

**STATE OF TENNESSEE**  
OFFICE OF THE  
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September 30, 2005

Opinion No. 05-151

Term of Mayor of Spring Hill

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**QUESTION**

Since 1987, the City of Spring Hill has operated under the mayor-aldermanic form of government, Tenn. Code Ann. §§ 6-1-101, *et seq.* During the 1990's, the Board of Mayor and Aldermen changed the Mayor's term of office from four years to two, as authorized under 1998 Tenn. Pub. Acts Ch. 954. Later in the 1990's, the Board changed the term of office back to four years. This action was expressly authorized under 2000 Tenn. Pub. Acts Ch. 613. After 2001, the city changed its mayoral term back to two years. The present Mayor was elected to a term of two years, but the Aldermen are elected to four-year terms. Under state law, may the Mayor's term of office be two years?

**OPINION**

Under Tenn. Code Ann. § 6-3-102(b)(5), Spring Hill could change the term of office of all members of its Board of Mayor and Aldermen to two-year non-staggered or staggered terms. But we have found no statute authorizing the city to shorten the Mayor's term to two years while leaving the other members of the Board with four-year staggered terms.

**ANALYSIS**

This opinion concerns the legal term of office for the Mayor of Spring Hill. Since 1987, the City of Spring Hill has operated under the mayor-aldermanic form of government, Tenn. Code Ann. §§ 6-1-101, *et seq.* Tenn. Code Ann. Vol. 13 (Supp. 2004 at 182). Tenn. Code Ann. § 6-3-102 governs the term of office for the board of mayor and aldermen in cities incorporated under the act on or before June 30, 1991. During the 1990's, the Board of Mayor and Aldermen of Spring Hill changed the Mayor's term of office from four years to two. In 1998, the General Assembly amended Tenn. Code Ann. § 6-3-102 to add subsections (c)(1) and (2). 1998 Tenn. Pub. Acts Ch. 954. These subsections provided:

(c)(1) Notwithstanding any provision of this chapter to the contrary, any municipality incorporated under this charter that is located within two (2) counties and has a population of not less than one thousand four hundred fifty (1,450) nor more than one thousand four hundred seventy-five (1,475) according to the 1990 federal census or any

subsequent federal census may by ordinance provide for the election of its *mayor to a two-year term* and the election of its aldermen to *staggered four-year terms* beginning with municipal elections that are conducted after January 1, 1999.

(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.

(Emphasis added). By its terms, this provision applied to Spring Hill. Later in the 1990's, the Board of Mayor and Aldermen changed the term of office back to a four-year term. The General Assembly enacted 2000 Tenn. Pub. Acts Ch. 613, which applied to the City of Spring Hill. That act deleted (c)(1) and (2), quoted above, and substituted the following:

(c)(1) Notwithstanding any provision of this chapter to the contrary, any municipality incorporated under this charter that is located within two (2) counties and has a population of not less than one thousand four hundred fifty (1,450) nor more than one thousand four hundred seventy-five (1,475) according to the 1990 federal census or any subsequent federal census may by ordinance provide for the election of its *mayor to a four-year term* and the election of its aldermen to *staggered four-year terms* beginning with municipal elections that are conducted after January 1, 2001.

(2) Nothing in subdivision (c)(1) 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.

In 2001, Spring Hill elected a Mayor to a four-year term. The request indicates that the City, by ordinance, later changed its mayoral term back to two years. Research indicates that the Aldermen continue to be elected to staggered four-year terms.

The request asks whether the Mayor of Spring Hill may legally be elected to a two-year term under Tenn. Code Ann. § 6-3-102. That statute provides considerable flexibility for the board of mayor and aldermen of a city incorporated under the mayor-aldermanic charter on or before June 30, 1991. But the statute as now drafted does not allow for a mayor to be elected for a term of two years where, as appears to be the case in Spring Hill, the remaining board members are elected to staggered four-year terms. After the 2000 amendment to the statute, Spring Hill was authorized to have a mayor elected to a four-year term, with the remaining aldermen elected to staggered four-year terms. Tenn. Code Ann. § 6-3-102(b)(5) provides:

A municipality whose board has non-staggered or staggered four-year terms may, by ordinance, change to two-year non-staggered or staggered terms. The ordinance shall not affect the present terms of members of the board serving four-year terms, and shall take effect for the next appropriate municipal election following the adoption of the ordinance. *After such election, all members of the board shall be elected to serve two-year terms.*

(Emphasis added). The mayor-aldermanic charter does not address the mayor's term of office in a separate statute. As used in Tenn. Code Ann. § 6-3-102, the term "board" refers to the board of mayor and aldermen. *See also* Tenn. Code Ann. § 6-3-101(a) (city's "board" shall consist of a mayor and two aldermen elected at large). Under Tenn. Code Ann. § 6-3-102(b)(5), Spring Hill could change the term of office of all the members of its Board of Mayor and Aldermen to two-year non-staggered or staggered terms. But we have found no statute authorizing the city to shorten the Mayor's term to two years while leaving the other members with four-year staggered terms.

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