

**Summary of the proposed Charter of the Metropolitan Government of
Fayetteville-Lincoln County, Tennessee
November 9, 2007**

The following is a summary of the proposed Charter consisting of eighteen (18) articles. Since this is a summary, many provisions are not covered in detail. The complete Charter must be read to gain a full understanding of its contents. A copy of the Charter is available at the Lincoln County Courthouse, Fayetteville Municipal Bldg., Chamber of Commerce, Election Commission office and the Fayetteville-Lincoln County Public Library. The Charter has been posted on the Internet at <http://www.elkvalleytimes.com> and <http://www.vallnet.com>. The towns of Petersburg and Ardmore will retain their Charters under the Metropolitan Government.

Article 1. General Provisions. This article provides that a single consolidated government will replace the governments of the City of Fayetteville and Lincoln County. The Metropolitan Government will have all the powers of both a city and a county and will operate over the entire territory of Lincoln County. The Metropolitan Government shall have a General Services District and an Urban Services District, and may have one or more Special Services Districts. The General Services District shall consist of the total area of Lincoln County as established on the effective date of this Charter and as may be subsequently modified by statute. The Urban Services District shall consist initially of the total area of the City of Fayetteville as established at the time of the filing of this Charter with the Lincoln County Election Commission. The Metropolitan Council may, by ordinance, create one or more Special Services Districts outside of the boundaries of the Urban Services District to provide one or more, but not all, of the services provided to the Urban Services District that are not provided to the General Services District. The General Services District, the Urban Services District and each Special Services District that may be created shall be considered a separate tax district.

Article 2. Powers. The Metropolitan Government shall be vested with (a) any and all powers which cities are, or may hereafter be, authorized or required to exercise under the Constitution and general laws of the State of Tennessee; (b) any and all powers which counties are, or may hereafter be, authorized or required to exercise under the Constitution and general laws of the State of Tennessee; and (c) any and all powers possessed by Lincoln County or the City of Fayetteville, immediately prior to the effective date of this Charter.

Article 3. The Metropolitan Council. The Metropolitan Council shall have a total membership of twelve (12), known as Council Members. The area of the Metropolitan Government shall be divided into eight (8) Metropolitan Council Districts. One (1) Council Member shall be elected from each District. In addition, all of the qualified voters of the Metropolitan Government shall be entitled to vote for four (4) at-large Council Members. The four (4) at-large candidates receiving the largest number of votes shall be elected. The members of the Council shall serve a term of four (4) years and until a successor is elected and qualified. Members of the Council shall hold no other elective or appointive office in the Metropolitan Government or employment by said Government, except as expressly provided in this Charter. At the first meeting of each Council term and each year thereafter, a Metropolitan Vice-Mayor shall be elected by the Council from among its members. The Metropolitan Council shall hold at least one (1) regular meeting each calendar month. The County Clerk shall serve as the Clerk of the Metropolitan Council.

Article 4. The Urban Council. The Urban Services District shall constitute a municipal corporation, with a three (3) member Urban Council, whose sole function shall be a mandatory obligation to levy an ad valorem tax, adequate with other available funds, to finance the budget for urban services, as determined by the Metropolitan Council. The three (3) members of the Urban Council shall be the three (3) Metropolitan Council Members who reside within the Urban Services District, and received the largest number of votes at the latest election for all members of the Metropolitan Council. Should there not be three (3) Metropolitan Council Members who reside within the Urban Services District, the Metropolitan Council shall elect such additional members as are necessary from residents of the Urban Services District to serve as members of the Urban Council.

Article 5. Executive Branch. All executive and administrative powers of the Metropolitan Government shall be vested in and exercised by the executive branch. The executive branch shall consist of the office of the Metropolitan Mayor, the office of the Metropolitan Administrator, the directors of departments, departments, boards, commissions and authorities ordained by the Council or established by law. The Mayor will preside at all meetings of the Council and have a voice in its proceedings. The Mayor will be elected for a term of four (4) years and shall appoint all members of boards, commissions and authorities of the Metropolitan Government. The Mayor will appoint the Metropolitan Administrator and the Metropolitan

Attorney. Such appointments shall become effective when confirmed by a majority vote of the Council. Appointees may be removed only by the Mayor with the approval of the majority of the Council or by the Council on its motion by 2/3 majority votes.

The Administrator shall appoint and remove all heads of departments in the administrative service of the Metropolitan Government. The Administrator will direct and supervise the administration of all departments, offices and agencies of the Metropolitan Government and will provide general liaison between the Mayor, the Council and all departments, boards, commissions and employees of the Metropolitan Government. The Administrator shall receive such compensation as fixed by ordinance or contract approved by the Metropolitan Council.

