

CHARTER OF THE CITY OF JACKSON, TENNESSEE<sup>1</sup>

## CHAPTER NO. 101

## HOUSE BILL NO. 1677

By Representatives Kisber, McDaniel

Substituted for: Senate Bill No. 1660

By Senator McKnight

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<sup>1</sup>Priv. Acts 1993, ch. 101, is the current basic charter act for the City of Jackson, Tennessee. The text of the basic charter act set out herein includes all its amendments through the 2011 session of the Tennessee General Assembly. Sections of the charter which have been amended contain at the end of those sections the citation to the official act or acts constituting the amendment or amendments. No other changes have been made to the charter except the addition of a table of contents to facilitate its use. A list of all the acts including the basic charter appears at the end of the charter.

A number of related acts either created separate quasi-independent authorities, boards or commissions to accomplish certain public purposes in which the City of Jackson and Madison County have a joint interest, or established pension systems for particular groups of Jackson City employees, few of whom presently fall under those systems. Of the first category, Pvt. Acts 1949, Ch. 686 established a hospital district for the City of Jackson and Madison County; Pvt. Acts 1980, Ch. 324 authorized the levy of a hotel/motel tax in the City of Jackson and Madison County. Two portions of the funds derived from the tax are distributed respectively to the City of Jackson and to Madison County; the remaining portion is administered by a Community Economic Development Commission created by the Act; and Priv. Acts 2001, ch. 55 created the Jackson Energy Authority. Of the second category, Pvt. Acts 1943, Ch. 150 created a pension and retirement fund for police officers and firemen; Pvt. Acts 1943, Ch. 357 created a school pension and retirement fund; Pvt. Acts 1945, Ch. 172 created a water and administrative departments pension fund; Pvt. Acts 1949, Ch. 144 created a health and sanitation department pension fund; and Pvt. Acts 1949, Ch. 870 created a street maintenance department pension fund. The acts in the first category, and their amendments, are set out following the charter and associated material. The acts in the second category are not set out herein because they have a limited application. However, a list of both categories of acts, and their amendments, is found at the end of the acts in the first category.

AN ACT to amend Chapter 407 of the Private Acts of 1909 and Chapter 168 of the Private Acts of 1915, as amended by Chapter 167 of the Private Acts of 1969, as amended by Chapters 118 and 196 of the Private Acts of 1971, Chapter 124 of the Private Acts of 1975, Chapter 23 of the Private Acts of 1977, Chapter 171 of the Private Acts of 1988, Chapter 84 of the Private Acts of 1989, Chapter 70 of the Private Acts of 1991, Chapter 217 of the Private Acts of 1992, and Chapter 54 of the Private Acts of 1993, and all other acts amendatory thereto, the same being the charter of the City of Jackson, Tennessee so as to establish and create for the City of Jackson a consolidated charter.

### TABLE OF CONTENTS

SECTION	PAGE
1. Charter act. . . . .	C-4
2. Corporate creation and governing body. . . . .	C-4
3. Elections. . . . .	C-4
4. Candidate fees. . . . .	C-11
5. Laws governing state elections. . . . .	C-11
6. Candidates to follow general election laws. . . . .	C-11
7. Election offenses. . . . .	C-11
8. Council to elect vice-mayor. . . . .	C-11
9. Mayor and council shall procure fidelity bond. . . . .	C-11
10. Powers and duties of the mayor. . . . .	C-11
11. Election and appointment of administrative officials. . . . .	C-15
12. General Powers. . . . .	C-15
13. Enumeration of powers not exclusive. . . . .	C-20
14. Mayor and council. . . . .	C-20
15. Council powers. . . . .	C-21
16. Council powers continued. . . . .	C-21
17. Quorum. . . . .	C-21
18. Special meetings. . . . .	C-21
19. Regulation of board proceedings, witnesses, journal. . . . .	C-21
20. Authority of council acting for the city. . . . .	C-22
21. Conflicts of interest. . . . .	C-22
22. Service of process. . . . .	C-23
23. Contracts to be let on bids. . . . .	C-23
24. Recall. . . . .	C-23
25. Public service corporations. . . . .	C-24
26. Ordinances. . . . .	C-24
27. Adoption of technical codes, authority, procedure. . . . .	C-25
28. Same publication. . . . .	C-25
29. Same amendment. . . . .	C-25

SECTION	PAGE
30. Initiative.....	C-25
31. Duties of recorder.....	C-27
32. Taxes and assessments under recorder.....	C-27
33. Accounting system.....	C-27
34. Control over fiscal forms.....	C-28
35. Approval and payment of claims against city.....	C-28
36. Issuance of warrants.....	C-28
37. Audit.....	C-28
38. Destruction of old records.....	C-29
39. Library.....	C-29
40. Police jurisdiction.....	C-29
41. Depositories of city funds.....	C-29
42. City court created; office of city judge established .....	C-29
43. Reserved.....	C-30
44. Reserved.....	C-30
45. Reserved.....	C-30
46. Oath of office.....	C-30
47. Salary.....	C-30
48. Clerk of the city court.....	C-30
49. Authority to administer oaths.....	C-30
50. Sessions.....	C-30
51. Signing of process; warrants.....	C-30
52. Persons arrested to be arraigned promptly; exceptions.....	C-30
53. Appeals.....	C-31
54. Power of city to tax.....	C-31
55. Power to tax where state tax powers exist.....	C-31
56. General powers to collect taxes in accordance with state law.....	C-31
57. Assessment of taxes.....	C-32
58. Tax levy to meet expenses for year.....	C-32
59. Effective date of levy.....	C-33
60. Extension of levy on tax books.....	C-33
61. Interest on delinquent taxes.....	C-33
62. Lien on taxes, errors and irregularities.....	C-33
63. Sale of property for delinquent taxes.....	C-33
64. Bills in chancery to collect assessments.....	C-33
65. License taxes.....	C-34
66.--78. See NOTE.	
79. Existing civil service commission abolished.....	C-34
80. Municipal civil service commission created; membership, qualifications.....	C-35
81. Municipal civil service commission, salary.....	C-35

SECTION	PAGE
82. Municipal civil service commission, officers; duties of secretary: open meetings. . . . .	C-36
83. Coverage of city employees. . . . .	C-36
84. Procedure for demotion, suspension or discharge. . . . .	C-37
84.1 Contested cases - hearings. . . . .	C-38
84.2 Criminal prosecutions. . . . .	C-38
84.3 Contested case procedures. . . . .	C-38
85. Appeals to the commission. . . . .	C-39
86. Impartiality of commission. . . . .	C-39
87. Civil suits involving civil service commission. . . . .	C-40
88. Penalty for fraud. . . . .	C-40
89. Required reports. . . . .	C-40
90. Passage of the act. . . . .	C-40
91. Effective date. . . . .	C-40

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

SECTION 1. The charter of the City of Jackson, being Chapter 407 of the Private Acts of 1909, Chapter 168 of the Private Acts of 1915, Chapter 167 of the Private Acts of 1969 and all other acts amendatory thereto is and are hereby amended so as to establish and create for the City of Jackson a consolidated charter consistent with the terms of this act to read as follows.

**CORPORATE CREATION AND GOVERNING BODY**

SECTION 2. The City of Jackson, in the county of Madison, State of Tennessee, and the inhabitants thereof are hereby constituted and declared a body corporate by the name and style of "The City of Jackson", and by the name and style aforesaid shall have perpetual succession, and may have and use a common seal.

A governing body for the City of Jackson, to be known and designated as mayor and council, and whose members shall be hereinafter referred to as council members, is hereby created, to be elected as hereinafter provided.

**ELECTIONS**

SECTION 3. Elections shall be held on the first Tuesday following the first Monday in May, 1991, and on the first Tuesday following the first Monday in May every four (4) years thereafter for the purpose of electing a mayor and council as set out hereafter. The terms of the previously elected officials shall

expire on June 30 or until the newly elected officials are duly sworn in. On the first day of a term, the elected mayor and members of the council shall take an oath of office to faithfully perform his/her duties of the office to which elected and by providing the bond required in Section 9 of the city's charter hereof. Thereafter the office holders shall enter upon the performance of their duties under this charter and in accordance with the Constitution and general laws of the State of Tennessee.

The election for the office of mayor shall be an at-large election, and the mayor shall be elected by a majority vote. If no candidate receives a majority of the votes cast, a run-off election between the two candidates receiving the greatest number of votes shall be held on the 6th Tuesday following the election.

The election for council members shall be held only in their respective districts, and a candidate for the position of council member shall reside in the district from which elected and must receive the plurality of the votes cast in his district in such municipal election. The candidate receiving the largest number of votes shall be declared the winner. If two (2) or more candidates receive the same number of votes, more than any other candidate, a run-off election between the two (2) or more candidates shall be held on the 6th Tuesday following the election, and the candidate receiving the largest number of votes shall be declared the winner.

If a vacancy occurs in the office of mayor, or if the mayor is unable to act, the vice-mayor as previously elected under provisions set out hereafter, shall serve as mayor until the election of a successor at a special election. The special election shall be conducted under the provisions applicable to the regular election for mayor, and if no candidate receives a majority of the votes cast there shall be a run-off in the same manner as a regular mayoral election. Such election shall be held within sixty (60) days from the date of notification of such vacancy to the Madison County Election Commission by the council. If such a vacancy occurs within six (6) months of regular city election, said position shall remain vacant and be filled by the vice-mayor.

A vacancy in the office of a council member shall be filled by appointment of a qualified resident of that district by a vote of six (6) members of the council. All persons appointed to fill vacancies in accordance with the provisions of this section, except the mayor, shall serve until the next regularly scheduled general election. The election to fill a vacancy shall be held in accordance with the provisions for a regular council seat.

Removal of residence by a council member from the city shall constitute a vacancy on the council, but change of residence from one (1) council district to another shall not constitute a vacancy on the council. If a person elected as

council member is absent from duty without a proper and reasonable explanation being made for a period of ninety (90) days, his or her office shall be declared vacated and his or her office shall be filled as provided herein.

The City of Jackson is hereby divided into nine (9) council districts:

#### COUNCIL DISTRICT 1

BEGINNING at a point, said point being the point of intersection of the western corporate limits and the centerline of Airways Boulevard; runs thence easterly with the centerline of Airways Boulevard to its point of intersection with the centerline of U.S. 45 Bypass; runs thence southerly and easterly with the centerline of U.S. 45 Bypass to its point of intersection with the centerline of North Highland Avenue; runs thence northerly with the centerline of North Highland to its point of intersection with the centerline of College Street; runs thence easterly with the centerline of College Street to its point of intersection with the centerline of Royal Street; runs thence northerly with the centerline of Royal Street to its point of intersection with the centerline of Lexington Street; runs thence northeasterly with the centerline of Lexington Street to its point of intersection with the centerline of Hays Avenue; runs thence southerly with the centerline of Hays Avenue to its point of intersection with the centerline of Chester Street; runs thence westerly with the centerline of Chester Street to its point of intersection with the centerline of Royal Street; runs thence southerly with the centerline of Royal Street to its point of intersection with the centerline of South Highland Avenue; runs thence southerly with the centerline of South Highland Avenue to its point of intersection with the centerline of the South Fork of the Forked Deer River; runs thence southeasterly with the centerline of the South Fork of the Forked Deer River to its point of intersection with the eastern corporate limits; runs thence southerly with the eastern corporate limits to its point of intersection with the southern corporate limits; runs thence westerly with the southern corporate limits to its point of intersection with the western corporate limits; runs thence northerly and westerly with the western corporate limits to the point of beginning.

#### COUNCIL DISTRICT 2

BEGINNING at a point, said point being the point of intersection of the centerline Hays Avenue and the centerline of Chester Street; runs thence easterly with the centerline of Chester Street to its point of intersection with the centerline of U.S. 70 Bypass; runs thence northeasterly with the centerline of U.S. 70 Bypass to its point of intersection with the centerline of Phillips Street; runs thence northerly with the centerline of Phillips Street to its point of intersection with the centerline of Carlos Street; runs thence westerly and northerly with the centerline of Carlos Street to its point of intersection with the

centerline of Lexington Street; runs thence northeasterly with the centerline of Lexington Street to its point of intersection with the centerline of U.S. 70 Bypass; runs thence northerly with the centerline of U.S. 70 Bypass to the centerline of Chester Street; runs thence easterly with the centerline of Chester Street to the point of beginning.

### COUNCIL DISTRICT 3

BEGINNING at a point, said point being the point of intersection of the centerline of Highland Avenue and the centerline of College Street; runs thence easterly with the centerline of College Street to its point of intersection with the centerline of Royal Street; runs thence northerly with the centerline of Royal Street to its point of intersection with the centerline of Lexington Street; runs thence northeasterly with the centerline of Lexington Street to its point of intersection with the centerline of Hays Avenue; runs thence southerly with the centerline of Hays Avenue to its point of intersection with the centerline of Chester Street; runs thence easterly with the centerline of Chester Street to its point of intersection with the centerline of U.S. 70 Bypass; runs thence northeasterly with the centerline of U.S. 70 Bypass to its point of intersection with the centerline of Phillips Street; runs thence northerly with the centerline of Phillips Street to its point of intersection with the centerline of Carlos Street; runs thence westerly and northerly with the centerline of Carlos Street to its point of intersection with the centerline of Lexington Street; runs thence northeasterly with the centerline of Lexington Street to its point of intersection with the centerline of U.S. 70 Bypass; runs thence northerly with the centerline of U.S. 70 Bypass to its point of intersection with the centerline of Whitehall Street; runs thence southwesterly with the centerline of Whitehall Street to its point of intersection with the centerline of Jackson Street; runs thence westerly with the centerline of Jackson Street to its point of intersection with the centerline of Royal Street; runs thence northerly with the centerline of Royal Street to its point of intersection with the centerline of Sandy Creek; runs thence westerly with the centerline of Sandy Creek to its point of intersection with the centerline of North Highland Avenue; runs thence northwesterly with the centerline of North Highland Avenue to its point of intersection with the centerline of Campbell Street; runs thence southerly with the centerline of Campbell Street to its point of intersection with the centerline of Forest Avenue; runs thence westerly with the centerline of Forest Avenue to its point of intersection with the centerline of Lambuth Boulevard; runs thence southerly with the centerline of Lambuth Boulevard to its point of intersection with the centerline of Westwood Avenue; runs thence easterly with the centerline of Westwood Avenue to its point of intersection with the centerline of North Highland Avenue; runs thence southerly with the centerline of North Highland Avenue to the point of beginning.

COUNCIL DISTRICT 4

BEGINNING at a point, said point being the point of intersection of the centerline of Jackson Street and the centerline of Royal Street; runs thence northerly with the centerline of Royal Street to its point of intersection with the north margin of North Parkway; runs thence easterly with the north margin of North Parkway to its point of intersection with the eastern corporate limits; runs thence easterly with the eastern corporate limits to its point of intersection with the centerline of U.S. 70 East; runs thence southwesterly with the centerline of U.S. 70 East to its point of intersection with the centerline of North Parkway; runs thence southwesterly with the centerline of Whitehall Street to its point of intersection with the centerline of Jackson Street; runs thence westerly with the centerline of Jackson Street to the point of beginning.

COUNCIL DISTRICT 5

BEGINNING at a point, said point being the point of intersection of the western corporate limits and the centerline of Airways Boulevard; runs thence northerly and westerly with the western corporate limits to its point of intersection with the centerline of an easement running in a northeasterly direction 270 to 550 + feet south of the south margin of Miller Avenue; runs thence northeasterly with the centerline of said easement to its point of intersection with the centerline of Hollywood Drive; runs thence southeasterly with the centerline of Hollywood Drive to its point of intersection with the centerline of Russell Road; runs thence northeasterly and northerly with the centerline of Russell Road to its point of intersection with the centerline of Westwood Avenue; runs thence easterly with the centerline of Westwood Avenue to its point of intersection with the centerline of North Highland Avenue; runs thence southerly with the centerline of North Highland Avenue to its point of intersection with the centerline of U.S. 45 Bypass; runs thence westerly and northerly with the centerline of U.S. 45 Bypass to its point of intersection with the centerline of Airways Boulevard; runs thence westerly with the centerline of Airways Boulevard to the point of beginning.

COUNCIL DISTRICT 6

BEGINNING at a point, said point being the point of intersection of the centerline of Carriage House Drive and the centerline of North Highland Avenue; runs thence southerly with the centerline of North Highland Avenue to its point of intersection with the centerline of North Parkway; runs thence southeasterly with the centerline of North Parkway to its point of intersection with the centerline of Campbell Street; runs thence southerly with the centerline of Campbell Street to its point of intersection with the centerline of Forest Avenue; runs thence westerly with the centerline of Forest Avenue to its

point of intersection with the centerline of Lambuth Boulevard; runs thence southerly with the centerline of Lambuth Boulevard to its point of intersection with the centerline of Westwood Avenue; runs thence westerly with the centerline of Westwood Avenue to its point of intersection with the centerline of Russell Road; runs thence southerly and southwesterly with the centerline of Russell Road to its point of intersection with the centerline of Hollywood Drive; runs thence northwesterly with the centerline of Hollywood Drive to its point of intersection with the centerline of Wallace Road; runs thence northeasterly with the centerline of Wallace Road to its point of intersection with the centerline of Carriage House Drive; runs thence easterly with the centerline of Carriage House Drive to the point of beginning.

#### COUNCIL DISTRICT 7

BEGINNING at a point, said point being the point of intersection of the south margin of Oil Well Road and the western corporate limits; runs thence easterly with the south margin of Oil Well Road to its point of intersection with the centerline of U.S. 45 Bypass; runs thence southerly with the centerline of U.S. 45 Bypass to its point of intersection with the centerline of Interstate 40; runs thence northeasterly with the centerline of Interstate 40 to its point of intersection with the centerline of North Highland Avenue; runs thence southerly with the centerline of North Highland Avenue to its point of intersection with the centerline of Carriage House Drive; runs thence westerly with the centerline of Carriage House Drive to its point of intersection with the centerline of Wallace Road; runs thence southwesterly with the centerline of Wallace Road to its point of intersection with the centerline of Hollywood Drive; runs thence northwesterly with the centerline of Hollywood Drive to its point of intersection with the centerline of an easement running southwesterly 270 to 550 + feet south of the south margin of Miller Avenue; runs thence southwesterly with the centerline of said easement to its point of intersection with the western corporate limits; runs thence with the western corporate limits to the point of beginning.

