

SENATE BILL 2928

By Haile

AN ACT to amend Chapter 568 of the Private Acts of 1939; as amended by Chapter 223 of the Private Acts of 1970; Chapter 151 of the Private Acts of 1975; Chapter 28 of the Private Acts of 1979; Chapter 107 of the Private Acts of 1981; Chapter 12 of the Private Acts of 1981; Chapter 168 of the Private Acts of 1986; Chapter 39 of the Private Acts of 2007; Chapter 45 of the Private Acts of 2018 and Chapter 25 of the Private Acts of 2019; and any other acts amendatory thereto, relative to the City of Portland.

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

SECTION 1. Article III, Section 1 of Chapter 568 of the Private Acts of 1939, as amended by Chapter 170 of the Private Acts of 1979, Chapter 12 of the Private Acts of 1981, Chapter 107 of the Private Acts of 1981, Chapter 39 of the Private Acts of 2007, Chapter 45 of the Private Acts of 2018, and any other acts amendatory thereto, is amended by deleting the section and substituting instead the following:

Section 1. Be it further enacted, That the governing body of such municipality shall be the Mayor and the City Council, consisting of seven (7) Aldermen, who shall be elected by the qualified voters of the city. Beginning with the election held in the year 1981, the Mayor and the three (3) Aldermen receiving the highest vote totals shall serve a term of four (4) years. The four (4) Aldermen receiving the next highest vote totals shall serve a term of one (1) year until the year 1983, thereafter the term shall be four (4) years. No person shall be eligible to the office of Mayor or Alderman who is an employee of the city of Portland. No one shall be elected Mayor or Alderman unless he is a bona fide resident and citizen of the city and unless he shall have been a bona fide resident and citizen thereof for not less than one (1) year previous to and next before his election.

The election commission of Sumner County, Tennessee, or such other person or persons as may be authorized to hold state and county elections, shall hold an election at the voting place in the city that coincides with the November general election for the purpose of electing a Mayor and Aldermen where the terms of such offices have expired. In case no election is held at the time specified, the authorities empowered to hold same shall call another election upon at least ten (10) days' notice.

The election authority shall deliver certificates of election to each holding them to be inducted into office. The date of December 1, following the date of the election and its certification by the presiding election authority, shall be the date for installation and taking the oath of office, unless this day is on a Sunday or if the certification has not been completed, then it shall be held the first day thereafter. The persons elected shall, before assuming the duties of their respective offices, take an oath or affirmation before the Mayor in office, a Notary Public, the City Recorder, or some Justice of the Peace of Sumner County, Tennessee, that they will support the Constitution of the United States and the State of Tennessee and the charter and ordinances of the City, and to demean themselves in their official capacity faithfully, honestly, and with due regard to the welfare of the City, to the best of their ability.

The Mayor and Aldermen shall hold their office until their successor shall be elected and qualified, and the candidates receiving the highest number of votes shall be taken as elected. When one (1) or more persons shall have an equal number of votes for any elected office as certified by the presiding election authority, the election shall be determined by a majority of the certified council-elect, and in case of a contest the mode of procedure shall be determined by the City Council.

SECTION 2. Article III, Section 2 of Chapter 568 of the Private Acts of 1939, as amended by Chapter 223 of the Private Acts of 1970, Chapter 151 of the Private Acts of 1975, Chapter 107 of the Private Acts of 1981, Chapter 168 of the Private Acts of 1986, Chapter 45 of the Private Acts of 2018, and any other acts amendatory thereto, is amended by deleting the section and substituting instead the following:

Section 2. Be it further enacted, That the Mayor and the members of the City Council are officers of the City, and they, by majority vote, shall appoint the other officers of the City, being the City Recorder, the City Attorney, and the City Judge, whenever there is a vacancy in any such office. These appointed officers of the City, before entering upon their duties, shall take an oath or affirmation as prescribed in Article III Section 1 for that of Mayor and Aldermen.

