Referendum Ordinance No. 5347

A REFERENDUM ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED, PURSUANT TO THE PROVISIONS OF ARTICLE 11 SECTION 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO REPEAL THE ELECTION PROCEDURE FOR IMPLEMENTATION OF STAGGERED TERMS AND TO PROVIDE FOR THE ELECTION OF PERSONS TO THE MEMPHIS CITY COUNCIL, OFFICE OF THE MAYOR AND OFFICE OF CITY COURT CLERK TO TWO (2) CONSECUTIVE FOUR-YEAR TERMS WITHOUT STAGGERED TERMS

Whereas, the City of Memphis Charter was amended as a result of a referendum ordinance proposed by the City of Memphis Charter Commission and approved by the voters during the election held on November 4, 2008 ("2008 Amendment"), which changed the procedure for elections to Memphis City Council, Office of the Mayor, and City Court Clerk to staggered terms; and

Whereas, it is deemed advisable and in the best interest of the citizens of the City of Memphis that the City of Memphis Charter be amended by ordinance as provided by Article 11, Section 9 of the Constitution of the State of Tennessee (Home Rule Amendment) for the purpose of repealing the prior approved amendment related to staggered terms.

Section 1. Proposed Amendment

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS and submitted by the City of Memphis to its qualified voters at the first general election, which shall be held in the City of Memphis on November 2, 2010, and which shall be held at least sixty (60) days after such publication:

QUESTION:

Shall the Charter of the City of Memphis, Tennessee be amended to repeal the current election schedule for City offices and staggered terms for City Council offices and to restore the election procedure and schedule existing prior to the 2008 Amendment for all City offices, and expressly retaining limits of two (2) consecutive four-year terms for persons elected to the Memphis City Council, office of the Mayor, and to the office of City Court Clerk ?

Section 2. Publication of Home Rule Amendment

BE IT FURTHER ORDAINED, That the Comptroller is hereby directed to cause the Ordinance to be published pursuant to provisions of Article 11, Section 9 of the Constitution of the State of Tennessee.

Section 3. Delivery to Election Commission

BE IT FURTHER ORDAINED, That the Comptroller of the City of Memphis shall certify adoption of this Ordinance to the Shelby County Election Commission in charge of holding the general State election on November 2, 2010, and request that this proposed amendment to the Home Rule Charter of the City of Memphis be placed on the ballot.

Section 4. Proposal and preference.

BE IT FURTHER ORDAINED, That the Comptroller of the City of Memphis is hereby directed to deliver a copy of this Ordinance to the Shelby County Election Commission, together with a suggested proposal and the following form of preference to be placed on the ballot in an election to be held on the 2nd day of November 2010:

REFERENDUM ORDINANCE REPEALING THE ELECTION PROCEDURE FOR IMPLEMENTATION OF STAGGERED TERMS AND PROVIDING FOR THE ELECTION OF PERSONS TO THE MEMPHIS CITY COUNCIL, OFFICE OF THE MAYOR AND OFFICE OF CITY COURT CLERK TO TWO (2) CONSECUTIVE FOUR-YEAR TERMS WITHOUT STAGGERED TERMS

Said ordinance of the City of Memphis was adopted on the _____ day of _____, 2010, to provide for referendum vote on a Home Rule Amendment to the Charter of the City of Memphis, to read as follows:

Shall the Charter of the City of Memphis, Tennessee be amended to repeal the current election schedule for City offices and staggered terms for City Council offices and to restore the election procedure and schedule existing prior to the 2008 Amendment for all City offices, and expressly retaining limits of two (2) consecutive four-year terms for persons elected to the Memphis City Council, office of the Mayor, and to the office of City Court Clerk ?

FOR (YES) _____
AGAINST (NO) _____

Section 5. Effective Date of Charter Amendment

Section 6. Certification of Results

BE IT FURTHER ORDAINED, That the Shelby County Election Commission certify the result of said election to the Comptroller of the City of Memphis, who shall see that said result is made a part of the Minutes of the Council of the City of Memphis.

Section 7. Nonconflicting – Conflicting Laws

BE IT FURTHER ORDAINED, That upon adoption of this Home Rule Amendment, all laws constituting the present Charter of the City of Memphis, not in conflict with this amendatory Home Rule Ordinance, be and the same are here continued in full force and effect, and all laws in conflict therewith are hereby repealed.

Section 8. Severability

BE IT FURTHER ORDAINED, that if any clause, section, paragraph, sentence or part of this Ordinance shall be held or declared to be unconstitutional and void, it shall not affect the remaining parts of this Ordinance, it being hereby declared to be the legislative intent to have passed the remainder of this Ordinance notwithstanding the parts so held to be invalid, if any.

Section 9. Publication

BE IT FURTHER ORDAINED, that this Ordinance shall be published immediately after the adoption hereof.

Section 10. Enactment of Referendum Ordinance

BE IT FURTHER ORDAINED, that this Referendum Ordinance shall take effect from and after the date it shall have passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

JIM STRICKLAND
Councilman

HAROLD COLLINS
Chairman of Council

THE FOREGOING ORDINANCE
#53471 PASSED
1st Reading 2-23-10
2nd Reading 3-9-10
3rd Reading 4-13-10
Approved
Chairman of Council
Date Signed: 04/22/2010
Approved:
Mayor, City of Memphis
Date Signed: 29 April 2010
I hereby certify that the foregoing is a true copy, and said document was adopted by the Council of the City of Memphis as above indicated and approved by the Mayor.
Valerie C. Swope
Comptroller