#### COUNCIL DISTRICT 8

BEGINNING at a point, said point being the point of intersection of the centerline of North Highland Avenue and the centerline of Hopper Barker Road; runs thence easterly with the centerline of Hopper Barker Road to its point of intersection with the eastern corporate limits; runs thence with the eastern corporate limits to its point of intersection with the northern corporate limits; runs thence with the northern corporate limits to its point of intersection with the eastern corporate limits; runs thence with the eastern corporate limits to its point of intersection with the north margin of North Parkway; runs thence westerly with the margin of North Parkway to its point of intersection with the

centerline of Royal Street to its point of intersection with the centerline of Sandy Creek; runs thence westerly with the centerline of Sandy Creek to its point of intersection with the centerline of North Highland Avenue; runs thence northwesterly with the centerline of North Highland Avenue to its point of intersection with the centerline of Campbell Street; runs thence northerly with the centerline of Campbell Street to its point of intersection with the centerline of North Parkway; runs thence northwesterly with the centerline of North Parkway to its point of intersection with the centerline of North Highland Avenue; runs thence northerly with the centerline of North Highland Avenue to the point of beginning.

### COUNCIL DISTRICT 9

BEGINNING at a point, said point being the point of intersection of the centerline of U.S. 45 Bypass and the centerline of Interstate 40; runs thence northerly with the centerline of U.S. 45 Bypass to its point of intersection with the south margin of Oil Well Road; runs thence westerly with the south margin of Oil Well Road to its point of intersection with the western corporate limits; runs thence westerly and northerly with the western corporate limits to its point of intersection with the northern corporate limits; runs thence with the northern corporate limits to its point of intersection with the eastern corporate limits; runs thence southeasterly with the eastern corporate limits to its point of intersection with the centerline of Hopper Barker Road; runs thence westerly with the centerline of Hopper Barker Road to its point of intersection with the centerline of North Highland Avenue; runs thence southerly with the centerline of North Highland Avenue to its point of intersection with the centerline of Interstate 40; runs thence southwesterly with the centerline of Interstate 40 to the point of beginning.

From each of said districts one (1) candidate will be elected to serve upon the board of council members.

If an area is hereafter annexed, such area shall be assigned to the council district or districts closest thereto. In order to assure that the districts shall be at all times as equal in population as practicable, revisions and changes of boundaries may be made; provided, however, there shall never be more than nine (9) districts as heretofore set forth.

Districts shall reapportioned every ten (10) years based upon the most recent federal census; provided, however, such districts shall not exceed nine (9) in number. The council shall not exceed nine (9) in number. The council shall have prepared a redistricting ordinance providing for districts which are relatively compact, contiguous, representative of social and community interests, non-discriminatory, and as equal in population as reasonably

practicable. The ordinance shall be adopted within ninety (90) days of the publication of the national census of the State of Tennessee. [As amended by Priv. Acts 1995, ch. 5; and Priv. Acts 1995, ch. 31, § 1]

SECTION 4. Any person desiring to become a candidate for the office of mayor, council, or city judge, shall qualify as provided by the general election laws of the State of Tennessee.

In order to assure the right of any person to such public office under this charter no primary election called or held by any political party to select a nominee for such offices may require a qualifying fee of a primary candidate in excess of one hundred dollars (\$100).

SECTION 5. Said election shall be conducted in conformity to the laws of the State of Tennessee governing state elections.

SECTION 6. All candidates in any city election shall conduct themselves and their campaign in accordance with the general election laws of the State of Tennessee.

SECTION 7. Every act or deed, whether of commission or omission, denounced by law as an offense in the case of regular state elections is hereby declared to be a like offense in the case of any elections held under this Act, and be punishable in like manner and form.

SECTION 8. At the first meeting of the mayor and council of the City of Jackson and annually thereafter, the members of the council shall elect from its members a vice-mayor, who in the absence of the mayor or the inability of the mayor to act, shall perform the duties of the mayor. The term for such vice-mayor shall be for one (1) year, and no council member shall serve more than one (1) term as a vice-mayor during the four (4) year period between regular elections.

The positions of vice-mayor shall receive no additional compensation.

SECTION 9. The mayor and council shall procure a "blanket" fidelity bond in the amount of \$100,000.00 for the faithful performance of their duties by each employee of the City of Jackson, including elected officials.

#### POWERS AND DUTIES OF THE MAYOR

SECTION 10. The mayor of the City of Jackson shall be the full-time chief executive officer of the City of Jackson and all executive and administrative powers and responsibilities of the City of Jackson shall be vested

in the mayor. The mayor shall preside at all meetings of the council or of the council sitting as any other board; provided, however the mayor shall have no vote at such meetings.

1) The mayor shall do and perform all the duties as prescribed by law or by ordinance of the City of Jackson, not expressly delegated to any other person.

2) The mayor shall have general supervision and oversight over all departments and offices of the city government and shall be the chief representative of city, and shall report to the council any failures on the part of any the officers of the mayor's or any other department to perform his/her duties, and shall preside at all meetings of the council.

3) The mayor shall sign all contracts on behalf of the city unless otherwise provided by law or ordinance or resolution of the council and shall cause to be prepared and published all statements and reports required by law or ordinance or by resolution of the council.

4) The mayor shall have control of all employees not by law, ordinance or resolution of the council apportioned or assigned to some other department.

5) The mayor shall have charge of and supervision over all accounts and records of the city and accounts of all officers, agents and departments required by a law or by the council to be kept or made.

6) The mayor shall recommend to the council methods of modern bookkeeping for all departments, employees and agents of the city, and shall publish or cause to be published an annual condensed statement showing the financial condition of the city.

7) The mayor shall be responsible for the training and equipping of a force of police sufficient to protect the health, welfare and property of the citizenry, including the organizing, training and equipping of such force of volunteer reserves as may be in the public interest. Such volunteer reserve, when called to duty in time of emergency or otherwise shall have full authority as a regular police officer of the City of Jackson.

8) As head of the department of public safety, the mayor shall have charge of the police and fire departments, subject to the supervision and control of the council, and shall have the power to temporarily supplant the chief of police and to take charge of the department and shall at all times have the power to give direction to the officers and employees of the police department,

and his direction shall be binding upon all such officers and employees, subject only to the control of the council.

9) The mayor shall have charge of the police station, city jail and property connected therewith.

10) The mayor shall have supervision subject to the control of the council over the fire department, and over all firemen, officers, or employees therewith, or connected therewith and all fire stations, property and apparatus used in connection with the fire department.

11) The mayor shall have the power to temporarily supersede the chief of the fire department and his orders to said department and all employees therein shall be binding upon said department.

12) The mayor shall have charge of the electrical, plumbing and building inspection, gas, and of housing codes and employees connected therewith.

13) The mayor shall have supervision and direction over all offices and employees in this department and shall be charged with the duty of enforcing all ordinances relating to the traffic on the streets, alleys and public ways, on and across railway lines and through and over the cemetery ways, public parks, and other public places.

14) The mayor shall have charge of all streets within the City of Jackson.

15) The mayor shall have responsibility for the enforcement of the laws, ordinances and orders relating to the public health and sanitation of the said city and all health officers and employees of the city connected with and under this department. It shall be the duty of the council to pass such ordinances and prescribe such rules and regulations of keeping clean the streets, alleys and public places, collection, removal and disposal of garbage, and of suppressing and removing conditions on private property in the city that are a menace to the health or public safety.

16) The mayor or his duly authorized representative shall be authorized to enter upon private premises for the purpose of discharging the duties imposed upon him, and shall cause to be abated all nuisances which may endanger or affect the health of the city, and generally to do all things, subject to the control of the council, that may be necessary and expedient for the promotion of health and the suppression of disease.

17) The mayor shall have charge of the construction, cleaning and repairing of streets and public ways, and of the making and construction of all improvements, paving, curbing, sidewalks, bridges, viaducts and the repairs thereof.

18) The mayor shall approve all estimates of the city engineer of the cost of public improvements and recommend to the council the acceptance of work done or the improvements made, when completed, according to contract, and perform such other duties, with reference to such matters, as may be required by law, ordinance, or order of the council.

19) The mayor shall have control of the location of telephone and telegraph wires and poles and other things placed by public service corporations in, along, under, over, or on the streets, and shall report to the council any failure of such person or corporation to render proper service under a franchise granted by the city, or by the state, and shall report any failure on the part of such person, firm or corporation to observe the requirements of conditions made under such franchise, contract or grant.

20) The city engineer of the City of Jackson and all employees of the department of streets shall be under the supervision and control of the mayor.

21) It shall be the mayor's duty to keep in good condition the streets of said city.

22) The mayor shall do and perform all other services ordered by the council without extra remuneration.

23) The mayor shall have charge and control of all grounds, facilities and employees making up the public park system of the City of Jackson and shall operate and maintain in the parks department of Jackson a system of parks designed to promote the cultural, recreational, and educational advancement of the citizens of the City of Jackson.

24) The mayor shall have supervision and control of all property, improvements, facilities and employees comprising the recreational department of the City of Jackson and shall actively prosecute the development of a comprehensive recreational program within the City of Jackson.

25) The mayor shall have control and supervision of all public property owned or controlled by the City of Jackson, and the mayor shall maintain an adequate maintenance program and insurance program to the end that such property will be of maximum use to the City of Jackson.

ELECTION AND APPOINTMENT OF  
ADMINISTRATIVE OFFICIALS

SECTION 11. The city council, upon recommendation of the mayor, shall elect from the council one (1) member to serve as city treasurer, without additional compensation.

The city council, upon recommendation of the mayor, shall elect, not from the council, a recorder.

The mayor shall appoint a chief of police; a chief of the fire department; a city engineer; a director of planning; an administrative assistant to the mayor; a city attorney, and such other counsel as may be needed for the proper handling of the legal affairs of the city, and all such other officers as may be necessary for the administrative affairs of the city. The term of an appointee of the mayor, other than otherwise provided herein, or other than a position covered under civil service, shall not extend beyond the term of the mayor. The council shall, upon recommendation of the mayor, fix a salary or compensation for the above positions and define their duties. The other office holders selected as provided in this section, unless covered by the provisions of the civil service portions of this charter, shall hold office at the pleasure of the council acting upon recommendation of the mayor.

SECTION 12. The City of Jackson shall have the power and authority:

- 1) To assess, levy, and collect taxes for all general and special purposes on all subjects or objects of taxation, and privileges taxable by law for state, county or city purposes.
- 2) To adopt such classifications of the subject and objects of taxation as may not be contrary to law.
- 3) To make special assessments for local improvements.
- 4) To contract and be contracted with.
- 5) To incur debts by borrowing money or otherwise, and to give any appropriate evidence thereof, in the manner hereinafter provided.
- 6) To issue and give, sell, pledge or in any manner dispose of, negotiable or nonnegotiable interest-bearing or noninterest-bearing bonds, warrants, promissory notes or orders of the city, upon the credit of the city or solely upon the credit of specific property owned by the city or solely upon the

credit/of income derived from any property used in connection with any public utility owned or operated by the city, or solely upon the credit of the proceeds of special assessments for local improvements, or upon any two or more such credits.

- 7) To expend the money of the city for all lawful purposes.
- 8) 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.
- 9) To condemn property, real or personal or any easement, interest, or estate or use therein, either within or without the city, for present or future public use; such condemnation to be made and effected in such manner as may be provided by general law.
- 10) To take and hold property within or without the city or state upon trust; and to administer trusts for the public benefit.
- 11) 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.
- 12) 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 may be exclusive, not only as against any other person, firm, association, or corporation, but also as against the city itself. Franchises may be granted for the period of twenty-five (25) years or less, but not longer. The council may prescribe in each grant of a franchise, the rate, fares, charges, and regulations that may be made by the grantee of the franchise and may reserve the right to oversee future fares and charges. 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.
- 13) To make contracts with any person, firm, association or corporation, for public utilities and public services to be furnished the city and those therein and by resolution pledge the full faith and credit and unlimited taxing power of the city as guarantor to the payment of the principal of, premium, if any, and interest on any bonds, notes or other obligations issued by

any political subdivision of the state or any governmental agency, authority or instrumentality for the purpose of providing any such utility or service to the city and those therein pursuant to any such contract, together with any other obligations incurred in connection with the issuance of said bonds, notes or obligations, including obligations to pay any tender price for bonds, obligations under any letter of credit reimbursement agreement, or payments under any interest rate exchange agreement. Prior to entering into any such guaranty, the city shall proceed according to the procedure set forth in Sections 9-21-205 through -212 as if it were issuing general obligation bonds. In the event of any such pledge of full faith and credit and unlimited taxing power, any holder or owner of any of the bonds, or any other person to whom the city may become obligated under the guaranty, shall have the right, in addition to all other rights, by mandamus or other suit, action or proceeding to enforce such holder's rights against the city as fully as under any other general obligation pledge. Such power to make contracts shall embrace the power, expressly conferred, to make exclusive contracts and when an exclusive contract is entered into, it may be exclusive, not only against any other person, firm, association, or corporation, but also as against the city itself. Such contracts may be entered into the period of twenty-five (25) years or less, but not longer. The council may prescribe in each such contract 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.

14) 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, but nothing herein shall be construed to permit the alteration or impairment of any of the terms or provisions of any exclusive franchise granted or of any exclusive contract entered into under the foregoing sections.

15) To establish open, relocate, vacate, abandon, abolish, 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, wharves, bridges, viaducts, subways, tunnels, sewers, and drains within or without the corporate limits, and to regulate the use thereof within the corporate limits, and property may be taken and appropriated therefor in such manner as may be provided by general law.

16) 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, and to assess a portion of the cost of such improvements upon the property abutting upon or adjacent to such streets, highways or alleys under and as provided by the abutting property law of the State of Tennessee.

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

18) To collect and dispose of drainage, sewage, offal, ashes, garbage and refuse by disposing of same in any lawful manner; to establish a uniform mandatory municipal garbage collection service and charge fees therefor, or to license and regulate such collection and disposal by others.

19) To license and regulate all persons, firms, corporations, companies and associations engaged in any business, occupation, calling, profession, or trade not forbidden by law.

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

21) To prescribe regulations to govern the operation of motor driven vehicles or other vehicles and pedestrians upon all streets, highways, roads, alleys and thoroughfares located within the corporate limits of the City of Jackson, as said corporate limits now exist or may exist hereafter; for the protection of public health, safety and property to require each vehicle using the streets of the City of Jackson to be registered each year and to display evidence of such registration; to charge a fee for such registration; to require periodic inspections of motor driven vehicles using the city streets to determine the mechanical safety of such vehicles; to charge a fee for such inspection; to prohibit unsafe vehicles from using city streets; and to otherwise control and regulate vehicles and traffic for the protection of the public safety and convenience; to erect and maintain on the public right-of-way within such city such traffic-control signals, signs, painted markings, lanes and other traffic-control devices or procedures as may, in the opinion of the traffic department of the City of Jackson, be required for the protection of life, limb and property within the City of Jackson and to do all other acts and things which, in the opinion of the traffic department of the City of Jackson, exercised pursuant to and authorized by a duly adopted ordinance of such city is proper for the protection of life, limb and property within such city.

22) To define, prohibit, abate, suppress, prevent, and regulate all acts, practices, conduct, business, auctions, 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; to provide emergency powers for control of public disasters or civil disturbance, and to exercise general police powers; to declare certain acts unlawful and provide punishment therefor.

23) 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.

24) 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.

25) To establish, regulate, license, and inspect weights and measures.

26) To regulate the location, bulk, occupancy, area, lot, location, heights, 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.

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

28) To purchase or construct, maintain, and establish a workhouse for the confinement and detention of any person convicted in the city court of offenses against the ordinances of the city or the Small Offense Law of the state and sentenced to confinement or 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 for the period of sentence or until such fine and costs shall be fully paid.

29) To enforce its ordinances, by declaring the violation of same unlawful and by means of fines, forfeitures, penalties, and imprisonment, or by action or proceedings in any court of competent jurisdiction, or by any one or more of such means, and to impose cost as a part hereof, but no fine, forfeiture, or penalty shall exceed fifty dollars (\$50.00), exclusive of costs, and no imprisonment for violation of an ordinance shall exceed ninety (90) days.

30) 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.

31) 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 Priv. Acts 2002, ch. 138]

#### ENUMERATION OF POWERS NOT EXCLUSIVE

SECTION 13. The enumeration of particular powers in this charter is not exclusive of others, nor restrictive of general words or phrases granting powers, nor shall a grant or failure to grant power in this charter impair a power granted in any other part of this charter and whether powers, objects, or purposes are expressed, conjunctively or disjunctively, they shall be construed so as to permit the city to exercise freely any one or more such powers as to any one or more such objects for any one or more such purposes.

#### MAYOR AND COUNCIL

SECTION 14. The mayor shall have his office in the city hall. All meetings of the council shall be held in the city hall.

The salary for the mayor shall be set by the council no less than one (1) year preceding the date of the next city election at a salary no less than the same salary paid the Madison County Executive the preceding fiscal year.

Members of the city council shall be paid for the meeting they are required to attend, either as members of the council or any other board upon which they serve by charter or by appointment of the council: however, committee meetings or attendance at the planning commission shall not be considered compensable meetings. The compensation shall be fifty dollars (\$50) a meeting, or the amount paid the members of the Madison County commission the preceding fiscal year, whichever is greater. Adjustments to council pay shall be set by private act and shall be proposed no less than one (1) year preceding the date of the next city election. No such private act shall alter the pay of any incumbent prior to the end of the term for which such public officer was elected.

