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Charters

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CHARTER  
of the  
Unified Government  
of Knoxville  
and Knox County

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CHARTER OF:  
UNIFIED GOVERNMENT OF KNOXVILLE AND KNOX COUNTY

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**CHARTER FOR:  
UNIFIED GOVERNMENT OF KNOXVILLE AND KNOX COUNTY**

**PREAMBLE**

We, the people of Knoxville and Knox County, Tennessee in order to unify governmental and corporate functions of the government of the City of Knoxville with governmental and corporate functions of Knox County to insure that the resulting government is just, orderly, efficient and fully responsible to the people and to secure the benefit of Home Rule and self government to all citizens of Knox County to the fullest extent possible under the Constitution of the United States, the Constitution of the State of Tennessee and the laws State of Tennessee, do hereby publish, declare and adopt this Home Rule Charter to unify the governments of Knoxville and Knox County, Tennessee as the fundamental law or the government of this County.

ARTICLE II.  
LEGISLATIVE BRANCH

**Section 2.01 Legislative Powers.**

The legislative power of the Unified Government of Knoxville and Knox County is vested in the Commission of the Unified Government of Knoxville and Knox County (hereinafter referred to as the "Commission"), which is the Legislative Branch and Legislative Body. The legislative power of the Unified Government of Knoxville and Knox County includes all lawful authority to adopt ordinances, emergency ordinances and resolutions governing the operation of government or regulating the conduct and affairs of the residents of the County, to adopt and amend the Unified Government budget, to fix all Unified Government tax rates and to provide for the collection of all Unified Government taxes, to provide for corrections in tax lists, to appropriate Unified Government funds for any and all lawful purposes, to amend this Charter, and to exercise all other authority of a legislative nature which is vested in the counties and municipalities by the Constitution and all applicable laws of the State of Tennessee. The Commission may adopt any ordinance, emergency ordinance or resolution which is not in conflict with the Constitution or general laws of the State of Tennessee or this Charter.

**Section 2.02 Other Powers.**

A. The Commission is vested with all other powers not exclusively executive or judicial of the government of Knox County and the City of Knoxville not specifically, or by necessary implication, vested in some other official of the County by the Constitution of the State of Tennessee, by this Charter or by law not inconsistent with this Charter. However, neither the Commission nor the Chairperson of the Commission shall exercise any powers or perform any functions of the Unified Government which are vested, by the terms of this Charter, in either the Executive Branch or the Judicial Branch of the Unified Government. Whenever any statute of the State of Tennessee which is applicable to Knox County purports to authorize the monthly or quarterly county court (or county chairperson or county judge), the county commission (or county chairperson or county judge) or the county executive to perform any administrative or executive act or function, then such act or function shall be performed by the Mayor of the Unified Government of Knoxville and Knox County except as otherwise provided in this Charter.

B. The Commission shall provide annually, by resolution, for an independent audit of the accounts and other evidences of financial transactions of the Unified Government and of every Unified Government office and such other special audits as the Commission deems necessary. Such audits shall be made by a certified public accountant or by a firm of certified public accountants designated by the Commission, and no individual auditor or member of an auditing firm so designated shall have any personal financial interest, direct or indirect, in the fiscal affairs of the Unified Government or of any of its offices. The designated certified public accountants shall be qualified by training and experience and shall have sufficient staff to perform the audits. No individual certified public accountant or firm of certified public accountants shall be employed to perform the audits for more than four (4) successive years.

C. By ordinance, the Commission shall establish rules and regulations governing all Unified Government purchases, sales, contracts for services, and disposal of surplus property.

D. No sale or transfer of real property, or any interest therein, owned by the Unified Government shall be valid unless approved by resolution of the Commission.

E. By resolution which shall not be subject to veto by the Mayor of Unified Government, the Commission shall have the power to authorize the borrowing of money and the issuance of bonds, notes and other evidences of indebtedness of the County and all matters pertaining thereto. Such a resolution shall be effective immediately upon its adoption by the Commission.

F. By resolution, the Commission may employ, contract with, or otherwise hire, any person(s) or business entity(ies) which it deems necessary to the exercise of the powers vested in it unless otherwise provided by this Charter.

G. By ordinance, and pursuant to the provisions of Section 8.02, the Commission may establish and name such special areas and, in connection therewith, shall provide for assessments, levies and collections of taxes and assessments with respect to any or all property, real or personal, or privileges within any such area and the pledge of the revenues derived and to be derived therefrom, all as in its judgment may be necessary or appropriate for the exercise within such area of any one or more of the public corporation rights or powers of the government of the Unified Government not then being exercised for the benefit of all citizens of the County. The subsequent exercise of any such right or power for the benefit of all citizens of the County shall not impair any special district theretofore established or any contracts, pledges or obligations of the Unified Government with respect thereto.

H. Upon adoption of an approving resolution in each instance by the affirmative vote of two-thirds (2/3) of the entire Commission, the Commission and its authorized committees shall have full power and authority to hold public hearings, with power to subpoena witnesses and to administer oaths where necessary or desirable, for the purpose of either (1) gathering information necessary or desirable for the purpose of considering proposed Commission legislation, or (2) investigating any allegation of violations of this Charter, ordinances or emergency ordinances of the Commission brought by either the Mayor of the Unified Government or any member of the Commission against any elected official or employee of the County. No such hearing shall be held with or without such subpoena power having been exercised except when a quorum of the Commissions or any authorized committee, as appropriate, is present.

**Section 2.03 Membership and Election; District, Seats, Reapportionment and Redistricting.**

A. The Commission members shall be elected by the people from such districts as may from time to time be provided by ordinance.

**ARTICLE I.  
POWERS AND FUNCTIONS**

**Section 1.01 Unification of City and County Government; Name.**

The governmental and corporation functions now vested in the City of Knoxville are unified with the governmental and corporation functions now vested in Knox County. A single Home Rule government is created which replaces and supersedes the Home Rule Charter of Knoxville and the Home Rule Charter of Knox County. The name of the government shall be the Unified Government of Knoxville and Knox County (hereinafter referred to as "Unified Government"). This Charter is enacted by the popular vote of the citizens of the City of Knoxville and Knox County.

**Section 1.02 Territory of Government.**

The territory of the Government shall be the total area of Knox County.

**Section 1.03 Powers and Functions.**

The Unified Government of Knoxville and Knox County shall have all of the powers and may perform any functions of a county, municipal, unified or consolidated government which are allowed by the general laws and Constitution of the State of Tennessee to the fullest extent possible. It is the intent of this Charter that limitations on the powers of Unified Government of Knoxville and Knox County shall be strictly construed and that grants of power to the "Unified Government" shall be liberally construed.

**Section 1.04 Branches of Government.**

The Corporate and governmental authority of the Unified Government of Knoxville and Knox County shall be vested in the following branches of the government:

- A. Executive
- B. Legislative
- C. Judicial

The authority of each shall be specified later in this Charter.

**Section 1.05 Private and Local Affairs.**

The government established herein shall be a public corporation vested with any and all powers which cities and counties are or may hereafter be, authorized or required to exercise under the Constitution and all applicable laws of the State of Tennessee, including, but not limited to, the power to do all things necessary or convenient for the provision of the public services or public works projects now or hereafter authorized or contemplated by the Constitution and all applicable laws of the State of Tennessee.

**Section 1.06 Public Corporation Rights.**

The government of Unified Government of Knoxville and Knox County shall be a public corporation, with the right of perpetual succession, capable of suing and being sued, capable of purchasing, receiving and holding real and personal property and of selling, leasing, or disposing of the same to the fullest extent permitted, and having all expressed, implied and inferred rights necessary or convenient to the exercise of its public corporation powers.

**Section 1.07 Rights Reserved to the People.**

No provisions of this Charter, and no action by any officer or employee of the Unified Government of Knoxville and Knox County acting under its authority, shall infringe upon rights, privileges and powers now or hereafter reserved or guaranteed to individual persons or to the people by the Constitution of the United States of America or the Constitution of the State of Tennessee.

1. The Commission under this Charter shall initially consist of nineteen (19) members elected from nine (9) districts. The first Commission members shall be elected in the County General Election of 1997 and shall be residents of, and represent, the nine (9) districts of the former Knox County Commission as such exist on November 5, 1996. District Numbers 1 through 4 and 6 through 9 shall each consist of seats A and B and District Number 5 shall consist of seats A, B, and C. Any resident of any such district desiring to stand for election to the Commission and qualified to do so pursuant to the requirements of this Charter shall qualify in accordance with applicable law for one (1) specific seat representing such Commission district. Each qualified voter in any Commission district may vote for one (1) candidate for each Commission seat representing such district.
2. Subsequent to the year 1997, the Commission by ordinance may alter, by an affirmative vote of two-thirds (2/3) of the membership of the Commission, the number of Commission districts or the number of the Commission members so long as:
  - a. The total number of Commission districts shall not be less than nine (9) or more than nineteen (19); and
  - b. The total number of members of the Commission shall not be less than nine (9) or more than nineteen (19); and
  - c. Each seat is a separate office and not more than three (3) members shall be elected for any one (1) district; and
  - d. All districts comply with constitutional requirements.

B. The regular terms of the Commission members shall be four (4) years which shall run concurrently. The initial term of the Commissioners shall be in accordance with the transition provisions in Section 16.02. The subsequent terms of office shall be for four (4) years beginning September 1, 2002. Limitation of consecutive terms of service shall be in compliance with Section 7.07 of this Charter. On or before December 31, 2001, and every ten (10) years thereafter, it shall be the duty of the Commission, based upon the most recent Federal decennial census, to reapportion and/or redistrict the Commission seats so as to comply with constitutional requirements. The voting precincts of Knox County shall be established by the Commission by ordinance unless otherwise provided by applicable state law.

C. No person shall be eligible to serve as a member of the Commission unless that person shall have attained the age of eighteen (18) and is a resident of, and a registered voter in, the district from which such person seeks election on the date he filed his nominating petition and has been a resident of both the County and the district for one (1) year prior to such person's

election; provided, however, that the district residency requirement shall not apply in the first general election at which Commission seats appear on the ballot following any reapportionment or redistricting of Commission districts. A member of the Commission shall remain a resident of the commission district which such member represents during his term of office.

D. The Commission shall adopt its own rules of order and procedure. All resolutions, ordinances and emergency ordinances shall be adopted in accordance with the Constitution, all applicable laws of the State of Tennessee and this Charter.

E. In all proceedings of the Commission to either elect officers of the Commission or to fill vacancies in elective offices, the following procedure shall be followed:

1. Nominations may be made by members of the Commission only.
2. Each member of the Commission may vote in favor of one (1) nominee, by name, only.
3. Election of a nominee shall require a majority vote of the membership of the Commission. The Commission shall, by resolution, adopt such rules as are necessary to establish procedures for arriving at a majority vote.

F. When any public office is to be filled by the Commission, if any member of the Commission accepts the nomination as a candidate for such public office, the following procedure shall be followed:

1. No member of the Commission who is absent from any proceeding to fill a public office shall be eligible to have said Commissioner's name placed in nomination unless either the Chairman of the Commission or the County Clerk shall have present at such meeting of the Commission a written acceptance of such nomination signed by such member of the Commission.
2. If a Commission member's name is placed in nomination, the Chairman of the Commission shall, prior to the first vote, require that member to either accept or decline the nomination. A refusal to either accept or decline shall disqualify that member for nomination.
3. No vote shall be recorded in favor of any member of the Commission who has either declined nomination or has been otherwise disqualified.
4. The acceptance of nomination by a member of the Commission shall automatically disqualify such member to vote to fill that office.



5. If the Commission member is appointed, the member's seat on the Commission shall immediately be vacant and a successor shall be appointed subject to Article VII of this Charter.

**Section 2.04 Commission Members' Salary and Compensation.**

The Commission shall set the compensation for members of the Commission. Initially the compensation shall be equal to that of the Knox County Commission as of November 5, 1996. The compensation allowed any member of the Commission shall not be decreased during the term of office. Any increase in compensation during the term of office shall be limited to the lesser of any increase paid to general government employees or the consumer price index. Any increase in compensation above that previously referred to shall be effective at the beginning of the next term of the Commission.

**Section 2.05 Meetings and Quorum.**

The Commission shall meet at least once each month at a time and place to be determined by the Commission. A quorum for the purpose of conducting business shall be a majority of the membership of the Commission.

**Section 2.06 Election of Chairperson and Vice Chairperson.**

The Commission, at its first session on or after said Commissioners are sworn in, and annually thereafter in September, shall elect from its membership a chairperson, vice-chairperson, and such other officers as the Commission deems necessary. The election procedures shall follow those established pursuant to Section 2.03(E).

**Section 2.07 Selection of Urban Services Area Tax Rate Committee.**

The Urban Services Area Tax Rate Committee shall be selected by those members of the Commission who are elected from legislative districts located in whole or in part within the urban services area. The Urban Services Area Tax Rate Committee shall be comprised of not less than one-third (1/3) of the total membership of the Urban Services Area Commission Members. The sole function of the Urban Services Area Tax Rate Committee shall be to conduct the initial review of the property tax rate for the urban services area as recommended annually by the Mayor and to recommend to the Commission a property tax rate for the urban services area, adequate with other available funds to finance the budget for urban services and other obligations as referenced in Article VIII, Section 8.01 of this Charter. Selection of such Committee shall occur annually.

**Section 2.08 Removal of Member of the Commission.**

A member of the Commission may be removed from office in accordance with the provisions of state law and Article VII of this Charter. In the event a member of the Commission is convicted of a felony, the Commissioner shall be removed from office as provided by state

law. In the event of the conviction of a misdemeanor, the Commissioner may be subject to removal from office.

**Section 2.09 Vacancy.**

In the event of a vacancy in the office of a member of the Commission, the remaining members of the Commission shall fill said vacancy with a person meeting the qualifications for said position until his/her successor is elected and sworn. The successor to the person so selected by the Commission to fill the vacancy shall be elected by the qualified voters of such Commission district at the next state or county election; provided, however, if such vacancy occurs within forty-five (45) days prior to such election, the person so selected by the Commission to fill the vacancy shall serve the remainder of the term of that Commission seat.

**Section 2.10 Ordinances, Emergency Ordinances and Resolutions.**

A. Generally

1. The Commission shall exercise its legislative authority by resolution, ordinance, or emergency ordinance as hereinafter set forth.
2. No ordinance, emergency ordinance or resolution shall become effective which embraces more than one (1) subject, the subject to be expressed in its caption.
3. All ordinances, emergency ordinances or resolutions which repeal, revise or amend former ordinances, emergency ordinances or resolutions shall recite in their caption the number and date of adoption of the ordinance, emergency ordinance or resolution repealed, revised or amended.
4. In order to become effective, any ordinance or resolution shall receive a majority vote of the membership of the Commission except the following:
  - a. Any ordinance proposing an amendment to this Charter shall be adopted by a two-thirds (2/3) vote of the membership of the Commission, and if so adopted, any such ordinance proposing an amendment to this Charter shall be submitted to vote at the next scheduled general Unified Government election.
  - b. Any resolution authorizing the Commission, or its authorized committee(s), to hold public hearings pursuant to Section 2.02(H) of this Charter shall be adopted by a favorable vote of two-thirds (2/3) of the membership of the Commission.

- c. Any ordinance pursuant to Section 2.03(A)(2) of this Charter shall be adopted by a favorable vote of two-thirds (2/3) of the membership of the Commission.
  - d. All emergency ordinances shall be adopted in accordance with applicable law and this Charter.
5. No ordinance, emergency ordinance or resolution shall become effective unless the following procedure is followed:
- a. Each member of the Commission present shall distinctly, audibly or visually cast his/her vote, and the County Clerk shall record, in writing, each member's vote as "aye," "nay," or "abstain."
  - b. At the conclusion of each vote, either the Chairman of the Commission or the County Clerk shall distinctly and audibly announce the tally of each category of votes cast.
  - c. No member of the Commission shall change his vote after the vote is announced unless granted the right to do so by a majority of the membership of the Commission at such Commission meeting at which the original vote was cast. It shall be the duty of the Chairman of the Commission or the County Clerk, at the time of such vote change, to announce distinctly, audibly or visually the caption of the subject legislation as well as the name and manner of vote change of such member of the Commission.
  - d. Upon the adjournment of each and every meeting of the Commission, it shall be the duty of the County Clerk to maintain and preserve, unchanged, as public records available for inspection during reasonable office hours, the voting record for each and every ordinance, emergency ordinance and resolution.
6. It shall be the duty of the County Clerk to deliver to the Mayor of the Unified Government true and attested copies of all ordinances, emergency ordinances and resolutions within four (4) days of final adoption by the Commission.
7. It shall be the duty of the County Clerk to deliver to the Law Director true and attested copies of all ordinances, emergency ordinances and resolutions within thirty (30) days of their effective date. The Law Director shall provide for codification and publication of ordinances.
8. The County Clerk shall number and compile in an ordinance book all original ordinances and emergency ordinances and shall number and

compile in a resolution book all original resolutions and shall preserve such books in the County Clerk's office. The County Clerk shall furnish a true copy for a reasonable fee to any person so requesting, except that no fee shall be charged to any department or agency of the Unified Government.

9. The County Clerk may delegate to deputy(ies) any or all duties imposed upon the County Clerk by this Charter; provided, however, nothing in this paragraph shall be construed to relieve the County Clerk of any and all responsibilities imposed upon the Clerk by this Charter.

B. Ordinances

1. An Ordinance shall be considered to be on the agenda of any meeting of the Commission only if:
- a. The caption of such ordinance is quoted verbatim in the agenda for such meeting and a copy of such agenda has been made available to each and every member of the Commission not later than five (5) days prior to such Commission meeting; and
  - b. A copy of such ordinance has been made available to each member of the Commission at least five (5) days prior to such Commission meeting.
2. To become effective, each ordinance shall be adopted in accordance with all applicable laws of the State of Tennessee; provided, however, in absence of any applicable law in conflict with this Charter, to become effective, each ordinance shall be approved by a majority of the members of the Commission upon two (2) readings on separate days.
3. An ordinance shall take effect on the fifteenth (15th) day following its passage on final reading, unless otherwise provided in the body of the ordinance or unless otherwise provided in this Charter.
4. Ordinances imposing fines or imprisonment as punishment for violation thereof shall be enforced by the Chief Law Enforcement Officer of the Unified Government unless such ordinance otherwise provides. Persons charged with violation of such an ordinance shall be tried in the General Sessions Court or the Local Ordinance Court in accordance with applicable state law, local ordinances, the Constitution of the State of Tennessee and the Constitution of the United States. Any civil penalties and court costs collected for such violation, shall be paid into the Unified Government general fund.

C. Emergency Ordinances

1. An emergency ordinance shall be so designated in its caption.
2. To become effective, an emergency ordinance shall be adopted in accordance with all applicable laws of the State of Tennessee; provided, however, that in the absence of applicable law in conflict with this Charter, an emergency ordinance shall be adopted by an affirmative vote of two-thirds (2/3) of the members of the Commission pursuant to the following procedure: An emergency ordinance which appears on the regular agenda, as any other ordinance, pursuant to Section 2.10(B), shall take effect either upon the signature of the Mayor or, in the absence of a veto as hereinafter provided and without the signature of the Mayor of the Unified Government, upon the eighth (8) day following its adoption upon one (1) reading by the Commission, whichever first occurs.

D. Resolutions

1. All resolutions shall be placed on the agenda in the same manner as placement of ordinances on the agenda as set out in Section 2.10(B)(1) of this Charter.
2. All resolutions shall be adopted upon receiving a majority vote of the membership of the Commission upon one (1) reading and shall become effective in accordance with Section 2.11 of this Charter.

**Section 2.11 Signature and Veto by Mayor.**

A. Every ordinance, emergency ordinance, resolution, and budgetary line item shall be submitted to the Mayor by the County Clerk for approval or veto; provided, however, that this requirement shall not apply to:

1. Resolutions authorizing the borrowing of money and the issuance of bonds and notes and other evidences of indebtedness of the Unified Government and all matters pertaining thereto, as provided in Section 2.02(E) of this Charter, and resolutions pertaining to the internal operations of the Commission shall become effective immediately upon their adoption by the Commission, or
2. Ordinances, emergency ordinances, and resolutions affecting zoning regulations, which shall become effective immediately upon their adoption by the Commission. Upon the signature of the Mayor, any ordinance, emergency ordinance or resolution becomes effective as provided in Sections 2.10 and 2.11 of this Charter.

B. Any ordinance, resolution or the budgetary line item vetoed by the Mayor shall be returned to the County Clerk within ten (10) days after the ordinance or resolution is required by this Charter to be submitted to the Mayor. Any emergency ordinance vetoed by the Mayor shall be returned to the County Clerk within three (3) days after the emergency ordinance is required by this Charter to be submitted to the Mayor. The County Clerk shall notify the members of the Commission, in writing, within five (5) days of receipt by the County Clerk.

C. Any vote of the Commission to override the veto of the Mayor shall be taken within thirty-five (35) days of the expiration of the period required of the County Clerk to notify the members of the Commission of the veto which is the subject of such override vote. The affirmative vote of not less than two-thirds (2/3) of the membership of the Commission shall be required to override the veto of the Mayor. The ordinances, emergency ordinance, resolutions, or budgetary line item shall immediately become effective upon the Commission overriding the veto, or such later date as may be specified in the emergency ordinance, every ordinance, or resolution.

D. If the Mayor fails to either sign or veto an ordinance or resolution and to report this action to the County Clerk within ten (10) days after the ordinance or resolution is required by this Charter to be submitted to the Mayor (or within three (3) days in the case of an emergency ordinance), the Mayor shall have no further power to veto the ordinance, emergency ordinance, resolution, or budgetary line item and it shall become effective without the signature of the Mayor upon the expiration of the time periods in this paragraph provided, or at a later date if the ordinance or resolution so provides.

**Section 2.12 To Amend the Charter.**

The Commission may adopt by a two-thirds (2/3) vote an ordinance to amend the Charter and have said amendment placed on the ballot for voter approval.

**ARTICLE III.  
EXECUTIVE BRANCH**

**Section 3.01 Executive and Administrative Powers.**

The executive and administrative powers of the Unified Government of Knoxville and Knox County shall be vested in, and exercised by, the Mayor of the Unified Government of Knoxville and Knox County (hereinafter referred to as the "Mayor"), also called the Executive Branch, and, under the Mayor's control and direction by such subordinate major divisions, departments, boards, offices, officers, and agencies as are established from time to time.

**Section 3.02 Executive Branch.**

The Mayor shall be the head of the Executive Branch of the Unified Government of Knoxville and Knox County, responsible for the exercising of all executive and administrative functions of the Government and shall be the chief fiscal officer of the Unified Government of Knoxville and Knox County. The Mayor shall devote his full time to the performance of the duties of Mayor.

**Section 3.03 Election--Term of Office, Qualifications, Salary, Removal and Vacancy.**

A. The Mayor shall be elected by the qualified voters of Knox County, commencing on the November 4, 1997 general election and shall take office on December 20, 1997, following said election. Thereafter the Mayor shall be elected every four (4) years in the general election and assume the duties of Mayor on September 1 of that year. The Mayor shall be a qualified voter, twenty-five (25) years of age or older, a resident of Knox County for at least one (1) year prior to filing for this office and shall remain a resident of Knox County during said term of office. The Mayor's salary shall be set by the Commission and that salary shall be greater than the salary paid any other elected Unified Government official. The salary of the Mayor may be changed from time to time by resolution of the Commission; provided however, that such salary shall not be decreased during the term for which the Mayor was elected; and provided further, the Commission shall take no action changing the Mayor's salary from any succeeding term of the Mayor during the year in which the Mayor is to be elected.

