

SENATE BILL 2732

By Stevens

AN ACT to amend Chapter 128 of the Private Acts of 1990; as amended by Chapter 126 of the Private Acts of 1994; and any other acts amendatory thereto, relative to the charter of the City of McKenzie.

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

SECTION 1. Chapter 128 of the Private Acts of 1990, as amended by Chapter 126 of the Private Acts of 1994, and any other acts amendatory thereto, is amended by deleting Section 7 and substituting instead the following:

SECTION 7. The first Tuesday after the first Monday in November in each even-numbered year shall be the day fixed for the nonpartisan election of the councilmembers. Every qualified voter who resides within the city or who owns real property located within the city shall be entitled to vote in the election. In the event a non-resident owns property in more than one (1) ward, the non-resident shall declare upon registration which ward such person's vote will be cast. This shall not change unless the non-resident disposes of the property in the ward that the non-resident chose.

The candidate for mayor and the candidate for each ward council position who receive the highest number of votes of all candidates for each position shall be declared elected. Their said terms of office shall begin at ten o'clock (10:00 a.m.) on the next Tuesday after said election and shall continue for their terms or until their successors are elected and qualified. In case of a tie vote for any candidate to such offices, a special election between the tied candidates will be held within the period of time necessary for the election commission to call the election. The term of office shall begin at ten o'clock (10:00 a.m.) on the next Tuesday after such election and shall continue for their said terms or until their successors are elected and qualified.

Newly elected council members shall receive certification from the MTAS Newly Elected Officials Class Level 1 within twelve (12) months of being elected. Council members shall receive certification from all state-mandated requirements within the allotted amount of time given. Failure to adhere to either or both of the requirements in this paragraph shall result in dismissal from the board.

A vacancy shall exist if the mayor or a councilmember resigns, dies, moves from the ward from which the council member was elected, or in the case of the mayor, moves from the city, is convicted of malfeasance or misfeasance in office, a felony, a violation of this charter or the election laws of the state or a crime involving moral turpitude, fails to attend three (3) consecutive regular meetings of the council, or fails to attend half of all meetings in a six-month period.

A council member's compensation is contingent upon the meetings attended for the month, including regularly scheduled and special-called meetings, and workshops. The member's compensation shall be divided by the total number of meetings in the month that the member is required to attend, and be paid according to the number of meetings actually attended.

A council member who has signed up for workshops, conferences, or other such events that have nonrefundable costs associated therewith paid in advance by the City is responsible for one hundred percent (100%) reimbursement of same if the member does not attend.

If a vacancy in the office of mayor occurs, the vice-mayor shall fill the vacancy for the remainder of the unexpired term or until the next regular biennial city election, whichever shall occur first. If the vice-mayor fills a vacancy in the office of mayor, such vice-mayor's position as a council member shall become vacant and the board shall fill the vacancy as hereinafter provided and shall select another of their number to serve as vice-mayor. If a vacancy in the office of councilmember occurs, the board of mayor and councilmen shall, within a period of ninety (90) days from the date of the occurrence of a vacancy elect a qualified person to fill the vacancy for the remainder of the unexpired

term or until the next regular biennial city election, whichever shall occur first. If the next regular biennial city election occurs prior to the expiration of a term, an election shall be held to fill the remainder of the unexpired term.

No candidate for any office under this act shall directly or indirectly give or promise any person or persons anything of value, or any office, of influencing or obtaining political support, aid or vote for any candidate in any municipal election, and a violation of this provision shall be a bar to such person holding office for a period of five (5) years.

SECTION 2. 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 McKenzie. Its approval or nonapproval shall be proclaimed by the presiding officer of the city and certified to the secretary of state.

SECTION 3. 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 2.