

RESOLUTION 18-26B

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF FAIRVIEW, TENNESSEE, DESIGNATING AN INTERIM CITY MANAGER PURSUANT TO TENNESSEE CODE ANNOTATED § 6-21-107(b) AND § 6-20-205(a), DEFINING THE SCOPE OF AUTHORITY, DUTIES, AND COMPENSATION OF THE INTERIM CITY MANAGER, AND DIRECTING THE INITIATION OF A SEARCH FOR A PERMANENT CITY MANAGER

WHEREAS, the City of Fairview operates under the Manager-Commission form of government as provided by Tennessee Code Annotated 6-18-101 *et seq*; and

WHEREAS, Tennessee Code Annotated § 6-21-107(a) provides that the City Manager serves as the administrative head of the municipal government under the direction and supervision of the Board of Commissioners; and

WHEREAS, the City Manager, Thomas J. Daugherty, has submitted his resignation effective March 27, 2026, thereby creating a vacancy in the office of City Manager; and

WHEREAS, Tennessee Code Annotated § 6-21-107(b) authorizes the Board of Commissioners to designate a properly qualified person to perform the functions of the City Manager during the absence of the City Manager; and

WHEREAS, Tennessee Code Annotated § 6-20-205(a) vests in the Board of Commissioners all legislative and other powers and authorizes the Board to do all things needful to protect the rights and interests of the City; and

WHEREAS, it is necessary and in the best interest of the City of Fairview to immediately designate a properly qualified person to serve as Interim City Manager to ensure the continued lawful and orderly administration of municipal government;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Fairview, Tennessee, as follows:

Section 1. Designation of Interim City Manager. Pursuant to Tennessee Code Annotated § 6-21-107(b) and the Board's general authority under Tennessee Code Annotated § 6-20-205(a), the Board of Commissioners hereby designates Bob Rial as Interim City Manager of the City of Fairview, Tennessee, effective upon the departure of City Manager Thomas J. Daugherty on March 27, 2026, or as soon thereafter as the designee is able to commence service.

Section 2. Scope of Authority. The Interim City Manager shall have and may exercise all powers, duties, and responsibilities of the City Manager as set forth in Tennessee Code Annotated § 6-21-107 and elsewhere in the Tennessee Code, the Fairview Municipal Charter, and the Fairview Municipal Code, including but not limited to:

- (a) Serving as the administrative head of the municipal government under the direction and supervision of the Board of Commissioners;
- (b) Supervising all municipal departments, employees, and operations;
- (c) Administering and enforcing the ordinances, resolutions, and policies of the City;
- (d) Preparing and submitting budgets and financial reports as required by law;
- (e) Executing contracts, agreements, and other instruments on behalf of the City as authorized by the Board;
- (f) Making recommendations to the Board on all matters requiring Board action; and
- (g) Performing all other duties and exercising all other powers as may be prescribed by the Charter, state law, or as directed by the Board of Commissioners.

Section 3. Temporary Nature of Appointment. This appointment is temporary in nature. The designation of the Interim City Manager shall remain in effect until the Board of Commissioners appoints a permanent City Manager, designates a different Interim City Manager, or takes further action terminating or modifying this appointment.

Section 4. Direction to Initiate Search for Permanent City Manager. The Interim City Manager is hereby directed to initiate a search for a permanent City Manager as promptly as practicable. In carrying out this directive, the Interim City Manager shall:

- (a) Develop a proposed recruitment plan, including a position profile, minimum qualifications, desired competencies, timeline, and estimated budget for the search, for presentation to and approval by the Board of Commissioners;
- (b) Research and present options for the engagement of a professional executive search firm, if the Board determines such engagement to be appropriate;
- (c) Coordinate all aspects of the recruitment and selection process under the direction and supervision of the Board;
- (d) Provide the Board with regular updates on the progress of the search; and
- (e) Ensure that the search process complies with all applicable state and federal laws, including open meetings and public records requirements.

Section 5. Prohibition on Unauthorized Exercise of Administrative Authority. Consistent with Tennessee Code Annotated § 6-20-206 and the advice of the Office of the City Attorney, no individual commissioner, including the Mayor, shall assume, exercise, or attempt to exercise the administrative functions of the City Manager. All such functions shall be performed exclusively by the Interim City Manager designated herein, or by a successor duly designated by formal action of the Board.

Section 6. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent

jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 7. Effective Date. This Resolution shall take effect immediately upon its adoption, the public welfare requiring it.

Section 8. Terms of Employment. The Interim City Manager's terms and conditions of employment shall include the following:

- (a) The Interim City Manager shall be provided a City-issued computer and cellular phone for the performance of official duties.
- (b) The Interim City Manager shall be assigned either a City vehicle or a fuel card and/or fuel allowance, in accordance with applicable City policies.
- (c) The Interim City Manager shall be compensated at a rate of **Thirteen Thousand One Hundred Dollars (\$13,100) per month**, consistent with the compensation of the prior City Manager. Either party may terminate this arrangement upon thirty (30) days' written notice, during which time the Interim City Manager shall continue to receive full pay.
- (d) The City shall cover reasonable and necessary business-related expenses in accordance with applicable City policies.
- (e) The Interim City Manager's typical work schedule shall align with that of City staff, generally Monday through Friday, 8:00 a.m. to 4:30 p.m., with flexibility as necessary to fulfill the duties of the position.
- (f) The Interim City Manager shall be permitted to take the customary week off between Christmas and New Year's Day, consistent with his normal practice.

Passed and adopted this 16th day of April, 2026.

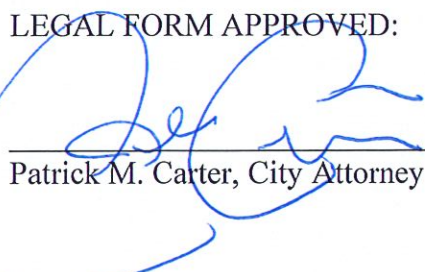

Lisa Anderson, Mayor

ATTEST:


Rachel Jones, City Recorder

* with attached amendment *

LEGAL FORM APPROVED:


Patrick M. Carter, City Attorney

Motion by Mayor Anderson to appoint Mayor Bob Rial as Interim City Manager. Seconded by Commissioner Hall. Motion carried, 5-0 (unanimous).

Vice Mayor McDonald questioned compensation for the Interim City Manager, noting that the candidate may initially work approximately 25 hours per week due to other obligations. As the resolution currently provides for a full-time monthly salary consistent with the prior City Manager, the question was raised whether the salary should be prorated based on hours worked. Mr. Carter suggested that the resolution be amended to reflect a prorated amount until full-time hours are reached.

Motion by Vice Mayor McDonald to amend Resolution 18-26B to provide that the Interim City Manager's compensation be prorated based on availability. Seconded by Mayor Anderson. Motion carried, 5-0 (unanimous).