B. The Mayor will be limited to a maximum of three consecutive four-year terms of office as set forth in Section 7.07 of this Charter.

C. The Mayor is subject to removal from office in accordance with Section 7.09 of this Charter and the laws of the State of Tennessee.

D. If the Mayor's position becomes vacant by reason of death, resignation, removal, or disability, the vacancy shall be filled by special election called by the Commission as soon as practical, provided that the vacancy occurs more than one hundred eighty (180) days before the next election. Any special election shall be held in accordance with the provisions

found in Section 7.08 of this Charter and the laws of the State of Tennessee. The Commission shall, within thirty (30) days after a vacancy occurs, appoint a person meeting the qualifications for said position to serve as Mayor until an election of a successor; provided however, that if the unexpired term is a period of one hundred eighty days (180) days or less, the appointee shall serve the remainder of the unexpired term. Until the Commission appoints a person to serve as Mayor pending the special or next election, the chairperson of the Commission shall serve in the dual capacity of Mayor and Commission Chairperson. The person elected as Mayor in a special election shall serve the remainder of the unexpired term or until a successor is elected, qualified and sworn.

**Section 3.04 Executive Duties.**

The Mayor shall:

A. Ensure that all provisions of this Charter, resolutions, ordinances, and emergency ordinances of the Commission and all applicable laws of the State of Tennessee subject to execution by said Government are faithfully executed, and shall be responsible to the Commission for the proper administration of all Government affairs.

B. Have the power and authority to recommend to the Commission for adoption such measures as the Mayor may deem necessary or beneficial for the welfare or benefit of the people.

C. Act as the chief fiscal officer of the Government, and, to that end, shall:

1. Provide for and maintain all accounting systems necessary for the Government and for each department, office, and agency thereof. The Mayor shall maintain such systems in accordance with generally accepted accounting principles applicable to Government entities, keeping the accounting records for, and exercising financial and budgeting control over such department, office or agency.

2. Maintain the records of the indebtedness of the Unified Government of Knoxville and Knox County and have charge of the payment of principal and interest thereon.

3. Be authorized to require any department, board, commission, constitutional officer, or agency to submit within a specified time reports or information in connection with the Government business and affairs which the same administers.

4. Examine regularly the accounts, records, and operations of every office, department, board, commission, constitutional office, and agency of the Government, and keep the Commission fully advised of the financial condition and future needs of the Government. The Mayor shall make

such recommendations to the Commission with respect to the financial condition and other business and general welfare of the Government as the Mayor deems appropriate.

5. Have the sole power and authority to enter into contracts on behalf of the Unified Government of Knoxville and Knox County, as set forth in Section 8.05, or as otherwise provided in this Charter. Contracts and purchases on behalf of the Unified Government of Knoxville and Knox County shall be entered into by the Mayor or the Mayor's designee. On all contracts which cannot be performed in one (1) year, or contracts in an amount greater than Fifty Thousand Dollars (\$50,000.00), or such greater length of time or amount as established in advance by ordinance adopted by the Commission, the Mayor shall obtain the approval of the Commission by resolution prior to execution.
6. Examine all contracts, orders, and other documents by which financial obligations are incurred by the Unified Government of Knoxville and Knox County or by any of its officials or officers.
7. Negotiate and execute loans, bonds, notes, and other evidences of indebtedness of the Unified Government of Knoxville and Knox County to the extent provided in the resolution authorizing the same. All warrants and payments of obligations of the Government shall be signed by the Mayor, either in person or by facsimile, except where another officer is authorized to do so by either applicable law or this Charter.

D. Prepare and submit to the Commission, with the assistance of appropriate department heads and other responsible officials, budgets and capital improvement plans.

1. The Mayor shall present a proposed unified budget and a proposed capital improvement plan of the Government to the Commission in accordance with Section 8.01 of this Charter no later than sixty (60) days prior to the beginning of each fiscal year in order for the Commission to either approve said budget as presented or to modify and amend the same as may be deemed necessary in order to determine the amount of taxes required to be levied. The adoption of the budget by the Commission shall be by resolution.
2. The Mayor shall have veto power over the annual budget of the Government which may be exercised by vetoing the entire budget or by vetoing specific items or parts of items without invalidating the whole. The veto shall be exercised and may be overridden by the procedure as provided in Section 2.11 of this Charter; provided however, that no veto pursuant to this paragraph shall be valid unless the Mayor, within the

time provided for vetoes in Section 2.11 of this Charter, shall in writing provide the following information to the County Clerk:

- a. a list of specific items or parts of items vetoed; and
- b. an amount, which may include the amount zero, for each specific item or parts of items which is in lieu of the amount contained in each specific item, or parts of items, vetoed; and
- c. an explanation by the Mayor as to the reason for each veto.

Such reduced amount of each specific item or parts of items shall become a part of such annual budget if such item, or parts of items, are not overridden by the Commission; provided however, nothing contained in this paragraph shall be construed as prohibiting the Commission thereafter, by resolution pursuant to Section 2.11 and Section 8.01 of this Charter, from amending or supplementing such annual budget, including such vetoed item.

E. Appoint members of all boards, authorities, and commissions not delegated by this Charter to appointment by the Commission or as otherwise specified in Sections 9.03, 10.03, Article XI of this Charter, or as otherwise required by law.

1. All appointees pursuant to this Section shall be residents of Knox County at the time of their appointment and must remain residents of Knox County at all times while they continue to serve on said board, authority, or commission, unless otherwise required by state law. Any members of boards, authorities, or commissions may be removed pursuant to the rules of the board, authority or commission on which they serve. Otherwise, said removal, if necessary, may be made only for good cause, pursuant to the laws of the State of Tennessee.
2. On any board, authority or commission of which the Mayor is a member by law, the Mayor shall have the right to either serve individually or to appoint from administrative assistants or any head of any division or department of the Government, in writing, a designee to serve in his place and stead. Said designee shall have all powers, including the power to vote, as are conferred upon the Mayor. Any designee appointed by the Mayor under the provisions of this Section may exercise the voting power of the Mayor only in accordance with written proxy by the Mayor. However, at any meeting attended by the Mayor, only the Mayor shall exercise the voting power.

3. In the event that the Commission fails to designate or provide for the designation of any of its members to fill any Commission committee created by it, the Mayor shall have the authority to appoint Commissioners in the number necessary to fill the committee.

F. Appoint administrative aides and personal secretaries as the Mayor may require, subject to approval of funds by the Commission.

G. Appoint with the approval and ratification of the Commission an individual to the position of Unified Government Ombudsman to serve for a period of two years subsequent to the effective date of unification and thereafter at the pleasure of the Mayor. The Ombudsman shall report to and be under the direct supervision of the Mayor. It shall be the duty of the Ombudsman to assist citizens in their dealings with government; to help resolve jurisdictional issues; to assist in coordinating cooperative assistance between and among multiple units of government, if necessary; to appropriately address and resolve issues referred by the Mayor and to perform and discharge such other duties as the Mayor from time to time shall assign.

H. Pursuant to state law, provide for the coordination of emergency medical, rescue, and civil defense services, to the end that effective preparation, coordination and use may be made of resources and facilities available for dealing with disaster or emergency.

I. Appoint an administrative officer with staff and budget sufficient to enforce or comply with federal guidelines and criteria in order to prohibit discrimination in federally-assisted programs and activities as required by title VI of the Civil Rights Act of 1964. The officer shall, as part of his duties, collect and compile statistical data on minority participation in contracting and procurement by the Unified Government, and shall further cause to have conducted an economic disparity study with sufficient funds to be appropriated for the study by the Commission during its first fiscal year. The Mayor shall report to the Commission at least once in each and every year on the status of the Unified Government's compliance with the requirements of title VI.

J. In the case of a public crisis such as conflagration, riot, storm, earthquake, or other unusual peril to the lives and liberty and property of citizens of this county, it shall be the right and duty of the Mayor to summon all the forces and different departments of the Government for purposes of protecting the lives, liberty, and property of the citizens; and it shall be the right and duty of the Mayor to summon, deputize, or otherwise employ such persons as the Mayor may deem necessary outside of the regular forces of the Government for the purposes of rendering the necessary protection to the citizens and the Government.

K. Take such other executive and administrative actions as are permitted or required by this Charter or by general law or as may be prescribed by the Commission.

### Section 3.05 Executive Departments and Other Entities.

A. Departments Established by Charter. The departments of Law, Finance, Law Enforcement and Fire are established by this Charter.

B. Other Departments. The Mayor, subject to approval by resolution of the Commission, may create or abolish departments, excluding constitutional offices or departments established by this Charter.

C. Each department, whether created by this Charter or otherwise, shall have a department director who shall be appointed by the Mayor and who shall serve at the pleasure of the Mayor, subject to dismissal by the Mayor with or without cause. The appointment of directors of the departments established by Section 3.05(A). of this Charter shall be subject to confirmation by the Commission.

D. Each department director shall be appointed by the Mayor on the basis of executive and professional qualifications, training, education, and experience in the work to be administered. The staff of the Civil Service Merit Board may assist in the formulation of specific qualifications for appointment of each department director. In addition, there shall be the following qualifications for directors of departments established by Section 3.05(A). of this Charter:

1. Director of Department of Law
  - a. Qualified to practice law in the State of Tennessee, and licensed to practice law in the State of Tennessee within twelve (12) months from the date of appointment;
  - b. A minimum of five (5) years engaged in the active practice of law;
  - c. Such other qualifications as may be required by this Charter, by ordinance, or by the rules and regulations of the Unified Government.
2. Director of Department of Finance
  - a. Baccalaureate Degree from an accredited college or university with a major in public or business administration, accounting or a related field;
  - b. Responsible experience in financial administration, which may include the field of governmental financial administration or accounting, including supervisory experience;

- c. Such other qualifications as may be required by this Charter, by ordinance, or by the rules and regulations of the Unified Government.
3. Director of Department of Law Enforcement
- a. Baccalaureate Degree from an accredited college or university. Preference may be given for either or both of (1) graduation from an intensive police management training program, or (2) for the completion of a graduate degree;
  - b. Ten (10) years experience in law enforcement, five (5) of which have been effectively demonstrated in an administrative or management capacity;
  - c. Certified as a police officer in the state of residence;
  - d. Meets all other qualifications of a police officer within the State of Tennessee;
  - e. Such other qualifications as may be required by this Charter, by ordinance, or by the rules and regulations of the Unified Government; provided, however, that the qualifications for appointment established herein shall not preclude, prior to September 1, 2002, the appointment of a person serving in a comparable position in Knoxville or Knox County immediately prior to the effective date of this Charter. The appointee may not hold any other elected or appointed office within the Unified Government.
4. Director of Department of Fire
- a. Baccalaureate degree from an accredited college or university;
  - b. Eight (8) years responsible experience in fire fighting, a portion of which has been effectively demonstrated in management or administration;
  - c. Such other qualifications as may be required by this Charter, by ordinance, or by the rules and regulations of the Unified Government; provided, however, that the qualifications for appointment established herein shall not preclude, prior to September 1, 2002, the appointment of a person serving in a comparable position in Knoxville or Knox County immediately prior to the effective date of this Charter. The appointee may not

hold any other elected or appointed office within the Unified Government.

E. The duties, powers, and functions of the departments of the Unified Government shall be generally as specified by ordinance or by this Charter, and their jurisdiction shall be extended throughout the Unified Government. The departments established by this Charter shall have the additional following enumerated duties and functions:

1. Department of Law. There shall be a Department of Law which shall consist of the Director thereof and of other personnel needed or required. The Department of Law shall:
  - a. Supervise, direct, and control all of the legal work of the Unified Government except as otherwise provided in this Charter.
  - b. Furnish legal advice to the Mayor, to the Commission and to all officers, departments, boards and commissions concerning any matters arising in connection with the exercise of their official powers or performance of their official duties. Unless otherwise provided herein or by state or general law, no constitutional office, board, authority, commission or other branch of the Unified Government may retain attorneys outside the Law Department for the purpose of obtaining advice, assistance, and/or legal representation unless the cost of retaining such attorneys is paid from the budget of the constitutional office, board, authority, commission or other branch of the Unified Government, subject to the review and approval process of the Commission regarding budgetary restraints. Attorneys retained outside the Law Department under this provision shall provide advice, assistance, and/or legal representation only to the body or official by which they are retained. Said attorneys shall not be deemed authorized to represent the Unified Government unless specifically authorized to do so in writing by the Law Director.
  - c. Represent the Unified Government in all litigation.
  - d. Except as provided in Section 13.06 hereof, collect by suit or otherwise all debts and accounts due to the Unified Government which shall be placed for collection by any officer, department, board or commission.
  - e. Prepare and approve all contracts, bonds, deeds, leases, or other instruments in writing in which the Unified Government is concerned, endorse on such his approval of the form, and maintain copies of such documents.

- f. Maintain a complete record of all suits in which the Unified Government had or has an interest.
- g. Prepare or assist in preparing for introduction any proposed ordinance, emergency ordinance, or resolution upon request by the Mayor or any member of the Commission.
- h. Codify and cause to be published in book form all the general ordinances which are in effect.
- i. Be responsible for the management of all risks, including, but not limited to the following:
  - 1) Identification and measurement of all risks of loss, determination of appropriate method of risk control, development and maintenance of records of losses, claims, insurance premiums, costs and other loss information, and determination of whether and to what extent the Unified Government should assume risks.
  - 2) Determination of appropriate risk financing mechanisms, including insurance in consultation with the Finance Director.
  - 3) Administration of all self insured and commercially insured programs, including obtaining of insurance, investigation of all claims made against the Unified Government, and determination of whether such claims should be rejected, settled or compromised.
  - 4) Administration of the Unified Government's safety, health and medical services program, including the Occupational Safety and Health Program for all employees of the Unified Government which shall carry out the purposes set out in T.C.A. §§50-3-101, *et seq.*
- j. Have the authority to employ special counsel when in the opinion of the Law Director the business of the Unified Government requires the employment of special counsel.
- k. Establish a system of rules and procedures for arbitration, mediation or other forms of alternative dispute resolution for the purpose of resolving disputes between departments, offices,

boards, commissions or other branches or agencies of the Unified Government.

- l. Perform all other duties assigned.
  - m. Except as otherwise provided herein or by statutory or general law, no office, board, authority, commission, or other branch or agency of the Unified Government shall file suit against another office, board, authority, commission or other branch or agency of the Unified Government without first completing mediation, arbitration or some other form of alternative dispute resolution.
2. Department of Finance. There shall be a Department of Finance which shall consist of the Director thereof and of other personnel needed or required as specified or provided by ordinance or regulation. In all cases where the duty is not expressly charged to any other department or office, it shall be the duty of the Department of Finance to act to promote, secure and preserve the financial and property interest of the Unified Government. The Department of Finance shall:
- a. Exercise general supervision over officers of the Unified Government regarding the proper management of the fiscal affairs of their respective offices.
  - b. To receive and disburse monies and keep a full and accurate account of all monies received and disbursed by or in behalf of the Unified Government.
  - c. Examine the financial records of each department, division, or office, including constitutional offices, of the Unified Government from time to time and see that they are kept in proper form.
  - d. Be responsible for the procurement of all supplies, equipment, services, inventories, and disposal of all surplus property.
  - e. Assist the Mayor in the preparation, evaluation, and implementation of the annual budget of the Unified Government.
  - f. On all contracts, agreements, or other obligations for expenditure of Unified Government funds, certify thereon the availability of funds to meet these obligations.
  - g. Be responsible for the administration of debt matters on behalf of the Unified Government.



- h. Be responsible for the investment of all monies received by the Finance Department, subject to review of the Unified Government Investment Committee, as established by Section 11.02(D) of the Charter.
  - i. Perform all other duties assigned.
3. Department of Law Enforcement. There shall be a Department of Law Enforcement which shall be administered by the Director and such other personnel needed or required as specified or provided by ordinance or regulation. The Department of Law Enforcement shall be responsible for the police work of the Unified Government and be responsible for enforcement and maintenance of law and order within the boundaries of the Unified Government. From the effective date of the Unified Government, the Sheriff shall serve only those functions set forth in Section 13.05 of this Charter.
  4. Department of Fire. There shall be a Department of Fire. The director of the Department of Fire shall be known as the Chief of the Fire Department. The Department of Fire shall be responsible for the protection against fire within the urban services area or within such other areas authorized by ordinance. Fire protection outside the urban area may be obtained or provided by subscription, private contract, or otherwise.

F. The directors of all departments shall have a seat and a voice, but no vote, in the Commission. They shall have the power to prescribe rules and regulations not inconsistent with this Charter, ordinance, or general law for the regulation of their departments and the preservation of records and property under their control. Subject to the direction and control of the Mayor, the director of a department shall manage the department.

G. The Mayor may, subject to approval or ratification by resolution of the Commission, create and establish, or cause the creation or establishment of nonprofit corporations or authorities in accordance with general law to act for or on behalf of the Unified Government, alone or in conjunction with one or more municipalities, counties, other governmental units, public corporations, or combinations thereof for public, civic, or charitable purposes. Any such corporation shall have all the power and privileges provided by the general laws unless restricted by its corporate charter. No Unified Government funds shall be appropriated, contributed, or loaned to any such corporation nor shall the Government enter into any contract with such corporation without the prior approval of the Commission by resolution.

## ARTICLE IV. JUDICIAL BRANCH

### **Section 4.01 Judiciary.**

A. The judiciary of Unified Government of Knoxville and Knox County shall be vested in the existing courts of Knox County or in any other courts established by law. Judges of the various courts of Knox County shall expressly continue as elective officers with all powers and duties conferred or implied by law upon their respective offices.

B. The Commission may, by ordinance, request such additional divisions of the General Sessions Court, the Local Ordinance Court, as well as courts having such jurisdiction as is, or may hereafter be, provided by law, which it deems necessary and may abolish such divisions so long as the Commission shall comply with Section 4.03 of this Charter. Such additional divisions may be given such jurisdiction as may be authorized by all applicable laws of the State of Tennessee and this Charter.

### **Section 4.02 Vacancy.**

If a vacancy occurs in any term of office of the General Sessions or Juvenile Court, or in any other Unified Government judicial office established by law or by this Charter, then the vacancy shall be filled by a vote of the Commission with a person meeting the qualifications for said position until his/her successor is elected in the next general election and sworn; provided however, that if such vacancy occurs within forty-five (45) days prior to the next general election, the person so selected by the Commission to fill the vacancy shall serve the remainder of the term of office or until the next general election, whichever occurs sooner.

### **Section 4.03 Abolishing Divisions or Altering Compensation.**

Nothing herein shall grant to the Commission the power to abolish a division of any General Sessions Court, or any other Unified Government judicial office, during the term of office of a judge of that court, nor shall the Commission alter the compensation of any judge of any court of the Unified Government of Knoxville and Knox County during the term of office of such judge. The Commission shall not abolish any division or alter the compensation of any judge for a subsequent term of any court of the Unified Government of Knoxville and Knox County during the year in which an election of the judge of such court shall be held. The Commission may abolish a division or alter the compensation of any judge in any other year prior to the year of an election as long as such abolition does not shorten the term or compensation of a sitting judge. The provisions of this Section shall not apply to any circuit court judge or chancellors.

### **Section 4.04 Rules of Court and Evidence.**

Nothing herein contained shall confer upon the Commission the power to make rules of court, rules of evidence, or otherwise affect the rules of civil or criminal procedure applicable to

the courts of the Unified Government of Knoxville and Knox County. The power to make rules of court or rules of evidence shall be expressly reserved to the respective courts of the Unified Government of Knoxville and Knox County, and/or to the Supreme Court of the State of Tennessee, and the Tennessee General Assembly, as applicable by law.

**Section 4.05 Fourth Circuit Court.**

There is hereby established the Circuit Court, Division IV of the Third Judicial Circuit of the State of Tennessee (hereinafter referred to as the "Fourth Circuit Court of the Unified Government of Knoxville and Knox County, Tennessee"). The Fourth Circuit Court for Knox County, Tennessee, has previously been established by Chapter 256 of the Public Acts of 1965 and it is the intent of this Charter to continue said Court pursuant to the Act with full Charter status.

**Section 4.06 Juvenile Court.**

There is hereby established the Juvenile Court of the Unified Government of Knoxville and Knox County, Tennessee. The Juvenile Court of Knox County, Tennessee, has previously been established by Chapter 277 of the Private Acts of 1913, as amended, and it is the intent of this Charter to continue the said Juvenile Court pursuant to the Act with full Charter status.

**Section 4.07 Local Ordinance Court.**

There is hereby established the Local Ordinance Court of the Unified Government of Knoxville and Knox County.

**Section 4.08 Election of Judge, Qualifications, Salary.**

There shall be a judge of the Local Ordinance Court of said Government who shall be elected by the qualified voters of said government, and shall hold office for a term of four (4) years, and until a successor is elected and qualified. Said judge shall be not less than thirty (30) years old, and shall have been a resident of Knox County for one (1) year immediately prior to election, and shall be licensed to practice law in the State of Tennessee. The salary of the Local Ordinance Judge shall be prescribed by the Commission, but such salary shall not be changed during the term of the Local Ordinance Judge. The Local Ordinance Judge shall be elected initially in accordance with the transition provisions in Section 16.02. The subsequent terms of office shall be four (4) years beginning on September 1, 2002.

**Section 4.09 Jurisdiction and Powers.**

The Local Ordinance Judge shall have the power to impose civil penalties for the breach of any Unified Government ordinance; and shall have the power to grant releases and suspensions of judgments for sentences, and to remit civil fines of persons convicted by said judge, but the manner in which this power can be exercised shall be subject to regulation by the Commission. The Commission is authorized by ordinance to regulate the terms and conditions

under which civil penalties may be secured and all additional fees and costs. All process shall be issued in the name of the State of Tennessee, with the proper designation thereon to show that the same are also issued under the authority of the Unified Government of Knoxville and Knox County.

**Section 4.10 Power to Compel Attendance of Witnesses: Power to Punish for Contempt.**

A. The judge of the Local Ordinance Court shall have the power to issue subpoenas to compel the attendance of witnesses in the same manner and to the same extent as the clerk of any state court having jurisdiction over criminal cases. In the event any witnesses so subpoenaed shall fail to attend, the judge of the Local Ordinance Court may compel attendance by attachment for contempt, or the subpoena, with the endorsement of the failure to comply therewith, may be returned to any circuit court in the Unified Government of Knoxville and Knox County for the collection of the same penalty provided for failure to comply with the subpoena of any court of record in the state. All such subpoenas shall be attested to by the clerk of the Local Ordinance Court and may be served by any law enforcement officer of said Unified Government or by any officer authorized to serve subpoenas from state courts.

B. The judge of the Local Ordinance Court shall have the power to punish any person for any contempt committed in the presence of the court to the full extent permitted by general state law.

**Section 4.11 Trials; Appeals.**

The judge of the Local Ordinance Court is hereby authorized and empowered to promulgate rules and regulations for governance of the Local Ordinance Court, to fix the times at which said court shall meet, and to prescribe the sessions at which all persons within the jurisdiction of said court are to have their cases set for trial. All witnesses testifying in said court shall be sworn. Appeals may be had to the circuit court of Unified Government of Knoxville and Knox County from the judgment of the Local Ordinance Court for violations of local ordinances if prayed and granted within ten (10) days, Sunday excepted, from the rendition of said judgment; provided said appeal shall not act as a stay or supersedeas of the imprisonment of any defendant who fails to pay a fine imposed, unless such defendant executes an appeal bond with solvent, qualified surety, in double the amount of the fine imposed, and conditioned to appear and prosecute the appeal and pay any fine and costs adjudged against said defendant upon said appeal.

