

RESOLUTION 2016-3

**A RESOLUTION TO AMEND THE CITY CHARTER OF THE CITY OF BAXTER
BY DELETING THE OFFICE OF CITY RECORDER IN ITS ENTIRETY**

WHEREAS, the City Recorder of the City of Baxter is one of the last popularly elected City Recorder positions in the State of Tennessee; and

WHEREAS, the position of City Recorder has become technically demanding and requires certain educational, training and experience that are not prerequisites to being elected to the position; and

WHEREAS, the Mayor and Board of Aldermen believe it would be an improvement in city operations and better for the citizens of the City of Baxter if they can appoint a qualified person to any position with such demanding responsibilities and be able to review that person's performance as they do with other City government positions; and

WHEREAS, the Mayor and Board of Aldermen are all popularly elected so the citizens of the City of Baxter still have a strong, clear voice and say in who shall serve in all city offices;


NOW, THEREFORE BE IT RESOLVED that the City of Baxter requests that the Tennessee General Assembly amend the City Charter of the City of Baxter by deleting the office of City Recorder in its entirety.

Duly passed and adopted this 15th day of March, 2016.



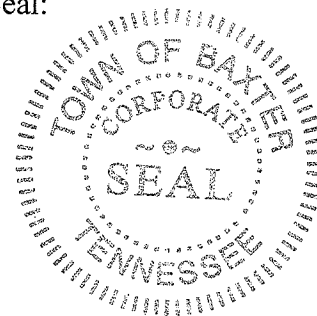
Jeff Wilhite, Mayor

Attest:



Stacey M. Austin, City Recorder

City Seal:



**** DELETE CITY RECORDER FROM CHARTER ****
CHARTER OF THE TOWN OF BAXTER, TENNESSEE ¹

CHAPTER NO. 35

SENATE BILL NO. 196.

(By Mr. Gore.)

A BILL to be entitled " An act to incorporate the town of Baxter in Putnam County, Tennessee and to provide for the government thereof. To establish a school district therein. To provide for the election of officers; prescribe their duties and for other purposes."

ARTICLE I.

GENERAL CORPORATE POWERS

Section 1. Name, creation of body politic, etc. Be it enacted by the General Assembly of the State of Tennessee, That the town of Baxter, in the County of Putnam, and the inhabitants thereof be and are, hereby constituted a body politic and corporate under and by the name and style of the Mayor and Aldermen of the town of Baxter, and shall have perpetual succession by their corporation name; may sue and be sued, plead and be impleaded; grant, receive, purchase and hold real, mixed and personal property and dispose of the same for the same for the benefit of the town; may have and use a seal.

Section 2. Legislative powers. Be it further enacted, That the corporation aforesaid shall have full power and authority to enact and pass such laws and ordinances as may be necessary to prevent and remove nuisance; to provide for licensing and regulating auctions; taxing, regulating or restraining other theatrical or other amusements; to restrain and prohibit gambling; to establish police protection; to ascertain, when necessary, the boundary and location of streets, lanes and alleys; to grade, pave and keep in repair the streets and alleys; pass all necessary laws for same; to establish the necessary inspection within the town; to enact all the necessary laws for the regulation of the markets, drays and personal privileges, to impose and collect fines, penalties and forfeitures for a breach of the by-laws or ordinances; to appoint or elect all officers or committees that are necessary to carry on the business of the corporation; to levy and collect taxes for the purposes of carrying the necessary measures into operation for the benefit of said town and all necessary laws and ordinances to carry the intent and meaning of the Act into effect and to have all power given a municipal corporation by the laws of the same; provided they are not incompatible with the constitution with the laws of the State.

ARTICLE 2.

OFFICERS OF THE TOWN

Section 1. Terms and qualifications of office. Be it further enacted, that the government of the Town of Baxter shall be vested in a mayor, and four (4) aldermen ~~and a recorder~~ to be elected to staggered terms as follows:

(a) The terms of the mayor, ~~and aldermen and recorder~~ elected on the first Saturday in March, 1993, shall be extended to the date of the regular August election held on the first Thursday in August, 1996.

