

CHARTER FOR THE CITY OF ROCKWOOD, TENNESSEE¹

CHAPTER NO. 289

HOUSE BILL NO. 2555

By Ledford, Henry (Roane)

Substituted for: Senate Bill No. 2528

By Elkins, O'Brien

AN ACT to amend Chapter 327 of the Acts of 1903, and all acts amendatory thereto, being the charter of the City of Rockwood in Roane County, Tennessee.

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¹The Charter of the City of Rockwood, being Chapter 327, Acts of the General Assembly of the State of Tennessee of 1903 and all acts amendatory thereto, were comprehensively revised in 1980 to read as set forth in Chapter 289, Private Acts of the State of Tennessee passed by the Ninety-first General Assembly, 1979-1980. As set forth herein, no changes have been made in the Charter as enacted and revised by the General Assembly except that a table of contents and some explanatory footnotes have been included. The text of the basic charter act set out herein was last amended to reflect legislation passed in the 2024 session of the Tennessee General Assembly and is current with the laws from the 2024 Regular Session of the 113th Tennessee General Assembly. Sections of the charter which have been amended contain at the end of those sections the citation to the official private act or acts constituting the amendment or amendments.

Bond authorization acts and all other private acts which have been enacted for the city since 1903 are listed herein at the end of the charter for historical reference.

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

SECTION 1. Chapter 327 of the Acts of 1903, and all acts amendatory thereto, being the charter for the city of Rockwood in Roane County, Tennessee, is further amended to read as follows:

ARTICLE I

Incorporation, Name, Etc.

Section 1. The City of Rockwood, in Roane County, Tennessee, and the inhabitants thereof, be and the same are hereby constituted a body politic and corporate under and by the name and style of "City of Rockwood," and shall have perpetual succession; that by this name and style may sue and be sued, plead and be impleaded, contract and be contracted with, grant, receive, purchase and hold real, personal and mixed property, and dispose of same for the benefit of said City, and may have a corporate seal.

ARTICLE II

Powers

Section 1. All powers granted to cities incorporated under the general law, Section 6-202, Tennessee Code Annotated, and to cities incorporated under the Uniform City Manager Charter, Sections 6-1901 and 6-1902, Tennessee Code Annotated, except as otherwise provided in this charter, and all general laws delegating powers to incorporated cities and towns are hereby adopted by reference and made a part of this charter, and the repeal of any of these laws shall have no effect on this charter unless the repealing law expressly denies the power to cities.

ARTICLE III

Elections

Section 1. Elective Offices. Elective offices of the City shall be that of Mayor and six Councilmen, to be elected from the City at large.

Section 2. Nomination of Mayor and Councilmen. Any person eligible for the office of Mayor shall have his name placed on the ballot as a candidate upon filing with the County Commissioners of Elections not less than 45 nor more than 60 days prior to the day of the election a petition signed by not less than 25 qualified voters of the City. The petition shall be headed, "Petition. To the Commissioners of Elections, Roane County, Tennessee. We hereby nominate..... for office of Mayor of Rockwood, Tennessee in the election to be held..... We request that his name be printed on the ballot." The legal address of each signer shall be stated opposite his signature. The person obtaining the signatures shall certify under oath after the last signature on the petition that he is acquainted with each signer and that each signer signed in his presence. Any person eligible for the office of Councilman shall be nominated for this position in the same manner as candidates for Mayor are nominated.

Section 3. Qualification and Registration of Voters. Any person who is a registered voter for members of the General Assembly and other constitutional officers for Roane County, and who lives within the Corporate limits of the City

of Rockwood for 60 days preceding the date of the election shall be entitled to vote for Mayor and Councilmen. The same qualifications for voting in all other City elections or referenda shall apply unless otherwise specifically provided by general law.

Section 4. Time, Place, and Manner for Holding Elections. Beginning with the regular November election to be held in November 2014, and bi-annually thereafter, the Mayor and Councilpersons shall be elected by the qualified voters of said city, at an election held bi-annually on the date of the general state election, held on the first Tuesday after the first Monday in Tennessee of even-numbered years in accordance with the general election laws of the State of Tennessee. Candidates shall be listed on the ballots without indication of their party affiliations. The term of office for Mayor and all Councilpersons elected in June 2009 shall be extended to December 1, 2014, to expire at 12:00 noon. Likewise, the term of office for all Councilpersons elected in June 2011 shall be extended to December 1, 2016, to expire at 12:00 noon. In each and every regular City election thereafter, the seats then becoming vacant shall be filled by persons elected for terms of four (4) years. The Mayor and Councilpersons shall serve during their terms of office, or until their successors are elected and qualified. In the event of failure to elect because of a tie in the votes cast, the Commissioner of Elections shall immediately call a run-off election. [As amended by Priv. Acts 1996, ch. 171; and replaced by Priv. Acts 2014, ch. 43, § 1]

Section 5. Election Offenses. It shall be unlawful for any candidate for office or any officer of the City, directly or indirectly, to pay, give, or offer to pay or give, or promise directly or indirectly money, office, position, employment, benefit, or anything of value to any person, or to knowingly suffer any person to do so for the purpose of obtaining the political support, aid, vote, or influence of any voter or for obtaining his vote or influence against any opposing candidate. Any person violating this provision shall be punished by a fine of not more than Fifty (\$50.00) Dollars for each offense, and shall be disqualified from holding the office of Mayor or Councilman for five (5) years.