The council members shall not be eligible for retirement, pension, or insurance benefits. [As amended by Priv. Acts 2001, ch. 10, § 1]

## COUNCIL POWERS

SECTION 15. The said council shall exercise its powers in session duly assembled, and no member or group of members thereof shall exercise or attempt to exercise the powers conferred upon the council except through proceedings adopted as some regular or special session.

Each district council member shall have one (1) vote on any matter before the council with a simple majority needed for passage. The mayor is empowered to approve ordinances by subscribing them or to disapprove ordinances, including the power to approve or disapprove line items in the budget submitted, within ten (10) business days of receipt from the council. If approval is not acted upon within ten (10) business days an ordinance shall become effective according to its terms. If disapproved by veto, an ordinance shall be returned, before the next regular meeting of the council, to the council, accompanied by written message indicating the reasons for disapproval. An ordinance vetoed shall become effective only after readopted by roll call vote of a two-thirds (2/3) majority of the council membership, not a two-third (2/3) majority of the council present and voting.

SECTION 16. The legislative and all other powers except as otherwise provided by this charter are delegated to and vested in the council, and the council may, by ordinance or resolution not inconsistent with this charter, prescribe the manner in which any powers of the city shall be exercised, provide all means necessary or proper therefor, and do all things needful within or without the city or state to protect the rights of the city.

SECTION 17. Regular meetings of the council shall be held monthly or as may be established by ordinance. Five (5) members of the council shall constitute a quorum.

SECTION 18. Special meetings of the council may be called by the mayor at any time if all council members are given written or oral notice of such meeting not less than one (1) day before such meeting. The mayor shall also call a special meeting upon written request of a majority of the council within two (2) days of such request, and such special meeting shall be held within seven (7) days of such request.

## REGULATION OF BOARD PROCEEDINGS, WITNESSES, JOURNAL

SECTION 19. Upon recommendation of the mayor, the council may determine the rules of its proceedings, subject to this charter, and may arrest and punish by fine or imprisonment, or both, any member or other person guilty of disorderly or contemptuous behavior in its presence. It shall have the 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 or imprisonment or both any person refusing to obey such subpoena or order. No fine for any one offense under this section shall exceed fifty dollars (\$50), nor shall any imprisonment, from any one offense exceed ninety (90) days, but each day's continuance in any refusal as aforesaid shall be a separate offense.

Its presiding officer, or the chairman of any committee, may administer oaths to witnesses. It shall keep a journal of its proceedings, and the yeas and nays on all questions shall be entered thereon. All sessions of the council shall be public.

#### AUTHORITY OF COUNCIL ACTING FOR THE CITY

SECTION 20. The council shall levy all taxes, apportion and appropriate all funds and it shall make all assessments for the cost of street improvements or repairs which may be specially assessed. It shall make or authorize the making of all contracts, and no contract shall bind or be obligatory upon the city unless either made by ordinance or resolution adopted by the council, or reduced to writing and approved by the council, or expressly authorized by ordinance or resolution adopted by the council. All contracts and all ordinances, and resolutions making contracts, shall be drawn by the city attorney, or submitted to such officer before the same is made or passed. All heads of departments, agents and employees are the agents of the mayor only, and all their acts shall be subject to review, and to approval or revocation by the council. Every head of department, superintendent, agent, employee, or officer, shall from time to time as required by law or ordinance, or when requested by the mayor, or whenever he shall deem it necessary for the good of public service, report to the mayor in writing; transactions affecting the business of his department, or office, or employment and all matters connected therewith. The council may, by ordinance or resolution, assign to a head of department, a superintendent, officer, agent or employee, duties in respect to the business of any other department, office or employment, and such services shall be rendered without additional compensation.

#### CONFLICTS OF INTEREST

SECTION 21. No mayor or council member, officer or employee elected or appointed in the city shall be interested directly or indirectly in any contract or job for work or material or the profits thereof, or service to be furnished or performed for the city.

## SERVICE OF PROCESS

SECTION 22. All legal process against the city shall be served upon the mayor or recorder, and it shall be his duty forthwith to transmit the process to the city attorney, after writing thereon the time, place and manner of service.

## CONTRACTS TO BE LET ON BIDS

SECTION 23. In letting any and all contracts for work, improvements, supplies, materials or machinery wherein the total amount of expenditure will exceed the amount of allowed to be purchased without competitive bids under the Tennessee Municipal Purchasing Law of 1983 as amended, it shall be the duty of the council to let such contract to the lowest and best bidder after due notice for competitive bids. This action may be dispensed with where only one source of supply exists. [As amended by Priv. Acts 2001, ch. 10, § 2]

## RECALL

SECTION 24. The holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed equal in number to at least twenty-five percentum of the entire vote for all candidates for mayor, cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed, shall be filed with the recorder, which petition shall contain a general statement of the grounds for which the removal is sought. If the petition seeks to remove an incumbent member of the council, it shall require at least twenty-five percentum (25%) of the entire vote for all candidates for mayor cast in such council member's district. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths that the statements therein made are true as he believes, and that each signature is of the person whose name it purports to be. Within fifteen (15) days from the date of filing such petition, the recorder shall examine, and from the voter's register ascertain, whether or not said petition is signed by the requisite number of qualified electors, and he shall attach to said petition his certificate showing the result of such examination. If by the recorder's certificate the petition is shown to be insufficient, it may be amended within ten (10) days from the date of said certificate.

The recorder shall, within fifteen (15) days after such amendment, make like examination of the amended petition, and if his certificate shall show the

same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect; if the petition shall be deemed to be sufficient, the recorder shall transmit the same to the commissioners of election of Madison County; the said commissioners of election shall order and fix a date for holding an election, as provided for in regular elections. The person sought to be recalled shall automatically become a candidate in such election and his name shall be printed upon the ballot without any requirement of qualification on his part. Other candidates, if there be any, shall submit qualifying petitions as provided in regular elections and the commissioners of election shall proceed to carry out such recall election in the same manner as a regular election including runoff, if one be required. At such election, if some other person than the incumbent officeholder receives a majority of the votes cast, the incumbent shall be deemed removed from office upon qualification of his successor and the party receiving the majority of the votes shall be deemed elected for the remaining unexpired term of the person recalled. [As amended by Priv. Acts 2001, ch. 10, § 3]

## PUBLIC SERVICE CORPORATIONS

SECTION 25. The council shall have the power to require all public service corporations and companies in the City of Jackson, to make complete annual financial reports and shall have the right to inspect such books and papers as may be necessary, with reference to the public service corporations doing business in the City of Jackson.

## ORDINANCES

SECTION 26. The style or introductory clause of all ordinances shall be as follows:

"Be it ordained by the council of the City of Jackson."

Every ordinance and resolution shall be introduced in open meeting of the council and filed with the city recorder, whose duty it shall be to record the same in a book kept for that purpose, together with the signatures of the mayor, and the original shall be filed in the archives of the office of the city recorder. No ordinance may be adopted at the same meeting at which introduced before the council and a synopsis of such ordinance sufficient to reasonably inform the public as to the content thereof must be published in a newspaper of general circulation within the City of Jackson at least one time before adoption; no ordinances granting any kind of a franchise shall be valid unless published at least five days before final passage in some daily newspaper of the City of Jackson. A resolution may be acted upon at the same meeting at which introduced and need one not be published.

ADOPTION OF TECHNICAL CODES,  
AUTHORITY, PROCEDURE

SECTION 27. The council is granted the authority to adopt by reference the provisions of any code or portions of any code, which shall include specifically, but shall not be limited to, compilation of rules and regulations which have been prepared by various technical or professional associations, for example, building codes; plumbing codes; electrical wiring codes; codes for the slaughtering, processing, selling of meats and meat products for human consumption; codes for the production, pasteurizing and sale of milk and milk products; traffic codes, codification of existing ordinances of the city, together with any other code or any municipal, state, or federal statute, rule, ordinance, or regulation which embraces rules and regulations pertinent to a subject which is a proper municipal legislative matter, without setting forth the provisions of same in full, provided that at least three (3) copies of same that is to be incorporated or adopted by reference are filed in the office of the recorder of the city and are kept available for public use, inspection and examination. Said copies must be filed with the recorder for a period of fifteen (15) days prior to adoption of the ordinance which incorporates such code or municipal, state or federal statute, rule, ordinance, or regulation by reference.

SAME PUBLICATION

SECTION 28. The ordinance which adopts such code, municipal, state, or federal statute, rule, ordinance or regulation by reference shall be published in full one (1) time in a daily newspaper published in the city before final adoption.

SAME-AMENDMENT

SECTION 29. Any amendment which may be made to any code or municipal, state, or federal statute, rule, ordinance or regulation incorporated by reference shall be adopted by the city in the same manner as the original was adopted and such ordinances adopting amendments by reference shall meet the same requirements as for the original ordinance.

INITIATIVE

SECTION 30. Any proposed ordinance may be submitted to the council by petition signed by the qualified voters of said city, equal in number to 10 per cent of the votes cast for candidates for council at the last preceding general municipal election, with the request that said ordinance be submitted to a vote of the people, if not passed by the council. The signatures, inspection,

amendment, and certification of each petition shall be filed with the city recorder, which petition shall contain a general statement of the ordinance to be passed. The signatures to the petition need not all be appended to the paper, but each signer shall add to his signature the street and number of his residence.

One of the signers on each such paper shall make oath that the statements therein made are true, as he believes, and that each signature to the paper appended is the genuine signature of the person whose name it purports to be. Within fifteen (15) days from the date of the filing of such petition said recorder shall examine the same and ascertain whether it be signed by the required number of persons, and whether such persons are qualified voters as shown by the registration books, and he shall attach to said petition his certificate over the result of such examination. If by said certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate, and the recorder shall, within fifteen days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall then be returned to the person filing it, the same without prejudice, however, to the filing of a new petition to the same effect one year later.

If, by his certificate, the petition is shown to be sufficient, the proposed ordinance and petition shall be filed and thereupon either:

First: The council shall pass such ordinance without alteration within fifteen days after it is so filed, or if they fail or refuse to do so;

Second: The recorder shall transmit said ordinance and petition, together with his certificate, that the council failed or refused to pass the ordinance to the commissioners of election, whose duty it shall be to call a special election to be held, as soon as it may be done in conformity to law, unless a general municipal election is fixed to be held within ninety days, and at said special election, if none is so fixed, said ordinance shall be submitted without alteration to the qualified voters of the said city. The ballots used and voted upon said ordinance shall contain these words "for the ordinance" stating the substance of the proposed ordinance, and "against the ordinance," state the substance of the proposed ordinance.

If a majority of the qualified voters voting for the proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become as valid and binding an ordinance of the city as if duly passed by the council, and any ordinance proposed by petition or which shall be adopted by a vote of the people, cannot be repealed or amended except by a vote of the people. Any number of proposed ordinances may be voted upon at the same election, in accordance with

the provisions of this section, but there shall not be more than one special election in any period of twelve months for such purpose.

The council may submit a proposition for the repeal of any ordinance or for amendments thereto to be voted on at any succeeding general city election, and should such proposition so submitted receive a majority of the votes cast thereon at such election, such ordinance shall thereby be repealed or amended accordingly. Whenever any ordinance or proposition is required by this Act to be submitted to the voters of the city at any election, the election commission shall cause such ordinance or proposition to be published in one of the daily newspapers published in said city, such publication to be in not more than twenty (20) nor less than five (5) days before the submission of such proposition or ordinance to be voted on.

#### DUTIES OF RECORDER

SECTION 31. The recorder shall, exercise a general accounting supervision over all the city's property, assets, and claims and the disposition thereof. He shall be the general accountant of the city; he shall have custody of all records, papers, 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 liabilities of the city, all expenditures authorized and all contracts in which the city is interested. He shall require proper fiscal accounts, records, settlements, and reports to be kept, made, and rendered to him by the several departments and officers of the city, including all deputies or employees of his department charged with the collection or expenditure of money, and shall control and audit the same. He shall, at least monthly, adjust the settlements of officers engaged in the collection of the revenue.

#### TAXES AND ASSESSMENTS UNDER RECORDER

SECTION 32. The assessment, levy, and collection of finance and disbursement of city funds, subject to the limitations elsewhere found in this charter, shall be under the supervision of the recorder.

#### ACCOUNTING SYSTEM

SECTION 33. The recorder, with the approval of the council shall cause an efficient system of accounting for the city to be installed and maintained.

## CONTROL OVER FISCAL FORMS

SECTION 34. The recorder shall cause all forms used either in connection with the receipt or disbursement of city funds to be numbered consecutively, and all spoiled or unused forms shall be accounted for.

## APPROVAL AND PAYMENT OF CLAIMS AGAINST CITY

SECTION 35. Except as by this charter or by law or ordinance otherwise provided, the recorder shall prescribe and regulate the manner of paying creditors, officers, and employees of the city, subject to the approval of the council. He shall audit all payrolls, accounts and claims against the city and certify thereon the balance as stated by him, but no payroll, account, or claim, or any part thereof, shall be allowed against the city or paid unless authorized by law or ordinance and approved and certified by the head of the department for which the indebtedness was incurred. Routine changes in pay scale of an employee pursuant to a scale adopted by the council shall be allowed by the recorder administratively. Routine payments for claims anticipated in the annual budget adopted by the council, or for claims resulting from a contract ratified by the council, or for remittances involving the investments or debt service payments of the city, need not be approved by the council but shall be allowed by the recorder administratively. Other payments in excess of ten thousand dollars (\$10,000.00) must be approved by the council in open meeting. Whenever any claim shall be presented to the city recorder, he shall have power to require evidence that the amount claimed is justly due, and is in conformity to law and ordinance, and for that purpose he may summon before him any officer, agent, or employee of any department of the municipality, or any other person, and examine him upon oath or affirmation relative thereto. The recorder and head of the department concerned, and their sureties, shall be liable to the municipality for all loss or damages sustained by the municipality by reason of the corrupt approval of any claim against the municipality.

## ISSUANCE OF WARRANTS

SECTION 36. Subject to the above provisions, warrants, checks or drafts may be issued by the recorder. Each warrant shall specify the particular departmental fund against which it is drawn and shall be payable out of no other fund. After approval as aforesaid, said checks, warrants or drafts shall be signed by the mayor and treasurer, however machine facsimile may be used.

## AUDIT

SECTION 37. The mayor and council shall cause the books and accounts of all departments and of all officers and employees who do or may receive or

disburse money to be audited annually by an independent certified public accountant and shall cause to be published a synopsis of such reports.

### DESTRUCTION OF OLD RECORDS

SECTION 38. The city recorder may at appropriate times and with the approval of the council destroy city records no longer needed for the orderly administration of the business of the city. Invoices, tax receipts, canceled checks and similar documents more than six years old may be so destroyed. Receipt books and similar documents more than three years old may be destroyed. Ordinance books and minutes of the meetings of the council shall be retained in the permanent files of the city. Minute books and ordinance books shall be retained in the vault, however ordinance books which have been codified into the Official Code of the City of Jackson need not thereafter be retained in the vault. A current copy of the Official Code of the City of Jackson shall be retained in the vault.

### LIBRARY

SECTION 39. The public library shall be under the control, management, and supervision of a board of trustees composed of seven (7) members who shall serve without pay or compensation for terms of three (3) years.

### POLICE JURISDICTION

SECTION 40. The police jurisdiction of said city shall extend to a distance of one mile from the corporate limits thereof for the purpose of abating nuisances and for the suppression of unlawful acts and practices forbidden by the laws of the state, or which may be detrimental to the public health, safety, or morals of the City of Jackson, and for the protection of parks or for the city property beyond the corporate limits, and regulating conduct therein.

### DEPOSITORIES OF CITY FUNDS

SECTION 41. Depositories of the city funds shall be designated by ordinance, which ordinance shall in every case require the depository, before being given custody of any city funds, to furnish security to protect the interest of the city equal to the requirements required by state law depositories having custody of money of the State of Tennessee.

SECTION 42. CITY COURT CREATED; OFFICE OF CITY JUDGE ESTABLISHED. Pursuant to Tennessee Code Annotated, Section 16-18-201, the City of Jackson, Tennessee shall by ordinance establish a city court and

henceforth shall popularly elect the Judge of such court in accordance with the General Laws of the State of Tennessee.<sup>1</sup> [As amended by Priv. Acts 1995, ch. 31, § 2]

SECTION 43. Reserved. [As replaced by Priv. Acts 1995, ch. 31, § 3]

SECTION 44. Reserved. [As replaced by Priv. Acts 1995, ch. 31, § 3]

SECTION 45. Reserved. [As replaced by Priv. Acts 1995, ch. 31, § 3]

SECTION 46. OATH OF OFFICE. The city judge before entering upon the performance of his duties shall take the same oath as mayor and council, said oath to be administered by the mayor or recorder.

SECTION 47. SALARY. The salary of the city judge shall be set by the council no less than one (1) year preceding the date of the next city election.

SECTION 48. CLERK OF THE CITY COURT. Pursuant to Tennessee Code Annotated, Section 16-18-207, the City of Jackson, Tennessee, shall by ordinance establish the office of City Court Clerk and henceforth shall popularly elect such Clerk in accordance with the general laws of the State of Tennessee. [As amended by Priv. Acts 1995, ch. 31, § 4]

SECTION 49. AUTHORITY TO ADMINISTER OATHS. The judge of the court, or the clerk or deputy clerk of the court, are authorized to administer oaths and affirmations.

SECTION 50. SESSIONS. A session of this court shall be held regularly as needed, except Sundays or legal holidays.

SECTION 51. SIGNING OF PROCESS; WARRANTS. All process issuing from this court shall be signed by the judge, clerk, or deputy clerk thereof, and the clerk or deputy clerk of the court shall have the power to issue warrants for the arrest of persons charged with violations of the ordinances of the city or of the laws of the state, and subpoenas for appearance of witnesses.

SECTION 52. PERSONS ARRESTED TO BE ARRAIGNED PROMPTLY; EXCEPTIONS. Every person arrested on process issuing from said court, shall be presented to the court at the earliest practicable time after his arrest, unless a Sunday or legal holiday intervenes.