**Section 4.12 Fees and Costs in Local Ordinance Court.**

The Commission shall have the power by ordinance, subject to state law, to fix the fees and costs for cases tried in the Local Ordinance Court, for violations of ordinances of the Unified Government of Knoxville and Knox County. Fees and costs shall be collected from defendants in the same manner as authorized by law and shall be paid over daily to the Unified Government.

**Section 4.13 Clerk.**

The clerk of the Local Ordinance Court and all deputy clerks shall be civil service employees, hired as employees of the Unified Government, shall have the same rights of continuous service as other civil service employees, shall be appointed by the Local Ordinance Judge, and shall keep such records and make such reports as may be required by law. The appointments of the Local Ordinance Judge shall be made from eligible applicants certified by the civil service merit board as provided under the civil service provisions of this Charter. The clerk of the Local Ordinance Court or its employees shall not be employees of any constitutional fee office holder.

**Section 4.14 Special Local Ordinance Judge.**

Where the Local Ordinance Judge finds it necessary to be absent from holding court, said judge may designate in a writing, to be filed with the clerk of the court, the name of a special judge to hold court in said judge's place and stead; said person shall be a person who has qualifications of such a judge and who shall take the same oath and have the same authority as a regular judge to hold court for the occasion.

**Section 4.15 Removal of Judge.**

The judge of the Local Ordinance Court, who shall also be known as the Local Ordinance Judge, may be removed from office as provided under Section 7.09 of this Charter.

**Section 4.16 Vacancy in the Office of Local Ordinance Judge.**

The office of the Local Ordinance Judge, shall become vacant upon the death, resignation, ineligibility, recall or ouster of the incumbent. A vacancy shall be filled in accordance with Section 7.10 of this Charter.

**Section 4.17 Judge's Pension.**

The Commission is hereby authorized by ordinance to provide a pension for any judge of any duly authorized court of the Unified Government of Knoxville and Knox County, the terms of such pension and the source of the funds thereof to be stated in the ordinance.

**ARTICLE V.  
EDUCATION**

**Section 5.01 Board of Education.**

A. There is hereby created the Knox County Board of Education. The exclusive management and control of the school system of Knox County (hereinafter referred to as the "School System") is vested in the Knox County Board of Education (hereinafter referred to as either the "Board of Education" or the "Board"). The Board of Education members shall be elected by the people and shall take office on September 1 following their respective elections.

B. The Board of Education under this Charter shall consist of nine (9) members elected from nine (9) districts. The regular terms of the Board members shall be four (4) years with its members being elected in accordance with the provisions of state law. The Election of the Board of Education shall be non-partisan in accordance with the laws of the State of Tennessee.

C. The Board of Education, by resolution, may from time to time alter the boundaries of districts so long as all districts comply with constitutional requirements. It shall be the duty of the Board of Education, based upon the most recent Federal decennial census, to reapportion the Board of Education districts so as to comply with constitutional requirements. The Board of Education districts in effect at the time of the passage of this Charter shall be the districts from which the Board Members are elected until such time as the Board changes said districts to comply with constitutional requirements.

D. No person shall be eligible to serve as a member of the Board of Education unless that person shall have attained the age of eighteen (18) and is a resident of, and a registered voter in, the district from which such person seeks election on the date he/she filed his/her nominating petition and has been a resident of both the County and the district for one (1) year prior to such person's election; provided, however, that the district residency requirement shall not apply in the first general election at which a seat on the Board of Education appears on the ballot following a reapportionment of the Board districts. A member of the Board shall remain a resident of the Board district which such member represents during his/her term of office. No member of the Commission or any other elected public official or employee of the Board of Education shall be eligible for appointment or election to the Board of Education.

**Section 5.02 Board Duties and Powers.**

A. The Board shall hold regular meetings at least monthly. The Chairperson may call such special meetings when, in the Chair's judgment, the interest of the public schools require it or when requested to do so in writing by five (5) members of the Board.

B. The Board, at its first meeting on or after September 1, 1998, and annually thereafter, shall elect from its membership a Chairperson, Vice Chairperson, and such other officers as the Board deems necessary.

C. The Board shall have all such duties, powers and authority necessary or reasonably implied to manage and control the County School System as provided by the Constitution, state statutory law, this Charter, resolutions, or ordinances.

D. The Board may adopt such rules of order to govern its proceedings as it considers advisable and authorize such committees as necessary to carry out its responsibilities. Six (6) members of the Board shall constitute a quorum.

E. The Superintendent of Schools shall be the Secretary of the Board and the Executive Officer of the Board. The Chairperson shall be the presiding officer of the Board and appoint all committees of the Board.

F. The Superintendent of Schools and the Chairperson of the Board shall constitute the Executive Committee of the Board and shall meet as often as necessary to perform their duties. All actions of the Executive Committee shall be submitted to the Board at its meetings and shall be subject to ratification, modification or rejection by the Board.

G. All members of the Board shall give bond in an amount and under such terms as provided by law, resolution or ordinance.

**Section 5.03 Board Salary and Compensation.**

Each member of the Board shall receive compensation in the same amount per month as provided for members of the Commission.

**Section 5.04 Superintendent of Schools.**

A. The Superintendent of Schools (hereinafter sometimes referred to as the "Superintendent") shall be the chief administrative officer and executive official of the School System.

B. The Superintendent shall be responsible for the exercising of all executive and administrative functions of the School System. The Superintendent shall have all duties and exercise all powers and authority necessary to perform his/her responsibilities as authorized by general law, this Charter, ordinance, or resolution.

C. The Superintendent shall be selected pursuant to the provisions of state law.

D. No person shall be eligible to serve as Superintendent unless that person shall have obtained the necessary educational certifications required by general law to hold such office.

E. The Superintendent of Schools shall receive annual compensation, paid in equal monthly installments. The salary shall be set by the Board of Education. No Superintendent shall be provided a contract of longer than four (4) years.

**Section 5.05 Board of Education Employees.**

A. Except as provided herein all employees of the Board of Education shall be supervised by the Superintendent. The Board of Education shall adopt a plan and procedures for the supervision of its non-tenured and non-certificated personnel. Said personnel policy shall be administered by the Superintendent. All employees tenured, non-tenured, and non-certificated shall be employees of the Board of Education.

B. The Knox County Board of Education has in existence and has operated under the provisions of a "Private Tenure Act", Chapter 18, Private Acts of 1937, as amended, and it is the intent of this Charter to continue it in effect and for such "local or private act" not to become inoperative.

C. The "Private Tenure Act" provides:

1. a. Civil service or permanent tenure shall apply to all employees of the Boards of Education of the counties coming within the provisions of this Act occupying the positions of principals, teachers, supervisors of instruction, clerks and secretaries, provided, that no persons occupying the positions of principals, teachers, supervisors of instruction, clerks and secretaries, shall be under civil service or permanent tenure unless and until they have been employed by the Boards of Education of said counties for the fourth (4th) year from the time of their employment; and, provided, further, that said probationary period, which shall consist of three (3) school years, shall have been served within five (5) years next preceding their employment for the fourth (4th) year; provided, further, that all promotions for such employees coming under the provisions of this Act shall be probationary for two (2) years from the time of their promotion, but without prejudice to their civil service rights prior to promotion; provided, further, that the provisions of this Act shall include only substitute and emergency teachers who shall teach twenty-seven (27) school months after the passage of this Act, and who shall meet the educational requirements of the Boards of Education. Provided, further, that in case any employee under tenure shall be promoted to any position in the school system of said counties which is not protected by tenure, in the event that said position is at any time abolished or the Boards of Education shall at any time remove the occupant of said position for any cause other than one of the specified causes for the removal of employees under tenure, then the occupant of such position shall be reinstated in the same civil service status that he/she held prior to promotion. Provided, further, that the provisions of this Act shall not apply to nor include teachers or

principals who are teaching in the place and stead of teachers and principals on leave of absence. Provided, further, that all employees of the Boards of Education of said counties coming under the provisions of this Act who have been promoted to the position of supervisor may be reinstated as teachers or principals at the regular Teacher's Salary Schedule, in the discretion of the Boards of Education, without the preferring and sustaining of charges as hereinafter provided.

- b. Provided further, that the time served by all supervisors who are not under civil service or teachers' tenure at the time of their employment shall be counted as a part of the probationary period for civil service as provided by this Act; and provided, further, that all time served by any superintendent of schools in the counties coming within the provisions of this Act from the effective date of this Act; shall be counted as a part of the probationary period for civil service as provided by this Act; and, provided, further, that any employee, under civil service or teacher tenure who may hereafter be elected superintendent by the people or otherwise, shall retain his/her civil service status.
  - c. Provided, further, that all employees of Boards of Education coming under the provisions of this Act shall be required to retire from civil service at such age and under such conditions as are provided, or that may be provided from time to time, by the State Teachers' Retirement Law.
2. That neither the Board of Education, nor any member thereof, nor the Superintendent of Schools, nor any other official of the Boards of Education of any of the counties coming within the provisions of this Act, shall have any right to discharge, suspend, demote, or change any employee made subject to civil service or permanent tenure by the provisions of this Act, from one position or class to another position or class within the Department of Education of said counties at a reduced salary, unless and until charges as specified herein shall have first been filed and sustained against such employee in the manner herein provided. Provided further, that in making up the school budget the Boards of Education of any such counties ascertain that there is a surplusage of employees in the system, by reason of the natural diminution of the number of pupils in any school, or otherwise, the Boards of Education of any such counties may reduce the number of employees to the number required by first dismissing all of those who have not been appointed or employed for the fourth (4th) year from the time of their employment. If the reduction so made is inadequate or insufficient in the opinion of the Boards of Education of any such counties, the Board may then dismiss

civil service employees without charges being filed or sustained, but such dismissal shall be made according to seniority of service.

3. That employees under civil service or permanent tenure by the provisions of this Act may be suspended, demoted, or discharged from service for inefficient service, neglect of duty, or improper conduct, in the following manner:
  - a. The Superintendent of Schools or any Supervisor of schools, or any principal, or any ten (10) patrons of the school in question may prefer charges against any such employee. Such charges shall be in writing but may be in any form, and no charge shall ever be dismissed due to lack of form. A copy of said charges shall be delivered to the employee charged and a certificate from the Superintendent of Schools that he/she has delivered a copy of said charges shall be sufficient evidence of delivery. No charge shall be dismissed for insufficiency, but the charge or charges shall state the facts upon which such charge or charges are based, and give the time, place and factual nature in such detail as will apprise the employee under charge of the case against him/her, but if after the hearing hereinafter provided for, the employee charged submits himself/herself for examination, and after such employee has testified he/she shall make affidavit: (1) that he/she has been misled to his prejudice by the insufficiency of the charge, and (2) that he/she verily believes that he can obtain sufficient testimony to cause a dismissal of the charge, the evidence so taken on the hearing shall become the charge, and such employee shall be granted a reasonable time in which to obtain such testimony in his/her behalf.
  - b. After preferment and filing of charges as above set out, the employee charged shall be entitled to a hearing before the Board of Education. Pending such hearing, the employee may be suspended by the Board of Education, but such charges shall be filed and a copy thereof furnished the employee under charge within twenty-four (24) hours after such suspension. The Board of Education shall hear all charges within fifteen (15) days after a copy of such charges have been furnished the employee so charged, unless the hearing is further postponed at the request of or with the consent of the employee charged. At such hearing, the employee under charge may appear and defend in his/her own right, or he/she may appear and be defended by counsel. Each member of the Board of Education is hereby empowered to administer oaths to the parties and their witnesses appearing before them. The Board of Education shall render its decision within ten (10) days after the

conclusion of the hearing, excluding the day of the hearing. If the decision is adverse to the employee charged, and is rendered in his/her absence, the Board shall give or cause to be given immediate notice in writing of such decision to such employee.

- c. Either party dissatisfied with the decision of the Board of Education shall have the right of appeal therefrom to the Chancery Court of the County in which such hearing is held within ten (10) days after receipt of notice of the decision of the Board of Education by the employee charged, except in cases of demotion only, in which cases the decision of the Board of Education shall be final and no appeal shall be allowed. Said case shall be tried on appeal in the Chancery Court under rules and procedures as provided by law as other civil cases are tried in said court and the case shall be tried in the Chancery Court on the evidence introduced on the trial of the case before the Board of Education, and no additional evidence shall be introduced by either party in the Chancery Court. The sole remedy by said dissatisfied party shall be by appeal or certiorari to the Chancery Court.
  - d. The Superintendent of Schools shall issue writs of subpoena on request of either party to compel attendance of witnesses to testify on the hearing of such investigation before the Board of Education. Such subpoenas shall be signed by the Superintendent of Schools and be served by any truant officer or the Sheriff of the County or one of the Sheriff's deputies, and shall be obeyed by the witnesses in the manner as subpoenas issued by the clerks of General Sessions Courts, or the clerks of common law courts under the general statutes of Tennessee, and any failure to obey such subpoenas may be punished in the same manner and to the same extent as is now provided by law for failure to obey subpoenas issued by clerks of General Sessions Courts, or clerks of common law courts of this State.
  - e. Hearings upon such charges shall be held at such place in the County as may be designated by the Board of Education and shall be public unless private hearing is agreeable to the Board of Education and the employee charged.
4. a. That, if on final disposition of the case the employee so charged is not dismissed nor suspended on final hearing, any unpaid salary accruing during his or her suspension before the final hearing shall be paid in full by the Board of Education of such county.

- b. The Board of Education shall have the right to grant leaves of absence upon written request of such employee of the Board of Education, said leave of absence not to exceed, however, two (2) years;
  - c. Provided, further, that the Board of Education may from time to time employ persons set out in Section (1) of this Act, who shall not be subject to civil service or entitled to permanent tenure; provided, at the time of the hiring for the fourth (4th) year, the employee signs a written waiver of the provisions and benefits of this Act; and provided, further, that not more than fifteen percent (15%) of all employees coming within the provisions of this Act shall be so employed at any one time.
5. That if any sentence, clause, or section of the Act be held unconstitutional, or the application of this Act be held unconstitutional with respect to any person or circumstance, such holding shall not affect any other person or circumstance.

**ARTICLE VI.  
PENSION SYSTEM**

**Section 6.01 Establishment.**

A. There is hereby created a system of pension and retirement benefits for elected officials and employees of the Unified Government consisting of the following enumerated plans and their associated trusts and funds: from the former City of Knoxville Pension System, Plans A, B, C, and F; and from the former Knox County Pension System, the Defined Benefit Plan and the Accumulation Plan. The system shall also include such additional plans as may be hereafter created under the requirements of this Article. The system shall be governed and administered by the Unified Government and the Retirement and Pension Board established by this Article in accordance with the requirements and limitations of this Charter.

B. As of the date of Unification and subject to the requirements of this Charter, the Unified Government shall succeed to the responsibilities, rights, powers, duties and obligations of the City and County with respect to the plans which comprise the system, and the Unified Government Retirement and Pension System shall succeed to the assets, liabilities, rights, powers, duties and obligations of the City and County plans comprising the system and any trusts related thereto. Notwithstanding the foregoing, liabilities for City Plan F shall be an obligation of the Unified Government, the cost of which shall be funded by the urban services area pursuant to Section 6.04(B). The plans which comprise the system shall continue in effect to the extent provided under this Article.

**Section 6.02 Retirement and Pension Board.**

A. There is hereby created the Unified Government Retirement and Pension Board (hereinafter referred to as "Retirement and Pension Board") which shall consist of nine (9) members appointed as follows: four (4) members representing Unified Government, one (1) of whom shall be the Mayor, and the remaining three (3) of whom shall be selected by the Commission from its membership; four (4) employees, who shall be active members of plans in the system, elected by their peers who are active participants in the system, one (1) from the school system, one (1) from the uniformed services, one (1) from the general government, and one (1) at large; and one (1) member, who need not be an employee, elected official or member of any plan, elected by the other eight (8). The nine (9) members of the Retirement and Pension Board shall serve for staggered terms of four (4) years, the initial terms of which shall be determined by the Commission such that at least one (1) employee representative and one (1) Unified Government representative shall be elected or appointed thereafter each year. Any vacancy in the membership of the Board shall be filled in the same manner as the original member to serve for the remainder of such term. Reasonable minimum qualifications of employee representatives shall be set out in, and elections of employee representatives shall be conducted in accordance with, rules and regulations initially established by the Commission and thereafter established, amended and modified from time to time by the Retirement and Pension Board.

B. The Retirement and Pension Board shall adopt bylaws to govern its affairs, which shall provide for the election of a chair and such other officers from its members as it deems appropriate. Such officers shall serve for terms of one (1) year, and shall be elected at such times and in such manner as the bylaws shall provide. The Retirement and Pension Board shall meet at least monthly in regular session, and special meetings may be called by the chair or by written request of a majority of the membership of the Board.

C. A majority of the membership of the Retirement and Pension Board shall constitute a quorum and a majority vote of the membership shall be required to take action, except for the adoption or amendment of an investment policy to govern the investment of the trusts established or maintained from time to time as part of the system, which shall require a three-fourths (3/4) majority vote of the Board's membership.

D. The members of the Retirement and Pension Board shall serve without compensation but may be reimbursed for any necessary and reasonable expenses incurred by them in the performance of their duties.

E. A member of the Retirement and Pension Board who misses at least three (3) consecutive regularly scheduled meetings of the Board may be removed by majority vote of the membership of the Board. A vacancy created by such a removal shall be filled pursuant to Section 6.02(A). This subsection shall not apply to the Mayor.

**Section 6.03 Powers and Duties of Retirement and Pension Board.**

A. Subject to the limitations of this Article, the Retirement and Pension Board shall have all the necessary power and authority to design, adopt, implement and administer, to open, close and terminate plans in the system, to provide for transfers among such plans at each participant's option, and to take all other actions as it deems necessary or appropriate to administer, operate and maintain the system in a financially sound condition. The Retirement and Pension Board may sue and be sued in its own name. The Retirement and Pension Board shall also adopt such rules and regulations, from time to time, and amendments thereto, as it deems necessary or appropriate to effectively administer, operate and maintain the system.

B. The Retirement and Pension Board shall not have the power or authority to adopt or approve any plan, or to adopt or approve any plan amendment or to take any other action which would increase the funding or financial obligations of the Unified Government, without notification to and approval from the Commission of the plan, plan amendment or other action, and approval from the Commission of the provision of funding for such plan, amendment or other action. The Retirement and Pension Board shall have the authority to enact any and all plan changes, including any changes required to maintain the continued qualification of any plan in the system under the Internal Revenue Code, provided that changes that increase the funding or financial obligations of the Unified Government shall require approval and provision for funding by the Commission as provided in this Section.

C. The Retirement and Pension Board shall administer the system and shall make any and all determinations, rulings and interpretations concerning eligibility, benefits, and investments required under the terms of the plans in the system. The Retirement and Pension Board shall be responsible for the trusts associated with the plans and shall employ the services of legal counsel, investment consultants, actuarial consultants, physicians, employees and such similar services as it deems necessary. The Retirement and Pension Board may retain, select, hire or contract with one or more banking or other investment organizations specializing in pension fund investments to act as trustee of one (1) or more funds of the plans in the system, and as investment managers for the Retirement and Pension Board and to assist the Board in the investment, management, supervision and control of the funds of the plans. The Retirement and Pension Board may delegate certain administrative and other functions to its trustees and investment managers, including without limitation the custody of certain securities and assets of the funds, servicing of securities and assets, receipt of contributions to the funds, investment and reinvestment of the fund assets, disbursements of funds, preparation and transmittal of statements of accounts, and general administration of the pension funds and plans, subject always to the primary responsibility of the Retirement and Pension Board. All expenses incurred in the administration, operation and maintenance of the system shall be allocated by the Retirement and Pension Board to and among the plans, and shall be paid from the appropriate trusts or assets of the plans or, for City Plan F, by the Unified Government.

D. The Retirement and Pension Board shall maintain records for audit in accordance with generally accepted accounting standards applicable to governmental entities and shall cause an audit of the system to be performed each year by an independent certified public accountant, not an employee of the Unified Government or the system. The Retirement and Pension Board shall on an annual basis report to the Commission on the financial condition of the system. The Retirement and Pension Board shall keep a record of all actions taken and shall keep all other books of account, records, and other information that may be necessary for the proper administration of the system and shall be responsible for supplying all information and reports to governmental agencies, members, retirees, benefit recipients and others as may be required by law. The Retirement and Pension Board shall select one (1) or more actuaries for purposes of conducting studies on the valuation and experience of the defined benefit plans of the system. Valuation studies shall be completed at least every two (2) years, and experience studies shall be completed at least once every six (6) years. Actuarial assumptions for each plan shall be approved by the Retirement and Pension Board on the recommendation of the actuary.

E. The Retirement and Pension Board may contract with other governmental boards, commissions, agencies or authorities of, or serving, the Unified Government to provide administrative, record keeping, investment or other similar services to such entities. Services rendered by the Retirement and Pension Board under the authority of this Section shall be performed at no cost to the plans of the system nor shall the funds or trusts associated with the system be subject to any liability related to the performance of such services by the Retirement and Pension Board. The Retirement and Pension Board shall not enter into any such contract for services which extends liability or potential or contingent liability to the Unified Government without the approval of the Commission.

F. The plans administered by the Retirement and Pension Board shall be set out in separate written documents, as approved by the Retirement and Pension Board, and as amended from time to time.

G. Any person who knowingly makes any false statements or falsifies or permits to be falsified any record of the system in any attempt to defraud the system shall be guilty of a misdemeanor and upon conviction shall be punished accordingly, and shall further forfeit any benefits under the system, subject to any limitations or requirements of state law. Any Unified Government elected official or employee who is convicted of a felony in the discharge of the participant's governmental duties shall forfeit any benefits under the system, subject to any limitations or requirements of law.

#### **Section 6.04 / Funding and Cost Allocation.**

A. The plans in the system shall be funded by contributions from the Unified Government and participants as required under the provisions of such plans.

B. The unfunded liability, if any, for each plan for which the City is responsible immediately prior to Unification (including, without limitation, that portion attributable to the certificated employees covered by City Plans A and B as allocated to the City by final court decisions entered prior to the date of Unification) shall be determined, as of the date of Unification, promptly after such date. Such liability shall be the responsibility of the urban services area, and shall be funded by the urban services area over a period of years no greater than that being used for funding immediately prior to Unification. The unfunded liability of any plan for which the County is responsible immediately prior to Unification (including, without limitation, that portion attributable to the certificated employees covered by City Plans A and B as allocated to the County by such final court decisions) shall be determined in a similar manner, and shall be funded by the general services area over a period of years no greater than that being used for funding immediately prior to Unification. Notwithstanding the preceding provisions of this subsection, any future service cost resulting from City plan enhancements approved after January 1, 1996, and on or before the date of Unification shall be: determined as of the date of Unification in a similar manner; allocated in equal shares between the urban and general service areas; and funded by each area over a period of years to be recommended by the Retirement and Pension Board and approved by the Commission; provided, however, any cost attributable to City Plan F shall be funded entirely by the urban services area.

C. From and after the date of Unification, the funding of any plan liabilities other than the liabilities explicitly assigned to the urban services area and the general services area as provided by this Section shall be allocated among the areas in a fair and equitable manner as directed by the Unified Government.

