CHARTER OF THE CITY OF LEXINGTON, TENNESSEE[1]

CHAPTER NO. 131

HOUSE BILL NO. 3606

By Representative McDaniel

Substituted for: Senate Bill No. 3519

By Senator Herron

AN ACT repeal Chapter 402 of the Acts of 1901, as amended by Chapter 43 of the Acts of 1905; Chapter 396 of the Acts of 1907; Chapter 427 of the Acts of 1909; Chapter 570 of the Private Acts of 1911; Chapter 691 of the Private Acts of 1933; Chapter 821 of the Private Acts of 1937; Chapter 494 of the Private Acts of 1941; Chapter 290 of the Private Acts of 1949; Chapter 94 of the Private Acts of 1955; Chapter 13 of the Private Acts of 1957; Chapter 6 of the Private Acts of 1959; Chapter 195 of the Private Acts of 1961; Chapter 228 of the Private Acts of 1965; Chapter 267 of the Private Acts of 1967; Chapter 171 of the Private Acts of 1971; Chapter 257 of the Private Acts of 1978; Chapter 64 of the Private Acts of 1987; Chapter 88 of the Private Acts of 1989; Chapter 89 of the Private Acts of 1989; Chapter 106 of the Private Acts of 1989; Chapter 97 of the Private Acts of 1991 and Chapter 194 of the Private Acts of 1996, and all other acts amendatory thereto, and to enact a new charter for the city of Lexington.

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[1]Priv. Acts 2004, ch. 131, is the current basic charter act for the Town of Lexington, Tennessee. The text of the basic charter act set out herein includes all its amendments through the 2012 session of the Tennessee General Assembly. Sections of the charter which have been amended contain at the end of those sections the citation to the official act or acts constituting the amendment or amendments. No other changes have been made to the charter except the addition of a table of contents to facilitate its use. A list of all the acts including the basic charter appears at the end of the charter.

Acts which did not expressly or in effect amend any particular section or part of the basic charter, but which supplemented it, have been placed after the basic charter act as "Related Acts."

Acts of a temporary nature with no general or continuing application, such as bond authorization and validation acts have not been included in this compilation.

See page C-20 for other acts affecting the City of Lexington not included in the charter.

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

SECTION 1. Chapter 402 of the Acts of 1901, as amended by Chapter 43 of the Act of 1905, Chapter 396 of the Acts of 1907, Chapter 427 of the Acts of 1909, Chapter 570 of the Private Acts of 1911, Chapter 691 of the Private Acts of 1933, Chapter 821 of the Private Acts of 1937, Chapter 494 of the Private Acts of 1941, Chapter 290 of the Private Acts of 1949, Chapter 94 of the Private Acts of 1955, Chapter 13 of the Private Acts of 1957, Chapter 6 of the Private Acts of 1959, Chapter 195 of the Private Acts of 1961, Chapter 228 of the Private Acts of 1965, Chapter 267 of the Private Acts of 1967, Chapter 171 of the Private Acts of 1971, Chapter 257 of the Private Acts of 1978, Chapter 64 of the Private Acts of 1987, Chapter 88 of the Private Acts of 1989, Chapter 89 of the Private Acts of 1989, Chapter 106 of the Private Acts 1989, Chapter 97 of the Private Acts of 1991, Chapter 194 of the Private Acts of 1996, and all other acts amendatory thereto, being the charter of the city of Lexington, are hereby repealed except for those provisions regarding the boundaries of the city as provided in Section 3 of this act and the following sections shall become the charter for the city of Lexington.

SECTION 2. As used herein, unless the context otherwise requires;

(1) "Alderman" means a person elected to the board as provided in this charter. The term "Alderman" expressly excludes the position of Mayor. [As replaced by Priv. Acts of 2006, ch. 119, § 1 and Priv. Acts of 2007, ch. 36, § 1]

(2) "At large" means the entire city as distinguished from representation by wards or other districts.

(3) "Board" means the legislative body of the city, which shall be composed of the mayor and seven (7) aldermen elected as provided in this charter, and any incumbent aldermen until the expiration of their current terms of office.

(4) "City" means the city of Lexington, Tennessee.

(5) "Elector" means a qualified voter residing within the city of Lexington, Tennessee, or non-residents of the city of Lexington, Tennessee having a taxable freehold interest, and who are qualified voters for members of the general assembly at any location in Tennessee.

(6) "Nonpartisan" means without any designation of candidates as members or candidates of any state or national political party or organization.

(7) "Ward" means a geographical subdivision of the municipality established for the purpose of securing representation on the board of aldermen.

SECTION 3. The boundaries of the city shall be as provided in Chapter 402 of the Acts of 1901 and all acts amendatory thereto, and in addition shall include annexations made pursuant to general law.

SECTION 4. (a) The city of Lexington in Henderson County shall continue as a body politic and corporate by the name and style of Lexington, Tennessee and this act shall constitute its complete charter. The city of Lexington shall have perpetual successions, may sue and be sued, contract and be contracted with, may have and use a common seal and other such general powers as follows:

(1) Assess, levy and collect taxes for all general and special purposes on all subjects or objects of taxation, and privileges taxable by law for state, county or municipal purposes;

(2) Adopt classifications of the subjects and objects of taxation that are not contrary to law;

(3) Make special assessments for local improvements;

(4) Contract and be contracted with;

(5) Incur debts by borrowing money or otherwise, and give any appropriate evidence thereof, in the manner hereinafter provided;

(6) Issue and give, sell, pledge or in any manner dispose of, negotiable or nonnegotiable interest-bearing or noninterest-bearing bonds, warrants, promissory nots or orders of the municipality in accordance with the general laws of the state of Tennessee, upon the credit of the municipality or solely upon the credit of specific property owned by the municipality or solely upon the credit of income derived by the municipality, or solely upon the credit of the proceeds of special assessments for the local improvements, or upon any two (2) or more such credits, consistent with the general laws of the state of Tennessee;

(7) Expend the money of the municipality for all lawful purposes;

(8) Acquire or receive and hold, maintain, improve, sell, lease, mortgage, pledge or otherwise dispose of property, real or personal, and any estate or interest therein, within or without the municipality or state;

(9) Condemn property, real or personal, or any easement, interest, or estate or use therein, either within or without the municipality, for present or future public use; the condemnation shall be effected in accordance with the terms and provisions of the general laws of the state of Tennessee;

(10) Take and hold property within or without the municipality or state upon trust, and administer trusts for the public benefit;

(11) Acquire, construct, own, operate and maintain, or sell, lease, mortgage, pledge or otherwise dispose of public utilities or any estate or interest therein, or any other utility of services to the municipality, its inhabitants, or any part thereof, and further, may issue debt for these purposes under the Local Government Public Obligations Act, compiled in Tennessee Code, Annotated, Title 9, Chapter 21;

