

HOUSE BILL 2540

By Evans

AN ACT to amend Chapter 158 of the Private Acts of 2002; as amended by Chapter 72 of the Private Acts of 2008; Chapter 71 of the Private Acts of 2010 and Chapter 13 of the Private Acts of 2013; and any other acts amendatory thereto, relative to charter of the City of Greenbrier.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 158 of the Private Acts of 2002, and any other acts amendatory thereto, is amended by deleting Section 6 in its entirety and by substituting instead the following:

Section 6. The board of mayor and aldermen shall consist of a mayor, who shall serve a four-year term, and six (6) aldermen, who shall also serve four-year terms. The mayor shall be elected from the qualified electors of the city at large. The aldermen shall be elected two (2) from each of the three (3) wards by the qualified electors of each ward. Elections shall be held on the first Thursday in August consistent with the terms of the existing officers.

The mayor and each alderman shall take an oath that he or she will faithfully and impartially discharge the duties of his or her office to the best of his or her skill and ability and without favor or impartiality.

SECTION 2. Chapter 158 of the Private Acts of 2002, Chapter 71 of the Private Acts of 2010, and any other acts amendatory thereto, is amended by redesignating the existing Section 6a as Section 6b, and by adding the following language as a new Section 6a:

Section 6a. Qualifications for Elected Office.

To be eligible to hold office as mayor or alderman of the town the person must be at least twenty one (21) years of age and a resident of the city for at least one (1) year immediately preceding such person's election, and, in the case

of aldermen, a bona fide resident for one (1) year of the ward in which he or she seeks election. No elected official shall be a paid employee or department head for the City of Greenbrier.

A person who has been convicted in this state of an infamous crime, as defined by Tennessee Code Annotated § 40-20-112, convicted of official misconduct as provided in Tennessee Code Annotated § 39-16-402, or convicted under the laws of the United States or another state of an offense that would constitute an infamous crime if committed in this state, shall be disqualified from qualifying for, seeking election to or holding a public office in the City of Greenbrier. This disqualification shall apply even if the person's citizenship rights have been restored, but shall not be construed as limiting the restoration of any other citizenship rights, including the right of suffrage provided for in Tennessee Code Annotated §§ 2-2-139, 2-19-143, or 40-29-105.

SECTION 3. Chapter 158 of the Private Acts of 2002, Chapter 72 of the Private Acts of 2008, and any other acts amendatory thereto, is amended by deleting from Section 18 the language "eight hundred dollars (\$800)" and by substituting instead the language "four hundred dollars (\$400)" and is further amended by deleting the language "The mayor shall further receive all benefit plans available to employees, such as health, dental, life, and vision.".

SECTION 4. Chapter 158 of the Private Acts of 2002, and any other acts amendatory thereto, is amended by adding the following language as a new Section 23a and by redesignating the existing language in Section 23 as Section 23b:

Section 23a. The mayor or any alderman may be removed from office by the board of mayor and aldermen for crime or misdemeanor in office, for grave misconduct showing unfitness for public duty or for permanent disability. The proceedings for such removal shall be upon specific charges in writing, which, with a notice stating the time and place of the hearing shall be served on the accused or published at least seven (7) days prior to said hearing in a newspaper of general circulation in the City. The hearing shall be made public and the accused shall have the right to appear and defend in person and by counsel, and

have process of the board of mayor and aldermen to compel the attendance of witnesses on their behalf. Such vote shall be determined by a two-thirds (2/3) vote of all members of the board of mayor and aldermen, excluding any mayor or alderman appearing before the board for such removal proceedings. The names of the members voting for or against such removal shall be entered in the minutes. Immediately upon the vote for removal the term of the accused shall expire and his or her official status, power and authority shall cease without further action. Anyone removed hereunder shall have the right of appeal, within ten (10) days, to the circuit court of Robertson County. Upon any such appeal being taken, the recorder shall make and certify to the clerk of said circuit court a complete transcript of the entire removal proceedings. The judge of said court shall hear and determine that case solely upon the transcript record, and no additional evidence shall be introduced. The city or the accused, if either be dissatisfied with the decree of the court, may appeal to the Supreme Court as in other cases.

SECTION 5. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Greenbrier. Its approval or nonapproval shall be proclaimed by the presiding officer of the local legislative body and certified to the secretary of state.

SECTION 6. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 5.