

**Finance & Administration Committee Meeting**  
**December 15, 2020**  
**4:00 p.m.**

1. Charter/Code Update – City Attorney Witherington, Director Fisher
2. City Property Discussion – Mayor Hanson, Director Rose
3. Salary Study Discussion – Police Chief Lindsey

CHARTER OF THE CITY OF COVINGTON, TENNESSEE<sup>1</sup>

Chapter 132

House Bill No. 4072

AN ACT to amend Chapter 322 of the Acts of 1903; as amended by Chapter 219 of the Acts of 1909; Chapter 31 of the Private Acts of 1913 (First Extraordinary Session); Chapter 402 of the Private Acts of 1919; Chapter 381 of the Private Acts of 1929; Chapter 570 of the Private Acts of 1931; Chapter 598 of the Private Acts of 1931; Chapter 192 of the private acts of 1933; chapter 747 of the private acts of 1933; chapter 749 of the private acts of 1933; chapter 297 of the private acts of 1937; chapter 240 of the private acts of 1941; chapter 698 of the private acts of 1951; chapter 32 of the private acts of 1953; chapter 11 of the private acts of 1961; chapter 230 of the private acts of 1963; chapter 231 of the private acts of 1963; chapter 406 of the private acts of 1968; chapter 226 of the private acts of 1974; chapter 224 of the private acts of 1974; chapter 140 of the private acts of 1975; chapter 139 of the private acts of 1975; chapter 343 of the private acts of 1982; chapter 10 of the private acts of 1993 and chapter 80 of the private acts of 2004; chapter \_\_\_\_\_ of the private acts of 2021; and Any Other acts Amendatory Thereto, Relative to the charter of the City of Covington.

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<sup>1</sup>Priv. Acts 2006, ch. 132, is the current basic charter act for the City of Covington, Tennessee. The text of the basic charter act set out herein includes all its amendments through the 2020 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 of a temporary nature with no general or continuing application, such as bond authorization and validation acts have not been included in this

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

SECTION 1. chapter 322 of the acts of 1903; as amended by chapter 219 of the acts of 1909; chapter 31 of the private acts of 1913 (First extraordinary Session); chapter 402 of the private acts of 1919; chapter 381 of the private acts of 1929; chapter 570 of the private acts of 1931; chapter 598 of the private acts of 1931; chapter 192 of the private acts of 1933; chapter 747 of the private acts of 1933; chapter 749 of the private acts of 1933; chapter 297 of the private acts of 1937; chapter 240 of the private acts of 1941; chapter 698 of the private acts of 1951; chapter 32 of the private acts of 1953; chapter 11 of the private acts of 1961; chapter 230 of the private acts of 1963; chapter 231 of the private acts of 1963; chapter 406 of the private acts of 1968; chapter 226 of the private acts of 1974; chapter 224 of the private acts of 1974; chapter 140 of the private acts of 1975; chapter 139 of the private acts of 1975; chapter 343 of the private acts of 1982; chapter 10 of the private acts of 1993 and chapter 80 of the private acts of 2004; chapter of the private acts of 2021; and any other acts amendatory thereto, is amended by deleting such chapter, as amended, in its entirety except as provided in sections 2 and 5 of this Act and by substituting instead the following language to be the charter of the City of Covington:

Incorporation, name, and general powers

SECTION 1. The municipality of Covington, in the County of Tipton, and the inhabitants thereof, are hereby constituted a body politic and corporate by the style and name "City of Covington" and shall have perpetual succession by the corporate name; may sue and be sued, plead and be impleaded; grant, receive, purchase and hold real, mixed and personal property; may sell, lease, or dispose of the same for benefit of said municipality; and may do all other acts authorized by municipal, state and federal law as stated and implied powers of a municipality; and may have and use a corporate seal and change it at its pleasure.

Corporate boundaries

SECTION 2. The boundaries of the city shall be as provided in Chapter 322 of the Acts of 1903 and all other acts amendatory thereto, and in addition shall include annexations made pursuant to general law.

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Composition of board of mayor and aldermen

SECTION 3. The legislative powers of the City of Covington 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  
~~shall meetings the Mayor shall~~

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preside. Any form of board action shall be passed by a majority of the entire membership of the board. A quorum shall consist of four (4) ~~Aldermen~~members of the board. 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, as the term is defined in Tennessee Code Annotated § 6-3-101, 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, s 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.

Elections for and terms of mayor and aldermen: appointment, term, and duties of recorder and treasurer

SECTION 4.

~~1)~~ The Mayor shall be elected by popular vote at large and the six (6) Aldermen shall be elected two (2) from each district.

~~1)~~

~~2)~~

~~3)~~ A nonpartisan election shall be conducted by the Tipton County Election Commission under the laws of the State of Tennessee, governing elections or by such officer or officers in such manner as the laws of the State may prescribe.

~~2)~~

~~4)~~

~~5)~~ The candidate for Alderman receiving the highest number of votes in a district shall be elected and the candidate for the office of Mayor receiving the highest number of votes in the City shall be elected. If there is a tie vote between the two (2) or more persons having the highest number of votes for the office of Alderman or Mayor, the members of the Board of Mayor and Aldermen as it existed prior to the election shall meet in a special called meeting as soon as practicable after the election results are certified to determine how the tie will be broken. First, the Board must decide whether to cast the deciding vote or to pass a

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~~resolution for a run-off election between the tied candidates. The vote on how to proceed shall be by roll call. If the Board decides to cast the deciding vote between the tied candidates the vote shall be by roll call. the members of the Board of Mayor and Aldermen elect, between whom there is no tie, shall, upon taking office, cast the deciding vote for the office.~~ The Board shall elect a candidate from those involved in the tie vote within 30 days of the date the election was certified.

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4) ~~If an area is hereafter annexed, such area shall be assigned to the Aldermanic district or districts closest and adjacent thereto. In order to assure that the districts shall be at all times as equal in population as practicable, revisions and changes of boundaries may be made; provided, however, there shall never be more than three (3) districts as heretofore set forth. Districts may be reappportioned every ten (10) years as may be necessary based upon the most recent federal census; provided, however, such districts shall not exceed three (3) in number. The Board shall have prepared a redistricting ordinance and community interests, non-discriminatory, and as equal in population as reasonably practicable. The ordinance shall be adopted within one hundred eighty (180) days of the publication of the national census of the State of Tennessee.~~

The Mayor and Aldermen shall hold office for a term of four (4) years or until their successors are elected and qualified

5)

6) The successful candidates will be sworn in and take office at the next regularly scheduled meeting of the Board of Mayor and Aldermen following their election.

7) ~~All the officers of the City of Covington shall continue to hold their respective offices until their successors are elected and qualified. If an area is hereafter annexed, such area shall be assigned to the Aldermanic district or districts closest and adjacent thereto. In order to assure that the districts shall be at all times as equal in population as practicable, revisions and changes of boundaries may be made; provided, however, there shall never be more than three (3) districts as heretofore set forth. Districts shall be reappportioned every ten (10) years based~~

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~~8) upon the most recent federal census; provided, however, such districts shall not exceed three (3) in number. The Board shall have prepared a redistricting ordinance and community interests, non-discriminatory, and as equal in population as reasonably practicable. The ordinance shall be adopted within one hundred eighty (180) days of the publication of the national census of the State of Tennessee.~~

~~In order to increase the participation of the voters in municipal elections and to save considerable expense for the taxpayers of the City of Covington, the Board of Mayor and Aldermen hereby extend the terms of the current members of the Board so that the future elections of the City of Covington will be conducted at the regular election held in November of even-numbered years. The terms of the three (3) Aldermen whose terms expire in April 2007 are hereby extended until the first regular meeting of the Board in December 2008. The terms of the three~~

~~(3) Aldermen and the Mayor whose terms expire in April 2009 are hereby extended until the first regular meeting of the Board in December 2010.~~

~~At the election to be held in November 2008, one (1) position of Alderman shall be filled by a candidate chosen by the voters from district 1, one (1) position of Alderman shall be filled by a candidate chosen by voters from district 2, and one (1) position of Alderman shall be filled by a candidate chosen by the voters from district 3. At the election to be held in November 2010, one (1) position of Alderman shall be filled by a candidate chosen by the voters from district 1, one (1) position of Alderman shall be filled by a candidate chosen by the voters from district 2, and one (1) position of Alderman shall be filled by a candidate chosen by the voters from district 3. In addition to the three (3) Aldermen elected in November 2010, there shall be an election for the office of Mayor. The Mayor and Aldermen shall hold office for a term of four (4) years or until their successors are elected and qualified.~~

~~The successful candidates will be sworn in and take office at the next regularly scheduled meeting of the Board of Mayor and Aldermen following their election.~~

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~~All the officers of the City of Covington shall continue to hold their respective offices until their successors are elected and qualified.~~

Officers and ordinances under old charter

SECTION. 5. All the officers of the said City of Covington holding ~~office under and during the existence of the amended charter of 1903,~~ Chapter 322 of the Acts of 1903, as amended, shall hold over ~~and remain~~ and remain

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in said offices, and shall have all the rights, powers, and duties connected with and pertaining to said offices until their successors are elected and qualified; and all ordinances in force and existing under and during the existence of the said amended charter of 1903, Chapter 322 of the Acts of 1903, as amended, shall remain in full force and effect under this charter until repealed or revoked by the said Board of Mayor and Aldermen of the said City of Covington.

Transfers of public property to new corporation

SECTION 6. All public buildings, squares, promenades, streets, highways, alleys, and all other property, real and personal, the title to which was in the Board of Mayor and Aldermen of the City of Covington pursuant to Chapter 322 of the Acts of 1903, as amended, are hereby transferred to the custody and control of the said corporation herein chartered, to remain public property for the uses to which said property has been hitherto applied.

Mayor and aldermen required to be residents

SECTION 7. Every person elected to the office of Mayor or Aldermen *shall have been a resident of the State of Tennessee and the City of Covington for at least one (1) year* ~~shall have been a resident of the State of Tennessee for more than one (1) year, a resident within the boundaries of Covington for not less than twelve (12) months~~ immediately preceding the election and shall continue to reside within the corporate limits and their district during their term of office. *A person may not use a business or commercial address as a residence for purposes qualifying as a candidate for the office of Mayor or Aldermen unless the person provides evidence of their residential use of the property For purposes of determining a persons' qualifications for the office of Mayor or Aldermen based on their residence, the factors set forth in Tenn. Code Ann. § 2-2-122 shall be considered.* In case of the removal of the Mayor or an Alderman of the City of Covington, their respective offices shall immediately become vacant. 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 Tipton County Election Commission. No person shall become a candidate for Mayor or Alderman

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who has been convicted in the ten (10) years immediately preceding the date of the election of malfeasance in office, bribery, or other corrupt practice, a felony, or a crime involving moral turpitude. Any Mayor or Alderman so convicted shall forfeit such office. An employee of any division or department of the City of Covington shall not be qualified to run for an elected office of the City of Covington.

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Elections and votingg

SECTION 8. All persons who are qualified to vote for members of the General Assembly of the State, and who have been actual bona fide residents and citizens of the territory within the corporate boundaries ~~of corporate boundaries of~~

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the City of Covington for at least thirty (30) days prior to the election, and all nonresidents who are qualified voters of the State of Tennessee and Tipton County owning a taxable freehold in Covington, shall be entitled to vote in City elections. However, in the case of nonresidents, pursuant to Tennessee Code Annotated, §2-2-107(a)(3), no more than two (2) persons shall be entitled to vote based upon the ownership of an individual tract of property regardless of the number of property owners.

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### Vacancies

SECTION 9. The Board of Mayor and Aldermen shall declare that a vacancy exists if the Alderman resigns, dies, moves his/her residence from the City, is convicted of malfeasance or misfeasance in office, a felony, a violation of this Charter or the election laws of the State, or a crime involving moral turpitude, fails to attend any meetings of the Board for a period of ninety (90) days with no extenuating circumstances or has been continuously disabled for a period of at least six (6) months so as to prevent him/her from discharging the duties of his/her office. Upon any of the foregoing occurrences the Board of Mayor and Aldermen shall address the question of a vacancy at the next regularly scheduled meeting of the board. Upon a vacancy being declared by the Board of Mayor and Aldermen the following shall occur to fill the vacancy.