(12) Grant to any person, firm, association or corporation (including the municipality) franchises for public utilities and public service to be furnished the municipality and those therein. The power to grant franchises embraces the power to grant exclusive franchises except where prohibited by law. Whenever an exclusive franchise is granted, it shall be exclusive not only as against any other person, firm, association, or corporation, but also against the municipality itself. Franchises may be granted for a period of twenty-five (25) years or less,

but not longer. The board may prescribe, in each grant of a franchise, the rate, fares, charges and regulations that may be made by the grantee of the franchise in accordance with state and federal law. Franchises may by their terms apply to the territory within the corporate limits of the municipality at the date of the franchises, and as the corporate limits may be enlarged, and to the existing streets, alleys and thoroughfares that thereafter may be opened;

(13) Make contracts with any person, firm, association or corporation for public utilities, public services to be furnished the municipality and those therein. The power to make contracts embraces the power to make exclusive contracts. When an exclusive contract is entered into, it shall be exclusive against any other person, firm, association or corporation. These contracts may be entered into for a period of twenty-five (25) years or less, but not longer. The board may prescribe in each such contract entered into the rates, fares, charges and regulations that may be made by the person, firm, association or corporation with whom the contract is made. Such contracts may by their terms apply to the territory within the corporate limits of the municipality at the date of the contract, and as the corporate limits may be enlarged, and to the then existing streets, alleys and thoroughfares and to any other streets, alleys and other thoroughfares that thereafter may be opened;

(14) Prescribe reasonable regulations regarding the construction, maintenance, equipments, operation and service of public utilities, compel reasonable extensions of facilities for these services, and assess fees for the use of or impact upon these services. Nothing herein shall be construed to permit the alteration or impairment of any of the terms or provisions of any exclusive franchise granted or of any exclusive contract entered into under subdivision (12) and (13);

(15) Establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds, public facilities, libraries and squares, wharves, bridges, viaducts, subways, tunnels, sewers and drains within or without the corporate limits, regulate their use within the corporate limits, assess fees for the use of or impact upon such property and facilities, and take and appropriate property therefore under the provisions of Tennessee Code Annotated, Sections 7-31-107 -- 7-31-111 and 29-16-114, or any other manner provided for in the general laws of the state of Tennessee;

(16) Construct, improve, reconstruct, and reimprove by opening, extending, widening, grading, curbing, guttering, paving, graveling, macadamizing, draining or otherwise improving any streets, highways, avenues, alleys or other public places within the corporate limits, and assess a portion of

the costs of these improvements on the property abutting on or adjacent to these streets, highways or alleys under, and as provided by Tennessee Code Annotated, Title 7, Chapters 32 and 33;

(17) Assess against abutting property within the corporate limits the costs of planting shade trees, removing from sidewalks all accumulations of snow, ice and earth, cutting and removing obnoxious weeds and rubbish, street lighting, street sweeping, street sprinkling, street flushing, and street oiling, the cleaning and rendering sanitary or removing, abolishing and prohibiting of closets and privies, in such manner as may be provided by general law or by ordinance of the board consistent with applicable general laws of the state of Tennessee;

(18) Acquire, purchase, provide form, construct, regulate and maintain and do all things relating to all marketplaces, public buildings, bridges, sewers and other structures, works and improvements;

(19) Collect and dispose of drainage, sewage, ashes, garbage, refuse or other waste, or license and regulate their collection and disposal, and the cost of collection, regulation or disposal may be funded by taxation, special assessment to the property owner, user fees and other charges;

(20) License and regulate all persons, firms, corporations, companies and associations engaged in any business, occupations, calling, profession or trade not prohibited by law;

(21) Impose a license tax upon any animal, thing, business, vocation, pursuit, privilege or calling not prohibited by law;

(22) Define, prohibit, abate, suppress, prevent and regulate all acts, practices, conduct businesses, occupations, callings, trades, uses of property and all other things whatsoever detrimental, or liable to be detrimental, to the health, morals, comfort, safety, convenience or welfare of the inhabitants of the municipality, and exercise general police powers;

(23) Prescribe limits within which business occupations and practices liable to be nuisances or detrimental to the health, morals, security or general welfare of the people may lawfully be established, conducted or maintained;

(24) Inspect, test, measure and weigh any article for consumption or use within the municipality, and charge reasonable fees therefore, and provide standards of weights, tests and measures in accordance with applicable general laws of the state of Tennessee;

(25) Regulate the location, bulk, occupancy, area, lot, location, height, construction and materials of all buildings and structures, and inspect all buildings, lands and places as to their condition for health, cleanliness and safety, and when necessary, prevent their use and require any alteration or changes necessary to make them healthful, clean or safe;

(26) Provide and maintain charitable, educational, recreative, curative, corrective, detentive, or penal institutions, departments, functions, facilities, instrumentalities, conveniences and services;

(27) Purchase or construct, maintain and establish a workhouse for the confinement and detention of persons who violate laws within the corporate limits of the city of contract with the county to keep these persons in the workhouse of the county;

(28) Enforce any ordinance, rule or regulation by fines, forfeitures and penalties, and by other actions or proceedings in any court of competent jurisdiction; and, provide by ordinance for court costs;

(29) Establish schools, determine the necessary boards, officers and teachers required therefore, and fix their compensation, purchase or otherwise acquire land for or assess a fee for use of, or impact upon, schoolhouses, playgrounds and other purposes connected with the schools, purchase or erect all necessary building and do all other acts necessary to establish, maintain and operate a complete educational system with the municipality;

(30) Regulate, tax, license or suppress the keeping or going at large of animals within the municipality, impound them, and in default of redemption, they me be sold, given away to proper home or humanely destroyed;

(31) Call elections as herein provided; and

(32) Have and exercise all powers that now or hereafter it would be competent for this charter specifically to enumerate, as fully and completely as though these powers were specifically enumerated.

(b)

(1) The Board of Mayor and Aldermen of the city of Lexington are authorized to establish and operate a cable television service within the confines of the city of Lexington, Tennessee, and Henderson County, Tennessee, and to do and perform every act necessary and incidental thereto that is consistent with the general laws of the state of Tennessee.

(2) The Board of Mayor and Alderman of such city of Lexington are empowered to take and appropriate of such lands and grounds, either within or without the limits of the city of Lexington, as they may deem advisable, for the location and operation of such cable television service.

(3) The entire work, supervision, and control of the purchase, construction, operation, and maintenance of such cable television service shall be vested in the Board of Mayor and Aldermen of the city of Lexington. It shall be lawful for such Board of Mayor and Aldermen to employ such subordinate officers, employees, agents, etc., as may be necessary to transact the business and do the work of constructing and operating such cable television service, and to delegate to such subordinate officers, employees, agents, etc., such authority and power as may be consistent with good business management. Such subordinate officers, employees, agents, etc., shall not have the right or authority to make any contracts binding upon such city of Lexington, unless they are expressly authorized to do so by a resolution duly passed by the Board of Mayor and Aldermen of the city of Lexington. The compensation to be paid to all such subordinate officers, employees, agents, etc., must be fixed by resolution which authorizes their appointment, and all such salaries or expenses shall be paid out of the funds or revenues herein provided for.