(b) At the regular August election held on the first Thursday in August, 1996: the mayor ~~and the recorder~~ shall be elected to a four year term of office.

(2) the two (2) candidates for the office of alderman who receive the highest number of votes shall be elected to a four (4) year term of office.

(3) the two (2) candidates for the office of alderman who receive the lowest number of votes shall be elected to a two (2) year term of office.

(c) Thereafter, the city election shall be held on the date of the regular August election on the first Thursday in August of even-numbered years, and the candidates elected to the office of mayor, alderman and recorder as appropriate, on that date shall be elected to a four (4) year term of office; provided, however, that the office of City Recorder is abolished effective on [date private act signed by Gov, Lt. Gov. and Speaker], 2016.

The mayor, ~~and aldermen and recorder~~ shall be elected by the qualified voters domiciled within the limits of the town, and by qualified voters domiciled outside the limits of the town who own a bona fide freehold interest in the town. No person shall be qualified to hold, or continue in the office of mayor, ~~and aldermen alderman and recorder~~ who is not a domiciliary of the town. In the event of the death, removal, or resignation, or change in domicile of the mayor or any alderman, the office held by the person who has died, been removed, resigned or changed his or her domicile from the City of Baxter shall be deemed automatically vacated on the effective date of such change or transition, and the board of mayor and aldermen shall appoint a qualified person to fill the vacancy for the unexpired term. [As replaced by Priv. Acts 1989, ch. 78, § 1; and Priv. Acts 1994, ch. 171]

Section 2. Election of officers. Be it further enacted, That the persons qualified under the preceding section who receive the highest number of votes at any election shall be proclaimed elected to their respective offices. [As

ARTICLE 3.

Section 1. Boundaries. ¹ Be it further enacted, That the corporation limit of the town of Baxter shall be as follows:

Beginning at the mouth of a branch where it empties into the Nine Lick Creek, being a corner of the Baxter Seminary property; thence up said branch No. 84° E. 400 feet to a stake on the south side of said branch; thence S. 36° E. 933 feet to a stake at the south corner of the W. S. Swallows residence; thence south 82 1/2° E. 1250 feet to the east side of the Baxter and Sparta Road, at the mouth of a lane; thence with said lane N. 75° E. 495 feet to the end of a new street; thence with said new street N. 12° W. 900 feet to the corner of J. A. Harris' land; thence with said Harris' land N. 620 feet to a lane leading to J. A. Harris' dwelling to the Buffalo Valley Road; thence with said lane on the west side north 22 1/2° W. 650 feet to the Buffalo Valley Road in the center of an alley running between N. S. Shanks and G. T. Medlin; thence with said alley N. 112° W. 343 feet to a stake; thence N. 2° E. 171 feet to a stake, it being the northwest corner of the P. H. Julian lot; thence N. 70° E. 386 feet to a stake on the east side of a street; thence with said street S. 1° W. 460 feet to a stake on the north side of the Cookeville and Buffalo Valley Road, it being the southwest corner of the C. C. Simpson lot; thence with his south boundary line N. 37° E. 110 feet to a stake; thence N. 78° E. 242 feet to a stake on the east side of a street in J. A. Isbell's land; thence with said street N. 1° E. 850 feet to a stake; thence N. 89° W. 343 feet to a stake; thence N. 4° E. 1000 feet to a stake in the right-of-way on the north side of the Tennessee Central Railroad; thence with the north side of the right-of-way S. 57° W. 700 feet to a stake; thence leaving right-of-way and running N. 135 feet to a stake; thence S. 77° W. 814 feet to a stake, it being the southeast corner of the John Williams lot; thence N. 1° E. 327 feet to a stake; thence with the north boundary line of said Williams through the lands of Willie Bradford, J. W. Rush, C. M. Wallace and A. R. Judd N. 89° W. 2,750 feet to a red oak in the northeast corner of the land belonging to Albert Ellis; thence N. 83° W. 1,275 feet to a stake on the west side of Baxter and Carthage highway; thence with the west side of said highway S. 23° E. 40 feet to the corner of Homer Winfree's farm, D. B. Boyd's garden fence; thence S. 40° W. 200 feet to north of W. A. Beatty's residence; thence S. 18 1/2° E., crossing the center of railroad at 486 feet and 1,243 feet west of the 82nd mile post 1,180 feet to W. B. Clevenger's southwest corner north of the Cookeville and Buffalo Valley Road; thence on the north side of the road with W. B. Clevenger's south boundary line N. 56° E. 400 feet to a stake; thence N. 65° E. 860 feet to a stake; thence N. 25° E. 508 feet to a stake near the mouth of a small branch, the beginning. [As amended by Priv. Acts 1917, ch. 553, and Priv. Acts 1949, ch. 282]