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1) The Recorder/Treasurer shall publish notice of the vacancy, and within thirty (30) days of a vacancy occurring, all qualified applicants shall appear before the Board of Mayor and Aldermen at a regularly scheduled meeting to make known their intention to apply to fill the vacancy, and may make a brief statement to the Board at such meeting concerning: the reasons for their desire to serve on the Board, their qualifications to represent the district in which there is a vacancy, their background, education, training, employment, military service, volunteer work, and such other matters as may be appropriate to an evaluation of their application, and may answer questions from Board members. Candidates applying to fill a vacancy on the Board of Mayor and Aldermen shall be qualified in accordance with the Official Charter of the City of Covington and general state law.

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2) Within fourteen (14) days of the regularly scheduled meeting of the Board of Mayor and Aldermen at which applicants appear to make known their intention to apply for the vacancy, the mayor, or vice-mayor in the absence of the mayor, shall hold a special called meeting

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of the Board of Mayor and Aldermen for the purpose of appointing an applicant to fill the unexpired term of the Board member whose office is vacant. Only those applicants who appeared at the previous regularly scheduled meeting and made known their intention to apply to fill the vacancy may be considered at the special called meeting for voting on the appointment.

a) The appointed applicant shall be appointed only upon receiving a majority vote of the entire membership of the Board of Mayor and Aldermen.

b) Each applicant's name shall be announced by the Recorder/Treasurer, and thereafter each Board member may vote for only one applicant by roll call voice vote by stating the name of the applicant they vote for. If any applicant receives a majority vote or more of the entire membership of the Board, that applicant shall be approved and appointed to fill the vacancy for the unexpired term of the vacant member.

c) If no applicant receives a majority vote or more of the entire membership of the Board during the first vote, then a second round of voting shall commence following the same procedure set forth above. At the conclusion of the second round of voting, any applicant who receives a majority vote or more of the entire membership of the Board shall be approved and appointed to fill the vacancy for the unexpired term of the vacant member.

d) If no applicant receives a majority vote or more of the entire membership of the Board during the second vote, then a third round of voting shall commence. During the third round of voting, the Board shall not consider and no member of the Board may vote for the applicant having the lowest vote total during the preceding vote.

e) Subsequent voting rounds, if necessary, shall be conducted in accordance with the provisions above until such time as an applicant shall have received a majority vote of the entire membership of the Board.

~~1) Upon approval and appointment by the Board of Mayor and Aldermen, the applicant shall immediately thereafter be sworn by the mayor, or vice-mayor in the absence of the mayor, and shall take their seat and hold office until the next general election. If at any time a vacancy shall occur in the office of Alderman either by death or resignation or otherwise, the Board shall fill a vacancy in the~~

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~~office of Alderman for the unexpired term by affirmative vote of a majority of the remaining members.~~

City attorney

SECTION 10. The Mayor shall have the authority to employ a city attorney with the consent of the Board at a salary to be fixed by the Board.

Officers to take an oath

SECTION 11. Every officer, ~~as the term is defined in Tennessee Code Annotated § 6-3-101,~~ of the corporation, whether elected by the people or by the Board, shall before entering upon the discharge of the duties of the office, take an oath to support the Constitution and laws of the United States and the State of Tennessee.

Bonds of officers

SECTION 12. ~~The Board of Mayor and Aldermen may by ordinance prescribe and require a bond or bonds of any officer elected by said Board or by the people or voters of the City of Covington and fix the amount and terms thereof. The Board of Mayor and Aldermen may by ordinance prescribe and require a bond or bonds of any officer elected by said Board or by the people or voters of said City and fix the amount and terms thereof.~~

Salaries, benefits and reimbursement allowances of officers

~~SECTION 13. The Mayor and Board of Aldermen shall, by ordinance, establish the salary, benefits and reimbursement allowances for the Mayor, Aldermen, City officers, and officials and elected and appointed committee members. Such salaries, benefits and reimbursement allowances may be changed by ordinance at any time, but the salary of officials elected by the people may not be increased or diminished during the term of office for which such officials were elected.~~

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The salaries for the Aldermen and the Mayor shall be set by ordinance at least ninety (90) days prior to the mayoral municipal election.

Regular meetings, special meetings and quorum of the board

-SECTION 14. The Board of Mayor and Alderman shall hold

regular meetings at least once monthly. Whenever, in the opinion of the Mayor, the welfare of the corporation demands it, the Mayor may call a special meeting of the Board of Mayor and Aldermen, and if the Mayor fails or refuses to call a special meeting of the said Board, any three (3) Aldermen may call such special meeting, and when the Board is convened under such special call by three (3) Aldermen, a quorum of said Board being present, if the Mayor or Vice-Mayor be absent, or shall refuse to take part in the said meeting, the Aldermen may elect one (1) of their number to preside at such special meeting of the Bboard.

Board's rules of procedure

SECTION 15. The Board of Mayor and Aldermen may determine its own rules of procedure, except as herein provided, and may, by ordinance, fix the punishment of members or other persons for disorderly conduct during the meeting of the Board, and enforce the same. The Mayor shall have power to direct that any person not a member of the Board who shall be guilty of boisterous or disorderly conduct as to disturb the session of the Board be ejected from the room where such meetings are held. For that purpose, the Mayor may call any member of the police force and as many other persons as deemed necessary; and the Board may, by ordinance, provide proper penalties for the refusal of any persons to obey the orders of the Mayor in such cases.

Recorder to keep minute books and ordinance books;  
adoption of ordinances and resolutions

SECTION 16. All ordinances of the City of Covington and a full and

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C. 17

complete record of the proceedings of the Board of Mayor and Aldermen shall be kept by the recorder, who shall keep a minute book and also a separate book called the "Ordinance Book" in which shall be recorded all the ordinances passed by the Board, with the date upon which they were passed. All ordinances and resolutions, before being introduced and received and considered by the Board, shall be reduced to writing. No ordinance shall be adopted without first having been passed on two (2) separate occasions. ~~No ordinance shall be adopted without first having been passed on three (3) separate occasions,~~ and no more than one (1) passage may be on one (1) day. Any ordinance may be rejected on its first or, second ~~or third~~ consideration. No ordinance or resolution shall be adopted unless passed ~~de~~.

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by the affirmative vote of ~~at least four (4) aldermen~~ the majority of the members of the board. However, it shall not be necessary to take any aye and no votes except on ~~third~~ second consideration, and at which consideration the names of the ~~Aldermen~~ members of the board voting for and against the same shall be entered on the minutes. Any ordinance introduced may pass the first consideration on the day on which it is introduced. The Board of Mayor and Aldermen shall not suspend its rules so as to take up and pass an ordinance on more than one (1) consideration on the same day.

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C-9

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#### Form of ordinances

SECTION 17. All ordinances of the said City of Covington shall begin with an enacting clause as follows, to wit: "Be it enacted by the Board of Mayor and Aldermen of Covington, " and shall conclude with a provision as follows: "This ordinance shall take effect from and after its passage, the welfare of the corporation demanding it." But this section shall not prevent the Board of Mayor and Aldermen from substituting such time as they may desire in the concluding clause for the words "from and after its passage" and in such cases such ordinance shall take effect from and after the time stated.

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#### Removal of officers elected by the people

SECTION 18. ~~Members of the Board of Mayor and Aldermen and every other person holding any office of trust or profit, under and by virtue of any laws of the state and/or the City of Covington, Tennessee, who shall knowingly or willfully commit misconduct in office, or who shall knowingly or willfully neglect to perform any duty enjoined upon them by the laws of the state or City of Covington, Tennessee, or who shall in any public place be in a state of voluntary intoxication, or who shall engage in any form of illegal gambling, or who shall commit any act constituting a violation of any penal statute involving moral turpitude, shall forfeit such office and shall be ousted from such office pursuant to the manner and procedures set forth in Tennessee Code Annotated § 8-47-101 et seq. The Board of Mayor and Aldermen shall have the power to remove from office any officers elected by the people under the provisions of this act for neglect of duty, misconduct in office or failure to obey the reasonable orders of said Board of Mayor and Aldermen upon written charges being preferred against said officer by said~~

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~~Mayor, any member of the Board of Mayor and Aldermen or any citizen. In case such charges are preferred five (5) days notice in writing, containing a copy of said charges, and giving such officer the date upon which the Board will convene to hear and pass upon said charges shall be given said officer and, at the time named in said notice, said Board shall meet and hear and determine said charge or charges, and if said charges are sustained said Board shall have the power to remove or suspend such officer from office and pending the investigation of said charges the Board shall have power to suspend said officer from pay and from the duties of his office and to fill the same by temporary appointment.~~

Miscellaneous powers enumerated

SECTION 19. The Board of Mayor and Aldermen of the City of Covington shall have power to:

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~~35)~~ 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.

~~1)~~  
~~35)~~

~~35)~~ Adopt classifications of the subjects and objects of taxation that are not contrary to law.

~~2)~~  
~~35)~~

~~35)~~ Make special assessments for local improvements.

~~3)~~  
~~35)~~

~~35)~~ Contract and be contracted with.

~~4)~~  
~~35)~~

~~35)~~ Incur debts by borrowing money or otherwise, and give any appropriate evidence thereof, in the manner hereinafter provided.

~~5)~~  
~~35)~~

~~35)~~ Issue and give, sell, pledge or in any manner dispose of, negotiable or nonnegotiable interest-bearing or non-interest bearing bonds, warrants, promissory notes or orders of the City, upon the credit of the City or solely upon the credit of specific property owned by the City or solely upon the credit of income derived from any property used in connection with any public utility owned or operated by the City, or solely upon the credit of the proceeds of special assessments for local improvements, or upon any two (2) or more such credits.

~~6)~~  
~~1)~~

~~(11)~~ ————— Expend the money of the City for all lawful purposes.

~~1)~~

~~7)~~

~~iii.)~~ — Acquire or receive and hold, maintain, improve, sell, lease, mortgage, pledge or otherwise dispose of property, real or personal, and any estate or

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interest therein, within or without the City or state.

8)  
35)

35) Condemn property, real or personal, or any easement, interest, or estate or use therein, either within or without the City, for present or future public use; the condemnation shall be effected in accordance with the terms and provisions of title 29, chapter 16, or in any other manner provided by law.

9)  
35)

35) Take and hold property within or without the City or state upon trust, and administer trusts for the public benefit.

10)  
35)

35) 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 service to the City, its inhabitants, or any part thereof, and further, may issue debt for these purposes under the Local Government Public Obligations Act, compiled in title 9, chapter 21.

11) \_\_\_\_\_

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~~35)~~ Grant to any person, firm, association or corporation (including the City) franchises for public utilities and public services to be furnished the City and those therein. The power to grant franchises embraces the power to grant exclusive franchises. 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 City 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 City 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.

12)

~~35)~~

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~~35)~~ Make contracts with any person, firm, association or corporation for public utilities, public services to be furnished the City 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 City 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.

13)

~~35)~~

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~~35)~~ Prescribe reasonable regulations regarding the construction, maintenance, equipment, 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 subdivisions (12) and (13).

14)

~~2)~~

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(0) \_\_\_\_\_ 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 the corporate limits, regulate their use within the corporate limits, assess

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5) fees for the use of or impact upon such property and facilities, and take and appropriate property therefore under the provisions of §§7-31-107 - 7-31-111 and 29-16-114, or any other manner provided by general laws.

15)

35)

35) Construct, improve, reconstruct and re-improve 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 cost of these improvements on the property abutting on or adjacent to these streets, highways or alleys under, and as provided by, title 7, chapters 32 and 33.

16)

35)

35) Assess against abutting property within the corporate limits the cost 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, 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.

17)

35)

35) Acquire, purchase, provide for, construct, regulate and maintain and do all things relating to all marketplaces, public buildings, bridges, sewers and other structures, works and improvements.

18)

35)

35) 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 or other charges.

19)

35)

5) License and regulate all persons, firms, corporations, companies and associations engaged in any business, occupation, calling, profession or trade not prohibited by law.

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~~20)~~  
~~25)~~

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

~~21)~~  
~~6)~~

4) 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 City, and exercise general police powers.

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~~22)~~

~~35)~~ 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.