(4) The Board of Mayor and Aldermen of the city of Lexington shall have full power and authority by ordinance to make and enforce all reasonable rules and regulations from time to time for the control and management of such cable television service, and to set rates for the use of the cable television service. The City shall have the right to enter upon the premises where cable television service is used or desired for the purpose of inspecting, repairing, installing, regulating, or terminating the use of such cable television service. The City shall have the right to terminate such service on the account of the nonpayment of rates. The City shall have the full power and authority to collect and enforce collections of all monies due for the use of such cable television service or otherwise arising out of the operation of such system.

(5) The Board of Mayor and Aldermen of the city of Lexington shall have full power and authority to borrow monies or to issue bonds necessary for the construction and operation of such cable television service.

SECTION 5. All the real and personal property and all legal claims, fines and forfeitures belonging to the said city of Lexington, the charter of which property is herein repealed, shall hereafter belong to the city of Lexington hereby created; all legal debts, claims and demands now existing against the city of Lexington, the Charter of which is herein repealed, shall hereafter belong to the city of Lexington hereby created; all legal debts, claims and demands now existing against the city of Lexington, the Charter of which is herein repealed,

shall be assumed and paid by the city of Lexington, hereby incorporated, and constitute leal and valid claims against it.

SECTION 6. The legislative powers of the city of Lexington shall be vested in and exercised by a Board of Mayor and Aldermen, elected under the provisions of this act, over whose meetings the Mayor shall preside. Any form of board action shall be passed by a majority of the Aldermen present, if there is a quorum. A quorum shall consist of four (4) Aldermen.

The Board of Mayor and Aldermen shall hold regular monthly meetings and hear and take action on ordinances, resolutions and other matters of City business.

The Board of Mayor and Aldermen may appoint, promote, suspend, transfer and remove any officer or employee of the City; or the Board may, in the Board' s discretion, authorize the Mayor or head of a department or officer responsible to the Board to take such actions regarding subordinates in such department or office. The Board shall appoint such heads of administrative offices or organizational units, as the Board deems necessary. The Board may combine any such administrative offices herein or otherwise established.

Except as otherwise provided in this charter, the compensation of all officers and employees of the city shall be fixed by the Board within the limits of the appropriations ordinance and in accordance with a comprehensive pay plan adopted by the Board. [As replaced by Priv. Acts of 2006, ch. 119, § 2 and Priv. Acts of 2007, ch. 36, § 2]

SECTION 7. On the second Thursday in September beginning in 2009 and biennially thereafter, a nonpartisan election shall be conducted by the Henderson County Election Commission at the same hours and places for holding general elections and under the general election laws of the state at which time a Mayor and seven (7) Aldermen shall be elected.

The Mayor and Aldermen shall be elected by popular vote at large.

The candidate for Mayor receiving the most votes shall be declared to be elected. If two (2) or more candidates for Mayor tie for the most votes, a runoff election shall be held between the candidates who tied. The candidate receiving the most votes in the runoff election shall be declared elected. The runoff election shall be held as soon as is practicable.

The seven (7) Aldermanic positions shall be designated as positions one (1) through seven (7). In filing for election, a candidate for Alderman shall select

and identify the position sought. All Aldermen shall be elected from the City at large and one (1) Alderman shall be elected to each designated position.

The candidate receiving the most votes in an election for each designated position shall be declared elected as Alderman. If two (2) or more candidates for a designated Aldermanic position tie for the most votes, then the Mayor and Aldermen elected, between whom there is no tie, shall elect one of the candidates involved in the tie by a majority vote at their first meeting. The Mayor shall be allowed a vote only to settle a tie between the Aldermanic candidates.

At the municipal election conducted in September 2011 the four (4) aldermen elected to positions 1, 2, 3, and 7 shall be elected to a four-year term of office that expires on the first Monday of October 2015. The Mayor and the three (3) aldermen elected to positions 4, 5 and 6 shall be elected to a two-year term of office that expires on the first Monday of October 2013. At the municipal election conducted in September 2013, the mayor and the three (3) aldermen elected to positions 4, 5 and 6 shall be elected to a four-year term of office that expires on the first Monday of October 2017. Following the election in September 2013 the term of office for the mayor and aldermen shall be four (4) years and elections shall be held biennially in odd-numbered years [As amended by Priv. Acts of 2005, ch. 54, and replaced by Priv. Acts of 2006, ch. 119, § 3, Priv. Acts of 2007, ch. 37, § 1 and Priv. Acts of 2008, ch. 100, and amended by Priv. Acts 2010, ch. 41, § 1]

SECTION 8. Each candidate must be an elector who has reached the age of twenty-one (21) years prior to the date of the election. Candidates for Mayor and Alderman shall have resided within the municipality for at least one (1) year next preceding the date of the election. One- year residence within any area annexed in a year preceding an election shall be counted in meeting the residence requirement of this section. All candidates shall provide proof of eligibility and enter nominating petitions as required by the Henderson County Election Commission. No person shall become a candidate for Mayor or Aldermen who has been convicted in the ten (10) years preceding the date of the election of malfeasance in office, bribery, or other corrupt practice, a felony, a crime involving moral turpitude, or of violating any of the provisions of 6-20-108 in reference to elections. Any Mayor or Alderman so convicted shall forfeit such office. An employee of any division or department of the city of Lexington shall not be qualified to run for an elected office of the city of Lexington. [As replaced by Priv. Acts of 2006, ch. 119, § 4 and Priv. Acts of 2007, ch. 37, § 2]

SECTION 9. The Mayor and Aldermen, before entering upon their duties, shall take an oath that they will support the Constitution of the State of Tennessee and the ordinances of the city of Lexington, and honestly and

faithfully discharge the duties of their office without partiality, favor or affection.

The beginning of the term of the Mayor and Aldermen shall be the first Monday in October next after their election and shall end on the first Monday in October following the next election at which time they will relinquish the affairs of the City to the newly elected Board of Mayor and Aldermen. On this first Monday, they shall organize and shall hold their offices as herein provided and until their successors shall have been elected and qualified. Any vacancies occurring either of the Mayor or the Aldermen, whether by death, resignation or otherwise, shall be filled by the remaining members of the Board. In the event the Mayor or Alderman should move from the municipality during their term of office, their position shall be presumed to have been vacated and it shall be declared vacant and filled by the remaining members of the Board.

The Board shall meet regularly once every month at a time and place prescribed by ordinance. Whenever, in the opinion of the Mayor or three (3) Aldermen, the welfare of the City requires it, the Mayor or the Recorder shall call, and it shall be their respective duties to do so, special meetings of the Board of Mayor and Aldermen upon adequate written or other proper notice to each Aldermen, the Mayor and Recorder, served personally or left at their usual place of residence. Informal meetings of the Board may be held for the purpose of receiving information, exchanging ideas and conducting investigations. The Board shall exercise its powers only in public meetings.