The affirmative vote of a majority of all the members of the City Council present, except where prescribed, shall be necessary to adopt any ordinance or resolution of the city, and every ordinance or resolution passed by the city council shall be signed by the presiding officer and the City Recorder, and shall be filed with the City Recorder.

SECTION 3. Article III, Section 6 of Chapter 568 of the Private Acts of 1939, as amended by Chapter 107 of the Private Acts of 1981, Chapter 39 of the Private Acts of 2007, Chapter 45 of the Private Acts of 2018, and any other acts amendatory thereto, is amended by deleting the section and substituting instead the following:

Section 6. Be it further enacted, That the legislative and other powers, except as otherwise provided in this charter, are hereby delegated to the Mayor and the City Council, and the City Council may, by ordinance or resolution not inconsistent with this charter, prescribe the manner in which all powers of the City shall be exercised, provide all means necessary or proper therefor, and do all things needful within or without the City or the State to protect the rights of the City.

The City Council shall exercise its powers in session duly assembled, and no member nor group of members shall exercise or attempt to exercise the powers conferred upon the City Council except through proceedings adopted at some regular or special meeting.

The City Council, by passage of an ordinance with a two-thirds (2/3) majority, may establish the position of City Administrator as set forth in Article XIII.

SECTION 4. Article III, Section 15 of Chapter 568 of the Private Acts of 1939, as amended by Chapter 107 of the Private Acts of 1981, Chapter 45 of the Private Acts of 2018,

Chapter 25 of the Private Acts of 2019, and any other acts amendatory thereto, is amended by deleting the section and substituting instead the following:

[Section 15. Deleted by Private Act in 2020.]

SECTION 5. Article III, Section 16 of Chapter 568 of the Private Acts of 1939, as amended by Chapter 25 of the Private Acts of 2019, and any other acts amendatory thereto, is amended by deleting the section and substituting instead the following:

[Section 16. Deleted by Private Act in 2020.]

SECTION 6. Article V, Section 1 of Chapter 568 of the Private Acts of 1939, as amended by Chapter 107 of the Private Acts of 1981, Chapter 45 of the Private Acts of 2018, and any other acts amendatory thereto, is amended by deleting the section and substituting instead the following:

Section 1. Be it further enacted, That the Mayor shall preside at all meetings of the City Council, and shall have a seat, and a voice, but no vote, except for the purpose of breaking a tie, or for the election of the City Attorney, City Judge, City Recorder, or a vacant seat of an Alderman when he or she shall vote as other members of the City Council.

The Mayor shall have the power to appoint all standing committees provided for by the City Council and such special committees as he may deem proper. The Mayor shall have authority to administer oaths and affirmations, and to take depositions. He shall sign all necessary checks or orders, and shall sign the minutes of the City Council and all ordinances and resolutions upon their final passage and shall execute all deeds, bonds, and contracts made in the name of the city and his signature shall be attested by the Recorder. He may introduce ordinances and resolutions in the City Council.

SECTION 7. Article VI, Section 1 of Chapter 568 of the Private Acts of 1939, as amended by Chapter 223 of the Private Acts of 1970, Chapter 107 of the Private Acts of 1981, Chapter 39 of the Private Acts of 2007, Chapter 25 of the Private Acts of 2019, and any other acts amendatory thereto, is amended by deleting the section and substituting instead the following:

Section 1. Be it further enacted, That the City Council shall fix the salaries of the Mayor and Aldermen, and such salaries shall not be increased nor decreased during the term for which the Mayor or an Alderman may be elected or appointed.

The City Council shall provide for the compensation of all employees and appointed officers through the yearly budget and other appropriations as necessary, and may define the duties of all City officials and employees of the City in a manner consistent with the provisions of this Act and general law.

The City Council may establish and make provisions for such officers, agents, and employees as may be necessary, and may authorize the charge of fees or commissions, but all fees or commissions collected by an employee of the City shall be paid into the appropriate fund of the City and the City Council may request reports of the same.

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 Portland. 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.