Section 6. Recall Elections. Subject to the provisions of Section 9 of this article, elections for the removal by recall of officers shall be held not less than ninety (90) days from the receipt by the Commissioners of Elections of a petition signed by at least fifteen percent (15%) of the registered voters of the City demanding recall. A separate petition shall be required for each officer sought to be recalled, and shall name the officer and contain a general statement of the grounds upon which the recall is sought. Each petitioner shall state after his/her

signature his/her address and the date of signing. Signatures may be on separate sheets, but each sheet shall contain the affidavit of the person obtaining the signatures, who must be a registered voter of the City, that to the best of his/her knowledge and belief, each signer is a registered voter of the City, and that each person signed his/her own name in the presence of the affiant and on the date stated after the signature. The petition must be filed within seventy-five (75) days after the Commissioner of Elections certifies the petition to be in proper form in accordance with Tennessee Code Annotated § 2-5-151 (c). The Commissioner of Elections shall determine the sufficiency of the petition within thirty (30) days of filing the completed petition. If the petition is found sufficient, the officer named in it shall be given notice immediately by registered or certified mail that a recall petition naming such officer has been filed and found sufficient and the date of the election. Resignation of an officer shall terminate recall proceedings against such officer, but no resignation shall be effective if made less than fifteen (15) days preceding the date fixed for the election. Recall elections to be held pursuant to petitions filed within ninety (90) days of a regular city election, a general state election or any other election in which the registered voters of the City shall be entitled to vote shall be held at that election. Recall elections shall not be held more than once in any calendar year. [As replaced by Priv. Acts 2014, ch. 43, § 2]

Section 7. Recall Ballots. For each officer subject to recall, the ballot shall have the following question "Shall (name of officer) be recalled from the office of (name of office)?" followed by the words "Yes" and "No" so that the voter can intelligently vote his preference by making a cross mark opposite the proper word.

Section 8. Removal. The office of the person recalled shall be vacant upon certification of the Commissioners of Elections that a majority of the votes cast were for recall.

Section 9. Recall of Majority or More of Council. Should a petition for the recall of a majority or more of the members of the Council be filed with the Commissioners of Elections, the election shall not be for removal, but shall be conducted in the same manner as a new election, except that terms shall be for the unexpired terms of incumbent Councilmen. However, each incumbent shall run for his own unexpired term and other candidates shall be elected, in accordance with plurality of votes, to the term commensurate with the number of votes received. New candidates shall qualify in the same manner as for

regular elections, as provided herein, but incumbent Councilmen shall be relieved of qualifying and may be qualified by announcing their candidacy. The term limitations provision elsewhere in this charter shall not apply to the partial terms of newly elected Councilmen under this provision.

ARTICLE IV

City Council

Section 1. Qualification of Members. The governing body of the City shall consist of a Mayor and Six Councilmen to be known officially as the "City Council" or "Council." Any resident of the City of Rockwood who is a registered voter of the City and who shall be at least twenty-one (21) years old on the day of the election and a resident of the City for one (1) year next preceding the election shall be eligible for the office of Mayor or Councilman. No person who has been elected to the office of Mayor or Councilman twice consecutively or to the offices of Mayor and Councilman in succession shall be eligible for election a third consecutive time. No person shall be eligible for the office of Mayor or Councilman who shall have been convicted of misfeasance or malfeasance in office, bribery, or other corrupt practice or crime, or of violating any of the provisions of this charter, and if the Mayor or a Councilman shall be so convicted, he shall forfeit his office.

No member of Council shall be eligible to serve on any board except as provided by law.

Section 2. Term of Office, Oath, Compensation. The Mayor and Councilmen shall take office at 12:00 noon, December 1, following their election unless that date falls on Sunday, in which event they shall take office at 12:00 noon, December 2. The term of the Mayor shall be four (4) years. The term of Councilperson shall also be four (4) years. The mayoral and three (3) council positions shall be filled during one (1) election. Two (2) years later, an election shall be held to fill the remaining three (3) council positions.

In the 1969 regular city election, the first, second and third place candidates for Council in the number of votes received shall be elected to four (4) year terms, and fourth, fifth, and sixth place candidates shall be elected to two (2) year terms. Thereafter, all successors to Councilpersons whose terms expire shall be elected to four (4) year terms.

In the event of a tie vote between two (2) or more persons having the highest number of votes for the office of Mayor or for Councilperson, the City Council may cast the deciding vote, or in the alternative, the City

Council may by resolution call for a run-off election between the tied candidates.

The Mayor and Councilmen shall serve during their term of office and until their successors are elected and qualified. Before entering upon the duties of their offices, the Mayor and Councilmen shall take oath before any officer authorized to administer oaths to discharge honestly and faithfully the duties of their respective offices. The Mayor who takes office on December 1, 2014, and each Mayor who takes office thereafter, shall be paid one hundred fifty dollars (\$150.00) monthly, and shall receive no other compensation for service as Mayor. The Councilpersons who take office on December 1, 2014, and all Councilpersons who take office thereafter, including, but not limited to the Councilpersons who take office on December 1, 2016, shall be paid the sum of one hundred dollars (\$100.00) monthly, and they shall receive no other compensation in any form for their service. [As replaced by Priv. Acts 2014, ch. 43, § 3]

Section 3. Vacancies. The office of Mayor or Councilman shall become vacant upon the office holder's death, resignation, removal of residence from the City, or removal from office in any manner authorized by law or forfeiture of office. Vacancies shall be filled until the next regular city election by affirmative vote of a majority of the remaining members, and any unexpired term beyond the next regular election shall be filled by the voters. In the filling of vacancies, the Mayor shall have a vote. A Councilperson may be appointed to fill a vacancy in the office of Mayor by a majority vote of the other Council Members voting. No Councilperson shall vote for his or her own appointment to fill such a vacancy. An abstention shall be considered a non-vote, neither for nor against the matter under consideration. [As replaced by Priv. Acts 2014, ch. 43, § 4]

Section 4. Recall. The Mayor or any Councilman may be removed from office, or required to run for office during his term, in a recall election as provided in Article III. No person removed from office by recall, either under Section 6 or Section 9 of Article III or who has resigned from such office after a recall petition has been filed and found sufficient by the Commissioners of Elections shall be eligible to any office of the City within four (4) years after his removal or resignation.

ARTICLE V

Legislative Procedure of the Council

Section 1. Exercise of Powers, Meetings, Procedure. The exercise of all powers granted in this charter or by general law is vested in the Mayor and City Council, except as otherwise specifically provided. The Council shall speak solely

through its minutes or journal entries which shall be kept in a bound book and authenticated by the presiding officer and the Recorder. The Council shall, by ordinance, fix the time and place of regular council meetings. Until changed by ordinance, regular meetings shall be on the fourth Monday of each month at 6:00 P.M. at the City Hall. Special meetings may be called by the Mayor or by at least two (2) Councilmembers on forty-eight (48) hours' notice, or shorter in case of emergency, and notice must be served personally on the other members of the Council by the Mayor, a Council Member, or a police officer. The notice shall indicate in a general way the business to be considered, and any business not embraced in the emergency notice shall not be considered unless the Mayor and all Councilmembers are present. A copy of the notice shall be made available to the news media.

