



# State of Tennessee

## PRIVATE CHAPTER NO. 41

HOUSE BILL NO. 1804

By Representative Moody

Substituted for: Senate Bill No. 1489

By Senator Rose

AN ACT to amend Chapter 120 of the Private Acts of 1915; as amended and rewritten by Chapter 21 of the Private Acts of 2009; Chapter 44 of the Private Acts of 2018; and any other acts amendatory thereto, relative to the Town of Mason.

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

SECTION 1. Chapter 120 of the Private Acts of 1915, as amended and rewritten by Chapter 21 of the Private Acts of 2009, Chapter 44 of the Private Acts of 2018; and any other acts amendatory thereto, is amended by deleting SECTION 3 and substituting:

SECTION 3.01 The governing body of the Town shall consist of a Mayor and six (6) Aldermen who shall be elected and hold office as herein provided. No person shall be eligible for the office of Mayor or Alderman unless they are a qualified voter and have been a bona fide resident of the Town for a minimum of six (6) months preceding the qualifying deadline for the election. Residence within any area annexed in a year preceding an election, provided that the candidate has met the six-month residency requirement, satisfies the residency requirement of this section.

SECTION 3.02. **Vacancy in the office of Mayor, Vice Mayor or Alderman.** A vacancy shall exist in the applicable office if the Mayor or an Alderman resigns, dies, or moves his residence from the Town; has been continuously disabled for a period of six (6) months so as to prevent him from discharging the duties of his office; accepts any federal, state, county, or other municipal office, which is filled by public election; accepts employment with the Town; is convicted of malfeasance or misfeasance in office, a felony, or a violation of the election laws of the state; knowingly or willfully refuses to perform the duties of the office; is adjudicated to have violated the charter of the Town; or is found guilty of any of the offenses contained in State municipal ouster laws.

SECTION 2. Chapter 120 of the Private Acts of 1915, as amended and rewritten by Chapter 21 of the Private Acts of 2009, and any other acts amendatory thereto, is amended by deleting the fourth paragraph of SECTION 4 and substituting:

The Mayor and Aldermen shall assume office on the First Monday in December following their election at an oath of office ceremony at a time and place to be determined by the Board; provided, that the election has been certified by the County Election Commission. In the event the County Election Commission cannot certify the election prior to the First Monday in December, the oath of office ceremony will be held on the first Monday following certification of the election.

SECTION 3. Chapter 120 of the Private Acts of 1915, as amended and rewritten by Chapter 21 of the Private Acts of 2009, and any other acts amendatory thereto, is amended by deleting SECTIONS 6 and 7 and substituting:

SECTION 6. Before a person takes office as Mayor or an Alderman, they shall subscribe to the following oath or affirmation, administered by an official authorized to administer oaths in the State of Tennessee: "I do solemnly swear that I will support and obey the Constitution of the United States, the Constitution and laws of the State of Tennessee, the Charter and laws of the Town of Mason, and that I will faithfully discharge the duties of the office of (Mayor/Alderman) so help me God."

SECTION 7. The total compensation of the Mayor and Aldermen shall be fixed by ordinance; but they shall not be increased or diminished during the term for which they are elected. No such increase shall take effect until each position on the Board has been subject to re-election following the passage of such ordinance.

SECTION 4. Chapter 120 of the Private Acts of 1915, as amended and rewritten by Chapter 21 of the Private Acts of 2009, and any other acts amendatory thereto, is amended by deleting SECTION 9 and substituting:

SECTION 9.01. The legislative powers of the Town shall be vested in the Board of Mayor and Aldermen. The Board shall, by ordinance, fix the time and place at which the regular meetings of the Board shall be held. When the welfare of the Town demands it, the Mayor or any three (3) Aldermen may call a special meeting of the Board of Mayor and Aldermen by causing all the members thereof to be notified of such special meeting, and providing public notice of not less than forty-eight (48) hours prior to the meeting, and providing an agenda describing clearly the topics to be discussed and any actions to be taken at the meeting, in accordance with state law. In case of the absence of the Mayor from any regular or special meetings, a quorum of the Board being present, the Vice-Mayor shall preside at such meetings.