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<sup>1</sup>Environmental court: see Priv. Acts 2008, ch. 73 with the "Related Acts" following this charter.

SECTION 53. APPEALS. An appeal may be taken in all cases by any person aggrieved to the circuit court of Madison County, Tennessee, such appeal to be conditioned as is now prescribed by statute for the appeal of such cases from the judgment of a general sessions court.

## TAXING POWER

SECTION 54. POWER OF CITY TO TAX. The municipality shall have power to assess property for taxation and levy and collect taxes, ad valorem and privileges, for corporate purposes upon all taxable property, and privileges within the corporate limits of said city, and establish and create the agencies therefor.

SECTION 55. POWER TO TAX WHERE STATE TAX POWERS EXIST. All property, real, personal, and mixed, situated within the corporate limits of the city and subject to taxation for state and county purposes, except where prohibited by the general law, shall also be subject to taxation for municipal purposes. The city may collect privilege taxes, and fix the rate which each vocation, occupation, and businesses shall pay, not, however, to exceed the rate of such privilege taxes fixed by the state for such vocations, occupations, and businesses as are declared to be privileges under the general law; but this restriction shall not prevent the city from declaring and defining other privileges than those declared or named in the general law, and fixing the rate of taxation thereon, which power is intended to be granted to said municipality in this charter.

The council of the city may provide by ordinance or resolution what commissions or compensation shall be paid to its officers or agents for collecting its delinquent taxes by suit or otherwise where the same is not provided for in this charter; but in all cases where delinquent taxes are collected by suit and distraint and sale of personal property an attorney's fee of fifteen percent (15%) of the amount of the tax shall be added and taxed and collected as a part of the cost of such proceedings.

SECTION 56. GENERAL POWERS TO COLLECT TAXES IN ACCORDANCE WITH STATE LAW. The council or such governing body or authority as may at any time succeed said council is hereby vested with power to fix the time for the payment of its taxes, to fix the date of delinquency of same, to fix penalties, interest at six percent (6%) or a rate set by the city council and costs on delinquent taxes not exceeding the amounts allowed by the laws applicable to state and county taxes, to provide for the advertisement and sale of property upon which delinquent taxes may be due; to accept and receive payment of its taxes; to designate any of its regular officials, appointees, or attorneys to perform the services or execute the powers herein granted, any or

all of whom may be allowed the fees regularly allowed by law; and the city is, in general, vested with power by ordinance to enforce the collection of its delinquent taxes by all the means provided for the collection of delinquent state and county taxes and carry out the purposes of this Act so long as the same do not conflict with and are not repugnant to the general laws of the State of Tennessee.

**SECTION 57. ASSESSMENT OF TAXES.** The basis or valuation upon which the city shall levy and collect its taxes on property, real and personal, for municipal purposes shall be imposed upon the value thereof as the same is ascertained by the assessment for state and county taxation; and it shall be the duty of the recorder of the city annually as soon as practicable after the board of equalization shall have equalized and fixed the value of taxable property for the county and state, to make out and prepare a tax book for the city, showing the ownership, description, value, etc., of all taxable property within the city by wards according to the valuations and assessments as fixed and assessed for the county and state for such year. The assessment or valuation of property thus obtained shall become the basis of value on which the city shall levy and collect its taxes for municipal purposes; provided, further, that the council of the city may by resolution direct the city attorney to institute proceedings under provisions of the general laws for the reassessment or back assessment of such real or personal property that has escaped assessment. Whenever property, real or personal, has been assessed, reassessed, or back assessed by the officer empowered by the general law of the state to make the same, the recorder or tax collector of said municipality shall have the power, under the direction of the council of the city, to collect or supplement the city tax book accordingly. The valuation of the properties of railroads, interurban railroads, street railroads, telegraph, telephone, electric light and power companies, and other public service corporations or companies shall be ascertained as provided by the general law of the state and assessed accordingly.

**SECTION 58. TAX LEVY TO MEET EXPENSES FOR YEAR.** It shall be the duty of the recorder, in each year, as soon as the assessment roll for the city is complete, to submit to the council a certified statement of the total amount of the valuation or assessment of the taxable property for the year within the city limits (including the assessment of all railroads, telephone, telegraph, and other public utility properties), together with an estimated statement of the revenue derived by the city during the preceding fiscal year. Upon the presentation of such statements by the recorder, the council shall proceed by ordinance to make a proper levy to the general fund, bonded debt retirement fund and library fund to meet the expenses of the city for the current fiscal year.

**SECTION 59. EFFECTIVE DATE OF LEVY.** The council of the city shall have full power to levy and collect taxes as of January 10th of each and every year.

**SECTION 60. EXTENSION OF LEVY ON TAX BOOKS.** It shall be the duty of the recorder, immediately after the levy of taxes by the council, to cause the said levy to be extended upon the said tax book prepared by the recorder in the same manner that extensions are made upon the tax books in the hands of the county trustee.

**Section 61.** All taxes levied by said municipality shall be due and payable on the first Monday in October of each year for which the taxes are assessed or levied, and shall bear interest at a rate set by ordinance from and after January 1st thereafter, and shall become delinquent on the first day of March following.

In addition to the interest provided above, upon all taxes not paid by the first of March following the year for which same are levied or assessed, a penalty levied upon delinquent taxes which shall be set by ordinance. [As replaced by Priv. Acts 2001, ch. 10, § 4]

**SECTION 62. LIEN ON TAXES, ERRORS AND IRREGULARITIES.** All municipal taxes on real estate in the city, and all penalties and costs accruing thereon, are hereby declared to be a lien on said realty from and after the 10th day of January of the year for which same are assessed, superior to all other liens except the liens of the United States, State of Tennessee and Madison County, for taxes legally assessed thereon, with which it shall be a lien of equal dignity. No assessment shall be invalid because the size and dimensions of any tract, lot or parcel of land shall not have been precisely named or the amount of the valuation or tax not correctly given, nor because the property has been assessed in the name of a person who did not own the same, nor because the same was assessed to unknown owners, nor on account of any objection or informality merely technical, but all such assessments shall be good and valid. The council shall have power to correct any errors in the tax assessments upon a certificate filed by the assessor or assessing body.

**SECTION 63. SALE OF PROPERTY FOR DELINQUENT TAXES.** All taxes due the city and remaining unpaid on the first day of November of each year shall immediately be certified to the assistant city attorney handling tax collections for collection through judicial sale of such property as provided by law.

**SECTION 64. BILLS IN CHANCERY TO COLLECT ASSESSMENTS.** The mayor and council shall have the power, and is hereby given authority, to file bills in the chancery court in the name of the city for the collection of

delinquent taxes, assessments and levies made for payment for improvements or service in said city, such as paving, sidewalks, curbing, guttering, storm sewers and other improvements, or services for which assessments may be made under the charter, or by any other acts of the legislature, and the cost of which is made a charge on property owners abutting said improvements and a lien on abutting property, the suits commenced by said bills to be conducted as other suits in chancery for the enforcement of like liens and under the rules of law and practice provided for the same; provided, that the bills shall not be objectionable because the owners of different parcels or lots of land are made parties thereto, it being the intention that all persons in the same improvement district, or liable for portions of the same assessment and levy for improving a portion of the city as aforesaid, and on whose property said assessment or levy is a lien, and all persons liable for taxes for the same year shall be made parties defendant to one bill. Publication may be had for the owners of a tract on which taxes are delinquent who cannot be found for personal service or for owners whose identity is not ascertainable and property properly before the court by attachment after such publication may be sold in rem.

**SECTION 65. LICENSE TAXES.** License taxes may be imposed by ordinance upon any and all privileges, businesses, occupations, vocations, pursuits, or callings, or any class or classes thereof, now or hereafter, subject to such taxation under the laws of Tennessee; and a separate license tax may be imposed for each place of business conducted or maintained by the same person, firm, or corporation.

The recorder shall enforce the collection of merchant's taxes and all other license taxes, and for the purpose shall have and exercise the powers of law vested in, and follow the procedure and methods prescribed for, county clerks.

**NOTE:** Sections 66 through 78 of this charter have been superseded by Priv. Acts 2001, ch. 55, which created and empowered the Jackson Energy Authority. See page C-55 of this compilation for the complete text of the Jackson Energy Authority Act.

## CIVIL SERVICE

### DIVISION 1. IN GENERAL

**SECTION 79. EXISTING CIVIL SERVICE COMMISSION ABOLISHED.** The three-member municipal civil service commission of the City of Jackson existing on the effective date hereof is abolished and the office of all existing civil service commissioners is terminated.

**SECTION 80. MUNICIPAL CIVIL SERVICE COMMISSION CREATED; MEMBERSHIP, QUALIFICATIONS.** There is hereby created a municipal civil service commission (the "commission"), consisting of five (5) persons, two (2) of whom shall be appointed by the council on recommendation of the mayor, two (2) of whom shall be selected by the classified employees (as hereinafter defined) of the city by a majority vote thereof, and one (1) of whom shall be selected by the four (4) members selected in the manner provided above.

Commissioners must be thirty (30) years of age or older and must have been residents of the city for at least five (5) years. Commissioners shall serve for a period of four (4) years commencing with the date of appointment. No commissioner may serve more than two (2) consecutive full terms. Provided, however, for the initial appointment, one (1) member appointed by the council and one (1) member selected by the classified employees shall serve for two (2) years, one (1) member appointed by the council and one (1) member selected by the classified employees shall serve for four (4) years, and the fifth member selected by the above described procedure shall serve for three (3) years. Each initial term shall constitute a full term. Any person serving on the municipal civil service commission of the City of Jackson prior to the effective date of this Act shall be eligible for reappointment notwithstanding any other limitations of this Act.

Each member shall have equal powers and the majority shall rule. Three (3) members of said commission shall constitute a quorum for the transaction of business. No member of the commission shall be employed in any manner by any city, state, county, or federal government, nor hold an elected or appointed office of any such government, nor be a member of the immediate family of any employee of the City of Jackson, nor be a former employee of the City of Jackson. Any vacancy occurring in said commission shall immediately be filled in the same manner that said vacating commissioner was selected, and any commissioner appointed to fill such a vacancy shall serve for the remainder of the term of the vacating commissioner.

Notwithstanding the establishment of a quorum, any classified position holder requesting a contested case hearing is entitled to have at least one (1) commissioner selected by the classified position holders in attendance as a member of the hearing board.

**SECTION 81. MUNICIPAL CIVIL SERVICE COMMISSION, SALARY.** The compensation of the commissioners shall be fifty dollars (\$50) per meeting or contested case hearing. The compensation of the chairman shall be seventy-five dollars (\$75) per meeting or contested case hearing. Each commissioner shall be paid his reasonable and necessary expenses incurred in the discharge of his official duty. The council of the City of Jackson shall make adequate

financial provision for the performance of its studies by the commission in carrying out this Act, including stenographic service. The commission shall not meet more frequently than once each calendar quarter. Contested case hearings will be held as required.

**SECTION 82. MUNICIPAL CIVIL SERVICE COMMISSION, OFFICERS; DUTIES OF SECRETARY: OPEN MEETINGS.** The commission shall elect a chairman who shall preside over all meetings except contested case hearings, a vice-chairman to serve in the absence of the chairman, and a secretary.

It shall be the duty of said secretary to keep complete and accurate records of all proceedings held by said commission in a minutes book to be provided for this purpose. All records of the commission shall be maintained in the office of the recorder of the City of Jackson.

The commission is declared to be a governing body within the meaning of the Tennessee Open Meetings Act as provided in Tennessee Code Annotated, Sections 8-44-101 et seq., and all of its meetings, including contested case hearings, and the deliberations of the commission thereon, shall be conducted in public and the vote of each commissioner recorded.

**SECTION 83. COVERAGE OF CITY EMPLOYEES.** Only a classified employee of the City of Jackson on the effective date of this Act and thereafter shall be covered by the provisions of this Act. For the purposes of this Act, the term "classified employee" means only an employee of the Jackson police department and the Jackson fire department who has been continuously employed in either of such departments for twenty-four (24) consecutive months, but excluding (i) the police chief, (ii) all employees of the police department who are not certified police officers, (iii) the fire chief, and (iv) all employees of the fire department whose job description does not require competence in basic firefighting skills and knowledge. Provided further, any person holding the position of fire chief or police chief who was previously a classified employee, upon being terminated as fire chief or police chief, shall be restored to the person's previous position, or another position having pay equal to the previously occupied position unless such termination was for cause. Provided further, whenever a classified employee resigns to enter the armed forces, upon his return he may be reemployed and will be immediately considered a classified employee. Positions other than above that were previously classified positions shall remain classified until such time as personnel occupying those positions vacate those positions by choice or due process, at which time the position will no longer be classified.

**SECTION 84. PROCEDURE FOR DEMOTION, SUSPENSION OR DISCHARGE.** No person holding any classified position of employment shall be discharge from the service of the city or demoted except for just cause. Just cause shall include but not be limited to any violation of the policies or practices delineated in the City of Jackson policy and procedure manual or department rules. It is expressly intended that engaging in any political activity or refusing to engage in any political activity shall not be cause for discharge, suspension or demotion of any employee holding a classified position. All persons discharged or demoted shall have the right to be heard by said civil service commission in his/her own defense, in person or by counsel, and the action of the head of the department in discharging or demoting such person shall be subject to the approval or disapproval of said commission. If said commission approves such discharge or demotion, the decision shall be final. If such discharge or demotion is disapproved, the employee shall be reinstated to such position with full pay and rights from the day of discharge or demotion.

Provided, however, reassignment of any employee to other duties which does not result in a salary reduction or benefits is not considered a demotion.

**SCOPE OF REVIEW.** The commission is empowered only to hear and determine matters involving the discharge, demotion or suspension for more than three (3) days.

Written request for a hearing must be made in writing to the commission chairman within five (5) working days from the date of discharge, demotion or suspension. No employee holding a classified position shall be discharged or suspended for any act not involving moral turpitude, which occurred more than twelve (12) months prior to date of discharge.

However, this limitation is not applicable to suspension made pursuant to Section 84.2.

Any person holding a classified position in the fire department or police department may be reduced in rank for cause but such action shall likewise be subject to the approval or disapproval of the commission upon appeal being duly perfected.

None of the provisions of this section shall apply to prevent the discharge of the holder of a classified position who was employed as the result of the reassignment of the holder of a classified position to enter the armed forces, but upon the return of such holder from the armed forces, the holder of the position with the least seniority may be discharged, in which case, such holder would revert to the classified position list.

**SECTION 84.1 CONTESTED CASES-HEARINGS.** Upon the written request of the classified employee for a hearing, the commission shall set a date for a hearing within a sixty, (60) calendar days from the date of the classified employee's request.

Should the classified employee move to continue said hearing, any benefits, pay or rights reinstated to the classified employee may be limited to the period between the date of discharge or demotion and the date set for the initial hearing.

Should the city move to continue said hearing, or join with the classified employee in moving to continue said hearing, the classified employee, if reinstated, may be entitled to full benefits, pay and rights from the date of discharge or demotion to the date of reinstatement.

However, the classified employee is not entitled to benefits, pay or rights beyond the latest hearing date agreed to by the city.

Notwithstanding the provisions of this section, should any criminal prosecution be commenced prior to the hearing, the provisions of Section 84.2 shall apply.

**SECTION 84.2. CRIMINAL PROSECUTIONS.** Classified employees who are charged with a felony or other crime of moral turpitude shall be suspended without pay until such employee is either found guilty or the charges are dismissed. If the classified employee is found guilty, he shall be dismissed forthwith.

However, notwithstanding an acquittal or dismissal in the criminal proceedings, if it appears in the discretion of the department head that there is sufficient evidence to show that the classified employee is not a fit or suitable employee, then he/she may be dismissed, subject to review by the commission upon an appeal being duly perfected by the classified employee.

**SECTION 84.3. CONTESTED CASE PROCEDURES.** In accordance with Tennessee Code Annotated, Section 27-9-114, all contested case hearings by the civil service commission shall be conducted in conformity with the procedures of Tennessee Code Annotated, Sections 4-5-301 et seq., known as the Uniform Administrative Procedures Act. The commission shall promulgate rules consistent with this charter and the Uniform Administrative Procedures Act.

In any contested case hearing conducted, the civil service commission shall have the power to subpoena and require the attendance of witnesses and

the production by them of books and papers, pertinent to the hearing and to administer oath to such witnesses.

Each contested case will be presided over by a hearing officer, who shall rule on procedure and evidence, but who shall not take part in deliberations by the commission. The hearing officer shall not be a member of the civil service commission.

The hearing officer will be appointed by the commission for a period of one (1) year. The hearing officer must be an attorney at-law and required to be licensed to practice law in the State of Tennessee. The hearing officer shall not be employed or previously employed in any manner by the city, county, state or federal governments or hold any elected or appointed office of such governments nor be a member of the immediate family of an employee of the City of Jackson. The hearing officer shall also act as counsel to the commission regarding the rights, powers and duties of the commission, and shall be compensated for his services by the City of Jackson upon such terms as may be approved by the city council upon recommendation of the commission.

**SECTION 85. APPEALS TO THE COMMISSION.** Any classified employee who is demoted, suspended or discharged shall be entitled to appeal to the commission by filing a "Request for Review" upon forms provided by the commission within five (5) working days following the effective date of the discipline. A request for review shall:

- (1) be signed by the classified employee, state the department in which he was employed and the classified position held by him;
- (2) state the reason for the discipline as understood by the employee and his position with respect thereto;
- (3) state whether the employee expects to be represented by counsel at the hearing before the commission, and, if so, the name and address of such counsel, if counsel has been engaged.

Filing of a request for review shall be complete upon delivery to the chairman of the commission in person or by certified mail. A copy shall be delivered to the classified employee's department head. The commission shall set a date for a hearing within sixty (60) calendar days following the date of the filing of the request for review.