The Mayor shall preside at all meetings of the Council, and in the absence of the Mayor and Vice-Mayor, the Council members constituting a quorum may designate one of their numbers to act as presiding officer. Except as provided in Article IV, Section 3, four (4) members of the Council, the Mayor being a member thereof, shall constitute a quorum. An affirmative vote of a majority of the votes being cast shall be required for the passage of any ordinance, resolution, or motion, even if an equal or greater number of the quorum present refuses to vote or fails to vote. An abstention shall be considered a non-vote, neither for nor against the matter at issue. The Mayor shall have a vote on all matters, but no veto power. The Council may by ordinance or resolution establish its own rules of procedure not inconsistent with this charter, and may punish by fine not to exceed fifty dollars (\$50.00) any person who shall be guilty of disorderly conduct at any meeting of the Council. All meetings of the Council shall be open to the public. [As replaced by Priv. Acts 2014, ch. 43, § 5]

Section 2. Ordinance Adoption. Except as otherwise provided, ordinances shall be passed in the following manner. Every proposed ordinance shall be in writing. After adoption of a code of ordinances, each ordinance of a general and permanent nature shall be adopted, as far as practicable, as amending or adding a numbered section of the code. Any ordinance which amends an existing ordinance or part of the city code shall set out in full the ordinance, sections or sub-sections amended. Each ordinance shall be read and passed at two separate meetings, which may be regular or special, but which shall be at least ten days apart. After passage, each ordinance shall be authenticated by the Mayor and Recorder or by two Councilmen, and placed in a binder. The body of ordinances may be omitted from the minutes of the Council, but reference therein shall be made to the ordinance by number and subject matter.

ARTICLE VI

Administration

Section 1. Administrative Organization. The Council shall by ordinance provide the administrative organization of the City not provided for in this charter. In addition to the offices provided by this charter, the Council may create such offices and positions of employment as deemed necessary for the efficient operation of the city, and shall fix the compensation for offices and positions created. All offices and positions of employment at the level of department head or above shall be filled by the Council upon recommendation of the Mayor and all such officers and employees shall serve at the will of the Council. All officers and employees who are authorized to receive or to have custody of public funds shall give bond acceptable to and in an amount to be determined by the Council. The cost of bonds of officers and employees may be made an expense of the City, and instead of individual bonds, a blanket bond may be used. All officers, whether their offices are provided by this charter or the Council, shall before entering upon the duties of office take the oath required of the Mayor and Councilmen. In the temporary absence of any officer or vacancy in any office, other than Councilman, that required Council appointment to fill, the Mayor shall appoint some qualified person to serve during the absence or temporarily until the Council fills the vacancy.

Section 2. Duties of the Mayor -- Vice Mayor. The Mayor shall preside at all meetings of the City Council and perform such other duties consistent with the Mayor's office as may be imposed by it, and the Mayor shall have a seat, a voice, and a vote on all ordinances, resolutions, motions, and matters coming before the City Council. The Mayor shall sign the journal of the Council, and all ordinances on their final passage, execute all deeds, bonds, and contracts made in the name of the City. The Mayor may introduce ordinances and resolutions in the City Council. The Mayor shall have the power, and it is hereby made the Mayor's duty to perform all acts that may be required of the Mayor by any ordinance duly enacted by the City Council not in conflict with any of the provisions of this charter. The Mayor shall receive all legal process against the City and it shall be the Mayor's duty forthwith to transport the process to City Council and the City Attorney. The Mayor shall serve as an ex-officio member of all Boards, Commissions, and Committees.

The Vice-Mayor shall assume the duties of the Mayor when the Mayor is absent from the City or temporarily incapacitated. Should a permanent vacancy occur in the office of the Mayor, the Vice Mayor shall assume the duties of the Mayor until the City Council elects a new Mayor.

At the first meeting of the City Council after their installation as Council Members, Council shall choose a Vice Mayor from the Council Members remaining on Council from the city election held two (2) years previously. The term of Vice Mayor shall be for two (2) years. [As replaced by Priv. Acts 2014, ch. 43, § 6]

Section 3. Duties of Officers. That any omission of this charter in defining the duty or authority of any officer not otherwise defined by law which is necessary to carry out properly the provisions of this charter shall be supplied by the Council.

Section 4. City Judge -- Appointment, Term, Jurisdiction, Compensation. That there shall be a City Court for the City of Rockwood. A City Judge who shall constitute the City Court may be appointed by the Council to serve at the will of the Council or for a term to be fixed by ordinance. He shall be not less than twenty-one (21) years of age and shall take the oath prescribed for the Mayor and Councilmen. The Recorder may be appointed to this office. The jurisdiction of the City Judge shall extend to the trial of all offenses against the ordinances of the City. Costs in trials of offenses against the ordinances of the City shall be provided by ordinance. The City Judge shall have power to levy fines, penalties, forfeitures, and costs, to issue all necessary process, to administer oaths, and to maintain order including the power to fine for contempt. The sole compensation for serving as City Judge shall be a salary fixed by the Council.

Section 5. Bail, Fines and Cost, Docket. Bail of persons arrested and waiting trial and persons appealing the decision of the City Judge shall be fixed by the City Judge and upon such security as in his direction 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 official shall accept cash bail except upon conditions fixed by ordinance whereby 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 received shall be deposited with the City Judge within twenty-four (24) hours of the arrest. Fines and costs may be paid by installments to be fixed and security determined as provided by ordinance. Upon failure to pay fines and costs or to furnish security, the City Judge shall commit the offender to the City jail or workhouse until such fines and cost have been paid. For each day's confinement, the offender shall be credited with Five (\$5.00) Dollars, but in no instance shall confinement be in excess of Ten (10) days. A monthly report shall be made to the Council of all revenues of the Court. The City Judge shall keep a docket of all cases handled by him.

Section 6. Separation of Powers. The City Judge shall be exclusive judge of the law and the 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.