~~23)~~

~~35)~~

~~35)~~ Inspect, test, measure and weigh any article for consumption or use within the City, and charge reasonable fees therefore, and provide standards of weights, tests and measures consistent with the provisions of general law.

~~24)~~

~~35)~~

~~35)~~ Regulate the location, bulk, occupancy, area, lot, location, height, construction and materials of all buildings and structures consistent with the provisions of general law, 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.

~~25)~~

~~35)~~

~~35)~~ Provide and maintain charitable educational, recreative, curative, corrective, detentive, or penal institutions, departments, functions, facilities, instrumentalities, conveniences and services;

~~26)~~

~~35)~~

~~35)~~ 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, or contract with the county to keep these persons in the workhouse of the county for such violations.

~~27)~~

~~35)~~

~~8)~~ 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 and other fees in accordance with the Municipal Court Reform Act compiled in title 16, chapter 18, part 3.

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~~28)~~

~~25)~~

~~35) Regulate, tax, license or suppress the keeping or going at large of animals within the City, impound the, and in default of redemption, they may be sold, given away to proper home or humanely destroyed.~~

~~29)~~

~~9)~~

~~10) Call elections as herein provided, and~~

~~30)~~

~~31) 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.~~

~~32) *Create a design review commission, which shall have the authority to develop general guidelines and to develop procedures for the approval of the guidelines for the exterior appearance of all nonresidential property, multiple family residential property, and any entrance to nonresidential developments within the municipality; provided, that the authority is subordinate to and in no way exceeds the authority delegated to a municipal planning commission pursuant to title 13, chapter 4. Any property owner affected by the guidelines may appeal a decision by the design review commission to the municipality's planning commission or, if there is no planning commission, to the entire municipal legislative body.*~~

~~—~~

~~(50) 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.~~

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Public airports

SECTION 20. The Board of Mayor and Aldermen of Covington is hereby authorized, empowered, and enabled to establish, construct, equip, improve, maintain and operate for said City one (1) or more public airports or landing fields for the use of airplanes and other aircraft and to acquire by purchase, condemnation or lease for such purposes real property situated within said City or within five (5) miles from the nearest boundary thereof to said airport or set apart and use for such purposes real property owned by the City and whether or not already set apart for other public uses, whether acquired by condemnation or purchase or otherwise. The Board of Mayor and Aldermen of said City shall have general charge and supervision of any and all municipal airports or landing fields constructed and owned or leased by the City of Covington, and shall have power to make and promulgate rules and regulations by ordinance for the operation and management thereof, fix and collect landing, storage and other charges and fees for the use or occupancy of said airport or landing field, exercise police power and manage the property and facilities provided for said purposes, and said Board of Mayor and Aldermen shall have the right and power to contract with any person, firm or corporation or governmental agency with reference to any of the objects of its creation and in the furtherance of the duties imposed upon it, and may employ such engineers, superintendent and other help as may be required to perform the duties of their offices, and to regulate the number of such employees, their duties and liabilities, compensations and terms of employment, and said Board of Mayor and Aldermen shall also have the power to make leases, and license the use of portions of said airport for training and aviation schools and for commercial purposes, provided, the same shall not interfere with public purposes for which said airport is established. The Board of Mayor and Aldermen of said City shall have the power and is hereby authorized to purchase, rent, lease or receive by gift or otherwise real property for the purpose of constructing such airports or landing fields, and said board is specifically authorized to acquire by purchase or by condemnation in the manner provided by law under which said City is authorized to acquire property for public purposes, all real and personal property needed for the erection of one (1) or more complete, modern, adequate municipal airports or landing fields. Said Board of Mayor and Aldermen is also fully empowered and authorized to purchase, condemn and remove all obstructions, trees, wires, cables, posts, poles, signs, towers, derricks and all other obstacles or barriers interfering with or in the way of safe, convenient, proper and ready use of said municipal airports or landing fields, as well as to forbid and prevent the placing or the erection of any poles, wires, cables, posts, signs, derricks, towers or any other

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obstructions adjacent to said municipal airports or landing fields that will hinder, retard, interfere with or make unsafe or inconvenient the approach to, use of, and departure from said municipal airports or landing fields by air or otherwise. The purchase price or award for property condemned, purchased, leased or otherwise acquired for said airports or landing fields may be paid for by appropriation of moneys out of the general fund of said City, and said Board of Mayor and Aldermen is also authorized and empowered to provide and appropriate out of the revenue of said City and not otherwise appropriated, sufficient funds to erect, equip, improve, maintain and operate said municipal airports or landing fields, and may contract with any private company or individual in the manner provided by law for the erection, equipment, and improvement of said municipal airports or landing fields.

Referendum election to be called for sale or lease of public utilities

SECTION 21. The Board of Mayor and Aldermen of the City of Covington, Tennessee, may not sell, lease or dispose of the public utilities owned and operated by the City of Covington without first calling a special non-binding referendum election. Any such election shall inquire of the qualified voters whether or not the Board of Mayor and Aldermen of the City of Covington shall sell, lease or dispose of any of the public utilities owned and operated by the City. Such election shall be advertised by publication in the weekly newspaper published in the City for at least four (4) consecutive weeks prior to the date of the election. Any such advertisement or notice shall state the purpose of the election. Ballots for the election shall be legal ballots and shall have printed thereon language substantially similar to the following:

"For" sale or lease of the \_\_\_ utility.

"Against" sale or lease of the utility.

Mayor's powers and duties

SECTION 22. The Mayor:

*1) Shall be the chief executive officer of the City of Covington and shall preside at meetings of the Board. The Mayor shall preside at all meetings of the Board of Mayor and Aldermen and, in case of a tie vote on questions before the Board, shall vote, but not otherwise.*

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*2) Administer the business of the City;*

*3) As a member of the board, make motions and shall have a vote on all matters coming before the board.*

4) ~~Shall The Mayor shall ff~~from time to time give the Board of Mayor and Aldermen information relative to the financial and general condition of the corporation, and shall recommend for its consideration such measures as the Mayor may deem expedient.

5) ~~Shall The Mayor shall h~~have a general supervision of all officers, *as the term is defined in Tennessee Code Annotated § 6-3-101*, of the ~~eorperation~~City of Covington.

1) ~~Shall The Mayor shall ss~~see to the enforcement of all laws and ordinances of the ~~eorperation~~City of Covington, to the preservation of its health and peace.

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~~6) and in case of emergency, is empowered to call to his aid every inhabitant in the corporation for such enforcement, and the Board of Mayor and Aldermen may by ordinance prescribe penalties for failure to obey such calls. The Mayor shall~~

~~7) Employ, promote, discipline, suspend and discharge all employees and department heads of the City of Covington, in accordance with personnel policies and procedures, if any, adopted by the Board. Nothing in this charter shall be construed as granting a property interest to employees or department heads in their continued employment.~~

~~8) Shall prepare and submit the annual budget and capital program to the Board for their adoption by ordinance.~~

~~3) Shall under such regulations as may be established by ordinance of the Board of Mayor and Aldermen, countersign checks and drafts drawn upon the treasury for the payment of any moneys due from the corporation.~~

~~9)~~

~~10) Act as purchasing agent for the City in the purchase of all materials, supplies and equipment for the proper conduct of the City's business; provided that all purchases shall be made in accordance with policies, practices and procedures established by the Board.~~

~~4) Shall~~

~~5) The Mayor shall make temporary appointments of any officer or department head, as those terms are defined in Tennessee Code Annotated § 6-3-101, except that of Aldermen, arising from the absence, sickness or disability of any such officer or department head, and shall report such appointment to the BBoard at its next regular meeting. The Board may confirm or reject the Mayor's temporary appointments, or, at its discretion, make its own temporary appointments.~~

~~11)~~

~~6) Shall~~

~~12) The Mayor shall make appointments to boards and commissions as authorized by law.~~

~~1) May call special meetings of the Board upon adequate notice to the board and adequate public notice. Upon calling for a special meeting of the board~~

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the Mayor shall state the matters to be considered at the special meeting and the action of the board shall be limited to those matters submitted.

2)–

~~Unless otherwise designated by the Board by ordinance, the Mayor shall perform the following duties or may designate a department head or department heads to perform any of the following duties:~~

4)–

5)– ~~Administer the business of the City;~~

13)

6)–

7)– Make recommendations to the BBoard for improving the quality and quantity of public services to be rendered by the officers and employees to the inhabitants of the City;

14)

8)–

9)– Keep the BBoard fully advised as to the conditions and needs of the City;

15)

7)–

8)– Report to the BBoard the condition of all property, real and personal, owned by the City and recommend repairs or replacements as needed;

16)

17) Recommend to the Board and suggest the priority of programs or projects involving public works or public improvements that should be undertaken by the City.

Recommend specific personnel positions, as may be required for the needs and operations of the City, and propose personnel policies and procedures for approval of the Board; and

18)

~~10) Recommend to the Board and suggest the priority of programs or projects involving public works or public improvements that should be undertaken by the City;~~

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(12) \_\_\_\_\_ Recommends specific personnel positions, as may be required for the needs and operations of the City, and propose personnel policies and procedures for approval of the Board; and

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~~(14) Employ, promote, discipline, suspend and discharge all employees and department heads, in accordance with personnel policies and procedures, if any, adopted by the Board. Nothing in this charter shall be construed as granting a property interest to employees or department heads in their continued employment;~~

~~Act as purchasing agent for the City in the purchase of all materials, supplies and equipment for the proper conduct of the City's business; provided that all purchases shall be made in accordance with policies, practices and procedures established by the Board; and~~

19) Such other duties as may be designated or required by the Board.

~~(10)~~

~~Unless otherwise designated by the Board by ordinance, the Mayor shall perform all of the foregoing duties or may designate a department head or department heads to perform any of the foregoing duties;~~

Vice-mayor

SECTION 23. At the first meeting following an election, the Board of Mayor and Aldermen shall elect a member of the board as Vice-Mayor to serve during the absence, disability or vacancy in the office of the Mayor, and the term of office shall be until the first meeting following each municipal election.

1) In the event of a permanent absence, disability or vacancy in the office of the Mayor or for an extended period of time that results in the Vice Mayor's inability to fully assume the duties and responsibilities of the Mayor, the Vice Mayor shall inform the Board at the next meeting of the Board, whether regular or special called.

2) Upon the Vice Mayor's declination to assume the duties and responsibilities of the office of Mayor the Board shall elect another Alderman or department head of the City of Covington to assume the duties and responsibilities of the office of Mayor until the duly elected Mayor returns or until the next general election. In the event the Board cannot elect another Alderman or department head for lack of a majority, then the office of Mayor shall be filled by the same manner prescribed hereinabove in Section 9 until the duly elected Mayor returns or the next general election.

Mayor and recorder to sign contracts and bonds

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SECTION 24. All contracts and bonds of the corporation shall be signed by the Mayor and countersigned by the recorder after authorization is given by the Board.

General duties of recorder and treasurer: absence

SECTION 25. The Mayor shall appoint a city recorder, with the consent of the Board, who also may be appointed to the positions of finance director or treasurer, or both.

It shall be the duty of the recorder to be present at all meetings of the Board of Mayor and Aldermen and to keep a full and accurate account of all business transacted by the Board to be preserved in a permanent form, and to perform such other duties as may be imposed upon him by this act or by ordinances and resolutions of the Board of Mayor and Aldermen. In the event of the absence or disability of the recorder, the Board may elect a recorder pro tempore.

The recorder shall have the custody of the public records and of all ~~The recorder shall have the custody of the public records and of all~~ contracts, deeds, and certificates relative to the title of any corporatee

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property, all official indemnity or security bonds, except the recorder's own bond or bonds, and such other bonds, papers, and documents of value as are not required to be deposited with any other person. The recorder shall certify under the corporate seal all copies of such original documents and records in the office as may be required by any other person; and may charge the individuals such fees for the use of the corporation as may be provided by ordinance.

Collection and dispersal of revenues by treasurer or finance director

~~SECTION~~ SECTION 26. The Mayor shall appoint a treasurer or finance

director, with the consent of the Board, who also may be appointed city recorder. The treasurer or finance director shall collect, receive and receipt for the taxes and all other revenue and bonds of the City, and the proceeds of its bond issues, and disburse them.

