other person, firm, association, or corporation. Such contracts may be entered into for the period of twenty-five (25) years or less, but not longer. The City Council may prescribe in each such contract with public utilities not regulated by the Tennessee Public Service Commission entered into, the rates, fares, charges, and regulations that may be made by the person, firm, association, or corporation with whom the contract is made. Such contracts may by their terms apply to the territory within the corporate limits of the City at the date of the contract, and as said corporate limits thereafter may be enlarged; and to the then existing streets, alleys, and thoroughfares and to any other streets, alleys, and other thoroughfares that thereafter may be opened.

(11) To prescribe reasonable regulations regarding the construction, maintenance, equipment, operation and service of public utilities and compel, from time to time reasonable extensions of facilities for such services.

(12) To establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle, and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds and squares, bridges, viaducts, subways, tunnels, sewers, and drains within or without the corporate limits, and to regulate the use thereof within the corporate limits, and to take and appropriate property for the aforementioned uses under the provisions of Sections 6-1007--6-1011 and 23-1414, TCA, or in such other manner as may be provided by general law.

(13) To construct, improve, reconstruct, and reimprove by opening, extending, widening, grading, curbing, guttering, paving, graveling, macadamizing, draining, or otherwise improving any streets, highways, avenues, alleys or other public places within the corporate limits.

(14) To acquire, purchase, provide for, construct, regulate, maintain and do all things relating to all market places, public buildings, bridges, sewers and other structures, works and improvements.

(15) To collect and dispose of drainage, sewage, offal, ashes, garbage and refuse, and to impose a compulsory service charge for such, or to license and regulate such collection and disposal.

(16) To license and regulate all persons, firms, corporations, companies, and associations engaged in any business, occupation, calling, profession, or trade not forbidden by law or inconsistent with State licensing procedures.

(17) To impose a license tax upon any animal, thing, business, vocation, pursuit, privilege, or calling not prohibited by law.

(18) To define, prohibit, abate, suppress, prevent, and regulate all acts, practices, conduct, business, occupations, callings, trades, uses of property and all other things whatsoever detrimental, or liable to be detrimental, to the health, morals, comfort, safety, convenience, or welfare of the inhabitants of the City, and to exercise general police powers.

(19) To prescribe limits within which business occupations and practices liable to be nuisances or detrimental to the health, morals, security or general welfare of the people may lawfully be established, conducted or maintained.

(20) To inspect, test, measure, and weigh any article for consumption or use within the City, and to charge reasonable fees therefor; and to provide standards of weights, tests, and measures.

(21) To establish, regulate, license, and inspect weights and measures.

(22) To regulate the location, bulk, occupancy, area, lot, location, height, construction and materials of all buildings and structures, and to inspect all buildings, lands and places as to their condition for health, cleanliness and safety, and when necessary, prevent the use thereof and require any alteration or changes necessary to make them healthful, clean, or safe.

(23) To provide and maintain charitable, educational, recreative, curative, corrective, detentive, or penal institutions, departments, functions, facilities, instrumentalities, conveniences, and services.

(24) To purchase or construct, maintain, and establish a workhouse or farm colony, for the confinement and detention of any person convicted in the City court of offenses against the laws and ordinances of the City who fails to secure the fine and costs imposed upon him, or to contract with the County to keep said persons in the workhouse of said County and to provide by said contract and by ordinance for the commitment of such persons to the workhouse so provided, until such fine shall be fully paid.

(25) To enforce any ordinance, by means of fines, forfeitures and penalties and to impose costs as a part thereof.

(26) To establish schools, determine the necessary boards, officers, and teachers required therefor, and fix their compensation, to purchase or otherwise acquire land for schoolhouses, playgrounds and other purposes connected with the schools; to purchase or erect all necessary buildings and to do all other acts necessary to establish, maintain, and operate a complete educational system within the City.

(27) To regulate, tax, license or suppress the keeping or going at large of animals within the City; to impound the same and in default of redemption to sell or kill the same.

(28) To establish, maintain and operate Civil Service Systems, group insurance plans, and retirement systems for City employees, and to appropriate, expend and use the money of the City therefor.

(29) Under the police power, to make all necessary and proper rules and regulations regarding the use and operation of taxi cabs and contract carriers, and the operations thereof, within the corporate limits of the City of Loudon.

(30) To do all things necessary to provide the City sufficient and safe water; to provide for the regulation, construction and maintenance of water works, settling basins, pumping stations, water pipes and mains and rights-of-ways for the same, reservoirs and all appurtenances, whether within or without the corporate limits of the City; to provide for rates and assessments for water service, and to provide and fix liens or penalties and withdrawal of service for refusal or failure of the party served to pay for same.

(31) To provide for the establishment and operation of all offices, boards, divisions and departments, not herein enumerated, which may be deemed necessary or expedient in the interest of the City.

(32) To provide for and establish a City Planning Commission and a Board of Zoning Appeals pursuant to and consistent with the general law; and to invest such bodies with all the powers conferred by general law; and to act upon the plans, plats, decisions and recommendations made by such bodies, respectively, as in the general law provided.

(33) To call, regulate, provide for and control all municipal elections not provided by general law or this Charter.

(34) To provide for the control of the growth of grass, weeds and vegetation and the accumulation of trash, rubbish and other deleterious or noxious matter upon any property within the City; to require the owner or those in possession of said property to keep the same free from the accumulation thereof; to charge such owner or those in possession of said property with the cost of removal of same and to impress a lien upon such property to defray the costs thereof.

(35) Purchase, acquire, construct, own, operate, maintain, extend, improve, repair, equip and dispose of community antenna television systems or microwave multi-point distribution systems, or both, for the benefit of the citizens of the City. The City may operate any such system as a department or

part of a department of the City or place its operation in a separate board of in an existing electric or utility board, as provided by ordinance.

(36) Borrow money to purchase, acquire, construct, extend, improve, repair or equip any such system and issue its bonds or notes therefor, including refunding bonds, in such form and upon such terms as it may determine. Any such bonds or notes shall be issued pursuant to the procedures set forth in and shall be governed by the provisions of Tennessee Code Annotated, Title 9, Chapter 21, including provisions dealing with covenants permitted in bond resolutions, security and remedies of bondholders, and the system hereinabove described shall be deemed to be a "public works project", as that is defined in Tennessee Code Annotated, Title 9, Chapter 21.

