

SENATE BILL 1514

By Pody

AN ACT to amend Chapter 644 of the Private Acts of 1911; as amended by Chapter 685 of the Private Acts of 1929; Chapter 20 of the Private Acts of 1999; Chapter 61 of the Private Acts of 2005; Chapter 93 of the Private Acts of 2008 and Chapter 45 of the Private Acts of 2014; and any other acts amendatory thereto, relative to the 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 20 of the Private Acts of 1999, Chapter 61 of the Private Acts of 2005, Chapter 93 of the Private Acts of 2008, and Chapter 45 of the Private Acts of 2014, and any other acts amendatory thereto, is amended by deleting Section 9 of Article III and substituting instead the following.

Section 9. Mayor Pro Tem. Be it further enacted, that 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 temporarily act as Mayor in the Mayor's prolonged absence of more than thirty (30) days or inability or failure to act as required by this Charter. In such circumstance, the Mayor Pro Tem may temporarily act as Mayor in either a part-time or full-time capacity. If the Mayor's absence or inability or failure to act lasts longer than ninety (90) days, unless a regular city election is to occur in such ninety-day timeframe, the City Council in its discretion may conduct a hearing to determine if a vacancy in the office of Mayor should be declared. Upon a finding by the preponderance of the evidence that a vacancy in the office of Mayor should occur, the City Council may by proper ordinance declare the office of Mayor to be vacant and vote to appoint one of its members, or any citizen qualified to vote in a City of Lebanon

election, to act as Mayor in a full-time capacity until the next regular city election, at which time a new Mayor shall be elected for a two-year term, if the next regular city election is not a regular Mayoral election, or for a full four-year term, if the next regular city election is a regular Mayoral election.

If the Mayor Pro Tem notifies the City Council in writing that he or she is unable or refuses to temporarily accept the office of the Mayor, the City Council shall choose a council member, or any citizen qualified to vote in a City of Lebanon election, to act as Mayor in either a part-time or full-time capacity, unless a vacancy in the office of Mayor as herein described has been declared, in which case such appointee shall serve as Mayor in a full-time capacity. If the Mayor Pro Tem temporarily becomes Mayor, his or her office as Alderman shall not become vacant. If the Mayor Pro Tem is appointed as Mayor at the expiration of the ninety-day period, such Mayor Pro Tem's alderman seat shall become vacant and the vacancy filled by the City Council as herein provided. The City Council shall set an adequate compensation for the Mayor Pro Tem during the time he or she serves temporarily as Mayor.

The Mayor Pro Tem, as requested by the City Council, may meet once a month, or as otherwise deemed appropriate by the City Council, with the city's commissioner of finance to review expenditure information and monitor the city's fiscal activities and payments which are occurring. Pursuant to meetings requested by the City Council, at the regular City Council meeting on the third Tuesday of each month following such meetings, the agenda will provide for the Mayor Pro Tem reporting to the Council the current status of fiscal activities for the city as determined from the monthly meeting with the commissioner.

The commissioner and the commissioner's staff shall, during such monthly meetings with the Mayor Pro Tem, review all city expenditures during the previous thirty (30) days and will make available all information requested by the Mayor Pro Tem. The commissioner shall assist the Mayor Pro Tem in the monthly review of the current fiscal activities and records and shall by written or oral report disclose the following information:

(1) Any information or points of concern about fiscal activities which may fall within the areas covered in the comptroller's audit report of July 2003 and subsequent audit reports by the comptroller, if any. The commissioner shall make written recommendations concerning any policy changes that are needed;

(2) All past expenditures (purchase order and purchasing card, or other form of expenditure) during the previous thirty (30) days concerning trips, food expenditures, public relations, advertising, and golf activities or any other areas of spending that have previously been questioned by the comptroller's office in the July 2003 audit and subsequent audit reports by the comptroller;

(3) Any other accounting or purchasing information designated or chosen by the Mayor Pro Tem via specific request or by random review; and

(4) Any expenditures by the city during the past thirty (30) days that are either not in the fiscal year budget previously approved by the City Council or which have been adjusted by the accounting staff (i.e., the movement of funds from one budget account, surplus or otherwise, to another). The commissioner shall explain to the Mayor Pro Tem, for later report review by the City Council, the reason that the subject monies were spent or moved by adjustment from the fiscal year budget accounts previously approved by the City Council.

Such monthly review meetings between the commissioner and/or the commissioner's staff and the Mayor Pro Tem shall occur at a time convenient and may occur after five o'clock post meridian (5:00 p.m.) if so requested by the Mayor Pro Tem. Other members of the City Council shall be notified of the meeting time and place, and members are encouraged to attend the review meetings.

The Mayor Pro Tem and commissioner are encouraged to devise a review program, including random review of accounting information.

SECTION 2. 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 3. 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 2.