**SECTION 86. IMPARTIALITY OF COMMISSION.** The commission shall be impartial, objective and adjudicate contested cases on the merits as presented at hearings. It shall be improper for any commissioner to discuss



APPROVED this 31st day of MAY 1993

s/Ned McWherter  
NED MCWHERTER, GOVERNOR

RELATED ACTS

PAGE

Priv. Acts 1949, ch. 686,  
"Hospital District"..... C-43

Priv. Acts 1980, ch. 324,  
"Hotel/motel Tax-Community Economic  
Development Commission"..... C-48

Priv. Acts 2001, ch. 55,  
"Jackson Energy Authority Act"..... C-55

Priv. Acts 2008, ch. 73  
"Environmental Court"..... C-81

HOSPITAL DISTRICT

## Chapter 686

## House Bill No. 1402

(By Nichols and Dungan)

AN ACT to create a joint, non-profit Hospital District for the City of Jackson and Madison County, Tennessee, to define the boundaries of said District; to vest the authority for the operation and management of said District in a Board of Trustees; to name the initial Trustees; to provide a method for the election of successor Trustees by the City and County; to fix the terms and compensation of initial and successor Trustees; to define the powers, duties and responsibilities of the Board of Trustees; to authorize the City of Jackson and Madison county to appropriate to the Hospital district from the General Funds sums sufficient to commence the operation to the District and to pay future deficits arising in the operation and maintenance of the District; and to empower said City and County to levy a tax sufficient to provide such funds.

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That a joint, nonprofit Hospital District, to be known as the Jackson-Madison County General Hospital District, is hereby created and established for and in behalf of the City of Jackson, Tennessee, and Madison County, Tennessee.

Sec. 2. Be it further enacted, That said Hospital district shall comprise and consist of the following described tract or parcel of land, together with all buildings and other improvements thereon and all appurtenances thereunto belonging, located in the Fifth Civil District of Madison County, Tennessee, and more particularly described as follows:

## TRACT # 1

Beginning at a point in the north margin of West Forest Avenue, said point is the southeast corner of the State of Tennessee Public Health property; thence north with the east line of the Public Health property a distance of 300 feet to the northeast corner; thence west a distance of 35 feet to the southeast corner of the Jackson Mental Health Center's property; thence north a distance of 433 feet to the Mental Health Center's northeast corner; thence west with the north line of the Mental Health center a distance of 212.4 feet to a point in the east margin of Summar Avenue; thence northeasterly with the east margin of Summar Avenue a distance of 275 feet to the southwest corner of the Family

Practice Clinic's property thence south 85 degrees 18 minutes 4 seconds east with the south line of the Family Practice Clinic's property a distance of 323.54 feet to a point; thence north 3 degrees 33 minutes west with the east line of the Family Practice Clinic's property a distance of 187.5 feet to a point; thence north 87 degrees 20 minutes west with the north line of the Family Practice Clinic's property a distance of 273.5 feet to a point in the east margin of Summar Avenue; thence north 2 degrees 40 minutes east with the east margin of Summar Avenue a distance of 235 feet to a point; thence northeasterly around a curve to the right that has a radius of 15 feet a distance of 23.56 feet to a point in the south margin of Skyline Drive; thence south 87 degrees 20 minutes east with the south margin of Skyline Drive a distance of 335 feet to a point; thence south 2 degrees 40 minutes west a distance of 250 feet to a point; thence south 89 degrees 20 minutes east a distance of 553 feet to a point in a large ditch; thence south with the center line of the large ditch as follows: south 5 degrees east 150 feet and south 17 degrees 55 minutes east 1051 feet to a point in the north margin of Forest Avenue; thence west with the north margin of Forest Avenue a distance of 1175 feet to the point of beginning. Being all of the Jackson-Madison County General Hospital property lying east of Summar Avenue.

#### TRACT # 2

BEGINNING at the northwest corner of the State of Tennessee Speech and Hearing Clinic; thence north 0 degrees 26 minutes west of the east line of the Edenwood Subdivision a distance of 541 feet to the southwest corner of the Southwest Tennessee Regional Health Department property; thence south 89 degrees 24.3 minutes east with the south line of the Southwest Tennessee Regional Health Department property a distance of 191.67 feet to a point in the west margin of Summar Avenue; thence in a southerly direction with the curve of the west margin of Summar Avenue a distance of 551 feet to the north line of the Speech and Hearing Clinic; thence north 88 degrees west a distance of 190 feet to the point of beginning, being all of the Jackson-Madison County General Hospital property lying west of Summar Avenue.

#### TRACT # 3

BEGINNING at a point in the east margin of Summar Avenue and the north boundary line of the Family Practice Clinic property; thence south 87 degrees 20 minutes east with the north line of the Family Practice Clinic Property a distance of 273.5 feet and continuing with the north line of the Jackson-Madison County General Hospital property in all a distance of 350 feet to a point; thence North 2 degrees 40 minutes East

250 feet to a point in the south margin of Skyline Drive; thence North 87 degrees 20 minutes West with the south margin of Skyline Drive 335 feet to a point; thence southwesterly around a curve that has a radius of 15 feet a distance of 23.56 feet to a point in the east margin of Summar Avenue; thence South 2 degrees 40 minutes West with the east margin of Summar Avenue a distance of 235 feet to the point of beginning. Being all of Lot No. 2 in Section VI of the Chevy Chase Subdivision, a plat of which appears of record in Plat Book 2, page 176 in the Register's Office of Madison County, Tennessee. being the site and grounds of the Jackson-Madison County Hospital. [As amended by Pvt. Acts 1983, Ch. 47, Sec. 1]

Sec. 3. Be it further enacted, That said Hospital District shall be operated and controlled by a board of trustees, five (5) in number, who shall serve without compensation and who shall be elected in the manner and for the terms hereinafter provided.

Sec. 4. Be it further enacted, That the initial members of the Board of Trustees shall be M. C. Plunk, who shall serve for a term of two (2) years, James Lawrence, who shall serve for a term of three (3) years, Mrs. Walter Cockrell, who shall serve for a term of four years, Hugh Hicks, who shall serve for a term of five (5) years, and James Matthews, Jr., who shall serve for a term of six (6) years. The terms of said initial members shall begin on the 1st day of April, 1949.

Sec. 5. Be it further enacted, That upon the expiration of the two (2) year term of M. C. Plunk, his successor shall be elected for a term of five (5) years by the commissioners of the city in the manner hereinafter provided; upon the expiration of the three (3) year term of James Lawrence, his successor shall be elected for a term of five (5) years by the Quarterly County Court of Madison county in the manner hereinafter provided; thereafter, the city commissioners and quarterly court, alternating annually, shall elect for a five (5) year term, in the manner hereinafter provided, a successor to that member of the Board of Trustees whose term shall have expired.

Sec. 6. That the city commissioners and the county legislative body shall be required to elect the successor trustee from among the nominees for the office. The remaining trustees may submit a nomination or nominations to the city commissioners or to the county legislative body not less than thirty (30) days prior to the expiration of the term of the trustee whose successor is to be elected. [As amended by Pvt. Acts 1961, Ch. 355, Sec. 1, Pvt. Acts 1982, Ch. 287, Sec. 1]

Sec. 7. Be it further enacted, That a Trustee whose term has expired shall continue to serve until his successor shall have been elected in the manner

herein provided. In the event of the death or resignation of a Trustee prior to the expiration of his term, his successor shall be elected for the unexpired term in the same manner as the deceased or retiring Trustee was elected. Any Trustee shall be eligible for reelection. The Board of Trustees shall elect a Chairman and Secretary from among its members; shall meet at least monthly, and more often, if necessary; and shall keep complete, permanent and public records and minutes reflecting all business and transactions of the Board.

Sec. 8. Be it further enacted, That the Board of Trustees shall be vested with full, absolute and complete authority and responsibility for the operation, management, conduct and control of the business and affairs of the Hospital District herein created; such operation, management, conduct and control, however, shall not be inconsistent with existing contractual obligations of said City and County. Said authority and responsibility shall include, but shall not be limited to, the establishment, promulgation and enforcement of the rules, regulations, and policies of the District, the upkeep and maintenance of all property, the administration of all financial affairs of the District, the execution of all contracts, agreements and other instruments, and the employment, compensation, discharge and supervision of all personnel.

Sec. 9. Be it further enacted, That the Board of Trustees shall have authority to employ and fix the compensation of a Hospital Administrator, whose duties and responsibilities shall be determined and prescribed by the Board of Trustees.

Sec. 10. Be it further enacted, That said Board of Trustees shall annually prepare and submit to the City Commissioners and Quarterly County Court a budget reflecting in detail all estimated receipts and disbursements of the Hospital District. Said Budget shall be for the fiscal year September 1st to August 31st, and shall be submitted by the Board not later than June 1st prior to the commencement of the fiscal year. The initial Board shall prepare and submit such budget as soon after the effective date of this Act as may be practical, but, in any event, not more than sixty (60) days after the commencement of the terms of the members of said initial Board.

Sec. 11. Be it further enacted, That the Board of Trustees shall prepare and submit to the City Commissioners and the Quarterly County Court during each quarter of each fiscal year a complete financial statement and report which, among other things, shall reflect a comparison of actual receipts and disbursements with budgeted receipts and disbursements as of the dates of such financial statements.

Sec. 12. Be it further enacted, That the Commissioners of the City of Jackson are hereby authorized to appropriate to the Hospital District from the

General Fund of the City one-half of such sums as may be required to commence the operation of said District, and thereafter one-half of such sums as may be required to pay any deficits arising in the operation and maintenance of said District; and are authorized and empowered, also, to levy a tax sufficient for this purpose upon all taxable property within the said City. The City of Jackson and Madison County may agree by contract upon another distribution of the operating expenses of the Jackson-Madison County Hospital District notwithstanding the foregoing authorization. [As amended by Pvt. Acts 1973, Ch. 11, Sec. 1]

Sec. 13. Be it further enacted, That the Quarterly Court of Madison County is hereby authorized to appropriate to the Hospital District from the General Fund of the County one-half of such sums as may be required to commence the operation of said District, and thereafter one-half of such sums as may be required to pay any deficits arising in the operation and maintenance of said District; and are authorized and empowered, also, to levy a tax sufficient for this purpose upon all taxable property within the said County. The City of Jackson and Madison County may agree by contract upon another distribution of the operating expenses of the Jackson-Madison County Hospital District notwithstanding the foregoing authorization. [As amended by Pvt. Acts 1973, Ch. 11, Sec. 2]

Sec. 14. Be it further enacted, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: April 7, 1949.

McALLEN FOUTCH,  
Speaker of the House of Representatives.

WALTER M. HAYNES  
Speaker of the Senate,

Approved: April 12, 1949.

GORDON BROWNING,  
Governor.

HOTEL/MOTEL TAX COMMUNITY ECONOMIC  
DEVELOPMENT COMMISSION

CHAPTER NO. 324

HOUSE BILL NO. 2587

By Wallace, Baker

Substituted for: Senate Bill No. 2562

By Thomas

AN ACT authorizing the levy of a privilege tax on the occupancy of any room, lodgings, or accommodations furnished to transients by any hotel, inn, tourist court, tourist cabin, motel or any place in which rooms, lodgings, or accommodations are furnished transients for a consideration in the City of Jackson and the county of Madison of five (5%) percent; providing for the collection and administration of such taxes; providing penalties; providing for the expending and distributing of the proceeds of the tax for certain purposes; and allowing all other actions necessary to provide for the collection and distribution of the proceeds of the tax, and to create a Community Economic Development Commission, establish its duties and provide that such Commission carry out the provisions of this Act.

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

SECTION 1. Definitions. For the purposes of this Act:

(a) Person. "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, governmental unit, or any other group or combination acting as a unit.

(b) Hotel. "Hotel" means any structure or space, or any portion thereof, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist camp, tourist court, tourist cabin, motel or any place in which rooms, lodgings or accommodations are furnished to transients for a consideration.

(c) Occupancy. "Occupancy" means the use or possession, or the right to the use or possession, of any room, lodgings or accommodations in any hotel.

(d) Transient. "Transient" means any person who exercises occupancy or is entitled to occupancy for any rooms, lodgings or accommodations in a hotel for a period of less than thirty (30) continuous days.

(e) Consideration. "Consideration" means the consideration charged, whether or not received, for the occupancy in a hotel valued in money whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever. Nothing in this definition shall be construed to imply that consideration is charged when the space provided to the person is complimentary from the operator and no consideration is charged to or received from any person.

(f) City. "City" means the City of Jackson, Tennessee.

(g) County. "County" means Madison County, Tennessee.

(h) Operator. "Operator" means the person operating the hotel whether as owner, lessee or otherwise.

(i) Economic Development Commission. "Economic Development Commission" means a five (5) person body established as hereinafter provided for in said Chapter. [As amended by Priv. Acts 1998, ch. 188]

SECTION 2. Authority to Levy Tax. That the City of Jackson and Madison County shall be authorized to levy a privilege tax upon the privilege of occupancy in any hotel of each transient, in an amount of five (5%) percent to the rate charged by the operator.

SECTION 3. Tax added to Room Invoice. Such tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of his hotel and to be given directly or transmitted to the transient and shall be collected by such operator from the transient and remitted to the City of Jackson and Madison County, Tennessee.

When a person has maintained occupancy for thirty (30) continuous days, he shall receive from the operator a refund or credit for the tax previously collected from or charged to him, and the operator shall receive credit for the amount of such tax if previously paid or reported to the city and county.

**SECTION 4. Remittance to Trustee.**

- (a) The tax hereby levied shall be remitted by all operators who lease, rent or charge for any rooms or spaces in hotels, as heretofore defined, within, the city and county, to the County Trustee or such other officer as may by ordinance or resolution be charged with the duty of collection thereof, said tax to be remitted to such officer not later than the 20th day of each month for the preceding month. The operator is hereby required to collect the said tax from the transient at the time of the presentation of the invoice for said occupancy whether prior to occupancy or after occupancy as may be the custom of the operator, and if credit is granted by the operator to the transient, then the obligation to the city and county entitled to such tax shall be that of the operator.
- (b) For the purpose of compensating the operator in accounting for remitting the tax levied by these sections the operator shall be allowed two (2%) percent of the amount of the tax due and accounted for and remitted to the trustee in the form of a deduction in submitting his report and paying the amount due by him, provided the amount due was not delinquent at the time of payment.

**SECTION 5. Rules and Regulations.** The Trustee or other authorized collector of the tax authorized by this Act shall be responsible for the collection of said tax and shall place the proceeds of such tax in such accounts as provided in this Act. A monthly tax return under oath shall be filed with the Trustee by the operator with such number of copies thereof as the Trustee may reasonably require for the collection of such tax. The report of the operator shall include such facts and information as may be deemed reasonable for the verification of the tax due. The form of such report shall be developed by the Trustee and approved by the City Commission and Board of County Commissioners prior to use. The Trustee shall audit each operator in the city and county at least once per year and shall report on the audits made on a quarterly basis to the City Commission and the Board of County Commissioners.

The City Commission of Jackson and the Board of County Commissioners are hereby authorized to adopt ordinances and resolutions to provide reasonable rules and regulations for the implementation of the provisions of this Act, including the form for such reports.

**SECTION 6. Offer to Absorb Tax Prohibited.** No operator of a hotel should advertise or state in any manner whether directly or indirectly that the

tax or any part thereof will be assumed or absorbed by the operator or that it will not be added to the rent, or that if added, any part will be refunded.

SECTION 7. Penalties and Interest for Delinquency. Taxes collected by an operator which are not remitted to the County Trustee on or before the due dates are delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at the rate of twelve (12%) percent per annum, and in addition for penalty of one (1%) percent for each month or fraction thereof such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted. Each occurrence of willful refusal of an operator to collect or remit the tax or willful refusal of a transient to pay the tax imposed is hereby declared to be unlawful and shall constitute a misdemeanor punishable upon conviction by a fine not in excess of fifty dollars (\$50).

SECTION 8. Records. It shall be the duty of every operator liable for the collection and payment to the city and county of any tax imposed by this Act to keep and preserve for a period of three (3) years all records as may be necessary to determine the amount of such tax as he may have been liable for the collection of and payment to the city and county, which records the County Trustee shall have the right to inspect at all reasonable times.

SECTION 9. Administration. The County Trustee in administering and enforcing the provisions of this Act shall have as additional powers, those powers and duties with respect to collecting taxes as provided in Title 67 of Tennessee Code annotated or otherwise provided by law for the County Clerks.

For his services in administering and enforcing the provisions of this Act, the County Trustee shall be entitled to retain as a commission one (1%) percent of the taxes so collected.

Upon any claim of illegal assessment and collection, the taxpayer shall have the remedy provided in Tennessee Code Annotated, Section 67-3033, it being the intent of this Act that the provisions of law which apply to the recovery of state taxes illegally assessed and collected under the authority of this Act; provided further, the County Trustee shall possess those powers and duties as provided in Tennessee Code Annotated, Section 67-2301, for the county clerks.

With respect to the adjustment and settlement with taxpayers, all errors of city and county taxes collected by the County Trustee under authority of this Act shall be refunded by him.

Notice of any tax paid under protest shall be given to the County Trustee and the ordinance and resolution authorizing levy of the tax shall designate a

City Commissioner and County Officer against whom suit may be brought for recovery.

SECTION 10. That a joint Commission, to be known as the "Community Economic Development Commission", is hereby created and established for an on behalf, and as an agency, of the city of Jackson, Tennessee and Madison County, Tennessee.

That the Commission shall be composed of five (5) persons in number, who shall serve without compensation and shall be elected in the manner and for the terms hereinafter provided.

That the initial terms of the members of the Commission shall be for a term of one year, two years, three years, four years and five years, respectively. The Board of County Commissioners of Madison County shall select and appoint the original members for the one-three-and five-year terms. The City Commission of the City of Jackson shall select the members for two- and four-year terms. The terms of said initial members being as of July 1, 1980. Upon the expiration of the one year term, his successor shall be elected for a term of five years by the Commissioners of the city of Jackson; upon the expiration of the two year term, his successor shall be elected for a term of five years by the Board of County Commissioners of Madison County; thereafter, the City Commissioners and the County Commissioners, alternating annually, shall elect for a five year term a successor to that member of the Commission whose term shall have expired.