(37) To have and exercise all powers which now or hereafter it would be competent for this Charter specifically to enumerate, as fully and completely as though said powers were specifically enumerated herein. [As amended by Pvt. Acts 1976, ch. 234, and Pvt. Acts 1991, ch. 26]

## ARTICLE III

### ELECTIONS

#### SECTION

1. Date of general city election.
2. General election laws apply.
3. Voter qualification requirements.
4. Election offenses.

SECTION 1. Date of general city election. A general City Election shall be held on the first Tuesday after the first Monday in November every fourth year beginning in November, 2010. [As replaced by Pvt. Acts 1988, ch. 184; and Pvt. Acts 2008, ch. 86, § 1]

SECTION 2. General election laws apply. All elections shall be conducted by the Commissioners of Elections of Loudon County in accordance with the general election laws and this Charter. [As replaced by Pvt. Acts 1988, ch. 184]

SECTION 3. Voter qualification requirements. Any person eighteen (18) years of age or older who is a resident of the City of Loudon and qualified to vote for members of the General Assembly and other civil officers for Loudon County shall be entitled to vote in elections for Mayor and Councilmen. The same qualifications for voting in all other City elections or referenda shall apply unless otherwise provided by law.

The Mayor and Councilmen elected hereunder as herein provided for shall assume office on the first Monday in December following their election. [As

replaced by Pvt. Acts 1988, ch. 184; amended by Pvt. Acts 2008, ch. 86, § 2, and replaced by Priv. Acts 2021, ch. 20, § 1]

SECTION 4. Election offenses. Every act or deed, whether of omission or commission, denounced by law as an offense in the case of the regular state elections, is hereby denounced and declared to be a like offense in this case or any regular or special election, held under this Act, and to be punishable in like form and manner. [As replaced by Pvt. Acts 1988, ch. 184]

## ARTICLE IV

### CITY COUNCIL

#### SECTION

1. Composition, election, term of office, re-election, and ties.
2. Qualifications for office.
3. Salaries.
4. Time and place of meetings.
5. The office of mayor.
6. Vacancies.
7. Appointment of vice-mayor and his duties.
8. Oath of office.
9. Quorum, attendance, and adjournment.
10. Proceedings.
11. Removal of mayor or councilman from office.
12. Procedure for adopting ordinances.
13. Legislative action which must be exercised by ordinance.

SECTION 1. Composition, election, term of office, re-election, and ties. The governing body of the City shall consist of a mayor and four (4) council members to be known officially as the "City Council" or "Council". There shall be elected by the qualified voters of the City a mayor and four (4) council members. The mayor shall be elected for a term of four (4) years. To establish staggered terms, the Council shall be elected in two groups known as "Group A" and "Group B" during the regular November election in 2022. Group A shall consist of two (2) of the council members, and Group B shall consist of two (2) council members. On the date of the regular November election in 2022, Group A will be elected for a term of four (4) years, and Group B will be elected for a term of two (2) years. For the regular November election in 2022, each candidate for council shall designate the group for which the candidate seeks election, and all voters in the city may vote for two (2) candidates for each designated group. The two (2) candidates for each group of council members receiving the largest number of votes shall be declared elected. The terms of all council members thereafter elected shall be for four (4) years, or until their successors are elected



and qualified. After the November election in 2022, the designation of "Group A" and "Group B" will cease to exist. There shall be a nonpartisan, at large, general municipal election held every two (2) years to the end that the council members shall serve four (4) year staggered terms. Present incumbents in the positions of mayor and council members shall continue to serve for the terms to which they were elected and until such time as their successors are elected and qualified.

Any council member shall be eligible for re-election. In the event that two (2) or more candidates for the same position receive the same number of votes at any election for council member, the outgoing Council shall, at a general or special meeting held prior to the beginning of the term of the newly elected council member or members, determine by lot which of said candidates shall take office. [As replaced by Priv. Acts 2021, ch. 20, § 2]

SECTION 2. Qualifications for office. Councilmen shall be qualified electors of the City and shall hold no other public office except as a Notary Public or member of the National Guard or Military Reserve. No person shall be eligible to the office of councilman unless he has been a citizen and resident of the City of Loudon for one (1) year immediately preceding his election. If a councilman shall cease to possess any of these qualifications, or shall be convicted of any crime involving moral turpitude, his office shall immediately become vacant. No person shall be eligible to serve as a councilman who has been convicted of malfeasance in office, bribery or other corrupt practice or crime. [As replaced by Pvt. Acts 1987, ch. 89]

SECTION 3. Salaries. The salaries of the Mayor and City Council shall be set by ordinance.

SECTION 4. Time and place of meetings. The Council shall, by ordinance, fix the time and place at which the regular meetings of the Council shall be held. Until otherwise provided by Ordinance, the regular meeting of the Council shall be held at 7:30 P.M. on the third Monday of each month. When such day falls on a legal holiday, the meeting shall be on the next following day unless otherwise prescribed by Council.

Whenever in the opinion of the Mayor or of any three (3) Councilmen, the welfare of the City demands it, the Recorder shall call a special meeting of the Council.

SECTION 5. The office of mayor. The Mayor shall preside at all meetings of the Council at which he is present, and in his absence, the Vice-Mayor shall preside, and in the absence of the Mayor and Vice-Mayor, the Council may designate one of their number to preside.

The Mayor shall be the ceremonial head of the City, and shall be the officer upon which process against the City may be served. He shall have a vote in City Council on all matters, but no veto power.

