

**CHARTER FOR THE METROPOLITAN GOVERNMENT OF
BROWNSVILLE/HAYWOOD COUNTY, TENNESSEE**

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PREAMBLE

WE, the people of the City of Brownsville and Haywood County, Tennessee, by adopting this Charter, intend to use the authority provided to the people by the Constitution and laws of the State of Tennessee to consolidate, unify and simplify the functions of local government in order to establish a more efficient, accountable, responsive and effective local government that will provide a better instrument to create a more prosperous future.

ARTICLE 1 UNIFICATION, TERRITORY, AND POWERS

SECTION 1.01—Unification: The Governmental and corporate functions vested in the City of Brownsville, Tennessee, are hereby unified and consolidated with the Governmental and corporate functions of Haywood County, Tennessee. A single Government is hereby created that replaces and supersedes the Governments of Brownsville and Haywood County. The name of this new Government is the Metropolitan Government of Brownsville/Haywood County. This new Metropolitan Government is established pursuant to constitutional power granted by Article XI, Section 9 and Article VII, Section 1, of the Constitution of Tennessee, as amended, and in conformity with section 7-1-101 et seq. of *Tennessee Code Annotated*, as amended.

SECTION 1.02—Territory: The territory of the Government is the total area of Haywood County as established by law.

SECTION 1.03—Restrictions on the Government’s Power: The Metropolitan Government:

- (1) May not tax the property or residents of the General Services District for services available solely to residents of the Urban Services District or any Special Service District.
- (2) May not establish or expand a Special Service District by ordinance until after an advisory election has been held in the area of a proposed new Special Service District or the area of a proposed expansion of an existing Special Service District.
- (3) May not impair or diminish the rights and privileges of people employed by the City of Brownsville and Haywood County on the effective date of this Charter, under civil service or in the existing county and city employees’ retirement and pension systems.
- (4) May not require taxpayers to pay the debt of the former City of Brownsville unless the taxpayers would have been liable without the adoption of this Charter.
- (5) May not expend the proceeds of any long-term debt obligation for current operating expenses except as allowed by state law.
- (6) May not exercise any power that has not been authorized or delegated to the Metropolitan Government by state law or applicable private act.

SECTION 1.04—Powers Granted the Government: The Metropolitan Government has all the powers granted to municipalities, counties, and metropolitan governments by the Constitution and general laws of the State of Tennessee as fully and completely as though the powers were specifically enumerated in the Constitution and general laws of the State of Tennessee, except for such limitations and restrictions as are provided in state law or this Charter. These powers are to be construed broadly, and the omission of specific powers does not limit the general powers of the Metropolitan Government. The Metropolitan Government is a public corporation with perpetual succession, capable of suing and being sued to the same extent as other political subdivisions, and capable of purchasing, receiving, and holding real and personal property, and of selling, leasing, pledging, and disposing of it to the same extent as other political subdivisions of the State of Tennessee.

SECTION 1.05—Definitions: As used in this Charter, unless indicated otherwise

- (1) “Charter” means the Charter of the Metropolitan Government of Brownsville/Haywood County Government.
- (2) “Council” means the Metropolitan Council.
- (3) “Effective date” means the date of the unification of the governments of the City of Brownsville and Haywood County, being September 1, 2018.
- (4) “Government” or “Metropolitan Government” means the Metropolitan Government of Brownsville/Haywood County.
- (5) “Governor” means the Governor of the State of Tennessee.
- (6) “Majority” means a majority of the authorized membership, less any vacancies, and not a majority of the quorum.
- (7) “Mayor” means the Metropolitan Mayor.
- (8) “Metropolitan Government Official” means any popularly elected official or appointed department head of the Metropolitan Government.
- (9) “State law” means general laws of the State of Tennessee applicable to the people and territory of the Metropolitan Government.
- (10) “Unification” means consolidation of governmental functions of the former City of Brownsville and Haywood County.

ARTICLE 2

THE METROPOLITAN COUNCIL

SECTION 2.01—Legislative Authority: The legislative authority of the Metropolitan Government, except as otherwise specifically provided in this Charter, is vested in a

Metropolitan Council.

The Council will consist of twenty (20) members. The area of the Metropolitan Government will be divided into ten (10) Metropolitan Council districts of substantially equal population. Two (2) members of the Council will be elected from each district with the two persons receiving the largest number of votes within each district being elected to represent that district. A voter may cast votes for two (2) candidates for the office of councilmember in each district.

The initial boundaries and district numbers of the Metropolitan Council districts will be the same as those for the election of county commissioners of Haywood County in existence at the time of approval of this Charter by the voters. The boundaries of districts will be changed by ordinance of the Council when necessary to provide substantially equal representation based upon population, but always within one (1) year of the publication of the decennial federal census.

SECTION 2.02—Terms, Qualifications, Salary:

(a) Except for the first election under this Charter, each member of the Metropolitan Council will be elected for a term of four (4) years and until his or her successor is elected and qualified. The term of the first Metropolitan Council will begin on September 1, 2018. In order to establish staggered terms, at the election in August 2018 under this Charter, members elected from even numbered districts will serve for two (2) years and members elected from odd numbered districts will serve for four (4) years, with all of their successors elected for four (4) year terms. Council members will take office on September 1 following the August election after being qualified. All elections for members of the Council will be conducted on a nonpartisan basis, and names of persons on the ballot will not have a party designation.

(b) To qualify for election as a member of the Council, an individual must be at least twenty-one (21) years of age, a resident of Haywood County as defined by state law, and a resident of the district of the Metropolitan Government from which he or she seeks election, prior to the deadline for filing as a candidate. When a Council member ceases to have his or her primary residence in the district he or she represents, a vacancy is created.

Council members will initially be paid \$250.00 per meeting. The Council, by ordinance, may modify the pay of its members, but no alteration in pay for Council members may take effect for at least four (4) years after the effective date of this Charter, and thereafter, at least four (4) years must pass between subsequent alterations. Council members must be in attendance at Council meetings to receive any designated pay.

Committees of the Council may be created, established and dissolved by the Council as needed. Compensation for committee attendance, if any, will be determined by a majority vote of the Metropolitan Council. Committee members must be present at committee meetings to receive any designated pay.

(c) Members of the Council may hold no other elective or appointive office in the Metropolitan Government or be an employee of the Government, except as expressly provided in this Charter.

(d) Council members are required to participate in at least fifteen (15) hours annually of

continuing education, which covers topics such as State Legislative updates, leadership, community planning, local government finance, and local government law, including at least three (3) hours of ethics training annually, through the University of Tennessee County Technical Advisory Service or the University of Tennessee Municipal Technical Advisory Service, or its successors in providing these services. Council members must provide proof of training to the Metropolitan Clerk by September 1st of each year. Failure to complete the continuing educational requirements will result in a loss of pay for a Council member's attendance at meetings of the Council or Committees of the Council for the period of non-compliance. The Metropolitan Clerk will certify any noncompliance that causes reduction of pay to the Director of Finance. The Council may, at its discretion, provide reimbursement for continuing education, pending proof of completion.

SECTION 2.03—Chair of The Metropolitan Council, Quorum, Rules of Procedure: (a) At the first meeting after each election of Council members, and annually thereafter, the Council will elect one (1) of its members as the Chairman of the Metropolitan Council to serve a one (1) year term. The Chairman of the Metropolitan Council will preside at all meetings when he or she is present. At the first meeting after each election of Council members, the Council will elect one (1) of its members Chairman Pro Tempore of the Metropolitan Council to serve a one (1) year term. The Chairman Pro Tempore will act in the absence of the Chairman of the Metropolitan Council. The Council will elect a Chairman and Chairman Pro Tempore annually thereafter.

The Chairman of the Metropolitan Council may succeed himself or herself in this office. The Chairman of the Metropolitan Council will vote on all matters as a regular member of the Council. The Chairman of the Metropolitan Council will receive additional compensation for serving as the Chairman of the Metropolitan Council in an amount determined by majority vote of the Metropolitan Council. This compensation will not be altered during the one (1) year term of the Chairman.

(b) A majority of the authorized membership of the Council will constitute a quorum to transact business. In a state of emergency declared by the governor, six (6) or more members present will constitute a quorum to transact business and pass emergency ordinances and resolutions.

(c) Except as otherwise required by this Charter or state law, the Metropolitan Council determines its own rules of procedure and order of business. The initial rules of procedure will be the latest published version of *Robert's Rules of Order, Revised*, and these rules will control until changed by resolution of the Council.

SECTION 2.04—Regular and Special Meetings: The Metropolitan Council will hold at least one (1) regular meeting each calendar month. The agenda for regular meetings will be made available to the public and delivered to Council members at least three (3) working days prior to the meeting. Special meetings of the Council may be called by the Chairman of the Metropolitan Council or by at least ten (10) members of the Council. Notice of each special meeting will be given to each Council member not less than three (3) working days prior to the meeting. The notice of a regular or special meeting of the Council will contain a statement of the agenda and no other business other than what is stated on the agenda may be considered at the meeting.

During the time of an emergency declared by the Governor, a special meeting of the Council will be held if the Chairman or six (6) or more members of the Council call for a special meeting. The normal three (3) working day notice requirement to members of the Council for special meetings will be waived if all members of the Council in attendance at a special meeting during an emergency declared by the Governor execute a written waiver of notice and file this waiver with the Metropolitan Clerk. Public notice of all meetings of the Metropolitan Council, both regular and special meetings, will be in accordance with the Tennessee Open Meetings Law.

SECTION 2.05–Power and Authority of the Council: (a) The Council may legislate with respect to the powers of the Metropolitan Government granted by this Charter and state law. The Council by ordinance may provide for the organization, conduct, and operations of all departments, offices, boards, commissions, authorities, and agencies of the Metropolitan Government except as limited by this Charter and state law.

The Council has all the authority granted to the county legislative body of Haywood County by state law and private acts on the effective date of this Charter, and to county legislative bodies generally by state law. The Council also has all the authority granted to the governing body of the City of Brownsville by its charter and private acts on the effective date of this Charter as well as the authority granted to municipal governing bodies by state law. Additionally, the Council has all of the authority granted to Metropolitan Councils by state law.

(b) Ordinances and resolutions will be presented for consideration to the Metropolitan Council only in written form. Ordinances are written measures that are of a general, permanent, and/or penal nature. Resolutions are written measures of a temporary character dealing with administrative or executive matters.

Ordinances are deemed passed by the Council upon approval by the Council at two (2) separate considerations at regular meetings. Approval requires a majority vote of the Council on both considerations. The Council may, by a majority vote of members, suspend the requirement of approval at two (2) regular meetings and proceed to a second consideration and pass an ordinance at a subsequent special meeting held at least seven (7) days after the proposed ordinance passed on first consideration at a regular meeting. During an emergency declared by the Governor, the Council in a regular meeting or special meeting may approve ordinances after one (1) consideration by a two-thirds (2/3) majority vote of the members present. In matters pertaining to Council district boundaries, taxation, zoning, and land use regulation, the rule requiring passage at two (2) regular meetings may not be suspended. An ordinance may provide for a fine or civil penalty, and may grant authority for the Metropolitan Attorney to seek injunctive relief and other equitable remedies, for each or multiple violations of an ordinance, in an amount and manner consistent with state law. Ordinances are subject to the veto power of the Metropolitan Mayor as prescribed in Section 3.04 herein. An Ordinance becomes effective according to its terms, but it cannot be made effective before being signed by the Metropolitan Mayor or the date of override of a veto.