Official depository for city funds

SECTION 27. It shall be the duty of said Board of Mayor and Aldermen, at a regular or called meeting, to designate by proper ordinance the depository of the moneys, funds, and taxes collected and all receipts of said corporation from all sources. It shall be the duty of the treasurer or finance director to promptly deposit with such depository all money or funds that shall be collected. Said depository shall be selected by said Board of Mayor and Aldermen every four (4) years.

Mayor to be custodian of corporate seal

SECTION 28. The Mayor shall be the custodian of the corporate seal of Covington.

Authority for fire department and outside fire service

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SECTION 29. The Board of Mayor and Aldermen shall have the power by ordinance to provide for the establishment and the appointment of officers and members of the fire department and may provide rules and regulations for the government of the same. The Board of Mayor and Aldermen are hereby authorized to contract for fire prevention and suppression with persons, firms, or corporations who own and rent property outside the corporate limits of the City of Covington, Tennessee, and the officers and employees of Covington shall be considered as acting in a governmental capacity while engaged in any duty or activity in ~~connection with the provisions of any such contract, and the officers and employees~~ of the City of Covington, Tennessee, shall be entitled to all.

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rights, privileges, exemption, and immunities as if such duty or activity were performed within the corporate limits of the City of Covington, Tennessee.

City court

SECTION 30.

(+) There shall be a city court presided over by a city judge appointed by the Mayor with the consent of the Board. The city judge shall have the qualifications and receive the compensation the Board may provide by ordinance. In the absence or disability of the city judge, the Mayor may designate a qualified person to serve as city judge.

2)1)

(+) 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.

4)2)

Police department

SECTION 31.

(a) There is hereby created a police department, consisting of a chief of police and such number of policemen as the Board of Mayor and Aldermen shall from time to time fix.

(a) It is the duty of the chief of police and the members of the police force to:

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~~1)~~ Preserve order in the city;

~~1)~~

~~1)~~ Protect the inhabitants and property owners therein from violence, crime, and all criminal acts;

~~2)~~

~~3)~~

~~(0)~~ Prevent the commission of crime, as well as, violations of law and of the city ordinances; and

~~5)~~

~~(0) Perform general police duty.~~

~~3)~~

~~7)4)~~ Perform general police duty.

Budget

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SECTION 32. 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 in the Tennessee Code Annotated.

Purchasing procedures, purchasing agent, and surplus property disposal

SECTION 33. 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.

Officers not to be interested in city contracts, etc.

SECTION 34. No member of the Board of Mayor and Aldermen or officers, as the term is defined in Tennessee Code Annotated § 6-3-101, of the corporation shall be interested directly or indirectly in any contract or any work of any kind whatever under its control and direction; and any contract in which any such person shall have an interest shall be void.

Subpoena power of mayor

SECTION 35. To enable the Board of Mayor and Aldermen to fully investigate charges against its own members or any other officers or agents of the corporation, or such other matters as they may deem proper, the Mayor is hereby empowered to issue subpoenas and other compulsory processes, to compel the attendance of persons and the production of books and papers before the Board of Mayor and Aldermen or any committee of the same; and the board may by ordinance prescribe and enforce penalties for the failure or refusal to obey such process.

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Delinquent property tax collection

SECTION 36. The Board of Mayor and Aldermen may provide by ordinance for the collection of delinquent property taxes.

SECTION 2. 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 Covington. Its approval or nonapproval shall be proclaimed by the presiding officer of the City of Covington and certified to the secretary of state.

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

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PASSED: ~~May 25, 2006~~ \_\_\_\_\_

s/Jimmy Naifeh  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

s/John S. Wilder  
Speaker of the Senate

APPROVED this ~~27<sup>th</sup>~~ \_\_\_\_\_ day of  
~~June~~ \_\_\_\_\_ 20~~21~~06

~~s/Phil Bredesen~~  
Phil Bredesen, Governor

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PRIVATE ACTS COMPRISING THE CHARTER OF THE CITY OF  
COVINGTON, TENNESSEE

YEAR	CHAPTER	SUBJECT
2006	132	Basic charter act

CHARTER OF THE CITY OF COVINGTON, TENNESSEE<sup>1</sup>

Chapter 132 House Bill No. 4072

AN ACT to amend Chapter 322 of the Acts of 1903; as amended by Chapter 219 of the Acts of 1909; Chapter 31 of the Private Acts of 1913 (First Extraordinary Session); Chapter 402 of the Private Acts of 1919; Chapter 381 of the Private Acts of 1929; Chapter 570 of the Private Acts of 1931; Chapter 598 of the Private Acts of 1931; Chapter 192 of the private acts of 1933; chapter 747 of the private acts of 1933; chapter 749 of the private acts of 1933; chapter 297 of the private acts of 1937; chapter 240 of the private acts of 1941; chapter 698 of the private acts of 1951; chapter 32 of the private acts of 1953; chapter 11 of the private acts of 1961; chapter 230 of the private acts of 1963; chapter 231 of the private acts of 1963; chapter 406 of the private acts of 1968; chapter 226 of the private acts of 1974; chapter 224 of the private acts of 1974; chapter 140 of the private acts of 1975; chapter 139 of the private acts of 1975; chapter 343 of the private acts of 1982; chapter 10 of the private acts of 1993 and chapter 80 of the private acts of 2004; chapter \_\_\_\_ of the private acts of 2021; and Any Other acts Amendatory Thereto, Relative to the charter of the City of Covington.

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<sup>1</sup>Priv. Acts 2006, ch. 132, is the current basic charter act for the City of Covington, Tennessee. The text of the basic charter act set out herein includes all its amendments through the 2020 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 of a temporary nature with no general or continuing application, such as bond authorization and validation acts have not been included in this compilation.

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

**SECTION 1.** chapter 322 of the acts of 1903; as amended by chapter 219 of the acts of 1909; chapter 31 of the private acts of 1913 (First extraordinary Session); chapter 402 of the private acts of 1919; chapter 381 of the private acts of 1929; chapter 570 of the private acts of 1931; chapter 598 of the private acts of 1931; chapter 192 of the private acts of 1933; chapter 747 of the private acts of 1933; chapter 749 of the private acts of 1933; chapter 297 of the private acts of 1937; chapter 240 of the private acts of 1941; chapter 698 of the private acts of 1951; chapter 32 of the private acts of 1953; chapter 11 of the private acts of 1961; chapter 230 of the private acts of 1963; chapter 231 of the private acts of 1963; chapter 406 of the private acts of 1968; chapter 226 of the private acts of 1974; chapter 224 of the private acts of 1974; chapter 140 of the private acts of 1975; chapter 139 of the private acts of 1975; chapter 343 of the private acts of 1982; chapter 10 of the private acts of 1993 and chapter 80 of the private acts of 2004; chapter \_\_\_\_ of the private acts of 2021; and any other acts amendatory thereto, is amended by deleting such chapter, as amended, in its entirety except as provided in sections 2 and 5 of this Act and by substituting instead the following language to be the charter of the City of Covington:

Incorporation, name, and general powers

SECTION 1. The municipality of Covington, in the County of Tipton, and the inhabitants thereof, are hereby constituted a body politic and corporate by the style and name "City of Covington" and shall have perpetual succession by the corporate name; may sue and be sued, plead and be impleaded; grant, receive, purchase and hold real, mixed and personal property; may sell, lease, or dispose of the same for benefit of said municipality; and may do all other acts authorized by municipal, state and federal law as stated and implied powers of a municipality; and may have and use a corporate seal and change it at its pleasure.

Corporate boundaries

SECTION 2. The boundaries of the city shall be as provided in Chapter 322 of the Acts of 1903 and all other acts amendatory thereto, and in addition shall include annexations made pursuant to general law.

Composition of board of mayor and aldermen

SECTION 3. The legislative powers of the City of Covington 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 entire

membership of the board. A quorum shall consist of four (4) members of the board. 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, as the term is defined in *Tennessee Code Annotated* § 6-3-101, 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.

Elections for and terms of mayor and aldermen; appointment,  
term, and duties of recorder and treasurer

SECTION 4.

- 1) The Mayor shall be elected by popular vote at large and the six (6) Aldermen shall be elected two (2) from each district.
- 2) A nonpartisan election shall be conducted by the Tipton County Election Commission under the laws of the State of Tennessee, governing elections or by such officer or officers in such manner as the laws of the State may prescribe.
- 3) The candidate for Alderman receiving the highest number of votes in a district shall be elected and the candidate for the office of Mayor receiving the highest number of votes in the City shall be elected. If there is a tie vote between the two (2) or more persons having the highest number of votes for the office of Alderman or Mayor, *the members of the Board of Mayor and Aldermen as it existed prior to the election shall meet in a special called meeting as soon as practicable after the election results are certified to determine how the tie will be broken. First, the Board must decide whether to cast the deciding vote or to pass a resolution for a run-off election between the tied candidates. The vote on how to proceed shall be by roll call. If the Board decides to cast the deciding vote between the tied candidates the vote shall be by roll call.* The Board shall elect a candidate from those involved in the tie vote within 30 days of the date the election was certified.
- 4) If an area is hereafter annexed, such area shall be assigned to the Aldermanic district or districts closest and adjacent thereto. In order to assure that the districts shall be at all times as equal in population as practicable, revisions and changes of boundaries may be made; provided, however, there shall never be more than three (3) districts as heretofore



set forth. Districts may be be reapportioned every ten (10) years as may be necessary based upon the most recent federal census; provided, however, such districts shall not exceed three (3) in number. The Board shall have prepared a redistricting ordinance and community interests, non-discriminatory, and as equal in population as reasonably practicable. The ordinance shall be adopted within one hundred eighty (180) days of the publication of the national census of the State of Tennessee.

- 5) The Mayor and Aldermen shall hold office for a term of four (4) years or until their successors are elected and qualified.
- 6) The successful candidates will be sworn in and take office at the next regularly scheduled meeting of the Board of Mayor and Aldermen following their election.

All the officers of the City of Covington shall continue to hold their respective offices until their successors are elected and qualified.

#### Officers and ordinances under old charter

SECTION. 5. All the officers of the said City of Covington holding Chapter 322 of the Acts of 1903, as amended, shall hold over and remain in said offices, and shall have all the rights, powers, and duties connected with and pertaining to said offices until their successors are elected and qualified; and all ordinances in force and existing under and during the existence of the said amended charter of 1903, Chapter 322 of the Acts of 1903, as amended, shall remain in full force and effect under this charter until repealed or revoked by the said Board of Mayor and Aldermen of the said City of Covington.

#### Transfers of public property to new corporation

SECTION 6. All public buildings, squares, promenades, streets, highways, alleys, and all other property, real and personal, the title to which was in the Board of Mayor and Aldermen of the City of Covington pursuant to Chapter 322 of the Acts of 1903, as amended, are hereby transferred to the custody and control of the said corporation herein chartered, to remain public property for the uses to which said property has been hitherto applied.

#### Mayor and aldermen required to be residents

SECTION 7. Every person elected to the office of Mayor or Aldermen *shall have been a resident of the State of Tennessee and the City of Covington for at least one (1) year* immediately preceding the election and shall continue to reside within the corporate limits and their district during their term of office. *A person may not use a business or commercial address as a residence for purposes qualifying as a candidate for the office of Mayor or*

*Aldermen unless the person provides evidence of their residential use of the property For purposes of determining a persons' qualifications for the office of Mayor or Aldermen based on their residence, the factors set forth in Tenn. Code Ann. § 2-2-122 shall be considered.* In case of the removal of the Mayor or an Alderman of the City of Covington, their respective offices shall immediately become vacant. 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 Tipton County Election Commission. No person shall become a candidate for Mayor or Alderman who has been convicted in the ten (10) years immediately preceding the date of the election of malfeasance in office, bribery, or other corrupt practice, a felony, or a crime involving moral turpitude. Any Mayor or Alderman so convicted shall forfeit such office. An employee of any division or department of the City of Covington shall not be qualified to run for an elected office of the City of Covington.

#### Elections and voting

SECTION 8. All persons who are qualified to vote for members of the General Assembly of the State, and who have been actual bona fide residents and citizens of the territory within the corporate boundaries of the City of Covington for at least thirty (30) days prior to the election, and all nonresidents who are qualified voters of the State of Tennessee and Tipton County owning a taxable freehold in Covington, shall be entitled to vote in City elections. However, in the case of nonresidents, pursuant to Tennessee Code Annotated, §2-2-107(a)(3), no more than two (2) persons shall be entitled to vote based upon the ownership of an individual tract of property regardless of the number of property owners.

