

PRIVATE CHAPTER NO. 39**HOUSE BILL NO. 2741****By Representatives Kevin Brooks, Watson**

Substituted for: Senate Bill No. 2706

By Senator Bunch

AN ACT to amend Chapter 78 of the Private Acts of 1993; as amended by Chapter 86 of the Private Acts of 2004; and any other acts amendatory thereto, relative to the Charter of the City of Cleveland.

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

SECTION 1. Article IV, Section 7, of Chapter 78 of the Private Acts of 1993; as amended by Chapter 86 of the Private Acts of 2004, and any other acts amendatory thereto, is amended by deleting the section in its entirety and by substituting instead the following language:

Section 7. Vacancies. A vacancy shall exist, and the city council shall declare the same, by resolution, if the mayor or a council member either resigns, dies, moves their residence from the city or respective councilmanic district, is convicted of malfeasance or misfeasance in office, a felony, a violation of this charter or election laws of the state, or a crime involving moral turpitude, or fails to attend three (3) consecutive regular meetings of the city council without being excused by a majority vote of the city council present and voting. Abstentions shall be counted neither as a yes nor a no vote. Provided, however, that no member of the city council can resign his or her position for the purpose of being appointed to a longer term on the city council. Any vacancy in the city council or the office of mayor shall be filled by appointment made by the remaining members thereof, and the council member so appointed shall be a qualified resident of his or her respective councilmanic district for district positions or the City of Cleveland for the at large positions or the office of mayor and shall serve until the next general city election. The successor elected in the general city election shall serve the remainder of the unexpired term. In the event of the occurrence of any vacancy in the city council or the office of mayor which may, under the provisions of this section, be filled by appointment by the remaining council members, and such remaining council members shall fail or neglect to fill such vacancy within thirty (30) days of its occurrence, it shall be the duty of the election commissioners of Bradley County, upon certification of such facts to them by the mayor or any council member, to call and cause to be held, as hereinabove provided, a special election for the purpose of filling such vacancy for the remainder of the unexpired term, provided such certification be made to the election commissioners for Bradley County within sufficient time to permit the holding of such special election at least one hundred eighty (180) days prior to the general city election.

SECTION 2. Article IV, Section 10, of Chapter 78 of the Private Acts of 1993, and any other acts amendatory thereto, is amended by deleting the language "thirteen (13) days" and by substituting instead the language "twelve (12) days".

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 City of Cleveland. Its approval or non-approval 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: February 22, 2010



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 3rd day of March 2010



PHIL BREDESEN, GOVERNOR