

TITLE 2

BOARDS AND COMMISSIONS, ETC.

CHAPTER

- 1. BOARDS, COMMISSIONS, AUTHORITIES AND AGENCIES.
- 2. BOARD OF EDUCATION.
- 3. BOARD OF PUBLIC UTILITIES.

CHAPTER 1

BOARDS, COMMISSIONS, AUTHORITIES AND AGENCIES¹

SECTION

- 2-101. Enumeration.
- 2-102. Appointment of members of board of mayor and aldermen to such bodies.
- 2-103. Budgets.
- 2-104. Reports.
- 2-105. Maximum terms.
- 2-106. Residence requirements for appointees.

2-101. Enumeration. Boards, commissions, agencies, authorities and committees of the city include, but are not limited to, the following:

	<u>Board, Etc.</u>	<u>How Appointed</u>	<u>Term of Office</u>	<u>Authority</u>
(1)	Tulahoma Utilities Board	Mayor appoints one member from the board of mayor and aldermen; mayor and aldermen elect four (4) members pursuant to § 8 of the charter.	4 years	<u>T.C.A.</u> § 7-52-107 (Appt.) <u>T.C.A.</u> § 7-52-108 (Term) Code § 2-301

¹Charter reference: § 8.

	<u>Board, Etc.</u>	<u>How appointed</u>	<u>Term of Office</u>	<u>Authority</u>
(2)	Industrial Development Board of the City of Tullahoma, Tennessee.	Board of mayor and aldermen.	6 years	<u>T.C.A.</u> § 7-53-301
(3)	The Tullahoma Municipal-Regional Planning Commission	(a) Mayor or designee appointed by mayor;	1 year	<u>T.C.A.</u> § 13-4-101 and Code § 14-101
		(b) Member of board of mayor and aldermen elected by board;	1 year	
		(c) Five members appointed by the mayor	5 years	
(4)	Tullahoma Community Development and Housing Commission	Mayor	5 years	<u>T.C.A.</u> § 13-20-408
(5)	Tullahoma Board of Education	Elected by registered voters of city	4 years	Code § 2-201
(6)	Tullahoma Municipal Airport Authority	Board of mayor and aldermen	5 years	<u>T.C.A.</u> § 42-3-103 Code § 20-1101
(7)	Duck River Utility Commission	Nomination and election by ballot-board of mayor and aldermen	3 years	Compact between Tullahoma-Manchester Water and sewer Commission and Tullahoma Utilities Board

(1988 Code, § 1-301, modified, as amended by Ord. #1295, Oct. 2004)

2-102. Appointment of members of board of mayor and aldermen to such bodies. The mayor may henceforth appoint a member of the board of mayor and aldermen to each of the boards, agencies, commissions, authorities and committees which do not already have a member of the board of mayor and aldermen serving as a member thereof under the requirements of other ordinances of the city or laws of the state. Said appointees shall be nonvoting, ex officio members and shall attend meetings of the bodies to which they are appointed and act as liaison between them and the board of mayor and aldermen. The terms of said appointments shall be for one year and said appointments shall be made by the mayor at the first meeting of the board of mayor and aldermen in August of each year or as soon thereafter as possible. (1988 Code, § 1-302, modified)

2-103. Budgets. (1) All boards, agencies, commissions, authorities and committees of the city shall render their budgets for review by the board of mayor and aldermen on or before May first of each year for the next respective fiscal year of said boards, agencies, commissions, authorities and committees, and upon approval of said budget by the board of mayor and aldermen shall adhere to and follow same in all respects.

(2) Each of the boards, agencies, commissions and committees of the City of Tullahoma, Tennessee, in rendering the budgets required hereunder for review to the Board of Mayor and Aldermen of the City of Tullahoma, Tennessee, on or before May first of each year, are hereby required to utilize and prepare budget documents for responsible fiscal control in as much detail as to parallel matters shown on year-end operating statements for the last ending fiscal year, said budget to be reviewed by and utilized by the Board of Mayor and Aldermen of the City of Tullahoma, Tennessee, in establishing its own budget for the next ensuing fiscal year after receipt of budget documents from the aforementioned boards, agencies, commissions and committees.

(3) All boards, agencies, commissions, authorities, and committees of the city after rendering to the board of mayor and aldermen their budgets for review on or before May first of each year for the next respective fiscal year, shall have thirty (30) days from May first in each year to render or file with the board of mayor and aldermen amendments to said basic budget document. (1988 Code, § 1-303)

2-104. Reports. (1) All boards, agencies, authorities and committees appointed by the mayor or the board of mayor and aldermen are hereby required to render to the board of mayor and aldermen an annual report each year regarding the activities of their board, etc., or the board, etc., to which they have been appointed; said report to be filed by April first of each year, or, if abolished, on date of abolishment of such body.