#### Vacancies

SECTION 9. The Board of Mayor and Aldermen shall declare that a vacancy exists if the Alderman resigns, dies, moves his/her residence from the City, is convicted of malfeasance or misfeasance in office, a felony, a violation of this Charter or the election laws of the State, or a crime involving moral turpitude, fails to attend any meetings of the Board for a period of ninety (90) days with no extenuating circumstances or has been continuously disabled for a period of at least six (6) months so as to prevent him/her from discharging the duties of his/her office. Upon any of the foregoing occurrences the Board of Mayor and Aldermen shall address the question of a vacancy at the next regularly scheduled meeting of the board. Upon a vacancy being declared by the Board of Mayor and Aldermen the following shall occur to fill the vacancy.

- 1) The Recorder/Treasurer shall publish notice of the vacancy, and within thirty (30) days of a vacancy occurring, all qualified applicants shall appear before the Board of Mayor and Aldermen at

a regularly scheduled meeting to make known their intention to apply to fill the vacancy, and may make a brief statement to the Board at such meeting concerning: the reasons for their desire to serve on the Board, their qualifications to represent the district in which there is a vacancy, their background, education, training, employment, military service, volunteer work, and such other matters as may be appropriate to an evaluation of their application, and may answer questions from Board members. Candidates applying to fill a vacancy on the Board of Mayor and Aldermen shall be qualified in accordance with the Official Charter of the City of Covington and general state law.

- 2) Within fourteen (14) days of the regularly scheduled meeting of the Board of Mayor and Aldermen at which applicants appear to make known their intention to apply for the vacancy, the mayor, or vice-mayor in the absence of the mayor, shall hold a special called meeting of the Board of Mayor and Aldermen for the purpose of appointing an applicant to fill the unexpired term of the Board member whose office is vacant. Only those applicants who appeared at the previous regularly scheduled meeting and made known their intention to apply to fill the vacancy may be considered at the special called meeting for voting on the appointment.
  - a) The appointed applicant shall be appointed only upon receiving a majority vote of the entire membership of the Board of Mayor and Aldermen.
  - b) Each applicant's name shall be announced by the Recorder/Treasurer, and thereafter each Board member may vote for only one applicant by roll call voice vote by stating the name of the applicant they vote for. If any applicant receives a majority vote or more of the entire membership of the Board, that applicant shall be approved and appointed to fill the vacancy for the unexpired term of the vacant member.
  - c) If no applicant receives a majority vote or more of the entire membership of the Board during the first vote, then a second round of voting shall commence following the same procedure set forth above. At the conclusion of the second round of voting, any applicant who receives a majority vote or more of the entire membership of the Board shall be approved and appointed to fill the vacancy for the unexpired term of the vacant member.
  - d) If no applicant receives a majority vote or more of the entire membership of the Board during the second vote, then a third

round of voting shall commence. During the third round of voting, the Board shall not consider and no member of the Board may vote for the applicant having the lowest vote total during the preceding vote.

- e) Subsequent voting rounds, if necessary, shall be conducted in accordance with the provisions above until such time as an applicant shall have received a majority vote of the entire membership of the Board.

Upon approval and appointment by the Board of Mayor and Aldermen, the applicant shall immediately thereafter be sworn by the mayor, or vice-mayor in the absence of the mayor, and shall take their seat and hold office until the next general election.

#### City attorney

SECTION 10. The Mayor shall have the authority to employ a city attorney with the consent of the Board at a salary to be fixed by the Board.

#### Officers to take an oath

SECTION 11. Every officer, as the term is defined in *Tennessee Code Annotated* § 6-3-101, of the corporation, whether elected by the people or by the Board, shall before entering upon the discharge of the duties of the office, take an oath to support the Constitution and laws of the United States and the State of Tennessee.

#### Bonds of officers

SECTION 12. The Board of Mayor and Aldermen may by ordinance prescribe and require a bond or bonds of any officer elected by said Board or by the people or voters of the City of Covington and fix the amount and terms thereof.

#### Salaries, benefits and reimbursement allowances of officers

SECTION 13. The Mayor and Board of Aldermen shall, by ordinance, establish the salary, benefits and reimbursement allowances for the Mayor, Aldermen, City officers, and officials and elected and appointed committee members. Such salaries, benefits and reimbursement allowances may be changed by ordinance at any time, but the salary of officials elected by the people may not be increased or diminished during the term of office for which such officials were elected. The salaries for the Aldermen and the Mayor shall be set by ordinance at least ninety (90) days prior to the mayoral municipal election.

Regular meetings, special meetings and quorum of the board

SECTION 14. The Board of Mayor and Alderman shall hold regular meetings at least once monthly. Whenever, in the opinion of the Mayor, the welfare of the corporation demands it, the Mayor may call a special meeting of the Board of Mayor and Aldermen, and if the Mayor fails or refuses to call a special meeting of the said Board, any three (3) Aldermen may call such special meeting, and when the Board is convened under such special call by three (3) Aldermen, a quorum of said Board being present, if the Mayor or Vice-Mayor be absent, or shall refuse to take part in the said meeting, the Aldermen may elect one (1) of their number to preside at such special meeting of the Board.

Board's rules of procedure

SECTION 15. The Board of Mayor and Aldermen may determine its own rules of procedure, except as herein provided, and may, by ordinance, fix the punishment of members or other persons for disorderly conduct during the meeting of the Board, and enforce the same. The Mayor shall have power to direct that any person not a member of the Board who shall be guilty of boisterous or disorderly conduct as to disturb the session of the Board be ejected from the room where such meetings are held. For that purpose, the Mayor may call any member of the police force and as many other persons as deemed necessary; and the Board may, by ordinance, provide proper penalties for the refusal of any persons to obey the orders of the Mayor in such cases.

Recorder to keep minute books and ordinance books;  
adoption of ordinances and resolutions

SECTION 16. All ordinances of the City of Covington and a full and complete record of the proceedings of the Board of Mayor and Aldermen shall be kept by the recorder, who shall keep a minute book and also a separate book called the "Ordinance Book" in which shall be recorded all the ordinances passed by the Board, with the date upon which they were passed. All ordinances and resolutions, before being introduced and received and considered by the Board, shall be reduced to writing. No ordinance shall be adopted without first having been passed on two (2) separate occasions, and no more than one (1) passage may be on one (1) day. Any ordinance may be rejected on its first or second consideration. No ordinance or resolution shall be adopted unless passed by the affirmative vote of the majority of the members of the board. However, it shall not be necessary to take any aye and no votes except on second consideration, and at which consideration the names of the members of the board voting for and against the same shall be entered on the minutes. Any ordinance introduced may pass the first

consideration on the day on which it is introduced. The Board of Mayor and Aldermen shall not suspend its rules so as to take up and pass an ordinance on more than one (1) consideration on the same day.

#### Form of ordinances

SECTION 17. All ordinances of the said City of Covington shall begin with an enacting clause as follows, to wit: "Be it enacted by the Board of Mayor and Aldermen of Covington, " and shall conclude with a provision as follows: "This ordinance shall take effect from and after its passage, the welfare of the corporation demanding it." But this section shall not prevent the Board of Mayor and Aldermen from substituting such time as they may desire in the concluding clause for the words "from and after its passage" and in such cases such ordinance shall take effect from and after the time stated.

#### Removal of officers elected by the people

SECTION 18. Members of the Board of Mayor and Aldermen and every other person holding any office of trust or profit, under and by virtue of any laws of the state and/or the City of Covington, Tennessee, who shall knowingly or willfully commit misconduct in office, or who shall knowingly or willfully neglect to perform any duty enjoined upon them by the laws of the state or City of Covington, Tennessee, or who shall in any public place be in a state of voluntary intoxication, or who shall engage in any form of illegal gambling, or who shall commit any act constituting a violation of any penal statute involving moral turpitude, shall forfeit such office and shall be ousted from such office pursuant to the manner and procedures set forth in *Tennessee Code Annotated § 8-47-101 et seq.*

#### Miscellaneous powers enumerated

SECTION 19. The Board of Mayor and Aldermen of the City of Covington shall have power to:

- 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 non-interest bearing bonds, warrants, promissory notes or orders of the City, upon the credit of the City or solely upon the credit of specific property owned by the City or solely upon the credit of income derived from any property used in connection with any public utility owned or operated by the City, or solely upon the credit of the proceeds of special assessments for local improvements, or upon any two (2) or more such credits.
- 7) Expend the money of the City 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 City or state.
- 9) Condemn property, real or personal, or any easement, interest, or estate or use therein, either within or without the City, for present or future public use; the condemnation shall be effected in accordance with the terms and provisions of title 29, chapter 16, or in any other manner provided by law.
- 10) Take and hold property within or without the City 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 service to the City, its inhabitants, or any part thereof, and further, may issue debt for these purposes under the Local Government Public Obligations Act, compiled in title 9, chapter 21.
- 12) Grant to any person, firm, association or corporation (including the City) franchises for public utilities and public services to be furnished the City and those therein. The power to grant franchises embraces the power to grant exclusive franchises. 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 City 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 City 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 City 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 City 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, equipment, 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 subdivisions (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 §§7-31-107 - 7-31-111 and 29-16-114, or any other manner provided by general laws.
- 16) Construct, improve, reconstruct and re-improve 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 cost of these improvements on the property abutting on or adjacent to these streets, highways or alleys under, and as provided by, title 7, chapters 32 and 33.
- 17) Assess against abutting property within the corporate limits the cost 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, 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.
- 18) Acquire, purchase, provide for, 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 or other charges.
- 20) License and regulate all persons, firms, corporations, companies and associations engaged in any business, occupation, 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 City, 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 City, and charge reasonable fees therefore, and provide standards of weights, tests and measures consistent with the provisions of general law.
- 25) Regulate the location, bulk, occupancy, area, lot, location, height, construction and materials of all buildings and structures consistent with the provisions of general law, 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, or contract with the county to keep these persons in the workhouse of the county for such violations.
- 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 and other fees in accordance with the Municipal Court Reform Act compiled in title 16, chapter 18, part 3..

- 29) Regulate, tax, license or suppress the keeping or going at large of animals within the City, impound the, and in default of redemption, they may be sold, given away to proper home or humanely destroyed.
- 30) Call elections as herein provided.
- 31) 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.
- 32) *Create a design review commission, which shall have the authority to develop general guidelines and to develop procedures for the approval of the guidelines for the exterior appearance of all nonresidential property, multiple family residential property, and any entrance to nonresidential developments within the municipality; provided, that the authority is subordinate to and in no way exceeds the authority delegated to a municipal planning commission pursuant to title 13, chapter 4. Any property owner affected by the guidelines may appeal a decision by the design review commission to the municipality's planning commission or, if there is no planning commission, to the entire municipal legislative body.*

#### Public airports

SECTION 20. The Board of Mayor and Aldermen of Covington is hereby authorized, empowered, and enabled to establish, construct, equip, improve, maintain and operate for said City one (1) or more public airports or landing fields for the use of airplanes and other aircraft and to acquire by purchase, condemnation or lease for such purposes real property situated within said City or within five (5) miles from the nearest boundary thereof to said airport or set apart and use for such purposes real property owned by the City and whether or not already set apart for other public uses, whether acquired by condemnation or purchase or otherwise. The Board of Mayor and Aldermen of said City shall have general charge and supervision of any and all municipal airports or landing fields constructed and owned or leased by the City of Covington, and shall have power to make and promulgate rules and regulations by ordinance for the operation and management thereof, fix and collect landing, storage and other charges and fees for the use or occupancy of said airport or landing field, exercise police power and manage the property and facilities provided for said purposes, and said Board of Mayor and Aldermen shall have the right and power to contract with any person, firm or corporation or governmental agency with reference to any of the objects of its creation and in the furtherance of the duties imposed upon it, and may employ such engineers, superintendent and other help as may be required to perform the duties of their offices, and to regulate the number of such employees, their duties and liabilities, compensations and terms of employment, and said Board of Mayor and Aldermen shall also have the power to make leases, and license the use of portions of said airport for training and aviation schools and for commercial purposes,

provided, the same shall not interfere with public purposes for which said airport is established. The Board of Mayor and Aldermen of said City shall have the power and is hereby authorized to purchase, rent, lease or receive by gift or otherwise real property for the purpose of constructing such airports or landing fields, and said board is specifically authorized to acquire by purchase or by condemnation in the manner provided by law under which said City is authorized to acquire property for public purposes, all real and personal property needed for the erection of one (1) or more complete, modern, adequate municipal airports or landing fields. Said Board of Mayor and Aldermen is also fully empowered and authorized to purchase, condemn and remove all obstructions, trees, wires, cables, posts, poles, signs, towers, derricks and all other obstacles or barriers interfering with or in the way of safe, convenient, proper and ready use of said municipal airports or landing fields, as well as to forbid and prevent the placing or the erection of any poles, wires, cables, posts, signs, derricks, towers or any other obstructions adjacent to said municipal airports or landing fields that will hinder, retard, interfere with or make unsafe or inconvenient the approach to, use of, and departure from said municipal airports or landing fields by air or otherwise. The purchase price or award for property condemned, purchased, leased or otherwise acquired for said airports or landing fields may be paid for by appropriation of moneys out of the general fund of said City, and said Board of Mayor and Aldermen is also authorized and empowered to provide and appropriate out of the revenue of said City and not otherwise appropriated, sufficient funds to erect, equip, improve, maintain and operate said municipal airports or landing fields, and may contract with any private company or individual in the manner provided by law for the erection, equipment, and improvement of said municipal airports or landing fields.