The Council may adopt a resolution by majority vote after a single consideration at any meeting. Resolutions are not subject to the veto power of the Metropolitan Mayor.

SECTION 2.06—No Pensions or Benefits for Council Members. Members of the Council will not receive any pension or benefits based on their service as members of the Council. This section does not abrogate or diminish the obligation of the Metropolitan Government to pay pensions to those persons who, on the effective date of this charter, are entitled to receive pensions.

SECTION 2.07—Clerk: The Metropolitan Clerk serves as the clerk of the Metropolitan Council and performs related duties assigned by the Council.

SECTION 2.08—Filling of Vacancies: A vacancy will exist if a Council member resigns, dies, ceases to have his or her primary residence in the district the member was elected to represent, is convicted of a felony or a crime involving moral turpitude, is absent from three (3) or more regular meetings in a calendar year with no extenuating or mitigating circumstances presented to and approved by the Council, or is removed from office pursuant to procedures in state law. The Metropolitan Council will, within a period of thirty (30) days from the date a vacancy on the Council is declared by the Council or a court of competent jurisdiction, appoint a person, by a majority vote, who meets the requirements of this office to fill the vacancy unless less than thirty (30) days remain in the term of the member whose office is vacant. The person appointed by the Council to fill the vacancy will, after being qualified, serve for the remainder of the unexpired term, or until a successor is elected to fill the remainder of the unexpired term at the next regularly scheduled election to be held in Haywood County and is qualified. The Council will by resolution determine whether sufficient time exists to hold an election for the unexpired term of the Council member.

ARTICLE 3 **METROPOLITAN MAYOR**

SECTION 3.01—Authority: The executive and administrative authority of the Metropolitan Government is vested in the Metropolitan Mayor except as otherwise provided in this Charter. The Mayor:

- (1) Will supervise all executive departments created or authorized by this Charter, unless otherwise specifically provided.
- (2) Will, in cooperation with director of finance, submit timely budgets to the Metropolitan Council for consideration and approval.
- (3) Will oversee the authorization and accounting for Metropolitan Government disbursements.
- (4) Will execute all contracts and obligations of the Metropolitan Government.
- (5) Will appoint subject to the approval by a majority vote of the Council; and may remove, subject to approval by a majority vote of the Council; any appointed department director as defined in Article 4 of this Charter.

- (6) Will attend every meeting of the Metropolitan Council of the Metropolitan Government, and make recommendations as needed in the view of the Mayor or as requested by the Council. The Mayor, or Mayor's designee will attend every meeting of a board or commission of the Metropolitan Government and when requested make recommendations as needed in the view of the Mayor or as requested by the board or commission.
- (7) May require any department, board, or commission to submit written reports in connection with the affairs of the Metropolitan Government to the Metropolitan Council.
- (8) Will give the Metropolitan Council a report on the financial and general welfare of the Government each year in January.
- (9) Will appoint members of boards and commissions created or authorized by this charter subject to the approval of a majority of the Metropolitan Council present and voting. Vacancies are to be filled for the unexpired term in the same manner.
- (10) Will submit reports and recommendations to the Metropolitan Council upon request and when the Mayor deems it appropriate.
- (11) Will supervise any authorized capital improvement project.
- (12) Will be responsible for the hiring, disciplining, and terminating of employees of the Metropolitan Government consistent with other provisions of this Charter.

SECTION 3.02—Qualifications, Election, Term, and Compensation: To qualify as a candidate for Metropolitan Mayor, an individual must be at least twenty-five (25) years of age and a resident in the area of the Brownsville/Haywood County Metropolitan Government before the deadline for filing as a candidate. The term of office for Mayor is four (4) years and until a successor is elected and qualified. The initial term for the office of Mayor will begin on September 1, 2018. The election for the Metropolitan Mayor will be conducted on a nonpartisan basis, and names of persons on the ballot will not have a party designation. The candidate receiving the greatest number of votes for Mayor in the regular August election, after being qualified, will assume office on the following September 1. The Metropolitan Council will set and may alter the salary of the Mayor, but the salary may not be less than that established by general state law for a county mayor of the same population class as that of the Metropolitan Government. The Mayor's salary may not be increased, except for increases based upon increases in the applicable consumer price index published by the federal government, nor diminished during a term.

SECTION 3.03—Vacancy: A vacancy will exist if the Mayor resigns, dies, ceases to have his or her primary residence within the boundaries of the Metropolitan Government, is convicted of a felony or a crime involving moral turpitude, is absent from three (3) or more regular meetings of

the Metropolitan Council in a calendar year with no extenuating or mitigating circumstances presented to and approved by the Council, or is removed from office pursuant to procedures in state law. The Metropolitan Council will, within a period of thirty (30) days from the date a vacancy is declared by the Council or a court of competent jurisdiction, appoint a person, by a majority vote, who meets the requirements of the office to fill the vacancy unless thirty (30) days or less remain in the term of the Mayor. The person appointed by the Council to fill the vacancy will, after being qualified, serve for the remainder of the unexpired term of the Mayor, or until a successor is elected at the next regularly scheduled election to be held in Haywood County to fill the remainder of the unexpired term and is qualified. The Council will by resolution determine whether sufficient time exists to hold an election for the unexpired term of the Mayor. During the time interval between the occurrence of a vacancy in the office of Mayor and the appointment or election and qualification of a successor, the Chairman of the Metropolitan Council will serve as emergency interim Mayor.

SECTION 3.04—Ordinances; Veto Power: The Metropolitan Mayor may approve any ordinance adopted by the Council by signing it, or the Mayor may veto it. If the Mayor signs the ordinance, it becomes effective according to its terms. If the Mayor does not sign or veto the ordinance within ten (10) days after it passes on final consideration, excluding Saturdays, Sundays, and federal holidays, the ordinance becomes effective according to its terms. If the Mayor vetoes the ordinance, the Mayor will return it to the Council by its next meeting with a written statement of reasons for the veto. The Council may override the veto by a two-thirds (2/3) majority in a roll call vote. The ordinance becomes effective according to its terms after an override by the Council.

ARTICLE 4

EXECUTIVE DEPARTMENTS AND BOARDS

SECTION 4.01 – General Provisions Relative to Departments: (a) Except for the offices, departments, boards and commissions designated in Articles 2, 3, 6, 9 and 10, and Section 4.02 herein, or that are required by state law, the Metropolitan Council may by ordinance create, consolidate, or abolish departments, boards, commissions, and agencies of the Metropolitan Government, transfer or change the functions and duties of these offices, departments, boards, commissions and agencies, and may provide that the same person fill more than one of the offices or positions of employment within these entities. The Metropolitan Council may by ordinance add additional duties to the departments, boards, commissions and agencies created by this Charter.

(b) Any office, department, board, commission, agency or public corporation of the City of Brownsville or Haywood County existing on August 31, 2018 will continue to function as charged by law or ordinance except as otherwise provided by this Charter or until consolidated, altered or abolished by ordinance of the Metropolitan Council.

(c) Except for the Department of Sheriff and Department of Law Enforcement, the Mayor will

appoint heads for departments created by this Charter or by ordinance, subject to approval by a majority of the Metropolitan Council. Appointed department heads will serve at the will of the Mayor subject to confirmation of dismissal by a majority vote of the Metropolitan Council. The Metropolitan Council may establish minimum qualifications for department heads in addition to those established in this Charter.

(d) When the Metropolitan Government is required or permitted to participate in a federal or state program, executive and administrative functions of the Metropolitan Government's participation in the program will be under the control and supervision of the Mayor unless the state or federal law requires otherwise.

SECTION 4.02—Departments, Boards and Commissions of the Metropolitan Government:

(a) The county offices of Sheriff, Trustee, Register, County Clerk and Assessor of Property are replaced with the following departments; however, all of the duties associated with such offices as provided in state law will be performed by the head of the departments in accordance with this Charter. Any reference to a county office in the subdivisions that follow are only for purposes of explanation of duties and do not establish the county office being referenced.

(1) Department of Finance: A Department of Finance will be created and established that administers the financial affairs of the Metropolitan Government. A Director of the Department of Finance will head the department and exercise all of the duties of the Trustee in a traditional county form of government as provided by state law, as well as supervise and be responsible for the budget, accounting, collection and purchasing functions of the Government. The Director of the Department of Finance will act as tax collector and issue receipts for taxes collected and enter on the tax books the payment of taxes on the date on which they are collected. The Director will also act as treasurer and shall receive and keep safely all funds of the Brownsville/Haywood County Metro Government and will pay out the same upon warrants or checks signed by the Mayor and the Director of the Department of Finance. All purchases of goods or services by the Metropolitan Government, or any entity funded through the Metropolitan Government's budget, will be made through the Purchasing Division of the Department of Finance. Purchases will only be made under rules adopted by ordinance. The Director of Finance will be required to have at least a bachelor's degree in accounting or an equivalent degree or experience satisfactory to the Mayor and Metropolitan Council.

(2) Department of Property: A Department of Property will be created and established. A Director of the Department of Property will head the department and exercise all of the duties of the offices of Assessor of Property and Register of Deeds in a traditional county form of government as provided by state law. These duties include, but are not limited to, appraisal and assessment of taxable real and personal property, registering and recording documents, collecting of fees/taxes for recording of those documents. The Director of Property will be required to have at least a Bachelor's degree in Business Administration or Public Administration or an equivalent degree or experience satisfactory to the Mayor and Metropolitan Council.

(3) Department of Metropolitan Clerk: A Department of Metropolitan Clerk will be created and established. A Director of the Department of Metropolitan Clerk, otherwise to be known as the Metropolitan Clerk, will head the department and serve as a general secretary of the Metropolitan Government. Additionally, the Metropolitan Clerk will exercise the duties of the

office of County Clerk in a traditional county form of government as provided by state law. The Clerk will be responsible for preparing the minutes of all meetings of the Metropolitan Council and will serve as the official custodian of all resolutions and ordinances, all reports of the Department Directors, all oral proclamations and all other documents the Council by Ordinance directs to be kept as part of the permanent official records of the Metropolitan Government. The Director of the Department of the Metropolitan Clerk will be required to have a bachelor's degree or experience satisfactory to the Mayor and Metropolitan Council.

(4) Sheriff: A Department of the Sheriff will be created and established. A Sheriff will head the Department of the Sheriff and will be popularly elected by a plurality of the vote of the Metropolitan Area of Brownsville/Haywood County Tennessee. The Sheriff will exercise all of the duties of a County Sheriff in a traditional county form of government as provided by state law unless the duties of conservator of the peace and chief law enforcement official are removed by a two-thirds (2/3) majority vote of the Metropolitan Council and may only be reinstated by a two-thirds (2/3) majority vote of the Metropolitan Council. The Sheriff's duties will always include service of civil process, attending the courts and providing security for the courtrooms, and responsibility for the operation of the jail. To qualify for Sheriff, a person will be required to meet the requirements of state law for the office of County Sheriff and the requirements of the POST Commission or its successor. The election for Sheriff will be conducted on a nonpartisan basis, and names of persons on the ballot will not have a party designation. The candidate receiving the greatest number of votes for Sheriff in the regular August election, after being qualified, will assume office on the following September 1. The Sheriff's pay will be based on the compensation for County Sheriffs found in state law.