SECTION 6. Vacancies. Any vacancy in the Council shall be filled by appointment made by the remaining members thereof, and the Councilman so appointed shall serve for the remainder of the unexpired term. Provided, however, that only one (1) vacancy shall be filled by appointment made by the Council; and, in the event of any additional vacancy after the first, the Council shall forthwith, by Resolution, call upon the Election Commissioners for Loudon County to call a special election for the purpose of filling any such additional vacancy. The Election Commissioners for Loudon County, when thus called upon by the Council, shall immediately call such special election and appoint the necessary officers therefor, and said special election shall be held in the same manner as provided in this Charter for general City elections. The Councilman elected at such special election so held shall hold office for the remainder of the unexpired term; provided, however, that the foregoing provision with reference to filling any additional vacancy after the first by a special election shall not apply to any additional vacancy in the Council occurring less than ninety (90) days prior to any general City Election; and in the latter event, such additional vacancy occurring less than ninety (90) days prior to the next general City Election shall be filled by appointment made by the remaining members of the Council, and the Councilman so appointed shall serve until his successor elected at the next general election is qualified.

In the event of the occurrence of any vacancy in the Council which may, under the provisions of this Section, be filled by appointment by the remaining Councilmen, and such remaining Councilmen shall fail or neglect to fill such vacancy within 20 days of its occurrence, it shall be the duty of the Election Commissioners of Loudon County, upon certification of such facts to them by any Councilman, to call and cause to be held, as hereinabove provided, a special election for the purpose of filling such vacancy, provided such certification be made to the Election Commissioners for Loudon County within sufficient time to permit the holding and completion of such special election at least 90 days prior to the next general City election.

SECTION 7. Appointment of vice-mayor and his duties. At the first regular meeting of the Council in July after a general City election, the Mayor shall appoint a member of Council to the position of Vice-Mayor, and if the office of Mayor shall become vacant the Vice-Mayor shall become Mayor the remainder of the unexpired term; and in the latter event, as soon as the vacancy shall be filled, the Council shall elect another of its members to the office of Vice-Mayor to serve during the remainder of the unexpired term.

SECTION 8. Oath of office. The Mayor and councilmen, before entering upon their duties, shall each take and subscribe and file with the Recorder an oath or affirmation that he will support the Constitution of the United States and of the State of Tennessee and the Charter and Ordinances of the City of Loudon, and that he will faithfully discharge the duties of his office.

SECTION 9. Quorum, attendance, and adjournment. A majority of all the members of said Council shall constitute a quorum, but a smaller number may adjourn from day to day and may compel the attendance of the absentees in such manner and under such penalties as the Council may provide.

A regular meeting at which a quorum is present may be adjourned by a majority vote, either from day to day or from time to time; but no such adjournment shall be taken to a date beyond the day preceding the next regular meeting; and any adjourned meeting shall continue as a regular meeting throughout said adjournment.

SECTION 10. Proceedings. Said Council may determine the rules of its proceedings, subject to this Charter. It shall have power to subpoena witnesses and order the production of books and papers relating to any subject within its jurisdiction; to call upon the Chief of Police to execute its process; and to arrest and punish by fine any person refusing to obey such subpoena or order.

No fine for any one offense under this Section shall exceed fifty dollars.

Its presiding officer or the chairman of any committee may administer oaths to witnesses.

It shall keep a journal of its proceedings, and the vote on every question shall be entered thereon.

SECTION 11. Removal of mayor or councilman from office. The Mayor or any councilman may be removed from office by the Council for crime or misdemeanor in office, for grave misconduct showing unfitness for public duty or for permanent disability, all other members of the Council voting for said removal. The proceedings for such removal shall be upon specific charges in writing, which, with a notice stating the time and place of the hearing, shall be served on the accused or published at least seven (7) days prior to said hearing in a newspaper of general circulation in the City. The hearing shall be made public and the accused shall have the right to appeal and defend in person and by counsel, and have process of the Council to compel the attendance of witnesses in his behalf. Such vote shall be determined by yeas and nays and the names of the members voting for or against such removal shall be entered in the journal.

Immediately upon the vote for removal the term of the accused shall expire and his official status, power and authority cease without further action. Any one removed hereunder shall have the right of appeal, within ten days, to the Circuit Court of Loudon County. Upon any such appeal being taken, the

Recorder shall make and certify to the clerk of said Circuit Court a complete transcript of the entire removal proceedings. The Judge of said Court shall hear and determine the cause solely upon transcript record, and no additional evidence shall be introduced. The City or the accused, if either be dissatisfied with the decree of the Court, may appeal to the Supreme Court as in other cases.

SECTION 12. Procedure for adopting ordinances. All ordinances shall begin with the clause, "Be it ordained by the Council of the City of Loudon, Tennessee." An ordinance may be introduced by any member of the Council. The body of ordinances may be omitted from the minutes on first reading, but reference therein shall be made to the ordinance by title and/or subject matter. Every ordinance shall be passed on two different days, at regular, special or adjourned meetings. Except in the ordinance adopting the budget, no material or substantial amendment may be made on final passage, unless such amendment be passed in the same manner as an amendment to an existing ordinance. Every ordinance shall be effective upon final passage unless by its terms the effective date is deferred. Every ordinance upon final passage shall be signed by the presiding officer of Council, and shall be immediately taken charge of by the Recorder and by him numbered, copied in an ordinance book and there authenticated by the signature of the Recorder, and filed and preserved in the Recorder's office.

SECTION 13. Legislative action which must be exercised by ordinance. Except as otherwise provided by general law or this Charter, legislative action of the Council shall be by ordinance when granting, renewing or extending public franchises; creating, abolishing or combining departments or offices; authorizing the borrowing of money; regulating the rate charged for its services by a public utility; fixing fees, service charges and utility rates; exercising the police power; levying taxes; adopting the budget; providing a fine or other penalty or establishing a rule or regulation for violation of which a fine or other penalty is imposed; or amending or repealing an existing ordinance.

## ARTICLE V

### CITY MANAGER

#### SECTION

1. Appointment and compensation.
2. Who to act in manager's absence.
3. Powers and duties enumerated.
4. Council not to interfere with personnel appointments exclusive to manager or his subordinates.
5. Council to deal with personnel through manager generally.

SECTION 1. Appointment and compensation. The Council shall appoint a City Manager to serve at the will of the Council. The Manager shall be appointed on the basis of his executive and administrative qualifications. The compensation of the Manager shall be fixed by Council.

SECTION 2. Who to act in manager's absence. During the temporary absence or disability of the Manager the Mayor shall exercise the powers and perform the duties of City Manager. The Council may revoke such designation at any time and designate another officer of the City as acting Manager.

