

**PROPOSED AMENDMENTS TO THE OAK RIDGE CITY CHARTER  
TO BE PLACED ON THE NOVEMBER 2, 2010 GENERAL ELECTION BALLOT**

**Question 1.** Shall Article 1, Sections 2 and 7, Time of elections and Term of office; Article III, Section 2, City Judge; and Article VI, Section 3, Election of board of education – Term of office, of the Oak Ridge City Charter be amended to provide for regular city elections to be held biennially on the date of the general state election held on the first Tuesday after the first Monday in November of even-numbered years in accordance with the general election laws of the State of Tennessee?

**Current Wording**

**Time of Elections.** A regular city election shall be held biennially on the first Tuesday of June in every odd-numbered year.

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**Term of office.** Four (4) council members shall be elected for a term of four (4) years in the regular city election of June 2005, and three (3) council members shall be elected in the regular city election of June 2007 for a term of four (4) years. Commencing with the next following regular city election and at all subsequent regular city elections thereafter, the council seats then becoming vacant shall be filled by council members each elected for four (4) year terms.

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**City Judge.** The city judge shall be a person licensed to practice law in the state of Tennessee and shall be elected by popular vote at the same time as provided for election of the governing body of such corporation, and in the same manner as provided for election to the board of education. Such judge shall be elected for a term of four (4) years. The city council shall by ordinance provide for the....

**Proposed New Wording**

A regular city election shall be held biennially on the date of the general state election held on the first Tuesday after the first Monday in November of even-numbered years in accordance with the general election laws of the State of Tennessee.

The terms of four council members elected for a term of four (4) years in the regular city election in June, 2009 shall be extended to the date of the general state election held on the first Tuesday after the first Monday in November of 2014. The terms of the three council members elected in the regular city election in June, 2007, will serve a term that will expire on the date of the general state election held on the first Tuesday after the first Monday in November, 2012. In each and every regular city election thereafter, the council seats then becoming vacant shall be filled by council members elected for terms of four (4) years.

The city judge shall be a person licensed to practice law in the state of Tennessee and shall be elected by popular vote at the same time and in the same manner as provided for election of the governing body of such corporation.

The term of the city judge elected in the regular municipal election in June of 2007 will expire on the date of the general state election held on the first Tuesday after the first Monday in November, 2012. In each and every city election thereafter, the city judge shall be elected for a term of four years.

The city council shall by ordinance provide for the....

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**Election of Board of Education – Term of office.** Three (3) board members shall be elected for a term of four (4) years in the regular city election of June 2005, and two (2) board members shall be elected in the regular city election of June 2007 for a term of four (4) years. Commencing with the next following regular city election and at all subsequent regular city elections thereafter, the board of education seats then becoming vacant shall be filled by board members each elected for four (4) year terms.

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The terms of the three board members elected for a term of four (4) years in the regular city election of June, 2009 shall be extended to the date of the general state election held on the first Tuesday after the first Monday in November of 2014. The terms of the two board members elected in the regular city election in June, 2007, will serve a term that will expire on the date of the general state election held on the first Tuesday after the first Monday in November 2012. In each and every regular city election thereafter, the board of education seats then becoming vacant shall be filled by board members elected for terms of four (4) years.

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**Question 2. Shall Article 1, Section 5, Eligibility for office of council member, of the Oak Ridge City Charter be amended to lengthen the residency requirement for election to city council from six (6) months to one (1) year?**

**Current Wording**

**Eligibility for office of council member.** Any qualified voter of the city shall be eligible for election to the council, if the voter has been a resident of the city for six (6) months next preceding the day of election and provided that before taking office the elected voter resign any position of employment with the city, or office filled by state, county, or other municipal public election.

**Proposed New Wording**

Any qualified voter of the city shall be eligible for election to the council, if the voter has been a resident of the city for one (1) year next preceding the day of election and provided that before taking office the elected voter resign any position of employment with the city, or office filled by state, county, or other municipal public election.

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**Question 3. Shall Article II, Section 9, Powers to subpoena, of the Oak Ridge City Charter be amended to provide that the council may by resolution make investigations into the affairs of the city and the conduct of all city departments, offices, boards, commissions, committees, and agencies, and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence?**

**Current Wording**

**Powers to subpoena.** The council may by resolution subpoena and examine witnesses, and order the production of books and papers. Its presiding officer may administer oaths to witnesses.

**Proposed New Wording**

The council may by resolution make investigations into the affairs of the city and the conduct of all city departments, offices, boards, commissions, committees, and agencies, and for this purpose may subpoena witnesses, witnesses, administer oaths, take testimony, and require the production of evidence.

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**Question 4** Shall Article III, Section 12, Official city newspaper, of the Oak Ridge City Charter be amended to add that the official notices and publications to be published in the official city newspaper shall also be published on the city's web site?

**Current Wording**

**Official city newspaper.** The council by resolution shall designate a newspaper of general circulation in the city as the official city newspaper.

**Proposed New Wording**

The council by resolution shall designate a newspaper of general circulation in the city as the official city newspaper for the purpose of official notices and publications. In addition, any such notices and publications shall be published on the city's website.