A vacancy will exist if the Sheriff resigns, dies, ceases to have his or her primary residence within the boundaries of the Metropolitan Government, is convicted of a felony or a crime involving moral turpitude, or is removed from office pursuant to procedures in state law. The Metropolitan Council will, within a period of thirty (30) days from the date a vacancy is declared by the Council or a court of competent jurisdiction, appoint a person who meets the requirements of the office of Sheriff to fill the vacancy unless thirty (30) days or less remain in the term of the Sheriff. The person appointed by the Council to fill the vacancy will, after being qualified, serve for the remainder of the unexpired term of the Sheriff, or until a successor is elected at the next regularly scheduled election to be held in Haywood County to fill the remainder of the unexpired term and is qualified. The Council will by resolution determine whether sufficient time exists to hold an election for the unexpired term of the Sheriff. During the time interval between the occurrence of a vacancy in the office of Sheriff and the appointment or election of a successor, the Metropolitan Mayor will appoint someone to serve as interim Sheriff.

(5) Department of Law Enforcement: In the event that the Metropolitan Council by a two-thirds (2/3) majority vote of the Metropolitan Council removes the duties of conservator of the peace and chief law enforcement official from the Department of Sheriff, a separate Department of Law Enforcement will be created and established and may be disestablished only by a two-thirds (2/3) majority vote of the Metropolitan Council. The Department of Law Enforcement will be headed by an appointed Chief of Law Enforcement. The Metropolitan Council will appoint the Chief Law Enforcement Officer by a majority vote of the Council. The Chief of Law Enforcement will be the principal conservator of peace and chief law enforcement

officer of Brownsville/Haywood County Metropolitan Government and will be responsible for the enforcement of the criminal laws within the territory of the Metropolitan Government. By ordinance, the Council may assign to the Chief Law Enforcement Officer other duties not incompatible with those assigned in this section. The Chief of Law Enforcement will be paid a salary determined by the Metropolitan Council. The Chief of Law Enforcement will be required to meet the requirements of the POST Commission, or its successor, and meet all requirements of state law. The Chief of Law Enforcement will be required to have a Bachelor's degree in Criminal Justice or an equivalent degree or experience satisfactory to the Mayor and Metropolitan Council. The Metropolitan Council may remove a Chief of Law Enforcement by majority vote. In the event of a vacancy in the position of Chief of Law Enforcement, the Metropolitan Mayor will appoint an interim Chief of Law Enforcement who will serve until the position is filled by the Metropolitan Council.

(b) The following departments will be created and established as part of the Metropolitan Government:

(1) Department of Public Works: The Department of Public Works, headed by an appointed director, will administer the streets and roads, sanitation and solid waste, vehicle maintenance, and property maintenance functions of the Metropolitan Government. The Director of the Department of Public Works will be required to have at least a bachelor's degree in engineering or have an equivalent degree or experience satisfactory to the Mayor and Metropolitan Council. The Department of Public Works also will include Parks and Recreation, which will administer the recreational facility and programs of the Metropolitan Government.

(2) Department of Public Safety: The Department of Public Safety, headed by an appointed director, will administer emergency management, animal control, health, and fire protection functions of the Metropolitan Government. The Department of Public Safety will include, but is not limited to administering: Emergency 911, Central Dispatch, Animal Control, Ambulance Authority, and fire protection. The Director of Public Safety will be required have at least a bachelor's degree or experience satisfactory to the Mayor and Metropolitan Council.

(3) Department of Human Resources: The Department of Human Resources, headed by an appointed director, will administer the personnel system of the Metropolitan Government, the classification and amount of compensation of employees, the recruiting and examination of job applicants, and the training and development of employees within the executive departments. The Director of Human Resources will determine the amount of compensation of the employees of the Brownsville/Haywood County Board of Education, in accordance with the compensation plan approved by the Board of Education. The Department of Human Resources will work in cooperation with all other departments, elected officials and the Civil Service Commission. The Director of the Department of Human Resources will be required to have at least a bachelor's degree in business or an equivalent degree or experience satisfactory to the Mayor and Metropolitan Council.

(4) Department of Buildings and Code Enforcement: The Department of Buildings and Code Enforcement, headed by an appointed director, will enforce zoning ordinances and building codes, issue building permits and perform such other duties as may be assigned by ordinance.

SECTION 4.03—Library: The Haywood County Library system will be continued as the Brownsville-Haywood County Metropolitan Government Library system and will continue to operate under the library board existing on the effective date of this Charter until changed by ordinance.

SECTION 4.04—Election Commission: The Haywood County Election Commission will be continued as the Metropolitan Government of Brownsville and Haywood County Election Commission, otherwise known as the Election Commission. The Election Commission will continue to hold elections as required or authorized by this Charter and state law. The Election Commission may be directed by resolution the Metropolitan Council to hold advisory elections regarding the creation or expansion of Special Services Districts.

SECTION 4.05—Metropolitan Attorney: The Mayor, with confirmation by majority vote of the Metropolitan Council, will appoint an attorney or attorneys to perform the legal work of the Metropolitan Government. The Mayor will designate the attorney that will have primary responsibility for the legal work of the Metropolitan Government and that attorney, after confirmation by the Council, will be known as the Metropolitan Attorney. Any attorney appointed under this section serves at the will of the Mayor and Council and may be dismissed by the same procedure as the appointment. The Metropolitan Attorney or other attorneys will provide legal advice and assistance to agencies and officials of the Metropolitan Government and represent the Metropolitan Government in litigation. The Metropolitan Attorney or other attorneys will prepare or cause to be prepared from time to time, as directed by the Metropolitan Council, a codification of this Charter and private acts that apply to the Metropolitan Government that have not been repealed or superseded by this Charter or general state law, and a codification of the ordinances of the Metropolitan Government. A copy of any provision of this Charter, private act, or ordinance certified as authentic by the Metropolitan Clerk is *prima facie* evidence of the authenticity of such

SECTION 4.06—Planning Commission: A Metropolitan Planning Commission will be created and established consisting of not less than five (5) nor more than fifteen (15) members appointed by the Mayor subject to confirmation by the Metropolitan Council. The number of members of the Metropolitan Planning Commission shall be determined by ordinance of the Metropolitan Council. The Mayor may, but is not required to, appoint members of the Metropolitan Council to the Metropolitan Planning Commission, but such number will be less than a majority of the Metropolitan Planning Commission. Any Council members so appointed will not vote on their own confirmation nor will such members vote on the compensation for members of the Metropolitan Planning Commission if confirmed. Members of the Metropolitan Planning Commission will serve for terms of four (4) years, except that any Council members serving on the Metropolitan Planning Commission will serve terms coterminous with their term as a Council member. Members of the Metropolitan Planning Commission may be removed by the Mayor upon approval of removal by the Metropolitan Council for failure to attend to the duties of the office or for malfeasance or misfeasance in office or for conviction of a crime constituting a felony or a misdemeanor crime of moral turpitude, or according to procedures for removal of

regional planning commission members under state law if the Metropolitan Planning Commission is designated a regional planning commission under state law. Members of the Metropolitan Planning Commission are subject to continuing education requirements for members of regional planning commissions as provided by state law. The Metropolitan Planning Commission will have the powers and duties of a regional planning commission under state law if designated a regional planning commission under state law.

SECTION 4.07-Beer Board: A Metropolitan Beer Board will be created and established consisting of three (3) members appointed by the Mayor subject to confirmation by majority vote of the Metropolitan Council. Members of the Metropolitan Beer Board will serve for terms of four (4) years, but may be removed by the Mayor upon approval of removal by majority vote of the Metropolitan Council. The removal may only be for failure to attend to the duties of the office or for malfeasance or misfeasance in office or for conviction of a crime constituting a felony or a misdemeanor crime of moral turpitude. The Metropolitan Beer Board will have the powers and duties granted by state law for beer boards in counties with a metropolitan government. The Director of Department of the Metropolitan Clerk or such director's designee will serve as secretary to the Metropolitan Beer Board and the Department of the Metropolitan Clerk will be the custodian of the records of the Metropolitan Beer Board.

SECTION 4.08 - Board of Health: The Haywood County Board of Health is continued as the Brownsville-Haywood County Metropolitan Board of Health. State law applicable to county boards of health will apply to the Brownsville-Haywood County Metropolitan Board of Health.

ARTICLE 5 **SERVICE DISTRICTS**

SECTION 5.01-Districts of the Metropolitan Government: The Metropolitan Government will establish a General Services District and an Urban Services District and may have one (1) or more Special Services Districts. The General Services District will consist of the total area of Haywood County. The Urban Services District will consist initially of the total area of the City of Brownsville as existing on the effective date of this Charter. The Metropolitan Council may create one (1) or more Special Services Districts outside the boundaries of the Urban Services District to provide one (1) or more, but not all, of the services provided to the Urban Services District that are not provided to the General Services District. The creation, alteration, or termination of any special service district will be by ordinance of the Metropolitan Council in accordance with state law. The General Services District, the Urban Services District, and each Special Services District that may be created will be separate taxing districts.

SECTION 5.02-Expansion of Urban Services District: The area of the Urban Services District may be expanded by annexation procedures applicable to municipalities under state law whenever particular areas of the General Services District or a Special Services District need urban services and the Metropolitan Government becomes able to provide such urban services

within a reasonable period of time. The Metropolitan Council will have the duty to remove areas from the urban services district that do not receive substantial urban services within one (1) year after ad valorem taxes in the annexed area become due, and in the specific case of sanitary sewers, these are required to be provided within thirty-six (36) months after ad valorem taxes in the annexed area become due.

SECTION 5.03- Services Provided in Districts:

(a) The General Services District will provide services throughout the territory of the Metropolitan Government. The Urban Services District will provide services that are not provided by the General Services District or services that are provided at a substantially higher level of service than the level of service provided by the General Services District. A Special Services District, if created, will provide one or more of the services provided by the Urban Services District, but not all of these services, nor substantially all of these services.

(b) The Metropolitan Council, by ordinance, will determine the services to be provided in the service districts in accordance with this Charter and state law; however, the General Services District will always provide at least the following services:

1. Education
2. Judicial functions
3. Sheriff's non-law enforcement functions
4. Basic law enforcement (as required of county sheriffs in traditional county government)
5. Department of Finance functions
6. Department of Property functions
7. Department of Metropolitan Clerk functions
8. Department of Human Resource functions
9. Office of Mayor functions
10. Metropolitan Council functions
11. Library
12. Elections
13. Metropolitan Attorney functions
14. Planning
15. Beer Board functions
16. Health
17. Building Codes and Enforcement

SECTION 5.04 - Special Service Districts:

(a) The Metropolitan Council may by ordinance create and establish one (1) or more Special Service Districts. However, prior to the second consideration of an ordinance establishing or expanding the boundaries of an existing special service district, the Metropolitan Council, by

resolution, will direct the Election Commission to hold an advisory vote in the area to be established as a new special service district or the area of proposed expansion of an existing special service district. The resolution will state the question to be asked of the voters.