SECTION 3. Powers and duties enumerated. The Manager shall be the chief administrative officer of the City. He shall be responsible to the Council for the administration of all the City affairs placed in his charge by or under this Charter. He shall have the following powers and duties:

(1) He shall appoint and, when he deems it necessary for the good of the City, suspend or remove all City employees and appointive administrative officers provided for by or under this Charter, except the City Judge, City Attorney and officers and employees under the jurisdiction and control of the Board of Public Utilities. He may authorize any administrative officer subject to his direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.

(2) He shall direct and supervise the administration of all departments, offices and agencies of the City except the City Court and Board of Public Utilities.

(3) He shall attend all Council meetings and shall have the right to take part in discussion but may not vote.

(4) He shall see that all laws, provisions of this Charter and acts of the Council, subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed.

(5) He shall prepare and submit the annual budget to the Council.

(6) He shall submit to the Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year.

(7) He shall make such other reports as the Council may require concerning the operations of City departments, offices and agencies subject to his direction and supervision.

(8) He shall keep the Council fully advised as to the financial condition and future needs of the City and make such recommendations to the Council concerning the affairs of the City as he deems desirable.

(9) He shall perform such other duties as are specified in this Charter or as may be required by the Council.

SECTION 4. Council not to interfere with personnel appointments exclusive to manager or his subordinates. Neither the Council nor any of its

members shall in any manner dictate the appointment or removal of any City administrative officers or employees whom the Manager or any of his subordinates are empowered to appoint, but the Council may express its views and fully and freely discuss with the Manager anything pertaining to appointment and removal of such officers and employees.

SECTION 5. Council to deal with personnel through manager generally. Except for the purpose of inquiries and investigation, the Council or its members shall deal with City officers and employees who are subject to the direction and supervision of the Manager solely through the Manager, and neither the Council nor its members shall give orders to any such officer or employee, either publicly or privately.

## ARTICLE VI

### CITY ATTORNEY

#### SECTION

1. Qualifications.
2. Appointment, duties, and compensation.

SECTION 1. Qualifications. The City Attorney shall be an attorney at law entitled to practice in the courts of the State of Tennessee.

SECTION 2. Appointment, duties, and compensation. The City Attorney shall be appointed by the City Council and shall direct the management of all litigation in which the City is a party, including the function of prosecuting attorney in the City court; represent the City in all legal matters and proceedings in which the City is a party or interested, or in which any of its officers is officially interested; attend all meetings of the Council; advise the Council, and committees or members thereof, the City Manager, and the heads of all departments and divisions as to all legal questions affecting the city's interests; and approve as to form all contracts, deeds, bonds, ordinances, resolutions and other documents to be signed in the name of or made by or with the City. His compensation shall be as fixed by the Council and he shall serve at the will of City Council.

## ARTICLE VII

### RECORDER

#### SECTION

1. Appointment, compensation, and specific requirements, powers, and duties of office.
2. Shall keep minutes.

3. Shall be custodian of public records, bonds, etc.
4. Shall provide and certify copies of records, papers, etc.
5. Shall generally supervise and keep records of fiscal affairs.
6. Shall be treasurer.
7. Shall perform any other duties imposed.
8. Appointment of recorder pro tempore.

SECTION 1. Appointment, compensation, and specific requirements, powers, and duties of office. The Recorder shall be appointed by the City Manager subject to confirmation by City Council, and shall be the head of the department of finance. He shall receive a salary to be fixed by the Council; give such bond to the City for not less than ten thousand dollars, as may be provided by ordinance. He shall have a seat and a voice, but no vote, in the Council. When required he shall by his signature and the City seal, attest instruments signed in the name of the City and official acts of the Mayor. He shall have power to administer oaths.

SECTION 2. Shall keep minutes. It shall be the duty of the Recorder to be present at all meetings of the Council and to keep a full and accurate record of all business transacted by the same, to be preserved in permanent book form.

SECTION 3. Shall be custodian of public records, bonds, etc. The Recorder shall have custody of and preserve in his office, the City seal, the public records, ordinance books, minutes of the Council, contracts, bonds, title deeds, certificates and papers, all official indemnity or security bonds (except his own bond, which shall be in the custody of the Mayor), and all other bonds, oaths and affirmations, and all other records, papers and documents not required by this Charter or by ordinance to be deposited elsewhere, and register them by numbers, dates and contents, and keep an accurate and modern index thereof.

SECTION 4. Shall provide and certify copies of records, papers, etc. The Recorder shall provide, and, when required by any officer or person, certify copies of records, papers and documents in his office and charge therefor, for the use of the City, such fees as may be provided by ordinance; cause copies of ordinances to be printed, as may be directed by the Council, and kept in his office for distribution.

SECTION 5. Shall generally supervise and keep records of fiscal affairs. The Recorder as the head of the department of finance, shall exercise a general supervision over the fiscal affairs of the City, and general accounting supervision over all the City's property, assets and claims. He shall be the general accountant and auditor of the City; shall have custody of all papers, records and vouchers relating to the fiscal affairs of the City, and the records in

his office shall show the financial operations and condition, property, assets, claims and liability of the City, all expenditures authorized and all contracts in which the City is interested.

SECTION 6. Shall be treasurer. The Recorder shall be the Treasurer of the City; as such it shall be his duty to collect, receive and receipt for the taxes and all other revenues and bonds of the City, and the proceeds of its bond issues, and to disburse the same.

SECTION 7. Shall perform any other duties imposed. The Recorder shall also perform any other duties imposed upon him by this Charter or by ordinance.

SECTION 8. Appointment of recorder pro tempore. In event of the temporary absence or disability of the Recorder, the City Manager may by an instrument in writing appoint a Recorder pro tempore subject to confirmation of City Council who shall have and exercise all the powers of the regular Recorder.

## ARTICLE VIII

### ADMINISTRATION

#### SECTION

1. Departments, offices, and agencies generally.
2. Direction and supervision of departments, offices, and agencies.
3. Personnel rules.
4. Officers, employees, etc., who handle money shall be bonded.
5. Oath of office required.