D. For purposes of this Section, the unfunded liability for each plan shall be a fixed dollar amount computed as the excess, if any, of: (1) the actuarial present value of the plan liability for the projected benefits of each participant, utilizing the total credited service of each participant as of such participant's expected retirement date, and current pay projected to



expected retirement age, over; (2) the sum of: (a) the value of the plan's assets, and (b) the present value of future participant contributions under the plan. The future service cost for any plan shall be a fixed dollar amount computed as the excess of: (1) the actuarial present value of the plan liability for the projected benefits of each participant; over (2) the sum of: (a) the Pension Benefit Obligation for the plan, and (b) the present value of future participant contributions. The Pension Benefit Obligation for any plan shall be a fixed dollar amount computed in accordance with Statement No. 5 of the Governmental Accounting Standards Board as the actuarial present value of the plan liability for the benefits of all participants, utilizing the total credited service of such participants as of the date of Unification, and current pay projected to expected retirement age. All such computations shall be based on the reasonable actuarial assumptions, including without limitation expected retirement ages, used in the immediately preceding annual actuarial valuation for each plan. The Commission shall approve, upon the recommendation of the Retirement and Pension Board (or its predecessor City and County Boards with respect to each plan for which the City or County is responsible immediately prior to the date of Unification, if the Retirement and Pension Board has not assumed responsibility for the system under Section 6.06(C). at the time of the recommendation), the selection of the actuary to conduct the valuation of each plan required by Section 6.04(B), and may, upon the recommendation of such actuary and a two-thirds (2/3) majority vote of the membership of the Commission, approve the use of different actuarial assumptions for a particular plan for purposes of the valuation required by Section 6.04(B).

#### **Section 6.05 Knoxville Utilities Board.**

A. The Knoxville Utilities Board shall design, adopt and implement a financially sound retirement system exclusively for employees of the Knoxville Utilities Board, to become effective as of the date of Unification. Thereafter the Knoxville Utilities Board's retirement system shall not be part of the Unified Government system. The Knoxville Utilities Board shall be empowered to design, modify, amend, open, close and terminate the plans constituting such retirement system, and to establish such associated trusts as it deems necessary, to properly administer, operate and maintain the retirement system for the benefit of its participants.

B. As of the date of Unification, the assets and liabilities of the City pension plan attributable to contributions from the Knoxville Utilities Board or its employees shall be determined in accordance with the reasonable actuarial and legal requirements of the former City of Knoxville Pension Board or its successor to ensure continuance of the pension benefits and rights of the participants and conformance with any legal and tax qualification requirements, and as accepted by the Knoxville Utilities Board. Such assets and liabilities shall be promptly transferred to the Knoxville Utilities Board system and shall thereafter be the sole obligation and responsibility of the Knoxville Utilities Board and its retirement system.

#### **Section 6.06 Transition Provisions.**

A. Nothing in this Charter shall be construed to impair or diminish the pension rights or benefits of participants in any plan existing as of the date of Unification or transferred to the retirement system of the Knoxville Utilities Board, whether derived from the Charter or code of ordinances of Knox County or the City of Knoxville, or from state law.

B. All City and County Plans open to enrollment immediately prior to Unification shall be part of the system and shall continue to be open to enrollment from and after the date of Unification until enrollment is closed by action of the Retirement and Pension Board. Employees of the Unified Government hired on or after the date of Unification shall have the option to elect between any open plans for which they meet all other eligibility requirements, including age, service and classification, subject to the rules and regulations established from time to time by the Retirement and Pension Board.

C. The respective pension boards of the City and County Plans existing immediately prior to Unification shall continue to operate, from and after the date of Unification, until such time that the Retirement and Pension Board is established and constituted, as provided in Section 6.02 of this Article, and gives notice to said City and County boards of its assumption of their respective responsibilities. Thereafter, the Retirement and Pension Board shall succeed to and shall exercise and assume all the rights, powers, duties and responsibilities of the City and County pension boards in accordance with their governing authority.

D. Participants in the plans of the system shall have transfer rights to newly established plans in the system based on rules and regulations promulgated by the Retirement and Pension Board. Such transfer rights shall be based on sound actuarial principles and shall not diminish or impair the pension rights and benefits of other participants in either the plan from which or to which transfer is made.

E. The plans of the City of Knoxville, formerly incorporated into the Charter of the City of Knoxville, shall be restated by the Pension and Retirement Board in a separate document, consistent herewith and containing all the effective and applicable provisions of Article VI of said Charter immediately prior to the date of Unification. The trusts associated with the plans of the City and County shall be maintained after the date of Unification as separate trusts until such time as the Retirement and Pension Board shall determine by three-fourths (3/4) majority vote of the membership of the Board that administrative and investment efficiency requires otherwise, provided, however that the Retirement and Pension Board shall maintain an accounting of the assets and liabilities separately attributable to each plan. To the extent the provisions of this Article conflict with any provisions of the City and County plans existing on the date of Unification, said plans are hereby amended by the approval of this Charter upon the date of Unification to conform with all provisions of this Article.

F. On the date of Unification, the accumulated assets and liabilities of the City for the benefit of its employees participating in any Internal Revenue Code §457 plan then existing, and the accumulated assets and liabilities of the County for the benefit of its employees participating in any §457 plan then existing, shall become the assets and liabilities of the Unified Government. Until otherwise determined by the Unified Government, all eligible employees of the Unified Government shall have the right to elect to participate in any such plan. Similarly, on the date of Unification, the Internal Revenue Code §403(b) plan of the County school system shall continue as a plan of the school system of the Unified Government.

**ARTICLE VII.  
ELECTIONS**

**Section 7.01 General Elections.**

All elections provided by this Charter shall be conducted in accordance with the general election laws of the State of Tennessee. The initial election for the offices of Mayor, Commissioners, and Local Ordinance Judge, shall take place in 1997 in accordance with Section 16.02. The general elections for all other officers shall take place at regular intervals in accordance with state law. The general election for all elected officers shall be held in August of even numbered years.

**Section 7.02 Primary Election Required.**

A primary election shall be held in Knox County for the selection of all political party nominees of all parties, which are qualified under State law as political parties, for the selection of candidates for all Unified Government offices, judicial offices and all other offices which are filled by the voters of Knox County at the August general election in even numbered years. All such elections shall be held in the manner provided for holding such primary elections by general law.

**Section 7.03 Date of Primary.**

The primary election to nominate candidates for the Unified Government's general election shall be held on the first Tuesday in May next preceding the Unified Government's August general election, or at such other times and on such other dates as may be provided by law.

**Section 7.04 Qualifying Petitions.**

Any person deciding to submit his/her name to the voters in such primary elections shall file a qualifying petition, in compliance with general law, with the Election Commission no later than 12:00 o'clock noon, prevailing time, on the last Thursday of March in the year said primary is to be held, or at such other times and on such other dates as may be provided by law. The Election Commission shall verify the compliance of the petition with all requirements and declare the person a candidate and place his/her name on the primary ballot pursuant to general law.

**Section 7.05 Independent Candidates.**

Any person who desires to be listed as an independent candidate for any office of the Unified Government on the general election ballot shall timely file a nominating petition, as provided herein and in a form in compliance with general law with the Knox County Election Commission. The petition shall be filed in compliance with Section 7.04.

**Section 7.06 Notice of Election and Other Provisions.**

All voters have the right to cast write-in ballots as provided by general law. The Election Commission shall give public notice of the election and employ officials to hold the primary as provided by general law. No person shall be placed on the ballot for any office in the August general election, subject to the provisions of this Article, and designated as a nominee of a political party, unless such person has received such nomination by virtue of having been selected as that party's candidate for such office in such County primary election except for replacement of candidates as provided by general law or when a vacancy occurs for which parties select nominees at a time in which compliance with the provisions of this Article is not possible.

**Section 7.07 Term Limits.**

Unless specifically stated in other Sections of this Charter and as permissible by the State law and constitution, terms of office of the Unified Government shall not exceed three (3) consecutive four (4) year terms of service. Any four (4) year term where the incumbent serves more than half of the term shall be considered a full term.

This subsection applies only to the following offices:

1. Mayor
2. Each Member of the Commission
3. Each Member of the School Board

**Section 7.08 Special Elections.**

There shall be held a special election to fill a vacancy for the unexpired term in the office of Mayor whenever such vacancy shall exist more than one hundred and eighty (180) days prior to the date of the next state or Unified Government election. If the Mayor's office becomes vacant with less than one hundred and eighty (180) days until the date of the next state or Unified Government election, the election to fill the vacancy will be included in that next election. If the time that the vacancy occurs does not allow enough time to include candidates on the next election ballot, a special election will be conducted to fill the vacancy. The special election shall be conducted by the Election Commission which shall give notice thereof as provided by Tennessee Code Annotated, §2-14-105.

If in such special election to fill a vacancy for the unexpired term of the office of Mayor, no candidate shall receive a majority of all the votes cast for such office, a runoff election shall be held no earlier than three (3) weeks subsequent to the first (1st) special election or general election for the purpose of filling such office in accordance with the provisions hereinbefore set forth in the case of a Unified Government election.

The provisions in Article VII, with respect to voting in Unified Government elections and with respect to qualifying as a candidate, shall apply to special elections and to general elections at which time a vacancy is filled.

**Section 7.09 Removal From Office/Recall.**

Recall petitions shall not be circulated prior to an official serving two (2) full years from the dates of taking office. After two (2) years, recall may be undertaken as follows:

A petition may be circulated, and when signed by qualified voters, eligible to vote in the election of that office holder, equal in number to at least forty percent (40%) of the total votes cast in the last regular election for the office the petition seeks to remove, demanding the election of a successor, shall be filed with the County Election Commission, and notice given by the Election Commission of such filing by publication at least twice in a newspaper of general circulation in the County. The petition shall contain a general statement of the grounds upon which the removal is sought. All signatures need not be appended to one paper, but each signer shall add to the signature the precinct in which the voter is registered and the date on which the petition is signed. The signature shall be signed as registered and shall include the resident's address. One of the signers of each paper shall make an oath before an officer competent to administer oaths that the statements made therein are true as he/she believes, and that each signature is genuine.

Within thirty (30) days of filing, the Election Commission shall examine the petition and ascertain whether it is signed by the required number of qualified voters and shall attach to the petition their certificate showing the result of the examination. If the petition is found insufficient, it may be amended within ten (10) days from the date of the certificate. The Election Commission shall re-examine the amended petition within twenty (20) days of re-submission and, if certified insufficient, the petition shall be returned to the person filing it.

If the Commission certifies the petition to be sufficient, it shall at once fix a date for holding the election not less than forty-five (45) days nor more than sixty (60) days from the date of the certificate. The Commission shall publish notice, make all other necessary arrangements, and pay the expenses for the election as it does for all other elections.

In a recall election, the following questions shall be presented to each qualified voter:

Example: "Shall \_\_\_\_\_ (name of officer)  
be recalled and removed from the office of \_\_\_\_\_?"

- ( ) Yes
- ( ) No

If a majority of the voters vote "no", the incumbent shall remain in office. If a majority of the voters vote "yes", the incumbent shall be deemed recalled and removed from office.

**Section 7.10 Vacancies.**

Any elective office of the Unified Government shall become vacant upon the recall, ouster, death, incapacitation, resignation, or ineligibility due to change of residence of the incumbent. An office holder shall be ineligible to hold office to which elected and such office shall become vacant upon the office holder removing his residence from the area in which such holder was elected. Within thirty (30) days of a vacancy in any office of Government, except as otherwise provided herein and in accordance with State law, the Commission shall appoint a qualified resident to fill the vacant office until the next regularly scheduled state or county general election occurring after the vacancy.

**Section 7.11 Ouster of Unified Government Official.**

Mayor, members of the Commission, Local Ordinance and General Sessions Judges, members of the Board of Education, and every member of a Unified Government board or commission appointed for a special term shall be subject to ouster under the terms and conditions of T.C.A. §8-47-101, et seq. Within the meaning of such law, Unified Government officials are hereby declared to be County and Municipal officers.

**Section 7.12 Applicability of General Election Laws.**

General election laws of the State of Tennessee shall be applicable to all Unified Government elections except as otherwise provided in this Article.

**Section 7.13 Initiative and Referendum.**

Any proposed ordinance may be submitted to the Commission if signed by qualified voters equal in number to the percentage hereinafter required; the signers, verification, authentication, inspections, certification, amendment, and submission of such petition shall be the same as provided for petitions under Section 7.09.

If the petition accompanying the proposed ordinance be signed by voters equal in number to twenty-five percent (25%) of the total votes cast for all candidates for Mayor at the last general election, the Commission shall either:

- A. Pass the Ordinance without alteration within thirty (30) days after the attachment of the certificate of the Election Commission to the accompanying petition; or
- B. Immediately after expiration of thirty (30) days, the Commission shall order such matter to be placed upon the ballot of the next state or Unified Government general election occurring after the expiration of said thirty (30) days.

**Section 7.14 Amendments to Charter.**

Any proposed change in the Charter may be submitted to the Commission if signed by qualified voters equal in number to the percentage required; the signers, verification, authentication, inspections, certification, amendment, and submission of such petition shall be the same as provided for petitions under Section 7.13. Immediately after expiration of thirty (30) days, the Commission shall order such matter to be placed upon the ballot of the next state or county general election occurring after the expiration of said thirty (30) days.

**Section 7.15 Citizen Vote.**

At such election, the ordinance or Charter Amendment shall be submitted without alteration to the vote of the people. The ballots used, when voting upon said ordinance or for the Charter Amendment, shall contain these words: "For the Ordinance" or "For the Charter Amendment" (stating the nature of the proposed ordinance or Charter Amendment); "Against the Ordinance" or "Against the Charter Amendment" (stating the nature of the proposed ordinance or Charter amendment).

If a majority vote in favor, the ordinance or Charter Amendment shall become a binding ordinance or Charter Amendment. Any ordinance adopted by a vote of the people cannot be repealed or amended for a period of five (5) years except by vote of the people.

Any such proposed ordinance or Charter Amendment shall be published by the Election Commission in the newspaper of general circulation in the County, not less than sixty (60) days before the election in which the ordinance or Charter Amendment is to be voted on.

**Section 7.16 Nonpartisan Elections.**

Any nonpartisan elections shall be held in accordance with the election laws of the State of Tennessee.

**ARTICLE VIII.  
FINANCE AND REVENUE**

**Section 8.01 Financial Administration.**

A. Fiscal year.

The fiscal year of the Unified Government of Knoxville and Knox County shall be as prescribed by state statute. The fiscal year shall constitute the budget year and the year for financial accounting and reporting of each and every office, department, institution, agency and activity of the Unified Government, unless otherwise provided by state or federal law.

B. Preparation of budgets.

The preparation of an annual budget and a capital improvements plan shall be as prescribed by resolution and provisions of this Charter.

C. Scope of budgets.

1. The annual budget shall consist of two (2) parts:
  - a. Part I of the annual budget shall apply only to the expenses of the Unified Government; and
  - b. Part II of the annual budget shall apply only to the capital improvements plan of the Unified Government.
2. Each section of the annual operating budget and the capital improvements plan shall contain, with respect to each of the operating funds of the Unified Government to which they are applicable:
  - a. A reasonable estimate of revenues to be received during the ensuing year, classified according to source;
  - b. Proposed expenditures detailed by each department, board, commission, office, constitutional office, agency and activity in accordance with an established classification of accounts, including personnel and related costs, capital outlays which are to be financed from the revenues of the ensuing year, and all debt service requirements in full for such fiscal year, to be financed from the non-debt related revenues;
  - c. Such other information as may be considered necessary or desirable by the Finance Director, the Mayor, or the Commission.

3. In no event shall the total proposed expenditures from any fund exceed the total anticipated revenues plus the estimated unappropriated surplus or fund balance and applicable reserves, less any estimated deficit at the end of the current fiscal year.
4. The capital improvements plan shall describe capital projects anticipated for the ensuing fiscal year and within the four (4) fiscal years immediately thereafter, the proposed expenditures therefore and the revenues or other sources of funds anticipated to finance such capital projects.
5. Each department, board, commission, office, constitutional office, agency and activity shall submit the information required by Section 8.01(C)(2) to the Mayor no later than one hundred and twenty (120) days prior to the beginning of each fiscal year. Provided, however, the Board of Education shall submit such information no later than ninety (90) days prior to the beginning of each fiscal year.

D. Submission of budgets to the Commission.

Not later than sixty (60) days prior to the beginning of each fiscal year, the Mayor of the Unified Government shall submit to the Commission a proposed operating budget and a proposed capital improvements plan for the ensuing fiscal year. Such budget and plan shall be accompanied by a message from the Mayor containing a statement of the general fiscal policies of the Unified Government, the more important features of the budget and plan, explanations of major changes recommended for the next fiscal year, a general summary of the budget and plan, and such other comments and information as may be deemed pertinent. The operating budget and the capital improvements plan, the budget message and all supporting schedules shall be filed in the Mayor's office and shall be open to public inspection.

E. Adoption of budgets.

1. The Commission may approve, reject or modify the proposed budget. The budget as finally adopted must 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. The total appropriations from any fund shall not exceed the estimated fund balance, reserves and revenues constituting the resources available to such fund.
2. The Commission shall adopt the final annual operating budget for the ensuing fiscal year not later than fifteen (15) days prior to the end of the current fiscal year. If the Commission shall fail to adopt a budget by this date, the Mayor shall submit a budget on or before the last day of the current fiscal year which shall not exceed the total of the projected estimated revenue for the ensuing fiscal year with no increase in the current property tax rate. This budget shall be conclusively presumed to

have been adopted without further action by the Commission. Adoption of the annual operating budget shall take the form of an appropriation resolution setting out estimated revenue in detail by source and making appropriations to fund organizational units, purposes or activities accordingly, as set forth in the budget document. The power to amend the budget and tax rate would continue in full force and effect.

3. The amount set out in the adopted operating budget for each organizational unit, purpose or activity shall constitute the annual appropriation for such item, and no expenditure shall be made nor encumbrance created in excess of the otherwise unencumbered balance of the appropriation, or allotment thereof, to which it is chargeable.
4. The Commission shall adopt by resolution the capital improvements plan for the ensuing fiscal year not later than fifteen (15) days prior to the beginning of the next fiscal year. The capital plan resolution shall show in detail the capital expenditures intended to be made or incurred in the ensuing fiscal year that are to be financed from funds subject to control or appropriation by the Commission and shall be in full conformity with that part of the capital program applicable to the year which it covers. Amounts specified as intended to be spent out of new appropriations shall, upon enactment of the budget resolution, constitute appropriations of such amounts.

F. Property tax levies.

Concurrent with the adoption of the operating budget and capital improvements plan for each fiscal year:

1. The Commission shall levy by resolution a general services area tax on all real and personal property within the general services tax district as provided by this Charter. The tax rate set by such resolution shall be such that a reasonable estimate of cash revenues from such levy shall be at least sufficient, together with other anticipated revenues, fund balances and applicable reserves, to equal the total amount appropriated for each of the several funds set forth in the annual operating budget for defraying the expenses of the general services area for services to be rendered throughout the entire area of the Unified Government. Such services shall include those functions set forth in Section 8.02(A)(3) and Section 8.02(A)(4) of this Charter, and such other purposes, functions and services as may be authorized by the laws of Tennessee, by this Charter or by resolution of the Commission.
2. The Commission shall levy by resolution an urban services area tax on all real and personal property within the urban services tax district as

authorized by this Charter. The tax rate set by such resolution shall be such that a reasonable estimate of cash revenues from such levy shall be at least sufficient, together with other anticipated revenues, fund balances and applicable reserves, to equal the total amount appropriated for each of the several funds set forth in the annual operating budget for defraying the expenses of the additional services to be rendered in the urban services area, in comparison to the general services area. The urban services area tax rate shall be recommended to the Commission by the Urban Services Area Tax Rate Committee as provided in Article II of this Charter.

3. The Commission shall levy by resolution a special services area tax on all real and personal property within the special services tax district as authorized by this Charter. The tax rates set by such resolution for each district shall be such that a reasonable estimate of cash revenues from such levy shall be at least sufficient, together with other anticipated revenues, fund balances and applicable reserves, to equal the total amount appropriated for each of the several funds set forth in the annual operating budget for defraying the expenses of the additional services to be rendered in a special services area, in comparison to the general services area.
4. If the budget is adopted, as provided in paragraph (E)(2) of this Section, as a result of the Commission's failure to affirmatively adopt, then the tax as described in paragraphs (1), (2), and (3) above shall be conclusively presumed to have been levied.

G. Impoundment of funds.

Upon certification by the Finance Director that the revenues or other resources actually realized with respect to any fund will be less than was anticipated and will be insufficient to meet the amounts appropriated from such fund, it shall be the duty of the Finance Director, upon the instruction of the Mayor of the Unified Government, to limit such appropriations as may be necessary to prevent deficient operation.

H. Transfer of funds.

Upon recommendation of the appropriate director and approval of the Finance Director and the Mayor, the Commission may make interfund or interdepartment transfers in the current operating budget or capital improvements budget at any regular or special meeting called for such purpose, provided funds are available. Provided, however, the Board of Education shall, where authorized by state law generally now in force or hereafter enacted, exercise such control over the interfund and interdepartment transfers of the current operating budget for educational funds.

I. Lapse of appropriations.

All unencumbered balances of appropriations in the current operating budget at the end of the fiscal year shall lapse into the unappropriated surplus or reserves of the fund or funds from which such appropriations were made, except for capital projects funds, which shall lapse at the conclusion of each project, and grant funds, which shall terminate in accordance with the terms of the grant.

J. Post-audit.

1. The Commission shall provide annually for an independent audit of the accounts and other evidences of financial transactions of the Unified Government, and of every office, department, board, Commission, authority or other agency. The audit shall be made by a certified public accountant who shall have no personal interest, direct or indirect, in the fiscal affairs of any of its departments, offices, boards, commissions, authorities or agencies. The Commission shall solicit proposals from qualified accounting firms and shall recommend the best proposal. No firm shall serve as auditor for a term in excess of four (4) consecutive years.
2. The audit may be conducted on a quarterly or continuing basis and the final report of the annual audit shall be completed as soon as practicable after the close of the fiscal year, and in no event later than six (6) months after the close of the fiscal year. The audit report shall be filed with the Finance Director and made available to the public. The urban services area tax rate shall be recommended to the Commission by the Urban Services Area Tax Rate Committee as provided in Article II.

**Section 8.02 Financing of Services.**

A. General and urban services areas.

1. In the Unified Government, there shall be:
  - a. A general services area which shall consist of the total area of Knox County as fixed and established upon the effective date of this Charter or as hereafter modified according to law;
  - b. An urban services area which shall consist of the area embraced within the corporate limits of the City of Knoxville as the same exist upon the day immediately preceding the effective date of this Charter or as such areas may be hereafter expanded as herein provided; and

- c. Such special services areas as the Commission may thereafter establish. Special services areas shall be tax districts wherein taxes and other assessments shall be assessed, levied and collected by the Unified Government in accordance with the kind, character, type and degree of services actually provided therein, which taxes and other assessments may vary in any one services area from those of another or other areas in accordance with the provisions of this Charter. The powers, authority, duties, liabilities, services, and functions of the Unified Government, may vary in any special services area from that in another or other special services areas.
- 2. All other tax districts existing in the City of Knoxville or Knox County immediately prior to the effective date of this Charter are continued in effect by this Charter.
- 3. The Unified Government is hereby empowered to exercise and provide within the general services area, and within any urban services area, and within any special services area established by this Charter or by ordinance of the Commission those powers, functions and services which have theretofore been exercised and provided by or which were exercisable by Knox County or the City of Knoxville, or both; all powers, functions and services authorized by this Charter, and any amendments thereto; and all powers, functions and services which counties and municipal corporations, or both, are now or hereafter authorized to exercise under the Constitution and laws of Tennessee.
- 4. The Unified Government is hereby empowered to perform within its urban services areas those additional, comprehensive and intensive, and higher levels of governmental duties, functions and services which benefit primarily the residents of such urban services areas.

