

PRIVATE CHAPTER NO. 80**HOUSE BILL NO. 4229****By Representatives McDaniel, Harrison****Substituted for: Senate Bill No. 4226****By Senator Herron**

AN ACT to amend Chapter 131 of the Private Acts of 2004; and any other acts amendatory thereto, relative to the Charter of the City of Lexington.

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

SECTION 1. Chapter 131 of the Private Acts of 2004, and any other acts amendatory thereto, is amended by deleting Section 12, Section 13, and Section 14 and substituting instead the following:

Section 12. City Judge - Jurisdiction - Appointment - Qualifications and compensations. The Board of Mayor and Aldermen shall at the regular meeting in October next following the City election appoint a city judge to serve at the will and pleasure of the Board. The city judge shall preside over city court and have the qualifications, term of office, if any, and receive the compensation the board may provide by ordinance. The board may enter into an agreement with the general sessions court judge of Henderson County wherein the general session court judge of Henderson County will also serve as the city judge of the City of Lexington. If such agreement is entered into, the board may designate the general session court judge of Henderson County to serve as the city judge of the City of Lexington. In the absence or disability of the city judge, the mayor may designate a qualified person to serve as city judge. If such absence or disability occurs, the mayor may designate the general sessions court judge of Henderson County to be acting city judge if agreed upon by the general sessions county judge of Henderson County and if he or she is not already designated as the city judge. If such absence or disability occurs, such appointment shall be until a new judge can be appointed at the next regularly scheduled meeting of the board, or as otherwise provided by ordinance. The city judge may impose fines, costs and forfeitures, and punish by fine for violation of city ordinances. The judge may preserve and enforce order in the court and enforce the collection of all fines, costs and forfeitures imposed.

Section 13. Department Heads - Appointment. A City Recorder shall be appointed by the Mayor and Board of Aldermen to serve as financial agent of the City and custodian of funds, budgets and records. This officer shall work under the immediate direction of the appointing Mayor and Board of Aldermen and all subsequent Mayors and Boards of Aldermen until removed from the office for cause or resignation. The Recorder or his or her designees shall keep and preserve the City Seal and all official records not

required by law or ordinance to be filed elsewhere; attend all meetings of the Board and keep a full and accurate record preserved in permanent form of all business transacted by the Board; administer functions for necessary and proper municipal operations; make such reports of the finances of the City as required and called on by the Mayor and Board; assess and collect all taxes and fees due the City; and, conduct other such duties as required by the Mayor and Board. This officer must reside within the corporate City limits and shall take an oath to faithfully perform the duties of this office.

A Chief of Police shall be appointed by the Board of Mayor and Aldermen to serve as the chief law enforcement officer for the City. This officer shall work under the immediate direction of the appointing Mayor and Board of Aldermen and all subsequent Mayors and Boards of Aldermen until removed from the office for cause or resignation. The Chief of Police or his or her designees shall administer functions for necessary and proper police department operations; arrest all persons violating the criminal laws of the State in accordance with the general law of the state or issue a citation for a violation of any ordinances of the City of Lexington; take any person before an authorized person by law for trial or examination; and have all the power, authority, duty, and jurisdiction within the corporate limits of the city to serve process in criminal cases as authorized by law and issue citations for ordinance violations; this jurisdiction shall extend throughout the City of Lexington and to all areas outside of Lexington as conferred upon municipal law enforcement agencies by law. This officer must reside within the corporate city limits and shall take an oath to faithfully perform the duties of this office.

A General Manager of Utilities shall be appointed by the Mayor and Board of Aldermen to serve as the chief executive officer over the Gas, Water and Waste Water Utility Divisions of the City of Lexington. This officer shall work under the immediate direction of the Mayor and Utility Boards and shall hold this position under the appointing Mayor and Board of Aldermen and all subsequent Mayors and Boards of Aldermen until removed from the office for cause or resignation. The General Manager or his or her designees shall be responsible for implementing and enforcing the policies relevant to the administration and operation of the utility departments, and other such duties as required by the Mayor and Utility Boards. This officer must reside within the corporate City limits and shall take an oath to faithfully perform the duties of this office.

A Public Works Director shall be appointed by the Mayor and Board of Aldermen to serve as the chief executive officer over the Street, Waste Collection, Parks, Municipal Garage and Maintenance Divisions of the City of Lexington. This officer shall work under the immediate direction of the appointing Mayor and Board of Aldermen and all subsequent Mayors and Boards of Aldermen until removed from the office for cause or resignation. The Director or his or her designees shall be responsible for implementing and enforcing the policies relevant to the administration and operation of the relative departments, and other such duties as required by the Mayor and Board of Aldermen. This officer must reside within the corporate City limits and shall take an oath to faithfully perform the duties of this office.

A Fire Chief shall be appointed by the Mayor and Board of Aldermen to serve as the chief executive officer over the Fire Department of the City of Lexington. This officer shall work under the immediate direction of the appointing Mayor and Board of Aldermen and all subsequent Mayors and Boards of Aldermen until removed from the office for cause or resignation. The Fire Chief or his or her designees shall be responsible for implementing and enforcing the policies relevant to the administration and operation of the fire department; training of all firemen; maintaining department, duties and obligations imposed by federal, state and municipal codes; and other such duties as required by the Mayor and Board of Aldermen. This officer must reside within the corporate City limits and shall take an oath to faithfully perform the duties of this office.

Section 14. Electric Utility Board. The Lexington Electric Utility Board is hereby created and established and shall be composed of one alderman and four (4) private citizens, each to be appointed by the Mayor with the consent of the Board of Aldermen. The initial terms of the initial five (5) appointees shall be as follows: The four private citizens shall be appointed for one (1), two (2), three (3) and four (4) years respectively, as the mayor shall designate. Successors shall be appointed for a term of four (4) years. The term of the alderman shall be for such time as the mayor may fix, but in no event to extend beyond the member's term of office in such governing body. Appointments to complete unexpired terms of office shall be made in the same manner as original appointments. The Lexington Electric Utility Board shall be responsible for and is hereby vested with authority to regulate, control and operate the electric utility system of the city. The board shall have all the rights, powers, privileges, duties, and responsibilities with respect to the consolidated electric system as a board of public utilities has under Tenn. Code Ann., title 7, chapter 52, part 1 and part 2, as amended, with respect to the electric system under its control and supervision. The electric utility board shall adopt and promulgate such rules and regulations as shall be necessary in the proper discharge of its powers and duties.

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 Lexington. Its approval or nonapproval shall be proclaimed by the presiding officer of the city of Lexington and certified to the secretary of state.

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.

PASSED: March 27, 2008



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY, SPEAKER
SENATE OF THE SENATE

APPROVED this 10th day of April 2008



PHIL BREDESEN, GOVERNOR