(b) The boundaries of Special Service Districts will be determined by the Metropolitan Council and will become fixed by ordinance thirty (30) days or more after notice of the determination of the boundaries of a district have been given to the property owners of the district. Notice will be given by mailing a description of the boundaries of the district to all of the property owners of record within the district, at their last known address. It will not be necessary for the boundaries of any special district to be contiguous with the boundaries of the urban services district. The boundaries of any special service district may be altered at any time by means of the same procedure by which it was created. The boundaries of Special Service Districts may overlap or be coextensive with boundaries of other Special Service Districts.

(c) In the case of a Special Service District for sanitary sewers, the sanitary sewers will be furnished to the residents and property owners of the Special Service District within thirty-six (36) months after ad valorem taxes in the Special Service District become due.

(d) When substantial urban services are offered within an area served by Special Service Districts, then the Metropolitan Council will cause that area to become part of the Urban Services District in accordance with state law procedures for annexation by municipalities.

(e) Each Special Service District may be given a name that the Metropolitan Council deems appropriate.

ARTICLE 6

THE URBAN COUNCIL

The Urban Services District will constitute a municipal corporation with a three (3) member urban Council, whose sole function is a mandatory obligation to levy an ad valorem tax, adequate with other available funds, to finance the budget for urban services as determined by the Metropolitan Council. The Urban Council will meet immediately following any meeting of the Metropolitan Council at which an annual budget is adopted or amended. The Metropolitan Clerk will take the minutes and serve as recorder for the Urban Council.

The three (3) members of the Urban Council will be the three (3) Metropolitan Council members who reside within the Urban Services District and received the largest number of votes at the two (2) latest Council elections. The term of office of the Urban Council member is two (2) years.

ARTICLE 7

BUDGETS AND FINANCIAL MATTERS

SECTION 7.01—General Budget Authority: The Metropolitan Council may adopt procedures and requirements for the preparation, adoption, and execution of annual operating and capital

improvements budgets in addition to those in this Charter or state law. The Council may likewise adopt other procedures, by ordinance, in connection with the budgets, including but not limited to allotments, appropriations, impoundment of funds, additional appropriations, transfer of appropriations, lapse of appropriations, and general fund reserves.

SECTION 7.02—Fiscal Year: The fiscal year of the Metropolitan Government begins July 1 and ends on June 30. The fiscal year constitutes the budget year and the year for financial accounting and reporting of each office, department, institution, activity, and agency of the Metropolitan Government.

SECTION 7.03—Financial System: The financial system of the Metropolitan Government will use transparent budget and accounting systems that comply with the standards of the Governmental Accounting Standards Board or its successor organization, or as required by the Comptroller of the Treasury.

SECTION 7.04—Annual Operating Budget: The Director of Finance will obtain information necessary to compile the annual operating budget from all officers, departments, boards, commissions, and other agencies for which appropriations are made by the Metropolitan Government, or that collect revenues for the Government. Each officer, department, board, commission, and agency will furnish the director this information at the time and in the form the director prescribes.

On or before February 1, the Director of Finance will distribute to each of the agencies identified in the preceding paragraph all forms necessary for the preparation of the operating budget for the next fiscal year. The forms will be returned to the director with the information desired on or before March 15. On the basis of the information received, the director will prepare and transmit to the Mayor a proposed operating budget for the next fiscal year in the form described in Section 7.05. In preparing the proposed budget, the director may revise the estimates or requests made by any officer, department, board, commission, or agency, but any entity may have a hearing before the Mayor, regarding any contemplated changes in its budget requests or estimates.

SECTION 7.05—Scope of the Annual Operating Budget:

(a) The annual operating budget will consist of the following sections and set forth the revenue, expenditures, fund balance information and program information for the services, functions, and activities to which it pertains as follows:

Section I of the annual operating budget will apply only to the General Services District as set out by this Charter or by ordinance of the Council.

Section II of the annual operating budget will apply only to the Urban Services District as set out in this Charter or by ordinance of the Council.

Section III of the annual operating budget will apply only to the Special Services Districts as set out in this Charter or by ordinance of the Council.

In no event may the total proposed expenditures from any fund exceed the total anticipated revenues, plus the estimated un-appropriated surplus or fund balance, plus applicable reserves, but less any estimated deficit at the end of the current fiscal year.

(b) (1) For debt service purposes, debt service funds consisting of cash and securities will include sufficient funding for payments for bonds issued prior to the effective date of this Charter and will be transferred to the debt service fund of the district as stated below:

A. Bonds issued by Haywood County will be included in the Metropolitan budget under the General Services District.

B. Bonds issued by the City of Brownsville will be included in the Metropolitan budget under the Urban Services District.

(2) For reserve purposes, all monies in reserve (savings) of the City of Brownsville immediately before the effective date of this charter will become reserve in the Urban Services District and all monies in reserve (savings) in Haywood County immediately before the effective date of this charter will become reserve in the General Services District.

(3) Fund balances may be reserved as provided in state law applicable to counties.

SECTION 7.06-Review and Revisions of Operating Budget: The Mayor will review the operating budget submitted by the Director of Finance and may make the final revisions before submitting it to the Council.

Not later than May 1 of each year, the Mayor will submit to the Metropolitan Council the proposed operating budget as approved by him/her in the form and with the contents specified in Section 7.05, together with a message explaining the budget. The Mayor's message will also describe its important features, outline the proposed financial policies of the Metropolitan Government for the ensuing fiscal year, and state the reasons for any significant changes in policy or budgetary allocations. A summary of the budget will be published on the Government's website and in a newspaper of general circulation in the area of the Metropolitan Government. The proposed and adopted operating budget and capital improvements budget, and all supporting schedules will be public records in the office of the Metropolitan Clerk and will be open to public inspection.

SECTION 7.07–Hearings by Council: After the Council passes the budget ordinance on first consideration, it must hold a hearing on the proposed operating budget, as well as on the proposed capital improvements budget, as provided in Section 7.13. A representative appointed by the school board for this purpose may address the Council on the budget at any meeting at which the budget ordinance is considered. The hearing on the proposed capital improvements budget will be heard before that on the proposed operating budget, and the hearing on either budget may be adjourned from time to time. Public notice of the budget hearing will be posted on the website of the Metropolitan Government and in a newspaper of general circulation

published in the area of the Metropolitan Government at least seven (7) days before the date set for the beginning of the public hearing.

SECTION 7.08—Action by Council on Operating Budget: After the conclusion of the public hearing, the Council may amend the operating budget proposed by the Mayor, except that the budget as finally amended and adopted will provide for all expenditures required by law, or by other provisions of this Charter, and for all debt service requirements for the ensuing fiscal year as certified by the Director of Finance. The Council may not alter the estimates of receipts or other fund availability included in the budget document, except to correct errors and omissions. In this case, a full explanation will be included in the minutes of the Council. In no event may the total appropriations from any fund exceed the estimated fund balance, reserves, and revenues constituting the funds available for the fund.

The Council will finally adopt an operating budget for the ensuing fiscal year no later than June 30, and it will be effective for the fiscal year beginning on the following July 1. Adoption of the budget will be by ordinance, setting out the estimated revenues in detail by source and making appropriations according to fund and by organizational unit, purpose, or activity as identified in the budget document. If the Council fails to adopt a budget before the beginning of any fiscal year, it will be conclusively presumed to have adopted the budget submitted by the Mayor. This budget will remain in effect until the Council adopts a budget.

A copy of the adopted budget will be certified and filed in the office of the Director of Finance by the Metropolitan Clerk.

The amount identified in the adopted operating budget for each organizational unit, purpose, or activity will constitute the annual appropriation for that item, and no expenditure may be made or encumbrance created in excess of the otherwise unencumbered balance of the appropriation or allotment to which it is chargeable. This does not preclude the impoundment of funds or additional appropriations.

SECTION 7.09—Property Tax Levies: The Council will levy an annual tax on real and personal property in the General Services District, and the tax levy ordinance will be the next order of business of the Council after the adoption of the operating budget. The General Services District tax rate will consist of two (2) components that will be separately established and listed: one (1) for schools and one (1) for other general services. The General Services District tax rate will be such that a reasonable estimate of revenue from the levy will be sufficient, together with other anticipated revenues, fund balances, and applicable reserves, to equal the total amount appropriated, and to provide a reasonable amount of fund balance for each of the funds. The Special Services District's tax rates will be set by the Metropolitan Council to be sufficient for services rendered. After the Council has approved the annual operating budget of the Urban Services District, the Council will determine and declare the amount of revenue that will be produced from a tax levy upon the real and personal property within the Urban Services District. The Urban Council will then convene. The Urban Council has a mandatory obligation to levy a property tax by resolution adequate with other available funds to finance the budget for urban services, as determined by the Council. Tax bills will provide taxpayers information relative to

allocation of revenues from the tax to specific funds, to the extent practicable, as determined by the Director of the Department of Finance.

SECTION 7.10—Impoundment of Funds: Upon certification of the Director of Finance that the revenues or other resources actually realized with respect to any fund are less than was anticipated and are insufficient to meet the amounts appropriated from the fund, the Mayor will impound appropriations as needed to prevent deficit operation. In the event of any impoundment of appropriations, or in anticipation of the need for impoundments, the Mayor, after consultation with the Director of Finance, will propose budget amendments as needed to prevent continued deficits.

SECTION 7.11—Additional Appropriations: The Metropolitan Council may make additional appropriations to those contained in the current operating budget if the additional funds are derived from additional revenue or unappropriated funds.

SECTION 7.12—Lapse of Appropriations: All unencumbered balances of appropriations in the current operating budget at the end of the fiscal year lapse into the unappropriated surplus or reserves of the fund or funds from which the appropriations were made unless otherwise required by general law.

SECTION 7.13—Capital Improvements Budget: (a) The Director of Finance will obtain annually all information necessary to prepare the capital improvements budget from all officers, departments, boards, commissions, and other agencies requesting funds from the Metropolitan Government for capital improvements. The capital improvements budget will include a program of proposed capital expenditures for the ensuing fiscal year and the next five (5) fiscal years as follows:

Section I of the capital improvements budget will present proposed General Services District projects.

Section II will present proposed Urban Services District projects.

Section III will present proposed Special Services District projects.

The Director of Finance will submit these to the Mayor, who will submit the capital improvements budget to the Council not later than May 1 of each year. The capital improvements budget will recommend those projects to be undertaken during the ensuing fiscal year, the method of financing them and a statement of the impact on the debt structure of the Metropolitan Government, and will include any projects to be financed from current revenues for the ensuing fiscal year.

The Council may accept, with or without amendment, or reject the proposed program and proposed means of financing. The Council may not authorize an expenditure for the construction of any building, structure, work, or improvement unless the appropriation for the project is included in its capital improvements budget, except to meet a public emergency threatening the lives, health, or property of the inhabitants, when passed by two-thirds (2/3) majority vote of the

Council. The capital improvements budget will be acted upon finally by the Council not later than June 30 following its submission. If the Council fails to adopt a budget before the beginning of any fiscal year, it will be conclusively presumed to have adopted the budget submitted by the Mayor. This budget will remain in effect until the Council adopts a budget.