Referendum election to be called for sale or lease of public utilities

SECTION 21. The Board of Mayor and Aldermen of the City of Covington, Tennessee, may not sell, lease or dispose of the public utilities owned and operated by the City of Covington without first calling a special non-binding referendum election. Any such election shall inquire of the qualified voters whether or not the Board of Mayor and Aldermen of the City of Covington shall sell, lease or dispose of any of the public utilities owned and operated by the City. Such election shall be advertised by publication in the weekly newspaper published in the City for at least four (4) consecutive weeks prior to the date of the election. Any such advertisement or notice shall state the purpose of the election. Ballots for the election shall be legal ballots and shall have printed thereon language substantially similar to the following:

"For" sale or lease of the\_\_\_\_ utility.

"Against" sale or lease of the utility.

Mayor's powers and duties

SECTION 22. *The Mayor:*

- 1) *Shall be the chief executive officer of the City of Covington and shall preside at meetings of the Board..*
- 2) *Administer the business of the City;*
- 3) *As a member of the board, make motions and shall have a vote on all matters coming before the board.*
- 4) *Shall from time to time give the Board of Mayor and Aldermen information relative to the financial and general condition of the corporation, and shall recommend for its consideration such measures as the Mayor may deem expedient.*
- 5) *Shall have a general supervision of all officers, as the term is defined in Tennessee Code Annotated § 6-3-101, of the City of Covington.*
- 6) *Shall see to the enforcement of all laws and ordinances of the City of Covington, to the preservation of its health and peace, and in case of emergency, is empowered to call to his aid every inhabitant in the corporation for such enforcement, and the Board of Mayor and Aldermen may by ordinance prescribe penalties for failure to obey such calls.*
- 7) *Employ, promote, discipline, suspend and discharge all employees and department heads of the City of Covington, in accordance with personnel policies and procedures, if any, adopted by the Board. Nothing in this charter shall be construed as granting a property interest to employees or department heads in their continued employment;*
- 8) *Shall prepare and submit the annual budget and capital program to the Board for their adoption by ordinance.*
- 9) *Shall under such regulations as may be established by ordinance of the Board of Mayor and Aldermen, countersign checks and drafts drawn upon the treasury for the payment of any moneys due from the corporation.*
- 10) *Act as purchasing agent for the City in the purchase of all materials, supplies and equipment for the proper conduct of the City's business; provided that all purchases shall be made in accordance with policies, practices and procedures established by the Board.*
- 11) *Shall make temporary appointments of any officer or department head, as those terms are defined in Tennessee Code Annotated § 6-3-101, except that of Aldermen, arising from the absence, sickness or*

disability of any such officer or department head, and shall report such appointment to the Board at its next regular meeting. The Board may confirm or reject the Mayor's temporary appointments, or, at its discretion, make its own temporary appointments.

- 12) Shall make appointments to boards and commissions as authorized by law.
- 13) *May call special meetings of the Board upon adequate notice to the board and adequate public notice. Upon calling for a special meeting of the board the Mayor shall state the matters to be considered at the special meeting and the action of the board shall be limited to those matters submitted.*
- 14) Make recommendations to the Board for improving the quality and quantity of public services to be rendered by the officers and employees to the inhabitants of the City;
- 15) Keep the Board fully advised as to the conditions and needs of the City;
- 16) Report to the Board the condition of all property, real and personal, owned by the City and recommend repairs or replacements as needed.
- 17) Recommend to the Board and suggest the priority of programs or projects involving public works or public improvements that should be undertaken by the City.
- 18) Recommend specific personnel positions, as may be required for the needs and operations of the City, and propose personnel policies and procedures for approval of the Board; and
- 19) Such other duties as may be designated or required by the Board.

Unless otherwise designated by the Board by ordinance, the Mayor shall perform all of the foregoing duties or may designate a department head or department heads to perform any of the foregoing duties:

#### Vice-mayor

SECTION 23. At the first meeting following an election, the Board of Mayor and Aldermen shall elect a member of the board as Vice-Mayor to serve during the absence, disability or vacancy in the office of the Mayor, and the term of office shall be until the first meeting following each municipal election.

- 1) In the event of a permanent absence, disability or vacancy in the office of the Mayor or for an extended period of time that results in the Vice Mayor's inability to fully assume the duties and responsibilities of the Mayor, the Vice Mayor shall inform the Board at the next meeting of the Board, whether regular or special called.

- 2) Upon the Vice Mayor's declination to assume the duties and responsibilities of the office of Mayor the Board shall elect another Alderman or department head of the City of Covington to assume the duties and responsibilities of the office of Mayor until the duly elected Mayor returns or until the next general election. In the event the Board cannot elect another Alderman or department head for lack of a majority, then the office of Mayor shall be filled by the same manner prescribed hereinabove in Section 9 until the duly elected Mayor returns or the next general election.

Mayor and recorder to sign contracts and bonds

SECTION 24. All contracts and bonds of the corporation shall be signed by the Mayor and countersigned by the recorder after authorization is given by the Board.

General duties of recorder and treasurer; absence

SECTION 25. The Mayor shall appoint a city recorder, with the consent of the Board, who also may be appointed to the positions of finance director or treasurer, or both. It shall be the duty of the recorder to be present at all meetings of the Board of Mayor and Aldermen and to keep a full and accurate account of all business transacted by the Board to be preserved in a permanent form, and to perform such other duties as may be imposed upon him by this act or by ordinances and resolutions of the Board of Mayor and Aldermen. In the event of the absence or disability of the recorder, the Board may elect a recorder pro tempore. The recorder shall have the custody of the public records and of all contracts, deeds, and certificates relative to the title of any corporate property, all official indemnity or security bonds, except the recorder's own bond or bonds, and such other bonds, papers, and documents of value as are not required to be deposited with any other person. The recorder shall certify under the corporate seal all copies of such original documents and records in the office as may be required by any other person; and may charge the individuals such fees for the use of the corporation as may be provided by ordinance.

Collection and dispersal of revenues by treasurer or finance director

SECTION 26. The Mayor shall appoint a treasurer or finance director, with the consent of the Board, who also may be appointed city recorder. The treasurer or finance director shall collect, receive and receipt for the taxes and all other revenue and bonds of the City, and the proceeds of its bond issues, and disburse them.

Official depository for city funds

SECTION 27. It shall be the duty of said Board of Mayor and Aldermen, at a regular or called meeting, to designate by proper ordinance the depository

of the moneys, funds, and taxes collected and all receipts of said corporation from all sources. It shall be the duty of the treasurer or finance director to promptly deposit with such depository all money or funds that shall be collected. Said depository shall be selected by said Board of Mayor and Aldermen every four (4) years.

Mayor to be custodian of corporate seal

SECTION 28. The Mayor shall be the custodian of the corporate seal of Covington.

Authority for fire department and outside fire service

SECTION 29. The Board of Mayor and Aldermen shall have the power by ordinance to provide for the establishment and the appointment of officers and members of the fire department and may provide rules and regulations for the government of the same. The Board of Mayor and Aldermen are hereby authorized to contract for fire prevention and suppression with persons, firms, or corporations who own and rent property outside the corporate limits of the City of Covington, Tennessee, and the officers and employees of Covington shall be considered as acting in a governmental capacity while engaged in any duty or activity in of the City of Covington, Tennessee, shall be entitled to all rights, privileges, exemption, and immunities as if such duty or activity were performed within the corporate limits of the City of Covington, Tennessee.

City court

SECTION 30.

- 1) There shall be a city court presided over by a city judge appointed by the Mayor with the consent of the Board. The city judge shall have the qualifications and receive the compensation the Board may provide by ordinance. In the absence or disability of the city judge, the Mayor may designate a qualified person to serve as city judge.
- 2) 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.

Police department

SECTION 31. There is hereby created a police department, consisting of a chief of police and such number of policemen as the Board of Mayor and Aldermen shall from time to time fix.

It is the duty of the chief of police and the members of the police force to:

- 1) Preserve order in the city;
- 2) Protect the inhabitants and property owners therein from violence, crime, and all criminal acts;
- 3) Prevent the commission of crime, as well as, violations of law and of the city ordinances; and
- 4) Perform general police duty.

#### Budget

SECTION 32. 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 in the Tennessee Code Annotated.

#### Purchasing procedures, purchasing agent, and surplus property disposal

SECTION 33. 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.

#### Officers not to be interested in city contracts, etc.

SECTION 34. No member of the Board of Mayor and Aldermen or officers, as the term is defined in *Tennessee Code Annotated* § 6-3-101, of the corporation shall be interested directly or indirectly in any contract or any work of any kind whatever under its control and direction; and any contract in which any such person shall have an interest shall be void.

#### Subpoena power of mayor

SECTION 35. To enable the Board of Mayor and Aldermen to fully investigate charges against its own members or any other officers or agents of the corporation, or such other matters as they may deem proper, the Mayor is hereby empowered to issue subpoenas and other compulsory processes, to compel the attendance of persons and the production of books and papers before the Board of Mayor and Aldermen or any committee of the same; and the board may by ordinance prescribe and enforce penalties for the failure or refusal to obey such process.



Delinquent property tax collection

SECTION 36. The Board of Mayor and Aldermen may provide by ordinance for the collection of delinquent property taxes.

**SECTION 2.** 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 Covington. Its approval or nonapproval shall be proclaimed by the presiding officer of the City of Covington and certified 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 law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 2.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
CAMERON SEXTON, SPEAKER  
HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
RANDY MCNALLY, SPEAKER OF  
SENATE

APPROVED this \_\_\_\_ day of  
\_\_\_\_\_, 2021

PRIVATE ACTS COMPRISING THE CHARTER OF THE CITY OF  
COVINGTON, TENNESSEE

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YEAR	CHAPTER	SUBJECT
2021		Basic charter act

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## TITLE 3

### MUNICIPAL COURT

#### CHAPTER:

1. City Judge
2. Court Administration
3. Warrants, Summonses and Subpoenas
4. Bonds and Appeals

#### CHAPTER 1: CITY JUDGE<sup>1</sup>

- (a) The city judge for the City of Covington shall be appointed by the Mayor and approved by a majority of the Board of Mayor and Aldermen.
- (b) ) The city judge shall serve at the will and pleasure of, the Board of Mayor and Aldermen, and may be removed at any time by a majority vote of the Board of Mayor and Aldermen.
- (c) The city judge shall be licensed in the state of Tennessee to practice law, and shall be a resident of the City of **Covington, Tennessee/Tipton County, Tennessee**. In the event he or she removes his residency from **Covington, Tennessee/Tipton County, Tennessee** he or she shall automatically vacate his or her office.
- (d) The compensation of the city judge shall be \_\_\_\_\_ per month, and may be changed from time to time by ordinance.
- (e) During the absence or disability of the city judge, the Board of Mayor and Aldermen may appoint a city judge pro tem to serve until the city judge returns to his or her duties. The judge pro tem shall have all the qualifications required of the city judge under this ordinance, and shall have all the authorities and powers of the city judge.
- (f) Consistent with *Town of South Carthage v. Barrett*, 840 S.W.2d 895 (Tenn. 1992), the city judge is an appointed judge and shall have jurisdiction only over violations of municipal ordinances.