ARTICLE IV.

DUTIES AND POWERS OF THE BOARD OF MAYOR AND ALDERMEN

Section 1. Oath of mayor and aldermen. Be it further enacted, That the Mayor and Aldermen of said town shall, before entering upon the duties of their office, take an oath before some judge, county mayor or other officer authorized to take oaths such as a Notary Public holding office in or having jurisdiction over Justice of the Peace for Putnam County, Tennessee, to faithfully, uprightly, and honestly perform their duties as Mayor and Aldermen of said corporation the City of Baxter during their continuance in office.

Section 2. Erect and maintain workhouse. Be it further enacted, That the Board of Mayor and Aldermen of said Corporation shall have full power and authority to erect a workhouse and lock up or calaboose for the safe-keeping of persons convicted of any violation of any by-laws or ordinances of said corporation who fail or refuse to pay or secure to be paid the fines and costs accruing thereon; the Mayor and Aldermen may provide by ordinance for their confinement in said work-house, lock-up or calaboose, and put them to work for the town within an inclosure or on the streets and other public works, under proper guard or secure by ball and chain or otherwise, at such wages as the Board may adopt by ordinance until said fine and cost are paid.

Section 3. Appointment and compensation of policemen and other officers and agents.

Be it further enacted, That the Board of Mayor and Aldermen shall have full power and authority to appoint a Police Chief and/or as many Policemen as in their judgment they deem necessary to preserve the peace and quiet of the town, enforce ordinances of the town, and serve process; and to fix their term of office and regulate their compensation. The Board of Mayor and Aldermen shall also have the power and authority to appoint all other officers and agents of the corporation that they deem necessary, and provide for the compensation of those officers or agents. [As replaced by Priv. Acts 1989, ch. 109, § 3]

Section 4. Establish and open streets, etc. Be it further enacted, That the Board of Mayor and Aldermen of the town of Baxter shall have full power and authority to lay off, open new streets, lanes and alleys in said town, and to extend the old ones for the convenience of the inhabitants thereof in the manner and mode. prescribed by Section 1388, 1389, 1390, 1391 of the Code of Tennessee.

Section 5. Power to provide for arrests. Be it further enacted, That the Mayor and Aldermen of the town of Baxter shall have the power and authority by ordinance within the town to provide for the arrest and confinement until trial of

all rioters and disorderly persons within the town by day or night, and ⁶⁻⁷to authorize the arrest and the detention of all suspicious persons violating any ordinance of the town or in violation of the State of Tennessee.

Section 6. Grant of franchises. Be it further enacted, That the Mayor and Aldermen shall not grant any exclusive franchise or privilege to any person or corporation within the limit of said town for a longer period of twenty years, except the right of Railroad Companies to build their lines of railroad over, through, and under the streets, alleys, or lanes of the town.

Section 7. Establish fire limits. Be it further enacted, That the Board of Mayor and Aldermen, for the purpose of guarding against calamities of fire, from time to time designate such portion and parts of the town that they may deem proper within which modern buildings may be erected. They may prohibit the erection of wooden buildings in any portion of the town without their permission, and may provide for the removal of such buildings or additions which shall be erected contrary to such prohibitions at the expense of the builder and owner thereof, or if any building in the process of erection appears clearly to be unsafe the Board of Mayor and Aldermen may cause such building to be taken down after reasonable notice to the owner; provided that the Board of Mayor and Aldermen shall not declare a nuisance or condemn any building erected before the passage of this Act.

