

CHATTANOOGA CITY CHARTER

Title 3

CITY OFFICERS AND EMPLOYEES¹

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CHAPTER I. IN GENERAL

Sec. 3.1. Eligibility for office.

No person, while holding any office or employment under the federal, state or county government, except the office of notary public, shall be eligible to any popularly elected office under said city government. No person shall have any interest, direct or indirect, in any contract with or franchise from the city while holding any popularly elected office under the city government. But stockholders in corporations having such relations with the city, may be eligible to membership on the city council, but shall not vote on or interfere directly or indirectly, with any matters or questions affecting a contract or franchise between such company and the city, or its right or duty under the same. If, while any person is holding any popularly elected office under the city government, he shall cease to possess any or all of the qualifications, or become subject to any of the disqualifications herein prescribed, his office shall thereby become immediately vacant. No person, while in arrears to the city for money collected, shall be eligible to any popularly elected office under the city government. (Acts 1899, Ch. 216, § 7; Priv. Acts 1901, Ch. 432, § 4; Priv. Acts 1968, Ch. 476, § 1; Ord. No. 11272, § 1, 05-02-02; Ord. No. 11833, § 1, 5-23-06; Ord. No. 11876, § 1, 8-29-06; Ord. No. 11877, § 1, 8-29-06)

¹ **Cross references**-Election of mayor, city council and city judge, Title 5; mayor and city council generally, Title 8; municipal boards and commissions, Title 9; general authority to create and fill offices, § 2.1(44); bonds of city officials, § 2.1(45); creation and discontinuance of offices not provided for by charter, § 2.8.

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Sec. 3.1.1. Employees and appointed officials required to be residents or legally qualified voters.

All employees of the city shall either be registered voters in the State of Tennessee, or eligible to vote in the State of Tennessee, except that those employees currently employed and living outside the State of Tennessee shall be exempted from this provision as of January 18, 1990; Ord. No. 11272, § 1, 05-02-02.

Sec. 3.2. Bonds and oaths of officers.

All officers of the city, before assuming the duties of office, shall enter into bond, as now required by law, and take and subscribe an oath that they possess the qualifications and are free from the disqualifications prescribed by this Act [section 3.1 of this Charter] and to faithfully discharge the duties of their respective offices, and such other oath or affirmation as may be now or hereafter prescribed by ordinance. (Priv. Acts 1901, Ch. 432, § 5)

Cross reference-Authority to establish bond of officers, § 2.1(45).

Sec. 3.3. Officers to serve until successors are elected and qualified.

All city officers shall serve until their successors are appointed, or elected and qualified. (Priv. Acts 1901, Ch. 432, § 4)

Sec. 3.4. Reserved.

Editor's Note-Former § 3.4 relating to warrants repealed by Ord. No. 11272, § 1, 05-02-02.

Sec. 3.5. Military leave.

Any employee of the City of Chattanooga who shall enter the military or naval service of the United States Government during the time designated by the president of the United States as a period of emergency shall be given a leave of absence for the duration of said military or naval service, and upon the termination of said service the mayor, if said position exists. If said position has been abolished, he shall be given a position of equal rank and at a salary of not less than that which he received when given said leave of absence for military or naval service during such emergency. And said employee shall retain all rights and benefits which he had under any civil service or tenure law of said city, and shall retain all rights and benefits which he had under any insurance and pension law of the city at the time he entered said service of the United States Government, and shall be given credit for the years spent in the military or naval service in computing the time served for pension purposes. (Priv. Acts 1941, Ch. 492, § 1; Ord. No. 11272, § 1, 05-02-02)

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Sec. 3.6. Minimum salaries of City Judges.

The annual salaries for the city judges, respectively, shall each be not less than the annual salary paid to any of the city council, which salaries shall be payable to each of them in equal semimonthly installments. (Priv. Acts 1965, Ch. 237, § 2; Priv. Acts 1970, Ch. 343, § 2; Ord. No. 11272, § 1, 05-02-02)

Editor's note-Priv. Acts 1970, Ch. 343, § 2, amended the acts codified as § 3.6, by substituting "salaries" in lieu of "salary" and "judges" in lieu of "judge."

Cross references-City judge generally, § 4.20 et seq.; salary of city judges to be paid semi-monthly, § 4.23.

Secs. 3.7 -- 3.17. Reserved.

CHAPTER II. RECALL

Sec. 3.18. Recall authorized; procedure.