SECTION 1. Departments, offices, and agencies generally. The Council may establish City departments, offices or agencies in addition to those created by this Charter, and may prescribe the functions of all departments, offices and agencies not inconsistent with this Charter. Departments, offices and agencies created by the Council may be abolished or combined.

SECTION 2. Direction and supervision of departments, offices, or agencies. All Departments, Offices and Agencies under the direction and supervision of the Manager shall be administered by an officer appointed by and subject to the direction and supervision of the Manager. The Manager may serve as the head of one or more such departments, offices or agencies or may appoint one person as the head of two or more of them.



SECTION 3. Personnel rules. The Council shall adopt personnel rules which shall include but not be limited to:

- (1) A job classification plan;
- (2) A pay plan;
- (3) The hours of work, attendance regulations and provisions for sick and vacation leave.

SECTION 4. Officers, employees, etc., who handle money shall be bonded. The City Manager and every officer, agent and employee having duties embracing the receipt, disbursement, custody, or handling of money shall, before entering upon his duties, execute a surety bond with some surety company authorized to do business in the State of Tennessee, as surety, in such amount as shall be prescribed by ordinance or this Charter. All such bonds and sureties shall be subject to the approval of the Council, and the Council may provide for blanket bonds. The cost of all bonds shall be an expense of the City.

SECTION 5. Oath of office required. The Manager and every appointive officer shall before taking office take and subscribe to the same oath of office required of the Mayor and Councilmen.

## ARTICLE IX

### FINANCE

#### SECTION

1. Fiscal year.
2. Annual departmental budgets required.
3. Manager required to prepare and submit annual budget and explanatory message.
4. Required content and organization of budget.
5. Amendments to budget, when budget must be adopted, and effect of adoption.
6. Supplemental appropriations.
7. Emergency appropriations.
8. Deficits.
9. Transfer of unencumbered appropriations.
10. Lapsing of appropriations.
11. Incurrence and discharge of obligations.
12. Borrowing.
13. Accounting records and audits.
14. Competitive bidding and purchasing procedures.

SECTION 1. Fiscal year. The fiscal year of the City shall begin on the first day of July and end on the last day of June.

SECTION 2. Annual departmental budgets required. The adoption of an annual budget for all departments except the board of utilities shall be a prerequisite to the appropriation of money for municipal purposes and the levy of property taxes.

SECTION 3. Manager required to prepare and submit annual budget and explanatory message. At least 60 days before the beginning of the fiscal year the Manager shall prepare and submit to the Council a budget for the ensuing fiscal year and an accompanying message. The Manager's message shall explain the budget both in fiscal terms and in term of work programs. It shall outline the proposed financial policies of the City for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the City's debt position and include such other material as the Manager deems desirable.

SECTION 4. Required content and organization of budget. The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year, excepting funds of the board of utilities, and, except as required by law or this Charter, shall be in such form as the Manager deems desirable or the Council may require.

SECTION 5. Amendments to budget, when budget must be adopted, and effect of adoption. After the first reading the Council may adopt the budget with or without amendment, but no amendment shall decrease expenditures required by law for debt service. The budget shall be adopted for the ensuing fiscal year before the end of the current fiscal year. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed.

SECTION 6. Supplemental appropriations. If during the fiscal year the Manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the Council by ordinance may make supplemental appropriations for the year up to the amount of such excess.

SECTION 7. Emergency appropriations. Upon a declaration by the Council that there exists a public emergency affecting life, health, property or the public peace, the Council may make emergency appropriations by ordinance. To the extent that there are no available unappropriated revenues to meet such appropriations Council is authorized to borrow funds sufficient to meet said emergency by issuing negotiable notes. Provision shall be made in the budget for the succeeding fiscal year for the payment of such notes.

SECTION 8. Deficits. If at any time during the fiscal year it appears probable to the Manager that the revenues available will be insufficient to meet the amount appropriated, he shall report to the Council without delay, indicating the estimated amount of the deficit, any remedial action taken by him and his recommendations as to any other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce appropriations.

SECTION 9. Transfer of unencumbered appropriations. At any time during the fiscal year the Manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency and, upon written request by the Manager, the Council may by resolution transfer part or all of any unencumbered appropriation balance from one Department, Office, or Agency to another.

SECTION 10. Lapsing of appropriations. Every appropriation shall lapse at the end of the fiscal year to the extent that it has not been expended or encumbered.

SECTION 11. Incurrence and discharge of obligations. No payment shall be made or obligation incurred against any appropriation unless the Manager or an officer designated by him first certifies that an appropriation has been made for that purpose and that there is unexpended and unencumbered in the appropriation for that purpose an amount sufficient to meet the obligation or to make the expenditure. However, except where prohibited by law, nothing herein shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year.

SECTION 12. Borrowing. The Council, for the sole purpose of meeting the necessary expenses within appropriations, is authorized to borrow money in the amount not to exceed 50 per cent of the anticipated revenues for the current fiscal year. Such notes shall mature during the current fiscal year and shall be paid from budgeted revenues.

SECTION 13. Accounting records and audits. There shall be installed and maintained adequate accounting records in accordance with generally accepted principles of municipal accounting. The same account titles shall be used throughout the accounting records, the budget and financial statements. Constant and comprehensive budgetary control shall be maintained. An audit of the financial affairs of the City shall be required by action of City Council and same be made after the end of each fiscal year by a public accountant skilled in such work. Any taxpayer may file a bill in chancery court to compel the Council

to have the audit made if such accountant has not been employed within one month after the end of the fiscal year.

SECTION 14. Competitive bidding and purchasing procedures. The Manager shall be responsible for all city purchasing, but he may delegate his duty to any subordinate appointed by him. Competitive prices for all purchases and public improvements shall be obtained whenever practicable and in accordance with regulations established by ordinance, and the purchases made from or the contract awarded to the lowest bidder, provided that the city shall have the power to reject any and all bids.

