

TITLE 2: BOARDS AND COMMISSIONS

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CHAPTER 1: ARTS COMMISSION

Section

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Editor's note:

This chapter was modified in the 2017 update

§ 2-101 CREATION, PURPOSE.

There is hereby created an Arts Commission which shall work to expand the public experience with the visual arts; to promote the artistic and cultural development of the community by supporting the development of artists and their access and exposure to the community; to support diversity in the arts; and to encourage the active participation of all citizens in making art a valuable aspect of their daily lives.

§ 2-102 CHAIR; MEMBERSHIP.

(1) The Commission shall elect a chair and vice-chair from its membership for a term of one year. The Commission shall consist of six citizen members, all of whom shall be appointed by majority vote of the Town Council. In addition, the Council shall appoint one Town Council member to a two-year term to serve on the Commission. The members must be residents of the town. Members shall be selected from among applicants who are active in arts and cultural activities and who demonstrate interest or accomplishments in one or more of the following art disciplines: music; dance; theater; cinema; photography; architecture; art criticism; textile arts; literary arts; and the visual arts; including, but not limited to, the public or environmental arts; graphic arts, design, drawing, painting, printmaking, sculpture, ceramics, and art history; or experience in any of the following: arts education; aesthetic decision-making; financial or organizational management for nonprofit organizations; or community-based arts projects.

(2) Each member shall hold his or her seat for a period of two years from the date of appointment, but the terms shall be staggered so that not more than four members' terms of office shall expire in any one year. Members may be reappointed after the expiration of his or her previous term. In case of a vacancy, a successor to serve the remainder of the term shall be appointed by the Town Council, after receiving recommendations on the applicants from the Mayor. Members of the Commission shall serve without compensation.

(Ord. 17-49, passed 11-14-2017)

§ 2-103 REMOVAL OF MEMBERS, FILLING OF VACANCIES.

The Town Council shall have the power, upon a majority vote of said Town Council, to remove from office any or all said members of the said Arts Commission for nonperformance of duties or for misappropriation of wrongful use of funds which are allocated to the Commission or which are received by the Commission from other sources. Should a vacancy occur, then the vacancy shall be filled by appointment by a majority vote of the Town Council at the next Council meeting after which the vacancy occurs, which appointee shall fill the unexpired term of the vacant position.

§ 2-104 QUORUM, MEETINGS, AND BYLAWS.

A majority of the members of the Commission shall constitute a quorum for the transaction of business. They may hold general or special meetings in the Town Hall at such times as they may by order direct and may make and establish such reasonable bylaws, rules, and regulations as may be necessary for their own government and for the full and complete execution of their powers and duties.

§ 2-105 RECORD OF PROCEEDINGS TO BE KEPT.

The town shall keep a permanent record of the proceedings of the Commission in a book provided for that purpose. All minutes of the meetings of the Commission shall be public records.

§ 2-106 GOALS AND OBJECTIVES.

(1) The Commission shall consider the following list of objectives and goals but shall not be bound by any one of them, and further, may consider any other matters which would further the stated purpose, powers, and duties of this Commission.

(2) The list of items which may be considered includes:

(a) To organize and advise the Town Council on proposed community arts projects;

(b) To review and make recommendations on the technical and aesthetic aspects of proposed community artwork;

(c) To organize competitions for artistic works in public places;

(d) To implement the goals, objectives, and policies of the arts master plan adopted by the Town Council; and

(e) To perform such other duties pertaining to art as the Council from time to time may require.

§ 2-107 POWERS AND DUTIES.

The Commission shall serve as an advisory and reporting agency of the town and the Town Council. The Commission shall make such studies and perform inquiries so as to promote the artistic and cultural development of the community. The Commission shall carry on such educational programs as it may deem advisable in the promotion of its purpose and may hold such meetings and conduct such public forums as will promote its purposes. The Commission shall make such recommendations to the Town Council as it deems advisable in connection with projects, programs, or developmental betterment of the town.

§ 2-108 LIMITATION ON POWERS OF THE COMMISSION.

