

ORDINANCE NO. O1709-71

**ORDINANCE AMENDING ARTICLE III, SECTION 1 OF THE CITY OF
GALLATIN, TENNESSEE CHARTER AS ESTABLISHED IN CHAPTER 67 OF
THE PRIVATE ACTS OF 1953 AND AS AMENDED THEREAFTER TO ESTABLISH
TERM LIMITS FOR THE OFFICES OF MAYOR, DISTRICT ALDERMAN, AND
ALDERMAN-AT-LARGE**

WHEREAS, the City Council for the City of Gallatin, Tennessee passed Ordinance No. O1701-4 on two readings dated January 17, 2017 and February 7, 2017 requesting an amendment to the Charter to provide term limits of no more than three consecutive terms for the Mayor, District Alderman and Alderman-at-Large, if the Ordinance was approved by referendum vote of the citizens; and

WHEREAS, the City of Gallatin forwarded Ordinance No. O1701-4 to the Tennessee legislature for consideration of the Charter amendment as required by law; and

WHEREAS, the 110th General Assembly of the State of Tennessee passed Private Chapter No. 29 on May 8, 2017, allowing amendment of the City of Gallatin's Charter to include term limits, upon approval of a majority of the number of qualified voters of the City of Gallatin voting in an election on the question of whether or not the amendment should be approved; and

WHEREAS, the 110th General Assembly declared that the local legislative body must determine whether such referendum shall be part of the next regularly scheduled election or if a special election shall be called; and

WHEREAS, the City Council for the City of Gallatin has determined no special election shall be called but instead has determined that the referendum should be placed on the November 6, 2018 federal and state general and municipal election ballot rather than the next regularly scheduled election set for May 1, 2018, the Sumner County Primary, as required by Private Chapter No. 29; and

WHEREAS, to clarify the timing of the referendum for approval or non-approval of the voters of the City of Gallatin and to ensure full compliance with Tennessee Code Annotated Section 8-3-202, the City Council for the City of Gallatin hereby requests that the General Assembly for the State of Tennessee approve amendment of its Charter as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, as follows:

1. Chapter 67 of the Private Acts of 1953, as subsequently amended, **Article III, Section 1** is amended by adding the following language immediately after the sentence "When two (2) or more persons shall have an equal number of votes for any elective office, the election shall be determined by a majority of the votes of the Council-elect:"

"No person elected and qualified to the office of Mayor, District Alderman, or Alderman-at-Large shall be eligible for the succeeding term in the same office if such person has served more than one-half of a four (4) year term and consecutive completion of two (2) four (4) year terms in that particular office. For purposes of this section, the office of District Alderman and Alderman-at-Large shall be considered separate elected offices."

2. After passage of this Ordinance by the Tennessee General Assembly, this Ordinance shall have no effect unless it shall receive final approval by a majority of the number of voters of the City of Gallatin in a referendum held for the purpose of approval or non-approval of this Charter amendment in the November 6, 2018 municipal election. Following certification of the results of the referendum by the Sumner County Election Commission, the approval or non-approval of this Ordinance and Charter amendment by referendum shall be certified by the Mayor of the City of Gallatin to the Tennessee Secretary of State.

PASSED FIRST READING:

PASSED SECOND READING:

MAYOR PAIGE BROWN

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

SUSAN HIGH-MCAULEY
CITY ATTORNEY

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

August 22, 2017

DEPARTMENT: City Attorney

AGENDA #

SUBJECT:

Term Limits - Ordinance O1701-4

SUMMARY:

We have received the documentation from the State and will be updating the Council on our next steps to move forward.

RECOMMENDATION:

ATTACHMENT:

Resolution
 Ordinance

Correspondence
 Contract

Bid Tabulation
 Other

Approved
Rejected
Deferred

Notes:



NOTICE TO SECRETARY OF STATE OF RATIFICATION OF PRIVATE ACT

SECRETARY OF STATE

Division of Publications
312 Rosa L. Parks Avenue
Eighth Floor
Snodgrass Tennessee Tower
Nashville, TN 37243

Private Chapter No. 29, which is House

(House or Senate)

Bill No. 1451 of the 110th General Assembly, was (please choose one):

Passed

Failed

No Action Taken

The results were as follows (please list number of votes):

 Votes For

 Votes Against

 Abstention

Presiding Officer of the Local Legislative Body

Embossed Seal:
(if applicable)

County or City

Date (mm/dd/yyyy)

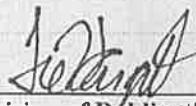
Local Legislative Body



NOTICE TO LOCAL LEGISLATIVE BODY OF LEGISLATIVE ACTION ON PRIVATE ACT

Private Chapter No. 29, which is House
(House or Senate)
Bill No. 1451, of the 110th General Assembly, was passed on
May 8, 2017.