Formal sealed bids shall be obtained in all transactions involving the expenditure exceeding the amount set by the Mayor and Council by ordinance adopted pursuant to the requirements established in Tennessee Code Annotated, Section 6-56-302, and the transaction shall be submitted to and approved by the council; provided, that in cases where the council indicates by formal unanimous resolution of those present at the meeting, based upon the written recommendation of the Manager, that it is clearly to the advantage of the city not to contract with competitive bidding, it may authorize noncompetitive contracts. Purchasing and contract procedures not prescribed by this charter or other law may be established by ordinance. (As amended by Pvt. Acts 2008, ch. 86, § 3]

## ARTICLE X

### TAXATION

#### SECTION

1. Assessment and levy.
2. Due and delinquent dates; penalties and interest.
3. Collection of delinquent taxes.
4. Publication of notice to taxpayers.
5. Institution of suits to enforce tax liens.
6. Statutory lien.

SECTION 1. Assessment and levy. All property within the City not exempt by general law shall be assessed for taxation upon the same principles established in regard to state and county taxation. Assessments made by the county tax assessor may be adopted by the City.

SECTION 2. Due and delinquent dates; penalties and interest. Property taxes shall be payable on and after October 1 in the year for which assessed and shall become delinquent on March 1 following. The Council by ordinance shall fix penalties and interest on delinquent taxes.

SECTION 3. Collection of delinquent taxes. All taxes delinquent for 30 days may be collected by distress warrants and sale of personal property, and the delinquent tax list in the hands of the collector shall have the force and effect of a judgment and execution from a court of record.

SECTION 4. Publication of notice to taxpayers. In February of each year there shall be published once a week for two consecutive weeks a notice to taxpayers informing them the date after which penalties and interest on property taxes will be due.

SECTION 5. Institution of suits to enforce tax liens. Before March 1 of the second year following the year for which assessed, the Recorder shall certify to the City Attorney the list of all real estate upon which municipal taxes remain due and unpaid, or which is liable for sale for other taxes and assessments, and said Attorney shall proceed at once to file suits in the Chancery Court for the collection of said taxes, assessments, penalties and interest and enforcement of tax liens. Upon the filing of suit an additional penalty of ten per cent shall accrue upon all delinquent taxes as attorney's fees. Suits may be filed, prosecuted and the land sold in the same manner as for the enforcement of tax liens for delinquent county taxes, or as otherwise provided by general law.

SECTION 6. Statutory lien. All municipal taxes on real estate in the City of Loudon, and all penalties and cost accruing thereon are hereby declared to be a lien on said real estate from and after February 28 after the year for which the same are assessed.

## ARTICLE XI

### CITY COURT

#### SECTION

1. Appointment, oath, compensation, and restrictions on office of city judge.
2. Absence or disability of city judge.
3. Term of office of city judge may be provided by ordinance.
4. Duties and powers of city judge.
5. Imposition of bail, fines, costs, and sentences.
6. Maintenance of docket and other court rules.
7. Rehearings.
8. City judge to be exclusive judge of law and facts.

SECTION 1. Appointment, oath, compensation, and restrictions on office of city judge. A City Judge who shall constitute the City Court shall be appointed by the Council to serve at the will of the Council or for a term to be

fixed by ordinance. He shall take the same oath required of the Mayor and Councilmen. He shall receive such compensation as may be provided by ordinance. Nothing herein is to be construed as prohibiting the City Judge from also serving in administrative duties under this Charter.

SECTION 2. Absence or disability of city judge. The Council shall designate a qualified person to serve in the absence or disability of the City Judge.

SECTION 3. Term of office of city judge may be provided by ordinance. In the event a term of office is provided by ordinance, there shall also be provided the conditions which will create a vacancy in the office, how the vacancy shall be filled, and such other matters as the Council deems necessary.

SECTION 4. Duties and powers of city judge. The City Judge shall try all persons charged with violation of the ordinances of the City. He shall have the power to levy fines, penalties and forfeitures not exceeding \$50 for each offense 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 by fine not exceeding \$10.

SECTION 5. Imposition of bail, fines, costs, and sentences. The bail of persons arrested and awaiting trial and persons appealing the decision of the City Judge shall be fixed by the City Judge and upon such security as in his discretion he deems necessary or as otherwise provided by ordinance. Cash bail of persons arrested may be accepted at such times and by officials other than the City Judge as provided by ordinance, but no officer shall accept cash bail unless the person arrested shall be given a receipt which shall explain the nature of the deposit. The receipt shall be in duplicate and a copy with the money deposited shall be filed with the City Judge. Fines and costs may be paid by installments to be fixed and security determined as provided by ordinance. Upon failure to pay fines or to furnish security, the City Judge shall commit the offender to the jail or workhouse until such fines have been paid. For each day's confinement there shall be credited \$5.00 toward the fine.

SECTION 6. Maintenance of docket and other court rules. The City Judge shall keep a docket. The Council may by ordinance require such other records, fix the time for holding court, and provide such other rules and regulations for the proper functioning of the court as deemed necessary.

SECTION 7. Rehearings. Whenever any person convicted of the violation of an ordinance of the City shall show to the satisfaction of the City Judge that new evidence of his innocence not available to him at the trial which evidence,

if true, could result in acquittal, the City Judge may grant a rehearing if petitioned within nine days of the trial.

SECTION 8. City judge to be exclusive judge of law and facts. The City Judge shall be the exclusive judge of the law and facts in every case before him, and no official or employee of the City shall attempt to influence his decision except through pertinent facts presented in court.

## ARTICLE XII

### CIVIL SERVICE SYSTEM

#### SECTION

1. Composition, appointment, compensation and qualification of board members.
2. Officers of the board.
3. Employees covered by the civil service system.
4. Hiring not to be a matter before the board.
5. Duties and decisions of the board.
6. Investigations, hearings and appeals of the board.
7. Enforcement.
8. Oath required.
9. Violations punishable.

SECTION 1. Composition, appointment, compensation and qualifications of board members. There is hereby created a civil service system for the City of Loudon, Tennessee. A civil service board, hereinafter referred to as "the board" to consist of three members is hereby created to administer the said civil service system. One member of the Board shall be elected by the governing body of the City of Loudon; one member shall be elected by the members or employees of the City of Loudon covered by the civil service system. These two members shall then elect a third person within ten days after their appointment and qualification, and the person agreed upon by the two members so appointed shall be and constitute the third member of the board. Provided, that if the two members appointed and selected shall fail to agree within ten days after their appointment then in that event the governing body of the City of Loudon shall appoint three citizens to meet and confer with three other citizens appointed by the employees of the City of Loudon and this joint committee of six shall meet, within ten days, and appoint a person not a member of the governing body of the City of Loudon, nor an employee of the City of Loudon, who shall constitute the third member of the board.