#### CHAPTER 2: COURT ADMINISTRATION

- 2-301: Maintenance of the docket
- 2-302: Fines and Penalties
- 2-303: Court costs, local litigation tax and other fees
- 2-304: Disposition and report of fines, penalties, costs and fees
- 2-305: Contempt of court
- 2-306: Trial and disposition of cases

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<sup>1</sup> T.C.A. § 16-18-101

**2-301: Maintenance of docket.** The city judge or the city court clerk at the direction of the city judge shall keep a complete docket of all matters coming before him or her in his or her judicial capacity. The docket shall include for each defendant the following information:

- a) Full name and mailing address;
- b) Unique docket number;
- c) Citation number or warrant number (if different from the docket number);
- d) Alleged offense(s);
- e) Disposition of the case;
- f) Fine amount imposed, if any;
- g) Court cost amount;
- h) Name of the officer or prosecutor;
- i) Receipt number of any payment;
- j) Any other information that may be relevant or required by the city judge

**2-302: Fines and Penalties.** All fines and penalties shall be imposed and recorded by the city judge on the city court docket in open court. The city judge shall impose a fine of not more than \$50 per violation of any municipal ordinance. As may be applicable, the city judge may determine that each day a condition exists that violates any municipal ordinance constitutes a separate violation subject to this fine.

**2-303: Court costs, local litigation tax and other fees.** Pursuant to the authority granted to the City of Covington in state law the following court costs, litigation tax and other fees are imposed. As used in this section, "electronic citation" means a written citation or an electronic citation prepared by a law enforcement officer on paper or on an electronic data device with the intent the citation shall be filed, electronically or otherwise, with a court having jurisdiction over the alleged offense.

- a) Court Costs. In all cases heard and determined by him or her, the city judge shall impose court costs in the amount as set in the Administrative Ordinance. One dollar (\$1.00) of the court costs shall be forwarded by the court clerk to the state treasurer to be used by the administrative office of the courts for training and continuing education courses for municipal court judges and municipal court clerks.<sup>2</sup>
- b) Local Litigation Tax. In addition to court costs, the court shall levy and collect a local litigation tax in the amount of thirteen dollars and seventy five cents (\$13.75) in all cases in which the state litigation tax is levied.<sup>3</sup>
- c) E-Citation Fee. The court shall levy and collect an electronic citation fee of five dollars (\$5.00) for each citation which results in a plea of guilty, no contest, or a judgment of guilty.<sup>4</sup>
  - i. The \$5.00 fee received must be apportioned as follows:
    - 1) \$1.00 of such fee will be retained by the court clerk; and

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<sup>2</sup> T.C.A. § 16-18-304

<sup>3</sup> T.C.A. § 67-4-601

<sup>4</sup> T.C.A. § 55-10-207

- 2) \$4.00 of such fee will be transmitted on a monthly basis by the court clerk to the law enforcement agency that prepared the traffic citation that resulted in a plea of guilty, or no contest, or a guilty judgment.
- ii. The law enforcement portion shall be accounted for in a special revenue fund of said law enforcement agency and may be used only for the following purposes:
  - 1) Electronic citation system and program related expenditures; and
  - 2) Related expenditures by the local law enforcement agency for technology, equipment, repairs, replacement and training to maintain electronic citation programs.
- iii. The clerk's portion shall be used for computer hardware purchases, usual and necessary computer related expenses, or replacement, and may not revert to the general fund at the end of a budget year if unexpended.
- iv. Sunset Provision. This e-citation fee requirement shall terminate five (5) years from the date of adoption of this Ordinance and the city's Code shall be so annotated.

**2-304: Disposition and report of fines, penalties, costs and fees.** All funds coming into the hands of the city court in the form of fines, penalties, costs, fees and other forfeitures shall be recorded by the court and paid over daily to the City of Covington. At the end of each month the city court clerk shall submit to the Board of Mayor and Aldermen a report accounting for the imposition of fines, fees, and court costs, the amount collected and the amount outstanding for the previous month.

- a) Collection. It is the duty of the city judge to collect fines and costs imposed by the city court. Fines and costs assessed in municipal courts are collected in the same manner as civil judgments. All judgments for money and costs issued by any court of this state may be enforced by execution.<sup>5</sup> If a defendant makes a partial payment, the funds should be applied in this order: 1) payment of litigation taxes; 2) once litigation taxes have been paid, then payment of costs; 3) then additional moneys shall be credited toward payment of the fine.<sup>6</sup>
- b) The Board of Mayor and Aldermen may enact an ordinance to employ a collection agency to collect fines and costs that are more an 60 days past due.<sup>7</sup> The Board of Mayor and Aldermen may also direct the city attorney to pursue any and all other legal actions to enforcement the judgment of the city court.

**2-304: Contempt of Court.** Contempt of court is punishable by a fine of fifty dollars (\$50.00), or such lesser amount as may be imposed in the judge's discretion.

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<sup>5</sup> T.C.A. §§6-54-303 and 26-1-103.

<sup>6</sup> T.C.A. § 40-24-105 (a)

<sup>7</sup> T.C.A. § 40-24-105(e)(1)-(4)

**2-305: Trial and Disposition of Cases.** Every person charged with violating a municipal ordinance shall be entitled to a swift trial and disposition of his case.

## **Electronic Citation Fee Authorized: Adopt Ordinance to Collect \$5.00 Fee for Five Years**

Cities may adopt ordinances by majority vote of the legislative body to collect a \$5.00 fee for both written and electronic citations prepared by a law enforcement officer, according to TCA § 55-10-207. However, once a city adopts such a fee, the ability to collect it must sunset five years from the ordinance's adoption. MTAS has created an applicable [sample ordinance](#) for your use.

Replicas of citation data included in an electronic citation must be sent by electronic transmission within three days of the issuance of the citation to a court with jurisdiction over the alleged offense. A \$5.00 fee is assessable as court costs and must be paid by the defendant for any offense cited in a traffic citation that results in a plea of guilty or no contest, or a judgment of guilty. The electronic citation must contain the same information as required under present law, and the person issued a citation will continue to be provided with a paper copy of the citation. <sup>[1]</sup> This fee shall be *in addition to* all other fees, taxes and charges, so cities should amend their current court cost code section to add this provision.

The \$5.00 fee received must be apportioned as follows:

- (1) \$1.00 of such fee will be retained by the court clerk; and
- (2) \$4.00 of such fee will be transmitted on a monthly basis by the court clerk to the law enforcement agency that prepared the traffic citation that resulted in a plea of guilty, or nolo contendere, or a guilty judgment.

The law enforcement portion shall be accounted for in a special revenue fund of said law enforcement agency and may be used only for the following purposes:

- (1) Electronic citation system and program related expenditures; and
- (2) Related expenditures by the local law enforcement agency for technology, equipment, repairs, replacement and training to maintain electronic citation programs.

However, the clerk's portion shall be used for computer hardware purchases, usual and necessary computer related expenses, or replacement, and may not revert to the general fund at the end of a budget year if unexpended.

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[1] See also, citation requirements under T.C.A. §7-63-101 and § 55-10-207(i); *Guidi v. City of Memphis*, 263 S.W.2d 532 (A citation is sufficient if "the accused be given reasonable notice of the nature of the ordinance alleged to have been violated". ); *City of La Vergne v. LeQuire*, 2016 WL 6124117; *City of Church Hill v. Elliott*, 2017 WL 2591371 (Tenn. Crim. App. June 15, 2017). AG Opinion on electronic citations, Tenn.Op.Atty.Gen.No. 16-26 (7/22/16), 2016 WL 4055458.

### ***Collecting Debt***

Cities may employ the same tools for collecting debt that any private sector organization may use to recover a civil debt. They include:

1. Collection agency - State law permits cities to enter into contracts with collection agencies, upon the passage of an ordinance by the governing body approving the contract. The city's bidding and purchasing procedures must be followed.
2. Garnishment - The city may take action through the general sessions court to garnish the wages of any debtor.
3. Injunction-The city may seek an injunction through the chancery court to compel a defendant to comply with a municipal court judgment. This avenue may be helpful when a defendant refuses to comply with a judgment requiring action, such as removing horses from a lot in the city, removing junk from a yard, or bringing a building up to code specifications. Some defendants refuse to comply with a municipal court judgment because there is no potential jail sentence. Failure to comply with a chancery court injunction can result in a high fine and/or jail time.

It is the duty of the city judge to collect fines and costs imposed by the city court. Fines and costs assessed in municipal courts are collected in the same manner as civil judgments. All judgments for money and costs issued by any court of this state may be enforced by execution. *See*, T.C.A. §§6-54-303 and 26-1-103. If a defendant makes a partial payment, the funds should be applied in this order: 1) payment of litigation taxes; 2) once litigation taxes have been paid, then payment of costs; 3) then additional moneys shall be credited toward payment of the fine. T.C.A. § 40-24-105 (a).

The municipality may enact an ordinance to employ a collections agency where the fines and costs have not been collected within 60 days after they were due, and subject to the conditions set forth in T.C.A. § 40-24-105(e)(1)-(4). The authorizing ordinance shall include the requirement that the contract between the municipality and the collection agency be in writing. The collection agency may be paid an amount not exceeding 40 percent of the sums collected as consideration for collecting the fines and costs. The



written contract between the collection agency and the municipality shall include a provision specifying whether the agency may institute an action to collect fines and costs in a judicial proceeding.

The collection of unpaid parking tickets is governed separately by T.C.A. § 6-54-513. A municipality shall have no authority to forward to a collection agency unpaid parking tickets for collection without notifying the owner of record of the motor vehicle for which the parking ticket was issued. The notification shall be sent by mail to the owner of record the motor vehicle that such action will occur unless the owner pays the unpaid tickets within 30 days from the date the letter is mailed. The municipality shall also include in the notification a statement that, if the ticket is forwarded to a collection agency for collection, the agency may notify the credit bureau or credit agency of such fact, which could affect the owner's credit rating.

Alternatively, if a defendant fails to pay fines or costs ordered by the court, the city may commence an action in general sessions court to garnish the defendant's wages or personal property, which is referred to as an "action for execution." T.C.A. § 26-2-201 *et seq.* In such execution or garnishment actions, police officers of the municipality may serve notice on defendants anywhere in the county in which the city is located. T.C.A. § 6-54-303(b).

An action to garnish wages must be filed in a court in the county in which the defendant is employed. Garnishment is a very effective method for collecting fines, as the payments are made by the employer through the court clerk, and the costs associated with the garnishment action are added to the judgment being collected.

If the defendant is a property owner, the city may file suit in chancery court seeking to attach a lien against the defendant's property. Liens may not be attached against property without a state court order unless specific statutory authority exists. No such authority exists for municipal court fines and costs, so the city must go to the expense of a lawsuit to attach such liens. Liens are generally collected only if the property sells.

### ***Failure to Appear for a Traffic Violation***

The Tennessee Department of Safety is authorized to suspend the driving privileges of violators who fail to appear in court or satisfy a citation. *See*, T.C.A. §55-50-502. Occasionally, a defendant will appear in court but neglect to pay fines or costs. This is called "failure to satisfy a citation," and it should be treated the same as failing to appear in court. Tennessee has an interstate compact with most other states that deals with violators who fail to satisfy citations they receive in a state other than the one in which they live. If

an out-of-state resident receives a traffic citation while traveling through Tennessee and fails to satisfy that citation, the Tennessee Department of Safety will notify the other state, and the other state will suspend the driver's driving privileges. The same holds true for Tennessee residents who fail to satisfy a citation received in another state.

Failure to Appear (FTA) is when a defendant did not appear for court at the designated time and date. Typically, the court will find the defendant guilty of the ordinance violation, by default, due to the failure to appear. The guilty conviction should be timely submitted on the court action report. The default judgment may be appealed to circuit court. The clerk should submit "Failure to Appear (FTA)" on the court action report. Any request for suspension must be submitted to the Department of Safety **within six (6) months of the violation date.** T.C.A. §55-50-502(a)(1)(I).