B. Creation of services areas by ordinance.

Except as otherwise provided in this Charter, services areas of the Unified Government shall be created, expanded, merged, unified or reduced only by ordinance duly adopted by the Commission under such general rules, procedures, regulations, requirements and specifications as are established by the Commission and this Charter. Such rules and regulations shall set forth the manner and method for the creation of new services areas and the expansion, unification, reduction or merger of existing services areas; set forth requirements for defining functions and policies for rendering services, for changing levels of services within existing services areas and for transferring territory from one (1) services area to another; and set forth requirements for defining boundaries of services areas. If taxes are levied and collected within a tax district based upon the furnishing of a particular service and that service is not furnished generally throughout the tax district within eighteen (18) months of the effective date of the tax levy, taxes collected with respect to the service not timely furnished shall be refunded.

C. Requirements for defining boundaries.

Whenever in this subsection it is required that the boundaries of a services area be set out, it shall suffice if the boundaries are described in such a way as to convey an intelligent understanding of the location of the land. In the discretion of the Commission, the boundaries may be described: (1) by reference to a map; (2) by metes and bounds; (3) by general description referring to roads or natural boundaries or to the boundaries of particular tracts or parcels of land; or (4) by any combination of the above methods.

D. Notice of hearing prior to adoption of ordinance.

Before it adopts any ordinance authorized or described in Section 8.02(A) through 8.02(C) of this Charter, the Commission shall give notice of its intention to consider the ordinance and shall provide an opportunity for interested persons to be heard.

**Section 8.03 Taxation and Other Revenues.**

A. Levy and collection of taxes, fees, charges and assessments; appropriations.

For the purpose of raising revenue for the support and maintenance of the Unified Government the commission shall have full power and authority to levy and collect taxes and other revenues to the extent provided by this Charter and the laws and regulations of the State of Tennessee; and to appropriate funds and expend money:

- 1. For the purposes authorized by this Charter;
- 2. For the discharge of the powers, duties, obligations, liabilities and functions specified in this Charter;
- 3. For any and all purposes and any and all subjects of taxation for which the City of Knoxville or Knox County may have been authorized and in accordance with those authorizations to levy and collect taxes and to appropriate and expend funds under the Constitution or any general or special law of Tennessee applicable to the City of Knoxville or Knox County on the effective date of this Charter; and
- 4. For any purpose authorized by the Constitution or any general or special law of Tennessee applicable to municipalities, counties, and unified governments generally now of force or hereafter enacted.

B. Collection of delinquent taxes, fees, charges, and assessments.

The collection of delinquent taxes, fees, charges, and assessments shall be as provided in state law for the collection of property taxes by municipalities, counties, or unified governments.

**Section 8.04 Borrowing and Indebtedness.**

A. Issuance of general obligation bonds.

1. The Commission shall be authorized to issue and sell general obligation bonds under the provisions of the Constitution and general laws of Tennessee, for any public purpose for the benefit of the Unified Government or any tax district or services area thereof; provided, however, that for the purpose of issuing and selling such general obligation bonds, the Unified Government shall be entitled to issue bonds for those purposes and pursuant to those procedures authorized and specified for either cities or counties, at the election of the Unified Government; and the provisions of the Constitution and laws of Tennessee governing the limitations, terms and procedures for the issuance and sale of bonds as so elected by the Unified Government applicable to cities or counties shall apply to the Unified Government unless otherwise provided by this Charter.
2. All general obligation bonds shall be issued in the name of the Unified Government, and shall be an obligation thereof, and the full faith and credit of the Unified Government shall be pledged for all general obligation bonds issued thereunder which are payable from ad valorem taxes, and for such purpose, the Commission shall have the authority to levy and collect ad valorem taxes without limit as to rate or amount on all taxable property within the territorial limits of the Unified Government.

B. Revenue bonds.

The Commission shall be empowered and authorized to issue revenue bonds for the purposes and in the manner as now or hereafter provided by the laws and regulations of the State of Tennessee for counties, municipalities or unified governments.

C. Use of bond proceeds.

All revenue derived by the Unified Government from the issuance and sale of bonds shall be used exclusively for the purposes for which such bonds were issued, and all ad valorem taxes collected for the purpose of servicing or retiring such bonds shall be used exclusively for the payment of principal and interest thereof.

D. Allocation of indebtedness.

1. All general indebtedness of Knox County, whether represented by general obligation bonds or otherwise, which may be outstanding upon the effective date of this Charter shall be allocated to the general services area

as defined in Section 8.02(A)(1)(a) of this Charter and is hereby recognized as the obligation of the general services area of the Unified Government. All general indebtedness of the City of Knoxville, whether represented by general obligation bonds, contracts, pension obligations, or otherwise which may be outstanding upon the effective date of this Charter, shall be allocated to the urban services area as is defined in Section 8.02(A)(1)(b) of this Charter. The Commission is hereby authorized to levy taxes and otherwise provide for the retirement thereof, subject to the terms of this Charter. Any funds in the control of the heretofore existing City of Knoxville and Knox County now consolidated into the Unified Government, by this Charter, which theretofore had been allocated to the retirement of any bonded indebtedness of said municipality and/or county shall be so applied by the Commission.

2. All general obligation bonds issued prior to the effective date of this Charter by Knox County and all bonds authorized but unissued by Knox County on the effective date of this Charter and thereafter issued by the Unified Government, shall be allocated to the general services area, and the principal of and interest on such bonds shall be paid from ad valorem taxes or other revenues collected in the general services area. All general obligation bonds issued prior to the effective date of this Charter by the City of Knoxville and all bonds authorized but unissued by the City of Knoxville on the effective date of this Charter and thereafter issued by the Unified Government, shall be allocated to the urban services area and the principal of and interest on such bonds shall be paid from ad valorem taxes or other revenues collected in such urban services area.
3. Any revenue bonds issued prior to the effective date of this Charter by the City of Knoxville or Knox County in accordance with the laws and regulations of the State of Tennessee, and any such revenue bonds authorized but unissued by the said city or county on the effective date of this Charter and thereafter issued by the Unified Government, shall be payable as to principal and interest from the revenues or sources and in the manner provided in the proceedings which authorized the issuance of such revenue bonds.
4. Neither the allocation of bonds to the general services area nor any of the other provisions of this Charter shall impair or diminish any of the rights, revenues, or security or source for payment of any of such bonds or revenue bonds issued by the City of Knoxville or by Knox County prior to the effective date of this Charter and thereafter issued by the Unified Government, and such holders of such bonds or revenue bonds shall have and be entitled to enforce any and all rights, remedies, and security and sources for payment granted such holders by the proceedings which



authorized the issuance of such bonds or revenue bonds as fully and to the same extent as if this Charter had not been adopted.

**Section 8.05 Procurement.**

Contracting procedures.

By ordinance, the Commission shall establish rules and regulations governing all purchases and contracts for the Unified Government. All contracts of the Unified Government shall be signed by the Mayor after signed approval by the Law Director and the Finance Director. On all contracts in an amount greater than \$50,000, or such greater amount as established in advance by the Commission, or contracts which have a term in excess of one year or greater period of time as established in advance by the Commission, including Board of Education Contracts not relating to appropriations within its Special Revenue Funds Budget as defined below, the Mayor shall obtain the approval of the Commission by resolution prior to execution. Provided, however, the Board of Education shall, where authorized by state law generally now of force or hereafter enacted, and without the necessity of further Commission approval, exercise such control over all contracts relating to appropriations within its Special Revenue Funds Budgets as defined under generally accepted governmental accounting standards for Board of Education operations.

**Section 8.06 Disposition of Property.**

Sale and Disposition of Property.

By ordinance, the Commission shall establish rules and regulations governing all sales and disposal of surplus property of the Unified Government. No sale or transfer of real property, or any interests therein, owned by the Unified Government shall be valid unless approved by resolution of the Commission.

**Section 8.07 Existing City of Knoxville Indebtedness.**

Obligation of the Urban Services Area.

Taxes sufficient to defray existing bonded indebtedness (and interest thereon) and pension obligations of the City of Knoxville as existing on the day prior to the effective date of this Charter, shall be levied and collected only within the urban services area as exists on the effective date of the Charter.

**ARTICLE IX.  
HUMAN RESOURCES AND CIVIL SERVICE SYSTEM**

**Section 9.01 Personnel Administration.**

A personnel system shall be established that will assure utilization of human resources in a manner designed to maximize efficient and effective performance in providing appropriate service to the citizens served by the Unified Government and equitable treatment of Unified Government employees. Personnel programs, policies and procedures of the Unified Government shall be administered consistent with federal and state laws and the Charter and ordinances of the Unified Government, and shall include; but not be limited to, the efficient use of human resources, salaries, wages, and benefits; position authorization and control; performance evaluation; record keeping; training and career development; employee relations; employee complaints; transfers; and employee working conditions, including working hours, attendance, holidays, leaves of absence and vacations. Personnel actions including, but not limited to, appointment, promotion, and retention shall be made on the basis of merit and fitness alone without regard to any political test, qualification, affiliation, association or opinion, except as otherwise provided in this Charter. All personnel actions shall be taken on a nondiscriminatory basis consistent with general law.

**Section 9.02 Classified and Unclassified Positions.**

Positions in the Unified Government employment are divided into classified and unclassified categories for the purpose of determining coverage under the civil service merit system. All positions including employees of civil office within Unified Government employment are classified positions, except those which are designated as unclassified. Unclassified positions are not covered by the civil service merit system and include:

- A. Positions filled by popular election, and administrative aide and personal secretary for each full-time elected official subject to budget authorization;
- B. Administrative assistants to the Mayor, and all employees of the Mayor's office, department directors, an administrative aide and personal secretary for each department director subject to budget authorization, and all staff employees of the Commission;
- C. Board or commission members;
- D. Executive director or secretary of boards or commissions;
- E. All employees of the Board of Education;
- F. Other positions of a policy-making or confidential nature as the Civil Service Merit Board may from time to time exempt from classified service;

G. Positions exempted by the Civil Service Merit Board which are for seasonal, emergency, temporary or part-time employment, and employment involving the provision of professional services on a contractual basis;

H. No attorneys or personnel within the legal division of the Law Department or who are hired by any board, authority, commission, or office holder shall have civil service status. All attorneys and their personnel will serve at the pleasure of the Unified Government;

I. Other positions as provided, by this Charter.

**Section 9.03 Civil Service Merit Board.**

A. Creation. A Civil Service Merit Board, composed of seven (7) members who are committed to merit system principles, is created.

B. Appointment, tenure, vacancies, qualifications and removal:

1. Members of the board shall be nominated by the Mayor and shall be confirmed by a majority vote of the Commission. Each member shall be appointed for a term of seven (7) years. No member shall serve more than two (2) consecutive terms.
2. In order to facilitate an orderly transition to the Unified Government, the initial terms shall be filled with the following term expiration dates:

Term 1	March 31, 1999
Term 2	March 31, 2000
Term 3	March 31, 2001
Term 4	March 31, 2002
Term 5	March 31, 2003
Term 6	March 31, 2004
Term 7	March 31, 2005

The board members appointed to fill initial terms 1-3, as listed above, shall not have the initial term count as a full term for the purpose of determining the consecutive term limitations.

3. In the event a vacancy occurs prior to the end of a term, the member appointed to fill the vacancy shall hold such appointment only for the unexpired term. For the purpose of calculating the consecutive term limitations, an appointment to fill an unexpired term shall be considered an appointment for one (1) full term.
4. A member of the board may be removed only for cause by the unanimous vote of the remaining members of the board. Members of the board shall

be residents of Knox County who are in sympathy with the application of merit principles to public employment.

C. Meetings; election of chairman; designation of executive director. The board shall elect a chairman from its members in April of each year. The board shall establish such rules and procedures as it deems necessary for the efficient and orderly execution of its responsibilities. The board shall appoint an executive director who shall be qualified in personnel administration as evidenced by education and experience.

D. Executive Director. The executive director shall record the proceedings of each meeting and shall render such assistance of the board as may be required. In order to assure that the policies of the Civil Service Merit Board are reflected in the administration of Unified Government programs, the executive director shall regularly review the disbursement of wages and salaries and all other personnel actions and shall report to the Civil Service Merit Board any persons in classified positions who have not been appointed through the merit system procedures.

E. Space and financing. The Unified Government, with agreement of the board, shall provide adequate office space, staff, furniture and equipment as necessary for the board to carry out its responsibilities. The board, together with the Mayor, shall formulate a budget each year for submission to the Commission.

F. Powers and duties. The powers and duties of the Civil Service Merit Board shall be as follows:

1. To represent the public interest with regard to merit system principles in the management and administration of the personnel systems of the Unified Government.
2. To have responsibility for the recruitment, examination, certification and protection of employees as may be more fully set out below.
3. To advise the Mayor, the department directors, elected officials, and the Commission on matters concerning personnel administration.
4. To make any investigation which it deems necessary concerning the administration of personnel under the authority of this Charter with the power to administer oaths and to secure, by subpoena, in the name of the Unified Government, the attendance and testimony of witnesses and the production of records and papers relevant to such investigations.
5. To exempt positions from the classified service in accordance with Section 9.02 above.

6. To hear or designate a hearing examiner to hear appeals submitted by any employee in a classified position relative to any personnel action adverse to such employee, including but not limited to, suspension, demotion, discharge, or any disciplinary action, and to receive and determine facts concerning the personnel action. The hearing examiner shall be selected from a list of individuals the board finds qualified. The executive director shall not serve as the hearing examiner.
7. To order that payment of salaries cease at such time as it is determined that any person holding a classified position has not been appointed through the merit system procedures.
8. To hear allegations of any persons on matters of discrimination in hiring, transfer or promotion, neglect of duty or other violations of merit system principles as established by the Charter.
9. To review, upon written request of an aggrieved party or upon its own motion, the application and effect of any rule, regulation or decision of the board or any authority thereunder.
10. To take all further and necessary action as it may determine to preserve and protect the civil service merit system and to enforce its rules, regulations and procedures.
11. To develop a program to provide for equal employment opportunities to all employees and applicants for employment with regard to all aspects of employment.
12. To direct that personnel practices which are inconsistent with or in violation of the provisions of this Charter, or rules and regulations promulgated pursuant to and consistent with this Charter, cease and desist and have the power to seek enforcement of its orders by judicial proceedings.

G. Civil service merit board rules. After public hearing, the board shall specify rules as to the conduct of investigations, hearings, the exemption of positions, eligibility and promotion lists, examinations, procedures, employee appeals of disciplinary action and such other matters as are necessary for the execution of its powers and duties. The board shall review said rules periodically for the purpose of revision in a manner appropriate to sound personnel policies and shall hold public hearings prior to the adoption or revision of the rules. At least ten (10) days prior to any such hearings, public notice shall be given in a daily newspaper of general circulation, and to each department of the Unified Government, including the Knoxville Utilities Board. The board shall arrange for the printing and distribution of its rules.

1. Examinations. The rules shall provide for a system of examinations for positions in the classified service after announcement and reasonable notice; the appointment of examining boards; and the establishment of procedures for application for such examinations.
2. Eligibility and promotion lists. The rules shall provide for the establishment, maintenance, consolidation and cancellation of eligibility and promotion lists, and the manner in which appointments shall be made. The rules shall provide a method for establishing reappointment lists, which lists shall remain in effect for two (2) years, containing the names of persons separated from positions for reason other than cause, delinquency or resignation on their part, giving due consideration to the seniority rights of employees.
3. Layoffs and reduction in force. All layoffs and reductions in force shall be based on seniority of service in the positions where the excess of employees is found. All persons laid off shall be entitled to transfer or return to any like or lesser position for which they are qualified and for which they have the greatest seniority. Any employee laid off in connection with a reduction in force shall, for a period of two (2) years:
  - a. Be entitled to return to any position formerly held by him in the event a vacancy occurs in his former position; and
  - b. Without taking any examination, be placed at the head of the civil service eligibility list for the type of work formerly done by such employee. In the event more than one (1) person is eligible for reinstatement, then the one with the greatest seniority is reinstated. If the seniority of two (2) or more employees is equal, the department head shall select between the persons eligible for reinstatement based upon merit and fitness for employment. The Civil Service Merit Board shall adopt rules or regulations consistent with the foregoing provisions of this Section.
4. Promotions. Promotions shall be made by appointing officers, on the basis of merit, within rules prescribed by the Civil Service Merit Board.
5. Probationary period. The probationary period for persons receiving initial appointment shall be a period of one (1) year. The probationary period for persons promoted shall be six (6) months. No employee who shall have successfully completed a probationary period shall be discharged, suspended, demoted or otherwise disciplined except for just cause.

6. Disciplinary action.

- a. A director or department head shall only discharge, suspend, demote or otherwise discipline employees in classified positions in accordance with the provisions of this Charter.
- b. Unified Government classified employees shall only be demoted, reduced in salary, suspended, discharged or otherwise disciplined for just cause.
- c. When any disciplinary action is taken against classified employees, a written statement of the specific reasons for the action shall be given at the time of the action. The disciplined employee shall have the right to have the disciplinary action reviewed by a hearing examiner designated by the board by filing a simple written request with the executive director of the board within ten (10) days after the disciplinary action is taken. In proceedings hereunder, the disciplinary authority shall bear the burden of establishing just cause for the disciplinary action taken. The disciplined employee shall be given a hearing within ten (10) days after the employee's request. The employee shall have the right to be represented by counsel or other representative designated by the employee. The employee or his counsel shall have the right to participate in the hearing and engage in direct or cross-examination of witnesses. The time for the hearing may be extended at the request of or with the consent of the disciplined employee. The hearing examiner shall take evidence for the final disposition of the matters and the hearing examiner shall determine the evidence to be received. The strict rules of evidence shall not apply. The hearing examiner, the executive director or any member of the board shall have the power to administer oaths to witnesses and the power to issue subpoenas for witnesses in such proceedings in the same manner and to the same extent as the clerk of any state court having jurisdiction over criminal cases. In the event any witnesses subpoenaed shall fail to attend, the officer issuing such subpoena may compel attendance by attachment for contempt, or the subpoena, with the endorsement of the failure to comply therewith, may be filed with any circuit court in Knox County for the collection of the same penalty provided for failure to comply with the subpoena of any court of record in the state. Subpoenas may be served by any police officer of the Unified Government, or by any officer authorized to serve subpoenas from state court. A transcript of the proceedings before the hearing examiner shall be made and used for any purpose permitted by the Tennessee Rules of Civil Procedure. The hearing examiner shall affirm, modify, or reverse

the disciplinary act and provide whatever redress is indicated, including without limitation, restoration of all rights and benefits, and recompense in the extent of loss of earnings. The hearing examiner shall take such action by a written decision within ten (10) days following the hearing. The decision of the hearing examiner shall be subject to review, in accordance with the provisions of state law.

7. Classification plan. All officials and positions of employment shall be listed and classified, and a written position classification plan shall be prepared and maintained. The classification plan shall include provisions for its administration and shall be approved by the Commission prior to taking effect.
8. Compensation plan. For each of the positions established in the classification plan, a periodic study shall be made of rates of compensation for similar service of public and private organizations in the Unified Government and cities of comparable size in the Southeast. A schedule of compensation shall be prepared which will show for each class a minimum salary rate, a maximum salary rate, and such intermediate rates as will be considered and proper. The financial condition of the Unified Government, in addition to other relevant facts, shall be taken into consideration in the assignment of minimum and maximum rates. The compensation plan shall include provisions for its administration and shall be approved by the Commission by means of ordinance prior to taking effect. The Commission may adopt the general compensation plan, adopt the same as amended, or reject the same. Upon rejection, a revised plan shall be prepared in the same manner for Commission approval. Changes in the compensation plan may be recommended and adopted in the same manner.

**Section 9.04 The Knoxville Utilities Board.**

Except as expressly provided in this Article, the Knoxville Utilities Board, either by itself or by its duly authorized officers and employees, shall have and exercise all other powers and duties necessary to maintain and manage the personnel system of KUB. This system shall include but not be limited to all matters relative to the efficient use of human resources, selection and retention based on merit and administration of salary and benefits. KUB will also be responsible for keeping and maintaining all necessary personnel records regarding its employees. KUB's personnel system shall include procedures for disciplinary action against classified employees. Any disciplined employee shall have the right to have any final disciplinary administrative action reviewed by a hearing examiner pursuant to the disciplinary system established by this Charter for classified employees of the Unified Government of Knoxville and Knox County as established in Section 9.03(G)(6)(c) above. KUB's system for personnel and

disciplinary action shall be consistent with applicable state and federal laws, and relevant Sections of this Charter.

All permanent KUB positions shall be in the classified service except the positions of general manager and all employees of the general manager's office, superintendents of bureaus, directors or sections, department heads, an assistant to each, and other positions which the Civil Service Merit Board may deem as unclassified.

**Section 9.05 Political Activity Restricted.**

A. No person in the service of the Unified Government, seeking admission thereto, shall be appointed, reduced or removed or in any way favored or discriminated against because of political opinions or affiliations. No employee in the classified or unclassified service shall:

1. Engage in any political or partisan activity while on duty;
2. Use official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;
3. Be required as a duty of employment or as a condition of employment, promotion, or tenure of office to contribute funds for political or partisan purposes;
4. Coerce or compel contributions for political or partisan purposes by another employee of the Unified Government; or
5. Use any supplies or equipment of the Unified Government for political or partisan purposes. Any violation by an employee, classified or unclassified, of any of the above prohibitions shall be sufficient grounds for the discharge of such employee guilty of such violation.

B. Any classified employee who wishes to accept or to seek nomination, election, or appointment to public office shall take an unpaid leave of absence from service, which shall not be unreasonably withheld, upon indicating such intention by formal declaration. Upon such election or appointment the classified employee shall resign from his/her current position. Nothing in this Charter, however, shall be construed to prevent any employee from becoming or continuing to be a member of a political organization, from attending any political meetings or from enjoying complete freedom from all interference in exercising the employee's rights as a citizen.

**Section 9.06 Duties of Unified Government Officers and Employees.**

A. It shall be the duty of each employee and officer to maintain high standards of cooperation, efficiency and economy in the employee's or officer's work for the Unified

Government. Department heads and supervisors shall organize and direct the work on their units to achieve these objectives.

B. When work habits, attitude, production or personal conduct of an employee falls below a desirable standard, supervisors shall point out the deficiency at the time it is observed. Warning in sufficient time for improvement shall precede formal disciplinary action, but nothing in this Section shall prevent immediate, formal action whenever the interest of the Unified Government requires it.

**Section 9.07 Status of Employees on Effective Date of System.**

On the date the Charter takes effect, all employees in the classified service in City and County governments shall be appointed to retain their present position without being subject to examination. On the date the Charter takes effect, any employee of the Unified Government whose position was previously not included in the classified service, but which became classified as a result of said Charter, shall be appointed to retain that position without being subject to examination. The appointment of any such employee in a position for more than one (1) year prior to the effective date of the system shall be deemed complete, and such position shall be held until discharge or reduction in accordance with the provisions of this Charter. The appointment of any such employee who has held a position less than one (1) year prior to the effective date of the system shall be probationary. Such probationary period shall extend for one (1) year from the employee's first day of most recent employment with the City or County. Upon the successful completion of this probationary period, appointment in the system shall be deemed complete.

**Section 9.08 Nepotism.**

No classified or unclassified employee of the Unified Government shall be permitted to directly supervise a relative. For the purpose of this policy, "relative" means parent, step-parent, foster parent, parent-in-law, child, spouse, brother, brother-in-law, foster brother, step-brother, sister, sister-in-law, foster sister, step-sister, grandparent, son-in-law, daughter-in-law, grandchild or other family member who resides in the same household. A court appointed legal guardian or an individual who has acted as a parent substitute is also included within this definition. Direct or immediate supervision includes, but is not limited to, participation in hiring decisions, promotional decisions, pay decisions, disciplinary decisions, or the evaluation processes of another employee relative.