Section 8. Power to pass ordinances. Be it further enacted, That the Board of Mayor and Aldermen shall exercise legislative power and authority to enact all ordinances necessary for the execution of the powers herein conferred on the Corporation.

Section 9. Mayor may veto ordinances; majority of aldermen a quorum; time and place of board meetings. Be it further enacted, That a majority of Aldermen shall constitute a quorum. The Mayor shall not vote except in case of tie, but he shall have the right to veto in writing any ordinance or resolution passed by the Aldermen, and shall require a three-fourths vote of the Aldermen at a subsequent meeting to pass any ordinance or resolution over the Mayor's veto. The Board of Mayor and Aldermen shall meet regularly once a month at such time and place in said town as they may by ordinance fix, and that such special meetings as may be called.

Section 10. Ordinances to be signed by mayor; may be used in evidence. Be it further enacted, That all ordinances shall be signed by the Mayor and Recorder and the same shall be spread upon the minutes of the Board of Mayor and Aldermen, and shall be filed and preserved among the records of the town. They shall be recorded in a book kept for the public, and a certified copy of all ordinances from the minutes of from the book kept for the purpose shall be full evidence of the same in all trials in any of the Courts of the State, the certificates to be made by the Mayor under the seal of the Corporation, if the Corporation

ARTICLE 5.¹ CITY RECORDER AND CITY JUDGE

Section 1. The office of City Recorder is abolished in the City of Baxter. To report on finance every three (3) months. Be it further enacted, That it shall be the duty of the Recorder to make a written report under oath to the Mayor and Aldermen at the end of each three months during his or her continuance in office, and show what amount of money has been paid, by whom paid, and on what account paid, during the preceding quarter, how much has been expended and to whom and the amount of quarterly reports, the report of the Marshal or Constable above provided for, all which shall be passed on by the Board of Aldermen and entered a record.

Section 2. Maintain cash receipt book. Be it further enacted, That it shall be the duty of the Recorder of said Corporation to keep a cash book in which he shall enter all sums by him received showing the date and the amount and from whom received and on what account. He shall also enter in said book all the amounts by him paid and to whom paid and on what account, and this book shall be open for inspection by the Mayor and Aldermen of said town at any time called for, but no one shall be allowed to take the book from the Recorder's office except by the order of the Board of Mayor and Aldermen, and when the Recorder's time expires or when from any cause he ceases to be Recorder, this book shall be turned over to his successor in office. [As renumbered by Priv. Acts 1967, ch. 401, § 1, and Priv. Acts 1989, ch. 109, § 4]

Section 3. Money, how paid out by recorder. Be it further enacted, That no money belonging to said corporation shall be paid out except upon order of the Recorder countersigned by the Mayor, the same to be drawn by the Board of Aldermen and, at the expiration of his term of office the Recorder shall deliver to his successor all books and papers belonging to the corporation, and take his receipt for same and make a final settlement with the Board of Mayor and Aldermen, and pass to his successor all the money in his hand belonging to said Corporation. [As renumbered by Priv. Acts 1967, ch. 401, § 1, and Priv. Acts 1989, ch. 109, § 4]

Section 4. Recorder's compensation. Be it further enacted, That as compensation for his services in collecting and distributing taxes the Recorder shall receive the same commission as is allowed by law to the County Trustee and for the copy work by him from the County Assessor's book of property in the corporate limit of the town, and for his other services, the The Recorder shall receive such compensation as the Board of Mayor and Aldermen shall prescribe. [As renumbered by Priv. Acts 1967, ch. 401, § 1; replaced by Priv. Acts 1967, ch. 401, § 2; and renumbered by Priv. Acts 1989, ch. 109, § 4]