SECTION 7.14—The Metropolitan Council will by ordinance provide procedures for budget amendments effective during a fiscal year.

ARTICLE 8 **METROPOLITAN GOVERNMENT DEBT**

The Metropolitan Government may issue debt as authorized by the State Constitution and state law. The Urban Services District will be responsible for debt issued for the benefit of the Urban Services District; the General Services District will be responsible for debt issued for the benefit of the General Services District; and each Special Services District will be responsible for debt issued for the benefit of that district.

ARTICLE 9 **EDUCATION ADMINISTRATION**

SECTION 9.01—The School Board and the School Budget:

(a) The Brownsville-Haywood County Metropolitan Board of Education, otherwise to be known as the school board, will be established to administer the public school system of the Metropolitan Government. The cost of public education is assigned to the General Services District. The territory of the Metropolitan Government will be divided into five (5) school districts and one (1) school board member will be elected by the largest number of votes from each of the school board districts. The school board districts will be determined as follows:

- School District #1 - Metropolitan Council Districts one (1) & five (5)
- School District #2 – Metropolitan Council Districts two (2) and six (6)
- School District #3 – Metropolitan Council Districts three (3) and seven (7)
- School District #4 – Metropolitan Council Districts four (4) and ten (10)
- School District #5 – Metropolitan Council Districts eight (8) and nine (9)

All elections for members of the School Board will be conducted on a nonpartisan basis, and names of persons on the ballot will not have a party designation.

(b) The school board will, in accordance with state law, do all things necessary and proper to operate an efficient and accredited school system that is in compliance with state and federal standards. The school board will:

- (1) Adopt written rules, regulations, and policies for the operation of the school system.

- (2) Prepare an annual budget and deliver it to the director of finance in accordance with Article 7.
- (3) Adopt a pay plan applying to all employees of the school board and submit it to the Director of Finance.
- (4) Meet at least once a month to set policy and review operation of the school system.

(c) The Director of Schools will maintain, or cause to be maintained, minutes of school board meetings. The school board will hold a public hearing on its proposed school budget before its approval by the school board. The school board will then submit its proposed operating and capital improvements budget to the Director of Finance.

SECTION 9.02—Qualifications, Terms, and Compensation of School Board Members:

Each candidate for school board member will be qualified to vote, will be at least twenty-one (21) years of age, will meet the requirements of state law and will be a resident of the area of the Metropolitan Government and the school district from which he or she seeks election upon the date of qualifying for the election. Initial school board members will be elected in the general election in August 2018, and after being qualified will take office on the following September 1. To establish staggered terms, school board members initially elected from even numbered districts will serve terms of two (2) years and board members elected from odd numbered districts will serve terms of four (4) years, and until their successors are elected and qualified. After this initial election, all terms will be for four (4) years. Compensation of school board members for attending meetings of the school board will be established by the school board.

SECTION 9.03—Board Members May Not Also Be Employees: No member of the school board may also be an employee of the school system. A school employee who is elected to the school board must resign as an employee before assuming office.

SECTION 9.04—School Board Officers, Committees, Rules: School board members will select a Chair and a Vice Chair from among the members to serve for a term of one (1) year. If the position of chair becomes vacant, the vice chair will serve as chair until the board selects a new chair. The school board may establish committees. The school board determines its own rules of procedure consistent with this charter and state law. School Board members may be compensated at a rate established by the School Board, consistent with the adopted school operating budget. School Board Members may modify the pay of its members, but no alteration in pay may take effect for any School Board member until two (2) years has passed since the last alteration of pay. The School Board may also set the amount of compensation for the Chair of the School Board.

SECTION 9.05—Director of Schools: The school board will appoint a Director of Schools in accordance with state law. Service as Director of Schools will not be credited toward tenure in the school system. The Director of Schools is the chief administrative employee of the school board. The school board will assign to the Director of Schools, consistent with state law, the duties and responsibilities necessary for the efficient operation and advancement of the school system.

SECTION 9.06–Tenure: Tenure and benefits rights of teachers and other employees of the former Haywood County school system are retained.

SECTION 9.07–Diversion of Funds: No funds that have been appropriated for the use of or transferred to the school system may be diverted from that use to any other use. However, the school board may transfer surplus property, real or personal, to the General Services District, subject to the approval of the Metropolitan Council.

ARTICLE 10 **METROPOLITAN JUDICIARY**

SECTION 10.01–General Sessions Court Continue: The General Sessions Court of Haywood County will be continued as the Metropolitan General Sessions Court. Judges of the Metropolitan General Sessions Court will be elected for terms of eight (8) years in accordance with state law for courts of general sessions, except that elections for judges of this Court will be nonpartisan. All elections for Judge of the Metropolitan General Sessions Court will be conducted on a nonpartisan basis, and names of persons on the ballot will not have a party designation.

The Metropolitan General Sessions Court will continue to exercise all the jurisdiction and authority conferred by state law and private act upon the Haywood County General Sessions Court. In addition, the jurisdiction conferred upon the Brownsville City Court by Brownsville's charter and state law will be transferred to the Metropolitan General Sessions Court. The Metropolitan General Sessions Court will also exercise juvenile jurisdiction according to state law and serve as the Juvenile Court of the Metropolitan Government.

SECTION 10.02–Number of Judges; Qualifications: Initially, there will be one (1) judgeship for the Metropolitan General Sessions Court, and the incumbent judge of the Haywood County General Sessions Court on the effective date of this Charter will continue to serve until his or her term expires, is not re-elected, or otherwise vacates the judgeship. The judge will continue to receive the protections and emoluments provided to this office under the state constitution, general law, and private act. Additional judgeships and other judicial positions may be provided by ordinance. The Metropolitan Council may by ordinance create a separate juvenile division of the Metropolitan General Sessions Court with an additional judge for such division. In the event that a Juvenile Court for Haywood County is in existence on the effective date of this Charter, then said Juvenile Court shall be continued as a juvenile division of the Metropolitan General Sessions Court until and unless changed by ordinance. The Metropolitan Council may provide by ordinance for interchange of judges within different divisions of the Metropolitan General Sessions Court and with other courts consistent with state law. In addition to the qualifications prescribed in the Constitution of the State of Tennessee, any judge of the Metropolitan General Sessions Court will have been licensed to practice law by the Supreme Court of Tennessee for at least five (5) years before assuming office. Whenever a vacancy occurs in a judgeship of the

Metropolitan General Sessions Court, the Mayor will appoint an interim judge to serve until the next general election occurring more than ninety (90 days) after the beginning of the vacancy.

SECTION 10.03—General Sessions Court Clerk and Other Judicial Positions: The office of Metropolitan General Sessions Court Clerk may be established by ordinance of the Metropolitan Council as a separate office, or the duties of the Metropolitan General Sessions Court Clerk will be assigned to the Circuit Court Clerk, or such successor office as may be provided by state law. The Metropolitan Council may by ordinance establish the office of judicial commissioner and determine the number of judicial commissioners serving the Metropolitan Government, their method of selection, term, qualifications, method of removal and compensation. Judicial commissioners will have the powers and duties authorized by state law. The offices of Circuit Court Clerk and Clerk and Master serving Haywood County continue according to state law until changed by state law, and the relationship of these offices with the Metropolitan Government will continue as formerly with Haywood County.

ARTICLE 11 **ETHICS PROVISIONS**

SECTION 11.01—Acceptable Conduct: Each elected or appointed official, employee, and member of boards of agencies of the Metropolitan Government, whether compensated or uncompensated, will conduct himself or herself in an ethical manner.

SECTION 11.02—Holding Other Positions: No officer or employee of the Metropolitan Government that receives compensation for his/her work will receive additional compensation if such officer or employee serves on any or an additional board, commission or committee or assists any other agency or authority of the Metropolitan Government, unless specifically authorized by this Charter. No elected or appointed official of any local Government outside the Metropolitan Government may hold any elected or appointed office or employment position in the Metropolitan Government except with the approval of the Metropolitan Council.

SECTION 11.03—Soliciting for Campaigns: No employee of the Metropolitan Government may solicit money or assistance for a political campaign for any Metropolitan Government office while on Metropolitan Government property or while on duty. This section does not supersede any other law.

SECTION 11.04—Firm Doing Business with the Government: (a) A member of the Metropolitan Council, the Metropolitan Mayor, a Metropolitan school board member, or other Metropolitan Government official or employee who is employed by a firm that bids on any contract with the Metropolitan Government may not attempt to influence the Metropolitan Government in awarding the contract, may not participate in any deliberations considering the contract, and may not vote on the awarding of the contract to the employer firm. Failure by an official to comply with this section is grounds for removal and failure by an employee that is not an official is grounds for discipline, including but not limited to termination.

(b) The Metropolitan Council may by majority vote authorize an attorney appointed under Section 4.05 to file suit pursuant to state law for the removal from office of any official that violates this section as a violation of the duties of the office.

SECTION 11.05—Employees May Not Hold Elective Office: No Metropolitan employee, including general Government employees and employees of boards, commissions, and authorities may hold an elected position within the Metropolitan Government, except that members of the Brownsville-Haywood County Metropolitan Board of Education may be employed by the Metropolitan Government so long as such members are not employed by the Brownsville-Haywood County Metropolitan Board of Education.

SECTION 11.06—Nepotism: No Metropolitan Government official or employee with the authority to hire employees may appoint or hire an immediate family member (parent, child, sibling, spouse, stepfather, stepmother, stepchild) for any position in the Metropolitan Government. No employee or official may supervise, or be supervised by, an immediate family member.

ARTICLE 12 **PENSIONS, RETIREMENT SYSTEMS AND CIVIL SERVICE**

SECTION 12.01—Retirement and Pensions: The Council may by ordinance not inconsistent with this Charter provide a system or systems for pension and retirement benefits for employees of the Metropolitan Government. The Council may establish new retirement and pension systems and provide for participation in existing systems for Metropolitan Government employees. The Council will maintain in a sound condition all employee retirement and pension systems established or recognized. All benefits payable to members, retired members, and their survivors in accordance with any of the retirement plans of the former City of Brownsville or Haywood County as the plans existed before the effective date of this Charter will continue unimpaired for the same duration provided in those plans as they existed before the effective date, and those benefits will be an obligation and liability of the Metropolitan Government.

SECTION 12.02—Existing Pension and Retirement Systems: Existing employee pension and retirement systems of the City of Brownsville and Haywood County, if any, on the effective date of this Charter will be recognized and continued. Each existing system will continue in effect until there remain no individuals holding vested rights within the system. Any pension or retirement plan will include provisions for consolidating city and county pension and retirement systems and their administration and also include provisions for optional transfer from any former city, county, or other plan to the Metropolitan Government plan, including provisions for fund transfers relating to individual transfers, where appropriate.