**Section 9.09 Continuation of Existing Civil Service Rights of Unified Government Employees.**

Nothing in this Charter shall impair or diminish the rights and privileges of former City of Knoxville and Knox County employees who continue as employees of the Unified Government as provided for in any City Charter, County Charter or general state law at the time of the establishment of the Unified Government.

**ARTICLE X.  
KNOXVILLE UTILITIES BOARD**

**Section 10.01 Created; Purpose.**

Except as otherwise provided in this Charter and in general law, the purchase, production and distribution of electricity, gas, and collection of wastewater by the Unified Government, both within and without the limits of the Knox County, and the agencies and facilities used for such purposes, shall be under the jurisdiction, control and management of a board to be known as the "Knoxville Utilities Board," to be constituted as hereinafter set forth.

**Section 10.02 Definitions.**

The following terms, whenever used or referred to in this Article, shall have the following respective meanings unless a different meaning clearly appears from the contract:

*Act* means the Charter of the Unified Government.

*Board* shall mean the Knoxville Utilities Board.

*Board Member* shall mean an individual member of the board.

*Division* means that part of the system that includes all of one (1) branch of the operation of the system, such as the branch having charge of the electric power operations or the branch having charge of the gas operations.

*System* shall mean and shall include the water system, the gas system, the electric distribution system and the wastewater system. The wastewater system shall be comprised of sewer systems and related appurtenances only and shall not include any storm sewer systems.

**Section 10.03 Members of Board.**

A. The board shall consist of seven (7) board members. No person shall be eligible to hold the office of board member unless said person shall have been, for at least three (3) years next preceding his appointment, a citizen and a bona fide freeholder or householder in Knox County, and at least twenty-five (25) years of age. No person who holds any other public office or employment, except that of notary public or a member of the National Guard of the State of Tennessee, shall be eligible to be a board member. Any board member who shall cease to possess any of the qualifications herein enumerated shall forthwith forfeit his/her office. The term of office shall be for a period of seven (7) years and no board member shall be elected or serve for more than two (2) such terms, or a maximum of fourteen (14) years, except that each board member shall hold office until his/her successor has been appointed and has qualified. In the event of a vacancy during a term, the position shall be filled for the balance of the term as hereinafter provided, and that board member shall be eligible for reelection to only one (1)

seven-year term thereafter, so as to not violate the fourteen-year maximum period provided herein.

B. Prior to the 1st day of November in each year, the board of members shall submit to the Mayor a list of three (3) nominees and the Mayor shall have thirty (30) days in which to select one (1) name for nomination to the Commission. A majority vote of the Commission shall be necessary for the election of such nominee. Should the Commission fail to either approve or disapprove a nominee within a period of thirty (30) days following notice of such nomination to the Commission, said nominee shall be deemed elected. In the event that a nominee is disapproved by a majority vote of the Commission, the nomination procedure shall be repeated, except that the board shall have thirty (30) days from notice of disapproval in which to submit three (3) nominees, which may include the two (2) not previously selected by the Mayor.

C. In the event of a vacancy during the term, said vacancy shall be filled for the remainder of the term in accordance with the procedures provided hereunder for nominations, except that the board shall make its nominations to the Mayor within thirty (30) days of the occurrence of the vacancy to commence the election process.

D. The compensation of each board member shall be two hundred dollars (\$200.00) per month, or such larger amount as may be fixed from time to time by resolution of the board, to take effect when the next full term of a board member begins following the passage of such resolution.

**Section 10.04 Bureaus Within System.**

The system shall be divided into a bureau of water, a bureau of power, a bureau of gas, a bureau of wastewater, and a bureau of accounts. The bureau of water shall control the operation and management of the water properties of the system, except insofar as the financial affairs thereof shall be under the bureau of accounts. The bureau of power shall control the operation and management of the electric properties of the system, except insofar as the financial affairs thereof shall be under the bureau of accounts. The bureau of gas shall control the operation and management of the gas properties of the system, except insofar as the financial affairs thereof shall be under the bureau of accounts. The bureau of wastewater shall control the operation and management of the wastewater properties of the system, except insofar as the financial affairs thereof shall be under the bureau of accounts. The board shall have the power to merge the bureau of wastewater into the bureau of water, or to operate them as separate bureaus, as it shall from time to time see fit. The merged bureau shall be known as the bureau of water, and there shall be one (1) superintendent for the merged bureau. The bureau of accounts shall control the collection of all accounts of the system, and the disbursement of all moneys of the system. The detailed division of duties between these respective bureaus, the subdivisions of bureaus, and the creation of subordinate offices and positions within each bureau, shall be subject to rules and regulations prescribed by the board.

### **Section 10.05 Meetings and Organization.**

A. The board shall elect from among its members a chairman who shall preside over the meetings of the board, and a vice-chairman who shall sit for the chairman during his/her absence or disability. The board shall also elect a secretary who shall be either a board member or a full-time employee of the system. The secretary shall keep the minutes of the meetings of the board and shall perform such other duties as the board may prescribe. Board members who are elected to the office provided for in this paragraph shall receive no additional salaries for their services. However, the board may provide for the payment of a reasonable salary to the secretary if the secretary is not a board member.

B. A new election of officers of the board shall be held at the first (1st) regular meeting of the board held following the appointment of a new board member for a full term. A board member holding an office provided for in this paragraph shall hold office until such officer's successor has been elected and has qualified, or until such officer ceases to be a board member. If the secretary is not a board member, he/she shall hold office at the will of the board. The board shall have the right to adopt bylaws, not inconsistent with the provisions of this Charter.

The bylaws may provide the time, place and manner of holding both regular and special meetings of the board. All such meetings shall be public and no action shall be taken by the board except by the affirmative vote of at least four (4) board members. Four (4) board members shall constitute a quorum of the board, but a smaller number may adjourn from day to day. The general manager and the bureau superintendents hereinafter provided for shall attend all meetings of the board, and shall have a seat and voice but no vote in such meetings. Except as otherwise expressly provided herein, action by the board may be by motion or by resolution passed on a single reading and may be made effective immediately upon passage.

### **Section 10.06 Powers.**

A. Independent control. Except as expressly provided in this Article, the board shall have and exercise and is hereby granted all the powers and duties possessed by the Unified Government to construct, acquire, expand or operate the system. The board, either by itself or by its duly authorized officers and employees, shall have and maintain full control and complete jurisdiction over the management and operation of the system and may make all contracts and do any and all acts and things that are necessary, convenient or desirable in order to operate, maintain, enlarge, extend, preserve and promote an orderly, economic and business-like administration of the system. Except as expressly provided in this Article, the system shall be free from the jurisdiction, direction or control of other Unified Government officers and employees and of the Commission.

B. Surety bonds. The board shall require corporate surety bonds from such of the system's officers and employees and in such amounts, as the board shall deem necessary. Premiums for such bonds shall be paid out of the funds of the system.

C. Rates. The board shall fix rates to be charged for services rendered by the system. Such rates shall be fair, reasonable and uniform for all customers in the same class, but different rate schedules may be applied to different classes of customers, as determined by the board. Rates within the boundaries of the Unified Government may be less, but not greater than rates for the same class of service outside the boundaries of the Unified Government.

D. Contracts, leases and agreements. The board may, in the operation of the system, either by itself or by its duly authorized officers and employees, execute deeds and enter into leases, contracts and agreements, provided the terms of such leases, contracts and agreements shall be limited to not more than twenty (20) years from the date of performance thereunder is to begin, and not more than twenty-two (22) years from the date of the execution thereof. All contracts whereby the system agrees to supply electric service, or gas service, or water service, or sewer service, or two (2) or more of the foregoing services, for a longer period than one (1) year from the time of the execution of such contracts, shall be subject to the condition that the rates at which such service is to be provided after the expiration of one (1) year from the date of the contract, shall conform to the rates being charged other customers for similar service. The time limit prescribed in this paragraph for the duration of contracts and agreements shall not apply to bond issues. The authority given the board by this Section shall not be construed to give the board authority to sell or lease all or a major part of any division of the system, unless such transaction is approved by the Commission by an ordinance, which ordinance shall not be passed as an emergency ordinance.

E. Advances to system for extensions. The board is authorized to allow any person, firm or public or private corporation to pay all or part of the cost of making an extension or extensions of the system to reach customers under an agreement whereby such extension or extensions shall, when made, become the property of the Unified Government as a part of the system and the board may further agree that the Unified Government shall pay a proportionate part of the net or gross receipts accruing to the system from such extension or extensions to the entity advancing the cost thereof, with or without interest on the amount of such advance; provided, however, the board can incur no such obligation for a longer period than fifteen (15) years from the time of the completion of such extension or extensions. Advances or loans made to the system under this paragraph shall not be subject to limitations or restrictions provided for elsewhere in this act.

F. Bonds and notes. The authority given the Unified Government to issue bonds or notes may be exercised for the benefit of the system or a part thereof in accordance with the provisions of the Charter or in accordance with other statutory authority. However, no bonds or notes payable out of the revenues of the system or a part thereof shall be issued without the consent and approval of the board, which consent and approval may be given by a resolution or resolutions of the board which may be adopted at the same meeting at which introduced and shall take effect immediately upon adoption. Where such bonds or notes are payable only out of the revenues of the system or a part thereof and are not general obligation bonds or general obligation notes of the Unified Government, the Commission and the board shall have full authority to provide for the issuance of such bonds or notes without submitting to electors or

taxpayers the question of issuing such bonds or notes, or the ordinance or resolution authorizing the same.

G. Rules and regulations. The board shall have authority to make and enforce all necessary and desirable rules and regulations for the efficient use, operation and management of the system.

H. Joint use of poles and other property. The board shall have the power to make agreements or contracts with any person, firm or public or private corporation for the joint use of poles and other property, belonging either to the system or such other person, firm or corporation or belonging jointly to both parties.

I. Eminent domain. The board is hereby given the same power and authority to exercise the right of eminent domain on behalf of the system, which power and authority is now possessed by, or may hereafter be given to, the Commission.

J. Investment of surplus funds. The board shall have power to invest its surplus funds only in securities in which municipalities or counties are authorized by state law to invest its funds.

K. Cooperation of other Unified Government departments. The board shall have the right to require the services of any officer or department of the Unified Government; provided, however, that if this power is exercised, the board shall pay such part of the expenses of the department used as is agreed to by the board and the director of such department. If the board does not wish to use such departments of the Unified Government, the board is authorized to establish similar departments of its own, which may be entirely independent of the corresponding department of the Unified Government. Insofar as reasonably practical, these departments of the system shall be operated in the same manner as the corresponding departments of the Unified Government. The Knoxville Utilities Board shall adopt procurement procedures which incorporate advertising and competitive bids for all purchases where practical. The Board may provide for alternate methods of purchasing when advertising and competitive bidding are not practical.

L. Salaries. The board shall have the power to fix the salaries for all officers and employees of the system. This power may be delegated by the board to the general manager.

M. Security for service charges. The board shall have the right to require reasonable deposits as security for the payment of charges for services rendered by the system, or, by and with the consent of the owner of the premises served, the board may make such charges a lien on the real property, to the occupants of which such services are rendered.

N. Promotion expenditures. The board shall have the power to authorize reasonable expenditures for advertising and otherwise promoting the increased use of the services of the system.

O. Discontinuance of service for nonpayment of charges. The board may discontinue all services of the system to any customer whenever such customer fails to pay for any services of the system or for any other services rendered to such customer by the Unified Government, the charges for which other services are collected by the board.

P. Authority relative to sewer service charges, generally. The board, at one time or from time to time, is hereby authorized and empowered:

1. To meter, bill and collect sewer service charges as an added designated item on its water service bills, or otherwise;
2. To discontinue water service to sewer users who fail or refuse to pay sewer service charges;
3. Not to accept payment of water service charges from any customer without receiving, at the same time, payment of any sewer charges owed by such customer;
4. Not to reestablish water service for any customer until such time as all past due sewer service charges owed by such customer have been paid.

#### **Section 10.07 Duties.**

A. Separate accounts for separate divisions of the system. The board shall require that separate books and accounts be kept on the electric, the gas, the wastewater, and the water operations, so that said books and accounts will reflect the financial condition of each division separately, and may require that the moneys and securities of each division be placed in separate funds to the end that each division shall be self-sustaining. The board shall have the power to merge the wastewater division into the water division, or to operate them as separate divisions, as it shall from time to time see fit, whenever such action can be taken without violating any contractual obligations. The merged division shall be known as the water division.

Each of said divisions shall be operated independent of the others, except as herein otherwise provided, and except insofar as the board may be of the opinion that joint operations shall be advisable and economical, in which event the expense incurred, including the compensation of said board members, and other executives and attorneys, in such joint operations, shall be prorated between the separate divisions in such manner as the board determines to be equitable.

B. Auditing. An independent certified public accountant, not an employee of the Unified Government or the system, shall be employed by the board to make such audits and reports as the board may deem necessary. Before any independent accountant shall be employed by the board in accordance with the provisions of this paragraph, the accountant to be employed shall be approved by the Commission.



C. Report to Commission. It shall be the duty of the board to furnish to the Commission, through the Mayor a semiannual report of the operation of the system, which report shall be kept on file in the office of County Clerk for the Unified Government and open to public inspection at all times.

D. Sufficient power and gas rates. The board shall charge sufficient rates respectively for electric power and gas to pay all obligations heretofore or hereafter incurred by the Unified Government on account of the ownership and operation respectively of the electrical division and the gas division, including all legal claims or judgments for which the Unified Government has heretofore been, or may hereafter be, liable on account of the ownership and operation of the electric division or gas division, and including the payments to the Unified Government in lieu of taxes as hereinafter provided. Such obligations, whether in the form of bonds or otherwise, shall be provided for in the respective budgets of the respective electric and gas division and need not be included in the general Unified Government budget.

E. Payments in lieu of taxes on electric and gas properties. From the separate revenues of the respective electric and gas division, the board shall pay into the general funds of the Unified Government respective sums equal in amount to that which would be the separate respective Unified Government real and personal property taxes on the respective electric and gas properties within the limits of the of the Unified Government if such properties were privately owned. The separate valuations of the respective electric and gas properties for determining the amounts of the respective payments required by this paragraph shall be made by the Finance Director of the Unified Government at the time tax assessments are made, but the board shall have the right to appeal from the decision of said Finance Director in the same manner as any taxpayer who considers a tax assessment excessive. Payments to the Unified Government, in accordance with the provisions of this paragraph, shall be made annually before the date when Unified Government taxes for each year become delinquent.

From the respective separate revenues of the electric and gas properties, the board may pay an amount or amounts equivalent to the respective amounts that would be payable for state and county real and personal property taxes in each county in which there are electric or gas properties, if said properties were privately owned. The valuation thus fixed by the board shall be final. In order to assist counties in estimating their budget requirements, the board shall fix the valuations upon which any amount or amounts to be paid the state or county is based, not later than the time county budgets are adopted. Payments provided for in this paragraph shall be made annually before the date upon which state and county taxes shall become delinquent.

Payments in lieu of taxes on the electric or gas properties shall be made to the Unified Government or state only so long as the governmental body to which such payment is made does not levy a property tax upon such electric or gas properties.

F. Sufficient water rates. The board shall charge sufficient rates for water service to pay all obligations heretofore or hereafter incurred by the Unified Government on account of the ownership and operation of the water division, including all legal claims or judgments for which the Unified Government has heretofore been or may hereafter be liable on account of the

ownership and operation of the water division, and including the payment to the Unified Government in lieu of taxes as hereinafter provided. Such obligation, whether in the form of bonds or otherwise, shall be provided for in the budget of the water division and need not be included in the general Unified Government budget.

G. Payments in lieu of taxes on water properties. From the revenues of the water division, the board shall pay into the general funds of the Unified Government a sum equal in amount to that which would be the Unified Government real and personal property taxes on the water properties within the limits of the Unified Government if such properties were privately owned. The valuation of the water properties for determining the amount of the payment required by this paragraph shall be made by the Finance Director at the same time tax assessments are made, but the board shall have the right to appeal from the decision of said Finance Director in the same manner as any taxpayer who considers a tax assessment excessive. Payments to the Unified Government, in accordance with the provisions of this paragraph, shall be made annually before the date when the Unified Government taxes become delinquent.

Payments in lieu of taxes on the water properties shall be made to the Unified Government only so long as the Unified Government does not levy a property tax on such water properties.

H. Sufficient sewer rates. The board shall charge sufficient rates for sewer service to pay all obligations heretofore or hereafter incurred by the Unified Government on account of the ownership and operation of the wastewater (sewer) division, including all legal claims or judgments for which the Unified Government has heretofore been or may hereafter be liable on account of the ownership and operation of the wastewater (sewer) division, and including the payment to the Unified Government in lieu of taxes as hereinafter provided. Such obligation, whether in the form of bonds or otherwise, shall be provided for in the budget of the wastewater (sewer) division and need not be included in the general Unified Government budget.

I. Payments in lieu of taxes on wastewater (sewer) properties. From the revenues of the wastewater (sewer) division, the board shall pay into the general funds of the Unified Government any amount that would be no more than the Unified Government real and personal property taxes on the wastewater (sewer) properties within the boundaries of the Unified Government if such properties were privately owned.

Payments in lieu of taxes on the wastewater (sewer) properties shall be made to the Unified Government only so long as the Unified Government does not levy a property tax on such wastewater properties.

J. Participation in employees' pension fund. From the revenues of the water division, from the revenues of the electric division, from the revenues of the wastewater division, and from the revenues of the gas division, the board shall pay into the employees' pension funds the amount required to contribute thereto by reason of participation therein of the employees of these respective divisions.

K. General obligations of Unified Government and existing contracts. The board shall cause to be paid all obligations for which the Unified Government may now be or may hereafter become liable because of the ownership and operation of the system. All such obligations shall be paid as they fall due. All such obligations, including bonds and notes, which are general obligations of the Unified Government, may be paid either directly to those to whom the obligations are owed or to the chief financial officer of the Unified Government for payment over to those entitled to such payments. This act shall not in any way impair any obligations heretofore entered into by the Unified Government and shall not change or alter the obligations of any existing contracts, all of which insofar as they apply to the system, shall be binding on the board.

L. Change of rates. The board shall make no change in the rates to be charged consumers of electric power, gas, wastewater, or water services unless the resolution providing for such change has been read and passed at two (2) regular meetings not less than two (2) weeks apart. No such rate change shall be made effective earlier than seventeen (17) days after the passage of the resolution on second reading.

#### **Section 10.08 Obligation of System.**

The board or its authorized representative may sue and be sued in the name of the Unified Government, and may make contracts and incur liabilities in the name of the board, but any obligation thus created shall be payable only out of the revenues of the water division if incurred solely on account of such division, or out of the revenues of the electric division if incurred solely on account of such division, or out of the revenues of the wastewater division if incurred solely on account of such division, or out of the revenues of the gas division if incurred solely on account of such division, or out of the revenues of the system if incurred jointly on account of the water and of the gas and of the wastewater and of the electric divisions. All contracts and agreements made by the board or its authorized representative shall contain a provision stating the revenues from which the obligations incurred thereunder are payable, but the failure to include such a provision in any contract shall not prevent the application of the limitation on the Unified Government's liability imposed by this paragraph.

#### **Section 10.09 Expenditures and Creation of Obligations.**

No money shall be drawn from the treasury of the system nor shall any obligation for the expenditure of money be incurred except in pursuance of appropriations made by the board. No claim against the system shall be paid unless evidenced by a voucher approved by the superintendent of the bureau for which the indebtedness was incurred, or by some other employee to be designated by such superintendent. All checks drawn on the funds of the system shall be signed by the superintendent of the bureau of accounts, or his deputy, and countersigned by some other employee to be designated by the board.

#### **Section 10.10 General Manager.**

The board shall appoint a general manager of the system who shall have executive ability and experience sufficient to qualify said person for the management of the system, who shall be

responsible to the board and who shall serve at the pleasure of the board. With respect to the management and operation of the system, the powers and duties of the general manager and the responsibility of the general manager to the board shall, insofar as practical, correspond to the powers and duties of the Mayor and the responsibility of the Mayor to the council as such powers, duties and responsibilities existed and would now exist but for the passage of chapter 623 of the Private Acts of 1937.

#### **Section 10.11 Superintendents of Bureaus.**

The general manager is hereby empowered and directed to appoint a superintendent for each of the separate bureaus heretofore established. Such superintendents shall have the executive ability and experience sufficient to qualify them for the management of their respective bureaus. The superintendents, subject to the supervision of the general manager, shall have direct supervision and control of the work of their respective bureaus. The superintendents shall be immediately responsible to the general manager and shall be removable by the general manager at any time. The superintendents, subject to the approval of the general manager and the civil service provisions of this act, shall appoint, promote, demote, transfer and remove all employees of their respective bureaus. In general, the powers, rights and duties of the superintendent of the bureau of power, the superintendent of the bureau of gas, the superintendent of the bureau of wastewater, and the superintendent of water concerning their respective bureaus and the responsibility of these superintendents to the general manager shall correspond, insofar as practical, to the powers, rights and duties of the director of public service concerning the department of public service and to the responsibility of the director of public service to the Mayor as the positions of director of public service and of the Mayor existed immediately before the passage of chapter 623 of the Private Acts of 1937. In general, the powers, rights and duties of the superintendent of the bureau of accounts concerning the bureau of accounts, his relationship to the system, and his responsibility to the general manager, shall correspond, insofar as practical, to the powers, rights and duties of the director of finance concerning the Department of Finance, the Finance Director's relationship to the general city government, and the responsibility of the Director of Finance to the Mayor as the position of Director of Finance and of the Mayor existed immediately before the passage of chapter 623 of the Private Acts of 1937.

#### **Section 10.12 Removal of Board Members.**

A. Any board member may be removed for the causes and in the manner provided by this Charter and the general ouster law of the State of Tennessee, the provisions of which are now found in T.C.A. §§ 8-47-101 to 8-47-126 inclusive.

B. The board may, by an affirmative vote of four-fifths (4/5) of its board members, remove any board member for misconduct, malfeasance, or for any other just and sufficient cause, after due trial before the board, following ten (10) days' notice in writing of the specific charges against the board member.

**ARTICLE XI.  
AUTHORITIES, BOARDS AND COMMISSIONS**

**Section 11.01 General Provisions.**

A. All boards, authorities and/or commissions created by virtue of state constitutional or statutory authority such as, but without limitation, the Agricultural Extension Committee, Air Pollution Control Board, Knoxville Community Development Corporation, Jail Inspection Committee, the Airport Authority, and Industrial Development Boards created by both the County and the City of Knoxville, shall be continued under the provisions of the state law by which they were created, with the same terms and conditions in relation to the Unified Government as existed with the City of Knoxville, the County, or both, prior to unification. Members of all boards, authorities and/or commissions existing prior to unification shall serve until the expiration of their terms, and vacancies on such boards subsequent to unification shall, unless otherwise specifically provided herein, be filled in the same manner as such vacancies were filled prior to unification, e.g., if members were appointed by either the Mayor or County Executive prior to unification, the Mayor of the Unified Government shall make appointments to fill such vacancies subsequent to unification. All bonds and other obligations which have been issued by such boards, commissions or authorities, shall remain the obligation of the issuing authorities and shall not be affected by the adoption of the Charter.

B. The Commission shall, notwithstanding the foregoing, take such steps as shall be legally permissible to combine those boards, authorities and/or commissions with similar functions, e.g. the Industrial Development Boards.

**Section 11.02 Specific Boards, Authorities and Commissions.**

A. Metropolitan Planning Commission. The Metropolitan Planning Commission ("MPC") shall be subject to the obligations and afforded the rights, set forth in Article XII hereof.