The Commission shall have no authority in law, in fact, by implication or otherwise to bind the town or the Mayor or the Town Council, for any contractual obligation unless specifically authorized and permitted by resolution or ordinance of the Town Council dealing upon the particular subject thereof and which said limitation shall include the prohibition upon Commission from incurring any monetary liability whatsoever on the part of the town or the Mayor or Town Council.

§ 2-109 USE OF POSITION FOR PRIVATE GAIN IS PROHIBITED.

No member of the Arts Commission may use his or her position to obtain or attempt to obtain any personal gain, including any gain that would accrue to the Commission member in the form of compensation for outside employment activities. A member of the Arts Commission may not receive compensation and may not permit compensation to accrue to his or her beneficial interest from any source, the receipt of which would occur by virtue of influence improperly exerted from his or her position in the Arts Commission. No member of the Arts Commission may use his or her position with the Commission to obtain or attempt to obtain private gain or advantage for other persons.

CHAPTER 2: PARKS AND RECREATION ADVISORY BOARD

Section

2-201 Creation

2-202 Membership

Cross-reference:

Parks and Recreation Department public use facilities, see Title 20, Chapter 2

Editor's note:

This chapter was modified in the 2017 update

§ 2-201 CREATION.

There is hereby created a town Parks and Recreation Advisory Board (hereinafter referred to as "Board"), to serve in an advisory capacity to the Town Council and the Parks and Recreation Director (hereinafter referred to as "Director"), in matters enumerated in this chapter. (2007 Code, § 2-201) (Ord. 01-10, passed 5- -2001)

§ 2-202 MEMBERSHIP.

(1) *Criteria.* The selection of Board members will be made from individuals who have an interest in park, recreational, social, and cultural activities and in various park and recreation facilities, as may be evidenced by their training, experience, and/or actions and who reside within the corporate limits of the town, with the exception of one non-voting member that resides outside of the town's corporate limits.

(2) *Composition.*

(a) The Board shall consist of 11 members, of which shall include:

(i) *Voting membership.*

(A) Six citizens who reside within town limits;

(B) Two Town Council members; and

(C) Chief of Police or his or her designee.

(ii) *Non-voting membership.*

(A) Director of Parks (non-voting); and

(B) One citizen who resides outside of town limits.

(b) The Director of Parks and the member that does not reside within town limits shall be non-voting members. All citizen members of the Board shall serve without compensation.

(3) *Terms.* All members of the Board, other than the Director and the Chief of Police or his or her designee, shall be appointed for a term of two years each, beginning on the first day of April of the year in which each such member was appointed. Members may not serve more than four consecutive years on the Board. A citizen member shall abstain from membership on the Board for one full year prior to reappointment, however; in the instance a suitable applicant is not presented to the Town Council, the legislative body shall have the discretion to reappoint an incumbent member. Council members appointed to the Board shall serve the complete term of office. Notwithstanding the foregoing, however, no member of the Town Council who serves as a member of the Board shall continue to serve as a member of the Board after he or she ceases to be a member of the Town Council unless reappointed as a citizen member.

(4) *Removal.* Members of the Board may be removed by the Town Council for neglect of duty, conflict of interest, malfeasance in office, violation of the ethics ordinance, or other just cause, or for unexcused absence from more than three consecutive meetings or more than five non-consecutive meetings during the member's term of appointment. It is the duty of the town's Director of Parks to advise the Town Manager when removal is recommended or necessary based on the provisions herein. The decision of the Town Council will be final with no appeal. Board members who are unable to attend regular meetings are expected to tender their resignation.

(5) *Vacancies.* Vacancies created by causes other than the expiration of a term shall be filled for the remainder of the term in the same manner as otherwise provided in this section.

(6) *Purpose of Board.* The Board shall provide citizen oversight of the conduct and supervision of the town's park and recreation facilities and activities on properties owned or controlled by the town and shall make recommendations to the appropriate town officials. The Board shall advise the Director in the formation of public park policy and facility development and management. The Board shall recommend a program of recreation and cultural activity that will employ the leisure time of the citizens in a constructive and wholesome manner.

