

BE IT ORDAINED BY THE CITY OF CLARKSVILLE,

That a Supervisory Board, to be designated "CLARKSVILLE ELECTRIC POWER BOARD" is hereby created to have general supervision, management and control of the construction, maintenance and operation of the City's electrical plant, system, lines, additions, extensions and improvements thereto, and the purchase, distribution, sale and re-sale of electricity to the extent and in the manner, all as herein set forth.

1. MEMBERSHIP OF BOARD.

- A. Number. The Board shall be composed of seven members.
- B. Eligibility. No one shall be eligible to membership on the Board unless he has resided in Montgomery County at least one year preceding the date of his election.
- C. Compensation. The members of the Board shall be paid Five (\$5.00) per month.
- D. Membership of First Board. Hatch H. Harrison, E. E. Laurent and William Orgain are appointed as members of the Board until the first regular meeting of the City Council in March, 1940. A. B. Dickson and T. B. Foust are appointed as members of the Board until the first regular meeting of the City Council in March, 1941, and W. D. Hudson and Barnett Ladd are appointed as members of the Board until the first regular meeting of the City Council in March, 1942. The first Board shall take office on January 17, 1939.
- E. Election of Board Members and Terms of Office. At its first regular meeting in March of each year beginning in 1940, the City Council shall elect members of the Board to succeed those whose terms of office expire on that date. Such newly elected members shall continue in office until the regular meeting of the City Council in March of the third year thereafter. Each member's term of office shall begin at the time of his election.

If the election be not held as above provided, it may be held at any regular meeting of the City Council thereafter or at any special meeting if notice be given in the call therefor.

Members of the Board shall continue in office until their successors are elected.

If any member shall resign from or cease to be a member of the Board before the expiration of his term, the City Council shall elect a new member to serve for such member's unexpired term.

ALL. MEETING AND ORGANIZATION OF THE BOARD.

The first meeting of the Board above named shall be held following the adoption of this ordinance, at the City Hall in Clarksville, Tennessee, or at such other time and place as all members of the Board may agree upon.

Annually from its own members, the Board shall elect a Chairman, a Vice-Chairman and a Secretary. Such election shall be held at the first meeting of the Board following the City Council. Unless otherwise agreed to by all members of the Board, this first meeting shall be held at the offices of the Department at 7:30 P.M. on the day following the meeting of the City Council, at which Board members were elected.

It shall be the duty of the Commissioner of Finance and Revenue, the duty of the Chairman of the Board and likewise the duty of its Secretary to notify the newly elected members of the time and place as herein provided for electing such officers. The old Board members shall call to the attention of the new Board members this ordinance, amendments thereto, and such by-laws, rules and regulations as the Board may have adopted.

Officers of the Board shall continue, in office until their successors are elected. No salary shall be paid any of such officers as such.

If the election of officers is not held as above set forth, the Chairman, or in his absence or disability the Vice-Chairman, or any four members of the board may call a special meeting at any time for the holding of such election by mailing to each member of the Board thirty-six hours in advance of such meeting notice of the time and place of holding such election.

The Secretary of the Board shall keep minutes of all its meetings. At each regular meeting, the minutes of the last regular meeting of the Board and subsequent special meetings shall be read unless dispensed with by unanimous vote.

All members shall sign all minutes expressing their approval of the action taken or stating wherein they disapprove.

Special meetings of the Board may be called by the Chairman, or in his absence or disability by the Vice-Chairman or by any four members of the Board provided written notice is delivered to each member twelve hours in advance of the meeting or mailed to each member thirty-six hours in advance of the meeting, stating the time, place, and purpose of the meeting.

Any member may waive such notice by signing and filing with the Secretary a statement to that effect.

No meeting of the Board shall be held unless a majority of the members be present. All acts of the Board shall be by a majority vote of those present.

The minutes of the Board, its by-laws, rules and regulations shall be kept in the minute book which shall remain in the custody of the Secretary or in the offices of the Department of Electricity or at such other places as the Board may direct. It shall at all times be subject to inspection of any Board member or of any member of the City Council.

The Board may from time to time adopt such by-laws, rules and regulations as it may consider advisable.

OBLIGATIONS OF THE CITY COUNCIL AND DUTIES OF CITY OFFICIALS.

a. Removal of Board Members. On charges filed by a majority vote of the Board or by any member thereof or by a majority vote of the City Council or by any two members thereof, any Board member may be removed from office by the City Council for permanent disability or malfeasance, misfeasance or nonfeasance as a member of the Board, or for conduct that materially impairs his usefulness as a Board member or that has seriously impaired the respect and regard theretofore accorded him by the citizens of Clarksville. All charges shall be in writing. The Council shall make or direct such investigation as it may consider necessary, and determine whether it will conduct a hearing upon the charges or part thereof. In that event, a copy of the charges or such part thereof as are to be considered at the hearing shall be delivered to or mailed to the Board member against whom they have been filed, together with notice of the time and place for the hearing, which shall not be less than five days from the delivery or mailing of such charges to the accused member.

