

City of Shelbyville
Mayor & City Council Special Called Meeting

Special Called Meeting: September 27, 2021

Time: 12:00 PM

Place: Shelbyville Recreation Center, 220 Tulip Tree Road, Shelbyville, TN 37160

I. Call to Order

II. Roll Call

III. Adopt the Agenda

IV. Ordinance – First Reading

AN ORDINANCE OF THE CITY OF SHELBYVILLE, TENNESSEE
AMENDING THE “*SHELBYVILLE MUNICIPAL CODE*” TITLE 6 “FINANCE AND TAXATION”, CHAPTER
1 “REAL PROPERTY TAXES” BY ADDING SECTION 6-103 IN ORDER TO ENACT A SUPPLEMENTAL
LOCAL TAX RELIEF PROGRAM PURSUANT TO *TCA* SECTION 67-5-701(j) FOR QUALIFYING
ELDERLY LOW-INCOME HOMEOWNERS, DISABLED HOMEOWNERS, AND DISABLED VETERANS,
AND TO PROVIDE FOR THE APPROPRIATION OF FUNDS FOR SUCH TAX RELIEF

V. Announcements

VI. Adjourn

Mayor Wallace Cartwright

**AN ORDINANCE OF THE CITY OF SHELBYVILLE, TENNESSEE
AMENDING THE "SHELBYVILLE MUNICIPAL CODE" TITLE 6 "FINANCE AND
TAXATION", CHAPTER 1 "REAL PROPERTY TAXES" BY ADDING SECTION 6-103 IN
ORDER TO ENACT A SUPPLEMENTAL LOCAL TAX RELIEF PROGRAM PURSUANT TO
TCA SECTION 67-5-701(j) FOR QUALIFYING ELDERLY LOW-INCOME HOMEOWNERS,
DISABLED HOMEOWNERS, AND DISABLED VETERANS, AND TO PROVIDE FOR THE
APPROPRIATION OF FUNDS FOR SUCH TAX RELIEF**

WHEREAS, the Title II, Section 28 of the Tennessee Constitution mandates that the Tennessee General Assembly "shall provide, in such manner as it deems appropriate, tax relief to elderly low-income taxpayers through payments by the State to reimburse all or part of the taxes paid by such persons on owner-occupied residential property, but such reimbursement shall not be an obligation imposed, directly or indirectly, upon Counties, Cities, or Towns"; and

WHEREAS, Title II, Section 28 further states that the General Assembly, by general law, may authorize further tax relief by any legislative body of any county or city; and

WHEREAS, Title II, Section 28 further states that the General Assembly "may provide tax relief to home owners totally and permanently disabled, irrespective of age, as provided herein for the elderly"; and

WHEREAS, the General Assembly did enact *Tennessee Code Annotated* ("TCA") sections 67-5-701 through 704 which provide for the State-reimbursed program for tax relief for qualifying elderly low-income homeowners as described in TCA Section 67-5-702, for disabled homeowners as described in TCA Section 67-5-703, and for disabled veterans as described in TCA Section 67-5-704; and

WHEREAS, TCA Section 67-5-701(j) specifically authorizes municipalities to appropriate funds for additional tax relief as a supplement to the State-reimbursed tax relief program for qualifying elderly low-income homeowners as described in TCA Section 67-5-702, for disabled homeowners in TCA Section 67-5-703, and for disabled veterans as described in TCA Section 67-5-704; and

WHEREAS, on August 10, 2006, the City of Shelbyville did adopt a supplemental local tax relief program to provide additional locally-funded tax relief to those homeowners who qualify under the State-reimbursed tax relief program, in the amount of twelve (12%) of the City property taxes levied on the first \$150,000.00 of appraised value of the qualifying homeowner's principal residence after application of State tax relief; and

WHEREAS, the Mayor and City Council have determined that it is in the best interests of the City of Shelbyville that the City enact by ordinance its supplemental local tax relief program and to increase the amount of local tax relief currently authorized by the City in order to provide further assistance to the City's low-income elderly, disabled, and disabled veteran homeowners; and

WHEREAS, time being of the essence in order to provide tax relief for the tax year 2021, the Mayor and City Council find it necessary to adopt this supplement local tax relief program by immediate emergency enactment of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF SHELBYVILLE, TENNESSEE AS FOLLOWS:

SECTION 1. Pursuant to the authority granted in *TCA* Section 67-5-701(j), a supplemental local tax relief program for qualifying taxpayers is hereby enacted by the Shelbyville Mayor and City Council as set out below.