(7) *Bylaws and regulations.* The Board shall have the power to adopt and revise bylaws, rules, and regulations for the purpose of conducting the business of the Board and the proper conduct of public recreation in the town. The Board, when it deems prudent, may also make recommendations to the Town Council for amending this chapter.

(8) *Board not empowered to obligate town or incur liability.* Notwithstanding anything that may be herein contained or implied to the contrary, the Board shall not be empowered to obligate the town

in any way or to expend or incur liability for any sum of money, except as may be provided for in the yearly budgets and appropriations adopted by the Town Council.

(9) *Chairperson.* The Board shall, on an annual basis, elect one of the citizen members of the Board to serve as chairperson by majority vote. The chairperson shall serve for a one-year period, beginning with the Board's first meeting in April of each year, or until his or her successor has been elected. Should a vacancy occur in the office of chairperson, the Board shall elect another citizen member of the Board to serve as chairperson for the remainder of the unexpired term. The chairperson will preside at all meetings of the Board; preserve order and decorum; enforce the rules and regulations of the Board; sign all letters and documents as authorized by the Board (and only to the extent permitted by applicable law); and will otherwise perform the duties devolving upon a presiding officer.

(10) *Other officers.* During the Board's first meeting in April of each year, the Board will elect a vice-chairperson from among its citizen members, who shall serve for a one-year period, or until his or her successor has been elected. The vice chairperson shall preside at all meetings of the Board in the absence of the chairperson. The Director will provide a secretary from staff who will assume charge of all records of the Board and who will keep accurate and complete minutes of all meetings thereof.

(11) *Meetings.* The Board will determine a regular meeting schedule (time, place, and frequency) as necessary, but shall not meet less often than once each month, unless the chairperson determines no meeting is necessary. All meetings will be open to the public. Accurate minutes will be kept of all meetings and shall be made available to the public.

(12) *Citizen comments.* Prior to the commencement of the regularly scheduled Board meeting, a citizens' comments session shall be held beginning at 6:00 p.m. Such citizens' comments session shall be open to the public and shall be held at the same location as the regularly scheduled Board meeting which follows. To be placed on the citizens' comments speaker list, an individual must call the Town Parks Office Coordinator before 4:30 p.m. on the Thursday before the Board meeting and request to be added to the speaker's list, provide his or her name, address, and telephone number, and state the purpose of addressing the Board. Speakers are limited to three minutes. Additional comments may be submitted in writing. Minutes of the citizens' comments session shall not be taken. The Director and Board shall not be asked to comment on the topic presented, but will take all topics presented under advisement.

(13) *Quorum.* Five members of the Board constitutes a quorum for the transaction of business. Seven members constitutes a quorum for approval of bylaw or changes to the bylaws. Non-voting members of the Board shall not be counted for purposes of determining whether a quorum is present.
(2007 Code, § 2-201) (Ord. 02-47, passed 11- -2002)

CHAPTER 3: ATHLETIC COMMITTEE

Section

- 2-301 Creation
- 2-302 Membership
- 2-303 Time and place of meetings

§ 2-301 CREATION.

An Athletic Committee is hereby created to assist the Parks and Recreation Department of the town.
(2007 Code, § 2-301)

§ 2-302 MEMBERSHIP.

(1) *Criteria.* Membership will consist of one designated liaison chosen by each non-profit athletic organization that has an existing reciprocal relationship with the Parks and Recreation Department. The designated liaison is subject to approval by the Director of Parks and Recreation and will be noted in the annual written user agreements developed by the Parks and Recreation Department. The Committee will be for purposes of advice and communication and will be chaired by a designee chosen by the Director of Parks and Recreation.

(2) *Term.* The term of Committee membership shall be for one year. A member may be allowed to remain on the Committee if so designated in the yearly user agreement.

(3) *Compensation.* Committee members shall serve without compensation.