Section 2. 5. Appointment and compensation of city judge. Be it further

enacted, That the Board of Mayor and Aldermen are authorized to elect a City Judge to serve at the will of the Board of Mayor and Aldermen. The compensation of the City Judge shall be fixed by the Board of Mayor and Aldermen, ~~in an amount not to exceed one hundred dollars (\$100.00) a month.~~ The City Judge shall have original jurisdiction to try all offenses for violations of the municipal ordinances and such jurisdiction as is otherwise provided for by Tennessee law for municipal judges. [As added by Priv. Acts 1967, ch. 401, § 3]

ARTICLE 6. TAXES

Section 1. County assessment controlling. Be it further enacted, That the assessment of the property for taxes for corporation purposes shall be based on the assessment made by Putnam County, and the Recorder shall make out the tax book from the County or District Assessor book under the direction of the Board, and when the same is delivered to him for collection, which shall be the first of November of each year. When said taxes shall be due and payable he shall be charged with the gross amount, the countersigned orders and his delinquent list shall be his vouchers for the same and for which he shall receive credit.

Section 2. Tax rate. Be it further enacted, That in making the tax levy said Board of Mayor and Aldermen shall not fix the total levy for all purposes for any year at a higher rate than one dollar (\$1.00) on the hundred dollars (\$100) of the assessed value of the property which shall include both corporation and school tax as hereinafter provided. [As amended by Priv. Acts 1917, ch. 553, § 3]

Section 3. Delinquent taxes. Be it further enacted, That when any tax shall be imposed on any real estate within the bounds of said corporation for any year and said tax is not paid by the owner or occupant of said property on or before the first day of May of the ensuing year and no personal property of the owner of said lot can be found within the bounds of said corporation, out of which said taxes can be made, then it shall be the duty of ~~the Recorder~~ of an appropriate officer or employee of the City to certify the same to the first term thereafter of the Circuit or Chancery Court of Putnam County, giving a full description of said property in each case so certified to in said Court. It shall be the duty of said ~~Circuit Court~~ at the term to which said list is so certified to enter a judgement judgment for the amount of the taxes due said corporation, interest thereon and the costs, and direct that a writ of sale shall issue to the Sheriff of Putnam County who shall sell said real estate for the satisfaction of said taxes, interest and costs; and in making said sale the Sheriff shall be governed by the same laws and regulations which now governs Sheriffs in selling land levied on under execution of said ~~Circuit Court~~, and sales made under writs of venditioni exponas, which tax when collected by the Sheriff shall

be paid by him to the Recorder of said town for the use of said corporation, and the purchaser at such sale shall acquire a legal title to said land, subject however to the right of redemption for two years from the date of sale in favor of the party whose land is sold or any creditor of such party and in case of redemption under sales on process from said Court.

Section 4. Road tax and poll tax. Be it further enacted, That parties living within said corporation who are subjects to road duty on the public roads of Putnam County, shall pay a special road tax for the purpose of keeping up the streets of said corporation to be fixed by the Board of Mayor and Aldermen and to not exceed three dollars (\$3.00) per year, and that all persons who live within said corporation who are subject to a poll tax shall pay the sum of one dollar (\$1.00) as poll tax, which shall go to the benefit of public schools within said corporation.

ARTICLE 7.

DUTIES OF MAYOR

Section 1. Be it further enacted, That it shall be the duty of the Mayor to preside at all the meetings of the Board of Mayor and Aldermen; to see that all ordinances and laws of the corporation are enforced; to take an oath of office before entering upon the duties of his office; to call a special meeting of the Board of Aldermen whenever he may deem it expedient, or on petition in writing of three of the Aldermen; to make such suggestions to the Board of Aldermen as in his judgment shall be conducive to the best interest of the corporation; to countersign orders issued by the Recorder for the payment of any money that may be due from said corporation; in cases of a tie on questions before the Board of Aldermen he vote, but not otherwise; he shall within three months from the time he is inducted into office or sooner, if practicable, give in writing to the Board of Aldermen a general statement of the conditions of the town in relation to its government and finances, sanitary condition, and suggest such improvements as he may deem proper; he shall at all times have access to the books and records in the office of the Recorder and in case of absence of the Mayor, the Aldermen shall elect one of their number to preside in the absence of the Mayor, and the person so elected shall, while so presiding, have all the power and perform all the duties imposed on the Mayor.