The salary and compensation for the office of Mayor and for Board members shall be set by the Board in the budget ordinance adopted for the year in which the election is to be held and shall take effect with the term of office next after said election and shall remain constant throughout said term. The compensation paid to the mayor shall not exceed that compensation which is paid to the position of the Henderson County Executive/Mayor and shall not be diminished during the Mayor's term of office. [As replaced by Priv. Acts of 2006, ch. 119, § 5 and Priv. Acts of 2007, ch. 37 § 3]

SECTION 10. The Mayor shall be the Chief Executive Officer of the City and shall have supervision of all City affairs; require such reports from the officers and employees of the City as he may reasonably deem necessary to carry out his or her executive responsibilities; preside at all meetings of the Board, unless absent in which event the Vice-Mayor shall preside; be responsible for the execution of the laws or ordinances of the City and have such other authority and perform such other duties as the Board may from time to time prescribe; execute all contracts as authorized by the Board; communicate information needed and recommend measures to the Board to expedite the business of the City; call special meetings of the Board upon adequate notice to the Board and

public; state the matters to be considered at the special meetings and the action of the board shall be limited to those matters submitted; make appointments to boards and commissions as authorized by law; submit the annual budgets of the City to the Board for their adoption by ordinance; and, perform such other duties as may be designated or required by the Board.

The Mayor may suspend an employee for misconduct or dereliction of duty as a means of reprimand. An employee may appeal a suspension to the Board of Mayor and Aldermen and the decision of the Board shall be final.

The office of Mayor shall be a full-time position and the Board may from time to time by ordinance establish certain functions and duties of this office that shall not be inconsistent with this charter.

The Mayor shall serve as a member of all boards and committees created by the Board of Mayor and Aldermen but shall not have a vote. The Mayor shall have a voice, but shall not have a vote at meetings of the Board of Mayor and Aldermen or at any board or committee meeting created by the Board of Mayor and Aldermen. [As amended by Priv. Acts of 2006, ch. 119, § 6 and Priv. Acts of 2007, ch. 36, § 3]

SECTION 11. The Board of Mayor and Aldermen shall, at the regular meeting in October following a City election, elect, for a term of two (2) years, an Alderman to the office of Vice-Mayor who shall serve as Mayor when the Mayor is absent or unable to discharge the duties of the Mayor's office, and, in case of a vacancy in the office of Mayor, until the position is filled by the members of the Board. The Vice-Mayor shall have a voice a vote when serving as Mayor. [As amended by Priv. Acts of 2006, ch. 119, § 7 and Priv. Acts of 2007, ch. 36, § 4, and replaced by Priv. Acts 2010, ch. 41, § 2]

SECTION 12. City Judge - Jurisdiction - Appointment - Qualifications and compensations. The Board of Mayor and Aldermen shall at the regular meeting in October next following the City election appoint a city judge to serve at the will and pleasure of the Board. The city judge shall preside over city court and have the qualifications, term of office, if any, and receive the compensation the board may provide by ordinance. The board may enter into an agreement with the general sessions court judge of Henderson County wherein the general session court judge of Henderson County will also serve as the city judge of the City of Lexington. If such agreement is entered into, the board may designate the general session court judge of Henderson County to serve as the city judge of the City of Lexington. In the absence or disability of the city judge, the mayor may designate a qualified person to serve as city judge. If such absence or disability occurs, the mayor may designate the general sessions court judge of Henderson County to be acting city judge if agreed upon by the general sessions

county judge of Henderson County and if he or she is not already designated as the city judge. If such absence or disability occurs, such appointment shall be until a new judge can be appointed at the next regularly scheduled meeting of the board, or as otherwise provided by ordinance. The city judge may impose fines, costs and forfeitures, and punish by fine for violation of city ordinances. The judge may preserve and enforce order in the court and enforce the collection of all fines, costs and forfeitures imposed. [As replaced by Priv. Acts of 2006, ch. 119, § 8 and Priv. Acts of 2008, ch. 80]

SECTION 13. Department Heads - Appointment. A City Recorder shall be appointed by the Mayor and Board of Aldermen to serve as financial agent of the City and custodian of funds, budgets and records. This officer shall work under the immediate direction of the appointing Mayor and Board of Aldermen and all subsequent Mayors and Boards of Aldermen until removed from the office for cause or resignation. The Recorder or his or her designees shall keep and preserve the City Seal and all official records not required by law or ordinance to be filed elsewhere; attend all meetings of the Board and keep a full and accurate record preserved in permanent form of all business transacted by the Board; administer functions for necessary and proper municipal operations; make such reports of the finances of the City as required and called on by the Mayor and Board; assess and collect all taxes and fees due the City; and, conduct other such duties as required by the Mayor and Board. This officer must reside within the corporate City limits and shall take an oath to faithfully perform the duties of this office.

A Chief of Police shall be appointed by the Board of Mayor and Aldermen to serve as the chief law enforcement officer for the City. This officer shall work under the immediate direction of the appointing Mayor and Board of Aldermen and all subsequent Mayors and Boards of Aldermen until removed from the office for cause or resignation. The Chief of Police or his or her designees shall administer functions for necessary and proper police department operations; arrest all persons violating the criminal laws of the State in accordance with the general law of the state or issue a citation for a violation of any ordinances of the City of Lexington; take any person before an authorized person by law for trial or examination; and have all the power, authority, duty, and jurisdiction within the corporate limits of the city to serve process in criminal cases as authorized by law and issue citations for ordinance violations; this jurisdiction shall extend throughout the City of Lexington and to all areas outside of Lexington as conferred upon municipal law enforcement agencies by law. This officer must reside within the corporate city limits and shall take an oath to faithfully perform the duties of this office.

A General Manager of Utilities shall be appointed by the Mayor and Board of Aldermen to serve as the chief executive officer over the Gas, Water

and Waste Water Utility Divisions of the City of Lexington. This officer shall work under the immediate direction of the Mayor and Utility Boards and shall hold this position under the appointing Mayor and Board of Aldermen and all subsequent Mayors and Boards of Aldermen until removed from the office for cause or resignation. The General Manager or his or her designees shall be responsible for implementing and enforcing the policies relevant to the administration and operation of the utility departments, and other such duties as required by the Mayor and Utility Boards. This officer must reside within the corporate City limits and shall take an oath to faithfully perform the duties of this office.

A Public Works Director shall be appointed by the Mayor and Board of Aldermen to serve as the chief executive officer over the Street, Waste Collection, Parks, Municipal Garage and Maintenance Divisions of the City of Lexington. This officer shall work under the immediate direction of the appointing Mayor and Board of Aldermen and all subsequent Mayors and Boards of Aldermen until removed from the office for cause or resignation. The Director or his or her designees shall be responsible for implementing and enforcing the policies relevant to the administration and operation of the relative departments, and other such duties as required by the Mayor and Board of Aldermen. This officer must reside within the corporate City limits and shall take an oath to faithfully perform the duties of this office.

