PRIVATE CHAPTER NO. 93

HOUSE BILL NO. 4255

By Representatives Lynn, Bone

Substituted for:  Senate Bill No. 4255

By Senator Beavers

AN ACT to amend Chapter 644 of the Private Acts of 1911; as amended by Chapter 685 of the Private Acts of 1929; Chapter 176 of the Private Acts of 1961; Chapter 20 of the Private Acts of 1999 and Chapter 61 of the Private Acts of 2005; and any other acts amendatory thereto, relative to charter of the City of Lebanon.

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

SECTION 1.  Chapter 644 of the Private Acts of 1911; as amended by Chapter 685 of the Private Acts of 1929; Chapter 176 of the Private Acts of 1961; Chapter 20 of the Private Acts of 1999 and Chapter 61 of the Private Acts of 2005; and any other acts amendatory thereto, is amended in Article III by deleting the first paragraph of Section 10 in its entirety and by substituting instead the following:

Section 10.  At the first meeting of the City Council after any City election for Mayor and/or Alderman and after said Mayor and/or Alderman shall have been installed, the City Council shall choose from its membership a Mayor Pro Tem, to act in the absence, inability or failure to act as the Mayor, and whenever a vacancy occurs in the office of Mayor for any reason including the inability of the Mayor to act because of a physical or mental condition or death, the Mayor Pro Tem shall become Mayor and hold the office of Mayor until the next scheduled City election at which time an election for Mayor shall occur to fill the unexpired term of the replaced Mayor so long as the Mayor Pro Tem filled the position of the Mayor more than ninety (90) days before the next City election. Otherwise the Mayor Pro Tem shall complete the unexpired term of the Mayor. However, if the Mayor Pro Tem notifies the City Council in writing that he or she is unable or refuses to accept the office of the Mayor, the City Council shall chose a council member to become Mayor.  If the Mayor Pro Tem becomes Mayor and his or her office as Alderman shall become vacant, the vacancy shall be filled by the City Council as herein provided, unless the Mayor Pro Tem fills the position of Mayor on a temporary basis.  The City Council shall set an adequate compensation for the Mayor Pro Tem during the time he or she serves temporarily as Mayor.  If the Mayor becomes disabled and unable to fulfill the duties of the office, the City Council may conduct a hearing to determine if a vacancy in the office of Mayor by disability should be declared.  Upon a finding by the preponderance of the evidence that a vacancy by disability should occur, the City Council may by proper ordinance declare the office of Mayor to be vacant and request the Mayor Pro Tem to become Mayor.  If the person holding the office of Mayor Pro Tem declines to fill the position of Mayor by written notice to the City Council, the City Council by majority vote shall appoint from its

membership a person to become Mayor until the next election for the City of Lebanon, so long as the vacancy in the office of Mayor occurs at least ninety (90) days before the next scheduled City election.  Otherwise, the person appointed Mayor by the City Council shall complete the unexpired term of the Mayor.  If the Mayor Pro Tem resigns or is unable to complete the term to which he or she was elected as Mayor Pro Tem, the City Council may by affirmative vote of the majority elect from their membership a person to complete the unexpired term of the Mayor Pro Tem.

SECTION 2.  Chapter 644 of the Private Acts of 1911; as amended by Chapter 685 of the Private Acts of 1929; Chapter 176 of the Private Acts of 1961; and any other acts amendatory thereto, is further amended in Article III by deleting Section 14-A in its entirety and by substituting instead the following:

Section 14-A.  Any petition for recall of a Mayor or Alderman shall comply with the provisions set forth in Tennessee Code Annotated, Section 2-5-151.

SECTION 3.  Chapter 644 of the Private Acts of 1911; as amended by Chapter 685 of the Private Acts of 1929; Chapter 176 of the Private Acts of 1961; Chapter 20 of the Private Acts of 1999 and Chapter 61 of the Private Acts of 2005; and any other acts amendatory thereto, is further amended in Article III by adding the following new sections:

Section 18.  By affirmative vote of the majority of the members of the City Council the City of Lebanon may request the Wilson County Election Commission to authorize an election for the Cartmell Scholarship to Vanderbilt University and request said election be placed upon any regular City election ballot.

Section 19.  To prevent possible conflicts of interest, no person who holds an elected office in the United States government, State of Tennessee government, or Wilson County government, Wilson County School System, or the Lebanon Special School District, shall be deemed to be qualified to hold an elected position of Mayor or Alderman for the City of Lebanon, so long as the person holds an office in any of the stated governments.  However; if the person resigns his or her elected position in the federal, state or county government before certification of the election by the Election Commission, the person may be deemed qualified.  Furthermore, the restrictions stated herein shall also apply to any person considered to be appointed to any vacancy in the Alderman positions under Section 9.

SECTION 4.  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 Lebanon.  Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 5.  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 4.

**PASSED:  May 1, 2008**

JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

RON RAMSEY, SPEAKER
SENATE OF THE SENATE

**APPROVED this 14th day of May 2008**

PHIL BREDESEN, GOVERNOR