Four (4) members of the Board of Mayor and Aldermen shall constitute a quorum for the transaction of business; but a smaller number may adjourn from day to day. The rules of order and parliamentary procedure contained in Robert's Rules of Order, latest Revision, shall govern the transaction of business by and before the Board at its meetings in all cases to which they are applicable and in which they are not inconsistent with provisions of state law. By majority vote, the Board may designate a Parliamentarian who shall have authority over the interpretation and enforcement of Robert's Rules of Order. The Parliamentarian shall have authority to override procedural actions of any member of the Board and instruct the Board on the proper conduct of business in accordance with Robert's Rules of Order. By a majority vote of the Board members present at a meeting an item may be moved to a following meeting where the Town attorney shall act as a mediator in facilitating a discussion and vote on the item.

All members of the Board shall maintain a current disclosure of all interests in property, business, investments, and sources of income as specified under state law. At least annually, Board members shall file an accurate disclosure of interests statement. In accordance with conflict of interests laws, Board members shall publicly disclose any conflict of interest before participating in any deliberation relevant to the applicable action before the Board. Members shall recuse themselves from deliberation and voting on any matter in which the member has a conflict of interest.

The Board shall adopt and maintain a current ethics policy in accordance with state law. At least annually, members shall acknowledge that they have received a current copy of the ethics policy, and have read and understand the contents and requirements of the policy.

SECTION 9.02. **Duties of the Mayor.** The Mayor shall be the executive head of the Town. The Mayor shall have such powers and duties as are specified in this charter, as may be provided by ordinance not inconsistent with this charter, and as are otherwise provided by law. It shall be the duty of the Mayor to:

- (1) Preside at all meetings of the Board, to ensure the orderly conduct of meetings, and to ensure that parliamentary procedures are followed;
- (2) Serve as the official representative of the Town at public functions, ceremonies, and intergovernmental meetings;
- (3) Act as the spokesperson for the city in dealings with citizens, media, and other governments;
- (4) Issue proclamations, awards, or recognitions on behalf of the city;
- (5) Represent the city before the legislature, other public agencies, and community organizations;

(6) Build partnerships and promote cooperation between local government and civic groups; and

(7) Act as an advocate for city interests at the regional or state level.

The Mayor does not have any oversight authority of the Town Administrator. The Mayor shall not impede, interfere, or undermine the job or function of the administrator. In the event the Mayor fails to carry out his official duties as provided by this charter, or directives and actions of the Board, then the Vice-Mayor will perform these duties. The Mayor has no oversight of and is not responsible for the day-to-day operations of the Town.

SECTION 5. Chapter 120 of the Private Acts of 1915, as amended and rewritten by Chapter 21 of the Private Acts of 2009, Chapter 44 of the Private Acts of 2018, and any other acts amendatory thereto, is amended by deleting SECTION 12 and substituting:

SECTION 12.01. The Town government shall be organized into departments as provided by ordinance. The Board of Mayor and Aldermen shall determine by ordinance the functions and duties of all departments and offices. The Board of Mayor and Aldermen by ordinance may establish, abolish, merge, or consolidate offices, positions of employment, departments, and agencies of the Town, may provide that the same person shall fill any number of offices and positions of employment, and may transfer or change the functions and duties of offices, positions of employment, departments, and agencies of the city, subject to the following limitations:

(1) The number of members and authority of the Board, as provided in this charter, shall not be changed; and

(2) All officers and employees of the city, except as otherwise specifically provided in this charter, shall be appointed and removed by and shall be under the direction and supervision of the Town Administrator, except that all department heads shall be appointed by majority vote of the Board of Mayor and Aldermen. All appointed department heads and other positions appointed by the Board of Mayor and Aldermen shall serve at the will and pleasure of the Board and may be terminated without cause by majority vote of the Board.