A Fire Chief shall be appointed by the Mayor and Board of Aldermen to serve as the chief executive officer over the Fire Department of the City of Lexington. This officer shall work under the immediate direction of the appointing Mayor and Board of Aldermen and all subsequent Mayors and Boards of Aldermen until removed from the office for cause or resignation. The Fire Chief or his or her designees shall be responsible for implementing and enforcing the policies relevant to the administration and operation of the fire department; training of all firemen; maintaining department, duties and obligations imposed by federal, state and municipal codes; and other such duties as required by the Mayor and Board of Aldermen. This officer must reside within the corporate City limits and shall take an oath to faithfully perform the duties of this office.

Department heads at the time of adoption of Chapter 80 of the Private Acts of 2008 who did not reside within the corporate limits are not required to reside within the corporate limits as long as they maintain their residence at the same location as the date of adoption of Chapter 80 of the Private Acts of 2008. If the department head moves from his or her residence on the date of the adoption of Chapter 80 of the Private Acts of 2008, the department head shall become a resident within the corporate limits. [As replaced by Priv. Acts of 2008, ch. 80 and amended by Priv. Acts 2012, ch. 62, § 1]

SECTION 14. Electric Utility.

(a) The City of Lexington shall have the power, pursuant to Tennessee Code Annotated, Section 7-52-103, to:

(1) Acquire, improve, operate and maintain within or without the corporate or county limits of such municipality, and within the corporate or county limits of any other municipality, with the consent of such other municipality, an electric plant and to provide electric service to any person, firm, public or private corporation, or to any other user or consumer of electric power and energy, and charge for the electric service;

(2) Acquire, improve or use jointly with any other municipality a transmission line or lines together with all necessary and appropriate facilities equipment and appurtenances for the purpose of transmitting power and energy or connecting their respective electric plants with a wholesale source of supply and, to this end, such municipality may provide by contract for the method of holding title, for the allocation of responsibility for operation and maintenance and for the allocation of expenses and revenues;

(3) Accept grants, loans or other financial assistance from any federal agency for or in aid of the acquisition or improvement of any electric plant;

(4) Contract debts for the acquisition or improvement of any electric plant, borrow money, and issue bonds and notes pursuant to Tennessee Code Annotated, Title 9, Chapter 21 to finance such acquisition or improvements;

(5) Acquire, hold and, subject to the applicable provisions of any bond or contracts, dispose of any property, real or personal, tangible or intangible, or any right or interest in any such property in connection with any electric plant, whether or not subject to mortgages, liens, charges or other encumbrances;

(6) Make contracts and execute instruments containing such covenants, terms and conditions as in the discretion of the municipality may be necessary, proper or advisable for the purpose of obtaining loans from any source, or grants, loans or other financial assistance from any federal agency; make all other contracts and execute all other instruments as in the discretion of the municipality may be necessary, proper or advisable in or for the furtherance of the acquisition, improvement, operation and maintenance of any electric plant and the

furnishing of electric service; and carry out and perform the covenants and terms and conditions of all such contracts and instruments;

(7) Enter on any lands, waters and premises for the purpose of making surveys, soundings and examinations in connection with the acquisition, improvement, operation or maintenance of any electric plant and the furnishing of electric service;

(8) Promote economic and industrial development through participation both as a borrower and a lender in various programs established by the rural electrification administration or other federal programs;

(9)

(A) Accept and distribute voluntary contributions for bona fide economic development or community assistance purposes pursuant to programs approved by the board of mayor and aldermen, which programs may include, but shall not be limited to, programs in which utility bills are rounded up to the next dollar when such contribution is shown as a separate line on the utility bill;

(B) Contributions accepted by a municipal electric plant pursuant to programs authorized by this subdivision (9) shall not be considered revenue to the municipal electric plant or the municipality's other utility systems, and such contributions shall be used only for economic development or community assistance purposes; and

(10) Do all acts and things necessary or convenient to carry out the powers expressly given in this section.

(b) The mayor and seven (7) aldermen, of the city of Lexington, shall have and perform all the powers, duties and responsibilities for the control and supervision of the electric plant. The board members shall take office upon the adoption of this chapter, and said board shall meet and organize by electing a chairman and such other officers as may be necessary.

A general manager of the electric department shall be appointed by board of mayor and aldermen to serve as the chief executive officer of the electric department of the city of Lexington. This officer shall work under the immediate direction of the mayor and board aldermen and shall hold this position under the appointing mayor and board of aldermen and all subsequent mayors and

boards of aldermen until removed from the office for cause or resignation. The general manager or his or her designees shall be responsible for implementing and enforcing the policies relevant to the administration and operation of the electric department, and other such duties as required by the mayor and the board of mayor and aldermen. The general manager must reside within the corporate city limits and shall take an oath to faithfully perform the duties of his office.

(c) The general manager shall prepare a budget estimate for the electric plant for inclusion in the general budget of the city of Lexington for submission to the board of mayor and aldermen as the budgets for other departments of the city of Lexington are submitted and processed.

(d) Issuance of Bonds and Notes. The authority given the City of Lexington to issue bonds or notes may be exercised for the benefit of the electric plant or a part thereof in accordance with the provisions of this charter or in accordance with other statutory authority. However, no bonds or notes payable out of the revenues of the electric plant or a part thereof shall be issued without the consent and approval of the Board of Mayor and Aldermen, which consent and approval may be given by a resolution or resolutions of the Board of Mayor and Aldermen 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 electric plant or a part thereof and are not general obligation bonds or general obligation notes of the City of Lexington, the Board of Mayor and Aldermen 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. [As replaced by Priv. Acts of 2008, ch. 80, and Priv. Acts 2010, ch. 41, § 3, and amended by Priv. Acts 2012, ch. 62, §§ 2, 3 and 4]

SECTION 15. Not later than forty-five (45) days prior to the beginning of each fiscal year, the Mayor shall submit to the Board of Mayor and Aldermen a proposed budget for the next fiscal year. The proposed budget shall comply with the Municipal Budget Law of 1982 found in Tennessee Code Annotated, Title 6, Chapter 56, Part 2.

SECTION 16. Purchases shall be made in accordance with the Municipal Purchasing Law of 1983 and amendments thereto; and, ordinances or resolutions and purchasing procedures approved by the governing body. The purchasing agent, or designated representative, as provided by ordinance, shall purchase materials, supplies, services and equipment, provide for leases and lease-purchases and dispose of surplus property in accordance with purchasing procedures approved by the governing body.

SECTION 17. In accordance with Tennessee Code Annotated, Section 49-2-201, the public school system of the City shall be administered by a Board of Education consisting of seven (7) members, elected by popular vote at large by position. In order to continue compliance with staggered terms of office in accordance with Tennessee Code Annotated, Section 49-2-201(a)(1), Positions 1, 2, 5, and 6 will be elected in the City election of 2005 and each and every four (4) years thereafter; Positions 3, 4, and 7 will be elected in the City election of 2007 and each and every four (4) years thereafter.