The Attorney shall act as legal advisor to and attorney and council to the Metropolitan Government and all officers in matters relating to their official duties. The Metropolitan Attorney shall be a resident of the area of the Metropolitan Government, a member of the State Bar of Tennessee in good standing, and shall have had at least five (5) years' experience in the active practice of the law.

Article 6. The Budgets and Financial matters. This article provides a procedure for the preparation, consideration and adoption of an annual operating and a capital improvement budget for the General, Urban and any Special Services Districts, provides for tax levies, transfer of appropriations within funds, post audit procedure, and impoundment of funds to prevent deficit operation. The Metropolitan Director of Finance and Purchasing, interacting with department heads, prepares the operating budget and the capital improvement budget. The Administrator shall review the budgets and make recommendations for changes to the Mayor, who has the final authority to revise the proposed budget prior to it being submitted to the Council. The Council shall provide annually for an independent audit of the accounts and other evidences of financial transactions of the Metropolitan Government and may at any time order an examination or special audit of any department, office or agency of the government. The Mayor may submit amendments to the budget at any time during the year.

Article 7. Bond Issues. This article provides authority for the Metropolitan Government to authorize the issuance of general obligation bonds and revenue bonds for public works projects, general obligation bonds for certain

unfunded pension obligations, general obligation refunding bonds, revenue refunding bonds, bond anticipation notes, capital outlay notes, grant anticipation notes, tax anticipation notes, and healthcare revenue anticipation notes in accordance with Tennessee Code Annotated (TCA), Section 9-21-102. All actions required or authorized under TCA, Title 9, Chapter 21, to be taken by the Council to issue such bonds may be by resolution adopted by a majority vote of the Council members then in office. The Council may adopt a resolution calling for an election to determine the will of the qualified voters in the General Services District, the Urban Services District, or any Special Services Districts, as the case may be, on any bond issue.

Article 8. Metropolitan Departments.

Chapter 1. Finance and Purchasing. This Department shall administer the financial affairs of the Metropolitan Government in accordance with the provisions of this Charter, applicable ordinances, and the laws of the State of Tennessee. The Administrator will appoint the Director of Finance and Purchasing. The Director, with approval of the Administrator, shall have the responsibility for the general management and control of the Department, and shall have the power to make rules and regulations for the administration of the Department.

Chapter 2. Law Enforcement. There shall be a Metropolitan Police Department, which shall be responsible within the area of the Metropolitan Government for the preservation of the public peace, prevention and detection of crime, apprehension of criminals, protection of personal and property rights, and enforcement of the laws of the State of Tennessee and ordinances of the Metropolitan Government. The Chief of Police will be the principal conservator of the peace for the Metropolitan Government. The initial Police Chief shall be the person serving as Police Chief for the City of Fayetteville on December 31, 2008. The Administrator shall appoint subsequent Police Chiefs.

The Sheriff, elected as provided by the Constitution of Tennessee, is hereby recognized as an Officer of the Metropolitan Government. The Sheriff shall have the powers and exercise the duties prescribed by general law except that the Sheriff shall not be the principal conservator of peace for the Metropolitan Government. The Sheriff shall have custody and control of the Metropolitan Detention Facilities. The Sheriff shall be responsible for

transportation of prisoners and for maintaining and serving papers for the Courts within the area of Metropolitan Government.

Chapter 3. Fire Protection. This article establishes a Fire Department for the Urban Services District, which shall consist of the Director (also referred to as Fire Chief), and such other employees of such ranks and grades as may be established by ordinance, and which shall include bureaus, divisions, and units as required. The initial Fire Chief shall be the person serving as the Fire Chief for the City of Fayetteville on December 31, 2008. The Administrator shall appoint subsequent Fire Chiefs. Outside the Urban Services District fire protection may be provided by volunteer fire departments incorporated under the laws of Tennessee and the Internal Revenue Code of the United States. The Fire Chief in charge of Urban Services shall serve as the fire chief of all volunteer fire departments outside the Urban Services District or any Special Services Districts to coordinate their services.

Chapter 4. Public Works. This article establishes a Public Works Department responsible for road, street, and bridge construction and maintenance; garbage collection and disposal or regulation of private waste disposal operators; and other functions that may be assigned by ordinance. The initial Director shall be the Lincoln County Road Superintendent on December 31, 2008. The Administrator shall appoint subsequent Directors. The Director of Public Works shall have general management and control of the divisions and units of the department and shall appoint and remove, subject to the approval of the Administrator, all employees of the department. The existing Inter-local Solid Waste Authority and Board thereof and the contractual agreements pertaining thereto shall continue in accordance with their terms and provisions.