All appointed department heads, including the Town Administrator, shall be present at all Board meetings, including special called meetings unless specifically excused by the Board. The Board of Mayor and Aldermen may determine the number of departments in the Town. The department's directors appointed by the Board, or serving in that capacity by any means, shall possess and maintain at least at the minimum certifications and qualifications of their industry and the oversight bodies and laws of the state of Tennessee. Members of the various departments needing state or federal certifications to do their jobs must file with the Town the certifications and continuing education certifications on a timely basis. Failure to maintain and file certifications and continuing education on a timely basis shall be cause for immediate termination at the will of the Board. In any case, the employee will be assigned a period of correction in which the relevant certification or qualification shall be attained. During the period of the lapse of training or certification, the employee may be suspended without pay, or demoted to a lesser position, if one is available, until the certification or qualification is remedied.

SECTION 12.02. **Administration.** The Board of Mayor and Aldermen shall appoint a Town Administrator who shall be an employee of the Town not a contract agent and serve at the will and pleasure of the Board and may be terminated without cause by majority vote of the Board. The Town Administrator shall be the chief administrative officer of the Town reporting and responsible to the Board. In the temporary absence of the Town Administrator, the Board shall appoint a qualified person, that is not the Mayor, to serve as Town Administrator in his or her absence. When a vacancy occurs in the position of Town Administrator, the Board of Mayor and Aldermen shall appoint an interim Town Administrator until a permanent replacement can be appointed. If the Mayor or any member of the Board fails to do their duty as an elected official, then the Board may, by majority vote, ask the Town attorney

to compel the Mayor or Board member to do their duty. The Town shall formally adopt by resolution a list of authorized aldermen signatures for use in the absence of the Mayor relevant to all official business of the Town, including, but not limited to, contracts, permits, grants, banking, loans, and other required actions; at a minimum three (3) people shall be on this list. All documents and/or official transactions requiring official signatures, must be signed by two (2) members of the Board. In the absence of the Mayor or in his or her failure to act, the authorized Board members may sign any legally authorized transaction.

**SECTION 12.03. Administration – required positions and replacements.** The Town Administrator shall immediately begin the application process to fill vacant positions authorized by the Board and appropriated in the annual budget. The Town shall at all times maintain a qualified Town attorney and finance director. In the event a vacancy occurs in either position, the Board shall appoint a temporary replacement for the Town Attorney and assign the position of Finance Director to another Town employee if a qualified person is available. The Town shall promptly initiate efforts to fill the vacancy in either position. The finance director shall be an employee of the Town.

**SECTION 12.04. Duties of the Town Administrator.**

The Town Administrator:

(1) Shall serve as the administrative head of the Town and shall be responsible for the day-to-day operations of the Town;

(2) Shall administer the business of the Town;

(3) Shall prepare and recommend a municipal budget to the Board of Mayor and Aldermen and prepare and recommend budget amendments as needed;

(4) Shall present to the governing body each month:

(a) Budgets and actual reports;

(b) Cash and investment balances for the different funds of the Town; and

(c) Other reports and information as requested by the Board;

(5) Shall make recommendations to the Board for improving the quality and quantity of public services to be rendered by the officers and employees;

(6) Shall keep the Board fully advised as to the conditions and needs of the Town;

(7) Shall report to the Board on the condition of all property, real and personal, owned by the Town and recommend repairs or replacements as needed;

(8) Shall recommend to the Board and suggest the priority of programs or projects involving public works or public improvements that should be undertaken by the Town;

(9) Shall recommend specific personnel positions, qualifications, and job descriptions, as may be required for the needs and operations of the Town. All positions of employment, across all departments along with the job description, pay classification, and annual pay rate shall be approved by the Board of Mayor and Aldermen through the adoption of the annual budget and the appropriation of funds therein. No position shall be added, or any existing position modified by job description,

duties, or rate of pay without the express consent of the Board of Mayor and Aldermen through an amendment to the budget;

(10) Shall employ, promote, discipline, and discharge employees in accordance with Board-approved personnel policies. The Board of Mayor and Aldermen's approval shall be required for the employment and discharge of an appointed department head or any other position appointed by the Board;

(11) Shall, along with the Finance Director, oversee purchasing, accounts payable, track cash flow, ensure responsible use of Town funds, and ensure all applicable state laws, rules, regulations, and Town policies are complied with;

(12) May serve in any position within the city where certification is not required and in any position within the city where certification is required, when the Town Administrator maintains the required certification;

(13) Shall ensure that all ordinances of the Town and all policies of the Board are enforced;

(14) Shall ensure that all applicable laws and regulations of the State and Federal Government are complied with; and

(15) Shall perform such other duties as may from time to time be designated or required by the Board.

