

June 26, 2014

City of Ardmore Tennessee
Ms. Mary Prier
City Recorder
25844 Main Street
Ardmore, Tennessee 38449

VIA ELECTRONIC MAIL

Dear Ms. Prier:

Please let this letter serve in response to your recent inquiry regarding the terms of appointed aldermen. As I understand, two seated aldermen have resigned this year and have been replaced by the board of mayor and aldermen. One term of office for a vacated position ends in 2014 and the other term ends in 2016. Furthermore, it is my understanding that two other aldermen positions will be elected in 2014 as well. Finally, all aldermen are elected at-large.

Article V, Section 5 of your charter addresses vacancies on the board:

Sec. 5. Vacancy on Board. Be it further enacted, That whenever a vacancy shall occur on said Board by reason, of the death, resignation, ouster, prolonged absence or inability to serve of any Alderman, such vacancy shall be filled until the next regulation election by election by the remaining members of said Board, provided, however, no vacancy shall by filled by the Board of Mayor and Aldermen under this Article when said Board already has two (2) members thereof so elected. When a vacancy should occur under such circumstances, the Board shall forthwith, by resolution, call upon the Election Commissioners for Giles County to call a Special Election for the purpose of filling such additional vacancy, whereupon said Election Commissioners shall immediately call such Special Election and appoint the necessary officers therefor, and such Special Election shall be held in the same manner as and subject to the regulations in this Charter, respecting general town elections, provided, however, that no such special election shall be called unless the Alderman elected at such time would have at least six (6) months to serve on the unexpired term.

Accordingly, an appointee shall serve until the next regular municipal election when a successor is elected for the remainder of the vacated term of office.

So the vacancy to be filled for the vacated term expiring in November 2014 is done as if the vacancy never occurred (as the term ends at the upcoming election). You should request the election commission to call for a municipal election for three (3) aldermen positions for a four-year term of office. The top three persons receiving the most votes filing for this 4-year term will be elected.

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You must also request the election commission to schedule an election for one alderman for a two-year term of office to fill the vacancy for the seat vacated with a term ending in 2016. The person filing for this two-year term receiving the most votes will be elected.

In accordance with TCA § 6-53-101, please be mindful that the board of mayor and aldermen must officially notify the election commission to hold your November regular election, with no less than 120 days' notice to be given.

Please let me know if you require additional information regarding this matter.

Very truly yours,

A handwritten signature in blue ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Jeffrey J. Broughton
Municipal Management Consultant