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**Question 5.** Shall Article V, Section 14, Amendments to appropriation ordinance, of the Oak Ridge City Charter be amended to change the notification requirement for a public hearing on amendments to the appropriation ordinance from five (5) days notice to ten (10) days notice?

**Current Wording**

**Amendments to appropriation ordinance.** Amendments may be made to the original appropriation at any time during a current fiscal year after a public hearing before the council on five (5) days notice published once in the official city newspaper, provided that increased appropriations may be made only after the city manager has certified in writing that sufficient amount of unappropriated revenue will be available, except for emergency appropriations as provided above.

**Proposed New Wording**

Amendments may be made to the original appropriation at any time during a current fiscal year after a public hearing before the council on ten (10) days notice published once in the official city newspaper, provided that increased appropriations may be made only after the city manager has certified in writing that sufficient amount of unappropriated revenue will be available, except for emergency appropriations as provided above.

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**Question 6. Shall Article V, Section 17, Purchasing, of the Oak Ridge City Charter be amended by deletion of the current language in its entirety and replacement with the following new language for greater clarity?**

**Current Wording**

**Purchasing.** Except as provided in Article VI, Section 15, the manager shall be responsible for all city purchasing, but may delegate the duty to any subordinate. Competitive prices for all purchases and public improvements shall be obtained whenever practicable and in accordance with regulations established by ordinance, and the purchases made from or the contract awarded to the lowest and best responsible bidder, provided that the city shall have the power to reject any and all bids. Formal sealed bids shall be obtained in all transactions involving the expenditure of an amount exceeding a limit established by ordinance, and such transactions shall be submitted to and approved by the council; provided, that in cases where the council indicates by formal unanimous resolution of those present at the meeting, based upon the written recommendation of the manager, that it is clearly to the advantage of the city not to contract with competitive bidding, it may authorize noncompetitive contracts. The council may also authorize the making of public improvements or the performing any other city work by any city department or agency without competitive bidding. Agreements entered into by the city for construction work or professional services involving the expenditures of an amount exceeding a limit established by ordinance must be evidenced by written contract. Purchasing and contract procedures not prescribed by this Charter or other law may be established by ordinance. The exceptions (exemptions) to bidding requirements that have been authorized by state law may also be established by ordinance.

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**Proposed New Wording**

Except for purchases made by the school system under Article VI, Section 15, the manager shall be responsible for all city purchasing, but may delegate that power and duty to any subordinate.

However, the city council shall by ordinance set a dollar limitation on purchases, beyond which purchases must be made by competitive bidding, and bids awarded to the lowest and best responsible bidder. Such purchases must be approved by the city council, and within the limits prescribed by state law, the city shall have the right to reject any and all bids. But where the city manager makes a written recommendation to the council that it is clearly to the advantage of the city to make purchases by noncompetitive bidding, the council may, by unanimous resolution of those present, authorize the city manager to make the purchase in question without competitive bidding. Agreements entered into by the city including construction work or professional services involving the expenditure of an amount exceeding the limit established by ordinance must be evidenced by written contract. The council may also authorize city departments or other city agencies to make public improvements, and to perform other city work, without competitive bidding.

The city council shall have the authority to adopt other ordinances governing purchases that are not inconsistent with this charter or any state law that applies to the city's purchases.

**Question 7. Shall Article V, Section 23, General personnel policy, of the Oak Ridge City Charter be amended by adding “sexual orientation” to the list of characteristics for which there shall be no discrimination in the provision of equal employment opportunity?**

**Current Wording**

**General Personnel Policy.** It shall be the policy of the city to provide equal employment opportunity to all employees and applicants for employment and to recruit, hire and promote for all job classifications without without regard to race, religion, creed, color, sex, age, national origin or handicapped status except where age and handicapped status are bona fide occupational qualifications....

**Proposed New Wording**

It shall be the policy of the city to provide equal employment opportunity to all employees and applicants for employment and to recruit, hire and promote for all job classifications without regard to race, religion, creed, color, sex, sexual orientation, age, national origin or handicapped status except where age and handicapped status are bona fide occupational qualifications....

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**Question 8. Shall Article V, Section 32, Pecuniary interest prohibited, of the Oak Ridge City Charter be amended by deletion of this section in its entirety and substitution of a new Section 32, titled City ethics policy, which shall read: “The City Council shall establish an ethics policy consistent with state law”?**

**Current Wording**

**Pecuniary interest prohibited.** No officer or employee of the city shall have any financial interest other than the common public interest in the profits of any contract, service, or other work performed for the city; or personally profit directly or indirectly from any contract, purchase, sale, or service between the city and any person or company; or personally as an agent provide any surety, bail, or bond required by law or subject to approval by the council. No officer or any employee shall accept any free or preferred services, benefits or concessions from any person or company except that free transportation may be provided for policemen and firemen on official duty. Any officer or employee who violates the provisions of this section may be guilty of misconduct of office. Unpaid members of boards, commissions, and committees, and members of the equalization board, shall not be considered officers for purposes of this section.

**Proposed New Wording**

**City ethics policy.** The city council shall establish an ethics policy consistent with state law.