Section 7. Recorder, Appointment, Term, Compensation, Duties. That a Recorder shall be appointed by the Council to serve a term of four years to serve concurrently with the Mayor and Councilmen or until his successor is appointed and qualified; provided he shall serve at the will of the Council if four Councilmen shall vote to dismiss him. The Recorder shall receive such compensation as shall be fixed by resolution. The immediate responsibility for the administration of all financial affairs of the City shall be that of the Recorder. He shall collect all taxes and receive all revenues, have custody of all funds and make all disbursements. The Recorder shall perform all clerical duties not delegated to another officer, shall act as clerk and secretary to and attend all meetings of the Council, and shall have custody of all public records and all official bonds; provided, however, that the bond of the Recorder shall be in the custody of the Mayor.

Section 8. City Attorney -- Appointment, Term, Compensation, Duties. The Council may appoint a City Attorney to serve at the will of the Council or for a term to be fixed by ordinance, with compensation to be determined by the Council. He shall have such authority and perform such acts and duties as the Council may prescribe.

ARTICLE VII

Finance

Section 1. Budget Preparation. As a prerequisite to the levy of property taxes, Council shall adopt annually a comprehensive budget for the ensuing year, and the budget shall be observed in making the property tax levy. It shall contain a schedule of revenues by source and a schedule of appropriations by departments and activity for each fund. In addition, a prediction of the balance of unappropriated surplus to be available for appropriation in the ensuing year from the prior year shall be made. A budget message shall be prepared by the Mayor, and it shall be made a part of the proposed budget. The budget message shall point up increases and decreases in the budget and the reasons therefore, highlights of the budget, and needed public improvements for the ensuing year and for the next five (5) years thereafter. The schedule of capital improvement needs for the next five (5) years shall be informational only and it shall not be considered an appropriation. A copy of the proposed budget and after adoption, the budget ordinance, shall be made available to any resident of the City.

The budget shall be prepared by the Mayor in consultation with the Councilmen. Items in the proposed budget may be increased, decreased, omitted, or new items may be added to the proposed budget by Council before adoption of the budget ordinance.

Section 2. Budget, Adoption. The budget ordinance shall after five (5) days' notice and public hearing, be finally adopted before the beginning of the fiscal year which shall be July 1 through June 30, and summary published. Adoption of the budget ordinance shall constitute an appropriation of the amounts listed for the stated purposes and a levy of a property tax at the rate stated. Unless otherwise required by law or contract, the property tax shall be levied by a single rate, and all revenues shall be credited to the general fund.

Section 3. Expenditures to be Within Appropriation. Except as otherwise permitted by law, no obligation shall be created or money spent until it shall have been determined that an appropriation in the annual budget ordinance has been made for that purpose and that there is unexpended in the appropriation for that purpose an amount sufficient to meet the obligation or to make the expenditure. Provided, however, the budget may be amended quarterly by resolution after five (5) days' notice and public hearing so that there may be a reappropriation to meet changing conditions. Unencumbered appropriations shall lapse at the end of the fiscal year, and all unexpended funds shall be reappropriated.

Section 4. Borrowing -- Tax Anticipation. The Council, for the sole purpose of meeting the necessary expenditures for current operation of the City, is authorized to borrow money in accordance with the rules established by the Comptroller of the State of Tennessee.

Section 5. Borrowing -- Emergency. That in the event of an emergency, the nature of which shall be spread upon the minutes, the Council is authorized to borrow in any one fiscal year the amount necessary, and to appropriate the proceeds to meet the emergency. Such borrowing shall be upon negotiable notes signed by the Mayor and Recorder, who shall exert their best efforts to obtain lowest interest rates. Provision shall be made in the budget for the succeeding fiscal year for the payment of such notes.

Section 6. Accounting, Audits. There shall be installed and maintained adequate accounting records in accordance with generally accepted principles of municipal accounting. Annual and monthly financial statements shall be prepared and constant and comprehensive budgetary control maintained. The same account titles shall be used throughout the accounting records, the budget and the financial statements. An audit of the financial affairs of the City shall

be made after the close of each fiscal year by an independent public accountant skilled in such work.

Section 7. Disbursements, Depositories. Except as otherwise provided in this charter or by general law, no purchase or order of or contract for any goods or services out of appropriated funds shall be made by any officer or employee of the City except upon authority of the Council as set forth in an approved budget ordinance. Disbursements shall be made in such manner as the Council by resolution shall direct. The Recorder shall determine that each claim against the City is correct and due, and shall approve each invoice before payment. The Council shall designate official depositories of City funds, and require such security as it deems necessary.

Section 8. Collection of Property Taxes. Not later than September 1, the Recorder shall make out the City tax book which shall be kept in the Recorder's office. The Recorder shall be the city tax collector, and in collecting taxes shall have all the powers of county trustees in collecting state and county taxes. Property taxes shall be due and payable the first of October of each year, and shall be delinquent the first day of March following. Delinquent taxes shall bear interest at the rate of one-half (1/2%) percent per month until paid, and in addition, the Council may by ordinance provide a schedule of penalties the total of which shall not exceed ten (10%) percent of the original delinquent tax.

Section 9. Collection of Delinquent Taxes. On the first Monday in April each year, the Recorder shall make a list of all delinquent taxes, and deliver it to a delinquent tax collector designated by the Council. In collecting delinquent City taxes, the collector shall have all the powers and duties and shall receive the compensation provided for collection of delinquent county taxes. Before receiving any payment of delinquent taxes, he shall give bond in an amount and under such conditions as the council may prescribe. The delinquent tax collector shall make his return on or before the first Monday in September. After the return of the delinquent tax collector and before the first day of October following the Recorder shall cause to be published once a week for two (2) consecutive weeks in a newspaper circulating in the City a list of all delinquent taxpayers with a notice that if taxes are not paid before the first day of November following, suits will be filed for enforcement of liens for taxes against land. On the first day of November following, the Council shall appoint a delinquent tax attorney who shall proceed to collect such delinquent taxes as provided by general law.

Section 10. Contracts. The City Council shall, by ordinance, establish dollar limits over which competitive bidding is required. Such limits shall not exceed the amount set in the Municipal Purchasing Law of 1983, codified at

Tennessee Code Annotated, Title 6, Chapter 56, Part 3. [As replaced by Priv. Acts 2004, ch. 113, and Priv. Acts 2011, ch. 32]

Section 11. "In Lieu of Tax" Payments on Electric System. All tax equivalent paid by the Electric System shall be placed in the general fund of the City of Rockwood and shall be collected in accordance with existing state laws.