B. Knoxville Utilities Board. The Knoxville Utilities Board shall be subject to the obligations, and afforded the rights, set forth in Article X hereof.

C. Library Board. The Library Board, consisting of nine (9) members, with staggered three (3) year terms, will have responsibility for the governance of library administrative decisions. Members shall not be elected officials or employees of the Government.

D. Unified Government Investment Committee. This committee shall consist of the Mayor, the Department Director for the Department of Finance, the Trustee, two (2) members of the Commission, chosen by the members of the Commission, and one (1) private citizen chosen by the Mayor which private citizen shall be familiar with modern investment practices. The initial members from the Commission and the private citizen shall be chosen as soon as practicable after the effective date of this Charter, and their terms shall expire on January 1, 2000, and every two (2) years thereafter or until appointment of a qualified successor. Members

of this committee shall set the standards, policies, and procedures for, and review, the investment of funds by the Unified Government excluding those funds administered by pension boards pursuant to Article VI of this Charter.

E. Public Building Authority ("PBA"). The PBA shall have the authority to construct, operate, manage, and/or oversee such building or other capital improvement projects as shall be deemed to be in the best interest of the Unified Government, as determined by recommendation of the Mayor and ratification by the Commission. The PBA shall also have such other authority as granted to it under state law.

The PBA shall consist of eleven (11) members appointed for staggered terms of four (4) years each. Members shall not be elected officials or employees of the Unified Government.

F. Civil Service Merit Board. The Civil Service Merit Board shall be subject to the obligations, and afforded the rights, set forth in Article IX hereof.

G. Unified Government Retirement and Pension Board. The Unified Government Retirement and Pension Board shall be subject to the obligations, and afforded the rights, set forth in Article VI hereof.

H. Board of Education. The Board of Education shall be subject to the obligations, and afforded the rights, set forth in Article V hereof and as prescribed by state law.

I. Unified Government Transportation Authority. The Unified Government Transportation Authority ("UGTA") shall, subject to the approval by the Commission of its budget, have the authority to establish, acquire, install, extend, improve, maintain, operate and fix fares, routes and schedules for a public transportation system for the citizens pursuant to the authority granted by §7-56-101 to 7-56-109 Tennessee Code Annotated, or as hereafter amended. Any contract with a private entity for operation of the system, and all purchase contracts in an amount greater than \$50,000.00, or such greater amount as established in advance by the Commission, must be approved in advance of execution by the Commission. Title to all equipment and facilities shall be taken in the name of the Unified Government. The Commission shall adopt such ordinances as it may deem appropriate to more fully define or restrict the powers of such board.

The UGTA shall consist of seven (7) board members, all residents within the area of the Unified Government, and all of whom must be twenty-one (21) years of age. No person who holds any other public office or employment, except that of a notary public, a member of the national guard of the state or employee of a public school system, shall be eligible to be a board member, except one (1) board member who shall be a member of the Commission. The one (1) board member who is a member of the Commission shall be chosen by the members of the Commission; all other board members of the UGTA shall be appointed by the Mayor and ratified by the Commission. All board members, except the member of the Commission, shall serve without compensation for staggered terms of four (4) years each. The board member to be

elected by the Commission shall serve without additional compensation for a term of two (2) years, beginning January 1 following each regular Commission election.

**Section 11.03 Other Boards, Commissions and Authorities.**

All boards, commissions and authorities not falling within the purview of Section 11.01 and Section 11.02, *supra*, shall continue for a period of one hundred eighty (180) days after the effective date of the Charter. Any such board, commission or authority shall cease to exist at the end of such one hundred eighty (180) day period, unless the Commission extends the duration of, or creates the board, commission or authority, by ordinance or resolution.

**Section 11.04 Authority of Commission.**

Except as otherwise provided herein, the Commission shall have the authority to create, modify, combine or terminate by ordinance all boards, commissions and authorities so long as such actions are consistent with this Charter and state law. Those boards listed in Section 11.02 shall continue indefinitely unless this Charter is amended in a manner to affect one (1) or more of such boards.

**Section 11.05 Staggered Terms.**

Wherever in this Article XI there is a requirement that members be appointed to staggered terms, the Mayor, when appointing the initial Board, shall set such terms of the individual appointees so that such terms will in effect be staggered, with it being understood that members of the first (1st) appointed boards will serve shorter or longer terms than as are designated herein, provided the Commission approves the term of the initial Board members.

**ARTICLE XII.  
METROPOLITAN PLANNING COMMISSION**

**Section 12.01 General Provisions; Duties and Functions.**

A. The Metropolitan Planning Commission ("MPC") shall be the comprehensive planning agency for the Unified Government in accordance with general state law and Charter provisions. The MPC shall also administer zoning and land subdivision regulations, as provided in general state law.

B. The MPC shall operate as a regional planning commission established pursuant to state statute. The MPC shall consist of fifteen (15) members, appointed by the Mayor and confirmed as provided by state statute. There shall be at least one (1), but no more than two (2), MPC members appointed from each of the legislative districts established pursuant to Section 2.03 of this Charter.

C. The MPC shall hire the Director of the MPC staff who shall be responsible for the operation of the staff.

**Section 12.02 Comprehensive Development Plans.**

A. The MPC shall prepare and maintain five-year and fifteen-year comprehensive development plans of the Unified Government to be used as a guide for the growth and development of the Unified Government and which will identify its present and planned physical, social, and economic development. These plans shall:

1. Set forth the comprehensive development goals, objectives and policies for both the entire Unified Government and for small areas and communities within the Unified Government;
2. Identify and set forth the scope of all programs and services to be provided by the Unified Government; and
3. In conformance with such development goals, objectives and policies, identify the general location, character and extent of future land use for all classifications; parks, recreation and open space facilities; sites for public buildings and structures; public and privately owned utilities; street and thoroughfare systems, other transportation systems, services and facilities; housing; community facilities; and such other features, elements and policies as will provide for the improvement of the Unified Government over the five-year and fifteen-year periods.

B. Prior to and during the preparation of each comprehensive development plan, the MPC shall encourage participation from individual citizens and community groups, including in such manner as may be prescribed by ordinance.

**Section 12.03 One-Year Plan Element.**

In addition, the MPC shall prepare a one-year development plan which delineates the Unified Government's proposed land use development pattern for a succeeding twelve-month period and is based upon the development goals and objectives specified in the Unified Government's five-year development plan. The one-year development plan shall provide the basis for zoning of all properties within the planning and zoning jurisdiction of the Unified Government.

**Section 12.04 Implementation, Update and Revision of Comprehensive Development Plans.**

A. The MPC shall submit to the Mayor and to the Commission, such plans that will include a fifteen-year, five-year and one-year comprehensive development plan, along with a comprehensive zoning plan of all properties within the Unified Government. The fifteen-year and five-year plans, updated annually, shall be submitted to the Commission before its regular meeting in January of each year for a vote as to its approval and adoption. After conducting public hearings on such plans, the Commission shall approve and adopt the plans, after making any amendments or revisions the Commission considers appropriate, by not later than the first (1st) regular Commission meeting in March of the year.

B. The one-year comprehensive development plan and zoning plan, updated annually, shall be submitted to the Commission before its first regular meeting in April of each year for a vote as to its approval and adoption. After conducting public hearings on the plan, the Commission shall approve and adopt the plan, after making any amendments or revisions the Commission considers appropriate, by not later than the first (1st) regular meeting in May of each year.

C. Amendments to a comprehensive development plan may be made at any time during the year following the submission to and action thereon by the MPC. These amendments shall become effective when adopted by a majority vote of the membership of the Commission.

D. All approved comprehensive development plans shall be used a guide in preparing the Unified Government capital improvements program and capital budget.

E. The MPC shall maintain an up-to-date zoning map for all properties within the Unified Government limits.

F. Following the annual update and adoption of the Unified Government development plans, the Commission shall amend the zoning ordinance to conform it to the updated development plans in accordance with procedures prescribed by general law.

**Section 12.05 Capital Improvements Program.**

A. The Mayor shall have the MPC annually prepare a capital improvements program of proposed capital expenditures for the ensuing fiscal year, and the next five (5) fiscal years thereafter, accompanied by the report and recommendations of the planning commission.

B. The Mayor shall obtain annually from all officers, departments, boards and commissions and other agencies requesting funds from the Unified Government for capital improvements, such information as may be necessary in order to enable the MPC to prepare a capital improvements program. These data shall be delivered to the planning commission not later than for (4) months prior to the end of the fiscal year. The Mayor shall submit a capital improvements program and budget to the Commission not later than sixty (60) days prior to the commencement of the next ensuing fiscal year, and the method of financing them, noting the impact on the debt structure of the Unified Government, and shall include in the appropriate current operating budget any projects to be financed from current revenues for the ensuing fiscal year.

C. The Commission shall have the power to accept, with or without amendment, or reject, the proposed program and the proposed means of financing. The Commission shall not authorize expenditures for the construction or acquisition of any building, structure, work or improvement, unless the appropriation for such project is included within its capital improvements program, except to meet a public emergency threatening the lives, health or property of the inhabitants when passed by a vote of two-thirds (2/3) of the members of the Commission. The capital improvements program must be acted upon finally by the Commission not later than fifteen (15) days prior to the commencement of the next ensuing fiscal year.

D. The Mayor may submit amendments to the capital improvements program any time during the year, which amendments shall become effective when adopted by a vote of two-thirds (2/3) of the members of the Commission. Any amendment adding a new capital improvements program shall be accompanied by the recommendations of the Metropolitan Planning Commission. However, no such recommendation shall be required for changes in the financing or timing of projects that have been previously been approved by the Metropolitan Planning Commission.

**Section 12.06 Integration Provisions.**

All zoning in effect as of the date of unification shall remain in effect and shall not be affected by the adoption of this Charter. Provided, however, within eighteen (18) months after the effective date of the Charter, the MPC shall integrate the previous City and County zoning ordinances into one unified comprehensive document for presentation to the Commission for its approval or disapproval.

**ARTICLE XIII.  
CONSTITUTIONAL OFFICERS**

***Section 13.01 Offices Maintained; Salaries.***

The offices of Assessor of Property, County Clerk, Register, Sheriff, Trustee, and Clerks of the Court, as established by the Tennessee Constitution, are maintained. Nothing in these Articles shall impede or inhibit the duties of these constitutional officers as authorized by the Constitution and the laws of the State of Tennessee. The salary of each office shall be as provided by general law. When provided by general law, the Commission may supplement salaries set by general law and shall establish the salaries of those offices not set by general law. The budgets of each of such offices, operating, capital and otherwise, shall be subject to the review and approval of the Commission. Such budgets shall be submitted for approval at such time as may be established by this Charter or later adopted by the Commission.

***Section 13.02 Assessor of Property.***

The Assessor of Property shall be the chief assessing officer of the Unified Government. All property shall be assessed in accordance with the requirements of state law.

***Section 13.03 County Clerk.***

The powers, duties and responsibilities of the County Clerk as a collector of state and local revenues are maintained. All fees, commissions, emoluments and perquisites of the office of County Clerk shall accrue to the Unified Government.

***Section 13.04 Register.***

The powers, duties and responsibilities of the Register are maintained. All fees, commissions, emoluments and perquisites of the office shall accrue to the Unified Government.

***Section 13.05 Sheriff.***

The Sheriff shall be responsible for the jails, workhouses, officers waiting on courts, and such other duties as are provided by constitutional or statutory authority. The Sheriff shall be responsible for hiring, firing and general supervision of those persons whose sole responsibility consists of the serving of civil process. The Sheriff shall have concurrent jurisdiction with other law enforcement authorities of the Unified Government for the serving of other process.

All fees, commissions, emoluments and perquisites of the office of Sheriff shall accrue to the Unified Government.

***Section 13.06 Trustee.***

The Trustee shall collect and receive real and personal property taxes or tax equivalents and all merchant ad valorem taxes due the Unified Government for the General Services District, the Urban Services District and any Special Services Districts. The Trustee shall collect, by suit, or otherwise, all delinquent taxes due to the Unified Government in the manner and method as provided by general law. In fulfillment of that obligation, the Trustee shall deliver the delinquent tax lists, showing all unpaid taxes, to an attorney chosen by the Trustee with the approval of the Mayor. The compensation of the attorney shall be determined in advance through negotiations between the Trustee and the attorney, subject to the approval of the Commission, but in no event shall such compensation exceed ten percent (10%) of all delinquent taxes collected. The Trustee shall have such other duties and powers as set forth in Tennessee Code Annotated and otherwise as provided by the Constitution and the general laws of the State of Tennessee. The Trustee shall be responsible for the investment of all monies received by the office of the Trustee, subject to review of the Unified Government Investment Committee as established by Section 11.02(D). All excess fees, commissions, emoluments and perquisites of the Office of Trustee shall accrue to the Unified Government.

***Section 13.07 Clerks of the Courts.***

All Clerks of the Courts established prior to the adoption of this Charter are continued. All fees, commissions, emoluments and perquisites of the offices of the Clerks of the Courts shall accrue to the Unified Government.

***Section 13.08 Collection and Remission of Fees.***

All fees, commissions, emoluments and perquisites accruing to the Unified Government, except as specifically provided in Article 13.06, shall be collected by each respective office and remitted to the Unified Government in such manner as may be directed by the Commission, or as otherwise mandated under state law.

***Section 13.09 Approval of Commission.***

It is the express intent of this Charter that all budgets, operating expenses, and capital expenditures of each constitutional office shall be subject to the review and approval of the Commission. Nothing in this Section seeks to be contrary to state law, but acts to supplement state law as it may apply.

**ARTICLE XIV.  
GENERAL PROVISIONS**

**Section 14.01 Title and Filing Charter.**

This Charter shall be known and may be cited as the "Charter of the Unified Government of Knoxville and Knox County" pursuant to Section 7-21-101, et seq., Tennessee Code Annotated. The certified copy of the Charter of the Unified Government of Knoxville and Knox County and the Proclamation of the Secretary of State of the State of Tennessee showing the results of the November 5, 1996 Election shall be deposited with the County Clerk for permanent filing.

**Section 14.02 Liberal Construction of Charter.**

The failure to mention a particular power or to enumerate similar powers of the Charter shall not be construed to exclude such a particular power or to restrict the authority that the Unified Government, as a public corporation, would have if the particular power is not mentioned or similar powers are not enumerated. This Charter shall be liberally construed to the end that, within the limits imposed by this Charter and the Constitution and all applicable laws of the State of Tennessee, the Unified Government shall exercise all powers necessary and convenient for the conduct of its affairs, including all powers that cities and counties may assume under the Constitution and all applicable state laws of the State of Tennessee concerning home rule.

**Section 14.03 Definitions.**

The following definitions shall be applicable:

A. The phrase "Administrative or Executive Act or Function," shall mean any act or function either on or behalf of the Unified Government which is traditionally performed by the Mayor or Chief Executive in a representative or republican form of government; provided however, nothing in this definition shall be construed as prohibiting any officer, member, or any employee of the Commission in carrying out any act or function necessary or desirable for the Commission to perform its legislative acts or functions.

B. The words "Emergency Ordinance", shall mean any local legislation in regard to any subject within the definition of "Ordinance", as provided in Section 14.03(D), and adopted by the Commission in accordance with the formalities as set forth in this Charter and in all applicable laws of the State of Tennessee.

C. The phrases "Majority Vote of the Commission" or "Majority of the Members (or Membership) of the Commission," shall mean at least a majority of the total membership of the Commission as provided in this Charter.

D. The word "Ordinance", when used in connection with any action taken by the Commission, shall mean any local legislation adopted by that body which is adopted according to the formalities as set forth in this Charter and all applicable laws of the State of Tennessee and is of a permanent nature in its effect whether in a governmental or proprietary nature, and shall include, but not be limited to any action which would have required private acts of the Tennessee General Assembly with constitutional ratification in the absence of this Charter.

E. The word "Person" shall include both male and female plural and singular and shall include the terms, "individual," "corporation," "partnership," and "association," unless reason dictates another construction.

F. A "Reading" shall consist of a distinct and audible reading of the caption of an ordinance, emergency ordinance or resolution by either the Chairperson of the Commission or the County Clerk and a copy of such ordinance, emergency ordinance or resolution being available for public inspection at such meeting and such other requirements as are provided by applicable law.

G. The word "Resolution" shall mean any measure adopted by measure of the Commission which is not either an ordinance or emergency ordinance, requiring a majority vote for passage, relating to subject matter of either a special or temporary nature and shall specifically include, but not be limited, to the issuance of bonds, notes, other evidence of indebtedness and all matters relating thereto of the Unified Government.

H. The word "Shall" shall be construed as mandatory, and the word "may" shall be construed as permissive.

I. The phrase "Two-Thirds (2/3) of the members (or membership) of the Commission" shall mean at least two-thirds (2/3) of the total membership of the Commission as provided in this Charter.

J. The use of the term "Mayor" shall be used as is applicable to mayors of cities and executives of counties.

**Section 14.04 Construction of Words in This Charter.**

As used in this Charter, all masculine pronouns shall also mean the feminine; where reason dictates, the singular shall also include the plural.

**Section 14.05 Amendments to This Charter.**

Amendments to this Charter shall be in accordance with the provisions of Article II, Section 2.12 and Article VII, Section 7.14. Elections as designated in this Charter shall be held and certified in accordance with any applicable provisions of state law.

**Section 14.06 Discrimination Prohibited.**

A. No elected official, administrator, director, or employee of the Unified Government shall discriminate against any person in employment or provision of services based on race, sex, religion, age, handicap, disability, or nationality without due process of law. The Commission, by ordinance, or in the absence of ordinance, the Mayor by executive order shall establish such processes and procedures as may be necessary to carry out the provisions of this Section. The Commission shall by ordinance or resolution, take any actions which it deems appropriate to ameliorate any condition or circumstance created by, or resulting from, any one or more violations of the provisions of this Section.

B. The Mayor shall designate an administrative official to: (1) enforce ordinances or resolutions adopted by the Commission pursuant to this Section; (2) review practices of the Unified Government to ensure compliance with this Section and all applicable federal and state laws; (3) investigate all claims or violations of this Section or of applicable state or federal laws relating to equal employment practices.

C. No elected official, administrator, director or employee of the Unified Government shall discriminate against any person in the selection or designation of services on contract based upon race, sex, religion, age, handicap, disability, or nationality, without due process of law. The Commission by ordinance, or in the absence of ordinance, the Mayor, by executive order, shall establish such process and procedures as are deemed necessary to ensure nondiscriminatory practices in the use and selection of vendors and contractors for the Unified Government.

D. The Mayor shall designate an administrative official to (1) enforce ordinances or resolutions adopted by the Commission pursuant to this Section; (2) review practices of the Unified Government to ensure compliance with this Section and all applicable federal and state laws; and (3) investigate complaints and claims of violations of this Section or of applicable state or federal laws relating to equal opportunity practices for contractors and vendors.

**Section 14.07 Qualification and Oath of Elected Officers.**

Before entering upon the duties of the office, every officer whose election or appointment is prescribed in this Charter shall meet all qualifications provided by this Charter and all applicable laws of the State of Tennessee and shall take and subscribe to the following oath or affirmation before a person authorized to administer oaths:

I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States, the Constitution of the State of Tennessee, and the Charter of the Unified Government and that I will faithfully discharge the duties of my office to the best of my ability.

Any person refusing to take the oath or affirmation shall forfeit that office immediately.

**Section 14.08 Conflict of Interest.**

A. It shall be unlawful for any member of the Commission, the Mayor, other elected officeholder, or any administrative assistant, executive assistant, head of any division or department of the Unified Government, or any other person employed by the Unified Government to vote for, let out, overlook, or in any manner to superintend any work or contract with the Unified Government for the sale of any land, materials, supplies, or services to, or by, the Unified Government, or to a contractor supplying the Unified Government, where such person has a substantial financial interest, direct or indirect, as defined by Tennessee Code Annotated, §12-4-101, and any subsequent amendment thereto.

B. Any person who willfully conceals such a substantial financial interest or willfully violates the requirements of this Section shall be guilty of malfeasance in office or position and shall be subject to ouster from office or termination of employment. Violation of this Section with the knowledge, express or implied, of the person or corporation contracting with or making a sale to the Unified Government shall render the contract voidable by the Mayor or the Commission.

C. Any member of the Commission who is also an employee of the Unified Government may vote on matters in which there is a conflict of interest arising from the employment with the Unified Government if the member informs the Commission immediately prior to the vote as follows: "Because I am an employee of (name of governmental unit), I have a conflict of interest in the proposal about to be voted. However, I declare that my argument and my vote answer only to my conscience and to my obligation to my constituents and to the citizens this body represents."

D. In the event a member of the Commission has a conflict of interest in a matter to be voted upon by the body, he/she may abstain for cause by announcing such to the presiding officer.

E. The vote of any member of the Commission having a conflict of interest who does not inform the Commission of such conflict shall be void if challenged by a member of the Commission in a timely manner and ruled to be a conflict of interest by the Chairperson of the Commission. As used in this Section "timely manner" shall mean during the same meeting at which the vote was cast and prior to the transaction of any further business by the body.

**Section 14.09 Bonding of Officers and Employees.**

The Mayor and such other Unified Government officers and employees (paid by the Unified Government), as the Commission may provide, shall give bond in the amount and in the surety form prescribed by the Commission. The premiums of such bonds shall be paid by the Unified Government.



**Section 14.10 Residence and Qualifications of Unified Government Officials and Employees.**

A. Any Unified Government elected official who shall move his/her residence outside the district from which elected or appointed shall forfeit that office immediately.

B. Any lawyer, either elected or employed by the Unified Government in a legal or judicial capacity, who is suspended or barred from the practice of law in the State of Tennessee, shall forfeit that office immediately and shall not hold office or be reemployed during the term of such suspension or disbarment.

**Section 14.11 Ex-Officio Members - Boards, Authorities, Commissions, Agencies.**

No Unified Government officer or employee who is compensated for his/her service by salary shall receive any additional salary for serving as an ex-officio or other member of a Unified Government board, commission, authority or agency.

**Section 14.12 Private Acts.**

All private acts in conflict with this Charter or all private acts that have not been ratified by the Commission of the Unified Government within eighteen (18) months of the effective date of unification shall be invalid and/or superseded.

**Section 14.13 Unified Government Seal and Flag.**

The Commission shall have the power to adopt an official seal and flag for the Unified Government.

**Section 14.14 Service of Process on Unified Government.**

Service of any legal process, notice or other matter to be served upon the Unified Government pursuant to any rule, regulation or law shall be made upon the Mayor or as authorized by law.

**Section 14.15 Health Service.**

A. The Unified Government may acquire, construct, equip, extend, repair, maintain and manage, or contract for management, and operate, or cause to be operated through contract, hospitals, clinics, and nursing homes and other extended care facilities owned, supported or controlled by the Unified Government.

B. The Unified Government may act through a non-profit corporation or authority established by it to accomplish or carry out any or all of the above outlined duties.

**Section 14.16 Severability.**

If any Article, Section or provision of this Charter shall be held unconstitutional, invalid or inapplicable to any persons or circumstances, then it is intended and declared by the people of the Unified Government that all other Articles, Sections or provisions of this Charter and their application to all other persons and circumstances shall be severable and shall not be affected by such decision.

**Section 14.17 Accrued and Accruing Taxes.**

All taxes of every kind and nature heretofore levied, assessed and collected directly or indirectly by or for the benefit of the City of Knoxville or Knox County shall continue to be levied, assessed and collected for the benefit of the Unified Government as of the effective date of unification. All taxes of every kind and nature owing to either or both the City of Knoxville and Knox County or accruing to said entities shall continue to be due owing and payable to or shall continue to accrue to and in favor of this Unified Government from and after the effective date of unification.