These three members thus appointed to the board shall serve as the Commission until July 31, 1964, or until their successors are appointed and qualified. Thereafter and by the same process three members shall be elected

to said Board, who may be re-appointed members or new members and the member selected by the governing body of the City of Loudon, Tennessee, shall serve for six years, commencing on August 1, 1964, and the member selected by the employees of the City of Loudon shall serve for a period of four years, commencing with August 1, 1964, and the member selected by the two representatives from the governing body of the City of Loudon and from the employees, or from the joint committee provided in the above paragraph shall serve for a period of two years from August 1, 1964, and thereafter prior to August 1st of each even year the member of the board whose term expires shall be replaced or reappointed for a six year term by an appointment in the same manner provided for his original appointment.

The members of this board shall receive for their services the sum of \$100.00 per year, to be paid out of the General Fund of the City of Loudon.

No person shall be appointed to the board who is not a citizen of the United States and a resident of the City of Loudon for at least one year preceding such appointment. No employee or Councilman of the City of Loudon, nor any elected official of the State of Tennessee, or the County of Loudon nor any other public office holder shall be a member of said board.

Any member of the board may be removed from the office for incompetency, dereliction of duty, malfeasance in office or upon conviction of any crime involving moral turpitude. However, no member of the board shall be removed until charges shall have been preferred in writing, due notice thereof given to him and a full public hearing is given before the governing body of the City of Loudon. Any member so removed may, within ten days, appeal to the Chancery Court for Loudon County, Tennessee, which court shall thereupon proceed to hear such appeal. Such hearing shall be confined to the determination of whether the order of removal made by the governing body of the City of Loudon was or was not made in good faith for proper cause, and no appeal to such court shall be taken except upon such grounds and the decision of such court shall be final.

Two members of this board shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the board. Provided that due notice of all meetings shall be given to all three board members at least forty-eight hours in advance by written notice of either the Chairman or Secretary of said Board.

**SECTION 2. Officers of the board.** The board members shall elect one of three as the chairman who shall preside over all meetings, one as vice-chairman to serve in the absence of the chairman, and the third as secretary. It shall be the duty of the secretary to keep complete and accurate records of all proceedings held by the board in a minute book to be provided for that purpose. Said secretary shall likewise keep a complete and accurate record of employment lists provided for by the Loudon Utilities and the City of Loudon. It shall be the duty of the officials of the City of Loudon to make adequate finan-



cial provision for the performance of the duties of this board in carrying out this Article, including stenographic service to the secretary, but only for official business of the board.

SECTION 3. Employees covered by the civil service system. All persons except the city manager and the manager of Loudon Utilities holding positions on a paid full-time basis in the service of the City of Loudon or Loudon Utilities are inducted into the civil service of the City of Loudon; provided, however, any employee appointed to a position with the City of Loudon or Loudon Utilities whether by original appointment or promotion shall be subject to a probationary period as determined by the personnel rules and regulations of the respective governing body of the City of Loudon or Loudon Utilities. [As replaced by Pvt. Acts 1991, ch. 28, and further replaced by Pvt. Acts 1993, ch. 4]

SECTION 4. Hiring not to be a matter before the board. All hiring and employing of various employees in the several departments of the City of Loudon and Loudon Utilities shall be governed by this Charter and such rules and regulations adopted by the respective governing bodies not inconsistent with this Charter, and such hiring shall not be a matter before this board.

SECTION 5. Duties and decisions of the board. It shall be the duty of the board to:

- (a) Investigate complaints and grievances of employees relative to suspensions, demotions, or discharges.
- (b) Insure that all hearings and investigations before the board relative to suspensions, demotions or discharges shall be governed by the rules of practice and procedure adopted by the board, and subject to the provisions of this Charter and the City's personnel policy. The board shall not be bound by rules of legal evidence. No informality in any procedure or hearing shall invalidate any order, decision, rule or regulation made or approved by the board; provided, however, that no decision shall be binding unless concurred in by at least two of the board members.

SECTION 6. Investigations, hearings and appeals of the board. No person covered by this Article who shall have been permanently appointed to a full pay position and not under any probationary period shall be demoted, suspended or discharged except for cause. Any person so suspended, demoted or discharged may within twenty days from the time of his demotions suspension or discharge file with the board a written demand for an investigation, whereupon the board shall conduct such investigation. The investigation shall be confined to the determination of whether such demotion suspension or discharge was or was not made in good faith for cause. After the investigation the board may affirm the removal, demotion, or suspension or if

it shall find that the action was not in good faith for cause it may order the immediate reinstatement or reemployment of such person in the office, place or position from which such person was demoted, discharged or suspended, which provisions may be retroactive, if the board so provides, entitling such person to pay or compensation at his regular rate prior to his demotion, suspension or discharge, from the time of such demotion, suspension, or discharge.

The board in its discretion in lieu of affirming or reversing the demotion, suspension, or discharge, may modify the order by directing a suspension without pay for a given period and subsequent restoration of duty, grade or pay; and the finding of the board shall be certified in writing to the City Manager and shall be forthwith enforced by him.

All investigations made by the board and hearings pursuant to the provisions of this Article shall be made by public hearing, after reasonable notice to the accused of the time and place of such hearing, at which hearing the accused shall be afforded an opportunity of appearing in person or by counsel and presenting his defense. At such hearing the substance of the testimony of all witnesses shall be preserved in writing and a record or account shall be kept of all proceedings. From any order adverse to the accused, the latter may appeal to the Chancery Court of Loudon County, Tennessee. Such appeal shall be taken by serving the board, within ten days after entry of such order, a written notice of appeal, stating the ground or grounds thereof, and demanding a certified transcript of the records of the hearing and all papers pertinent to said employee in said hearing, and on file with the officers or superiors under whom he worked, affecting or relating to such employment. The board within twenty days after such appeal shall file such records with the Court. The Chancery Court shall thereon proceed to hear and determine such appeal, provided, that such hearing shall be confined to the determination of whether the order of demotion, discharge or suspension approved by the board was or were made or not made in good faith and for cause, and no appeal to such Chancery Court shall be taken except upon such ground or grounds as set forth in said notice and the decision of said Chancery Court shall be final.