ARTICLE VIII

Transitional and Miscellaneous Provisions

Section 1. Continuation of Old City -- Boundaries. This amendment continues the corporate existence of the City of Rockwood. The boundaries of the City at the time this amendment becomes effective shall be as fixed by Chapter 327, Acts of 1903 and all acts amendatory thereto and any annexations or detachments of territory made pursuant to law.¹

¹The corporate boundaries were described in Acts 1903, ch. 327, § 2. They have been extended by Priv. Acts 1913 (ES) ch. 4, and the following annexation ordinances of record in the recorder's office:

Ordinance No. 590, November 8, 1956

Ordinance No. 591, November 8, 1956

Ordinance No. 594, March 14, 1957

Ordinance No. 628, March 12, 1964

Ordinance No. 630, June 11, 1964, was abandoned by the mayor and board of commissioners by resolution dated July 21, 1965, after the annexation was attacked in court.

Ordinance No. 783, March 19, 1979

Ordinance No. 785, June 5, 1979

Ordinance No. 814, February 5, 1981

Ordinance No. 830, November 16, 1981

Ordinance No. 860, August 20, 1984

Ordinance No. 875, June 16, 1986

Ordinance No. 879, December 15, 1986, was abandoned by resolution dated January 19, 1987

Ordinance No. 882, April 6, 1987

Ordinance No. 883, June 15, 1987

Ordinance No. 904, September 18, 1989

Ordinance No. 918, November 19, 1990

Ordinance No. 919, December 17, 1990

Ordinance No. 932, October 21, 1991

Ordinance No. 935, January 20, 1992

(continued...)

Section 2. Existing Ordinances, Resolutions, Etc. All existing ordinances, resolutions or other actions of the City Council not inconsistent with this amendment shall remain in full force and effect until amended or repealed in the manner provided in this Charter.

Section 3. Operation and Control of the Electric System. The operation and control of the electric system shall be vested in the Electric Power Board of Rockwood by ordinance adopted in strict compliance with Tennessee Code Annotated, Title 7, Chapter 52; provided, however, the Electric Power Board of Rockwood shall consist of four (4) members appointed by the governing body of the City of Rockwood upon recommendation by the Mayor, and one (1) member from the City of Kingston appointed by the governing body of the City of Rockwood upon recommendation by the governing body of the City of Kingston. Three (3) members shall be residents of the City of Rockwood, one (1) member shall be a resident of the City of Kingston, and one (1) member shall be a resident of an unincorporated area served by such board. One (1) of the members who is a resident of the City of Rockwood shall be a member of the City Council. The other two (2) members from the City of Rockwood shall be property holders in the City, and shall be residents of the City of Rockwood for one (1) year preceding their appointment. The member from the City of Kingston shall be a property holder in said City, and shall be a resident of said City for one (1) year preceding the appointment. The member from the unincorporated area served by such board shall be a property holder in said unincorporated area and a resident in said unincorporated area for one (1) year preceding the appointment. Upon expiration of the term of each Power Board member not a member of the City Council, the City Council of the City of Rockwood shall appoint a successor to serve a four (4) year term, upon recommendation from the Mayor, or in the case of the expired term of the Power Board member from the City of Kingston, upon recommendation from the governing body of the City of Kingston. A Board Member who is a member of the City Council shall serve a term to run with his or her term of office as a member of the City Council. Non-council members of the Board may not be appointed to succeed themselves more than once. When a vacancy occurs for any other reason, the City Council

(...continued)

Ordinance No. 981, December 19, 1994

Ordinance No. 1049, January 21, 2002

Ordinance No. 03-1062, March 17, 2003

Ordinance No. 05-1077, December 20, 2004

The corporate boundaries have been contracted by the following deannexation ordinances of record in the recorder's office:

Ordinance No. 985, February 20, 1995

Ordinance No. 1028, May 17, 1999

of the City of Rockwood shall appoint a successor for the unexpired term only, upon recommendation from the Mayor, or in the case of a successor to the Power Board member from the City of Kingston, upon recommendation, from the governing body of the City of Kingston.

No provision of said Private Act shall be construed to remove any incumbent from office, and the provisions of said Private Act shall be implemented as the terms of office of members of the Board expire.¹ [As replaced by Priv. Acts 2021, ch. 13]

Section 4. Operation and Control of Waterworks, Sewer and Natural Gas System. The operation and control of the Waterworks, Sewerage and Natural Gas system shall be vested in the Board of Waterworks, Sewerage and Natural Gas Commissioners by ordinance adopted in strict compliance with Tennessee Code Annotated Title 7, Chapter 35, provided, however, the Board of Waterworks, Sewerage and Natural Gas Commissioners of the City of Rockwood shall consist of five (5) members appointed by the governing body of the City of Rockwood upon recommendation by the Mayor. Four (4) members shall be residents of the City of Rockwood, and one (1) member shall be a resident of the unincorporated area served by such board. One (1) of the members that is a resident of the City of Rockwood shall be a member of the City of Council. The other three (3) members from the City of Rockwood shall be property holders in the City, and shall be residents of the City of Rockwood for one (1) year preceding their appointment. The one (1) member from the unincorporated area of such board shall be a property holder in said unincorporated area and shall be a resident thereof for one (1) year preceding their appointment. Upon expiration of the term of each board member not a member of the City Council, the City Council of the City of Rockwood shall appoint a successor to serve a four (4) year term upon recommendation by the Mayor. A board member who is a

¹Priv. Acts 1980, ch. 231, provides as follows:

"SECTION 1. Notwithstanding any provision of the law to the contrary, the Rockwood Electric Utility Power Board shall consist of five (5) members appointed by the governing body of the City of Rockwood. Three (3) members shall be residents of the City of Rockwood, one (1) member shall be a resident of the City of Kingston and one (1) member shall be a resident of an unincorporated area served by such board. The governing body of the City of Rockwood shall appoint the resident of the City of Kingston from a recommendation submitted by the governing body of the City of Kingston.