(4) *Removal.* Members of the Committee may be removed by the Town Council for neglect of duty, conflict of interest, malfeasance in office, violation of the ethics ordinance, or other just cause, or for unexcused absence from more than three consecutive meetings or more than five non-consecutive meetings during the member's term of appointment. It is the duty of the town staff representative to advise the Town Manager when removal is recommended or necessary based on the provisions herein. The decision of the Town Council will be final with no appeal. Committee members who are unable to attend regular meetings are expected to tender their resignation.

(5) *Vacancies.* Vacancies shall be filled in accordance with the terms of the user agreement related to the vacancy.

(2007 Code, § 2-302)

§ 2-303 TIME AND PLACE OF MEETINGS.

The Committee shall meet on the second Monday of each month at 7:00 p.m. at the town center. Notice shall be given to Committee members and posted on the town's website for any changes related to meeting time or place, not less than ten days in advance of the change.

(2007 Code, § 2-303)

CHAPTER 4: PROJECT ASSISTANCE BOARD

Section

- 2-401 Creation
- 2-402 Membership

§ 2-401 CREATION.

There is hereby created the project assistance program for the purpose of providing financial assistance to citizens in the areas of utility services. Funding for this financial assistance comes from private donations, no public funds are utilized to provide the financial assistance.
(2007 Code, § 2-401)

§ 2-402 MEMBERSHIP.

(1) *Criteria.* The selection of Board members shall be made from individuals affiliated with the benevolent organizations in the Smyrna/LaVergne area. Such affiliation may be with a religious or nonreligious organization.

(2) *Composition.* The Board shall consist of seven members. One member shall be the Director of Utilities or his or her designee. One member shall be the community services coordinator of the Police Department or his or her designee. The remaining five members shall be appointed by the Town Council by a majority vote. All members shall serve without compensation.

(3) *Terms.*

(a) The Director of Utilities and the community services coordinator shall serve an indefinite term. The terms of the other five members shall be staggered to provide continuity and experience on the Board. The terms of the Project Assistance Board members shall be three years except that the terms of the initial Board shall be staggered in the following manner. The initial members of the project assistance Board shall serve the following terms:

<i>Board</i>	<i>Term</i>
Member 1	3 years
Member 2	3 years

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<i>Board</i>	<i>Term</i>
Member 3	2 years
Member 4	2 years
Member 5	1 year

(b) In order to provide continuity and consistency with the appointment of members of the Town Council, the calculation of the initial Board member terms shall begin on April 1, 2001.

(4) *Vacancies.* Vacancies created by causes other than the expiration of a member's term shall be filled for the remainder of the term in the same manner as otherwise provided for in this chapter.

(5) *Removal.* Members of the Board may be removed by the Town Council for neglect of duty, conflict of interest, malfeasance in office, violation of the ethics ordinance, or other just cause, or for unexcused absence from more than three consecutive meetings or more than five non-consecutive meetings during the member's term of appointment. It is the duty of the town staff representative to advise the Town Manager when removal is recommended or necessary based on the provisions herein. The decision of the Town Council will be final with no appeal. Board members who are unable to attend regular meetings are expected to tender their resignation.

(6) *Powers and duties.* Generally the Board shall provide oversight and guidance of the funds collected for the project assistance program.

(7) *Bylaws and regulations.* The Board shall have the power to adopt and revise bylaws, rules and regulations for the purpose of conducting the business of the Project Assistance Board and for the purpose of establishing criteria for the disbursement of funds.

(8) *Board not empowered to obligate town or incur liability.* Notwithstanding anything that may be herein contained or implied to the contrary, the Board shall not be empowered without express authority of the Town Council, to obligate the town in any way or to expend or incur liability for any sum of money, except as may be provided for in the yearly budgets and appropriations adopted by the Town Council.

(9) *Officers.* The Board will, during the first Board meeting in April, annually select from its members a chairperson to serve for a one-year period, or until a successor is elected. The chairperson will preside at all meetings, preserve order and decorum, enforce the rules and regulations of the Board, sign all letters and documents as authorized by the Board, and will otherwise perform the duties devolving upon a presiding officer. The Board will also select a vice-chairperson. The Director of Utilities will provide a secretary from staff who will assume charge of all records of the Board and who will keep accurate and complete minutes of all meetings thereof.