The candidate receiving the highest number of votes for a particular position shall be declared to be elected. If two (2) or more candidates for a particular position receive the same number of votes, more than any other candidate, then the Board of Mayor and Aldermen elected shall settle such controversy by a majority vote at their first meeting.

Each candidate for the Board of Education must be an elector who has reached the age of 21 years prior to the date of the election and have resided within the municipality for at least one (1) year next preceding the date of the election. One-year residence within any area annexed in a year preceding an election shall be counted in meeting the residence requirement of this section. All candidates shall provide proof of eligibility and enter nominating petitions as required by the Henderson County Election Commission and general law. No person shall become a candidate for the Board of Education who has been convicted in the ten (10) years next preceding the date of the election of malfeasance in office, bribery, or other corrupt practice, a felony, a crime involving moral turpitude, or of violating any of the provision of 6-20-108 in reference to elections. Any member of the Board of Education may be removed from office in accordance with the general law provisions governing ouster of a publicly elected official. To the extent that Chapter 241 of the Private Acts of 1917,as amended by Chapter 138 of the Private Acts of 1973, and any other acts amendatory thereto, in regard to the Board of Education, are in conflict with the provisions of this act, the provisions of the act shall prevail.

SECTION 18. An ordinance shall be considered and adopted on two (2) separate days; any other form of Board action shall be considered and adopted on one (1) day. Any form of Board action shall be passed by a majority of the members present, if there is a quorum. All ayes and nays on all votes on all forms of Board action shall be recorded.

SECTION 19. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the city of Lexington. Its approval or nonapproval shall be proclaimed by the presiding officer of the city of Lexington and certified to the secretary of state.

SECTION 20. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 19.

PASSED: May 19, 2004

s/Jimmy Naifeh
JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

s/John Wilder
JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 7th day of June 2004

s/Phil Bredesen
PHIL BREDESEN, GOVERNOR

RELATED ACTS

Priv. Acts 1917, ch. 241,
Establish Board of Education. C-21

Priv. Acts 1973, ch. 138,
Board of Education. C-23

Priv. Acts 1931, ch. 517,
Justices of the peace. C-25

Priv. Acts 1959, ch. 7,
Hospital board. C-26

CHAPTER NO. 241

Senate Bill No. 659.

(By Mr. Fulghum.)

AN ACT to amend Chapter 402 of the Published Act of 1901, being "An Act to repeal and abolish the charter of the city of Lexington, to reincorporate said city, and to define its rights and powers," so as to create and establish in and for the said city of Lexington a Board of Education for the public schools of said city.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That Chapter 402 of the published Acts of the General Assembly of the State of Tennessee for the year 1901, being "An Act to abolish the charter of the city of Lexington, to reincorporate said city and to define its rights and powers" be so amended as to create and establish in and for said city of Lexington a Board of Education to be composed of seven members, residents of said city either male or female to be elected by the Board of Mayor and Aldermen of said city of Lexington.

Sec. 2. Be it further enacted, That the Board of Mayor and Aldermen of said city of Lexington shall at its regular session or meeting in the month of April, 1917, elect the said Board of Education, electing one member for the term of one year; one member for the term of two years; one member for the term of three years, one member for the term of four years; one member for the term of five years; one member for term of six years, and one member for the term of seven years, and the said board shall hereafter at their regular session or meeting in April in each and every year elect one member of the said Board of Education for the term of seven years to fill the vacancy of the member retiring at that time.

Sec. 3. Be it further enacted, That immediately after the said election of the said Board of Education at the April session 1917 as provided in this Acta, the said Board of Education shall meet and organize by the selection of one of their members as Chairman and one of their members as Secretary-Treasurer and said Board thus elected and organized shall after said date have full, complete, entire, and exclusive control of the public school system for both white and colored, of said city of Lexington, and they shall thereafter elect and employ all teachers and school officers in and for the public schools of the city of Lexington and they shall have and control and manage all the public school property and lands of the said city of Lexington.

Sec. 4. Be it further enacted, That all Acts in conflict with this Act be and the same are hereby repealed and that this Act shall take effect from and after its passage, the public welfare requiring it.

Passed March 20, 1917.

W. R. Crabtree,
Speaker of the Senate,

Clyde Shropshire,
Speaker of the House of Representatives.

Approved March 23, 1917

Tom C. Rye,
Governor

CHAPTER NO. 138

HOUSE BILL NO. 1337

By Bailey

Substituted for: Senate Bill No. 1217

By Mr. Speaker Wilder

AN ACT to amend Chapter 402 of the Private Acts of 1901, as amended by Chapter 241 of the Private Acts of 1917, relative to the City of Lexington Board of Education.

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

SECTION 1. Chapter 402 of the Private Acts of 1901, as amended by Chapter 241 of the Private Acts of 1917 is amended by adding the following section:

> The Mayor and Board of Aldermen shall have the power to remove any school board member from his position on said board if the said school board member misses twenty-five per cent (25%) of the regular meetings of the Board of Education during the calendar year, and the Mayor and Board of Aldermen shall appoint a member to replace any member that has been determined to have missed twenty-five per cent (25%) of the regular Board of Education meetings during the calendar year.

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the governing body of the City of Lexington before December 1, 1973. Its approval or nonapproval shall be proclaimed by the presiding officer of the governing body of Lexington, Tennessee and certified by him to the Secretary of State.

SECTION 3. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 2.

PASSED: May 4, 1973

Ned R. McWherter,
SPEAKER OF THE HOUSE OF REPRESENTATIVES

John S. Wilder,
SPEAKER OF THE SENATE

APPROVED: May 14, 1973

Winfield Dunn,
GOVERNOR

This is to certify that according to the official records in this office, House Bill No. 1337 which is Chapter No. 138 of the Private Acts of 1973 was properly ratified and approved and is therefore operative and in effect in accordance with its provisions.

JOE C. CARR
Secretary of State

CHAPTER NO. 517.

HOUSE BILL No. 1179.

(By Mr. Jones of Henderson)

AN ACT entitled, "An Act to authorize the election of additional Justices of the Peace for the municipal corporation of Lexington, Henderson County, Tennessee."

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That the municipal corporation of the Town of Lexington, Henderson County, Tennessee, shall be entitled to and have two Justices of the Peace to be elected by the qualified voters of the said municipal corporation in the manner now provided by law in the election of Justices of the Peace.

Sec. 2. Be it further enacted, That it shall be and is hereby made the duty of the Commissioners of Election of Henderson County, Tennessee, to call for and hold an election in the manner now provided by law for the election of such a number of additional Justices of the Peace for the municipal corporation of Lexington, Tennessee, as may be necessary to carry out the provisions of this Act, with respect to the number of Justices of the Peace to which said municipal corporation shall be entitled.

Sec. 3. Be it further enacted. That this Act take effect from and after its passage, the public welfare requiring it.

Passed June 23, 1931.

Walter M. Haynes,
Speaker of the House of Representatives.