SECTION 2. The provisions of this Act shall not be construed to remove any incumbent from office and the provisions of Section 1 shall be implemented as the terms of office of members of the board expire."

member of the City Council shall serve a term to run with his or her term of office as a member of the City Council. Non-council members of the Board may not be appointed to succeed themselves more than once. When a vacancy occurs for any other reason, the City Council of the City of Rockwood shall appoint a successor for the unexpired term only upon recommendation by the Mayor.

No provision of said private act shall be construed to remove any incumbent from office, and the provisions of said private act shall be implemented as the terms of office of members of the Board expire. [As replaced by Priv. Acts 2021, ch. 14]

Section 5. Departments of Government. Departments shall be established by the City Council.

Section 6. Council to Review Charter Periodically. It shall be the duty of the Council to make a comprehensive review of this charter every five (5) years, or more often if deemed desirable, for the purpose of determining necessary changes.

SECTION 2. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to that end the provisions of this Act are declared to be severable.

SECTION 3. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the City Council of the City of Rockwood before December 31, 1980. Its approval or nonapproval shall be proclaimed by the presiding officer of the City Council and certified by him to the Secretary of State.

SECTION 4. 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 being approved as provided in Section 3.

PASSED: April 14, 1980

NED R. McWHERTER
SPEAKER OF THE HOUSE OF REPRESENTATIVES

JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED: April 18, 1980

LAMAR ALEXANDER
GOVERNOR

This is to certify that according to the official records in this office, House Bill No. 2555, which is Chapter No. 289 of the Private Acts of 1980, was properly ratified and approved and is therefore operative and in effect in accordance with its provisions.

GENTRY CROWELL
Secretary of State

RELATED PRIVATE ACTS

Priv. Acts 2024, ch. 55,
"Civil Service Board" C-?

PRIVATE CHAPTER NO. 55

HOUSE BILL NO. 2991

By Representative Fritts

Substituted for: Senate Bill No. 2976

By Senator Yager

AN ACT to repeal Chapter 32 of the Private Acts of 1997, and any other acts amendatory thereto, relative to the City of Rockwood.

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

SECTION 1. Chapter 32 of the Private Acts of 1997, and any other acts amendatory thereto, is amended by repealing the act and substituting the following:

SECTION 1. There is hereby created a system of Civil Service for the City of Rockwood. A Civil Service Board, hereinafter referred to as "the board", to consist of five members, is hereby created to exercise the powers and authorities hereinafter set forth. Two members of the board shall be elected by the governing body of the City of Rockwood upon recommendation of the Mayor. Two members shall be elected by the employees of the classified service, in a joint election, and the two persons receiving the majority of the votes of the employees in the classified service shall become the two members of the board. The persons selected by the governing body of the City of Rockwood and the persons selected by a majority vote of the classified service shall then select one person within 10 days of their appointment and selection, and the person agreed upon by these four so appointed and selected shall constitute the fifth member of the board; provided, that if the four members appointed and selected shall fail to agree within 10 days after their appointment, then the governing body of the City of Rockwood shall appoint four citizens of the City of Rockwood to meet and confer with four citizens of the City of Rockwood appointed by employees of the classified service. This joint committee of eight shall meet within 10 days and appoint one person who shall constitute the fifth member of the board.

The five members thus appointed to the board shall serve as board members for a term as appointed, or until their successors are appointed and qualified. Each member shall serve a term of four years. No member shall be allowed to succeed himself or herself more than once.

The members of this board shall receive for their services an amount to be determined by the governing body of Rockwood, to be paid out of the General Fund of the City of Rockwood, but said amount shall be no less than \$50.00 per month. No person shall be a member of said board who is not a citizen of the United States, a resident of the City of Rockwood for at least one year immediately preceding such appointment, and a qualified voter of Roane County. No employee of the City of Rockwood or any of its departments or public agencies, elected official of the City of Rockwood, member of any other Board of the City of Rockwood, convicted felon or person convicted of a misdemeanor involving moral turpitude may be a member of the board.

Any member of this board may be removed from office by the governing body of the City of Rockwood for incompetency, dereliction of duty, malfeasance in office, or upon conviction of a felony or upon conviction of a misdemeanor involving moral turpitude; provided, however, that no member of the board shall be removed until charges have been submitted in writing, due notice and full public hearing before the governing body of the City of Rockwood. The appeal of any decision of the governing body of the City of Rockwood to remove a member of this board shall be brought in accordance with the provisions of Tennessee Code Annotated, Section 27-9-101 et. seq. Such appeal shall be confined to the determination of whether the order of removal made by the governing body of the City of Rockwood was made in good faith for proper cause.

The members of the board shall devote due time and attention to the performance of the duties imposed upon them by this act. The board shall meet when necessary to perform the duties imposed on it by this act. The presence of three members of this board shall be sufficient for the decision of all matters and the transaction of all business this board is authorized to decide or transact by this act. The affirmative vote of three members shall be required to overturn any employee demotion, discipline, suspension or termination of employment. Due notice of all meetings shall be given so that all five members may have an opportunity to be present. [As replaced by Priv. Acts 2024, ch. 55]

SECTION 2. The provisions of this act shall apply to all employee personnel working on a paid, full-time basis except the following:

- (a) Department heads and utility general managers;
- (b) City recorder;

- (c) All elected officials and persons appointed to fill vacancies in elective offices;
- (d) The chief administrative officer -- the mayor;
- (e) The city administrator;
- (f) All members of appointive boards, commissions or committees;
- (g) Employees during their probationary periods;
- (h) City attorney and assistant city attorneys;
- (i) Consultants, advisors, and counsel rendering temporary professional service;
- (j) Independent contractors;
- (k) Emergency employees who are hired to meet the immediate requirements of an emergency condition such as fire, flood, or earthquake;
- (l) Seasonal employees;
- (m) Employees hired to temporarily fill a vacancy;
- (n) Persons rendering part-time service paid by the hour or day;
- (o) Volunteer personnel, such as volunteer firemen; and
- (p) All personnel appointed to serve without compensation.