(10) *Meetings.* The Board will determine a regular meeting schedule as necessary, but shall not meet less than once each month, unless the chairperson and the Director of Utilities concur that no meeting

is necessary. All meetings will be open to the public and will be conducted at Town Hall. Accurate minutes will be kept of all meetings and shall be made available to the public.
(2007 Code, § 2-402)

CHAPTER 5: SISTER CITY COMMITTEE

Section

- 2-501 Creation
- 2-502 Membership

§ 2-501 CREATION.

There is hereby created the Sister City Committee for the purpose of coordinating the exchange of cultural experiences, educational experiences, and students between Smyrna, Tennessee and Zama, Japan.

(2007 Code, § 2-501)

§ 2-502 MEMBERSHIP.

(1) *Criteria.* The selection of Committee members shall be made from individuals who have displayed a commitment to the community through their participation in other volunteer capacities.

(2) *Composition.* The Committee shall consist of seven members and one Town Council member. The members, including the Town Council member, shall be nominated by the Mayor and shall be confirmed by a majority vote of the Town Council.

(3) *Terms.*

(a) The terms of the members shall be staggered to provide continuity and experience on the Committee. The terms of the Sister City Committee members shall be three years except that the terms of the initial Committee shall be staggered in the following manner. The initial members of the Sister City Committee shall serve the following terms.

<i>Committee</i>	<i>Term</i>
Member 1	3 years
Member 2	3 years
Member 3	2 years

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<i>Committee</i>	<i>Term</i>
Member 4	2 years
Member 5	1 year
Member 6	1 year
Member 7	1 year

(b) In order to provide continuity and consistency with the appointment of members of other town committees and commissions, the calculation of the initial Committee member terms shall begin on April 1, 2001.

(4) *Vacancies.* Vacancies created by causes other than the expiration of a member's term shall be filled for the remainder of the term in the same manner as otherwise provided for in this chapter.

(5) *Removal.* Members of the Committee may be removed by the Town Council for neglect of duty, conflict of interest, malfeasance in office, violation of the ethics ordinance, or other just cause, or for unexcused absence from more than three consecutive meetings or more than five non-consecutive meetings during the member's term of appointment. It is the duty of the town staff representative to advise the Town Manager when removal is recommended or necessary based on the provisions herein. The decision of the Town Council will be final with no appeal. Committee members who are unable to attend regular meetings are expected to tender their resignation.

(6) *Powers and duties.* Generally the Committee shall provide oversight and guidance of the funds collected for the Sister City Committee, shall select participants for student exchanges, and shall coordinate other exchanges which may take place.

(7) *Bylaws and regulations.* The Committee shall have the power to adopt and revise bylaws, rules, and regulations for the purpose of conducting the business of the Sister City Committee.

(8) *Committee not empowered to obligate town or incur liability.* Notwithstanding anything that may be herein contained or implied to the contrary, the Committee shall not be empowered, without the express authority of the Town Council, to obligate the town in any way or to expend or incur liability for any sum of money, except as may be provided for in the yearly budgets and appropriations adopted by the Town Council.

(9) *Officers.* The Committee will, during the first Committee meeting in April, annually select from its members a chairperson to serve for a one-year period, or until a successor is elected. The chairperson will preside at all meetings, preserve order and decorum, enforce the rules and regulations of the Committee, sign all letters and documents as authorized by the Committee, and will otherwise perform the duties devolving upon a presiding officer. The Committee will also select a vice-chairperson. The Town Manager will provide a secretary from staff who will assume charge of all records of the Committee and who will keep accurate and complete minutes of all meetings thereof.

(10) *Meetings*. The Committee will determine a regular meeting schedule as necessary, but shall not meet less than once each month, unless the chairperson and three other members concur that no meeting is necessary. All meetings will be open to the public and will be conducted at Town Hall. Accurate minutes will be kept of all meetings and shall be made available to the public.