**SECTION 12.05. Aldermen dealing with personnel through Town Administrator.**

Individual Aldermen are not to have or exercise direct authority over any of the personnel of the Town but may contact such personnel for information-gathering purposes to assist the Aldermen in meeting their collective responsibilities; provided, that such contact is made in such a way as not to interfere with the operation of the department of the Town involved. All other contact with personnel of the Town by Aldermen shall be through the Town Administrator.

**SECTION 12.06. Town Attorney.** The Town Attorney shall be an attorney at law entitled to practice in the courts of the State of Tennessee.

**SECTION 12.06.01. Town Attorney - Appointment, duties, and salary.** The Town Attorney shall be appointed by the Board and shall generally direct management of all litigation in which the Town is a party, including the function of prosecuting attorneys in the Town Court; represent the Town in all legal matters and proceedings in which the Town is a party or interested or in which any of its officers is officially interested; attend meetings of the Board as requested and advise the Board and committees and members thereof, the Town Administrator, and heads of all departments, offices, or agencies as to all legal questions affecting the Town's interests; and approve as to form, in those instances where required by the Board, all contracts, deeds, bonds, ordinances, resolutions, and other documents to be signed in the name of or made by or with the Town. The Town Attorney's compensation and other benefits incidental to his or her position shall be fixed by the Board, and he or she shall serve at the will of the Board.

**SECTION 12.06.02. Assistant Town Attorneys.** The Board may appoint one (1) or more assistant Town Attorneys with such qualifications as the Board may determine and the same shall perform such duties as the Town Attorney shall assign to them. The compensation and other benefits incidental to the positions of the assistant Town Attorneys shall be fixed by the Board, and they shall serve at the will of the Board.

**SECTION 12.07. Time and place of meetings.** Regular meetings of the Board shall be held at least monthly for the conduct of such business as may properly come before the Board. Adequate public notice of such meetings shall be given.

**SECTION 12.08. Quorum and adjournment.** A quorum for the purpose of conducting business shall be a majority of the membership of the Board. In the absence of the Mayor and vice Mayor, the remaining Aldermen present shall appoint one (1) of their number to be the presiding Alderman. The Mayor, vice Mayor, or the presiding Alderman shall have a vote on all questions and shall have the authority to introduce or second motions, as shall all Aldermen. A regular meeting at which a quorum is present may be adjourned by a majority vote, either from day to day or from time to time; but no such adjournment shall be taken to a date beyond the day preceding the next regular meeting, and any adjourned meeting shall continue as a regular meeting through said adjournment. The foregoing provisions notwithstanding, in the event there exists on the Board vacancies of more than two (2) members, a quorum shall be the entire membership of the Board.

**SECTION 12.09. Finance and budget.**

**SECTION 12.09.01. Fiscal year.** The fiscal year of the Town shall begin on the first day of July and end on the last day of June, in accordance with State law.

**SECTION 12.09.02. Annual budgets required.** The adoption of an annual budget shall be a prerequisite to the appropriation of money for municipal purposes and the levy of property taxes. The Town shall at all times comply with the general budget laws of the state as well as policies, procedures, and recommendations from the office of the comptroller of the treasury.

**SECTION 12.09.03. Town Administrator to prepare and submit annual budget and explanatory message.** At least forty-five (45) days before the beginning of the fiscal year, the Town Administrator shall prepare and submit to the Board a budget for the ensuing fiscal year and an accompanying message. It shall outline the proposed financial policies of the Town for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the Town's debt position, include such other material as the Town Administrator deems desirable or the Board may require, and otherwise be in such form and substance as may be required by general state law.

**SECTION 12.09.04. Required content and organization of budget.** The budget shall provide a complete financial plan for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the Town Administrator deems desirable or the Board may require.