All persons to whom this act applies shall be known as the classified service. All persons to whom this act does not apply shall be known as the unclassified service. [As replaced by Priv. Acts 2024, ch. 55]

SECTION 3. Each position in the classified service shall have a written job description prepared by the head of the department where the persons holding such position will work. All job descriptions shall be approved by the governing body of the City of Rockwood, unless the department has a separate governing board, in which case, the job

descriptions shall be approved by said separate governing board. Each job description shall contain the minimum standards of mental ability, physical conditions, experience, education, personality, specified training, certification, and licensure required for the job classification and the employing department. Each department head may, in his or her discretion, develop examinations to be taken by applicants for classified service positions in that department head's department.

Each department head shall prepare a standard schedule of pay ranges and hours based generally on the presently applicable salary rates and hours worked for each class of positions in the classified service in that department head's department. All schedules of pay ranges and hours shall be approved by the governing body of the City of Rockwood, unless the department has a separate governing board, in which case, the schedule of pay ranges and hours shall be approved by such separate governing board.

To ensure that the best-qualified individual is chosen for each vacancy in the classified service, positions shall be simultaneously advertised internally and externally for a minimum of 10 days. External advertisement shall include at least one advertisement in a newspaper of general circulation in Roane County, Tennessee. Any promotion or transfer of position in the departments of the city shall be so made on the basis of qualification, fitness, and job performance. The governing body of the City of Rockwood may, by ordinance, prescribe rules and regulations concerning the advertisement of vacant positions except for departments having a separate governing board, in which case such governing board may prescribe rules and regulations concerning the advertisement of vacant positions. [As replaced by Priv. Acts 2024, ch. 55]

SECTION 4. Each person holding a position in the classified service shall be inducted into the civil service system in the position such person holds after serving in that position for at least six months previous thereto, except for persons serving as police officers and firefighters, and shall remain in the civil service for so long as he or she holds that position. The six-month probationary period for positions in the classified service may be extended one time, for no more than six additional months, by the governing body of the City of Rockwood, or if the department is governed by a separate board, by such separate board. For persons serving as police officers and firefighters, the probationary period shall be for one year, and may be extended for no more than six additional months by the governing body of the City of Rockwood. [As replaced by Priv. Acts 2024, ch. 55]

SECTION 5. Persons inducted into the civil service system shall be allowed to hold their office, place, position or employment only for and during good behavior and if able to meet the minimum requirements of their office, place, position or employment. Any such person may be removed, discharged, suspended without pay, and demoted in rank or other special privileges for:

(a) Dishonesty, intemperance, immoral conduct, insubordination, any act of omission or commission tending to injure the public service, any willful failure of the employee to conduct himself or herself in a manner consistent with employment in the public sector, any violation of the provisions of this act, any violation of any personnel rules and regulations of the governing body of the City of Rockwood or of the governing board of the department where the employee works, any violation of any state or federal law, rule or regulation pertaining to said employee's job classification, or any violation of any rule or regulation authorized or promulgated by this act;

(b) Conviction of a felony, conviction of a misdemeanor involving moral turpitude, or conviction of a misdemeanor reflecting upon the ability to perform public service or one for which a jail sentence is or may be imposed; or

(c) Any other act or failure that is sufficient to show that the employee is unsuitable or unfit to be employed in the classified service.

The City Council shall, by ordinance, establish all rules and regulations concerning employee discipline. Such rules and regulations shall provide for due process, any exceptions to due process, causes for employee discipline, the mode and manner of employee discipline, and may provide for progressive discipline. [As replaced by Priv. Acts 2024, ch. 55]

SECTION 6. No person inducted into the classified service shall be removed, suspended or discharged except for cause, and only upon written accusation of the employer, or any citizen or taxpayer of the City of Rockwood, and such written statement shall be served upon the accused.

The governing body of the City of Rockwood shall, by ordinance, establish a policy and procedure for employees to resolve grievances with their employer concerning the following matters, and to appeal to the

Civil Service Board unresolved grievances concerning the following matters:

- (a) Disciplinary suspension or demotion; and
- (b) Disciplinary dismissal.

Any employee disciplinarily suspended, demoted, or dismissed shall have 10 days from the employer's final decision of suspension, demotion, or dismissal to file a written grievance with the Civil Service Board. Each written grievance shall be filed within said 10-day period with the city recorder and forwarded to the chairperson of the Civil Service Board. For each grievance so presented, the Civil Service Board shall conduct a hearing, swear in witnesses, take testimony, review exhibits and listen to arguments by both the employer and employee. At such hearing, the employee must prove by clear and convincing evidence that the employer, in the exercise of reasonable discretion, had no legitimate basis for imposing the discipline complained of. Three members of the Civil Service Board must vote to overturn the employer's decision and order the immediate reinstatement or re-employment of such employee to the office, place, position or employment from which the employee was suspended, demoted, or discharged and to entitle such employee to pay or compensation from the time of such suspension, demotion or dismissal.

All such hearings conducted by the Civil Service Board shall be public hearings, after reasonable notice to the employer and the employee of the time and place of such hearing. Formal rules of evidence shall not apply, and the Civil Service Board may establish written rules of procedure for conducting such hearings. Both the employer and the employee shall be afforded an opportunity to hire and be represented by counsel at such hearing. At such hearing, a written record of all testimony, exhibits and evidence shall be made by the Civil Service Board. The Civil Service Board shall issue a written decision no later than 10 days after the conclusion of said hearing. Said decision shall be rendered at a public meeting, after reasonable notice to the employer and the employee of the time and place of such hearing. The deliberations of the Civil Service Board shall at all times be subject to all provisions of the Tennessee Open Meetings Act. No member of the Board may discuss a grievance, an employment matter, or any issue pertaining thereto with anyone outside the confines of a public hearing except legal counsel hired by the Civil Service Board.

The appeal of any decision of the Civil Service Board shall be brought in accordance with the provisions of Tennessee Code Annotated, Section 27-9-101 et. seq. [As replaced by Priv. Acts 2024, ch. 55]

SECTION 7. The Civil Service Board is authorized to prescribe and adopt rules of procedure concerning the conduct of its meetings and the transaction of any business and the performance of its duties imposed by this act. [As replaced by Priv. Acts 2024, ch. 55]

SECTION 8. The City of Rockwood, its officers and employees, shall aid in all proper ways in carrying out the provisions of this act, and shall afford to the Civil Service Board all reasonable facilities and assistance in the inspection of all books, papers, documents and accounts relevant to the duties of the Civil Service Board imposed by this act.

