

CHAPTER NO. 106

HOUSE BILL NO. 3579

By Representatives Overbey, McCord

Substituted for: Senate Bill No. 3485

By Senator Clabough

AN ACT to amend Chapter 27 of the Private Acts of 1967; as amended by Chapter 320 of the Private Acts of 1980, and any other acts amendatory thereto, relative to the charter of the City of Maryville.

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

SECTION 1. Article V, Section 3, of Chapter 27 of the Private Acts of 1967, and any other acts amendatory thereto, is amended by deleting subsection (5) in its entirety and by substituting instead the following language:

(5) He shall prepare and submit an annual or biennial budget and program to the Council.

SECTION 2. Article IX, Section 1, of Chapter 27 of the Private Acts of 1967, and any other acts amendatory thereto, is amended by deleting the section in its entirety, and by substituting instead the following language:

Section 1. The fiscal year of the City shall begin to run on July 1 and end June 30. By resolution, Council shall determine the budgetary period of either an annual or biennial budget prior to the beginning of each fiscal year.

SECTION 3. Article IX, Section 2, of Chapter 27 of the Private Acts of 1967, and any other acts amendatory thereto, is amended by deleting the section in its entirety, and by substituting instead the following language:

Section 2. The adoption of an annual or biennial budget for all departments except utilities shall be a prerequisite to the appropriation of money for municipal purposes and the levy of property taxes.

SECTION 4. Article IX, Section 3, of Chapter 27 of the Private Acts of 1967, and any other acts amendatory thereto, is amended by deleting the section in its entirety, and by substituting instead the following language:

Section 3. At least forty-five (45) days before the beginning of the budgetary fiscal year, the Manager shall prepare and submit to Council a budget for the ensuing fiscal year(s) and an accompanying message. The Manager's message shall explain the budget. It shall outline the proposed financial policies of the City for the ensuing fiscal year(s), describe features of the budget, indicate major changes from previous years in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the City's debt position, and include material the Manager deems desirable.

SECTION 5. Article IX, Section 4, of Chapter 27 of the Private Acts of 1967, and any other acts amendatory thereto, is amended by deleting the section in its entirety, and by substituting instead the following language:

Section 4. The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year(s) except those funds that are accounted for on a proprietary basis and except as required by law or this chapter. The budget shall be in such form as the Manager deems desirable or the Council may require. In organizing the budget, the Manager shall utilize the most feasible combination of expenditure classification by fund, organizational unit, program, purpose, activity, or as otherwise deemed appropriate. The budget shall begin with a general summary of its contents. It shall show in detail all estimated income, indicate the proposed property tax levy, and set forth all proposed expenditures including debt service for the ensuing fiscal year(s). The budget shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year(s) and actual income and expenditures of the preceding fiscal year(s). The budget shall indicate in separate sections:

(1) Proposed expenditures for current operation during the ensuing fiscal year(s) detailed by offices, departments, and agencies in terms of their respective work programs and the method of financing such expenditures; and

(2) Proposed capital expenditures during the ensuing fiscal year(s) detailing by office, departments, and agencies, when practicable, the proposed method of financing each capital expenditure.

The total proposed expenditures shall not exceed the total of estimated income.

SECTION 6. Article IX, Section 8, of Chapter 27 of the Private Acts of 1967, and any other acts amendatory thereto, is amended by deleting the section in its entirety, and by substituting instead the following language:

Section 8. Upon a declaration by the Council that there exists a public emergency affecting life, health, property, or the public peace, the Council may make emergency appropriations by ordinance. To the extent that there is no available unappropriated revenue to meet such appropriations, the Council is authorized to borrow by issuing negotiable notes to meet the emergency. Provisions shall be made in the budget for the succeeding fiscal year(s) for payment of such notes.

SECTION 7. Article IX, Section 11, of Chapter 27 of the Private Acts of 1967, and any other acts amendatory thereto, is amended by deleting the section in its entirety, and by substituting instead the following language:

Section 11. Every appropriation shall lapse at the end of the annual or biennial budget period to the extent that it has not been expended or encumbered.

SECTION 8. Article IX, Section 13, of Chapter 27 of the Private Acts of 1967, and any other acts amendatory thereto, is amended by deleting the section in its entirety, and by substituting instead the following language:

Section 13. The Council for the sole purpose of meeting the necessary expenses with an appropriation is authorized to borrow money up to an amount that will not exceed ten percent (10%) of the total assessed value of the incorporated area. This cap should limit the total general obligation debt outstanding at any one time to this percentage.

