

RESOLUTION 17-R-04 requesting the Tennessee General Assembly to pass a Private Act amending the Murfreesboro City Charter to address the filling of vacancies on City Council and Election dates.

WHEREAS, Chapter 429 of the Private Acts of 1931, as amended, constitutes the Murfreesboro City Charter, and amendments thereto require a private act of the Tennessee General Assembly in addition to approval by the City Council; and,

WHEREAS, T.C.A. § 6-54-138 permits municipalities to elect to change the date of municipal elections to coincide with the August or November general election and, consistent with this statute, the City Council passed Ordinance 14-O-01 on May 15, 2014 to change the election dates in the City to coincide with the August or November general election, such that the election dates referenced in the Charter should now be properly amended; and,

WHEREAS, the City Charter currently allows for Council to fill any vacancy in its membership by appointment provided the vacancy occurs before 270 days of the next regular election, and makes no provision for Council to call a special election to fill a vacancy; and,

WHEREAS, T.C.A. § 6-53-107 requires, unless the Charter provides for a special election, that a council seat filled by appointment be subject to a May primary election and then, if corresponding to the expiration of the term of the seat, the August general election; and,

WHEREAS, the City Council has determined it is in the best interest of the citizens of the city for Council to have the Charter authority, in addition to the authority to appoint a member to fill a council vacancy other than mayor, to call a special election for purposes of filling a council vacancy and, with respect to a mayoral vacancy, for the vice mayor to serve as mayor until the position is filled by a special election, after which in all cases the appointed or elected member will fill the unexpired term of the seat; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:

SECTION 1. The Tennessee General Assembly is hereby requested to amend Chapter 429 of the Private Acts of 1931, as amended, by striking Section 11 in its entirety and restating it as follows:

That the City Council shall consist of not less than six (6) members and a Mayor or more than ten (10) members and a Mayor, and may in its discretion at the first or any subsequent regular meeting after the election of council members elect one (1) of the council members Vice Mayor to serve until the next city election and to act in the place and stead of the mayor during any absence or disability of the mayor. The mayor, or in his/her absence the Vice Mayor of the council, shall preside at all meetings of the council, shall participate therein and shall be entitled to vote on all questions considered by the council. The mayor, and in his/her absence the Vice Mayor of the council, shall perform such other acts and functions as may be prescribed by this Act.

In the event the office of mayor becomes vacant for any reason, the council shall send a resolution to the election commission of Rutherford County, Tennessee requesting a special election in accordance with state law. The vice mayor shall serve as interim mayor until such time as the person elected in the special election is qualified. The person elected in the special election shall fill out the remainder of the unexpired term of the previously elected mayor. In the event the next general election is within 180 days of the vacancy, no special election shall be called and the vice mayor shall serve until the next general election.

The city council shall be a continuing body, and no measure pending before it shall abate or be discontinued by reason of the expiration of the term of office or removal or ouster or resignation of the members or any of them.

SECTION 2. The Tennessee General Assembly is further requested to amend Chapter 429 of the Private Acts of 1931, as amended, by striking Section 15 in its entirety and restating it as follows:

Coinciding with the August or November general election as called, ordered, and published by the election commission of Rutherford County, Tennessee, there shall be held a regular election in the City of Murfreesboro, for the purpose of electing members of the City Council and a Mayor, as more particularly provided in Section 14.

Every such regular election shall be called, ordered and published by the election commissioners for Rutherford County, Tennessee, by publication of a notice of election, in accordance with state statute, in some newspaper printed and published in the City of Murfreesboro, or if there be no such newspaper, then in some newspaper of general circulation therein (if any) and by posting of such notice of election on the courthouse door, at the office of said election commissioners, and at two other public places within said city, such notice of election to state the time and place of holding such election and the purposes thereof; and it shall be the duty of said election commissioners to publish a notice of election in accordance with state statute.

Any qualified person may become a candidate for the office of member of the city council by filling, in accordance with state statute, with said election commissioners of Rutherford County, a petition signed by twenty-five (25) qualified voters.

SECTION 3. The Tennessee General Assembly is further requested to amend Chapter 429 of the Private Acts of 1931, as amended, by striking Section 15A in its entirety and restating it as follows:

Coinciding with the August or November general election as called, ordered, and published by the election commission of Rutherford County, Tennessee, every four years thereafter at the regular election held for the election of council members for the City of Murfreesboro, there shall be held an election for the purpose of electing the mayor of said city; an office created by this Act. Candidates for the office of mayor of the City of Murfreesboro shall be nominated as are council members and the person receiving the highest number of votes in said election shall be declared elected mayor of Murfreesboro and receive certification of election accordingly. The qualifications for a candidate for the office of mayor shall be the same as for a candidate for the office of a member of the

city council and the person elected mayor shall take office at the same time duly elected council members take office. The term of office of mayor of the City of Murfreesboro shall be four years and until his/her successor is elected and qualified. The mayor shall qualify by taking the same oath of office and giving the same bond required of members of the city council.

It shall be the duty of the mayor of Murfreesboro to preside at all meetings of the city council, to represent the city in all ceremonial functions, to receive guests of the city, and generally perform the duties appertaining to his/her said office, and he/she is specifically empowered and directed to discharge all duties provided by this Act to be performed by the mayor and all duties now or formerly provided by this Act to be performed by the former president of the council.

SECTION 4. The Tennessee General Assembly is further requested to amend Chapter 429 of the Private Acts of 1931, as amended, by striking Section 18 in its entirety and restating it as follows:

City Council may elect to fill a vacant council seat, other than that of mayor, either (i) by appointment upon affirmative vote of the majority of the remaining members of council; or (ii) by calling a special election by resolution provided to the Rutherford County Election Commission if the vacancy occurs more than 180 days before the next general election to fill the unexpired term of the vacant seat. The method of filling a vacancy shall be determined by affirmative vote of the majority of the remaining members of council. Any person appointed or elected to fill such a vacancy shall possess the same qualifications as a member elected by the people for the vacant seat. The member appointed or elected shall serve the remainder of the unexpired term of the vacant seat.

SECTION 5. This Resolution shall be effective immediately upon its passage and adoption, the public welfare and the welfare of the City requiring it.

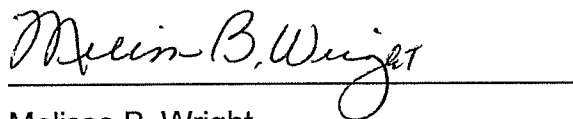
Passed: January 12, 2017



Shane McFarland, Mayor

ATTEST:

APPROVED AS TO FORM:



Melissa B. Wright
City Recorder



Craig D. Tindall,
City Attorney