The Civil Service Board is authorized to employ such clerical or administrative help as reasonably necessary to carry out the duties imposed by this act. The Civil Service Board is also authorized to retain legal counsel to the extent reasonably necessary in carrying out the duties imposed by this act.

The governing body of the City of Rockwood shall have authority to appropriate from the general funds of the city a sum sufficient to carry out the terms of this act, and shall make such appropriation. [As replaced by Priv. Acts 2024, ch. 55]

SECTION 9.

(a) No person shall be denied appointment, denied promotion, or be demoted or dismissed from any position in the classified service, or be discriminated against with respect to employment in the classified service because of such person's race, color, religion, sex or national origin. A person's disability shall have no bearing on such person's employment in the classified service unless such disability cannot be reasonably accommodated.

(b) No person shall seek or attempt to use any political endorsement in connection with the appointment to the classified service.

(c) No person shall use or promise to use, directly or indirectly, any political or official authority or influence, whether possessed or anticipated, to secure or, to attempt to secure for any person an appointment or advantage in appointment to a position

in the classified service or an increase in pay or other advantage in employment. [As replaced by Priv. Acts 2024, ch. 55]

SECTION 10. Any person who shall intentionally violate any provision of this act shall be liable for a civil penalty of not less than \$50.00 or more than \$500.00. [As replaced by Priv. Acts 2024, ch. 55]

SECTION 11. All laws, ordinances, rules, or regulations or parts thereof in conflict with this act are hereby repealed. [As replaced by Priv. Acts 2024, ch. 55]

SECTION 12. No provision of this private act shall be construed to remove any incumbent from office. [As replaced by Priv. Acts 2024, ch. 55]

SECTION 2. 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 Rockwood. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state. [As replaced by Priv. Acts 2024, ch. 55]

SECTION 3. 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 as provided in SECTION 2. [As replaced by Priv. Acts 2024, ch. 55]

PASSED: March 28, 2024

CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES

RANDY M. MCNALLY
SPEAKER OF THE SENATE

APPROVED this 22nd day of April 2024

BILL LEE, GOVERNOR

PRIVATE ACTS COMPRISING THE CHARTER OF THE CITY OF
ROCKWOOD, TENNESSEE

YEAR	CHAPTER	SUBJECT
1903	327	Basic charter act.
1911	559 ¹	Authorized \$15,000.00 bond issue for schools.
1913	16	Repealed Priv. Acts 1911, ch. 559.
1913	64 ¹	Authorized \$50,000.00 bond issue for schools.
1913 (ES)	4	Amended corporate boundaries.
1913 (ES)	30	Amended § 8 (12) of the charter.
1915	103	Amended § 11 of the charter.
1917	105	Amended § 10 (3) of the charter.
1917	374	Authorized creation of improvement districts, etc., for street improvements and sewers.
1917	620 ¹	Authorized \$50,000.00 bond issue for sewers.
1919	809	Amended § 10 (6) of the charter.
1920 (ES)	24	Amended Priv. Acts 1917, ch. 105.
1920 (ES)	25	Amended Priv. Acts 1915, ch. 103.
1921	480	Amended the charter extensively.
1921	838 ¹	Authorized \$17,000.00 bond issue for refunding.

¹This act has not been included in the foregoing compilation because its purpose and effect are temporary.

YEAR	CHAPTER	SUBJECT
1923	172 ¹	Authorized \$75,000.00 bond issue for sewers.
1925	257	Amended § 19 of the charter.
1931 (ES)	62 ¹	Validated \$75,000.00 bond issue for refunding.
1933	248	Authorized early closing of high school in 1933 and 1934.
1935	602	Repealed Priv. Acts 1921, ch. 480, § 28.
1935	603	Transferred responsibility for operation of schools to the county.
1935	714 ¹	Authorized \$540,000.00 bond issue for refunding.
1937	71 ¹	Validated \$462,612.50 bond issue for refunding.
1937	509 ¹	Authorized \$37,000.00 bond issue for water.
1943	235	Validated resolution reducing the rate of interest on certain outstanding bonds.
1945	290	Amended Priv. Acts 1921, ch. 480, § 2.
1947	867 ¹	Authorized \$25,000.00 bond issue for public hospital.
1947	868 ¹	Authorized \$100,000.00 bond issue for water and sewers.

¹This act has not been included in the foregoing compilation because its purpose and effect are temporary.

YEAR	CHAPTER	SUBJECT
1947	869 ¹	Authorized \$100,000.00 bond issue for street improvements.
1953	56	Repealed Priv. Acts 1935, ch. 603, and revived certain provisions relative to school operations in the charter.
1955	173	Provided for the Port of Rockwood Authority.
1957	56	Amended Priv. Acts 1921, ch. 480, § 11.
1961	216	Provided for closing and/or taking streets, etc., traversing airport property.
1963	175	(Rejected or not approved locally)
1967	11	Comprehensive revision of entire charter and its amendments.
1969	177	Provided for use of payments in lieu of taxes on electric system. (See art. VII, § 11)
1971	151	Amended Priv. Acts 1967, ch. 11, art. V, § 1.
1973	54	Amended Priv. Acts 1967, ch. 11, art. VIII and adds § 10 to art. IX.
1980	231	Provided requirements as to membership of the power board.
1980	289	Comprehensive revision of entire charter and its amendments.
1981	3	(Rejected or not approved locally)
1996	171	Amended art. III, § 4.

¹This act has not been included in the foregoing compilation because its purpose and effect are temporary.

YEAR	CHAPTER	SUBJECT
1997	32	Created a Civil Service Board.
2004	113	Replaced art. VII, § 10, Contracts.
2011	32	Replaced art. VII, § 10, Contracts.
2014	43	Replaced art. III, §§ 4 and 6; art. IV, §§ 2 and 3; art. V, § 1; and art. VI, § 2.
2021	13	Replaced art. VIII, § 3, operation and control of the electric system.
	14	Replaced art. VIII, § 4, operation and control of the waterworks, sewer and natural gas system.
2024	55	Replaced related act, Civil Service Board.