SENATE BILL 1421
By Beavers

HOUSE BILL 1395

By Keisling

AN ACT to amend Chapter 120 of the Private Acts of 1953; as amended and rewritten by Chapter 29 of the Private Acts of 2009; and any other acts amendatory thereto, relative to the charter of the City of Red Boiling Springs.

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

SECTION 1. Chapter 120 of the Private Acts of 1953, as amended and rewritten by Chapter 29 of the Private Acts of 2009, and any other acts amendatory thereto, is amended by adding the language "AND DEFINITIONS" to the title of Article I and by adding the following language as "Section C":

Section C. Definitions.

(a) Be it further enacted, that as used in this Act, the following words and terms shall have the following meanings:

(1) "Agency" shall mean any office, court, utility, board, commission, institution, or other organization in charge of or administering any public function or municipal affair of the City of Red Boiling Springs;

(2) "At large" shall mean the entire city as distinguished from representation by wards or other districts;

(3) "City" shall mean the City of Red Boiling Springs;

(4) "Code" shall mean any publication or compilation of rules, regulations, specifications, standards, limitations, or requirements relating to any aspect of municipal affairs, prepared or recommended by an agency of the federal or state government, by a municipality, or by a trade association or other organization generally recognized as an authority in its field of activity;

(5) “Councilman” shall mean a person elected to the city council as provided in this Act;

(6) “Elector” shall mean a person residing or owner of real estate within the city who is qualified to vote therein;

(7) “Member of the council” shall mean the mayor and each councilman;

(8) “Non-partisan” shall mean without any designation of candidates as members or candidates of any state or national political party or organization;

(9) “Officer” shall mean and include the mayor, councilmen, city judge, members of the boards and commissions, and any other persons classified as public officers by the laws or judicial decisions of this state. An “officer” as herein defined shall fill an “office” and an “employee” shall fill in a “position” of employment; and

(10) “Public way” shall mean any land used by the public as a passageway, including, but not limited, to streets, roads, highways, expressways, freeways, boulevards, avenues, parkways, alleys, lanes, sidewalks, walks, bridges, viaducts, subways, underpasses, tunnels, and other thoroughfares, and including rights-of-way of such public ways.

(b) The masculine shall include the feminine, and the singular shall include the plural and vice versa.

SECTION 2. Chapter 120 of the Private Acts of 1953, as amended and rewritten by Chapter 29 of the Private Acts of 2009, and any other acts amendatory thereto, is amended by deleting Article III, Section A, in its entirety and substituting instead the following:

Section A. Date of general city election.

A general city election shall be held on the first Tuesday after the first Monday in November 2016 and every two (2) years thereafter. At the 2016 election, the mayor shall be elected to serve for two (2) years and three (3)

council members in 2016 shall be elected to serve four-year terms. Thereafter, every two (2) years the mayor shall be elected to serve two-year terms. In 2018, three (3) council members shall be elected to serve four-year terms. Thereafter, three (3) council members shall be elected every two (2) years to serve four-year terms. The terms of the office of mayor and council members shall begin at 12:01 p.m. on the first Monday in December next following their election and qualification and shall serve until their successors have been elected and qualified.

SECTION 3. Chapter 120 of the Private Acts of 1953, as amended and rewritten by Chapter 29 of the Private Acts of 2009, and any other acts amendatory thereto, is amended by deleting Article III, Section C, in its entirety and substituting instead the following:

Section C. Voter qualification requirements.

Any person who has been a resident of the City of Red Boiling Springs as determined by the general election laws of the state, who resides outside of the municipality of the City of Red Boiling Springs, who owns taxable real property, and whose name appears on the voting list of qualified electors eligible to vote in the Tennessee Legislative District that encompasses the City of Red Boiling Springs, and has registered to vote shall be entitled to vote in city elections. As authorized by Tennessee Code Annotated, Section 2-6-205, nonresident property owners, as contemplated in this section, shall cast their vote in the City of Red Boiling Springs elections as absentee mail ballots only. The Macon County Election Commission shall notify the nonresident property owners as set out in Tennessee Code Annotated, Section 2-6-205. A nonresident property owner shall not be eligible to hold any municipal office or serve on any municipal board or commission. Nonresident property owners shall be entitled to no more than two (2) votes per parcel of real property regardless of the number of property owners.