**SECTION 12.09.05. Public hearing on annual budget.** After considering the Town Administrator's proposed annual budget and the making of any modification thereto, the Board shall schedule a time and place for a public hearing thereon and shall give proper notice of the time and place of the public hearing, a summary of the annual budget tentatively approved by the Board, and a notice of when and where the entire annual budget may be inspected. Notice of the public hearing must be given at least seven (7) days in advance of the date thereof.

**SECTION 12.09.06. Budget adoption.** After the public hearing, the Board shall adopt the budget, with such modification or amendments as the Board deems advisable, for the ensuing year on or before the last day of the fiscal year currently ending. If it fails to adopt the budget by this date, the appropriations for the current fiscal year shall become the appropriations for the next fiscal year until the adoption of the new budget ordinance. Adoption of the budget shall be by ordinance and shall be passed upon two (2) separate readings on two (2) separate dates at a regular or called meeting of the Board. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated.

**SECTION 12.09.07. Amendments to the annual budget.** Except as otherwise prohibited by law, the Board may amend the budget ordinance in the same manner as

any other ordinance may be amended. No payment shall be made or obligation incurred if the payment or obligation exceeds the appropriation for that purpose in the adopted budget, until the budget has been properly amended to provide adequate funding.

SECTION 12.09.08. **Transfer of unencumbered appropriations.** The governing body, by appropriate resolution or ordinance, may authorize the Town Administrator to transfer part or all of any unencumbered line items within a department, office, or agency. The Board, by appropriate resolution, may authorize the Town Administrator to transfer moneys from one (1) department, office, or agency to another within the same fund subject to such limitations and procedures as it may prescribe. All such transfers shall be reported to the Board immediately with an explanation and justification for the transfer.

SECTION 12.09.09. **Emergency appropriations.** Upon a declaration by the Board that there exists a public emergency affecting life, health, property, or the public peace, the Board may make emergency appropriations by ordinance. To the extent that there are no available unappropriated revenues to meet such appropriations, the Board is authorized to borrow funds sufficient to meet an emergency by issuing evidence of obligations. Provision shall be made in the budget for the succeeding fiscal year for the payment of such obligations.

SECTION 12.09.10. **Deficits.** If at any time during the fiscal year it appears probable to the Town Administrator that the available revenues will be insufficient to meet the amount appropriated, the Town Administrator shall report, without delay, to the Board, the estimated amount of the deficit, any remedial action taken by the Town Administrator, and the Town Administrator's recommendations as to any other steps to be taken. The Board shall then take such action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce appropriations.

SECTION 12.09.11. **Lapsing of appropriations.** Any portion of an annual appropriation remaining unexpended and unencumbered at the close of a fiscal year shall lapse and be credited to the respective fund's fund balance.

SECTION 12.09.12. **Incurrence and discharge of obligations.** No payment shall be made or obligation incurred against any appropriation unless the Town Administrator certifies that an appropriation has been made for that purpose and that there is unexpended and unencumbered in the appropriation for that purpose an amount sufficient to meet the obligation or to make the expenditure. However, except where prohibited by law, nothing herein shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year.

SECTION 12.09.13. **Borrowing of funds.** The Board may authorize the Town to issue bonds or to borrow money in conformance with the laws of the state of Tennessee.

SECTION 12.09.14. **Accounting records, controls, and audits.** Adequate accounting records shall be installed and maintained in accordance with generally accepted accounting principles. Constant and comprehensive budgetary control shall be maintained. An audit of the financial statements of the Town shall be required by action of the Board and same shall be made after the end of each fiscal year by an independent certified public accountant.

SECTION 12.09.15. **Purchasing policies and procedures.** All purchases of goods and services by authorized officials of the Town using or encumbering municipal funds shall be made in accordance with policies of the Board and applicable laws of the state of Tennessee.

