

HOUSE BILL 2650

By McDaniel

AN ACT to amend Chapter 365 of the Private Acts of 1923; as amended by Chapter 99 of the Private Acts of 1981 and Chapter 153 of the Private Acts of 2000; and any other acts amendatory thereto, relative to the charter for the town of Linden.

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

SECTION 1. Chapter 365 of the Private Acts of 1923, and any other acts amendatory thereto, is amended by deleting Section 6 and substituting instead the following:

Sec. 6. Be it further enacted, That no person shall be elected Mayor who is not at the time a citizen of the State of Tennessee, a qualified voter, and for at least twelve (12) consecutive months immediately prior to the Mayor's election a bona fide resident of Linden. The Mayor may fill all vacancies occurring in offices, except that of Aldermen, until the same shall be filled in the manner provided by this Act. Beginning with the mayoral term immediately after the municipal election of August 2016, the salary of the Mayor shall be set by ordinance, except that the salary of the Mayor shall not be changed during the Mayor's term of office. It shall be the duty of the Mayor to preside at all meetings of the Board, but the Mayor shall not be permitted to vote for any officer or agent, or upon any measures, propositions, resolutions, or ordinances before the Board except in the case of a tie vote, in which case the Mayor shall cast the deciding vote. It shall be the Mayor's duty to see that all ordinances of the Town are duly enforced, respected and observed; and the Mayor shall, upon application, instruct officers of their duties.

Beginning with the mayoral term occurring immediately after the municipal election of August 2016, the Board of Mayor and Aldermen shall, by majority vote, elect

an Alderman to serve a two-year term as Vice Mayor. In the event of a vacancy in the office of Mayor, the Vice Mayor shall immediately accede to the office of Mayor. In the event the Mayor is absent from a Board meeting, the Vice Mayor shall serve as the presiding officer of the Board. In the event of a vacancy in the office of Vice Mayor, the Board shall appoint another Alderman to complete the remaining term of office.

Before entering upon the duties of his office, the Mayor shall have taken an oath to faithfully discharge the duties of such office.

It shall be the duty of the Mayor from time to time to lay before the Board of Mayor and Aldermen in writing all matters that the Mayor may deem it important to have acted upon, accompanied with suitable recommendations. The Mayor shall examine all ordinances passed by the Board of Mayor and Aldermen and, should any of them not meet his approval, the Mayor shall return the same to the next regular meeting of the Board, with the Mayor's objections thereto in writing, and no ordinance so vetoed by the Mayor shall go into effect unless the same be again passed by a majority vote of the entire Board. No ordinance shall become effective without having been passed on two (2) separate readings by a majority vote, both of which readings shall not be at the same meeting of the Board, and signed by the Mayor. If the Mayor fails to return any ordinance to the next regular meeting of the Board after its passage, it shall become effective without the Mayor's signature.

The Mayor shall have the authority to temporarily suspend any Town officer or agent, except an Alderman, City Recorder, or the Treasurer, for misfeasance or malfeasance in office, pending the action of the Board, reporting the Mayor's action with the Mayor's reasons therefor in writing to the Board at its next meeting. The Mayor shall have the authority to call special sessions of the Board of Mayor and Aldermen when the Mayor may deem it necessary and expedient, or whenever the Mayor is petitioned in writing by at least four (4) Aldermen to call such a special meeting or session. In a called or special meeting, the Board may consider and transact business as fully as at a regular meeting of the Board. The Mayor may remit, wholly or in part, fines, forfeitures, and penalties imposed by corporate courts, but the Mayor shall make a report of such

remission at the next meeting of the Board of Mayor and Aldermen, together with the reasons therefor.

SECTION 2. Chapter 365 of the Private Acts of 1923, as amended by Chapter 99 of the Private Acts of 1981, Chapter 153 of the Private Acts of 2000, and any other acts amendatory thereto, is amended by deleting Section 8 and substituting instead the following:

Sec. 8. Be it further enacted, That the Board of Mayor and Aldermen shall have full power to appoint and elect all officers, servants, and agents of the corporation except the Mayor and Aldermen, who shall be elected by the people as herein provided, and said Board shall have power for sufficient cause to dismiss and discharge any officer, servant, or agent that it may appoint or elect, by a majority vote of the entire Board. In the event of a vacancy in the office of Alderman, the Board shall have the power to elect or appoint a successor or successors from among the qualified voters of the town, and the successor or successors shall hold office until the next regular municipal election and until their successors are duly elected and qualified. Four (4) Aldermen shall constitute a quorum to transact business.

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

SECTION 4. 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, this act shall become effective as provided in Section 3.