Failure to Satisfy (FTS) indicates the defendant did appear in court, but did not do all of the things ordered by the court (such as payment of fines, payment of costs, or completion of a traffic school). Since the defendant was found guilty of the traffic violation, a court action report should be timely submitted to report the conviction. If the defendant fails to pay the citation, the court clerk should indicate on the court action report that the defendant "Failed to Satisfy" (FTS).

Note: There are two cases on appeal in the Sixth Circuit concerning the State's process for suspending and/or revoking drivers' licenses. Specifically, these cases address due process requirements, payment plans, and indigency determinations. The case addressing suspended drivers' licenses is Robinson v. Purkey No. 3:17-cv-0126 (M.D. Tenn., amended complaint filed 12/19/17); 2018 WL 5023330 (10/16/18). The case addressing drivers' licenses is Thomas v. Haslam, No. 3:17-cv-00005, (M.D. Tenn., filed 1/4/17), 2018 WL 3301648 (July 2, 2018). The Tennessee Department of Safety stopped suspending drivers' licenses for failure to pay after the Robinson case was decided in October 2018. If you have any questions about the process, please contact the MTAS Municipal Court Specialist.

Failure to appear in court may be treated as contempt of court. Under Tennessee law, a municipal court has the power, as do other courts, to punish for contempt of court. The Municipal Court Reform Act provides that contempt of court is punishable by a fine in an amount not exceeding \$50. T.C.A. § 16-18-306.

As stated earlier, municipal courts are civil in nature, and municipal court cases are somewhat like lawsuits. When a defendant fails to appear in court, whether or not the judge finds the defendant guilty of

contempt, a judgment is entered against the defendant by default. The defendant may still appeal the default judgment to circuit court within 10 days by posting a bond in the amount of \$250. T.C.A. § 16-18-307. After 10 days, the defendant has no right to challenge the original charge. By failing to appear, he or she has essentially lost the case.

Cities may adopt ordinances making failure to appear a separate ordinance violation. If a city has such an ordinance, a new citation, which may be served personally or by certified mail, may be issued when the defendant fails to appear. The defendant is entitled to a hearing on the failure to appear charge before the \$50 fine is assessed. In those situations, the defendant has a separate citation pending in the court to which court costs and litigation taxes may attach.

**SAMPLE ORDINANCE FOR THE CITY  
OF \_\_\_\_\_ TO ADOPT BY REFERENCE  
STATE TRAFFIC OFFENSES AND RULES OF THE ROAD**

**ORDINANCE 06-\_\_**

**AN ORDINANCE OF THE CITY OF \_\_\_\_\_, TENNESSEE, REPLACING MUNICIPAL CODE § \_\_\_\_\_  
AND ADOPTING BY REFERENCE STATE TRAFFIC OFFENSES AND RULES OF THE ROAD.**

WHEREAS, the Board of Mayor and Aldermen desires to adopt by reference state traffic offenses, registration requirements and rules of the road; and

WHEREAS, the Tennessee General Assembly amended the laws pertaining to adoption of state laws by municipalities by reference, by changing the statute under which such adoption is made and by further specifying that only Class C misdemeanors may be adopted by municipalities and enforced as municipal ordinance violations;

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Mayor and Aldermen, that

Section 1. Municipal Code § \_\_\_\_\_, "Rules of the Road," is repealed in its entirety.

Section 2. The following provision is added as the new § \_\_\_\_\_ of the Municipal Code of \_\_\_\_\_:

**15-126. Adoption of state traffic statutes.** By the authority granted under Tennessee Code Annotated § 16-18-302, the City of \_\_\_\_\_ adopts by reference as if fully set forth in this section, the “Rules of the Road,” as codified in Tennessee Code Annotated §§ 55-8-101 through 55-8-131 and §§ 55-8-133 through 55-8-180. Additionally, the City of \_\_\_\_\_ adopts Tennessee Code Annotated §§ 55-4-101 through 55-4-128, §§ 55-4-130 through 55-4-133, §§ 55-4-135 through 55-4-138, §§ 55-8-181 through 55-8-191, § 55-8-193, § 55-8-199, §§ 55-9-401 through 55-9-408, §§ 55-9-601 through 55-9-606, § 55-12-139, and § 55-50-351, by reference as if fully set forth in this section.

Section 3. This ordinance shall take effect upon its final reading, the public welfare requiring it.

## SEATBELTS

Fines collected for violations of seatbelt and child restraint violations must be forwarded to the state department of safety. However, PC 358 (2017) authorizes the court clerk to retain \$5 from the \$30 fine collected for certain violations. The amount of the fine varies according to the violation, and the city cannot collect court costs for some violations.

The child restraint law (or city ordinance) applies to all persons under the age of 16. It provides that:

- The citation is to be given to the guardian, if present, or the driver;
- The maximum fine is \$50;
- If the child was supposed to be in a child restraint seat or booster seat, the court may collect court costs; and
- If the child (under 16 years of age) was supposed to be restrained by a seatbelt, the court cannot collect court costs.

The seatbelt law (or city ordinance) applies to all persons 16 years of age or older and provides that:

- The violator receives the citation;
- If the violator is age 16 or 17, the fine is \$30. (Note: The county juvenile judge must waive jurisdiction for juvenile traffic offenders for the city court to hear seatbelt offenses for this age group);
- If the violator is 18 years of age or older, the fine is \$30 for the first offense and \$50 for subsequent offenses [1];
- The court clerk is authorized to retain \$5 of the \$30 fine.
- The court cannot collect court costs for seatbelt violations.

9/30/20- Notes from meeting

- 12 mph or under, pay court costs and ticket dismissed (with covid, 14 mph)
- Judge- max fine, but discretion to reduce speed
- Continuance fee



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**To:** The Board of Mayor and Alderman

**Date:** December 10, 2020

**Ref:** Covington Police Department  
Workforce Study, November 2020

**From:** Chief L. D. Lindsey

In the November Finance and Administrative Committee meeting, the writer presented the Committee with a request to reallocate personnel funds to provide needed pay increases to the Covington Police Department employees. The proposal would have eliminated three law enforcement officer positions from the budget and allocating these funds to cover the requested raises.

During the discussion, one of the Committee's main concerns is eliminating the three positions. If eliminated, would the police department ask for these positions to be replaced in the coming budget years?

As indicated by the writer during the discussion, I believed that these positions could be eliminated. It would not affect the police departments' ability to provide quality service to the citizens of Covington. This decision had been based on years of experience and feedback from command staff members of the department. Even with these assurances, some members continued to have reservations about the proposal and needed additional supporting evidence.

As I had explained to the Committee, the most effective way to verify that the department could eliminate these positions was to conduct a workforce study utilizing **total time** for service over the prior year. Unfortunately, the only option for obtaining this information is from the E-911's CAD System. Attempts to get this information have been unsuccessful due to a lack of ability of the E-911 management.

Police staffing models in the U.S. are generally determined by one of five standard methods. Departments traditionally have used crime trends, a per-capita approach, minimum-manning

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levels, authorized/budgeted levels, and least-commonly, workload-based models to make staffing decisions.

The workload model is the least common, but the International City/County Management Association (ICMA) is a strong advocate of this approach, as it relies on existing levels of demand for police services and matches that demand with the supply of police resources. Typically, this approach relies on examining calls for service received by a department, and these calls are modeled to understand demand and supply. This approach also has shortcomings in that it relies almost exclusively on demand through 911 calls and ignores other elements of community demands placed on a department. To overcome these shortcomings, and consistent with the approach used by ICMA, workload demands should be modeled and then placed in context with other operational needs facing the department.

The result is a comprehensive assessment of workload through both calls for service and other sustained operational commitments placed on the department. However, this approach requires a complex data analysis beyond the capacity of many police departments. Still, it nonetheless offers the most accurate and reliable predictor of police staffing levels.

The below workforce study was designed by the International Association of Chiefs of Police (IACP) and endorsed by agencies across the country to determine the workforce needs of an agency's Patrol Division. It considers ICMA's recommendations and the study utilizes accepted averages, actual availability for duty, and the 1/3 rule.

This study's accepted average assumes that an officer will spend forty-five (45) minutes addressing a call for service. It will account for the actual time an officer is available for duty, and it assumes the one-third rule that states one-third of an officer's time should be utilized handling calls for service. It **does not** account for administrative, detectives, or specialized units.

**The data used in this study was obtained from E-911's CAD System and covers November 2019 to November 2020.**

**Step 1:**

Determine the number of **complaints or incidents** (not total time) received and responded to in a year by the Covington Police Department. Complaints include all forms of police activity when an officer responded and/or took official action. It does not include situations where officers may conduct administrative activities or handling internal police department matters. Utilizing year to date numbers for November obtained from E-911, the Covington Police Department handled 15,717 calls for service and other law enforcement activities.

**Step 2:**

Multiply the total complaints or incidents by 0.75 (45 minutes.) this is generally accepted as the average time necessary to handle a complaint or incident.

$$15,717 \times .75 = 11,778$$

**Step 3:**

In this step, we account for the understanding that the patrol function has three equally critical primary functions universally accepted by both community leaders and citizens. These functions consist of Responding to Calls for Services or Incidents, Preventive Patrol, and Community Outreach and involvement. By multiplying the total from Step 2, we can account for this time.

$$11,778 \times 3 = 35,363$$

**Step 4:**

Divide the product by 4,380 – the number of hours necessary to staff one basic one officer patrol unit for one year (12 hours X 365 = 4,380).

$$35,363 / 4,380 = 8.1$$

According to the application of the IACP formula, it takes 8.1 patrol elements to handle the estimated 15,717 incidents.

**Step 5:**

Since officers do not work every day of the year without time off, it is necessary to determine the amount of time an officer is on duty. Doing so will provide a determination of the number of officers that are required to staff the patrol elements. A review of the department's benefits, including regular days off, holidays, bereavement, vacation, sick days, and training days, shows an average of 2616 hours per year an officer is on his/her off time. Since there are 4380 hours necessary to staff one primary officer, this gives an available duty time of 1764 hours (4380 – 2616 = 1764). Therefore, to determine how many officers are required to staff one patrol element, you would divide 4380 hours needed for one year by the number of hours available (4380 / 1764 = 2.4), which means that 2.4 officers are required to fill each patrol element. By multiplying the availability factor (2.4) by the number of patrol elements, you have the number of patrol officers needed.

$$2.4 \times 8.1 = 20$$



The calculations indicate that 20 patrol officers are needed to respond to the number of incidents in the City of Covington. As a reminder, this number shows the number of patrol officers required. It **does not** include the Chief, or any other sworn personnel assigned to duties other than patrol. Presently the Covington Police Department has a total authorized complement of forty-three (43) positions from the Chief to the Court Clerk position. Of these authorized positions, twenty-three (23) offices are assigned to Patrol Division.

If approved, the reduction of three (3) positions will bring the number of authorized patrol positions to twenty (20). Once all officers have completed their required training, the evening shift will have one (1) supervisor and six (6) officers, while the dayshift will have one (1) supervisor and four (4) officers. The increase in evening shift compared to day shift manpower is due to call volume and officers from other units' availability to assist day shift if needed.

As a second point of verification, the FBI Uniform Crime Report (UCR) for 2019 indicated an average number of officers per 1000 for cities with a population of 10,000 or less was 4.2. With a population of 9,177, our department has an officer ratio of 4.06 after reducing the three positions. Additionally, in recent years the 60% rule has become a popular guide in law enforcement to determine the minimum number of officers by percentage of total should be assigned to Patrol. With the twenty (20) Patrol Officers, four (4) Field Commanders and one (1) Patrol Commander, there will be a total of twenty-five (25) officers or 62% of the personnel assigned to Patrol.

As a result of the above data, I continue to believe the reduction of three positions and the increase in salaries will not reduce service levels to our citizens. I feel strongly that the salary increase will improve retention and bring better quality and qualified officers into the applicant pool.

I hope that with this supporting data, the Board of Alderman will grant my request by approving the reduction of personnel and allocating these funds to increase the officers' pay.

Respectfully,



Chief L. D. Lindsey