A.B. Broadbent,
Speaker of the Senate,

Approved June 26, 1931.

Henry H. Horton,
Governor.

CHAPTER NO.7

HOUSE BILL No. 42

(By W. L. Barry)

AN ACT entitled: AN ACT to create and establish a board for the management, operation, control and supervision of the Lexington-Henderson County General Hospital in Lexington, Tennessee; to be known and designated as the "Lexington-Henderson County General Hospital Board of Trustees," hereinafter designated the "Board of Trustees;" to vest in said Board of Trustees the authority for the operation and maintenance of the Lexington-Henderson County General Hospital, to provide the method of election of the board members and provide for their term of office, the filling of vacancies and election of their successors, to define and prescribe the powers, duties and responsibilities of the Board of Trustees, to authorize the Board of Trustees to employ an administrator and other personnel for the maintenance and operation of said hospital, and the selection and approval of a medical staff for said hospital; to authorize the City of Lexington and the Quarterly County Court of Henderson County, Tennessee, to appropriate funds for the operation of said hospital, and to pay any deficits arising in the operation and maintenance of said hospital, and to empower the City of Lexington and the Quarterly County Court of Henderson County, Tennessee, to levy a tax to provide funds for said hospital.

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That there is hereby created and established in the City of Lexington and Henderson County, Tennessee, a Board of Trustees to be known and designated as the "Lexington-Henderson County General Hospital Board of Trustees," to have full charge of the operation and maintenance of the Lexington-Henderson County General Hospital in Henderson County, Tennessee.

SECTION 2. Be it further enacted, That the Board of Trustees shall have and be vested with full, absolute and complete authority and responsibility for the operation, management, conduct and control of the business and affairs of the Lexington-Henderson County General Hospital, including the selection and approval of a competent medical staff, and shall:

1. Determine the policies of the hospital, with relation to the patients therein and to community needs.

2. Provide equipment and facilities consistent with the needs of the patients of said hospital.

3. See that professional standards are maintained in the care of the sick.

4. Coordinate professional interest with administrative, financial and community needs.

5. Provide adequate finances by securing sufficient income and by enforcing business-like control of expenditures.

6. Provide for the safe administration of funds entrusted to said hospital.

7. Keep adequate records of the hospital finances and activities.

8. Surround the patients, within said hospital, with every reasonable protection, thereby fulfilling the moral and legal responsibility of the hospital, by exercising proper care and judgment in the selection of a qualified administrator, and of the medical, nursing, technical and other personnel of said hospital.

The authority and responsibility of the Board of Trustees shall include but shall not be limited to the establishment, promulgation and enforcement of rules, regulations and policies of the hospital, the upkeep and maintenance of all property belonging to the hospital, the administration of all fiscal affairs of the hospital, the execution of all contracts, agreements and other instruments.

SECTION 3. Be it further enacted, That said Board of Trustees shall be composed of five in number, who shall serve without compensation and who shall be elected in the manner and for the term hereinafter provided, but the members of said Board may be paid their necessary expenses, incurred in the proper discharge of their duties as members of the Board.

SECTION 4. Be it further enacted, That the initial members of the Board of Trustees shall be as follows: John L. Frizzell and J. T. Stewart to represent the City of Lexington and E. L. Stewart, Ben Douglass and Mrs. John B. Davis to represent Henderson County. All of the said trustees shall take office on April 1, 1959, and the said Ben Douglass shall serve for a term of one year, his term expiring on March 31, 1960; the said J. T. Stewart shall serve for a term of two years, his term expiring on April 31, 1961; the said Mrs. John B. Davis shall serve for a term of three years, her term expiring March 31, 1962; the said John L. Frizzell shall serve for a term of four years, his term expiring March 31, 1963; and the said E. L. Stewart shall serve for a term of five years, his term expiring March 31, 1964. As the respective terms of the two members of said Board representing the City of Lexington shall expire, the Board of Aldermen

of the City of Lexington at their regular March meeting prior thereto shall elect successors to serve for a term of three years. As the respective terms of the trustees representing the County of Henderson shall expire, the Quarterly County Court of Henderson County, Tennessee, at the regular session prior thereto shall elect successors for a term of three years.

SECTION 5. Be it further enacted, That the three trustees representing Henderson County, Tennessee, shall be citizens of Henderson County, Tennessee and the two trustees representing the City of Lexington, Tennessee, shall be citizens of Lexington, Tennessee. No person shall be a member of the Board of Trustees if he is:

1. An employee of the Board;

2. A member of the medical staff or a licensed doctor, or physician, or a registered nurse;

3. The holder of a full time remunerative position in the county or city government, or a physician with the Tennessee Department of Public Health, or the Department of Public Welfare, or the United States Public Health Service.

SECTION 6. Be it further enacted, That a Trustee whose term has expired shall continue to serve until his successor shall have been elected in the manner hereinabove provided. In the event of death or resignation of a Trustee prior to the expiration of his term, his successor shall be elected by the Quarterly County Court of Henderson County, Tennessee, or by the Board of Aldermen of the City of Lexington, Tennessee, as the case may be, for the unexpired term. Any incumbent Trustee shall be eligible for re-election.

SECTION 7. Be it further enacted, That at the first meeting of the Board of Trustees the Board shall elect one of its members as Chairman and the term of office of the Chairman of the Board shall be for a period of two years. The Board shall also shall elect a secretary from among its members who shall keep minutes and records of the proceedings of the Board, reflecting all business transacted by the Board. The Board of Trustees shall hold a regular meeting on the fourth Thursday of each month and such other meetings as the Board may decide, and the Board is empowered and authorized to change the date of the regular meeting of the Board by resolution entered upon the minutes of the Board.

SECTION 8. Be it further enacted, That the Board of Trustees shall have authority to employ and appoint a Hospital Administrator for said hospital who shall hold office at the pleasure of the Board. The Administrator shall not be a

member of the board of Trustees but shall be a qualified person, experienced in hospital administration, whose duties and responsibilities shall be as herein designated and as shall be determined and prescribed by the Board of Trustees.

The Board of Trustees shall select and approve the medical staff of the hospital, and all doctors, physicians and surgeons composing the medical staff of said hospital.

SECTION 9. Be it further enacted, That the Administrator employed by the Board:

1. Shall be the chief executive officer of the hospital, subject to the by-laws, rules and regulations adopted by the Board, and shall be under the control and direction of the Board of Trustees.

2. Shall, with the consent of the Board of Trustees, equip the hospital with all necessary furniture, appliances, fixtures, equipment and needed facilities for the care and treatment of patients and for the use of the officers and employees thereof.

3. Shall be the purchasing agent for the hospital, and purchase all necessary supplies in such manner as shall be determined by the Board of Trustees.

4. Shall have general supervision and control of the records, accounts and bills of the hospital, and all internal affairs, and shall maintain discipline therein and shall enforce compliance with and obedience to all rules, by-laws and regulations adopted by the Board of Trustees for the Government, discipline and management of said hospital, and the employees and patients thereof.