(2) In addition to said reports being filed, minutes of each meeting shall be submitted by such boards, etc., to the board of mayor and aldermen as soon as same have been approved from time to time. (1988 Code, § 1-304)

2-105. Maximum terms. (1) Maximum length of continuous service on any city appointed board, commission, committee, or authority, shall be as follows:

	1 Term Equals	Terms
Industrial Board	6 years	2
Housing Authority	5 years	2
Utilities Board	4 years	2
Planning Commission	5 years	2
Airport Authority	5 years	2
Duck River Commission	3 years	3

These limits are not to be exceeded, even through partial terms, but for the sole exception when there are no eligible volunteers seeking to fill the position. All appointees now serving on any of the above enumerated agencies may continue to serve until their present term expires, whether or not their total number of years served exceeds the above applicable limit. (1988 Code, § 1-305, as amended by Ord. #1157, Oct. 1996, and Ord. #1252, Sept. 2002, and replaced by Ord. #1382, Feb. 2009)

2-106. Residence requirements for appointees. (1) All appointees, either of the Mayor of the City of Tullahoma or of the Board of Mayor and Aldermen of the City of Tullahoma, by whatever methods of appointment are authorized by ordinance or statute, shall be citizens and residents of the City of Tullahoma, Tennessee. They shall serve in their appointed positions either until the term thereof has expired or until they no longer maintain their domicile within the city limits of the City of Tullahoma, Tennessee. For the purposes of this section, the term "domicile" shall be defined as follows:

"A place where a person lives or has his home; in a strict legal sense, the place where he has his true, fixed, permanent home and principal establishment, and to which place he has, whenever he is absent, the

intention of returning. In a sense, it is synonymous with home, or residence, or the house of usual abode." Also.... "Domicile means more than residence. It imports residence and fixed intention to remain there. A man may be a resident of a locality without having his domicile there. He can have only one domicile at the same time, though he may have more than one residence."

(2) At such time as any appointee hereinabove referred to shall remove his domicile from the City of Tullahoma, Tennessee, it shall be his duty and responsibility to so notify the board of mayor and aldermen; provided, however, that should said appointee fail to do so, then upon reasonable assurance that said appointee has, in fact, changed his domicile, the board of mayor and aldermen shall appoint some other person to serve out the unexpired term of the appointee and shall so notify both the original appointee and the successor appointee, in writing.

(3) The provisions of this section shall be applicable to, but not limited to membership on the Industrial Development Board of the City of Tullahoma; Tullahoma Municipal-Regional Planning Commission; the Tullahoma Utilities Board; the Tullahoma Community Development and Housing Commission; the Tullahoma Board of Education; the Tullahoma Airport Authority; the Duck River Utility Commission. The foregoing list of boards, committees and authorities is provided by way of enumeration, but not limitation. (1988 Code, § 1-307, modified)

CHAPTER 2

BOARD OF EDUCATION¹

SECTION

- 2-201. Created, composition, election, term of office.
- 2-202. Powers and duties generally, to prescribe course of study, etc.
- 2-203. Annual report required.
- 2-204. Pupils eligible to attend; construction of buildings.
- 2-205. Selection of teachers.
- 2-206. Teachers not to be members of board of education.
- 2-207. Teachers may run for offices of mayor and aldermen.
- 2-208. Board of education finances.

2-201. Created, composition, election, term of office. There is hereby created a Board of Education for the City of Tullahoma, Tennessee, which shall consist of seven (7) citizens of the city, (except during the transition period contemplated hereby) who shall be elected by the voters of the City of Tullahoma, Tennessee, at large, to serve for a term of four (4) years. Election of the members of the board of education shall commence after the enactment hereof and shall continue pursuant hereto until this section is repealed and/or amended, said elections to be as follows:

(1) The two (2) members of the board of education appointed in February, 1996, pursuant to the prior ordinance under which they were appointed shall serve a three (3) year term ending in February, 1999. Should these members desire to retain their positions on the board of education, they will stand for election in the city general election in August, 1998. If these members are elected to the board, they will be sworn in at the next board of education meeting following the city general election and shall serve a four (4) year term. If these members choose not to seek re-election to the board or are defeated, they will continue to serve their appointed term until February, 1999, and the newly elected replacement members of the board will be sworn in at the next board of education meeting following the city general election and shall each serve a four (4) year term. These positions shall stand for re-election every four (4) years thereafter.

(2) The three (3) positions for membership on the board of education for which terms expire in February, 1997, shall stand for election in the city general election in August, 1996. The members elected to the board will be sworn in at the next board of education meeting following the city general election and shall each serve a four (4) year term. If current members choose not to seek re-election to the board or are defeated, they will continue to serve their appointed term until February, 1997. The newly elected members of the

¹Charter reference: § 8.

board will be sworn in at the next board of education meeting following the city general election and shall each serve a four (4) year term. These positions shall stand for re-election every four (4) years thereafter.