SECTION 12.03- Civil Service Commission:

(a) A Civil Service Commission, in this article called commission, will be created and established to assist the Department of Human Resources in the administration of the civil service system. The commission will consist of five (5) members who have an interest in civil service and merit principles in the public service, all of whom will reside within the area of the Metropolitan Government and be at least 21 years of age. Commission members will serve without compensation. No member of the commission will hold any public office or position nor be a member of any local, state or national political committee. The members of the commission will be appointed by the Mayor and are subject to confirmation by a two-thirds majority vote of the Metropolitan Council. Members of the commission will be initially appointed for terms as follows: one (1) for one (1) year; one (1) for two (2) years; one (1) for three (3) years; one (1) for four (4) years; and one (1) for five (5) years. Thereafter, appointments will be for terms of five (5) years, except that when a vacancy occurs prior to the end of a term, the member appointed to fill the same will hold under such appointment only for the unexpired term. The commission will elect its own chair and vice-chair at its first meeting and annually thereafter, and if a vacancy occurs affecting the chair or vice chair, then the commission will elect a new chair or vice chair as appropriate for the remainder of the one (1) year term.

(b) The Civil Service Commission will have the duty to:

- (1) Advise the Mayor, Metropolitan Council and Director of Human Resources on ways to improve personnel policies and practices in the Metropolitan Government.
- (2) Make any investigation or study it may deem desirable concerning the organization and administration of personnel policy and practices in the Metropolitan Government and report findings to the Mayor, Council and Director of Human Resources.
- (3) Upon request of an affected employee, review suspensions, demotions or separation from service of any employee in the classified service and render decisions thereon in accordance with rules established by ordinance of the Metropolitan Council.
- (4) Promote policies designed to recruit and advance qualified persons of minority groups, women, persons with disabilities and military veterans.

(c) The Human Resources Director will attend meetings of the commission and serve as secretary to the commission. The Human Resources Director and commission will administer the civil service system as established by this Charter and ordinances of the Metropolitan Charter, all in conformity with applicable state and federal laws, including laws preventing unlawful discrimination.

(d) The Metropolitan Council, after receiving advice from the commission and the Human Resources Director, shall determine by ordinance, the employment positions within the metropolitan government that are to be deemed classified positions subject to the authority of the commission and positions that will be deemed not classified and not subject to the authority of the commission, and establish policies for the hiring, promotion, demotion, suspension, dismissal and any other disciplinary measures for classified employment positions of the Metropolitan

Government. However, all teachers employed by the school board shall be deemed in the unclassified service and subject to the administration of the Brownsville-Haywood County Metropolitan School Board.

(e) Nothing in this Article or Charter will diminish the rights and privileges of existing employees of the City of Brownsville or the County of Haywood under civil service; and such rights and privileges shall continue without impairment as obligations of the Metropolitan Government, and will be reflected in ordinances of the Council implementing this Article.

(f) The Metropolitan Council will have full authority to amend ordinances adopted pursuant to this Article so long as not in conflict with this Article, other provisions of this Charter, or state or federal law.

ARTICLE 13 **ECONOMIC DEVELOPMENT**

SECTION 13.01—Intent Regarding Economic Development: It is the intent of this Charter to authorize the Metropolitan Government, working with the industrial development board established under Title 7, Chapter 53, *Tennessee Code Annotated*, and other federal, state, and local agencies, to the fullest extent permitted by law, to take any action deemed necessary and authorized by the Metropolitan Council:

- (1) To alleviate unemployment within the boundaries of the Metropolitan Government.
- (2) To raise individual and family incomes.
- (3) To provide means for residents to promote and develop trade and industry to obtain balanced economic development.
- (4) To promote the development of commercial, industrial, agricultural and manufacturing enterprises for the benefit of the residents of the area of the Metropolitan Government and the State of Tennessee.
- (5) To induce manufacturing, industrial, financial, service, and commercial enterprises to locate or remain within the area of the Metropolitan Government.

SECTION 13.02—Powers of Economic Development: The Metropolitan Government may do any lawful thing that any municipality, any county, and any other Metropolitan Government in Tennessee may do to promote economic development and to achieve the goals established in the preceding section.

SECTION 13.03—Industrial Development Board: The Industrial Development Corporation of the City of Brownsville, established by the City of Brownsville under state law, will be continued as the Industrial Development Corporation of the Metropolitan Government of Brownsville/Haywood County with the same relationship to the Metropolitan Government it previously had to the City of Brownsville. Notwithstanding other provisions of this Charter, the Metropolitan Council may accomplish by resolution any delegation of authority, approval, appropriation, grant, loan, plan, contract, or agreement involving this board and required to be

approved by a local legislative body.

SECTION 13.04—Economic Development Agency: The Metropolitan Council will select or establish an Economic Development Agency to promote economic development within the area of the Metropolitan Government. Notwithstanding other provisions of this Charter, the Metropolitan Council may accomplish by resolution any delegation of authority, approval, supplemental appropriation, grant, loan, plan, contract, or agreement involving this agency that is required to be approved by the Metropolitan Council.

SECTION 13.05—Economic Development Plan: The Economic Development Agency, in conjunction with the Mayor and in consultation with the industrial development board, will prepare and present to the Metropolitan Council by March 1 of each year a proposed four-year economic development plan for the Metropolitan Government. The plan will include actions to be taken by the Metropolitan Government itself as well as actions to be taken in cooperation with other public and private organizations to enhance the prosperity and well-being of the Metropolitan Government's residents and communities. The plan will not become effective until approved by resolution of the Council. The Council may amend the plan. The plan as presented or an amended plan will be approved within sixty (60) days of the plan's presentation to the Council.

SECTION 13.06—Funding for Economic Development Agency: The Metropolitan Council may include funding in the operating budget to fund the annual activities to be accomplished under the economic development plan and for the operations of the Economic Development Agency. The Economic Development Agency must prepare and present to the Mayor and Director of Finance the proposed annual budget for the economic development activities required by the economic development plan and the operations of the agency.

ARTICLE 14

RELATIONSHIP WITH OTHER GOVERNMENTAL ENTITIES

SECTION 14.01—Relationship with Other Governmental Entities: The Metropolitan Government will assume the authority and position held by the City of Brownsville and Haywood County in relation to governmental and non-profit entities that were not an integral part of either of these governments but with which one or both of these governments held a legally established role immediately before the effective date of this Charter. This includes, but is not limited to, the Brownsville Energy Authority, the Haywood County Utility District, and the development district, human resource agency, and flood control and drainage district serving the area of the Metropolitan Government. Duties or authority relating to these or similar entities that were exercised previously by the Mayor of the City of Brownsville or the Haywood County Mayor will be exercised by the Metropolitan Mayor. Duties or authority relating to these or similar entities that were exercised by the Board of Mayor and Aldermen of the City of Brownsville or the Board of County Commissioners of Haywood County will be exercised by

the Metropolitan Council. Nothing in this section or this Charter will be construed to prevent the creation, alteration or ending of governmental or non-profit entities created under legal authority beyond the scope of this Charter.

SECTION 14.02—Housing and Development Authority: The Brownsville Housing and Redevelopment Corporation created under Title 13, Chapter 20, *Tennessee Code Annotated*, is continued as the Housing and Development Authority of the Metropolitan Government, with the same relationship to the Metropolitan Government it previously had with the City of Brownsville. The Housing and Development Authority will be responsible for the housing, redevelopment, and urban renewal activities of the Metropolitan Government. The authority may exercise any power granted to municipal, county, regional, and metropolitan housing authorities by Title 13, Chapter 20, *Tennessee Code Annotated*, and other state laws.

SECTION 14.03—Power of Metropolitan Council to Create, Alter or End Certain Governmental Entities:

The Metropolitan Council may by ordinance create authorities, agencies, boards, commissions or committees, as it deems necessary. Any such authority, agency, board, commission or committee created by the Metropolitan Council, or by ordinance of the former City of Brownsville or resolution of the former Board of County Commissioners of Haywood County, may be altered or abolished by ordinance of the Metropolitan Council.

ARTICLE 15

AMENDMENTS TO CHARTER

SECTION 15.01—Amendments Proposed by Ordinance: An amendment to this Charter may be proposed by ordinance adopted by a two-thirds (2/3) majority vote of the Council on three (3) separate considerations at consecutive regular meetings. The ordinance will state any language added to the charter, any language deleted from the Charter, and any language deleted with any language substituted for the deleted language. The election commission, upon determining the ordinance valid, will hold a referendum on the proposal as an election on a question under state law to be voted on by all qualified voters residing within the general services district and the amendment must be approved by a majority of those voting to be effective.

SECTION 15.02—Amendments Proposed by Petition: An amendment to this Charter may be proposed by petition of the people. The petition will state any language to be added to the charter, any language to be deleted from the charter, and any language deleted with any language substituted for the deleted language. To be effective, the petition must be signed by a number of voters equaling at least ten percent (10%) of the votes cast within the area of the Metropolitan

Government for Governor of the State of Tennessee at the last gubernatorial election. The Election Commission upon determining the petition valid will hold a referendum on the proposal as an election on a question under state law.

SECTION 15.03—Amendments Proposed by Charter Revision Commission: The Council may by ordinance establish from time to time a charter revision commission to hold hearings and make recommendations to the Council on Charter amendments. The charter revision commission will consist of one (1) member from each Council district. Members of the commission will be appointed by majority vote of the Council. Any amendment proposed under this section will be subject to the requirements, including referendum approval, of Section 15.01.

ARTICLE 16 **INTERPRETATION**

SECTION 16.01—Titles, Subtitles, and Captions Not Part of Charter: The titles, subtitles, and captions appearing before the articles and sections of this charter are not part of this Charter and are not intended to determine or restrict the meaning of any provision. Titles, subtitles, and captions have been placed in this Charter merely for convenience.

SECTION 16.02—Broad Construction: The courts are directed to construe this Charter liberally to accomplish its purposes.

SECTION 16.03—Severability: If a part of this Charter is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this Charter is invalid in one (1) or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

ARTICLE 17 **TRANSITIONAL PROVISIONS**

SECTION 17.01—Phased in Transition, Effective Date: The Metropolitan Government will be implemented in 2 phases:

(1) The first phase will take place immediately after this Charter is approved by the voters. During this phase, the transition task force created by this Article will plan for the transition to a Metropolitan Government.

(2) The second phase takes place with the general election in August 2018, when the election is held for Mayor, Sheriff, and members of the Metropolitan Council. The officials elected, after being qualified, take office on September 1, 2018. From the August 2018 general election until the elected Mayor, Sheriff and Council members take office, the elected Council members and Mayor-elect will cooperate and work with the transition task force to continue planning for the transition.

SECTION 17.02—Council Districts: The ten (10) commission districts in effect in Haywood County for the election of county commissioners on the date of the approval of this Charter by the voters will be the initial Council districts of the Metropolitan Government. These districts will continue to be the Council districts until the Metropolitan Council redistricts.

SECTION 17.03—Ordinances and Resolutions Continued: All effective ordinances and resolutions of the City of Brownsville and Haywood County that are not in conflict with this Charter, including budget, tax, and appropriation ordinances and resolutions, will be continued as ordinances and resolutions of the Metropolitan Government. All effective rules and regulations of the boards, departments, and agencies of the City of Brownsville and Haywood County that are not in conflict with this Charter will be continued in effect as rules and regulations of the appropriate board, department, or agency of the Metropolitan Government. In cases of duplication of ordinances, rules, or regulations, the Metropolitan Council or the appropriate board, department, or agency will take appropriate action to eliminate the duplication.

SECTION 17.04—Legal Obligations: Any legal obligation of the City of Brownsville or of Haywood County will continue to be a legal obligation of the Metropolitan Government. The rights and obligations of any contract, obligation, or instrument will not be abated or affected by the adoption or implementation of this Charter.