Chapter 5. Emergency Management. This article establishes a Department of Emergency Management, which will consist of a Director and other personnel and employees as may be provided by ordinance or by regulations of the Director consistent with this Charter. The initial Director shall be the person serving as the Director of Emergency Management for Fayetteville-Lincoln County on December 31, 2008. The Administrator shall appoint subsequent Directors. The Emergency Management Department shall have the responsibilities and obligations to combat any disaster, either natural or man-made or both, and to protect the health and

safety of persons and property, and to provide emergency assistance to victims of such disasters.

Chapter 6. Parks and Recreation. This article establishes a Metropolitan Department of Parks and Recreation, which will consist of a Director and other personnel and employees as may be provided by ordinance or regulations of the Director consistent with this Charter. The Department is responsible for planning, scheduling and directing overall recreation activities. The initial Director shall be the person serving as Director of the Parks and Recreation Department for the City of Fayetteville upon the effective date of this Charter. The Administrator shall appoint subsequent Directors. The Director shall be the chief administrative officer in charge of management of public parks, playgrounds and other recreational areas and of a comprehensive recreation program for the entire Metropolitan Government area and shall, with the approval of the Administrator, hire and remove all employees. The Recreation Boards of Lincoln County and the City of Fayetteville will be combined upon the effective date of this Charter and will continue to function as an advisory board to the Director of Parks and Recreation.

Article 9. Public Schools. This article provides that the Metropolitan Board of Education (the Board), which will possess all the powers, duties, prerogatives and functions of the county and city school boards, shall supersede the Lincoln County Board of Education and the City of Fayetteville Board of Education. This process shall take place on January 1, 2009. The Board shall be composed of eight (8) members, one (1) member elected from each Council district for a term of four (4) years, except that in order to have staggered terms, the members initially elected from Districts 1,3,5 and 7 shall be elected for a term of two (2) years and thereafter for four (4) years. The Board is authorized to employ a Director of Schools as the chief administrative employee of the Board. The Board is authorized to establish, operate and maintain an efficient and accredited consolidated school system for the Metropolitan Government. Within three (3) years after January 1, 2009, a new salary schedule shall be established that shall be no lower than the highest salary schedule maintained by a component part of the system prior to the establishment of such Metropolitan School System.

Article 10. Health Care System. This article establishes a Metropolitan Health Care System Board. The Board shall administer and control all health care facilities for the Metropolitan Government including but not

limited to hospitals, rehab centers, ambulance services, nursing homes, and home health and hospice facilities. The Board shall be composed of five (5) members. One (1) member shall be a doctor of medicine certified for practice by the State of Tennessee and shall have not less than five (5) years' experience in the active practice of his or her profession. The other members shall be chosen without reference to occupation or profession. The members of the board shall be appointed by the Mayor and confirmed by a majority of the Council. They shall be appointed for a term of five (5) years each, provided that, of the initial Board one member shall be appointed for one year, one member shall be appointed for two years, one member shall be appointed for three years, one member shall be appointed for four years and one member shall be appointed for five years. The current Board members shall be retained until their term expires. The Board shall either appoint a Director of the Health Care System or may enter into a contract with a Health Care Management company, which would employ a director, and may enter into a contract with such person or Health Care company for a period not exceeding five (5) years, and at a compensation to be fixed by the Board. The Director shall be a person who has had at least five (5) years' experience in hospital administration or at least ten (10) years' experience in some other executive or major administrative position. The Director shall be the chief executive officer of the Health Care System.

Article 11. Employee Benefits Plans. This article establishes a system of employee benefit plans that shall be adopted for officers and employees of the Metropolitan Government for whom such plans are not provided by other sections of this Charter. Existing employee pension and retirement systems of the City of Fayetteville and Lincoln County as of December 31, 2008, are hereby recognized and continued. All assets of any fund maintained in connection with the system of Benefits Plans for the employees of the Metropolitan Government shall be maintained separate and apart from all other funds of the Metropolitan Government.

Article 12. General Sessions Court. This article establishes a Metropolitan General Sessions Court for the Metropolitan Government of Fayetteville-Lincoln County Tennessee. The City Court of Fayetteville is hereby merged with the General Sessions Court at midnight on December 31, 2008. The current Judge of the Lincoln County General Sessions Court shall serve the Court until his tenure of office expires. The Court shall have jurisdiction over all criminal cases, civil cases, traffic violations cases and juvenile cases to the extent now and hereafter conferred by general act upon

the General Sessions Court. The Court shall have the power to impose fines for violation of Metropolitan Government ordinances, the power to impose civil penalties and provide equitable relief for the enforcement of ordinances of the Metropolitan Government. The Judge of the Court shall be elected for a term of eight (8) years.

