

HOUSE BILL 814

By McDaniel

AN ACT to amend Chapter 198 of the Acts of 1901; as amended by Chapter 225 of the Acts of 1903; Chapter 876 of the Private Acts of 1921; Chapter 631 of the Private Acts of 1925; Chapter 340 of the Private Acts of 1941; Chapter 352 of the Private Acts of 1974; Chapter 72 of the Private Acts of 1977; Chapter 148 of the Private Acts of 1979; Chapter 135 of the Private Acts of 1983; Chapter 151 of the Private Acts of 1988; Chapter 2 of the Private Acts of 1989 and Chapter 46 of the Private Acts of 2001; and any other acts amendatory thereto, relative to

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

SECTION 1. Section 3 of Chapter 198 of the Acts of 1901, as amended by Chapter 225 of the Acts of 1903, Chapter 876 of the Private Acts of 1921, Chapter 631 of the Private Acts of 1925, Chapter 72 of the Private Acts of 1977, Chapter 148 of the Private Acts of 1979, Chapter 151 of the Private Acts of 1988, and Chapter 46 of the Private Acts of 2001, and any other acts amendatory thereto, is amended by deleting the second paragraph of that section and by substituting instead the following:

The Board of Mayor and Aldermen shall appoint a City Attorney, City Recorder, Chief of Police, Fire Chief, Public Works Director, Utility Director, Building Official, and all other operating department heads, who shall serve at the pleasure of the Board.

SECTION 2. Section 4 of Chapter 198 of the Acts of 1901, as amended by Chapter 72 of the Private Acts of 1977 and Chapter 46 of the Private Acts of 2001, and any other amendatory thereto, is amended by deleting the section in its entirety and by substituting instead the following:

Section 4. Be it further enacted, That the Mayor, Aldermen, Recorder, Chief of Police, and Judge shall, before entering upon their duties, take an oath, before a person

authorized to administer oaths in this state, to honestly and faithfully discharge the duties of their respective offices without partiality or favoritism.

SECTION 3. Section 5 of Chapter 198 of the Acts of 1901, as amended by Chapter 340 of the Private Acts of 1941, Chapter 352 of the Private Acts of 1974, Chapter 72 of the Private Acts of 1977, Chapter 148 of the Private Acts of 1979, Chapter 151 of the Private Acts of 1988, Chapter 2 of the Private Acts of 1989 and Chapter 46 of the Private Acts of 2001, and any other acts amendatory thereto, is amended by deleting the section in its entirety and by substituting instead the following:

Section 5. Be it further enacted, That the legislative power of the city of Henderson shall be exercised by and vested in the Board of Mayor and Aldermen of the city, over whose meetings the Mayor shall serve as presiding officer and cast the deciding vote where there is a tie. A majority of all the Aldermen shall constitute a quorum for the transaction of business. The Board, at the first meeting after Each election, shall appoint one of its number to serve as Vice-Mayor. If the Mayor shall be temporarily absent the Vice-Mayor shall preside over the deliberation of the body, in which event one more than a quorum shall be present. In the event of a vacancy in the office of Mayor, the Board shall have the authority to elect from its members a person to assume the duties of the Mayor for the unexpired term of that office or until the next municipal biennial election, then the position of Mayor shall be filled at such next biennial election and the person appointed to such office shall only serve as Mayor until a person is elected as Mayor at such election. The person so elected shall be elected to fill the unexpired term of his predecessor as Mayor. Alternatively, the Board may elect to declare a vacancy in the office of Mayor and shall instruct the City Recorder to certify such fact to the County Election Commission and the Commission shall, within ten (10) days, call a special election to fill the unexpired term of the office of Mayor of the city of Henderson. The special election shall be called and held under the applicable general laws of the state regulating the holding of elections. The person so elected shall be elected to fill the unexpired term of his predecessor as Mayor. Any member of the

Board, upon assuming the office of Mayor, shall have all powers and duties of the Mayor, until a new Mayor is elected or appointed and assumes the position of Mayor.

The Board of Mayor and Aldermen of the city of Henderson shall have the power to fill any and all other vacancies occurring in the Board.

The Board of Mayor and Aldermen may, by ordinance entered upon the minutes, set the salary of the Mayor and Aldermen. Any ordinance establishing, increasing, or decreasing such salary shall be adopted at least one hundred eighty (180) days prior to the next municipal election and shall be in accordance with Article XI, Section 9 of the Tennessee Constitution.

At any time the Board may, by ordinance, establish, increase, or decrease the benefits, other than salaries, that are incidental to the office of mayor and aldermen; provided that such benefits are commensurate with like benefits being furnished to employees of the city, such as, but not limited to, insurance under a group plan. However, any such ordinance notwithstanding, the Mayor shall be entitled to insurance and retirement benefits as provided to employees of the city. The Board shall adopt an ordinance authorizing and regulating the reimbursement of municipal officers and employees for the expenses they incur in the performance of the duties of their offices or employment. The Mayor and Aldermen shall be entitled to reimbursement under the provisions of that ordinance.

The Board of Mayor and Aldermen shall have the power to request the Chester County Election Commission to conduct a special election or referendum within the city of Henderson as the board may deem necessary from time to time.

SECTION 4. Section 7 of Chapter 198 of the Acts of 1901, as amended by Chapter 151 of the Private Acts of 1988 and Chapter 46 of the Private Acts of 2001, and any other acts amendatory thereto, is amended by deleting the section in its entirety and substituting instead the following:

Section 7. Be it further enacted, That the Board of Mayor and Aldermen shall prescribe its own rules of proceedings, the punishment of its own members of misconduct in office, and enforce the same. Two thirds (2/3) of the remaining members

of the Board present and voting to concur may vote for the expulsion of a member for any malfeasance, misfeasance, or nonfeasance of office, in accordance with applicable state law. A less number than a majority can adjourn from day to day and may ordinance compel the attendance of absent members by fines and penalties. The Board of Mayor and Aldermen shall hold its regular meetings at such times as it may determine and adopt by ordinance the city of Henderson Municipal Code.

SECTION 5. Section 10 of Chapter 198 of the Acts of 1901, as amended by Chapter 135 of the Private Acts of 1983 and Chapter 46 of the Private Acts of 2001, and any other acts amendatory thereto, is amended by deleting the section in its entirety and substituting instead the following:

Section 10. Be it further enacted, That the Board of Mayor and Aldermen shall appoint a City Judge who shall serve at the will of the Board. The City Judge shall try all offenses created by this act or any lawful ordinance of the city and impose penalties and enforce the collection and payment of the same. In the absence or temporary disability of the City Judge, the Mayor may designate a qualified person to serve as City Judge. The compensation of the City Judge shall be fixed by the Board of Mayor and Aldermen. The provisions of this section do not apply to any city official or employee who, on the effective date of this act, concurrently holds office as judge; provided, however, if such official or employee either discontinues service as a city official or employee or discontinues service as judge of the municipal court, then the exemption granted by this sentence no longer applies.

SECTION 6. 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 Henderson. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 7. 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 6.