State of Tennessee

PRIVATE CHAPTER NO. 4

HOUSE BILL NO. 227

By Representative Sanderson

Substituted for: Senate Bill No. 246

By Senator Stevens

AN ACT to amend Chapter 90 of the Private Acts of 1997, as amended by Chapter 39 of the Private Acts of 2005, and any other acts amendatory thereto, relative to the Board of Mayor and Aldermen for the Town of Hornbeak.

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

SECTION 1. Chapter 90 of the Private Acts of 1997, as amended by Chapter 39 of the Private Acts of 2005, and any other acts amendatory thereto, is amended by deleting Section 5 in its entirety and by substituting instead the following new language:

> Section 5. Municipal elections, terms and oath of office — Beginning with the municipal election scheduled for November 8, 2016, the Board of Mayor and Aldermen shall consist of a Mayor, who shall serve a four (4) year term, and five (5) Aldermen, who shall also serve four (4) year terms. The Mayor and Aldermen shall all be elected at large. The candidate for Mayor receiving the highest number of votes shall be declared elected and the five (5) candidates receiving the highest number of votes for Alderman shall be declared elected. In case of a tie vote for Mayor or for an Alderman position, the incumbent Board of Mayor and Aldermen shall decide by vote which of the candidates shall serve.

Beginning in 2008, and every four (4) years thereafter, the Hornbeak municipal election shall be held concurrently with the federal and state elections in the month of November, such date more precisely described as the first Tuesday after the first Monday in November. Terms of office for the Mayor and Aldermen shall begin upon their swearing in at the next regularly scheduled meeting of the Board of Mayor and Aldermen following their election.

For the purpose of implementing this act, the four (4) year terms of the Mayor and Aldermen elected to office in January of 2004 shall be extended to the first regularly scheduled meeting of the Board of Mayor and Aldermen following the municipal election in November, 2008

Before persons take any office in the town government, they shall subscribe to the following oath or affirmation, administered by a judge of the State of Tennessee: "I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of Tennessee, that I will, in all respects, observe the provisions of the charter and ordinances of the town of Hornbeak, and that I will faithfully discharge the duties of the "office of (here insert office)".Any qualified elector who has been a resident of the town for at least one (1) year may be qualified as a candidate for Mayor or Alderman.

SECTION 2. Chapter 90 of the Private Acts of 1997, and any other acts amendatory thereto, is amended by deleting Section 7(c) in its entirety and by substituting instead the following new language:

> (c) The Board of Mayor and Aldermen shall meet regularly every month at the times and places prescribed by a resolution of the Board. The Board shall meet in special session on written notice of the Mayor or any three (3) Aldermen with the notice being served on the other members of the Board, or as agreed upon by a duly adopted motion at a regular or special meeting. Only the business stated in the written call or stated at the meeting when the special meeting is called may be transacted at a special meeting; and

SECTION 3. Nothing in this act shall be construed as having the effect of removing any incumbent from office or abridging the term of any official prior to the end of the term for which such official was elected.

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 Town of Hornbeak. Its approval or nonapproval shall be proclaimed by the presiding officer of Town of Hornbeak 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.

HOUSE BILL NO. 227

PASSED: FEBRUARY 25, 2013

BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 7th day of March 2013

BILL HASLAM, GOVERNOR