

Ordinance No. 1042

AN ORDINANCE TO CREATE THE OFFICE OF CITY ADMINISTRATOR AND AMEND THE MUNICIPAL CODE TO ACCOMMODATE SAID POSITION.

Whereas, Article VII, Administrative Organization, Section 3, Additional offices and positions of employment, Part B, Recorder, of the Charter for the City of Sweetwater, Tennessee, provides for the appointment of a city recorder and generally describes the city recorder's responsibility for the administration of all financial affairs and all clerical duties of the city; and

Whereas, the responsibilities of the city recorder set forth in Chapter 4 of the Sweetwater Municipal Code do not extend beyond those of secretary of meetings of the Mayor and Board of Commissioners and corporate treasurer of the City; and

Whereas, administration of all financial affairs and clerical duties required of the city recorder by the Charter have expanded with the population and economy of the City to include duties and functions commonly associated with a City Administrator; and,

Whereas, Title 1, General Administration, Chapter 3, Mayor, Section 1-302, Executes City Contracts, requires the Mayor to execute all city contracts as authorized by the Mayor and Board of Commissioners, but time is almost always of the essence in the execution of such contracts, but the Mayor is not always available; and

Whereas, many departments and agencies of Tennessee and federal government acknowledge the authority of a city administrator to administer the business of a city, but not that of a city recorder, even though the City Charter assigns the responsibility for the administration of all financial affairs and all clerical duties of the city recorder; and,

Whereas, the membership of associations of municipal employees and officers in Tennessee are organized in such a way that many continuing education and resources are not available to employees who are designated as only city recorder; and

Whereas, Article VII, Administrative Organization, Section 3, Additional offices and positions of employment of the Charter for the City of Sweetwater, Tennessee, provides, in pertinent part, that “In addition to the offices required by this charter, the board may create and fix the compensation of such offices and positions of employment as deemed necessary for the efficient operation of the city.”, and

Whereas, the Mayor and Board of Commissioners deems the creation of the office of City Administrator necessary for the efficient operation of the city, and

Whereas, it is in the best interest of the City of Sweetwater and its citizens that the office of City Administrator with the duties, responsibilities and authority commonly assigned to city administrators as adopted in this Ordinance; now

Therefore, Be It Ordained by the Mayor and Board of Commissioners of the City of Sweetwater, Tennessee, that:

SECTION

ONE: Sweetwater Municipal Code, Title 1, General Administration, Chapter 1, In General, is hereby amended by adding §1-101(6) as follows:

(6),General Administration.

SECTION

TWO: Sweetwater Municipal Code, Title 1, General Administration, Chapter 1, In General, Section 102, Each Department To Be Under A Commissioner or Board, is hereby amended by adding the following sentence at the end of §1-102 as follows:

; however, the General Administration department, under the supervision of the City Administrator shall not be under the direct supervision of any one commissioner; rather, the City Administrator shall answer to the Board of Commissioners as a whole.

SECTION

THREE: Sweetwater Municipal Code, Title 1, General Administration, Chapter 3, Mayor, Section 1-302, Executes City Contracts, is hereby amended by deleting said section *in toto* and adopting the following section in its place and stead, *to-wit* :

1-302. City Contract Execution. No contracts that obligate the City of Sweetwater shall be executed without the approval of the Mayor and Board of Commissioners. Approved city contracts shall be executed by the Mayor when available, by the City Administrator when the Mayor is unavailable, or, if acceptable to the contracting parties, by the Recorder, the Commissioner or Department Head responsible for supervision and performance of such contract if designated in the ordinance, resolution or motion approving such contract.

SECTION

FOUR: The title of Sweetwater Municipal Code, Title 1, General Administration, Chapter 4, is hereby amended by substituting the words "GENERAL ADMINISTRATION" for the word "RECORDER," and by dividing Chapter 4 into two (2) parts, with the headings "Part A, Recorder" and "Part B, City Administrator."

SECTION

FIVE: Sweetwater Municipal Code, Title 1, General Administration, Chapter 4, Part B, City Administrator, is hereby amended by adding a new §1-405 as follows:

1-405. City Administrator. (a) The City Administrator of the City of Sweetwater shall be the head of the General Administration department responsible for the

supervision of the City Recorder, the City Clerk, the Chief Municipal Financial Officer and special projects. The City Administrator shall also serve as the human resource officer as defined in Chapter 2, Personnel System, §4-202(2).