The Mayor or a City Judge elected at large may be recalled pursuant to the provisions of Tennessee Code Annotated Section 2-5-151. A member of the City Council elected by district may be recalled pursuant to the provisions of Tennessee Code Annotated Section 2-5-151 provided a recall petition instituted pursuant to the provisions of this statute is signed by fifteen (15%) of the registered voters in that district. The successor of any officer so removed shall hold office during the unexpired term of his or her predecessor. (Priv. Acts 1911, Ch. 10, § 25; Priv. Acts 1911, Ch. 126, § 3; Priv. Acts 1913, Ch. 301, § 8; Priv. Acts 1917, Ch. 432, § 2; Priv. Acts 1939, Ch. 573, § 1; Ord. No. 8936, § 1(2), 4-26-88; Ord. No. 9435, § 1(2), 8-21-90; Ord. No. 12631, § 1, 7-24-12)

Editor's note-Sections 8-47-101 through 8-47-126 of the Tennessee Code Annotated provide an alternate procedure for the removal of public officers.

Secs. 3.19 -- 3.25. Reserved.

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CHAPTER III. PENSIONS AND DEATH BENEFITS²

ARTICLE 1. GENERALLY

Sec. 3.26 – 3.34. Reserved.

ARTICLE 2. GENERAL PENSION PLAN

Sec. 3.35. General Pension Plan.

The General Pension Plan as established by the Private Acts of 1965, Chapter 254, as amended by private acts and Home Rule referenda, shall be transferred from the Charter compilation to the City Code compilation, but the vested rights of any participant or beneficiary shall not thereby be affected. No current provision of the General Pension Plan may be amended hereafter except pursuant to the provisions of section 3.36 below. (Priv. Acts 1965, Ch. 254; Priv. Acts 1967, Ch. 169; Priv. Acts 1968, Ch.430; Priv. Acts 1971, Ch. 137; Priv. Acts 1972, Ch. 402; Ord. No. 7408, 8-22-78; Ord. No. 8688, 8-19-86; Ord. No. 9766, 8-11-92; Ord. No. 10084, 8-16-94; Ord. No. 10463, 8-20-96; Ord. No. 10739, 8-18-98; Ord. No. 11011, 5-9-00; Ord. No. 11272, 4-30-02; Ord. No. 12677, 12-18-12)

Sec. 3.36. Amendments by ordinance.

The City Council of the City of Chattanooga, in its discretion, may upon recommendation of the Board of Trustees of the General Pension Plan, upon advice by the Mayor, and upon receipt of an actuarial report as to the costs and actuarial soundness of such changes, may amend by ordinance passed upon two separate meetings the provisions of the General Pension Plan providing such amendments are consistent with sound actuarial principles, methods and assumptions and further provided that such amendments shall not decrease any vested financial benefits accrued by any participant or beneficiary. (Ord. No. 11101, §1(12), 5-9-00; Ord. No. 12677, 12-18-12)

Secs. 3.37 – 3.60. Reserved.

² **Cross reference-**Pensions for policemen and firemen, § 13.63 et seq.

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CHAPTER IV. CITY ATTORNEY

Sec. 3.61. Qualifications.

The city attorney shall be a practicing attorney of at least one year's standing in Chattanooga. (Priv. Acts 1901, Ch. 432, § 82; Priv. Acts 1911, Ch. 126, §§ 1,2; Priv. Acts 1919, Ch. 76; Priv. Acts 1968, Ch. 468, § 1; Ord. No. 11272, § 1, 05-02-02)

Sec. 3.62. Appointment by mayor and council.

The mayor and the council shall each have the right to retain independent separate attorneys, from time-to-time. No later than the date the mayor appoints department heads, the mayor and council shall jointly appoint a city attorney for a term concurrent with the term of the mayor, and until he is discharged or his successor is appointed and qualified. The city attorney may be removed from office at any time by the affirmative vote of two-thirds of the entire membership of the city council, and the concurrence of the mayor. Any vacancy occurring in said office shall be filled by joint appointment of the mayor and the council. (Ord. No. 9439, § 1(2), 8-2-90; Ord. No. 11272, § 1, 05-02-02)

Sec. 3.63. Duties generally.