5. Shall make such further rules, regulations and orders as he may deem necessary, not inconsistent with law or the rules and regulations of the Board of Trustees.

6. Shall, under such rules and regulations and within the limits include in the manner prescribed by the Board of Trustees and with the advice and consent of said Trustees, employ such necessary personnel, including nurses' aides, supervisors, technicians and such other technical and general employees as shall be necessary or proper for the efficient performance of the business of the hospital, prescribe their duties and discharge such employees at his discretion.

7. Shall keep or cause to be kept proper records and accounts of the business and operations of the hospital from day to day, in the books and records provided for that purpose and prescribed by the Board of Trustees and see that

such records and accounts are correctly made up for the report of the Board of Trustees to the Quarterly County Court of Henderson County, Tennessee, and to the Board of Mayor and Aldermen of the City of Lexington, Tennessee, as hereinafter required.

8. Shall collect, or cause to be collected, and receive all monies due the hospital and such monies, when collected, shall be deposited in the bank or banks as designated by the Board of Trustees in the same form as received; shall keep an accurate account of the same; shall pay the expenses of the operation of the hospital from funds available only by check drawn on the bank or banks designated by the Board of Trustees in such manner as the Board of Trustees may direct. A complete report of the operations of the hospital shall be presented by the Administrator to the monthly meetings of the Board of Trustees.

9. Before entering upon the discharge of his duties, the Administrator shall give a bond in such sum as the Board of Trustees may determine to secure the faithful performance of his duties, the cost of the same to be included in the expense of the operation of the hospital.

10. Shall perform such other duties is the Board of Trustees may prescribe.

SECTION 10. Be it further enacted, That the Board of Trustees shall fix the salary of the Administrator and, with the advice and consent of said Administrator, the salary of the other employees of the hospital within the limits of funds available for the maintenance and operation of said hospital.

SECTION 11. Be it further enacted, That the Board of Trustees shall have the general superintendence, management, and control of said hospital, the hospital grounds, buildings, officers and employees thereof, of the patients therein and of all matters relating to the government, discipline, contracts and fiscal concerns thereof, and make such other by-laws rules and regulations as may be deemed by said Board necessary for the efficient and proper management and operation of said hospital, and for the carrying out of the purposes for which said hospital was established.

SECTION 12. Be it further enacted, That the Board of Trustees shall have the books, records and accounts of the hospital audited by a reputable firm of independent certified public accountants for each fiscal year of the operation of the hospital, said fiscal year to begin on July 1st of each year, the audit to be completed within a reasonable time after the close of the fiscal year of the hospital. One copy of the audit shall be filed with the County Court Clerk of

Henderson County, Tennessee, and one copy with the City Recorder of Lexington, Tennessee.

The audit shall correctly set forth the operations of the hospital for the fiscal year.

The Board of Trustees shall annually present to the Quarterly County Court of Henderson County, Tennessee, at the October term of said Court and to the Board of Mayor and Aldermen of the City of Lexington, Tennessee, at the October meeting of said Board, a report setting forth the operation of said hospital, both financially and otherwise, with such recommendations as to the financial needs of said hospital and as to the equipment needed or improvements necessary or desirable to be made to the hospital as shall appear to the Board to be necessary for the efficient and proper operation of the hospital, in order to furnish the patients in said hospital the proper care and attention.

SECTION 13. Be it further enacted, That the Quarterly County Court of Henderson County, Tennessee, is hereby authorized to appropriate to the Lexington-Henderson County General Hospital for the use of the Board of Trustees from the general funds or such other funds not appropriated of said county, such sum as may be required to operate said hospital, and said Quarterly County Court is authorized and empowered to levy a tax, in addition to all other taxes, upon all taxable property within Henderson County, Tennessee, for the purpose of supplying funds necessary for the proper and efficient operation of said hospital.

SECTION 14. Be it further enacted, That the Board of Mayor and Aldermen of the City of Lexington, Tennessee, is hereby authorized to appropriate to the Lexington-Henderson County General Hospital, for the use of the Board of Trustees from the general funds or such other funds not appropriated of said city, such sum as may be required to operate said hospital, and said Board of Mayor and Aldermen is authorized and empowered to levy a tax, in addition to all other taxes, upon all taxable property within Lexington, Tennessee, for the purpose of supplying funds necessary for the proper and efficient operation of said hospital.

SECTION 15. Be it further enacted, That if any clause, sentence, paragraph, section or any part of this Act shall be held or declared to be unconstitutional and void, it shall not affect the remaining part or parts of this Act, it being hereby declared to be the legislative intent to have passed the remainder of this Act notwithstanding the part held to be invalid, if any.

All Acts, or parts of Acts, in conflict herewith are hereby repealed.

SECTION 16. Be it further enacted, That this Act shall have no effect unless the same shall have been approved by a two-thirds vote of the Quarterly County Court of Henderson County, Tennessee, and by a two-thirds vote of the Board of Aldermen of the City of Lexington, Tennessee. Said action shall be taken within ninety days after the approval of this Act by the Governor. The approval or non-approval of this Act by the Quarterly County Court of Henderson County, Tennessee, and by the Board of Aldermen of the City of Lexington, Tennessee, shall be proclaimed by the County Judge and Mayor respectively, countersigned by the County Court Clerk and City Recorder respectively, and shall be certified by them to the Secretary of State.

SECTION 17. Be it further enacted, That this Act shall take effect from any after its passage, the public welfare requiring it.

Passed: January 21, 1959.

James L. Bomar,
Speaker of the House of Representatives.

Wm. D Baird,
Speaker of the Senate.

Approved: January 27, 1959.

Buford Ellington,
Governor.

This is to certify that according to the official records on file in this office, House Bill Number 42, which is Chapter Number 7 of the Private Acts of 1959, was properly ratified and approved and is therefore operative and in effect in accordance with its provisions,

Joe C. Carr
Secretary of State.

CHARTER AND RELATED ACTS FOR THE CITY OF LEXINGTON, TENNESSEE

YEAR	CHAPTER	SUBJECT
1917	241	Establish board of education. (See Related Acts at the end of the charter.)
1931	517	Provided two justices of the peace. (See Related Acts at the end of the charter.)
1959	7	Established hospital board. (See Related Acts at the end of the charter.)
1973	138	Gave mayor and board of aldermen power to remove school board members. (See Related Acts at the end of the charter.)
2004	131	Basic charter act.
2005	54	Replaces section 7, paragraph 1 regarding elections.
2006	119	Replaces section 6, 7, 8, 9, and 12, amends sections 2, 10, and 11.
2007	36	Amends sections 2, 10, and 11, replaces section 6.
2007	37	Replaces section 7, 8, and 9.
2008	80	Replaces sections 12, 13, and 14.
2008	100	Replaces section 7.
2010	41	Amends section 7, and replaces sections 11 and 14.
2012	62	Amends section 13, name of section 14 and paragraphs (a)(9)(A) and replaces paragraphs (b) and (c).