(b) The offices of City Recorder and City Clerk shall continue as distinct positions, which the Mayor and Board of Commissioners may or may not fill with the City Administrator. (i) The immediate responsibility for the administration of all financial affairs of the City under Article VII, Administrative Organization, Part B, Recorder, Section 1 of the Charter for the City of Sweetwater, Tennessee, shall continue to be the duty of the Recorder. (ii) The duty to perform clerical duties under Article VII, Administrative Organization, Part B, Recorder, Section 3 of the Charter for the City of Sweetwater, Tennessee, shall continue to be the responsibility of the Recorder until and unless those duties are delegated to a distinct Clerk.

(c) Nothing in this ordinance and the ordinances it amends shall be interpreted or construed to be inconsistent with the City Charter.

SECTION

SIX: Sweetwater Municipal Code, Title 1, General Administration, Chapter 4, Part B, City Administrator, is further amended by adding a new §1-406 as follows:

1-406. City Administrator Duties. The City Administrator shall be responsible for the supervision of all the duties of the Recorder and Clerk set forth in §1-401 through §1-404, and the City Administrator shall be responsible for the following additional duties:

(1)(a) Administer the business of the municipality, including execution and management of all contracts, grants, and other business approved

by the Mayor and Board of Commissioners, supervising and managing the business of the City as Department Head for General Administration, and managing all purchases, including purchasing policies and procedures.

- (b) Consistent with Sweetwater City Charter, Article VII, Part C. Schools, no part of this ordinance shall be deemed to grant the City Administrator authority over the Sweetwater City School System, and consistent with Sweetwater City Charter, Article VII, Part E. Electric System, no part of this ordinance shall be deemed to grant the City Administrator authority over the Sweetwater Utilities Board.
 - (c) No part of this ordinance shall replace or remove duties under the authority of any Commissioner or Department Head.
- (2) In accordance with the Sweetwater City Charter, Article VI, Section 7, checks on City accounts shall be signed by the City Administrator and countersigned by the Mayor, but in the absence of the City Administrator and/or Mayor, checks may be signed by the General Administration employee(s) designated as co-signors on such account.
- (3) In accordance with the Sweetwater City Charter, Article VII, Section 3, the Board delegates its personnel authority regarding hiring, termination, and negotiation of leave for the purposes of recruiting qualified personnel to a committee comprised of the respective Commissioner, Department Head and City Administrator, to make unanimous personnel decisions. For General Administration department decisions, the committee shall be comprised of the Personnel Commissioner and the City Administrator. If the committee does not reach a unanimous decision, the committee shall refer said action to the Board. The authority to appoint the City Administrator, Recorder and all Department Heads is retained by the full Board.

- (4) 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 municipality.
- (5) Keep the board fully advised as to the financial conditions and future needs of the City, prevent incurring expenditures and other financial obligations without approval of the Mayor and Board of Commissioners unless funds are available for such expenditures and/or obligations.
- (6) Report to the board the condition of all property, real and personal, owned by the municipality and recommend repairs or replacements as needed.
- (7) Recommend to the board and suggest the priority of programs or projects involving public works or public improvements that should be undertaken by the municipality.
- (8) Enforce personnel ordinances, rules and regulations adopted by the Mayor and Board of Commissioners, and recommend specific personnel positions, as may be required for the needs and operations of the municipality, and propose personnel policies and procedures for approval of the board.
- (9) Manage the operations of any properties, personnel, or programming not specifically assigned to any Department Head other than General Administration.
- (10) Perform such other duties as may from time to time be designated or required by the Board.

SECTION

SEVEN: Sweetwater Municipal Code, Title 1, General Administration, Chapter 4, City Administrator, is further amended by adding §1-407 as follows:

1-407. City Administrator Job Description. In addition to the duties set forth in §§ 1-401 through 1-406, the job of City Administrator is described in more detail as follows:

The City Administrator is responsible for the daily operation of city government activities and support services under the general supervision of the Mayor and Board of Commissioners. Instructions to the City Administrator are general and the City Administrator must routinely use independent judgement. The City Administrator must consider different courses of action and sometimes deviate from standard operating procedures. The City Administrator is responsible for effective and efficient operation of the City government.

The City Administrator must be proficient in the operation of a fax machine, copier, landline and mobile phones, other modern office equipment and computers, tablets and smartphones, desktop and mobile business applications and all social media sites maintained by the City. The City Administrator must also operate light duty vehicles. The City Administrator's work is generally indoors, but they must be prepared to work outdoors regardless of weather conditions when necessary.