Article 13. Constitutional Offices. This article provides for the continuation of the constitutionally required county offices of Assessor of Property, County Clerk, Register of Deeds, Sheriff, Trustee, and the Clerks of court under the Metropolitan Government. In addition to the duties prescribed by general law, the County Clerk shall serve as the clerk and secretary of the Metropolitan Council. The Council may, by ordinance, require the Trustee to collect any revenues due to the Metropolitan Government that the general law does not require to be placed with some other officer.

Article 14. Public Utilities. The Fayetteville Board of Public Utilities, composed of seven (7) members and presently in existence pursuant to private act, shall be renamed the Metropolitan Board of Public Utilities and all future members shall be appointed by the Metropolitan Mayor and approved by the Council. One member shall be a member of the Metropolitan Council who shall reside in the Urban Services District. All assets, authorities, liabilities, and responsibilities of the Lincoln County Board of Public Utilities shall be transferred to the Metropolitan Board of Public Utilities. This article provides that only the Metropolitan Council shall grant public utility franchises and all renewals, extensions, and amendments by ordinance. No franchise shall be granted for a term longer than twenty (20) years. This article shall not affect valid franchises heretofore granted, or transfers thereof, heretofore approved by Lincoln County or the City of Fayetteville.

Article 15. Miscellaneous Provisions. This article provides that all boards, commissions, and authorities of the City of Fayetteville and/or Lincoln County not specifically dealt with in this Charter and in existence on the effective of same shall continue as previously established as agencies of the Metropolitan Government until abolished or modified by ordinance or by statute, as appropriate. The Building Inspector for the City of Fayetteville will continue in his job until changed by the Administrator or by ordinance. The salary of officers, including the Mayor, Councilmen, and other elected officials, whose salary or compensation is fixed by this Charter, may be

changed by the Council and established as part of the General Pay Plan. The salaries of elected officials shall not be increased or diminished during the term for which they shall have been elected. The Council shall, by ordinance, establish a civil service system for employees of the consolidated government, and provide for its maintenance and administration. All elections held for any office in the Metropolitan Government shall be non-partisan.

Article 16. Procedure for Amending Charter. This article provides a method of amending this Charter by resolution of the Council or by petition and popular vote. The Charter may be amended subsequent to its adoption either by a two-thirds (2/3) vote of the Council or upon petition filed with the Metropolitan Clerk signed by 20% of the number of registered voters in the Metropolitan Area voting in the preceding general election. Upon certification of the resolution by the Clerk, the proposed amendment(s) shall be submitted to the people for ratification at the next general election. The Council is authorized to establish a Charter Revision Commission to hold hearings and make recommendations to the Council with respect to amendments to this Charter.

Article 17. Transition and Effective Date. This article provides that this Charter shall become effective immediately upon its adoption date. The existing Governments of Fayetteville and Lincoln County shall continue to govern until midnight December 31, 2008. Immediately upon taking office the Metropolitan Government is authorized to plan and schedule transaction activity and to enact ordinances and resolutions and employ personnel, all of which will become effective on or after January 1, 2009. The creation and establishment of Metropolitan Government shall not alter or change the zoning and planning regulations effective in Lincoln County or the City of Fayetteville, but the same will continue in force and effect until amended by the Council. The Board of Zoning Appeals and the Planning Commissions of Lincoln County and the City of Fayetteville shall be continued as constituted and organized on December 31, 2008. Upon adoption of this Charter a Transition Task Force will be created to affect the planning and preparation for a consolidated government. This task force will consist of five (5) members, three (3) appointed by the County Mayor and two (2) appointed by the Mayor of the City of Fayetteville. The Board of Mayor and Alderman of the City, the County Mayor, and Commissioners, whose terms are abridged by this Charter, shall be entitled to receive two (2) months severance pay from the Metropolitan Government.

Article 18. Intent of this Charter. This Article provides that the residents of the Metropolitan Government area do declare and determine that by the adoption of this Charter, intend to exercise fully the constitutional powers granted by Amendment eight (8), Article eleven (11), Section nine (9) of the Constitution of Tennessee, and in doing so to consolidate substantially all of the governmental and corporate functions of Lincoln County and of the City of Fayetteville, so that, in the interest of modern, efficient and economical government, the same may be operated as one (1) governmental entity. The people further declare that this Charter shall continue in full force and effect, even if any its separable provisions shall be declared unconstitutional. Each of the provisions of this Charter is declared to be severable and if any parts are declared to be unconstitutional the remaining provisions shall continue in full force and effect.