The two (2) positions for membership on the board of education which terms expire in February, 1998, shall stand for election in the city general election in August, 1997. The members elected to the board will be sworn in at the next board of education meeting following the city general election and shall each serve a four (4) year term. If current members choose not to seek re-election to the board or are defeated, they will continue to serve their appointed term until February, 1998. The newly elected members of the board will be sworn in at the next board of education meeting following the city general election and shall each serve a four (4) year term. These positions shall stand for re-election every four (4) years. (1988 Code, § 1-1701)

2-202. Powers and duties generally, to prescribe course of study, etc. (1) The board of education is hereby invested with all the powers and authority necessary for the establishment and maintenance of a graded free school within the city.

(2) The organization of the public schools and the course of studies to be pursued therein, as well as the plan of instruction, shall be such as may be adopted by the board of education. (1988 Code, § 1-1702)

2-203. Annual report required. The board of education shall make an annual report of the condition of the public schools to the board of mayor and aldermen on or before April first in each year. (1988 Code, § 1-1703)

2-204. Pupils eligible to attend, construction of buildings.

(1) Pupils allowed to attend the public schools of the city free shall be those of the ages allowed to attend the public free schools of the state, and they shall be under charge of such teachers and in such buildings as the board of education may deem most suitable.

(2) The children and wards of all actual residents within the city shall be entitled to seats as pupils in the public free schools, provided that said children shall themselves be bona fide residents of the city; but provision may be made for the reception of other pupils, on such terms and conditions as the board of education may provide.

(3) The board of education shall have the right, with the consent of the board of mayor and aldermen, to either buy or erect such buildings for school purposes as in its judgment may be necessary to carry into effect the intent and purpose of this division, and in either the erection or purchase it shall look well to the healthfulness of the locality and the ample ventilation of the buildings and rooms.

(4) It shall be unlawful for any person to send a pupil to the public free school, knowing that said pupil is not entitled to free education therein, without first making arrangements with the board of education and paying tuition. It

shall be unlawful for any teacher knowingly to receive such pupil. (1988 Code, § 1-1704)

2-205. Selection of teachers. In the selection of teachers for the public school, a majority vote of the members of the board of education shall be required for the selection of each teacher. (1988 Code, § 1-1705)

2-206. Teachers not to be members of board of education. No person shall be a member of the board of education, and at the same time be a teacher in the public schools. (1988 Code, § 1-1706)

2-207. Teachers may run for offices of mayor and aldermen. All teachers employed by the city board of education, if otherwise eligible, may be eligible to qualify for and run for the offices of mayor and aldermen of the city, in all municipal elections. (1988 Code, § 1-1707)

2-208. Board of education finances. (1) The city board of education is hereby authorized to receive all monies and funds for the operation of the city school system and to draw checks or drafts on said accounts in its name for the payment of the obligations of the city school system as set forth in the budget for the city board of education approved by the board of mayor and aldermen; however, such disbursements shall be for services rendered only and not in advance and shall be in accordance with the budget limitations.

(2) The city board of education shall keep accurate records of all receipts and disbursements in keeping with sound accounting principles and report annually to the board of mayor and aldermen the disposition of all school funds.

(3) The person designated by the city board of education to disburse said funds shall be bonded with a corporate bond in accordance with state requirements. (1988 Code, § 1-1708)

CHAPTER 3

BOARD OF PUBLIC UTILITIES

SECTION

2-301. Established; powers and duties; membership.

2-302. Supervision of city's water and sewer systems vested in board of public utilities--to keep separate accounts for electric, water and sewer plants and facilities.

2-303. Source of authority.

2-301. Established; powers and duties; membership. (1) A board of public utilities is hereby constituted and established for the purpose of taking and having supervision and control of the improvement, financing, operation, and maintenance of the city electric system, which board shall be the supervisory body of said electric plant and shall have all the powers and duties which are, or shall be, conferred upon such board or supervisory body by the laws of the state, including, but not limited to, the provisions of the Municipal Electric Plant Law of 1935, the same being Tennessee Code Annotated, § 7-52-101 (1979, 1980 Replacements) et seq. The term "electric plant" shall be understood as defined by said act.

(2) The board shall consist of five (5) members with fixed terms; the members of the board shall be appointed as provided by said municipal electric plant law, and for the terms of office therein specified. (1988 Code, § 13-101)

2-302. Supervision of city's water and sewer systems vested in board of public utilities--to keep separate accounts for electric, water and sewer plants and facilities. The supervision and control of the improvement, financing, operation, and maintenance of the city water and sewer system are hereby transferred and conferred upon the board of public utilities of the city, with the provision that said board of public utilities shall keep separate accounts for the electric plant, separate accounts for the water plant and facilities, and separate accounts for the sewerage plant and facilities, making due and proper allocation of all joint expenses, revenues and property valuations. (1988 Code, § 13-102)

2-303. Source of authority. The board of public utilities shall have the same powers of supervision over the city's waterworks and sewerage works in the same manner as it has over the power system of the city. The board of public utilities will supervise, control and operate the city's water and sewerage works under the same law that established the authority over the electric plant, that is, Tennessee Code Annotated, § 7-52-101 et seq. (1988 Code, § 13-103)