A Commissioner whose term has expired shall continue to serve until his successor shall have been elected. In the event of the death or resignation of a Commissioner prior to the expiration of his term, his successor shall be elected for the unexpired term in the same manner as the deceased or retired Commissioner was elected. Any Commissioner shall be eligible for re-election. The Commissioner of Parks and Recreation of the City of Jackson and County Executive of Madison County shall be ex-officio members of said Commission. The Commission shall elect a Chairman and a Secretary from among its members, and shall keep complete and permanent records and minutes reflecting all business and transactions of the business. The Commission shall be vested with full and complete power, authority and responsibility for the operation, management, conduct and control of the business and affairs of the Commission herein created. Such authority and responsibility shall include the purpose of promoting community economic development, conventions, industrial advertising, tourism and recreational activity.

As relates to budgeting and fiscal matters and expenditures, the Commission shall be subject to the same provisions of law as other boards and

commissions established by the City of Jackson and Madison County and said Commission shall be responsible for preparing and submitting a programmed budget for all funds to be expended, pursuant to the provisions of Section 11 of this Act for approval by the Commissioners of the City of Jackson and the Board of Commissioners of Madison County. The Community Economic Development Commission shall be responsible for the expenditure of all funds derived from the tax authorized by this Act and allocated to the Community Economic Development Commission.

SECTION 11. Application and allocation of revenue. The proceeds of the tax authorized by this Act shall be appropriated by the County Trustee as follows:

(1) Forty percent (40%) of the proceeds shall be allocated to and placed in the general fund of the City of Jackson;

(2) Forty percent (40%) of the proceeds shall be allocated to an placed in the general fund of Madison County; and

(3) Twenty percent (20%) of the proceeds shall be allocated to and placed in the fund to be administered by the Community Economic Development Commission created and established elsewhere in this Act, to be used by said Commission in accordance with the purposes as set forth in Section 10 of this Act. [As amended by Priv. Acts 1985, ch. 34, § 1, Priv. Acts 1965, ch. 66, § 1; and Priv. Acts 2005, ch. 65]<sup>1</sup>

SECTION 12. Severability Clause. The provisions of this Act are hereby declared to be severable. if any of its sections, provisions, exceptions, or parts be held unconstitutional or void, the remainder of this Act shall continue to be in full force and effect, it being the legislative intent now hereby declared, that this Act would have been adopted even if such unconstitutional or void matter had not been included herein.

SECTION 13. That this Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the City Commissioners of the City of Jackson and by a two-thirds (2/3) vote of the Board of County Commissioners of Madison County, both of said approvals to be within six (6) months of the approval of this Act by the Governor of Tennessee. The action of the City Commission and the Board of County Commissioners hereon that be proclaimed by the respective presiding officers of such governing bodies, and shall be certified by them to the Secretary of State.

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<sup>1</sup>For some reason both Pvt. Acts 1955, Ch. 34 and Pvt. Acts 1985, Ch. 66, in identical language, amended this section.

SECTION 14. That this Act, for the purpose of action hereon by the City Commissioners and the Board of County Commissioners, as above provided, shall take effect from and after its passage, and for all other purposes shall take effect after its approval by said City Commissioners and Board of County Commissioners as above provided, the public welfare requiring it.

PASSED: April 17, 1980

NED R. McWHERTER  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

JOHN S. WILDER  
SPEAKER OF THE SENATE

APPROVED: APRIL 28, 1980

LAMAR ALEXANDER  
GOVERNOR

This is to certify that according to the official records in this office, House Bill No 2587, which is Chapter No. 324 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

JACKSON ENERGY AUTHORITY

CHAPTER NO. 55

HOUSE BILL NO. 2017

By Representatives Kisber, Shaw

Substituted for: Senate Bill No. 1982

By Senator Carter

AN ACT to create and empower the Jackson Energy Authority and to amend Chapter 407 of the Acts of 1909; Chapter 168 of the Private Acts of 1915; Chapter 354 of the Private Acts of 1959, which established the Jackson Utility Division; Chapter 272 of the Private Acts of 1963; and all acts amendatory thereto.

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

SECTION 1. This act shall be known and may be cited as the "Jackson Energy Authority Act".

SECTION 2. As used in this act, unless the context clearly requires otherwise:

(1) "Acquire" means to construct or to acquire by purchase, lease, lease-purchase, devise, gift, exercise of the power of eminent domain, or exercise of any other mode of acquisition.

(2) "Authority" means the Jackson Energy Authority created by this act.

(3) "Board" means the board of directors of the authority.

(4) "Bonds" means bonds, interim certificates, notes, debentures, lease-purchase agreements, and all other evidences of indebtedness either issued by or the payment of which has been assumed by the authority.

(5) "City" or "City of Jackson" means the city of Jackson, Tennessee.

(6) "City bonds" means bonds of the city of Jackson issued to finance or refinance any of the systems, as more fully described in Section 11(c) hereof.

(7) "City council" means the legislative body of the city of Jackson.

(8) "Dispose" means to sell, lease, convey, or otherwise transfer any property or any interest in property of the authority.

(9) "Electric service" means the furnishing of electric power and energy for lighting, heating, power, or any other purpose for which electric power and energy can be used.

(10) "Energy" means any and all forms of energy no matter how or where generated or produced.

(11) "Federal agency" means the United States of America, the president of the United States of America, the Tennessee Valley Authority, and any other authority, agency, instrumentality, or corporation of the United States of America heretofore or hereafter created by or pursuant to any act or acts of the Congress of the United States.

(12) "Gas service" means the furnishing of various types of gas and related energy for heating, processing, lighting and any other purpose for which gas and its related products can be used.

(13) "Improve" means to construct, reconstruct, improve, repair, extend, enlarge, or alter.

(14) "Improvement" means any improvement, extension, betterment, or addition to any System.

(15) "Municipality" means any county or incorporated city or town within or outside the State.

(16) "Person" means any natural person, firm, association, corporation, limited liability company, business trust or partnership.

(17) "Refunding bonds" means bonds of the authority issued to refund all or any part of bonds of the authority or the city bonds, as more fully described in Section 11(b) and (c) hereof.

(18) "State" means the state of Tennessee.

(19) "System" means any plant, works, system, facility, property, or parts thereof, together with all appurtenances thereto, used or useful in connection with the furnishing of any of the services and commodities authorized to be provided herein, including generation or production facilities, transmission facilities, storage facilities, distribution and collection facilities, and all real and personal property of every nature comprising part of or used or useful in connection with the foregoing, and all appurtenances, contracts, leases, franchises and other intangibles relating to the foregoing.

(20) "Telecommunications service" means the offering of telecommunications for a fee directly to the public, or to such class of users as to be effectively available directly to the public regardless of the facilities used, including, but not limited to, telephone, cable television, voice, data, and video transmissions, video programming, Internet access and related services, load control, meter reading, appliance monitoring, power exchange, and billing, or any other telecommunications service(s) that may be provided, as allowed by law, including servicing and repairing related equipment.

(21) "Wastewater service" means the collection, transportation and treatment of water discharged from residential, commercial, industrial or other processes for final discharge to the environment.

(22) "Water service" means the procurement, treatment, and distribution of water for domestic use or any other purpose for which water can be used.

SECTION 3. A governmental authority, to be known as the Jackson Energy Authority, is hereby created and constituted. The authority shall be a public corporation in perpetuity under the corporate name of the Jackson Energy Authority, and shall under that name be a political subdivision of the state and a body politic and corporate. The authority is created for the purpose of planning, acquiring, constructing, improving, furnishing, equipping, financing, owning, operating, and maintaining water, wastewater, gas, telecommunications and electric utility systems within or outside the corporate limits of the city of Jackson, and such other utility systems as a municipal water, wastewater, gas, telecommunications or electric utility is authorized by the general laws of the state of Tennessee to own or operate.

SECTION 4. The authority shall have the power and is authorized, effective immediately upon the effective date of this act, either singly or jointly with one or more persons, municipalities, or federal agencies, or with the state,

or with one or more agencies or instrumentalities of the state or any municipality:

(1) To sue and be sued;

(2) To have a seal and alter the same at pleasure;

(3) To acquire, construct, improve, furnish, equip, finance, own, operate and maintain, within or outside the corporate limits of the city of Jackson, a system for the furnishing of water service and to provide water service to any person, governmental entity, or other user or consumer of water services within or outside the city of Jackson; provided, the system shall be operated as a separate system independent of and separate from the other utility systems of the authority and managed by the water division of the authority; and provided, further, the authority shall not exercise any of the powers granted in this subsection wholly or partly within the legal boundaries of an incorporated city or town or a utility district incorporated pursuant to the Utility District Act of 1937, as amended, or any other municipal entity, except as allowed by law, without the consent of the governing body of such city, town, utility district, or municipal entity;

(4) To acquire, construct, improve, furnish, equip, finance, own, operate and maintain within or outside the corporate limits of the city of Jackson, a system for providing wastewater service to any person, governmental entity, or other user or consumer of wastewater services within and outside the city of Jackson; provided, the system shall be operated as a separate system independent of, and separate from, the other utility systems of the authority and managed by the wastewater division of the authority; and provided, further, the authority shall not exercise any of the powers granted in this subsection wholly or partly within the legal boundaries of an incorporated city or town or a utility district incorporated pursuant to the Utility District Act of 1937, as amended, or any other municipal entity, except as allowed by law, without the consent of the governing body of such city, town, utility district, or municipal entity;

(5) To acquire, construct, improve, furnish, equip, finance, own, operate and maintain within or outside the corporate limits of the city of Jackson, a system for the furnishing of gas and related products and to provide gas service to any person, governmental entity, or other user or consumer of gas services within or outside the city of Jackson; provided, the system shall be operated as a separate system independent of, and separate from, the other utility systems of the authority and managed by

the gas division of the authority; and provided, further, the authority shall not exercise any of the powers granted in this subsection wholly or partly within the legal boundaries of an incorporated city or town or a utility district incorporated pursuant to the Utility District Act of 1937, as amended, or any other municipal entity, except as allowed by law, without the consent of the governing body of such city, town, utility district, or municipal entity; and provided, further, notwithstanding the foregoing, the authority is empowered to sell propane gas only within the boundaries of Madison County, Tennessee and only to persons outside the boundaries of Madison County being provided propane gas service by Jackson Utility Division on May 1, 2001;

(6) To acquire, construct, improve, furnish, equip, finance, own, operate and maintain within or outside the corporate limits of the city of Jackson, a system for the furnishing of electrical service and to provide electric service to any person, governmental entity, or other user or consumer of electric services within or outside the city of Jackson; provided, the system shall be operated as a separate system independent of, and separate from, the other utility systems of the authority and managed by the electric division of the authority; and provided, further, the authority shall not exercise any of the powers granted in this subsection wholly or partly within the legal boundaries of an incorporated city or town or electric cooperative, except as allowed by law, without the consent of the governing body of such city, town or cooperative;

(7) To acquire, construct, improve, furnish, equip, finance, own, operate and maintain within and outside the corporate limits of the city of Jackson, a system for the furnishing of telecommunications service and to provide telecommunication service to any person, governmental entity, or other user or consumer of telecommunications services within or outside the city of Jackson; provided, the system shall be operated as a separate system independent of, and separate from, the other utility systems of the authority; and provided, further, to the extent that the authority, or any joint venture, partnership or cooperative arrangement of which the authority is a party, or any limited liability company or not-for-profit corporation of which the authority is a member provides telephone or telegraph services, the authority, or such other entity, shall be subject to regulation by the Tennessee regulatory authority in the same manner and to the same extent as other certified providers of such services, including, without limitation, rules or orders governing anti-competitive practices, and shall be considered as and have the duties of a public utility, as defined in Section 65-4-101, but only to the extent necessary to effect such regulation and only with respect to the authority's provision of telephone and telegraph services; and provided,

further, that the authority shall have all the powers and authority conferred upon municipalities by Sections 7-52-401, 7-52-403, 7-52-405, 7-52-406, 7-52-601, 7-52-602, 7-52-603 (except Section 7-52-603(a)(1)(A)), 7-52-604, 7-52-605, and 7-52-609, and in the exercise of said powers and authority shall be subject to all the obligations, restrictions and limitations imposed upon municipalities by said sections and imposed upon providers of the services described therein by federal law; provided, that all actions authorized by said sections to be taken by the board or supervisory body having responsibility for a municipal electric plant or authorized to be taken by the chief legislative body of the municipality shall be authorized to be taken by the board of directors of the authority and all powers granted to a municipal electric system under said sections shall be exercised by the electric division of the authority; and provided further, that, notwithstanding the provisions of Section 5 hereof, the telecommunications system shall not be combined with any of the other systems.

(8) To fix, levy, charge and collect such fees, rents, tolls or other charges for the use of, or in connection with, any system of the authority as shall be consistent with the provision of the services or sale or other disposition of the commodities provided by the various utilities authorized herein at reasonable cost based on sound economy, public good, and prudent business operations, which fees, rents, tolls or charges shall be established by the board without the necessity of review or approval by any other municipality, the state, or any commission or authority thereof or any federal agency other than as provided in appropriate federal statutes or contracts and other than as provided in subparagraph (7) above; provided, however, that whenever any of such fees, rents, tolls or other charges, other than such charges as shall be regulated pursuant to subparagraph (7) are to increase, notice of the intended increase shall be published in a newspaper of general circulation in the area served by the authority, and the increase shall not be effective until thirty (30) days from and after the date of publication of the notice. If, during such period, protests against the increase are filed with the board of directors by as many as one percent (1%) of the users of the service affected, then the proposed increase shall not be effective unless approved by the city council of the city of Jackson. The notice of the proposed increase shall include a statement as to the number of users of such service on the date of the publication of such notice. Those protesting such increase shall do so in writing, stating their name and street address.

(9) To acquire, hold, own and dispose of property, real and personal, tangible and intangible, or interests therein, in its own name,

subject to mortgages or other liens or otherwise and to pay therefor in cash or on credit through installment payments, and to secure the payment of all or any part of any installment obligations in connection with any acquisition;

(10) To have complete control and supervision of any system of the authority and to make such rules and regulations governing the rendering of service thereby as may be just and equitable;

(11) To contract debts, borrow money, issue bonds, and enter into lease-purchase agreements to acquire, construct, improve, furnish, equip, extend, operate or maintain any system or systems, or any part thereof, or to provide the authority's share of the funding for any joint undertaking or project, and to assume and agree to pay any indebtedness incurred for any of the foregoing purposes;

(12) To accept gifts or grants of money or property, real or personal, and voluntary and uncompensated services or other financial assistance from any person, federal agency, or municipality, for, or in aid of, the acquisition or improvement of any system;

(13) To condemn either the fee or such right, title, interest, or easement in property as the board may deem necessary for any of the purposes mentioned in this act, and such property or interest in such property may be so acquired whether or not the same is owned or held for public use by corporations, associations, or persons having the power of eminent domain, or otherwise held or used for public purposes, and such power of condemnation may be exercised in the mode or method of procedure prescribed by Tennessee Code Annotated, Title 29, Chapter 16, as amended or changed, or in the mode or method of procedure prescribed by any other applicable statutory provisions now in force or hereafter enacted for the exercise of the power of eminent domain; provided, however, that where title to any property sought to be condemned is defective, it shall be passed by decree of court; provided, further, that where condemnation proceedings become necessary the court in which such proceedings are filed shall, upon application by the authority and upon the posting of a bond with the clerk of the court in such amount as the court may deem commensurate with the value of the property, order that the right of possession shall issue immediately or as soon and upon such terms as the court, in its discretion, may deem proper and just;

(14) To make and execute any and all contracts and instruments necessary or convenient for the full exercise of the powers herein granted, and in connection therewith to stipulate and agree to such covenants,

terms and conditions and such term or duration as shall be appropriate, including, but without limitation, contracts for the purchase or sale of any of the commodities or services authorized herein to be provided by the authority, and carry out and perform the covenants, terms and conditions of all such contracts and instruments. In connection with any contract to acquire or sell any of the commodities or services authorized herein, the authority may enter into commodity price exchange or swap agreements, agreements establishing price floors or ceilings, or both, or other price hedging contracts with any person or entity under such terms and conditions as the authority may determine, including, without limitation, provisions permitting the authority to indemnify or otherwise pay any person or entity for any loss of benefits under such agreement upon early termination thereof or default thereunder. When entering into any such contract or arrangement or any such swap, exchange or hedging agreement evidencing a transaction bearing a reasonable relationship to this state and also to another state or nation, the authority may agree in the written contract or agreement that the rights and remedies of the parties thereto shall be governed by the laws of this state or the laws of such other state or nation; provided, that jurisdiction over the authority shall lie solely in the courts of Madison County, Tennessee;

(15) To sell, exchange or interchange any of the commodities or services authorized to be provided herein either within or outside the state and to establish prices to be paid for such commodities or services and establish pricing structures with respect thereto, including provision for price rebates, discounts, and dividends; and, in connection with any such sales, exchanges or interchanges, to act as agent for such consumers, to secure contracts and arrangements with other entities or persons, to make contracts for the sale, exchange, interchange, pooling, transmission, distribution, or storage of any of the commodities or services authorized to be provided herein, inside or outside this state, and to transmit, transport and distribute any such commodities or services both for itself and on behalf of others;

(16) To make contracts and execute instruments containing such covenants, terms, and conditions as may be necessary, proper or advisable for the purpose of obtaining loans from any source, or grants, loans or other financial assistance from the state or any federal agency, and to carry out and perform the covenants and terms and conditions of all such contracts and instruments;

(17) To enter on any lands, waters, and premises for the purpose of making surveys, soundings, and examinations in connection with the

acquisition, improvement, operation, or maintenance of any system and the furnishing of any of the services herein;

(18) To provide to any municipality, person, federal agency, the state or any agency or instrumentality thereof, transportation and storage capacity for any of the commodities or services authorized herein, and management and purchasing services associated therewith;

(19) To employ, engage, retain and pay compensation to such officers, agents, consultants, professionals and employees of the authority as shall be necessary to operate the systems, manage the affairs of the authority and otherwise further the purposes of the authority and the exercise of the powers thereof, and to fix their compensation and to establish a program of employee benefits, including a retirement system;

(20) To establish a retirement system for all employees of the authority and to maintain all rights and benefits of employees as they existed under the retirement system of the Jackson Utility Division without diminution and to participate in the Tennessee Consolidated Retirement System in accordance with Title 8, Chapter 35, Part 2; and;

(21) To enter into joint ventures and cooperative arrangements with one or more persons, including the formation of a partnership, limited liability company or not-for-profit corporation to accomplish any of the purposes set forth herein or to exercise any of the powers set forth herein;

(22) Immediately upon the effective date of this act, to commence operating the systems and to exercise exclusive control and direction of the systems and, upon proper action by the city, to accept title to the assets and assume the liabilities of the systems;

(23) To contribute its funds for the financial aid of any nonprofit charitable organization or nonprofit civic organization, as such terms are defined in Section 6-54- 111; and

(24) To do any and all acts and things herein authorized or necessary or convenient to carry out the powers expressly given in this act under, through or by means of its own officers, agents, and employees, or by contracts with any person, federal agency, or municipality.