The City Administrator may be exposed to tobacco smoke and/or vapors, dust and loud noises.

The City Administrator shall:

- ◆ Prepare the agenda for governing Board meetings.
- ◆ Propose an initial draft for the Mayor's preparation of an annual budget and a five-year capital program for all funds, including estimates recommendations and appropriation ordinances in compliance with the state requirements for formatting and content, for the Mayor to submit to the Board for its consideration in compliance with the Sweetwater City Charter, Article VI, Finance, Section 1. Fiscal Year-Budget Preparation.
- ◆ Be responsible for the daily and efficient operation of the City.
- ◆ Be responsible for maintaining property and liability insurance.
- ◆ Coordinate all administrative activities of each department.
- ◆ Prepare an orientation program for elected officials and employees.
- ◆ Consult and cooperate with the committees of the Board in the administration of the City's affairs.
- ◆ Collaborate with a variety of groups and agencies, both public and private, in development of the city's economic base.
- ◆ Serve as liaison with County, State, Federal governments and other agencies.
- ◆ Stay abreast of grant opportunities for cooperation with other groups in order to achieve common goals.
- ◆ Shall be knowledgeable regarding current and pending legislation and its effect on city operations.

- ◆ Communicate regularly with the management of component units of the city such as the Director of Schools, Public Library Director, and Utilities Manager.
- ◆ Make recommendations to the Board for improving quality and quantity of services to be rendered by the City Administrator to the public.

SECTION

EIGHT: Sweetwater Municipal Code, Title 1, General Administration, Chapter 4, City Administrator, is further amended by adding §1-408 as follows:

1-408. City Administrator Qualifications. The City Administrator shall possess the following qualifications to obtain and maintain employment:

- ◆ A valid driver's license in the State of Tennessee;
- ◆ A membership certificate in Tennessee City Manager Association, or obtain membership within one year;
- ◆ A Bachelor's Degree from an accredited college or university with a degree in public administration, political science, business administration or a closely related field is required, but a Master's Degree in public administration, political science, business administration or a closely related field or the MTAS Public Administration Certification and/or State of TN Certified Municipal Finance Officer designation is preferred;
- ◆ Five years experience in public administration or three years experience in public administration and a master's degree in public administration is required; and

- ◆ A negative drug screen report from a licensed physician.

Section

Nine: Sweetwater Municipal Code, Title 1, General Administration, Chapter 4, City Administrator, is further amended by adding §1-409 as follows:

1-409. City Administrator Skills. The City Administrator shall demonstrate competency in the following skills:

- ◆ Knowledge of budgetary principles.
- ◆ Knowledge of purchasing practices as required by law.
- ◆ Knowledge of personnel, policies, and procedures.
- ◆ Knowledge and comprehension of fund accounts and financial statements.
- ◆ Knowledge of general operations of City Government activities.
- ◆ Knowledge of administrative skills, practices and procedures of public administration.
- ◆ Ability to evaluate situations and make decisions.
- ◆ Ability to express ideas clearly, concisely and convincingly.
- ◆ Ability to establish and maintain an effective working relationship with other Department Heads.

- ◆ Ability to establish and maintain an effective working relationship with the public and City Administrators.

SECTION

TEN: Sweetwater Municipal Code, Title 4, Municipal Personnel, Chapter 2, Personnel System, §4-202, Definitions, is amended by deleting the words “city recorder” and substituting the words “City Administrator” in their place and stead.

SECTION

ELEVEN: *Severability.* It is not the intent of this ordinance to change the home rule form of government of the City of Sweetwater, and if one or more of the terms or provisions herein are found to violate home rule, then such provisions shall be severed from the rest of the ordinance, which shall remain in force and effect.¹

SECTION

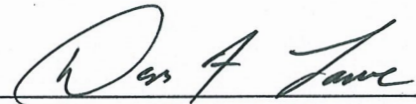
TWELVE: *Effective Date.* This ordinance shall take effect from and after its passage, the welfare of the City requiring it.

Passed on First Reading:

July 22, 2024

Passed on Second Reading:

Aug. 5, 2024



DOYLE LOWE, Mayor

ATTEST:


JESSICA MORGAN
City Recorder

¹ An organizational chart illustrating the general administration set forth in this ordinance is appended hereto and incorporated by reference as a part of this ordinance.