SECTION 2. That Title 6 "Finance and Taxation", Chapter 1 "Real Property Taxes" of the *Shelbyville Municipal Code* is hereby amended by adding a new Section, to be designated as Section 6-103, to read as follows:

6-103. Supplemental local tax relief program. In order to provide for the public welfare of the citizens of the City of Shelbyville, there is hereby established a supplemental local tax relief program as authorized by *TCA* Section 67-5-701(j) for owner-occupied residential real property owned by taxpayers who qualify under the State-reimbursed tax relief program.

- (1) Taxpayers eligible for supplemental local tax relief. City taxpayers who are eligible for supplemental local tax relief are:
 - a. Elderly low-income homeowners as described in *TCA* Section 67-5-702 who have previously applied for and obtained the State-reimbursed tax relief authorized by that Section.
 - b. Disabled homeowners as described in *TCA* Section 67-5-703 who have previously applied for and obtained the State-reimbursed tax relief authorized by that Section.
 - c. Disabled veterans or their surviving spouses as described in *TCA* Section 67-5-704 who have previously applied for and obtained the State-reimbursed tax relief authorized by that Section.

- (2) Supplemental local tax relief amounts. Subject to the availability of funds and the annual appropriation thereof, the City of Shelbyville shall provide supplemental local tax relief to eligible taxpayers as follows:
- a. Elderly low-income homeowners shall receive local tax relief in an amount equal to the amount of State tax relief received in the same tax year pursuant to TCA Section 67-5-702.
 - b. Disabled homeowners shall receive local tax relief in an amount equal to the amount of State tax relief received in the same tax year pursuant to TCA Section 67-5-703.
 - c. Disabled veterans or their surviving spouses shall receive local tax relief in an amount equal to the amount of State tax received in the same tax year pursuant to TCA Section 67-5-704.
- (3) Statutory compliance. The City's supplemental local tax relief program shall comply with all statutory provisions set forth in TCA Sections 67-5-701 through 704 deemed applicable for local option programs, including but not limited to, the provisions for repayment of tax relief payments made in error.
- (4) Rules and regulations. The City Treasurer is authorized to make such rules and procedures as he or she deems necessary for the purpose of implementing the supplemental local tax relief program.
- (5) Tax relief limit. In no event shall the total tax relief allowed by the State and the City exceed the total taxes actually paid.

SECTION 3. Funds are appropriated from the General Fund for the 2021 tax year in the amount of \$35,000.00 in order to provide the tax relief authorized by the supplemental local tax relief program.

SECTION 4. In case of conflict between this ordinance or any part hereof, and the whole or part of any existing ordinance of the City, the provision that establishes the higher standard shall prevail.

SECTION 5. If any section, subsection, clause, provision or portion of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, subsection, clause, provision or portion of this ordinance.

SECTION 6. This ordinance shall take effect immediately after its passage on final reading the public welfare and the welfare of the City of Shelbyville, Bedford County, Tennessee requiring it.

Adopted on Second and Final Reading by the Mayor and City Council meeting in regular session this the 14th day of October, 2021.

APPROVED:

Wallace Cartwright, Shelbyville City Mayor

ATTEST:

APPROVED AS TO FORM:

Lisa Smith
Shelbyville City Recorder

Ginger Bobo Shofner
Shelbyville City Attorney

First Reading: September 27, 2021
Public Hearing: October 14, 2021
Second Reading: October 14, 2021