SECTION 17.05—Property and Liabilities: On September 1, 2018, all rights, titles, and interests in any real and personal property vested in the City of Brownsville or in Haywood County individually or jointly will be vested in the Metropolitan Government. All assets and liabilities of the City of Brownsville and Haywood County both individually and jointly will be vested in, and accrue to, the Metropolitan Government on September 1, 2018.

SECTION 17.06—Offices of County Mayor, County Commissioner, and City Mayor and Alderman Ended: On September 1, 2018, the offices of Haywood County Mayor, Haywood County Commissioners, Mayor of the City of Brownsville and Aldermen of the City of Brownsville will end. All executive, legislative and administrative authority formerly exercised by these officers will be transferred to the Mayor and Metropolitan Council in accordance with and as limited by this Charter and state law. All records of the offices ended by this section will be transferred to either the Metropolitan Clerk or Metropolitan Mayor in accordance with a transition plan adopted by resolution of the Haywood County legislative body prior to September 1, 2018, but after receiving the recommendations of the Transition Task Force in accordance with Section 17.26. Employees of the City of Brownsville that directly assisted the Mayor of Brownsville and employees of the office of Haywood County Mayor as of August 31, 2018 will transfer to the office of the Metropolitan Mayor on September 1, 2018.

SECTION 17.07—Initial School Districts, School Administration Transition: Members of the Brownsville-Haywood County Metropolitan Board of Education will be elected in the August 2018 general election according to districts as described in Section 9.01. The Haywood County Board of Education will end on September 1, 2018. Employees of the Haywood County Board of

Education on August 31, 2018 will on September 1, 2018 become employees of the Brownsville-Haywood County Metropolitan Board of Education. On September 1, 2018, all assets and liabilities under the jurisdiction of the Haywood County Board of Education on August 31 2018 will be assumed by the Metropolitan Government and administered by the Brownsville-Haywood County Metropolitan Board of Education in accordance with this Charter.

SECTION 17.08—Offices of County Trustee, City Clerk and Treasurer Ended; Financial Transition: On September 1, 2018, the office of Haywood County Trustee will end. On September 1, 2018 the offices or positions of City Clerk and Treasurer of the City of Brownsville will end. All financial records of the former City of Brownsville from the offices of City Clerk and Treasurer will be transferred to the Department of Finance. All financial records of the former Haywood County Trustee will be transferred to the Department of Finance. On September 1, 2018, employees of the Haywood County Trustee and of the City of Brownsville supervised by the City Clerk or Treasurer working with financial records, as of August 31, 2018, will transfer to the Department of Finance.

The incumbent Haywood County Trustee as of August 31, 2018 will serve as the acting Director of the Department of Finance from September 1, 2018 until a Director of the Department of Finance is appointed by the Mayor and confirmed by the Metropolitan Council in accordance with Article 4 of this Charter. The incumbent Treasurer of the City of Brownsville as of August 31, 2018 will serve as Deputy Director of the Department of Finance of the Metropolitan Government from September 1, 2018 until a Director of the Department of Finance is appointed by the Mayor and confirmed by the Metropolitan Council in accordance with Article 4 of this Charter, and will assist in the unification of financial records of the former City of Brownsville with those of Haywood County. If the incumbent Haywood County Trustee is unwilling or unable to serve, then the person serving as Treasurer of the City of Brownsville will serve as the acting Director of the Department of Finance. If the person serving as Treasurer of the City of Brownsville is unwilling or unable to serve, then a person appointed by the person elected as Brownsville/Haywood County Metropolitan Mayor, after the adoption of this Charter but prior to September 1, 2018, will serve as acting director of the Department of Finance from September 1, 2018 until a director of the Department of Finance is appointed by the Mayor and confirmed by the Metropolitan Council in accordance with Article 4 of this Charter.

SECTION 17.09—Offices of Register of Deeds and Assessor of Property Ended and Duties Transferred: On September 1, 2018 the offices of Haywood County Register of Deeds and Haywood County Assessor of Property will end. All records of the former offices of Haywood County Assessor of Property and Haywood County Register of Deeds will be transferred to the Department of Property. On September 1, 2018, employees of the Haywood County Assessor of Property and the Haywood County Register as of August 31, 2018 will transfer to the Department of Property.

The incumbent Haywood County Assessor of Property as of August 31, 2018 will serve as the acting Director of the Department of Property of the Metropolitan Government from September 1, 2018 until a Director of the Department of Property is appointed by the Mayor and confirmed by the Metropolitan Council in accordance with Article 4 of this Charter. The incumbent Haywood County Register of Deeds as of August 31, 2018 will serve as Deputy Director of the Department of Property from September 1, 2018 until a Director of the Department of Property is appointed by the Mayor and confirmed by the Metropolitan Council in accordance with Article 4 of this Charter, and will assist in the consolidation of the records of the office of the Haywood County Register of Deeds with the Department of Property. If the incumbent Haywood County Assessor of Property is unwilling or unable to serve, then the incumbent Register of Deeds will serve as the acting Director of the Department of Property. If the incumbent Register of Deeds is unwilling or unable to serve then a person appointed by the person elected as Brownsville/Haywood County Metropolitan Mayor, after the adoption of this Charter but prior to September 1, 2018, will serve as acting Director of the Department of Property from September 1, 2018 until a Director of the Department of Property is appointed by the Mayor and confirmed by the Metropolitan Council in accordance with Article 4 of this Charter.

SECTION 17.10—Office of County Clerk and City Clerk Ended, Records and Employees Transferred:

On September 1, 2018, the offices of Haywood County Clerk and City Clerk of the City of Brownsville will end. On September 1, 2018, employees as of August 31, 2018 of the Haywood County Clerk, and of the City Clerk of the City of Brownsville not dealing with financial records, will transfer to the Department of Metropolitan Clerk.

The incumbent Haywood County Clerk as of August 31, 2018 will serve as the acting Director of the Department of Metropolitan Clerk from September 1, 2018 until a Director of the Department of Metropolitan Clerk is appointed by the Mayor and confirmed by the Metropolitan Council in accordance with Article 4 of this Charter. The City Clerk of the City of Brownsville as of August 31, 2018 will assist with the consolidation of records of the former City of Brownsville with those of the Metropolitan Government. If the incumbent Haywood County Clerk is unwilling or unable to serve, then a person appointed by the person elected as Brownsville/Haywood County Metropolitan Mayor, after the adoption of this Charter but prior to September 1, 2018, will serve as acting Director of the Department of Metropolitan Clerk from September 1, 2018 until a Director of the Department of Metropolitan Clerk is appointed by the Mayor and confirmed by the Metropolitan Council in accordance with Article 4 of this Charter.

SECTION 17.11—County Highway Department, County Waste Management Department, and City Public Works Departments Consolidated: On September 1, 2018, the Haywood County Highway Commission and the office of the Chief Administrative Officer of the Haywood County Highway Department will end. On September 1, 2018, all duties and authority of the former Haywood County Highway Commission, the office of the Chief Administrative Officer of the Haywood County Highway Department, the Haywood County Solid Waste

Department, the Public Works Department of the City of Brownsville, and the joint Brownsville-Haywood County Parks and Recreation Department will be transferred to the Department of Public Works under the supervision of its director. All records and property in the custody of the former Haywood County Highway Department, the Haywood County Solid Waste Department, the Public Works Department of the City of Brownsville and the joint Brownsville-Haywood County Department of Parks and Recreation will be transferred to the Department of Public Works, subject to future assignment by ordinance of the Metropolitan Council. On September 1, 2018, employees as of August 31, 2018 of the Haywood County Highway Department, the Haywood County Solid Waste Department, the Public Works Department of the City of Brownsville, and the Brownsville-Haywood County Parks and Recreation Department will transfer to the Department of Public Works.

The incumbent Chief Administrative Officer of the Haywood County Highway Department as of August 31, 2018 will serve as the acting Director of the Department of Public Works from September 1, 2018 until a Director of the Department of Public Works is appointed by the Mayor and confirmed by the Metropolitan Council in accordance with Article 4 of this Charter. The incumbent Director of the Public Works Department of the City of Brownsville as of August 31, 2018, will serve as Deputy Director of the Department of Public Works until a Director of the Department of Public Works is appointed by the Mayor and confirmed by the Metropolitan Council in accordance with Article 4 of this Charter. If the incumbent Chief Administrative Officer of the Haywood County Highway Department is unwilling or unable to serve, then the incumbent Director of Public Works Department of the City of Brownsville will serve as the acting Director of Public Works. If the Director of the Public Works Department of the City of Brownsville is unwilling or unable to serve, then a person appointed by the person elected as Brownsville/Haywood County Metropolitan Mayor, after the adoption of this Charter but prior to September 1, 2018, will serve as acting Director of the Department of Public Works from September 1, 2018 until a Director of the Department of Public Works is appointed by the Mayor and confirmed by the Metropolitan Council in accordance with Article 4 of this Charter.

SECTION 17.12—Sheriff and Chief of Police Transition, Constables Ended: On September 1, 2018, the office of Haywood County Sheriff and the office of Constable in Haywood County will end, however the Haywood County Sheriff incumbent on August 31, 2018 will serve as acting Sheriff of the Metropolitan Government until the Sheriff of the Metropolitan Government elected in the August 2018 general election is qualified and takes office and will exercise the duties and authority prescribed for the office of Sheriff by this Charter. On September 1, 2018, employees of the City of Brownsville's Police Department as of August 31, 2018 will transfer to the Department of the Sheriff, except that any employees of the City of Brownsville Police Department administering an animal shelter will transfer to the Department of Public Safety. On September 1, 2018, employees of the office of Haywood County Sheriff as of August 31, 2018 will transfer to the Department of the Sheriff of the Metropolitan Government.

SECTION 17.13—Public Safety Functions Transferred: On September 1, 2018, all duties, authority and employees of the following entities as of August 31, 2018 will transfer to the Department of Public Safety: Brownsville-Haywood County Fire Department, Brownsville-Haywood County Central Dispatch and 911 Communication Center, Brownsville-Haywood County Emergency Management Agency, and Brownsville-Haywood County Ambulance Authority.

The incumbent Chief of the Brownsville-Haywood County Fire Department as of August 31, 2018 will serve as the acting Director of the Department of Public Safety from September 1, 2018 until a Director of the Department of Public Safety is appointed by the Mayor and confirmed by the Metropolitan Council in accordance with Article 4 of this Charter. The incumbent Director of the Brownsville-Haywood County Ambulance Authority as of August 31, 2018 will serve as the Deputy Director of the Department of Public Safety of the Metropolitan Government from September 1, 2018 until a Director of the Department of Public Safety is appointed by the Mayor and confirmed by the Metropolitan Council in accordance with Article 4 of this Charter. If the Chief of the Brownsville-Haywood County Fire Department is unwilling or unable to serve then the Director of the Brownsville-Haywood County Ambulance Authority will serve as the acting Director of the Department of Public Safety. If the Director of the Brownsville-Haywood County Ambulance Authority is unwilling or unable to serve then a person appointed by the person elected as Brownsville/Haywood County Metropolitan Mayor, after the adoption of this Charter but prior to September 1, 2018, will serve as acting director of the Department of Public Safety from September 1, 2018 until a director of the Department of Public Safety is appointed by the Mayor and confirmed by the Metropolitan Council in accordance with Article 4 of this Charter.