The hearing shall be public. The accused shall have the right to appear and defend in person or by counsel and shall have process of the City Council to compel the attendance of witnesses in his behalf. Vote of the Council shall be determined by yeas and nays; the names of members voting for or against such removal shall be included in the minutes. Immediately upon the vote in favor of removal, the term of the accused shall expire, and his official status and power and authority shall cease without further action. Any one removed so shall have the right to appeal to the Circuit Court of Montgomery County, Tennessee by filing the customary appeal bond, but he shall not exercise any of the functions of his office as a Board member during the time of the appeal is pending, and his compensation shall be withheld pending final adjudication.

b. Offices, etc. The City Council with approval of the Board, shall provide offices, storage space and premises necessary for the proper operation of such system.

c. Duties of City Attorney. The City Attorney shall represent and act for the Department in all legal matters and shall attend its Board meetings if requested.

IV.

POWERS OF THE BOARD.

a. Subject to Contracts of City. The electric system shall be operated for the benefit of the City subject to the contracts heretofore or hereafter made by the City Council with the Tennessee Valley Authority, the Electric Home and Farm Authority, or other parties.

b. System of Operation. Subject to such contracts, to the City Charter, and Ordinances, the Board shall determine the method for operating such system and the business pertaining thereto; may change it from time to time, may impose such duties upon and delegate such authority to the employees of the Department and to the City Attorney as it may deem advisable.

c. Engaging Employees. Executives, engineers, and all other employees shall be engaged or employed in such manner as the Board may from time to time determine. All employees shall be engaged upon a month to month, week to week, daily or hourly basis. Any exception to this shall be by special resolution adopted by the Board. In no event shall any contract of employment or for services be made for a period of more than one year.

d. Discharging Employees. The Board shall have full discretion and authority to discharge any employee of the Department, and may delegate such part of this authority as it may deem expedient.

e. Bonuses. The Board shall not have the right to pay bonuses.

f. Employee Insurance. In such manner and to such extent as the contract with the Tennessee Valley Authority may permit, the Board may purchase "group insurance" or other life, accident and compensation insurance for the benefit of its employees and their families.

V. SERVICES OF TENNESSEE VALLEY AUTHORITY.

The Board may in its discretion request the Tennessee Valley Authority to have one or more of its representatives attend the regular and special meetings of the Board, and shall be free at all times to seek the counsel and advice of the Tennessee Valley Authority particularly as based upon the technical knowledge of its representatives, and upon their observations of the operations and experience of other municipalities and cooperatives being served by it.

VI. RATES TO BE CHARGED.

On sales of electric energy, the Board shall charge the rates set forth in the contract between the City and Tennessee Valley Authority, and may add a 10% surcharge on all commercial and industrial accounts.

VII. DUTIES OF BOARD

a. Monthly Reports to the City Council. Each month the Board shall file with the Commissioner of Finance and Revenue a copy of the Department of Electricity's latest trial balance, and copy of its monthly statistical report and a summary of the financial operations of the Department.

b. Audits. At least once each year the Board shall have a certified public accountant or accountants make a thorough audit of the financial affairs and records of the Department. The same accountant or accountants shall not be engaged for any consecutive years.

c. Annual Report to the City Council. When this audit has been completed, the Board shall file with the Commissioner of Finance and Revenue a copy of the report of audits signed by the accountants who made it, and shall also file with such Commissioner a complete report of the operations of the Department for the preceding year.

d. Bonding of Agents and Employees. The Board shall immediately give written notice to the Commissioner of Finance and Revenue of everyone vested with authority to incur obligations in behalf of the City, to collect money for it, or that may have access to money for it. The City shall have all such parties and all Board members execute surety bonds in favor of the City or have them otherwise scheduled or listed in one or more blanket surety bonds or bonds of indemnity so that the City may be adequately protected or indemnified against loss as provided in such bonds on account of the acts of any of such parties.

e. Insurance. In behalf of the City the Board shall purchase such insurance that it considers advisable in connection with the properties, assets and operation of the system so that the City may, in the opinion of the Board, be adequately protected and indemnified against loss and damage that may be occasioned by loss or damage to properties of the system or that may result from its operation.

The Board shall cooperate with the City Council to effect such insurance economically, and shall confer with the Insurance Committee of the City Council as to the placing of such insurance in an effort to have it accord with such plan as the City Council may adopt for the placing of all insurance in the City's behalf.

f. Record of Indebtedness Contracted. No employee of the Department and no one engaged by the Board shall have authority to purchase supplies for the Department or to contract indebtedness therefor unless specifically authorized so to do by the Board. All such contracts or obligations shall be in writing upon serially numbered orders or contract forms. These shall be issued in such multiple copies (at least three) as the Board may require. One of such copies shall be filed with the Commissioner of Finance and Revenue not later than the 15th of the following calendar month.

g. Petty Cash Fund. No member of the Board nor any departmental employee shall disburse cash in behalf of the Department or of the City except from a petty cash fund to be maintained by the Board. Receipts shall be required for all expenditures from the fund showing the purposes of such expenditures. The fund shall be further regulated as the Board may determine.

h. Depositing Collections. All collections made by this Department shall be deposited each day in the bank designated by the City, and deposited to the credit of the City in a special account as follows:

"City of Clarksville, Department of Electricity."

VIII. DISBURSEMENTS.

The Board shall disburse all receipts as provided in the contract with the Tennessee Valley Authority.

ATTEST:

J. H. MARABLE
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Commissioner of Finance and Revenue.

Wm. K. Klemm
MAYOR WILLIAM KLEEMAN

Passed First reading January 16, 1939.

Passed Second reading January 17, 1939.