It shall be the duty of the city attorney to give legal advice to the mayor and city council, and all other officers and boards of the city in the discharge of their official duties. If required, he shall give his opinions in writing, and they shall be preserved for reference. It shall be his duty to prosecute or defend all suits for or against the city and to attend to such other legal business as may be prescribed by the mayor and/or city council. It shall also be his duty, either in person or by an assistant, to appear and prosecute cases in the city court when called upon by the mayor or any council member or the city judge. He shall prepare all contracts, bonds and instruments in writing when called upon by the mayor or any council member. He shall give his first time and attention to the city's legal business. (Priv. Acts 1935, Ch. 687, § 2; Ord. No. 11272, § 1, 05-02-02)

Sec. 3.64. Reserved.
(Ord. No. 10745, § 1(2), 8-18-98)

Sec. 3.65. Reserved.
(Ord. No. 10745, § 1(1), 8-18-98)

Secs. 3.66 -- 3.75. Reserved.

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CHAPTER V. SUBORDINATE OFFICERS,
EMPLOYEES AND LABORERS

ARTICLE 1. GENERALLY

Sec. 3.76. Reserved.
(Ord. No. 10745, § 1(1), 8-18-98)

Sec. 3.77. Reserved.
(Ord. No. 10745, § 1(1), 8-18-98)

Sec. 3.78. Reserved.
(Ord. No. 11018, § 1(1), 5-16-00)

Sec. 3.79. Dismissal, suspension or demotion and appeal therefrom.

All officers, agents and employees whose employment and employment rights are not otherwise specifically governed in this Charter, whether the same be under the administrative and executive branch, or under the legislative or judicial branches, shall be subject to dismissal, suspension or demotion by the authority which appointed them, but any such officer, agent, or employee so dismissed, suspended or demoted shall have the right of appeal of any disciplinary action to the extent provided by Ordinance.

The city council is authorized to establish administrative procedures to provide a fair and impartial method to hear such appeals. The administrative body or judge established by these administrative procedures shall have the right to determine whether such dismissal, suspension or demotion shall be effective, the employee should be reinstated or to otherwise modify the order of dismissal, suspension or demotion. As used herein, the term “hearing body or judge” shall mean the person or persons duly established by Ordinance of the City Council to conduct appeal hearings. (Ord. No. 12424, § 1, 8-17-2010)

Secs. 3.80 -- 3.86. Reserved.

Editor's note-Former Sections 3.79 through 3.86 were repealed by Ord. No. 9437, § 1(2), 8-21-90.

Sec. 3.87 – 3.89. Reserved.

Editor's note-Former Sections 3.87 through 3.89 were repealed by Ord. No. 10745, § 1(1), 8-18-98)

Secs. 3.90 -- 3.94. Reserved.

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ARTICLE 2. CITY FINANCE OFFICER

Sec. 3.95. Qualifications.

No person shall be eligible to the office of finance officer if he shall hold any civil office under the federal, state or county government. (Priv. Acts 1901, Ch. 432, § 4; Priv. Acts 1968, Ch. 476, § 1; Ord. No. 10742, § 1(1), 8-18-98)

Sec. 3.96. Duties generally.

The City Finance Officer of the City of Chattanooga shall be the general accounting and chief fiscal officer of the City. Additionally the City Finance Officer shall:

1. Maintain accounting and financial reporting records in accordance with standards and procedures established by the State of Tennessee.
2. Ensure that City funds are expended as appropriated by the City Council and that no expenditures are made in excess of the amount previously appropriated.
3. Perform such other duties as may be imposed upon him by other provisions of the Charter or by ordinance of the City.
4. Maintain and be the custodian of the City's official records, except when another custodian for specific records is designated by Charter or ordinance.

(Priv. Acts 1953, Ch. 105, § 2; Ord. No. 10742, § 1(2), 8-18-98)

Secs. 3.97 -- 3.101. Reserved.

ARTICLE 3. CITY TREASURER

Sec. 3.102. Qualifications.

No person shall be eligible to the office of treasurer if he shall hold any civil office under the federal, state or county government. (Priv. Acts 1901, Ch. 432, § 4; Priv. Acts 1968, Ch. 476, § 1; Ord. No. 11272, § 1, 05-02-02)

Cross reference-Residence and voting requirements, § 3.1.1.

Sec. 3.103. To serve as tax collector; duties generally.

The city treasurer shall act as tax collector. He shall collect all ad valorem taxes, privilege and other licenses. It shall be the duty of the city treasurer to receive and safely keep all taxes, privilege or other moneys due the city and receipt for the same; to keep a strict account of the same, and to pay same out on warrants drawn by the City Finance Officer. For all moneys paid into the treasury the treasurer shall execute duplicate receipts-one for the party paying and one for the city finance officer. His books shall at all times be open to the inspection of the

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mayor, city finance officer or any member of the city council. He shall report at the close of business each day to the city finance officer the balance in the treasury. He shall perform such other duties as may be imposed upon him by the provisions of the charter or ordinances of the city.