(2007 Code, § 2-502)

CHAPTER 6: HISTORIC ZONING COMMISSION

Section

- 2-601 Creation and membership
- 2-602 Quorum, meetings, and bylaws
- 2-603 Powers and duties
- 2-604 Jurisdiction; appeal
- 2-605 Record of proceedings to be kept
- 2-606 Right of entry
- 2-607 Liability of Historic Zoning Commission members

§ 2-601 CREATION AND MEMBERSHIP.

(1) (a) Pursuant to the provisions of T.C.A. §§ 13-7-401 et seq., there is hereby created the Historic Zoning Commission, hereinafter referred to as “the Commission”. The Commission shall consist of seven members, including a representative from a local patriotic or historical organization; an architect, if available; a person who is a member of the town’s Municipal Planning Commission at the time of the appointment; and the remainder shall come from the community in general. Members shall be appointed by the Mayor and confirmed by a majority vote of the Town Council.

(b) In addition to the appointed members above, the Town Manager shall designate two, non-voting, standing members of the Commission. At least one of the standing members shall be a representative of the Planning Department. The Planning Department representative shall be designated to act as the secretary for the Commission.

(2) (a) The terms of membership shall be five years, except that the initial individual appointments to the Commission shall be staggered so that the terms of at least one member but not more than two members shall expire each year.

(b) Those members on the Commission as of the date of the adoption of the ordinance comprising this chapter shall continue to serve as follows:

(i) Those Commission members whose terms expire in September 2008 shall serve until March of 2009;

(ii) Those Commission members whose terms expire in September 2009 shall serve until March of 2010;

(iii) Those Commission members whose terms expire in September 2010 shall serve until March of 2011;

(iv) Those Commission members whose terms expire in September 2011 shall serve until March 2012; and

(v) Those Commission members whose terms expire in September 2012 shall serve until March 2013.

(c) All appointments to the Commission on or after the date of the ordinance comprising this chapter shall be made at the March Town Council meeting, unless as necessary to fill a vacancy. Other than the appointments listed hereinabove, each member shall hold his or her seat for a period of five years from the date of appointment.

(3) Members of the Committee may be removed by the Town Council for neglect of duty, conflict of interest, malfeasance in office, violation of the ethics ordinance, or other just cause, or for unexcused absence from more than three consecutive meetings or more than five non-consecutive meetings during the member's term of appointment. It is the duty of the town staff representative to advise the Town Manager when removal is recommended or necessary based on the provisions herein. The decision of the Town Council will be final with no appeal. Committee members who are unable to attend regular meetings are expected to tender their resignation.

(4) Should a vacancy occur, the vacancy shall be filled by appointment by a majority vote of the Town Council at the next Council meeting after which the vacancy occurs, which appointee shall fill the unexpired term of the vacant position.

(5) Members shall serve without compensation.

(6) Beginning in the first meeting after Committee appointments are made in March of 2008, the Commission shall vote to select a chairperson for the Committee from its membership, which chairperson shall serve for a period of one year.

(2007 Code, § 2-601)

§ 2-602 QUORUM, MEETINGS, AND BYLAWS.

A majority of the members of the Committee shall constitute a quorum for the transaction of business. Meetings of the Commission shall be held at the call of the chair and at other times as the Commission may determine. The Commission may hold general or special meetings in the Town Hall or at other locations and at such times as they may by order direct. The Commission shall make, establish, and adopt such reasonable bylaws, rules, and regulations as may be necessary for their own government and for the full and complete execution of their powers and duties. The Commission shall keep records of applications and actions, which shall be public records.

(2007 Code, § 2-602)

§ 2-603 POWERS AND DUTIES.

(1) Applications for certificates of appropriateness for reconstruction, alteration, repair, moving, or demolition conducted within the H-1 Historic Overlay District shall be referred to the Commission, which shall:

(a) Request detailed construction plans and related data pertinent to review a proposal before the Commission;

(b) Grant, within 30 days following the availability of sufficient data, a certificate of appropriateness, with or without conditions, or the denial of such certificate, provided that the grounds for such denial are stated in writing; and

(c) Consider the following in making its decision:

(i) Historic and/or architectural value of the existing structure;

(ii) Relationship of exterior architectural features of the structure to the remaining structures, to the surrounding area, and to the character of the district;

(iii) General compatibility of exterior design, arrangement, texture, and materials proposed to be used; and

(iv) Any other factor, including aesthetic, which is reasonably related to the purposes for which the H-1 Historic Overlay District exists.

