

BLUFF CITY, TENNESSEE
RESOLUTION NO. 2012-003

A RESOLUTION AMENDING THE CITY CHARTER TO PROVIDE AUTHORITY TO ENACT A HOTEL/MOTEL TAX, CHANGE MEETING DATES, CHANGE METHOD FOR FILLING VACANCIES ON THE BOARD AND VACANCY IN THE OFFICE OF MAYOR, CHANGE THE TIME FOR THE BOARD OF MAYOR AND ALDERMEN TO TAKE OFFICE, RECALL PROVISIONS, REMOVE JUDICIAL FUNCTIONS OF THE MAYOR AND CITY RECORDER AND OTHER MATTERS TO CLARIFY THE CITY CHARTER.

WHEREAS, The Town of Bluff City, Tennessee was incorporated in 1929 Private Act Chapter 496, as amended, by the General Assembly of the State of Tennessee;

WHEREAS, it now appears that the interest of the Town of Bluff City will be served if the Charter be amended further to provide authority to levy a hotel/motel tax; to make changes in meeting dates so as to conform to the practice of the City's governing body; to create the ability to call a special election to fill certain vacancies on the Board; and to further make changes to clarify the Charter and to conform with the requirements of the general law.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF BLUFF CITY, TENNESSEE THAT:

The Honorable Ron Ramsey is hereby requested to introduce the following act to the General Assembly of the State of Tennessee:

AN ACT to amend the Charter of the Town of Bluff City, Tennessee, being Chapter 496 of the Private Acts of 1929, as amended:

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

Section 1. Article I, Section 2. General powers enumerated of the Bluff City Charter is amended by adding the following as new paragraph (30):

(30) To levy a hotel/motel tax, in accordance with the provisions of Tennessee Code Annotated §67-4-1425, upon any structure and/or campground, or any portion of any structure or campground, which is occupied or intended, offered or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist court, tourist camp, campground, whether temporary or permanent, tourist cabin, motel or any other such place in which rooms, camping space, lodgings or accommodations are furnished to transients for consideration.

Section 2. Article III, Section 1. Election number and terms of Mayor and Aldermen. of the Bluff City Charter is amended by adding the following sentence at the end of this section.

The Mayor and Aldermen shall take office upon the results of the election being certified by the Sullivan County Election Commission and shall hold office until their successors are elected and qualified.

Section 3. Article III, Section 5. Regular and special called meetings of the board. of the Bluff City Charter is amended by deleting the second sentence in the first paragraph and the first sentence in the second paragraph and replacing them with the following:

Unless otherwise provided by ordinance the regular meetings of the Board shall be held at seven o'clock (Eastern Standard Time) on the second Thursday of each month.

Whenever, in the opinion of the Mayor or three (3) Aldermen, the welfare of the town demands it the Mayor or the three (3) Aldermen shall call special meetings of the Board of Mayor and Aldermen.

Section 4. Article III, Section 6. Vacancies in the office of Alderman of the Bluff City Charter is amended by deleting the Section language entirely and replacing it with the following:

In the event a vacancy occurs in 1 (one) or 2 (two) seats on the Board of Mayor and Aldermen, said vacancies shall be filled by majority vote of the remaining members of the board for the unexpired portion of the term. In the event there are three (3) or more vacancies on the board the Sullivan County Election Commission shall be notified and shall immediately call a special election for the purposes of filling such board vacancies for the unexpired portion of each term.

Section 5. Article III, Section 7. Vice-Mayor; vacancy in Office of Mayor. of the Bluff City Charter is amended by deleting the Section language entirely and replacing it with the following:

At the first regular or called meeting of the Board of Mayor and Aldermen following the general town election in May or as soon thereafter as possible, the Board shall choose from its membership a Vice-Mayor to serve as Mayor in the Mayor's absence or disability. Any vacancy in the office of Mayor shall be filled by the Vice-Mayor. If the Vice-Mayor declines to fill the office of Mayor he or she shall be deemed to have resigned the position of Vice-Mayor and their position as an Aldermen on the Board of Mayor and Aldermen thereby creating a vacancy. In that event the Board shall select another of its members to fill the vacancy in the office of Mayor. In either case, the person appointed to fill the vacant office of Mayor shall be appointed for the unexpired portion of the Mayor's term.

Section 6. Article III, Section 11. Recall of the Bluff City Charter is amended by deleting the Section language entirely and replacing it with the following:

The Mayor and any member or members of the Board of Mayor and Aldermen may be removed from office by recall election held pursuant to Tennessee Code Annotated §2-5-151 and other provisions of state statutes governing recall elections.

Section 7. Article V, Section 1. Duties and powers of the Bluff City Charter is amended by deleting the last sentence in its entirety. [The Mayor shall also have the power to preside over the town court to the extent prescribed by Article VIII of this charter.]

Section 8. Article VIII, Section 1. Appointment term and salary of the Bluff City Charter is amended by deleting the last sentence in its entirety. [Alternately, the board may designate the Mayor or the recorder to serve as the town judge]

Section 9. Article VIII, Section 4. Appeals of the Bluff City Charter is amended by deleting the Section in its entirety. [Appeals from city courts now controlled by statute]

Section 10. Article X, Section 8. Judicial functions of recorder of the Bluff City Charter is amended by deleting the Section in its entirety.

Section 11. This act shall become effective when it has been approved by the governing body of the Town of Bluff City, Tennessee by a vote of not less than two-thirds (2/3) of the entire membership of the governing body. The approval or nonapproval of this act by the governing body shall be certified by the Mayor or Town Manager of the Town of Bluff City to the Secretary of State.

That this Resolution shall become effective from and after its final passage the public welfare requiring it.

Adopted this 8th day of March, 2012.

Irene Wells, Mayor

Attested: _____

Judy A. Dulaney, City Recorder

Approved
as to form: _____

J. Paul Frye, City Attorney