SECTION 17.14—Building and Codes Enforcement Transition: On September 1, 2018, the Haywood County Codes Enforcement and Building Inspectors and the Buildings and Code Enforcement Department of the City of Brownsville as of August 31, 2018 will transfer to the Department of Buildings and Code Enforcement. A person appointed by the Haywood County Mayor and confirmed by the Haywood County Commission, after the adoption of this Charter but prior to September 1, 2018, will serve as acting Director of the Department of Buildings and Code Enforcement from September 1, 2018 until a director of the Department of Buildings and Code Enforcement is appointed by the Metropolitan Mayor and confirmed by the Metropolitan Council in accordance with Article 4 of this Charter.

SECTION 17.15—City and County Planning Commissions Ended; Functions Transferred: The Planning Commission of the City of Brownsville and the Haywood County Planning Commission will end on the day of the first meeting of the Metropolitan Planning Commission created under Article 4 of this Charter. Until ended, the Planning Commission of the City of Brownsville will continue to perform duties of a municipal planning commission for the area of the Urban Services District and the Haywood County Planning Commission will continue to perform duties as a regional planning commission for the area outside the Urban Services

District. All records of the Planning Commission of the City of Brownsville and the Haywood County Planning Commission and any employees of these planning commissions are transferred to the Metropolitan Planning Commission on the day of the first meeting of the Metropolitan Planning Commission.

SECTION 17.16—City and County Beer Boards Ended; Functions Transferred: The Beer Boards of the City of Brownsville and Haywood County will end on the day of the first meeting of the Metropolitan Beer Board created under Article 4 of this Charter. Until ended, the Beer Board of the City of Brownsville will continue to perform duties of a municipal beer board for the area of the Urban Services District and the Haywood County Beer Board will continue to perform duties as a county beer board for the area outside the Urban Services District. All records of the Beer Board of the City of Brownsville and the Haywood County Beer Board will be transferred to Department of the Metropolitan Clerk upon the day of the first meeting of the Metropolitan Beer Board.

SECTION 17.17—Joint Economic and Community Development Board Ended; Duties Transferred: On September 1, 2018, the Joint Economic and Community Development Board will end. Beginning on September 1, 2018, economic and community development activities of the Metropolitan Government will be carried out according to Article 13 of this Charter.

SECTION 17.18—County Civil Service Board Ended, Functions Transferred: The Haywood County Civil Service Board will end on the day of the first meeting of the Civil Service Board of the Metropolitan Government. The records of the Haywood County Civil Service Board will be transferred to the Civil Service Board of the Metropolitan Government.

SECTION 17.19—County Conservation Board Ended, Functions Transferred: On September 1, 2018 the Haywood County Conservation Board will end. The records, duties and functions of the Haywood County Conservation Board will be transferred to the Department of Public Works.

SECTION 17.20—Veterans Service Officer: The person or persons serving as a Haywood County Veterans Service Officer as of August 31, 2018 will continue from September 1, 2018 as a Veterans Service Officer of the Metropolitan Government until replaced according to state law applicable to county veteran service officers.

SECTION 17.21—County Historian: The person serving as Haywood County Historian as of August 31, 2018 will continue from September 1, 2018 as the County Historian of the Metropolitan Government until replaced according to state law applicable to county historians.

SECTION 17.22—County Public Records Commission: The Haywood County Public Records Commission is continued as the Brownsville-Haywood County Metropolitan Government Public Records Commission. This commission will function according to state law applicable to county public records commissions but all records of the Government will be within its scope of authority. However, the Director of the Department of Metropolitan Clerk

will replace the position of County Clerk and the Director of the Department of Property will replace the position of the County Register on this commission.

SECTION 17.23—Continuation of Certain Entities: Any office, agency, board or commission of the City of Brownsville or Haywood County in existence on August 31, 2018 and not identified and dealt with by this Charter is continued as a part of the Metropolitan Government until ended or modified by ordinance of the Metropolitan Council.

SECTION 17.24—Other Transition Provisions: After the adoption of this Charter, the Board of County Commissioners of Haywood County and the Brownsville City Council may take appropriate and necessary actions not inconsistent with this Charter for the implementation of the consolidation of the two (2) Governments into one (1) Metropolitan Government.

SECTION 17.25—Transition Task Force: **(a)** Immediately after the election at which this Charter is adopted, there will be created a transition task force for the purpose of planning and preparing for combining the Governments of the City of Brownsville and Haywood County. The transition task force is composed as follows:

- (1) The Mayor of Brownsville and the Haywood County Mayor.
- (2) The attorney for the City of Brownsville and the attorney for Haywood County.
- (3) The Administrator of Elections.
- (4) The chair of the Brownsville-Haywood County Metropolitan Government Charter Commission will be requested to serve in an advisory capacity.

(b) The transition task force will serve without compensation. The task force will meet upon the call of its chair for the purpose of planning and scheduling transition activity in accordance with the applicable provisions of this Charter.

(c) The transition task force will:

- (1) Make recommendations it deems appropriate for the assumption of Governmental powers by the Metropolitan Government.
- (2) Develop proposed ordinances to be considered for adoption by the Metropolitan Council at its first regular meeting.
- (3) Develop any ordinances required to assure continuation of essential services without interruption.
- (4) Begin the Metropolitan Government budget process and combine the budgets of the City of Brownsville and Haywood County into one (1) unified budget.

(d) The task force will be involved in personnel selection only to the extent specifically requested by the Metropolitan Mayor. The Metropolitan Mayor and Council are fully responsible for the transition and the task force will support them as requested. All officers, officials, and employees of Haywood County and the City of Brownsville will cooperate with and assist the task force. The task force may examine all records, files, and other data in the possession of

Haywood County and the City of Brownsville not deemed confidential under state law, and all officers, officials and employees, and departments will, to the extent possible, provide working areas and facilities for the task force. The Metropolitan Council may dissolve the task force at any time. The task force may receive and expend up to twenty-five thousand dollars (\$25,000.00) to carry out its duties. These funds will be appropriated by the Haywood County Commission. Haywood County will act as the fiscal agent for these funds for operations before the effective date of the Metropolitan Government.

17.26 - Judicial Transition: On September 1, 2018, all duties and authority of the Brownsville City Court, Haywood County General Sessions Court, and the Haywood County Juvenile Court will be transferred to the Metropolitan General Sessions Court. On September 1, 2018, the positions of Brownsville City Judge and City Court Clerk will end. The judges of the Haywood County General Sessions Court and any separate Haywood County Juvenile Court judge in office on September 1, 2018 will become judges of the Metropolitan General Sessions Court for the remainder of the judges' term of office. All duties and authority of the Brownsville City Court Clerk, Haywood County General Sessions Court Clerk and Haywood County Juvenile Court Clerk are transferred to the Metropolitan General Sessions Court Clerk on September 1, 2018. The Haywood County General Sessions Court Clerk in office on September 1, 2018 shall continue as the Metropolitan General Sessions Court Clerk for the remainder of the term to which he or she was elected. On September 1, 2018, judicial commissioners of Haywood County are continued as judicial commissioners of the Metropolitan Government and may continue to serve during the term elected or appointed, but shall be subject to ordinances of the Metropolitan Council as provided in Section 10.03 of this Charter.

APPENDIX

FOR THE UNIFICATION OF THE TOWN OF STANTON WITH THE

METROPOLITAN GOVERNMENT OF BROWNSVILLE/HAYWOOD COUNTY

SECTION 1—*Unification:* The Governmental and corporate functions vested in the Town of Stanton, Tennessee, are hereby unified and consolidated with the Governmental and corporate functions of the City of Brownsville, Tennessee and Haywood County, Tennessee according to the Charter of the Metropolitan Government of Brownsville/Haywood County (hereinafter “Charter”) and this Appendix to such Charter. A single Metropolitan Government is created that replaces and supersedes the governments of the City of Brownsville, the Town of Stanton and Haywood County. The effective date of this Appendix is the same as the effective date of the Charter.

SECTION 2—*Charter Modification:* The Charter of the Metropolitan Government of Brownsville/Haywood County is amended and modified according to this Appendix.

SECTION 3—*Urban Services District:* Notwithstanding Article 5 of the Charter of the Metropolitan Government of Brownsville/Haywood County, the Urban Services District consists initially of the total area of the Town of Stanton in addition to the total area of the City of Brownsville as both areas exist on the effective date of this Charter and Appendix.

SECTION 4—*Bonds and Monies:* Bonds issued by the Town of Stanton will be obligations of the Metropolitan Government of Brownsville/Haywood County, and debt service for these bonds will be included in the budget for the Urban Services District. For reserve purposes, all monies in reserve of the Town of Stanton immediately before the effective date of this Charter will become reserve in the Urban Services District.

SECTION 5—*Legal Obligations Continue:* Any legal obligation of the Town of Stanton in existence immediately before the effective date of this Charter and Appendix will continue to be a legal obligation of the Metropolitan Government of Brownsville/Haywood County on the effective date of this Charter and Appendix. The rights and obligations of any contract, obligation or instrument will not be abated affected by the adoption or implementation of this Appendix. Additionally, all benefits payable to members, retired members, and their survivors in accordance with any of the retirement plans of the former Town of Stanton as the plan or plans existed immediately before the effective date of the Charter and this Appendix will continue unimpaired for the same duration provided in those plans as they existed before the effective

date, and those benefits will be an obligation and liability of the Metropolitan Government of Brownsville/Haywood County.

SECTION 6—Property and Liabilities: On the effective date of this Appendix, all rights, titles and interests in any real or personal property vested in the Town of Stanton will be vested in the Metropolitan Government of Brownsville/Haywood County. All assets and liabilities of the Town of Stanton are vested in and accrue to the Metropolitan Government.

SECTION 7—Transition Task Force: Notwithstanding Section 17.26 of the Charter, the Mayor of the Town of Stanton will be a member of the Transition Task Force created by such section.

SECTION 8—Offices Ended; Functions and Employees Transferred: On the effective date of the Charter and this Appendix, the offices or positions of Mayor, Alderman, Recorder, Town Judge and Town Attorney of the Town of Stanton will end. After the adoption of the Charter and this Appendix, but before the effective date of the Charter and this Appendix, the Board of Mayor and Aldermen of the Town of Stanton will approve a proposed transition plan that will propose how employees of the Town of Stanton as of the day immediately prior to the effective date of the Charter and this Appendix will be transferred to departments, offices or agencies of the Metropolitan Government, and will submit such plan to the transition task force created under Section 17.26 of the Charter. Upon agreement between the Board of Mayor and Aldermen of the Town of Stanton and the Transition Task Force, employees of the former Town of Stanton will be transferred according to such agreement on the effective date of the Charter and this Appendix.

SECTION 9—Nothing in this Appendix or the Charter will be construed to prohibit the employment of a person whose prior office or position in the government of the Town of Stanton is ended under this Appendix from being employed by the Metropolitan Government if otherwise qualified.

SECTION 10—Article 16 of the Charter regarding Interpretation of the Charter applies to this Appendix.