SECTION 12.09.16. **Budget - General.** No Officer or employee of the Town may make any expenditure or incur any obligation except in accordance with an appropriation in the adopted budget ordinance. No appropriation may be made in excess of available revenues and unencumbered fund balances. Any obligation or expenditure made in violation of this section is unlawful and the officer is liable for the amount unlawfully expended or obligated. The governing body shall not ratify or legalize any such

obligation or expenditure. It is the intent of this provision that, except for moneys expended pursuant to a project ordinance or accounted for in a proprietary type of fund or a fiduciary type fund that are excluded from the budget ordinance, all moneys received and expended by the Town shall be included in the budget ordinance. The Town shall not expend any moneys regardless of their source, including moneys derived from bond and long-term note proceeds, federal, state, or private grants or loans, or special assessments, except in accordance with the adopted budget ordinance or through a proprietary type of fund or a fiduciary type of fund properly excluded from the budget ordinance in accordance with state law. The Town Administrator, Finance Director, and Accounting Officer shall report violations to the Board of Mayor and Aldermen and comptroller of the treasury.

SECTION 6. Chapter 120 of the Private Acts of 1915; as amended and rewritten by Chapter 21 of the Private Acts of 2009; Chapter 44 of the Private Acts of 2018, and any other acts amendatory thereto, is amended by deleting SECTION 15 and substituting:

SECTION 15.01. **Town Recorder.** The Town Recorder shall be appointed by the Board of Mayor and Aldermen. The Town recorder shall serve at such salary and with such other benefits incidental to the Town Recorder's position as are provided by the Board, and shall serve at the will of the Board. The Town Recorder shall be subject to day-to-day supervision by the Town Administrator.

SECTION 15.02. **Minutes.** It shall be the duty of the Town Recorder to be present at all meetings of the Board and to prepare and maintain a full and accurate record of all business transacted by the same. In the Town Recorder's absence from a meeting the officer presiding at the meeting shall appoint a person to fulfill the duties of Town Recorder.

SECTION 15.03. **Custodian of public records, bonds, etc.** The Town Recorder shall have custody of and preserve in the Town Recorder's office the Town seal, the public records, ordinance books, minutes of the Board, contracts, bonds, titles, deeds, certificates and papers, all official indemnity or security bonds, and all other bonds, oaths, and affirmations, and all other records, papers, and documents not required by this charter or by ordinance to be deposited elsewhere, and register them by numbers, dates, and contents, and keep an accurate and current index thereof.

SECTION 15.04. **Copies of records, papers, and documents.** The Town Recorder shall provide and, when required, certify copies of records, papers, and documents in the Town Recorder's office and charge therefor, for the use of the Town, such fees as may be provided by ordinance or resolution; and cause copies of ordinances to be published as may be directed by the Board and kept in the Town Recorder's office for distribution.

SECTION 15.05. **Other duties.** The Town Recorder shall also perform any other duties imposed upon the Town Recorder by this charter, by ordinance, by the Town Administrator, or by the Board.

SECTION 7. Chapter 120 of the Private Acts of 1915, as amended and rewritten by Chapter 21 of the Private Acts of 2009, and any other acts amendatory thereto, is amended by adding the following new subsection (c) to SECTION 16:

(c) **Personnel policies.** In accordance with TCA 6-54-123, the Board of Mayor and Alderman shall adopt written policies that include rules and regulations governing employees. The policies shall include hours of work, attendance, leaves of absence, classifications and pay plans, recruitment and promotion, disciplinary actions, and other matters required by state or federal law or regulations. A copy of the personnel policies must be filed with the Town Recorder and made available to all Town employees. The Town shall review these policies at least every five (5) years and make any needed revisions.

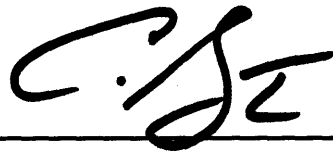
SECTION 8. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the Town of Mason. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

**HB1804**

SECTION 9. 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 8.

HOUSE BILL NO. 1804

PASSED: April 2, 2026



CAMERON SEXTON, SPEAKER  
HOUSE OF REPRESENTATIVES



RANDY MCNALLY  
SPEAKER OF THE SENATE

APPROVED this 11<sup>th</sup> day of April 2026



BILL LEE, GOVERNOR