Receipts for the payment of taxes shall be recorded in a stub book kept for that purpose, filed with the City Finance Officer.

The city treasurer shall make a report of the condition of the treasury, which shall be addressed to the Mayor and City Council of the City of Chattanooga, and be submitted to them at the last regular meeting of said board in December of each year. Said report shall be verified by the treasurer, under oath, and shall show: 1st. The amount of money received for taxes upon lands and town lots; 2nd. The amount of money received for license and special taxes of all kinds; 3rd. The amount of money received from other sources; 4th. The total receipts; 5th. Items of expenditures; 6th. Aggregate expenditures; 7th. Balance on hand; 8th. Amount due the city from all sources. The report of the treasurer shall be published six times in one of the city papers. Said treasurer shall turn over to his successor in office, or when such successor shall be elected and qualified, all books, papers, moneys, creditors or other property or evidence of indebtedness, pertaining to his said office. (Priv. Acts 1866-67, Ch. 8, § 21; Priv. Acts 1901, Ch. 432, § 71; Priv. Acts 1901, Ch. 495, § 4; Priv. Acts 1911, Ch. 10, § 13; Priv. Acts 1919, Ch. 548; Priv. Acts 1953, Ch. 105, § 3; Ord. No. 11272, § 1, 05-02-02).

Cross reference-City taxes generally, see § 6.15 et seq.

Sec. 3.104. Oath and bond.

Before entering upon his duties, the city treasurer shall take and subscribe an oath faithfully, honestly and impartially to discharge the duties of said office, and shall give bond with good and sufficient sureties, approved by the City Council, payable to the City of Chattanooga, conditioned upon the faithful, honest and lawful discharge of his office; and when said bond has been accepted by the board, it, together with the oath herein prescribed, shall be filed by the city clerk. The bond of the treasurer shall be for the sum of twenty thousand dollars (\$20,000.00). (Priv. Acts 1866, Ch. 8, § 19; Priv. Acts 1911, Ch. 10, § 13; Ord. No. 11272, § 1, 05-02-02)

Sec. 3.105. Assistant city treasurer to sign checks when treasurer disabled or absent.

The charter of the City of Chattanooga, Tennessee, and all acts amendatory thereof, be, and the same are, hereby amended so as to authorize the assistant city treasurer to sign checks for and on behalf of the city in the event the city treasurer is absent or disabled. (Priv. Acts 1945, Ch. 284, § 1)

Secs. 3.106 -- 3.110. Reserved.

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ARTICLE 4. OFFICE OF INTERNAL AUDIT, AUDIT COMMITTEE, AND CITY AUDITOR

Sec. 3.111. Establishment.

- (A) There is hereby established the Office of Internal Audit of the City of Chattanooga. The Office of Internal Audit shall be independent and separate from any other agency, board or department of the City of Chattanooga and shall report to the Audit Committee, Mayor, Council and the citizens.
- (B) The Audit Committee shall consist of five voting members. The members shall be residents of the City of Chattanooga. At least four of the members shall have experience in auditing and shall be Certified Public Accountants. The members shall be recommended two each by the local chapters of the Tennessee Society of Certified Public Accountants and the Institute of Internal Auditors, and one by the local chapter of the Association of Certified Fraud Examiners. Should any of these organizations cease to exist, the Council may name a replacement organization or that organization's recommendation may be made by the Council. The recommendations shall be approved by a majority vote of the current members of the Audit Committee. The members shall serve five year staggered terms. Three members shall constitute a quorum. Members of the current Audit Committee shall serve as if appointed under this section. Members shall serve until their successors are approved. No member shall be an employee of the City or any City board or agency. No member shall have a direct or indirect interest in any contract with the City during their term of service, nor for one year after their term of service. Nor shall any member, member of their immediate family, or regular member of their household, be employed by the City or any agency that obtains more than ten percent of its annual funding from the City. The Audit Committee shall meet at least quarterly.
- (C) The Office of Internal Audit shall be provided a separate budget to carry out the responsibilities and functions established in this section. Budget reductions shall only be made when proportional to reductions in the City's budget for ordinary expenses.
- (D) The Chief Audit Executive shall have the title City Auditor. The City Auditor shall establish the internal organization of the office and shall organize it as deemed necessary to perform the functions, powers, and duties of the office. The City Auditor shall have the power to appoint, employ, and remove staff following the same administrative processes

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established for City personnel practices. The City Auditor shall be a resident of the City of Chattanooga.

