S T A T E O F T E N N E S S E E
OFFICE OF THE
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May 31, 2000

Opinion No. 00-102

Charter Provision Raising Salary of Mayor of Smithville

QUESTION

Section 3 of House Bill 3315 / Senate Bill 3300 would amend the Smithville City Charter to authorize the Board of Aldermen to raise the Mayor's salary "each year by ordinance to be effective July 1 of each year." Section 5 of the bill provides that "[n]othing in this act shall be construed as having the effect of altering the salary of any incumbent prior to the end of the term for which such public officer was elected." A new Mayor will be elected June 20, with a term beginning July 1. Is there any requirement that the bill must be in effect for more than thirty days before the mayoral election?

OPINION

No such requirement appears to exist either in general law or under the City Charter. The Board of Aldermen must enact any implementing ordinance under the process set forth under Section 8 of the City Charter, and that process must be completed before the next mayoral term begins July 1.

ANALYSIS

This opinion concerns the implementation of an act to amend the Smithville City Charter, Section 3 of House Bill 3315 / Senate Bill 3300. Research indicates that this bill has been passed and signed by the Governor, but has not yet been assigned a chapter number. The bill amends Section 5 of the Smithville City Charter by deleting the following language:

> That from and after the First Monday after the First Tuesday in February, 1965, the Mayor of the city of Smithville, Tennessee, shall be paid a salary, in addition to other compensation or expenses heretofore provided, in the sum of Two Hundred Dollars ($200.00) per month, said sum representing the approximate out-of-pocket expenses incurred by said Mayor.

The bill would substitute the following:

> The compensation for the Mayor shall be set by the Board of Aldermen each year by ordinance to be effective July 1 of each year. Such compensation shall be in addition

> to any out-of-pocket expenses incurred by such official. Such compensation shall not exceed the sum of one thousand ($1,000) per month.

Section 5 of the bill provides "[n]othing in this act shall be construed as having the effect of altering the salary of any incumbent prior to the end of the term for which such public officer was elected." Under Section 6 of the bill, the act must be approved by a two-thirds vote of the legislative body of the City of Smithville. Under Section 20 of the Smithville City Charter, the mayoral term begins on July 1 after the election.

The request asks whether a provision raising the Mayor's salary must be in effect for thirty days before the next mayoral election. We have found no such requirement, either in general law or in the Smithville City Charter. If the bill becomes effective, however, the new ordinance raising the Mayor's salary must be passed before the next term begins on July 1. Thus, the entire process of enacting an ordinance set forth under Section 8 of the Smithville City Charter must be completed before that date.

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