**SECTION 5.** Each system of the authority shall operate independently of the others and shall be self-sustaining, except insofar as the board may by resolution combine any of the systems which in the opinion of the board shall be

advisable and economical and which by the general laws of the state or any federal laws or any contracts or indentures are not required to be operated separately.

#### SECTION 6.

(a) The affairs of the authority and the exercise of the powers of the authority shall be vested in the board of directors. The following powers shall be exercised directly by the board by resolution of the board:

(1) Selection and employment of the president who shall serve as the chief executive officer of the authority, who shall serve at the pleasure of the board and whose compensation shall be set by the board. All other officers and employees of the authority shall be selected, employed and discharged pursuant to procedures approved by the chief executive officer;

(2) Issuance of bonds of the authority and the encumbering of assets of the authority, to the extent authorized herein, to secure any such bonds;

(3) Approval of rates of each of the systems;

(4) Approval of the annual budget of each of the systems;

(5) Adoption of by-laws for the conduct of the business of the board;

(6) Selection of a certified public accountant or accountants to perform audits of the books and affairs of the authority; and

(7) Adoption of a purchasing policy for the authority as hereinafter provided and the approval of purchases and disposition of property in accordance with the terms thereof.

(b) All other powers of the authority shall be exercised by the chief executive officer of the authority and the officers, agents and employees of the authority, unless the board, acting by resolution, shall revoke the delegation of any such powers.

## SECTION 7.

(a) The board of directors of the authority shall consist of five (5) directors who shall be appointed by the mayor of the city of Jackson, subject to approval by the city council. The initial board of directors shall be composed of the members of the board of utility commissioners of the Jackson utility division, who shall serve as directors for the unexpired terms of their appointment to the board of utility commissioners, and who shall take office and begin exercising the powers herein granted immediately upon the effective date hereof. All subsequent appointments shall be for five (5) year terms. Each term of office shall commence on July 1 and end on June 30 of the fifth full year of the term. The mayor of the city of Jackson shall fill each vacancy created by an expiring term and gain approval of the city council not later than June 10 prior to the expiration of the term of office of any director; the appointment to be effective on the immediately following June 30. Except as provided in Section 8 hereof, each director shall hold office until his successor is appointed, approved and qualified and each director shall be eligible for reappointment.

(b) Immediately upon their qualification as a board, and in July of each subsequent year, the board of directors shall select from the board's membership a chairman and a vice-chairman. No additional compensation shall be paid to a director for serving as chairman or vice-chairman. The board shall have a recording secretary, who need not be a member of the board and who shall be appointed by the chief executive officer, subject to the approval by the board. The recording secretary shall record all minutes of the board, keep and maintain all books and records of the board and perform such other duties as the chief executive officer shall determine.

(c) The board shall hold regular monthly meetings and special meetings as may be necessary for the transaction of the business of the authority. Special meetings of the board may be called by the chairman or, in the absence or disability of the chairman, by any board member. No meeting of the board shall be held unless a majority of the directors are present. All acts of the board shall be by a vote of three (3) or more directors. Resolutions of the board shall be effective upon adoption after one (1) reading and may be adopted at the same meeting at which they are introduced. The time and place of all meetings will be set by the board. The compensation of directors for serving on the board shall be in an amount fixed by resolution of the board.

Each director shall be a customer of the authority or work for a person that is a customer of the authority and shall be at least twenty-five (25) years of age. Each director shall give bond in the sum of ten thousand dollars (\$10,000), with good security, conditioned to faithfully perform the duties of his office and shall take and subscribe an oath or make affirmation to uphold the Constitution and laws of the state of Tennessee, and faithfully to discharge the duties of his office. No director shall hold any full-time, salaried public office or be elected to public office.

SECTION 8. Any director may be removed from office for cause upon a vote of two-thirds (2/3) of the members of the city council of the city of Jackson, but only after preferment of formal charges by resolution of a majority of the members of the city council.

#### SECTION 9.

(a) The board shall appoint a president, as provided in Section 6, who shall be chief executive officer of the authority and who shall be qualified by training and experience for the general management of the acquisition, improvement and operation of the business and affairs of the authority. The salary of the president shall be fixed by the board. The president shall serve at the pleasure of the board.

(b) Within the limits of the funds available therefor and subject to exercise by the board of the powers reserved to it pursuant to Section 6 hereof, all powers of the authority granted herein shall be exercised by the chief executive officer and the various officers and employees of the authority.

(c) The chief executive officer shall have charge of the management and operation of the systems and the enforcement and execution of all rules, regulations, programs, plans and decisions made or adopted by the board.

(d) The chief executive officer shall appoint each system division head and all officers of the authority, all of whom shall serve at the pleasure of the chief executive officer, and the chief executive officer shall be responsible for maintaining an adequate work force for the authority and establishing a compensation structure for the work force.

(e) Subject to the terms of Section 10 hereof, the chief executive officer is authorized to acquire and dispose of all property, real and personal, necessary to effectuate the purposes of this part. The title of such property shall be taken in the name of the authority.

(f) All contracts, agreements, indentures, trust agreements and other instruments necessary or proper in carrying out the purposes and powers of the authority or in conducting the affairs of the authority or in operating the systems of the authority shall be executed by the chief executive officer, or his designee or designees, the signature thereof to be binding upon the authority; provided, however, the execution by the chief executive officer of any such contract, agreement, indenture, trust agreement or instrument implementing or evidencing the exercise of powers reserved to the board pursuant to Section 6 hereof shall first be approved by resolution of the board.

(g) The chief executive officer shall cause to be kept full and proper books and records of all operations and affairs of the authority and shall cause to be kept separate books and accounts for each system, so that these books and accounts will reflect the financial condition of each division separately, and may require that the moneys and securities of each division be placed in separate funds to the end that each division shall be self-sustaining. All divisions will be audited annually by an independent certified public accountant selected by the board of directors.

SECTION 10. The board shall adopt a policy governing all purchases of services or property, whether real or personal, all leases and lease-purchases and the disposition of all property of the authority. The policy shall authorize the chief executive officer, or his designee or designees, to enter into contracts and agreements for the purchase of services or property, real or personal, leases and lease-purchases, disposition of property of the authority with a value not exceeding an amount from time to time established by the board, and providing for board approval for such purchases, leases, lease-purchases and dispositions in excess of such amount. Subject to the terms of the purchasing policy relating to board approval, the chief executive officer, or his designee or designees, on behalf of the authority, shall be authorized to execute all contracts, purchase orders and other documents necessary or proper in connection with the purchase of property or services and the disposition of property of the authority, including deeds of conveyance of real property. The policy authorized by this section shall provide for competitive bidding in appropriate circumstances, exceptions to any competitive bidding requirements when competitive bidding is not practical, procedures for the purchase of commodities such as natural gas and other energy sources traded in public markets, procedures for documentation of compliance with purchasing procedures and such other provisions and terms as the board deems necessary or desirable.

## SECTION 11.

(a) The authority shall have power and is authorized to issue its bonds for the construction, acquisition, reconstruction, improvement, betterment or extension of any system of the Authority or to assume and to agree to pay any indebtedness incurred for any of the foregoing purposes. The proceeds of the sale of any bonds may be applied to:

(1) The payment of the costs of such construction, acquisition, reconstruction, improvement, betterment or extension;

(2) The payment of the costs associated with any such construction, acquisition, reconstruction, improvement, betterment or extension, including engineering, architectural, inspection, legal and accounting expenses;

(3) The payment of the costs of issuance of such bonds, including underwriter's discount, financial advisory fee, preparation of the definitive bonds, preparation of all public offering and marketing materials, advertising, credit enhancement, and legal, accounting, fiscal and other similar expenses;

(4) The payment of interest during the period of construction and for six (6) months thereafter on any money borrowed or estimated to be borrowed;

(5) Reimbursement of the authority for moneys previously spent by the authority for any of the foregoing purposes;

(6) The establishment of reasonable reserves for the payment of debt service on such bonds, or for repair and replacement to the system of the authority for whose benefit the financing is being undertaken, or for such other purposes as the board shall deem necessary and proper in connection with the issuance of any bonds and operation of the system for whose benefit the financing is being undertaken;

(7) The contribution of the authority's share of the funding for any joint undertaking for the purposes hereinabove set forth; and

(8) The contribution by the Authority to any subsidiary or separate entity controlled by the Authority for the purposes hereinabove set forth.

(b) The authority shall have the power and is hereby authorized to issue its bonds to refund and refinance outstanding bonds of the authority heretofore or hereafter issued or lawfully assumed by the authority. The proceeds of the sale of the bonds may be applied to:

(1) The payment of the principal amount of the bonds being refunded and refinanced;

(2) The payment of the redemption premium thereon, if any;

(3) The payment of unpaid interest on the bonds being refunded, including interest in arrears, for the payment of which sufficient funds are not available, to the date of delivery or exchange of the refunding bonds;

(4) The payment of interest on the bonds being refunded and refinanced from the date of delivery of the refunding bonds to maturity or to, and including, the first or any subsequent available redemption date or dates on which the bonds being refunded may be called for redemption;

(5) The payment of the costs of issuance of the refunding bonds, including underwriter's discount, financial advisory fee, preparation of the definitive bonds, preparation of all public offering and marketing materials, advertising, credit enhancement, and legal, accounting, fiscal and other similar expenses, and the costs of refunding the outstanding bonds, including the costs of establishing an escrow for the retirement of the outstanding bonds, trustee and escrow agent fees in connection with any escrow, and accounting, legal and other professional fees in connection therewith; and

(6) The establishment of reasonable reserves for the payment of debt service on the refunding bonds, or for repair and replacement to the system of the authority for whose benefit the financing is being undertaken, or for such other purposes as shall be deemed necessary and proper in connection with the issuance of the refunding bonds and operation of the system for whose benefit the financing is being undertaken. Refunding bonds may be issued to refinance and refund more than one issue of

outstanding bonds, notwithstanding that such outstanding bonds may have been issued at different times. Refunding bonds may be issued jointly with other refunding bonds or other bonds of the authority. The principal proceeds from the sale of refunding bonds may be applied either to the immediate payment and retirement of the bonds being refunded or, to the extent not required for the immediate payment of the bonds being refunded, to the deposit in escrow with a bank or trust company to provide for the payment and retirement at a later date of the bonds being refunded.

(c) The authority shall have the power and is authorized to issue its bonds to retire all bonds of the city of Jackson issued to finance or refinance any of the systems, and, to the extent permitted by contracts with any of the owners of the city bonds, to assume and agree to pay when due the city bonds, retire the city bonds, or deposit in escrow funds sufficient, together with earnings thereon, to retire the city bonds at maturity or upon redemption.

(d) The authority shall have the power and is hereby authorized to issue bonds in anticipation of the collection of revenues from the system for whose benefit the financing is undertaken for the purpose of financing electrical power or gas purchases, including storage costs and pipeline capacity costs. Any such bonds shall be secured solely by a pledge of, and lien on, the revenues of the system for whose benefit the financing is undertaken. The principal amount of bonds which may be issued during any twelve (12) month period shall not exceed sixty percent (60%) of total electrical power or gas purchases for the same period, and all notes issued during such period shall be retired and paid in full on, or before, the end of such period. The notes shall be sold in such manner, at such price and upon such terms and conditions as may be determined by the board. No notes shall be issued under this subsection unless the electric system or gas system, as applicable, has positive retained earnings as shown in the most recent audited financial statements of the system, and the system has produced positive net income in at least one (1) fiscal year out of the three (3) fiscal years next preceding the issuance of the bonds as shown on the audited financial statements of the system. No bonds issued under this subsection shall be issued without first being approved by the state director of local finance. If revenues of such system are insufficient to pay all such bonds at maturity, any unpaid bonds may be renewed one (1) time for a period not to exceed one (1) year or otherwise liquidated as approved by the comptroller of the treasury or the director of the division of local finance.

(e) Bonds issued hereunder as a part of an issue the last maturity of which is not later than five (5) years following the date of issue shall be issued, and referred to, as notes.

## SECTION 12.

(a) No bonds shall be issued or assumed hereunder unless authorized to be issued or assumed by resolution of the board, which resolution may be adopted at the same meeting at which it is introduced by a majority of all members thereof then in office, and shall take effect immediately upon adoption. Bonds authorized to be issued hereunder may be issued in one (1) or more series, may bear such date or dates, mature at such time or times, not exceeding forty (40) years from their respective dates, bear interest at such rate or rates, payable at such time or times, be in such denominations, be in such form, either coupon or registered, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption, with or without premium, as such resolution or resolutions may provide. Bonds may be issued for money or property at competitive or negotiated sale for such price or prices as the board, or its designee, shall determine.

(b) Bonds may be repurchased by the authority out of any available funds at a price not to exceed the principal amount thereof and accrued interest, and all bonds so repurchased shall be cancelled or held as an investment of the authority as the board may determine.

(c) Pending the preparation or execution of definitive bonds, interim receipts or certificates or temporary bonds may be delivered to the purchasers of bonds.

(d)

(1) With respect to all or any portion of any issue of bonds issued hereunder, at any time during the term of the bonds, and upon receipt of a report of the comptroller of the treasury or the comptroller's designee finding that the contracts and agreements authorized in this subsection are in compliance with the guidelines, rules or regulations adopted or promulgated by the state funding board, as set forth in Section 7-34-109(h), the authority, by resolution of the board, may authorize and enter into interest rate swap or exchange agreements, agreements establishing interest rate floors or ceilings or both, and other interest rate hedging agreements under such terms and conditions

as the board may determine, including, without limitation, provisions permitting the authority to pay to, or receive from, any person or entity any loss of benefits under such agreement upon early termination thereof or default under such agreement.

(2) The authority may enter into an agreement to sell bonds (other than its refunding bonds) under this act providing for delivery of its bonds on a date greater than ninety (90) days and not greater than five (5) years (or such greater period of time if approved by the comptroller of the treasury or the comptroller's designee), from the date of execution of such agreement or to sell its refunding bonds providing for delivery thereof on a date greater than ninety (90) days from the date of execution of the agreement and not greater than the first optional redemption date on which the bonds being refunded can be optionally redeemed resulting in cost savings or at par, whichever is earlier, only upon receipt of a report of the comptroller of the treasury or the comptroller's designee finding that the agreement or contract of the authority to sell its bonds as authorized in this subsection is in compliance with the guidelines, rules or regulations adopted or promulgated by the state funding board in accordance with the provisions of Section 7-34-109(h). Agreements to sell bonds and refunding bonds for delivery ninety (90) days or less from the date of execution of the agreement do not require a report of the comptroller of the treasury or the comptroller's designee.

(3) Prior to the adoption by the board of a resolution authorizing a contract or agreement described in subdivision (1) or (2), a request shall be submitted to the comptroller of the treasury or the comptroller's designee for a report finding that such contract or agreement is in compliance with the guidelines, rules or regulations of the state funding board. Within fifteen (15) days of receipt of the request, the comptroller of the treasury or the comptroller's designee shall determine whether the contract or agreement substantially complies with the guidelines, rules or regulations and shall report thereon to the municipality. If the report of the comptroller of the treasury or the comptroller's designee finds that the contract or agreement complies with the guidelines, rules or regulations of the state funding board or the comptroller of the treasury shall fail to report within the fifteen (15) day period, then the authority may take such action with respect to the proposed contract or agreement as it deems advisable in accordance with the provisions of this section and the guidelines, rules or regulations of the state funding board. If the

report of the comptroller of the treasury or the comptroller's designee finds that such contract or agreement is not in compliance with the guidelines, rules or regulations, then the authority is not authorized to enter into such contract or agreement. The guidelines, rules or regulations shall provide for an appeal process upon a determination of noncompliance.

(4) When entering into any contracts or agreements facilitating the issuance and sale of bonds, including contracts or agreements providing for liquidity and credit enhancement and reimbursement agreements relating thereto, interest rate swap or exchange agreements, agreements establishing interest rate floors or ceilings or both, other interest rate hedging agreements, and agreements with the purchaser of the bonds, evidencing a transaction bearing a reasonable relationship to this state and also to another state or nation, the authority may agree in the written contract or agreement that the rights and remedies of the parties thereto shall be governed by the laws of this state or the laws of such other state or nation; provided, that jurisdiction over the authority shall lie solely in the courts of Madison County, Tennessee.

(5) Prior to the adoption or promulgation by the state funding board of guidelines, rules or regulations with respect to the contracts and agreements authorized in subsections (1) and (2), the authority may enter into such contracts or agreements to the extent otherwise authorized by the general laws of the state.

SECTION 13. In order to secure the payment of the principal and interest on the bonds issued hereunder, or in connection with such bonds, the authority has the power to secure such bonds and to covenant as to the bonds as set forth in Section 9-21-306 and Section 7-34-110 as such provisions shall from time-to-time be amended.