SECTION 4. Chapter 120 of the Private Acts of 1953, as amended and rewritten by Chapter 29 of the Private Acts of 2009, and any other acts amendatory thereto, is amended by deleting Article IV, Sections B and C, in their entirety and substituting instead the following:

Section B. Election of vice-mayor and vacancy of mayor.

The council, at the first regular meeting in December after the general city election, as set forth in Section A in this Article, shall elect one (1) of their members as vice-mayor to carry out the duties of the mayor in his absence, suspension, or disability, for a term of two (2) years. Should the office of the mayor become vacant as described in this Act, the vice-mayor shall become mayor for the remainder of the unexpired term or until the next general election, whichever occurs first, at which time the voters shall elect a mayor to fill the unexpired term. However, should the vice-mayor decline to fill the office of the mayor, the council may select another of its members to fill the vacancy. The council shall elect another of its members to the office of the vice-mayor to serve the remainder of the unexpired two-year vice-mayor term.

Section C. Qualifications for office and residence requirements.

In order to qualify to run for mayor or council member, a person shall be a qualified voter of the City of Red Boiling Springs and shall hold no other elected public office except as a notary public or member of the national guard or military reserve. No person shall be eligible for the office of mayor or council member unless he is at least twenty-one (21) years of age and has been a resident of the City of Red Boiling Springs for at least one (1) year next preceding the election. The mayor or any council member moving his residence outside of the City of Red Boiling Springs during the term of office automatically vacates the office, and the office shall be filled as provided in this Act. Candidates shall be permitted to file a nominating petition for only one (1) office in any general city election. No person shall become mayor or council member who has been convicted of a crime involving moral turpitude. A mayor or a council member who files a nominating petition for mayor or a council position other than his own and whose

own position is not up for reelection, must resign his current position as mayor or council member at least thirty (30) days prior to the filing deadline for nominating petitions for the next general city election.

SECTION 5. Chapter 120 the Private Acts of 1953, as amended and rewritten by Chapter 29 of the Private Acts of 2009, and any other acts amendatory thereto, is amended by adding the following as Article IV, Section E (19):

(19) Shall have the authority to promote, demote, transfer, and suspend all officers and employees.

SECTION 6. Chapter 120 of the Private Acts of 1953, as amended and rewritten by Chapter 29 of the Private Acts of 2009, and any other acts amendatory thereto, is amended by deleting Article IV, Section G, in its entirety and substituting instead the following:

Section G. Vacancies.

The council members shall declare that a vacancy exists if the mayor or any council member resigns, dies, moves his residence from the City of Red Boiling Springs, is convicted of malfeasance or misfeasance in office, a felony, a violation of this Act or the election laws of the State, or a crime involving moral turpitude, fails to attend any meetings of the of the council members for the City of Red Boiling Springs with no extenuating circumstances, or has been continuously disabled for a period of six (6) months so as to prevent him from discharging the duties of his office. In the absence of the mayor and the vice-mayor, the council members may elect another council member to act as a presiding officer.

By an affirmative vote of a majority of the remaining council members, the council members shall fill a vacancy of a council member by appointing a qualified person to fill the vacancy within thirty (30) days from the date on which a vacancy is declared, for the remaining unexpired four-year term or until the next regular city election, whichever shall occur first. If the next regular city election occurs prior to the expiration of the term, a special election shall be held at the same time as the regular city election to fill the remainder of the unexpired term.

All votes by the council members to fill vacancies shall be by voice vote on the calling of the roll. If a tie vote occurs, the presiding officer shall cast the deciding vote to break the tie.

SECTION 7. Chapter 120 the Private Acts of 1953, as amended and rewritten by Chapter 29 of the Private Acts of 2009, and any other acts amendatory thereto, is amended by deleting Article IX, Section B, in its entirety and substituting instead the following:

Section B. Due and delinquent dates; penalties and interest.

Property taxes shall be due and payable on and after October 1 in the year for which assessed, and shall become delinquent on March 1 of the following year. Penalties and interest on delinquent taxes shall be fixed at one-half of one percent (0.5%) for penalties and one percent (1%) for interest and shall be added on the first day of March, following the tax due date and on the first day of each succeeding month. This schedule of penalty and interest shall become effective for unpaid taxes beginning in 2015.

SECTION 8. 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 Red Boiling Springs. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 9. 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 8.