Provided further, that a Court Reporter shall not be required in the proceeding before the board, that the substance of the testimony of any witness before the board will be kept by the secretary of said board for records of said hearing, or by a stenographer employed for that purpose.

Provided further, that the board may retain counsel to represent the board and advise them at any and all hearings before the board but in no case shall such counsel be the City Attorney of the City of Loudon.

**SECTION 7. Enforcement.** It shall be the duty of the board to begin and conduct all civil suits which may be necessary for the proper enforcement of this Article, and to defend all civil suits which may be brought against the board or appeals from its determination. The board shall be authorized to retain counsel for the purpose of prosecuting or defending such suits and the expenses thereof

shall be borne by the City of Loudon. In no case shall the City Attorney of the City of Loudon represent the board.

SECTION 8. Oath required. No person shall be discharged, suspended, or demoted from any position held by such employee, due to his political or religious opinions, but all employees covered hereby must take an oath to support the Constitution of the United States of America and the Constitution of the State of Tennessee.

SECTION 9. Violations punishable. Failure on the part of the board, or any member thereof, or on the part of the City Manager or his employees or the governing body of the City of Loudon, or any member thereof, to comply with the terms of this Article shall be considered a violation of this Article and shall be punishable as such.

## ARTICLE XIII

### MISCELLANEOUS AND TRANSITIONAL PROVISIONS

#### SECTION

1. Corporate existence, existing ordinances and resolutions.
2. Expiration of terms of elected officers.
3. Legal effect of this act.

SECTION 1. Corporate existence, existing ordinances and resolutions. The corporate existence of the City of Loudon is continued. All existing ordinances, resolutions or other actions of the Board of Commissioners not inconsistent with this Charter shall remain in full force and effect until amended or repealed in the manner herein provided.

SECTION 2. Expiration of terms of elected officers. The Board of Commissioners in office when this Act is ratified shall continue in office as the Mayor and Councilmen until their successors are elected and qualified.

SECTION 3. Legal effect of this act. This Act is declared to be a Public Act, and may be read in evidence in all courts of law and equity. All ordinances and resolutions and proceedings of the City Council created by this Charter may be proven by the seal of said Corporation, attested by the Recorder, and, when printed and published by the authority of said corporation and certified by the Recorder, shall be received in evidence in all courts and places without further proof.

SECTION 2.<sup>1</sup> BE IT FURTHER ENACTED, That all Acts and parts of Acts in conflict with this Act be and the same are hereby repealed from and after the effective date of this Act as hereinafter provided.

SECTION 3. BE IT FURTHER ENACTED, That if any Section or part of a Section of this Act shall be finally adjudged by a court of competent jurisdiction to be invalid or unconstitutional, the same shall not be held to invalidate or impair the validity, force or effect of any other Section or part of a Section of this Act, unless it clearly appears that such other Section or part of a Section is wholly or necessarily dependent for its operation upon the Section or part of a Section so held unconstitutional or invalid.

SECTION 4. BE IT FURTHER ENACTED, That this Act shall become operative in accordance with its provisions upon approval by a two-thirds vote of the Board of Commissioners of the City of Loudon, Tennessee.<sup>2</sup>

SECTION 5. BE IT FURTHER ENACTED, That this Act shall take effect upon its passage, the public welfare requiring it.

PASSED: April 16, 1975

s/Ned R. McWherter  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

s/John S. Wilder  
SPEAKER OF THE SENATE

APPROVED this 24th day of April 1975

s/Ray Blanton  
GOVERNOR

---

<sup>1</sup>Everything up to here is a part of section 1 which begins on page 1.

<sup>2</sup>Approved by ordinance No. 555 passed on final reading May 12, 1975.

Private Acts Comprising the Charter of Loudon, Tennessee

Year	Chapter	Subject
1927	229	Basic charter act.
1927	689	Amended subsection 8 of section 7 of the charter.
1927	781	Authorized annual tax for street purposes.
1929	642	Authorized \$85,000.00 bond issue for water, sewers and fire hydrants and provided for operation of systems.
1931	765	Amended section 4 of the charter.
1935	61	Authorized \$15,000.00 bond issue for outstanding debts.
1935	507	Authorized \$15,000.00 bond issue for sewers.
1937	325	Amended sections 25 and 26 of the charter.
1939	280	Validated \$25,000.00 bond issue for sewers and streets.
1941	109	Authorized \$30,000.00 bond issue for streets.
1943	194	Amended sections 25 and 26 of the charter.
1943	196	Amended section 12 of the charter.
1943	252	Authorized \$60,000.00 bond issue for outstanding debt.
1945	1	Amended section 2 of the charter.
1945	371	Amended section 12 of the charter.
1945	372	Validated \$40,000.00 funding bond issue.

Year	Chapter	Subject
1947	473	Amended chapter 371, private acts of 1945.
1961	131	Amended sections 9, 18, and 28 of the charter.
1961	337	This act is same as chapter 131, private acts of 1961.
1963	128	Civil service act.
1967	321	Amended sections 3 and 4 of the charter.
1970	202	Provided for use of payments in lieu of taxes from electric system.
1970	277	Amended chapter 202, private acts of 1970.
1972	299	Amended section 16 of the charter.
1975	74	Complete revision of charter.
1976	234	Amended article II, section 1 (6), of the charter.
1987	89	Amended article IV, section 2 of the charter.
1988	184	Amended article III of the charter.
1991	26	Amended article II, section 1 of the charter to add subsections 35 and 36.
1991	28	Amended article XII, section 3 of the charter.
1993	4	Replaced article XII, section 3 of the charter.
2008	86	Replaced article III, section 1, amended article III, section 3, and amended article IX, section 14 of the charter.

2021

20

Replaced article III, section 3; and replaced article IV, section 1.