SECTION 14. No owner or owners of any bonds issued hereunder shall ever have the right to compel any exercise of the taxing powers of the state, the city of Jackson, or any other municipality or political subdivision of the state to pay such bonds or the interest thereon. Each bond issued under this act shall recite in substance that such bond, including the interest thereon, is payable solely from the revenues pledged to the payment thereof, and that the bond does not constitute a debt of the state, any municipality or any other political subdivision therein.

SECTION 15. Bonds issued hereunder bearing the signature of the chief executive officer in office on the date of the signing thereof shall be valid and binding obligations, notwithstanding that before the delivery thereof and payment therefor any or all the persons whose signatures appear thereon shall have ceased to be officers. The validity of any bonds shall not be dependent on, or affected by, the validity or regularity of any proceedings relating to the acquisition or improvement of the system or systems for which such bonds are issued. The resolution or resolutions authorizing bonds may provide that the bonds shall contain a recital that they are issued pursuant to this act, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

SECTION 16. In connection with the issuance of bonds and in order to secure the payment of its bonds, the authority shall have power:

(1) To pledge all or any part of its revenues;

(2) To vest in a trustee or trustees the right to enforce any covenant made to secure, to pay, or in relation to its bonds, to provide for the powers and duties of such trustee or trustees, to limit the liabilities thereof, and to provide the terms and conditions upon which the trustee or trustees or the holders of bonds or any amount or proportion of them may enforce any such covenant; and

(3) To make such covenants and to do any and all such acts and things as may be necessary or convenient or desirable in order to secure its bonds or which, in the absolute discretion of the board, tend to make the bonds more marketable notwithstanding that such covenants, acts and things may restrict or interfere with the exercise of the powers herein granted; it being the intention hereof to give the authority power to do all things in the issuance of bonds, and for their security, that a private business corporation can do under the general laws of the state.

SECTION 17. In addition to all other rights and remedies, any holders of bonds of the authority, including a trustee for bondholders, shall have the right:

(1) By mandamus or other suit, action or proceeding at law or in equity, to enforce the bondholder's rights against the authority and the board of the authority, including the right to require the authority and such board to fix and collect rates and charges adequate to carry out any agreement as to, or pledge of, the revenues produced by such rates or charges, and to require the authority and such board to carry out any other covenants and agreements with such bondholders and to perform their duties under this act.

(2) By action or suit in equity to enjoin any acts or things which may be unlawful or a violation of the rights of such holder or holders of bonds.

(3) By suit, action or proceeding in the chancery court of Madison County to obtain an appointment of a receiver of any system or systems of the authority or any part or parts thereof. If such receiver be appointed, such receiver may enter and take possession of such system or systems or part or parts thereof and operate and maintain same, and collect and receive all fees, rents, tolls or other charges thereafter arising therefrom in the same manner as the authority itself might do and shall dispose of such money in a separate account or accounts and apply the same in accordance with the obligations of the authority as the court shall direct.

(4) By suit, action or proceeding in the chancery court of Madison County to require the board of the authority to account as if it were the trustee of an express trust.

#### SECTION 18.

(a) The authority shall not be operated for gain or profit or primarily as a source of revenue to the city of Jackson or any other person or entity. The authority shall, however, prescribe and collect reasonable rates, fees or charges for the services, facilities and commodities made available by it, and shall revise such rates, fees or charges from time-to-time whenever necessary so that each system, or any combined systems as authorized herein, shall be and always remain self-supporting, and shall not require appropriations by the city of Jackson or any other municipality, the state or any political subdivision to carry out its purpose. Any one system of the authority shall not subsidize any other system, unless the systems are operated as a combined system in accordance with the terms hereof, in which case the combined system shall be self-supporting.

(b) The rates, fees, or charges prescribed for each system shall be such as will produce revenue at least sufficient:

(1) To provide for the payment of all expenses of operation and maintenance of such system;

(2) To pay when due principal of, and interest on, all bonds of the authority payable from the revenues of such system;

(3) To pay any payments in lieu of taxes authorized to be paid pursuant to the terms hereof; and

(4) To establish proper reserves for the system.

SECTION 19. Any pledge of, or lien on, revenues, fees, rents, tolls or other charges received or receivable by the authority to secure the payment of any bonds of the authority, and the interest thereon, shall be valid and binding from the time that the pledge or lien is created or granted and shall inure to the benefit of the owner or owners of any such bonds until the payment in full of the principal thereof and premium and interest thereon. The priority of any pledge or lien with respect to competing pledges or liens shall be determined by the date such pledge or lien is created or granted. Neither the resolution nor any other instrument granting, creating, or giving notice of the pledge or lien need be filed or recorded to preserve or protect the validity or priority of such pledge or lien.

SECTION 20. So long as the authority owns any of the systems, the property and revenue of such system shall be exempt from all state, county and municipal taxation. Any Bonds issued by the authority pursuant to the provisions hereof, and the income therefrom, shall be exempt from all state, county and municipal taxation except inheritance, transfer and estate taxes, and except as otherwise provided by the general laws of the state.

SECTION 21. The authority is authorized to pay or cause to be paid from the revenues of each of the systems for each fiscal year payments in lieu of taxes to the city of Jackson or such other municipality as shall properly receive said payments; provided, that payments from the electric system revenues shall be made and computed in accordance with the provisions of the municipal electric plant, Law of 1935, codified at Title 7, Chapter 52, payments from the gas system revenues shall be made and computed in accordance with the provisions of the Municipal Gas System Tax Equivalent Law of 1987, codified at Title 7, Chapter 39, Part 4 and payments made from revenues of the telecommunication system shall be made in accordance with Section 7-52-404 and Section 7-52-606. Payments made from revenues of the water and wastewater systems shall be made by agreement with the affected municipality. The authority shall make payments in lieu of taxes to the city of Jackson, accruing from and after the effective date hereof, from the gas system revenues and the electric system revenues on the same basis as payments are currently being made by the Jackson utility division.

SECTION 22. The authority shall provide water service, wastewater service, gas service, and electric service to all areas that are hereafter lawfully and properly annexed within the corporate limits of the city of Jackson. Such

services shall be provided as soon as practical after the annexation becomes effective.

SECTION 23. All moneys of the authority, from whatever source derived, shall be deposited in one (1) or more banks or trust companies and, if the authority shall so require, such accounts shall be continuously insured by an agency of the federal government or secured by a pledge of direct obligations of the United States of America or of the state of Tennessee having an aggregate market value, exclusive of accrued interest, at all times at least equal to the balance on deposit in such account or accounts. Such securities shall either be deposited with the authority or held by a trustee or agent satisfactory to the authority. In lieu of any pledge of such securities, said deposits may be secured by a surety bond or bonds which shall be in form, sufficiency and substance satisfactory to the Authority.

SECTION 24. All funds of the authority are authorized to be invested as follows:

(1) Direct obligations of the United States government or any of its agencies;

(2) Obligations guaranteed as to principal and interest by the United States government or any of its agencies;

(3) Certificates of deposit and other evidences of deposit at state- and federally-chartered banks, savings and loan institutions or savings banks deposited and collateralized as described in subsection (a);

(4) Repurchase agreements entered into with the United States or its agencies or with any bank, broker-dealer or other such entity so long as the obligation of the obligated party is secured by a perfected pledge of full faith and credit obligations of the United States or its agencies;

(5) Guaranteed investment contracts or similar agreements providing for a specified rate of return over a specified time period with entities rated in one (1) of the two (2) highest rating categories of a nationally recognized rating agency;

(6) The local government investment pool created by Title 9, Chapter 4, Part 7;

(7) Direct general obligations of a state of the United States, or a political subdivision or instrumentality thereof, having general taxing

powers and rated in either of the two (2) highest rating categories by a nationally recognized rating agency of such obligations; or

(8) Obligations of any state of the United States or a political subdivision or instrumentality thereof, secured solely by revenues received by, or on behalf of, the state or political subdivision or instrumentality thereof irrevocably pledged to the payment of the principal and interest on such obligations, rated in the two (2) highest rating categories by a nationally recognized rating agency of such obligations.

SECTION 25. In the event that the authority shall cease to exist, all of its assets remaining after all of its obligations and liabilities have been satisfied or discharged shall pass to, and become the property of, the city of Jackson.

SECTION 26. The authority is and shall be considered a political subdivision for purposes of Title 65, Chapter 4.

SECTION 27. The board shall be considered a governing body for purposes of the Open Meetings Act, codified at Title 8, Chapter 44.

SECTION 28. The authority shall be considered a governmental entity for purposes of the Tennessee Governmental Tort Liability Act, codified at Title 29, Chapter 20.

SECTION 29. The authority shall be considered a public agency for purposes of the Interlocal Cooperation Act, codified at Title 12, Chapter 9.

SECTION 30. The authority shall be considered a municipality for the purposes of the Energy Acquisition Corporation Act, codified at Title 7, Chapter 39, and may be an associated municipality of an energy acquisition corporation under Title 7, Chapter 39 and the board shall be a governing body for purposes of Title 7, Chapter 39.

SECTION 31. The powers conferred by this part shall be in addition and supplemental to the powers conferred by any other law.

SECTION 32. This act shall not affect rights and duties that matured, penalties that were incurred or proceedings that were begun before its effective date.

SECTION 33. Chapter 354 of the Private Acts of 1959, and all acts amendatory thereto, is hereby amended to add the following as new sections:

Section 18. The city is authorized to transfer to the Jackson energy authority all its right, title and interest in and to all the assets currently operated for the city by the Jackson utility division, including all real and personal property, tangible or intangible, and any right or interest in any such property, whether or not subject to mortgages, liens, charges or other encumbrances, and all appurtenances, contracts, leases, franchises and other intangibles. The transfer shall be authorized by resolution of the city council of the city adopted on one (1) reading and shall be accomplished through documents and instruments authorized by said resolution and executed by such officers of the city as shall be designated by said resolution. A transfer to the Jackson energy authority in accordance with the terms hereof shall not be deemed a disposition of assets for purposes of Section 7-52-132.

Section 19. The city is hereby authorized, by resolution of the city council to grant a franchise to the Jackson energy authority to provide within the corporate limits of the city of Jackson any and all of the services that it is authorized to provide under applicable law upon such terms and conditions as shall be prescribed by the city council.

Section 20. Upon the Jackson Energy Authority Act, Chapter \_\_\_ of the Private Acts of 2001 becoming effective, the jurisdiction and control of the utility systems of the city of Jackson shall be transferred to the Jackson energy authority, and Jackson utility division and the board of utility commissioners shall cease to exist.

SECTION 34. It shall be a condition of the transfer of the systems from the city of Jackson to the authority that upon such transfer the authority shall either retire the city bonds by the payment thereof in full upon transfer, defease the city bonds by depositing funds in irrevocable escrow for the payment of these bonds, or assume and agree to pay in full principal of and interest on the city bonds. Upon the assumption by the authority of the city bonds and its agreement to pay those bonds when due, the authority shall be fully obligated to pay when due, principal, premium and interest with respect to those bonds with the same force and effect as if those bonds were issued by the authority. Bonds issued pursuant to this section shall be secured by, and payable from, the revenues of the respective system in the same way as other bonds of the authority issued pursuant to this act. The transfer of each of the systems shall be accomplished in such a manner as not to impair the obligations of contract with reference to the city bonds and other legal obligations of the city of Jackson and to preserve and protect the contract rights vested in the owners of such bonds and other obligations.

SECTION 35. If any provision of this act or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect any other provision or application of the act which can be given effect without the invalid provisions or application, and to that end the provisions of this act are declared to be severable.

SECTION 36. 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 Jackson. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified by him to the Secretary of State.

SECTION 37. For purposes 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 on July 1, 2001.

PASSED: May 31, 2001

s/Jimmy Niafeh  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

s/John Wilder  
JOHN S. WILDER  
SPEAKER OF THE SENATE

APPROVED this 5th day of June 2001

s/Don Sundquist  
DON SUNDQUIST, GOVERNOR

ENVIRONMENTAL COURT

PRIVATE CHAPTER NO. 73

HOUSE BILL NO. 3680

By Representatives Eldridge, Shaw

Substituted for: Senate Bill No. 3962

By Senator Lowe Finney

AN ACT relative to authorizing the municipal legislative body of the City of Jackson to designate a docket within the City Court as the environmental docket for that city and to establish certain powers for that court.

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

SECTION 1. The Jackson city council is hereby authorized to designate a docket within the city court that shall function as an environmental court.

SECTION 2. In making such designation, the judge of the city court, who is an elected judge, shall be granted the additional power to issue injunctions, both mandatory and prohibitory, as provided in Rule 65 of the Tennessee Rules of Civil Procedure. This includes the granting of power to the city judge to order any defendant found guilty of violating any city ordinance or state statute related to health, animal control, housing, fire, land subdivision, land use, building or zoning, to correct such violation at the defendant's own expense. In a case involving the alleged violation of any ordinance or statute related to health, animal control, housing, fire, land subdivision, land use, building or zoning, this act includes the granting of power to the city judge to appoint a master to aid the court. Rule 53 of the Tennessee Rules of Civil Procedure shall govern the appointment, power, and duty of the master.

SECTION 3. The city judge may also be granted the power to punish any person for contempt who, having been ordered to correct a violation of an ordinance or statute related to health, animal control, housing, fire, land subdivision, land use, building or zoning, willfully fails to obey such order within the designated day and at the designated time as given by such court order. The punishment for contempt in each such case shall be limited to a monetary penalty not to exceed fifty dollars (\$50.00) and imprisonment not exceeding ten (10) days for each such violation.

SECTION 4. The provisions of this act shall not be construed as extending the jurisdiction already granted and established within the city court including the concurrent general sessions jurisdiction already granted and established within that court.

SECTION 5. 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 Jackson. Its approval or nonapproval shall be proclaimed by the presiding officer of the city of Jackson and certified to the secretary of state.

SECTION 6. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 5.

PASSED: March 6, 2008

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

  
RON RAMSEY, SPEAKER  
SENATE OF THE SENATE

APPROVED this 17th day of March 2008

  
PHIL BREDEESEN, GOVERNOR

CHARTER AND RELATED ACTS FOR THE CITY OF  
JACKSON, TENNESSEE

YEAR	CHAPTER	SUBJECT
<u>CITY CHARTER</u>		
1993	101	Basic charter act.
1995	5	Amended § 3, description of districts.
1995	31	Amended § 3, elections; § 42, city court and office of city judge; deleted §§ 43, 44, and 45 and reserved same; amended § 48, clerk of the city court.
1997	83	Amended §§ 67 and 72, relative to telecommunications.
2001	10	Amended § 14, mayor and council; § 23, contracts to be let on bids; and § 24, recall; and replaced § 61, relative to delinquent taxes.
2002	138	Amended § 12(13), powers and authority of the City of Jackson.
<u>HOSPITAL DISTRICT</u>		
1949	686	Authorized establishment of a hospital district for the City of Jackson and Madison County.
1961	355	Amends sec. 6.
1973	11	Amends secs. 12 and 13.
1982	287	Amends sec. 6.
1983	47	Amends sec. 2.

YEAR	CHAPTER	SUBJECT
<u>HOTEL/MOTEL TAX-COMMUNITY ECONOMIC DEVELOPMENT COMMISSION</u>		
1980	324	Authorized a hotel/motel privilege tax for the City of Jackson and Madison County, and created a Community Economic Development Commission.
1985	34	Amended § 11.
1985	66	Amended § 11.
1998	188	Amended § 1(a), definition of
2005	65	Amended § 11.
<u>JACKSON ENERGY AUTHORITY</u>		
2001	55	Created and empowered the Jackson Energy Authority.
<u>PENSION SYSTEMS</u>		
1943	150	Created a fireman and policeman pension and retirement fund.
1943	357	Created a school pension and retirement fund.
1945	48	Amended Pvt. Acts 1943, ch. 357.
1945	98	Amended Pvt. Acts 1943, ch. 150.
1945	172	Created a water and administrative departments pension fund.
1947	155	Amended Pvt. Acts 1943, ch. 357.

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YEAR	CHAPTER	SUBJECT
1949	144	Created a health and sanitation department pension fund.
1949	424	Amended Pvt. Acts 1945, ch. 172.
1949	425	Amended Pvt. Acts 1943, ch. 357.
1949	870	Created a street maintenance department pension fund.
1951	72	Amended Pvt. Acts 1949, ch. 870.
1951	74	Amended Pvt. Acts 1949, ch. 144.
1951	75	Amended Pvt. Acts 1945, ch. 172.
1953	59	Amended Pvt. Acts 1943, ch. 150.
1957	354	Amended Pvt. Acts 1945, ch. 172.
1957	147	Amended Pvt. Acts 1943, ch. 150.
1957	346	Amended Pvt. Acts 1945, ch. 172.
1957	347	Amended Pvt. Acts 1949, ch. 870.
1963	263	Amended Pvt. Acts. 1943, ch. 357.
1968	419	Amended Pvt. Acts. 1949, ch 870.
1988	207	Amended Pvt. Acts 1949, ch. 870, and Pvt. Acts 1957, ch. 347.
1988	208	Amended Pvt. Acts 1943, ch. 150, and Pvt. Acts 1945, ch. 98.
1995	37	Amended Priv. Acts 1943, ch. 150; Priv. Acts 1945, ch. 172; Priv. Acts 1949, ch. 144; and Priv. Acts 1949, ch. 870.

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YEAR	CHAPTER	SUBJECT
1996	195	Amended Priv. Acts 1943, ch. 357.
1998	179	Amended Priv. Acts 1943, ch. 150; Priv. Acts 1945, ch. 172; Priv. Acts 1949, ch. 144; and Priv. Acts 1949, ch. 870.
2002	165	Amended Priv. Acts 1943, ch. 150; Priv. Acts 1945, ch. 172; Priv. Acts 1949, ch. 144; and Priv. Acts 1949, ch. 870.
<u>ENVIRONMENTAL COURT</u>		
2008	73	Authorized the legislative body to designate an environmental docket to function as an environmental court.