- (E) The existing functions, personnel, funds, equipment, facilities and records of the Internal Audit Division established as an executive office of the Mayor shall be transferred to the Office of Internal Audit as established herein.

(Ord. No. 12566, § 1, 1-24-12)

Sec. 3.112. Appointment and Removal of City Auditor.

The City Auditor shall be appointed by the Audit Committee and approved by the Council. If a vacancy occurs in the City Auditor position, a replacement shall be appointed within six months. The City Auditor shall receive a salary set by the Audit Committee using established market data. The City Auditor may be removed from office for just cause by the affirmation vote of two-thirds of the entire membership of the Audit Committee and approval by the Council. The current Director of Internal Audit on August 11, 2011 shall serve as City Auditor as if appointed under the terms of this section.

(Ord. No. 12566, § 1, Item 1, 1-24-12)

Sec. 3.113. Qualifications of City Auditor.

The City Auditor shall be a Certified Public Accountant knowledgeable in governmental auditing, public administration, and government financial and fiscal practices.

(Ord. No. 12566, § 1, 1-24-12)

Sec. 3.114. Scope.

The Office of Internal Audit shall have authority to conduct audits, special projects, inspections, investigations, or audit-related functions of all departments, offices, boards, activities and agencies of the City of Chattanooga or chartered under the City of Chattanooga. The Office of Internal Audit shall conduct audits in accordance with government auditing standards promulgated by the Comptroller General of the United States. The City Auditor shall not be denied independent legal counsel. The Office of Internal Audit shall assert no direct responsibility or authority over City activities reviewed. Its review and appraisal of activities does not relieve other persons in the City of any responsibilities assigned to those activities.

(Ord. No. 12566, § 1, 1-24-12)

Sec. 3.115. Access to Employees, Records, and Property.

- (A) All officers and employees of the City of Chattanooga, its agencies or any entity chartered under the City of Chattanooga shall cooperate with and

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furnish the Office of Internal Audit unrestricted access to employees and information regarding powers, duties, activities, organization, assets, financial transactions, contracts, and methods of business, as well as all facilities, property, and records including automated data and digital information.

- (B) All contracts with outside contractors and subcontractors shall provide for the Office of Internal Audit to have access to all financial and performance related records, property and equipment related to City of Chattanooga contracts.

(Ord. No. 12566, § 1, 1-24-12)

Sec. 3.116. Irregularities.

The Office of Internal Audit shall be informed of any special investigation, fraud, theft, or other suspected cases of misappropriation occurring within the City government.

(Ord. No. 12566, § 1, 1-24-12)

Sec. 3.117. Audit Committee Responsibilities.

- (A) The Audit Committee shall review the annual audit plan provided by the City Auditor and recommend additional audits it deems advisable. The Audit Committee shall monitor follow-up reports on audit findings and recommendations and may require any manager who has not successfully completed corrective actions to appear before the committee. Any employee of the City shall appear before the Audit Committee when summoned.
- (B) The Audit Committee shall meet with the external auditor at least three times per year: During the planning stage, during the field work stage, and after completion of the audit.
- (C) The Audit Committee shall provide for and oversee the annual external audit. The Audit Committee shall administer and manage a request for proposal process to select the external auditor.
- (D) The Audit Committee should ensure the continuing independence of the external auditor and review the external auditor's peer review report.
- (E) The Audit Committee shall review the Office of Internal Audit's peer review report that shall be conducted as required by government auditing standards referenced in Section 3.114.

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- (F) The Audit Committee shall report to the Council and Mayor on problems or problem areas as deemed appropriate.
- (G) The Audit Committee shall maintain and have oversight of the City's fraud, waste and abuse prevention program.
- (H) The City Auditor shall provide staff resources as needed by the Audit Committee to fulfill its responsibilities.

(Ord. No. 12566, § 1, 1-24-12)

Sec. 3.118. Orientation.

The City Auditor shall develop and provide an orientation training program for all newly elected City officials. The training shall be provided within 60 days of the date such officials take office. All newly elected City officials shall attend. The training shall include, but not be limited to, an overview of the City's administrative code and relevant sections of state law.

(Ord. No. 12566, § 1, 1-24-12)