SECRETARY OF STATE

by: 

Division of Publications
312 Rosa L. Parks Avenue
Eighth Floor
Snodgrass Tennessee Tower
Nashville, TN 37243

Pursuant to T.C.A. §§ 8-3-201 and 8-3-202, the attached is being provided by the Secretary of State. A two-thirds majority of the local legislative body is required for approval. The presiding officer shall complete the attached form, certify within 30 days of action, and return to the Secretary of State, Publications Division at the given address. In the absence of a deadline in the act, failure to approve by December 1 of the year of passage by the General Assembly will render the act null and void. **TO GUARANTEE PROPER AND TIMELY DELIVERY OF YOUR DOCUMENTS TO THE SECRETARY OF STATE, PUBLICATIONS DIVISION, A COURIER DELIVERY SERVICE IS RECOMMENDED. (Examples: Overnight Postal, Express Postal, Federal Express, etc.)**

cc: State Senator Ferrell Haile
State Representative Terri Lynn Weaver



To all to whom these Presents shall come, Greeting:

I, Tre Hargett, Secretary of State of the State of Tennessee,
do hereby certify that the annexed is a true copy of

Private Chapter No. 29

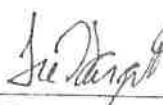
House Bill No. 1451

Senate Bill No. 1463

110th General Assembly



the original of which is now on file and a matter
of record in this office. In Testimony Whereof,
I have hereunto subscribed my official signature
and by order of the Governor affixed the Great
Seal of Tennessee at the Department
in the City of Nashville,
this 18th day of July, A.D. 2017.



Tre Hargett, Secretary of State



State of Tennessee

PRIVATE CHAPTER NO. 29

HOUSE BILL NO. 1451

By Representative Weaver

Substituted for: Senate Bill No. 1463

By Senator Haile

AN ACT to amend Chapter 67 of the Private Acts of 1953; as amended by Chapter 28 of the Private Acts of 1965; Chapter 42 of the Private Acts of 1979; Chapter 97 of the Private Acts of 1981; Chapter 194 of the Private Acts of 1990; Chapter 196 of the Private Acts of 1990; Chapter 173 of the Private Acts of 1996; and any other acts amendatory thereto, relative to the charter of the City of Gallatin.

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

SECTION 1. Chapter 67 of the Private Acts of 1953, as amended by Chapter 28 of the Private Acts of 1965, Chapter 42 of the Private Acts of 1979, Chapter 97 of the Private Acts of 1981, Chapter 194 of the Private Acts of 1990, Chapter 196 of the Private Acts of 1990, Chapter 173 of the Private Acts of 1996, and any other acts amendatory thereto, is amended by deleting from the first paragraph of Article III, Section 1, the following language:

; and when two or more persons shall have an equal number of votes for any elective office, the election shall be determined by a majority of the votes of the Council-elect.

and by substituting instead the following:

When two (2) or more persons shall have an equal number of votes for any elective office, the election shall be determined by a majority of the votes of the council-elect. No person elected and qualified to the office of Mayor, District Alderman, or Alderman-at-Large shall be eligible for the succeeding term in the same office if such person has served more than one-half (1/2) of a four-year term and a consecutive completion of two (2) four-year terms in that particular office. For purposes of this section, the office of District Alderman and Alderman-at-Large shall be considered separate elected offices.

SECTION 2. 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.

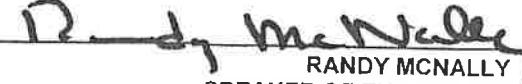
SECTION 3. This act shall have no effect unless it is approved by a majority of the number of qualified voters of the City of Gallatin voting in an election on the question of whether or not the act should be approved. The local legislative body shall determine whether such referendum shall be part of the next regularly scheduled election or if a special election shall be called. The ballots shall have printed on them a summary of this act and the voters shall vote for or against its approval. The votes cast on the question shall be canvassed and the results proclaimed by the county election commissioners and certified by them to the secretary of state as provided by law in the case of general elections. The qualifications of voters voting on the question shall be the same as those required for participation in general elections. All laws applicable to general elections shall apply to the determination of the approval or rejection of this act. The results of the referendum shall further be certified to the secretary of state by the presiding officer of the legislative body of the City of Gallatin.

SECTION 4. 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 3.

HOUSE BILL NO. 1451

PASSED: May 8, 2017


BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES


RANDY McNALLY
SPEAKER OF THE SENATE

APPROVED this 17th day of May 2017


BILL HASLAM, GOVERNOR