

February 6, 2008

Honorable Michael Dinwiddie, Alderman
City of Spring Hill
199 Town Center Parkway
Spring Hill, Tennessee 37174

Dear Alderman Dinwiddie

MTAS Librarian, Frances Adams-O'Brien, has referred your questions relating to an alderman's responsibilities and job description to me.

Before assuming the duties of your office, you are required to take an oath before an official authorized by law to administer oaths; that you will uphold the state constitution and perform the duties of your office. The charter is not well written in that the oath for the mayor is spelled out and the oath for aldermen is merely implied to be similar.

As a board member and as a citizen, you are responsible for complying with the state and federal constitution and the so called "common law" or rulings of the courts. Your city attorney should advise you of your responsibilities as a board member under the constitutions and common law. That is one of the main reasons for having a city attorney.

Your charter provides for a legislative, judicial, and executive level of local government similar to that of our state and federal systems of government. Although one of the main responsibilities of a legislator is to perform an oversight responsibility, your responsibility is clearly a legislative responsibility. In my opinion, your legislative responsibility also includes the oversight of the executive branch of local government and operation of the city.

The city charter outlines specific and implied powers that for the most part are discretionary. That is, you are authorized to exercise the powers, but not compelled. Once you exercise a power under the charter, I think you are responsible for implementing its provisions and requirements.

The charter and/or state law specifically require you (as a member of the board):

- Adopt and approve an annual budget and publish the budget. This is one of the main responsibilities of a legislator
- Operate within the approved budget
- Publish approved or proposed ordinances when required
- Enforce ordinances, rules or regulations by fine, forfeiture, and penalties
- Call elections
- Fill vacancies on the board

- Appoint a vice-mayor
- Provide for a city recorder and treasurer
- Designate a depository for municipal funds
- Provide for a city attorney
- Provide for public safety
- Provide for an effective administration by appointing the mayor, a city administrator, or some other person to perform the duties of the city administrator as outlined in the charter. I think your legislative oversight responsibility includes evaluation of the performance of the chief executive, whoever is selected for the position.
- Approve the zoning ordinance and amendments
- Approve purchasing policies consistent with the 1983 Purchasing Law and see that its provisions are enforced
- Approve personnel policies
- Approve travel policies
- Approve an ethics policy by ordinance
- Appoint a member of the board to the planning commission
- Appoint a board of zoning appeals
- Establish a municipal court and court costs
- Approve proposed annexations
- Approve the borrowing of money and the purchase and disposal of real estate

As a legislator you are responsible for all the above and many other responsibilities that I have not listed. As a legislative policy maker, it is my opinion that, you have no specific job description other than to comply with the city charter, the state and federal constitution and the common laws of this state as sworn to by oath. I do think that you are responsible for complying with ordinances approved by the board under charter provisions.

I hope this clarifies some of your many responsibilities as a local legislator. Please call me if you have questions or comments.

Respectfully Yours

Ron Darden
Municipal Management Consultant

Cc. MTAS Librarian Frances Adams-O'Brien