SECTION 9. Article IX, Section 15, of Chapter 27 of the Private Acts of 1967, and any other acts amendatory thereto, is amended by deleting the section in its entirety, and by substituting instead the following language:

Section 15. The Manager shall prepare and submit to Council a six (6) year capital program as part of the Manager's budgetary message that will be provided by the Manager forty-five (45) days prior to the beginning of each fiscal year. The capital program shall include:

- (1) A clear general summary of its contents;
- (2) A list of all capital improvements which are proposed to be undertaken during the six (6) years next ensuing with appropriate supporting information as to the necessity for such improvements;
- (3) Cost estimates, method of financing, and recommended time schedules for each improvement; and
- (4) The estimated biennial cost of operating and maintaining the facility to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in the process of construction or acquisition.

SECTION 10. Article X, Section 1, of Chapter 27 of the Private Acts of 1967, and any other acts amendatory thereto, is amended by deleting the section in its entirety, and by substituting instead the following language:

Section 1. All property within the City not exempt by general law shall be assessed for taxation upon the same principles established with regard to state and county taxation. Assessments made by the County Tax Assessor may be adopted by the City.

SECTION 11. Article XII, Section 5, of Chapter 27 of the Private Acts of 1967, and any other acts amendatory thereto, is amended by deleting the section in its entirety, and by substituting instead the following language:

Section 5. The Board of Education shall prepare and submit a budget estimate to the City Manager either on an annual basis or on a biennial basis and shall submit this budget to the City Manager prior to the time herein fixed for the preparation of the general budget of the City. The Board of Education's submission shall include a six (6) year capital improvements plan that encompasses facilities, equipment, and other associated expenditures. The Board of Education will submit quarterly to the City Manager an itemized report showing the receipts and disbursements of school funds and show in detail the general condition of the schools.

SECTION 12. Article IV, Section 14, of Chapter 27 of the Private Acts of 1967, as amended by Chapter 320 of the Private Acts of 1980, and any other acts amendatory thereto, is amended by deleting the section in its entirety, and by substituting instead the following language:

Section 14. All ordinances shall begin with the clause: Be it ordained by the Council of the City of Maryville, Tennessee. Every proposed ordinance shall be introduced in writing in the form required for final adoption. An ordinance may be introduced by any member of the Council or by the Manager. Upon introduction, a copy shall be distributed to each Council member, the Recorder, the Manager, and the City Attorney. The body of ordinances may be omitted from the journal, but reference therein shall be made to the ordinance by title and/or subject matter. Each ordinance enacted by the Council shall be presented to the Council and passed by a majority of the Council members present on two (2) separate days, the second presentation to be not less than fourteen (14) days following the first presentation unless a majority of the entire Council shall by recorded vote waive this time requirement. Upon the first presentation, the caption of the ordinance shall be read or its substance stated and upon request of any member of Council or upon the request of any taxpayer of the City, the ordinance shall be read in full before final passage. The second presentation of an ordinance may be included in a consent agenda and may be voted upon without formal presentation. The consent agenda may include ordinances, approvals, or other matters deemed appropriate by Council for inclusion in the consent agenda. Any Council person may request that an item be withdrawn from the consent agenda and be considered and voted upon separately. Except in the ordinance adopting the budget, no material or substantial amendment may be made on second or final passage unless such amendment is passed in the same manner as an amendment to an existing ordinance. Every ordinance shall become effective upon final passage unless by its terms the effective date is deferred. Every ordinance upon final passage shall be signed by the Mayor or Vice Mayor or the Mayor's other designee on Council in the Mayor's absence. Every ordinance shall immediately be taken charge of by the Recorder and numbered, copied in ordinance book, and authenticated by the signature of the Mayor and Recorder. The ordinance shall then be filed and preserved in the Recorder's office.

SECTION 13. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the City Council of Maryville. Its approval or nonapproval shall be proclaimed by the presiding officer of the City Council and certified to the secretary of state.

SECTION 14. 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 13.

PASSED: April 8, 2004


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 22nd day of April 2004


PHIL BREDESEN, GOVERNOR