ARTICLE VIII. CITY SCHOOLS

Section 1. Be it further enacted, That the town of Baxter is hereby created a special school district, and that the common or public school of said town shall be managed and controlled by a board of school directors composed of three persons, who shall be bona fide citizens and residents of said town, whose term of office shall be for a period of two years, and who shall be elected by the qualified voters of the town, said election being at the same time and place as for the

Board of Mayor and Aldermen, said directors shall have full power to manage and control the public schools, to elect and employ teachers, and prescribe rates and regulations for said schools and teachers thereof, and to fix their salaries within limits prescribed by the Board of Mayor and Aldermen by ordinance and to arrange with existing schools for tuition of resident pupils. Said district shall be known as the "Town of Baxter District." Said Directors shall organize as District School Directors or Commissioners are organized, and act under the general laws of the State in reference to the public school funds and be under the supervision of the State and County Superintendents. Said Board of School Directors shall at first meeting appoint one of its number Chairman and another Clerk who shall hold their respective places for the period for which they are elected as directors and until their respective successors are elected and qualified. The duties of the Chairman and Clerk shall be the same as under the general public school laws of this State, and they shall also make reports to the Board of Mayor and Aldermen whenever required, and be under their supervision and control and as herein set out. They must make reports to said Board of Mayor and Aldermen at least once a year. Said Board of School Directors may take and hold real and personal property for public school purposes, and may sell and convey the same when for the best interests and advantage of the public school of the town pursuant to the laws of the State. The general laws of the State in regard to common schools shall apply to the town of Baxter, except as herein modified, and said town of Baxter shall be entitled to all of money from the public school fund that it would be entitled to receive if the district are organized under the general laws of the State; that the County Trustee of Putnam County be, and is hereby required to pay over on the warrants issued by the said Board of School Directors the pro rata of the school fund assessed and collected by the county on property, polls, and privileges within the corporate limits of said town of Baxter, to be used by said directors as hereinbefore directed and provided, and also to pay over to said directors the proper pro rata of the funds for common or public schools that shall come into his hands from the State of Tennessee, according to the scholastic population of said town, and in the same way as to other school directors in the county.

ARTICLE IX. SALARIES AND FEES

Section 1. Salary of mayor. BE IT FURTHER ENACTED, That the mayor shall receive a salary of twelve thousand dollars (\$12,000) per year, one hundred dollars (\$100) for each regular meeting, and fifty dollars (\$50) for each special meeting of the Board of Mayor and Alderman that the mayor attends or such other amount to be determined by the Board of Mayor and Aldermen.

Section 2. Salary of aldermen. BE IT FURTHER ENACTED, That Aldermen shall receive one hundred dollars (\$100) for each regular meeting and fifty dollars (\$50) for each special meeting of the Board of Mayor and Alderman that an alderman attends or such other amount to be determined by Board of Mayor and Aldermen.

~~Section 3. Salary of city recorder. BE IT FURTHER ENACTED, That the City Recorder shall receive a salary of forty five thousand dollars (\$45,000) or such other amount to be determined by the Board of Mayor and Aldermen. [As replaced by Priv. Acts 2008, ch. 88, § 1]~~

ARTICLE X. TOWN ATTORNEY. CHARTER A PUBLIC ACT. AND

EFFECTIVE DATE

Section 1. Town attorney. Be it further enacted, That the Board of Mayor and Aldermen shall have the right to employ some one learned in the law to act as Attorney and to fix the salary of such office.

Section 2. City charter a public act. Be it further enacted, That this Act is hereby declared to be a Public Act, and may be read in all the Courts of law and equity without proof.

Section 3. Effective date. Be it further enacted, That this Act take effect on the 8th day of March, 1915, the public welfare requiring it.