(2) It shall be the duty of the Commission to make the following determinations with respect to the H-1 Historic Overlay District.

(a) Appropriateness of altering or demolishing a building or structure. The Commission may require interior and exterior photographs, architectural measured drawings of the exterior, or other notations of architectural features to be used for historical documentation as a condition of permission to demolish a building or structure. The photographs, drawings, and so forth, shall be provided at the expense of the applicant.

(b) Appropriateness of the exterior architectural features, including signs and other exterior fixtures, of new buildings and structures to be constructed.

(c) Appropriateness of exterior design or extension of an existing building or structure.

(d) Appropriateness of front, side, or rear yards, off-street parking spaces, and/or location of entrance drives into property or sidewalks along the public right-of-way which might affect the character of a building or structure.

(e) The general compatibility of exterior design, arrangement, texture, and material of the building or structure in relation to similar features of buildings in the immediate surroundings. However, the Commission shall not consider interior arrangement or design, nor shall it make any requirements except for the purpose of preventing extensions incongruous to the historic aspects of the surroundings.

(3) It shall be the duty of the Commission to make recommendations for the establishment of H-1 Historic Overlay District zoning overlays in accordance with the procedures, criteria, and review process set forth in the town's zoning ordinance § 5.056.

(2007 Code, § 2-603)

§ 2-604 JURISDICTION; APPEAL.

The Commission shall have jurisdiction relating to historic zoning matters. Anyone who may be aggrieved by the final order or judgment of the Commission may have the order or judgment reviewed by the courts by the procedures of statutory certiorari as provided for in T.C.A. §§ 27-9-101 et seq.

(2007 Code, § 2-604)

§ 2-605 RECORD OF PROCEEDINGS TO BE KEPT.

The secretary shall keep a permanent record of the proceedings of the Commission in a book provided for that purpose. All minutes of the meetings of the Commission shall be public records.

(2007 Code, § 2-605)

§ 2-606 RIGHT OF ENTRY.

The Commission, its members and town employees, in the performance of its work, may enter upon any land within its jurisdiction and make examination and surveys, but there shall be no right of entry into any building without the consent of the owner.

(2007 Code, § 2-606)

§ 2-607 LIABILITY OF HISTORIC ZONING COMMISSION MEMBERS.

Any Historic Zoning Commission member acting within the powers granted by the ordinance comprising this chapter is relieved from all personal liability for any damage and shall be held harmless by the town. Any suit brought against the Commission or any member thereof shall be defended by a legal representative furnished by the town until the termination of the procedure.

(2007 Code, § 2-607)

CHAPTER 7: CHARITY ASSISTANCE FUND BOARD

Section

- 2-701 Creation
- 2-702 Membership
- 2-703 Procedures

Editor's note:

This chapter was added in the 2017 update of the code

§ 2-701 CREATION.

(1) There is hereby created the “Smyrna Charity Assistance Fund” program for the purpose of providing financial aid to selected nonprofit charitable organizations that provide year-round services benefitting the general welfare of the residents of the municipality and meet the criteria established and set forth by the Town Council. Funding for this financial assistance comes entirely from private donations.

(2) The town shall have discretion to allocate funds from the General Fund budget to the non-profit disbursement fund for the next three fiscal years after the date of the enacting ordinance for the town Charity Assistance Fund, however, the maximum amount for each year’s contribution from the Town shall be:

- (a) Year 1 (2013-2014): 75% of the sum total budgeted to non-profits in 2012 -2013;
- (b) Year 2 (2014-2015): 50% of the sum total budgeted to non-profits in 2012-2013; and
- (c) Year 3 (2015-2016): 25% of the sum total budgeted to non-profits in 2012-2013.

§ 2-702 MEMBERSHIP.