**Section 14.18 Pending Litigation.**

No pending action, claim or proceeding, legal, administrative or of any other nature, by or against the City of Knoxville or the County of Knox or any agency or department thereof shall be abated or otherwise affected by the adoption and implementation of this Charter of Unification. To that end, the Unified Government shall stand substituted as a party in lieu of the former respective governments.

**Section 14.19 County Law Director - Office Abolished.**

The office of County Law Director established under the provisions of Chapter 382 of the Private Acts of 1967-68, as amended, shall continue and the incumbent in said office shall continue to serve as such Law Director until the effective date of unification without a successor being elected or sworn into office, at which time the incumbent shall no longer be County Law Director and the office of County Law Director shall be abolished.

**Section 14.20 Initial Remuneration.**

The monthly salary of the Mayor for the initial term of office shall be equal to the salary of the Chief Executive of Knox County immediately preceding the effective date of unification. The monthly salary of the Local Ordinance Judge for the initial term of office shall be equal to the salary of the Municipal Court Judge of the City of Knoxville immediately prior to the effective date of unification. The compensation payable to members of the Commission shall be as set forth in Section 2.04 of this Charter. Compensation payable initially to all other employees for services rendered from and after the effective date of unification shall be the same as such employees were receiving from their respective governmental employer immediately preceding the date of unification. It shall be the duty of the Unified Government to discharge and pay to employees those

sums owing to said employees from their respective former governmental employers for accrued but unpaid compensation. Employees of the Unified Government shall carry over accrued but unused benefit entitlements.

**Section 14.21 Property, Debts, Contracts and Obligations of City of Knoxville or Knox County.**

A. As of the effective date of the merger, and without further legal action being required, all right, title and interest, in and to all property, real, personal and mixed, wherever situate of the City of Knoxville or Knox County shall be vested in the Unified Government of Knoxville and Knox County which for all legal purposes shall be the successor in interest to all right, title and interest of the said municipality and the said county in and to all forms of such prior entity's property.

B. As of the effective date of the merger, the Unified Government shall assume and be responsible for all of the debts, obligations, bonds, and other liabilities currently existing or contingent, of every kind and nature whatsoever, of the City of Knoxville or of Knox County.

C. All existing contracts as of the effective date of the merger and all right, title, interest, or beneficial interest in any contract, agreement, commitment or obligation to which the City of Knoxville or the County of Knox is a party or to which any such contracts or agreements the City of Knoxville or the County of Knox is a third party beneficiary are assigned to and vested in the Unified Government of Knoxville and Knox County as of the effective date of the merger, and without further legal action being required, all duties, obligations, undertakings, commitments, responsibilities or liabilities contained in any contract, agreement, commitment or obligation, bond, note, or other financial obligation of any kind to which the City of Knoxville or Knox County is a party or by the terms and conditions of which the City of Knoxville or Knox County are bound shall be assumed by the Unified Government of Knoxville and Knox County.

**Section 14.22 Alcoholic Beverages.**

The legal status of the manufacture, storage, transportation, sale, and consumption of beer, wine, liquor and other alcoholic beverages within the various geographic areas of the Unified Government shall not change or be affected as a result of the institution of Unified Government. The expansion of the territory within the urban service district shall include the right, within the newly added territory to the urban service district, of the purchase, sale and consumption by the drink of alcoholic beverages subject to the statutes, laws, rules, and regulations then in force within the urban service district. Likewise, the status of the laws affecting the manufacture, storage, transportation, sale, and consumption of alcoholic beverages within the territory comprised by a smaller city which subsequently merges with the Unified Government shall be unaffected and unchanged within said territory by the merger. Otherwise, the changes in the legal status of the manufacture, storage, transportation, purchase and sale of alcoholic beverages within the various areas of the Unified Government shall be determined by referendum of the qualified voters in the area affected all as provided by the statutes and laws of the State of Tennessee.

**Section 14.23 Merger of Subsequently Acquired Utility Services With Knoxville Utilities Board.**

The appropriate officials of each of the Unified Government and the Knoxville Utilities Board shall take such action as may be required to cause such utility services as may be subsequently acquired by the Unified Government to be integrated with and merged into the compatible utility services of Knoxville Utilities Board as soon as practicable.

**Section 14.24 Utility Services Within Smaller Cities.**

Notwithstanding anything in this Charter to the contrary, this Unified Government may not take over, assume, or acquire any powers, rights, obligations, duties and privileges with respect to any utility service created, authorized or owned by a smaller city eligible to elect to merge into this Unified Government, unless and until the legislative body of such smaller city expressly consents to such acquisition by the Unified Government. Such express consent shall be evidenced by the execution by the smaller city of a franchise agreement granting to the service provider rights and authority within the boundary of the smaller city, subject to such terms and conditions as may mutually be agreed upon between the smaller city and the service provider. All such dealings, negotiations and transactions between the Unified Government and the smaller city or the provider of utility services within the smaller city shall be subject to the terms, conditions and provisions of T.C.A. § 7-21-303 and as the same may be amended, the terms and conditions of said statute, as amended, being incorporated herein, the same as if set forth herein verbatim.

**Section 14.25 Assumption of Utility Services Provided Within the Boundaries of the Unified Government.**

This Unified Government may at any time assume and take over the utility services provided within the boundaries of Knox County by any utility service provider created, authorized and/or owned by any private or public entity located outside the bounds of Knox County. If the Unified Government elects so to do, it shall follow the procedures set forth in the T.C.A. § 7-21-302 (b) as the same now exists or may hereafter be amended, the terms, provisions and conditions of said Section, as amended, being incorporated herein by reference the same as if set forth herein verbatim.

**Section 14.26 Charter Revision Committee Authorized.**

The Commission shall establish by ordinance a Charter Revision Committee to hold hearings and to make recommendations to the Commission with respect to amendments to the Charter.

**Section 14.27 Date of Unification - Effective Date of Unification, Etc.**

The terms "date of unification," "effective date of unification," "prior to unification," "after unification," "effective date of the Charter," or words or phrases of similar import shall refer to the date of December 20, 1997.

**ARTICLE XV.  
FUTURE MERGER WITH OTHER MUNICIPALITIES**

**Section 15.01 Merger of Other Municipalities into the Unified Government of Knoxville and Knox County.**

Pursuant to the provisions of state law, and as herein provided, municipalities other than the City of Knoxville which presently or which may hereafter exist and with respect to which the majority of such municipalities' territory lies within the geographic bounds of the Unified Government may merge with and into this Unified Government, the Unified Government being the surviving governmental entity. If any portion of the territory of the merging municipality lies outside the boundaries of this Unified Government, as of the effective date of merger, the boundaries of this Unified Government shall, without further action, be expanded so as to include all territory formerly included within the boundaries of the merged municipality.

**Section 15.02 Procedure for Determining Whether a Qualifying Municipality Other Than the City of Knoxville Shall Merge into the Unified Government.**

A. If the citizens and residents of a municipality the majority of the territory of which is located within the geographic bounds of this Unified Government desire for the qualified voters of such municipality to determine whether such municipality shall merge into this Unified Government, the following procedures shall be utilized to cause such action to be accomplished. A petition bearing the written signature, printed or typed name and address of persons qualified and registered to vote in municipal elections within said municipality in number not less than 25% of the number of ballots cast within said municipality in the most recent presidential election shall be filed with the Election Commission. The petition shall request the Election Commission to present for vote by the qualified and registered voters of said municipality the issue of whether said municipality shall merge with this Unified Government. If and when the Election Commission determines the petitions filed with it requesting said question to be submitted for vote contain at least the minimum number of required valid signatures of qualified and registered voters of said municipality, then the Election Commission shall place on the ballots to be used only by voters within such municipality at the next gubernatorial or presidential election (whichever shall first occur) a question which shall be stated as follows:

Shall the City (Town) of \_\_\_\_\_  
merge with the Unified Government  
of Knoxville and Knox County, said  
Unified Government being the surviving  
governmental entity and the separate  
existence of the City (Town) being  
terminated?

FOR

AGAINST

B. If a majority of the votes cast with respect to the above question in such election by the voters in such municipality are cast FOR the question, the separate existence of said municipality shall cease and terminate as of 12 o'clock midnight on that June 30, next following

certification by the Election Commission of the majority vote FOR the question. The effective date and time of merger shall be the instant after 12 midnight of the 1st day of July next following the certification by the Election Commission of the favorable vote FOR the question (the "effective date").

C. If a majority of the votes cast with respect to the above question in the above described election are cast AGAINST the stated question, the subject municipality will not merge with this Unified Government. In addition, a minimum period of at least four (4) years must lapse between the date of the last election within said municipality with respect to this question before a valid vote with respect to this question may again be taken within said municipality.

**Section 15.03 Land Use, Signage, Zoning, Subdivision, Surface Water Drainage, and Building Codes Ordinances and Regulations - Unaffected.**

From and after the expiration of six (6) months following the effective date of merger of a municipality into this Unified Government, the land use, signage, zoning, subdivision, surface water drainage, and building codes ordinances and regulations effective within the territory formerly comprising the merged municipality may be voided by the Commission of the Unified Government, and, thereafter, such land use, signage, zoning, subdivision, surface water drainage, and building codes shall conform to ordinances and regulations of the Unified Government or the Commission may direct that the same be merged into the most nearly compatible provisions of law of the Unified Government as is possible or any combination of the above. Until such action by the Commission of the Unified Government, the status of land use, signage, zoning, subdivision, surface water drainage, and building codes ordinances and regulations effective within the territory formerly comprising the merged municipality at the time of the effective date of merger shall continue until modified or changed by the Commission of the Unified Government.

**Section 15.04 Interim Planning Responsibilities.**

As soon as practicable following the certification by the Election Commission of a vote FOR merger with and into this Unified Government by the voters of another municipality, it shall be the responsibility of the Mayor of this Unified Government, acting by and through the directors and department heads of appropriate units and subunits of government to take the initiative in coordinating with the to be merged municipality for the purpose of creating a plan for the orderly, smooth, efficient and effective merging of governmental functions of the to be merged municipality with those of this Unified Government. Determinations shall also be made of the nature and amount of additional sources of revenue to be gained and expenses to be incurred and the same shall be included in the budgetary planning processes of the Unified Government for the fiscal year commencing with the effective date of the merger.

**Section 15.05 Personnel.**

Those full-time salaried employees of the to be merged municipality, other than those holding elected positions and the appointed position of city administrator (or equivalent), who so desire and make applications for employment shall be employed by the Unified Government and

assigned to work in units of the Unified Government performing duties and services most nearly akin to those units of the merged municipality from whence the employee came. Such employees shall not be terminated except for cause for a period of one (1) year and shall be given longevity credit with the Unified Government for the period of time employed with the merged municipality for all purposes other than pension and retirement purposes. For pension and retirement purposes, such employees past service benefits shall be those provided by the retirement benefit plans of the merging municipality. Said employees shall be treated as newly employed persons for purposes of Unified Government pension and retirement employee benefit plans.

**Section 15.06 Legal Status of Alcoholic Beverage Sales Within Subsequently Merged Municipalities - Unaffected.**

The merger of a municipality into this Unified Government subsequent to this Government's creation shall not alter the status as to the legality of the manufacture, receipt, sale, storage, transportation, distribution and possession of alcoholic beverages within the territory formerly comprising the merged municipality and local option elections theretofore held in such merged municipality shall continue to control the same until the legal status shall be subsequently altered by local option election held pursuant to law.

**Section 15.07 Property, Debts, Contracts, and Obligations of Merging Municipality.**

A. As of the effective date of the merger, and without further legal action being required, all right, title and interest, in and to all property, real, personal, and mixed, wherever situate of the merged municipality shall be vested in the Unified Government which for all legal purposes shall be the successor in interest to all right, title and interest of the merged municipality in and to all forms of its property.

B. At the effective date of merger, the Unified Government shall assume and be responsible for all of the debts, obligations, bonds and other liabilities currently existing or contingent, of every kind and nature whatsoever, of the merged municipality.

C. In the event that revenues to the Unified Government from all sources attributable to the persons, businesses, and property located within the former geographic boundaries of the merged municipality, excluding revenues already going to the Unified Government prior to the merger from the area so described, on a reasonable amortized basis, are insufficient to discharge, on a reasonable amortized basis, the debts, obligations and liabilities existing and contingent on the effective date of merger, and pay the costs allocable to such territory for the furnishing of current governmental services, excluding costs of services being furnished by the Unified Government to the area so described prior to the merger, then in such event, the Commission shall designate the area within the former bounds of the merged municipality as a special taxing district and assess, levy and collect such additional taxes in such form(s) as the Commission may determine as will be sufficient to pay the current costs of furnishing governmental services and, on a reasonable amortized basis, to defray and pay the amortized excess of the amount of debts, obligations and liabilities over the amount of remaining income attributable to the geographic area formerly bounded by the municipal limits of the merged municipality. For these purposes, credit shall be

given for increased revenues attributable either to increased rates or increased tax base of people, property valuations, sales tax collections, or other factors causing increased revenues from the territory formerly constituting the boundaries of the merged municipality, excluding revenues going to the Unified Government prior to the merger from the area so described.

**Section 15.08 Enforcement Jurisdiction.**

The State General Sessions Courts and the Unified Government Local Ordinance Court are vested with jurisdiction to enforce the ordinances, rules and regulations of the merged municipality which remain in force and effect until subsequently modified by action of the Commission. To the extent that the ordinances, rules and regulations of the merged municipality are not herein declared to remain in effect until changed, the same are effectively rendered null, void and of no effect from and after the effective date of merger and the resolutions and ordinances of general application of this Unified Government shall be in full force and effect throughout the territory of the merged municipality from and after the effective date of merger with full authority and jurisdiction for enforcement being vested in the appropriate established courts of this Unified Government.

**Section 15.09 Administrative, Quasi-Judicial and Citizen Advisory Boards.**

A. Following the certification by the Election Commission of a majority vote FOR the question of merger by the citizens of the subject municipality, it shall be the affirmative duty of the Chair or presiding official of each administrative or quasi-judicial board, commission or agency of the Unified Government to direct and oversee the staff of such board, commission or agency in the coordination with the counter-part board, commission or agency of the to be merged municipality. The purpose of coordinating is to insure an orderly, smooth, efficient merger, and transfer and assumption of duties by the Unified Government's board, commission or agency of the work in process by the subject municipality's comparable board, commission or agency. Transfer of work loads and jurisdiction from the boards, commissions and agencies of the municipality to those of the Unified Government shall be effective as of the effective date of merger.

B. Citizen advisory boards existing within the to be merged municipality shall continue to exist for a period of ninety (90) days following the effective date of merger. Thereafter, unless the Commission shall take action to ratify, confirm and renew the mission or purpose of such boards, such board whose mission/purpose is not ratified, confirmed and renewed shall be disbanded and terminated as of the end of the said ninety (90) day period except those boards whose duties do not duplicate those existing Unified Government boards and whose duties relate directly to the compliance of specified ordinance procedures. Such latter boards shall be disbanded and terminated effective with the termination of the ordinance to which the board's duties relate.

**ARTICLE XVI.  
TRANSITION**

**Section 16.01 General.**

The transition period shall be directed by the provisions and specific policies contained in this Article XVI.

**Section 16.02 Elections.**

The initial election for officers of the Unified Government, including the Judge of the Local Ordinance Court, shall take place in 1997. The primary election is scheduled for September 30, 1997 with the general election occurring on November 4, 1997. The elected officials shall take office on December 20, 1997. It is recognized that these initial officers shall have a longer initial term than will occur for future officers. After the initial election of its officers, these elected Unified Government officials shall return to the election schedule as stated in Article VII for election in the year 2002. The subsequent terms of office shall be for four (4) years beginning on September 1, 2002. Those officers elected by these provisions shall be the Mayor, the Commissioners, and Local Ordinance Judge.

**Section 16.03 Transition Committee.**

Thirty (30) days following the certification by the Election Commission of the adoption of this Charter of Unification, there shall be created a Committee to be known as the Unified Government Transition Committee.

The membership of this Committee shall consist of the following:

1. Mayor, City of Knoxville;  
Chief Executive, Knox County;  
Two (2) members of the Knoxville City Council selected by vote of the City Council;  
Two (2) members of County Commission selected by vote of County Commission;  
Finance Director of each the City of Knoxville and Knox County;  
Personnel Director of each of the City of Knoxville and Knox County; and,  
Chief of Police for the City of Knoxville;  
Sheriff of Knox County;

Six (6) citizens of Knox County, none of whom are employed by either of the governments of the City of Knoxville or Knox County, three (3) of whom shall be selected by the Mayor of the City of Knoxville, and three (3) of whom shall be selected by the Chief Executive of Knox County.

2. Not fewer than two (2) members of the African-American Community shall be members of the Transition Committee.
3. The City of Knoxville and the County of Knox shall each be responsible for funding on an equal basis the necessary and reasonable expenses of the Committee to enable it to employ staff and incur expenses incident to the carrying out of its duties and responsibilities.
4. The term of the Committee shall terminate and the Committee shall cease to exist ninety (90) days from and after the effective date of unification.
5. The Committee is hereby vested with broad power to develop and implement those procedures and policies, prepare those suggested ordinances and resolutions, determine appropriate time schedules and suggested order of action necessary to effectuate a smooth and orderly transition into the new Unified Government. The Unified Government Transition Committee may give consideration to any matters which, in the exercise of its discretion, would aid in the orderly, efficient and economical transition to Unified Government which items may include any or all of the following:
  - a. Recommendations as to the structure of governmental departments for consideration by the Mayor and, as appropriate, the Commission.
  - b. Assure maintenance of adequate fund balances in government accounts to provide operating funds for the Unified Government immediately upon its effective date.
  - c. Establish procedures, appoint subcommittees, and obtain staffing, as necessary, to consider and draft ordinances, resolutions, and other appropriate documents for the consideration of the new Unified Government and its legislative body.
  - d. Assign responsibilities for the recommendation of designs for Unified Government emblems, symbols, seals, uniforms for its uniformed bodies, together with appropriate patches and badges, and design of distinctive vehicle markings, striping and painting, as appropriate.

- e. Insure that appropriate insurance, including but not limited to life insurance, medical and hospitalization insurance is in force and effective covering Unified Government employees as is appropriate immediately on the effective date of such government without hiatus in coverages.
- f. Insure that appropriate liability, property damage, workman's compensation and other forms of insurance consistent with policies and practices of the respective unifying governments in force and in place immediately prior to the effective date of unification are continued after the effective date of unification without hiatus in coverages until such insurance or governmental policies with respect thereto can be considered by the Commission.
- g. Preparing documents in advance for the smooth, orderly transfer of bank accounts, and advance preparation of documents necessary to the timely and normal payment of governmental salaries, expenses, contract and other obligations.
- h. Prepare recommendations as to the most effective, cost efficient and beneficial ways and means of achieving compatibility of hardware, software, and function among those office machines, communication devices, and other items of equipment and property which are currently utilized by the City of Knoxville and Knox County and which will be transferred to the Unified Government.
- i. Develop recommendations for location and allocation of office space within existing governmental facilities for the various to-be-consolidated governmental offices and personnel.
- j. Encourage to the fullest extent possible the formulation by the City of Knoxville and Knox County of fiscal year budgets of each last to be prepared and adopted to be effective at or during the effective date of unification, in form and format that will facilitate the merger of each budget with the other to the end that the fiscal transition from those of the separate governments of the City of Knoxville and Knox County into the merged and combined fiscal affairs of the Unified Government may be as orderly, uncomplicated and smooth as possible.
- k. Initiate appropriate action to verify, confirm and otherwise bring current the status of all lists of inventories of governmental property of the City of Knoxville and Knox County and identify the location of all tangible personal property.

- l. Coordinate with appropriate current officials and devise satisfactory plans and procedures for the unabated continuation of governmental services and programs of the City of Knoxville and Knox County by the Unified Government immediately following the effective date of unification.
- m. Coordinate with appropriate representatives of the Knoxville - Knox County Metropolitan Planning Commission to encourage pre-unification study of the creation of a Unified Government Zoning Ordinance effectively merging, with appropriate modifications, the zoning ordinances of the City of Knoxville and of Knox County.
- n. Coordinate with all constitutional officers and appropriate officials of the City of Knoxville and Knox County to discourage all personnel actions, including promotions, demotions, hirings or firings, until the effective date of unification, except those as are clearly appropriate and fully justified in the ordinary continuation and conduct of governmental affairs.
- o. Coordinate with appropriate representatives of the City of Knoxville and Knox County prior to the effective date of unification to maintain the level of services during transition at not less than the level of service previously provided by the respective unifying governments.
- p. Implement such other actions to assist in the orderly, economical and desirable transition as the Committee may in the exercise of its judgment determine.

**Section 16.04 Existing Ordinances, Resolutions and Private Acts - Carry-Over Effect.**

All ordinances and resolutions of the City of Knoxville, known as the "Code of Ordinances, City of Knoxville, Tennessee", as amended, together with such other ordinances and resolutions as may be in force and effect at the effective date of unification which are not inconsistent with the terms and provisions of this Charter shall be effective as the ordinances and resolutions governing the urban services district until they have been amended, repealed, or modified. All ordinances and resolutions, affecting Knox County, Tennessee, not inconsistent with the terms and provisions of this Charter shall have legal effect in the general services district until repealed, amended or modified.

All private acts affecting the City of Knoxville or Knox County shall continue to have legal effect, unless they are inconsistent with terms and provisions of this Charter. In the event they are inconsistent, the Charter shall control. All such private acts shall be of no further force or effect from and after the extinction of eighteen (18) calendar months following the effective date of unification unless, prior to the expiration of said eighteen (18) month period, the Commission shall

have adopted and ratified each specific private act that shall remain in force and effect as to the Unified Government.

Within the three (3) year period following the effective date of this Charter, the Commission shall systematically review the ordinances, resolutions, and private acts of the former governments. All ordinances and resolutions of the former governments which the Commission has not adopted, modified or amended for inclusion in a new government code by January 1, 2001, shall be considered null and void after that date. In addition, the Commission shall request that the Knox County Legislative Delegation submit legislation to repeal all private acts deemed inconsistent or unnecessary to the operation of the government.

**Section 16.05 Rules and Regulations of Departments and Agencies.**

Accept as otherwise provided by this Charter, all existing rules and regulations of departments and agencies of the City of Knoxville and of Knox County not inconsistent with this Charter shall be effective as rules and regulations of the appropriate department, division or agency of the Unified Government until they have been repealed, modified or amended.

**Section 16.06 Termination of Transition Provisions.**

Article XVI, Transition, is designed to provide for an orderly transition from the existing City of Knoxville and Knox County governments to the Unified Government. Upon completion and carrying out of the transition provisions of this Article, as determined by the Commission, the provisions of this Article XVI shall no longer be of any force or effect.

**Section 16.07 Real Property Tax Rate Ceiling.**

During a period of three (3) years from and after the effective date of the unification of the governments of the City of Knoxville and Knox County pursuant to the adoption of this Charter, there shall be no increase in effective ad valorem tax rates (adjusted for reappraisal and tax equalization board adjustments) on any property either within or without the urban services area. To assure compliance both with this provision and the constitutional mandate that all property shall be taxed in accordance with its value, it shall be the mandatory obligation of the Commission to reduce expenditures to the extent necessary to assure there will be no increase in effective ad valorem tax rates (adjusted for reappraisal and tax equalization board adjustments) during this three (3) year period.

**Knoxville/Knox County  
Charter Commission  
P.O. Box 966  
Knoxville, TN 37901  
(423) 215-2424**