(1) *Criteria.* The selection of Board members shall be made from individuals who are, and have been, residents of the town for one year. Members shall not be on the Board of Directors of any non-profit organization that applies for funding from the town.

(2) *Composition.* The Board shall consist of six members. One member shall be the Mayor or the Mayor’s appointed Town Council designee. All of the remaining five members shall be appointed by the Town Council by a majority vote. All members shall serve without compensation.

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(3) *Terms.* The Mayor or Town Council designee shall serve a one-year term. Notwithstanding the foregoing, however, no member of the Town Council who serves as a member of the Board shall continue to serve as a member of the Board after he or she ceases to be a member of the Town Council unless reappointed as a citizen member. The terms of the other five members shall be staggered to provide continuity and experience on the Board. The terms of the Charity Assistance Fund Board members shall be three years, beginning on the first day of April of the year in which each such member was appointed, except that the terms of the initial Board shall be staggered in the following manner. The initial members of the Charity Assistance Fund Board shall serve the following terms:

<i>Board</i>	<i>Term</i>
Jane Doe	3 years
John Doe	3 years
Janice Doe	2 years
Willie Doe	2 years
Sara Doe	1 year

(4) *Vacancies.* Vacancies created by causes other than the expiration of a member's term shall be filled for the remainder of the term in the same manner as otherwise provided for in this chapter.

(5) *Removal.* Members of the Board may be removed by the Town Council for neglect of duty, conflict of interest, malfeasance in office, violation of the ethics ordinance, or other just cause, or for unexcused absence from more than two consecutive meetings during the member's term of appointment. It is the duty of the Town Clerk to advise the Town Manager when removal is recommended or necessary based on the provisions herein. The decision of the Town Council will be final with no appeal. Board members who are unable to attend regular meetings are expected to tender their resignation.

(6) *Powers and duties.* Generally the Board shall provide oversight and guidance of the funds collected for the Charity Assistance Fund program. The Board shall review all applications for the requested disbursement of funds for any entity applying that possesses a recognized Internal Revenue Service qualified non-profit status and serves the interests of the residents located within the town's corporate limits. The Board shall ensure the proper disbursements of funds based upon the criteria established and set forth by the Town Council.

(7) *Bylaws and regulations.* The Board shall have the power to adopt and revise bylaws, rules, and regulations for the purpose of conducting the business of the Charity Assistance Fund Board.

(8) *Board not empowered to obligate town or incur liability.* Notwithstanding anything that may be herein contained or implied to the contrary, the Board shall not be empowered without express authority of the Town Council, to obligate the town in any way or to expend or incur liability for any sum of money, except as may be provided for in the yearly budgets and appropriations adopted by the Town Council.

(9) *Officers.* The Board will, during the first Board meeting in May, annually select from its members a chairperson to serve for a one-year period, or until a successor is elected. The chairperson will preside at all meetings, preserve order and decorum, enforce the rules and regulations of the Board, sign all letters and documents as authorized by the Board, and will otherwise perform the duties devolving upon a presiding officer. The Board will also select a vice-chairperson. The Town Clerk will provide a secretary from staff who will assume charge of all records of the Board and who will keep accurate and complete minutes of all meetings thereof.

(10) *Meetings.* The Board will determine a regular meeting schedule as necessary, but shall not meet less than quarterly (every three months), unless the chairperson and the Council designee concur that no meeting is necessary. All meetings will be open to the public and will be conducted at Town Hall. Accurate minutes will be kept of all meetings and shall be made available to the public.

§ 2-703 PROCEDURES.

(1) *Organization status.* The Board shall ensure each applicant possesses the required state or federal documents identifying the organization as a 501(c)3, 4, or 6 non-profit entity.

(2) *Disbursements.* The Board shall approve disbursements (as funding allows) at the July and December public meetings. Applicants for funding must submit the required documents by May 1 to be eligible for the July disbursement and/or by October 1 to be eligible for the December disbursement. In the event, due to a special need, an applicant requests funding during non-scheduled disbursement periods, the applicant must submit the required documentation within 60 days of the requested disbursement date.

