

AN ORDINANCE TO AMEND CHAPTER 2, ARTICLE II, OF THE CODE OF ORDINANCES OF THE CITY OF MEMPHIS, RELATIVE TO THE REASONABLE AND NECESSARY FACILITIES AND OTHER CAPITAL ASSETS FOR THE MEMPHIS CITY COUNCIL TO CONDUCT ITS MEETING OBLIGATIONS AND OTHER LEGISLATIVE RESPONSIBILITIES VESTED IN THE COUNCIL BY THE CITY'S CHARTER

WHEREAS, the Memphis City Council adopted Ordinance 5219 effective October 16, 2007 over the veto of then Mayor Willie Herenton to insure a separation of powers between the executive and legislative branches of City government pursuant to the Council's broad legislative authority under the City's Charter to establish rules and regulations to govern the affairs of the Council, including the creation, appointment and regulation of its own staff;

WHEREAS, Ordinance 5219 established that the Memphis City Council shall create, appoint and regulate its own staff;

WHEREAS, Ordinance 5219 created the following classifications of staff employees, Council Attorney, Council Administrator, Assistant Council Administrator and other positions as determined necessary by the Council Chairman;

WHEREAS, pursuant to the Council's broad legislative authority under the City's Charter, the Council has by resolution approved a staff restructure plan for the Council pursuant to which the City's Legislative authorized staff complement was increased from 28 to 31 full time positions, to add a legislative analyst, an assistant Council attorney and an office and grants administrator;

WHEREAS, the Council has determined that its current facilities are not reasonably adequate to accommodate the increase in its new staff complement and that its website and external communications with citizens of the City needs to be improved;

WHEREAS, in order to insure a separation of powers between the executive and legislative branches of City government as contemplated by the Tennessee Constitution, the Council desires to amend Chapter 2, Article II of the Code of Ordinances of the City of Memphis to establish and affirm the Council's authority to appropriate City funds and resources to provide the appropriate staff, facilities and assets that it deems necessary to adequately and efficiently perform the legislative functions vested in it by the City's Charter.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF MEMPHIS that consistent with the Tennessee Constitution, the City's Charter, Ordinance Nos. 5219 and 5670, the Code of Ordinances for the City of Memphis, Tennessee Chapter 2, Article II, is hereby amended to create a new Section 2-19 which shall read as follows:

SECTION 1. Section 2-19. – Council Facilities

The Memphis City Council does hereby ordain that the Council alone shall determine the appropriate staff, facilities and assets that it deems necessary from time to time to adequately and efficiently perform the legislative functions vested in it by the City's Charter:

- (a) The Chairman shall be authorized in consultation with the Vice-Chairman and the Chairman of the Council's Budget Committee to make a determination of the facilities and assets that it deems necessary from time to time to adequately and efficiently perform the legislative functions vested in it by the City's Charter and to insure that the necessary City funds and resources are included in the Legislative Divisions' operating and capital budgets contained in the City's Annual Appropriation Ordinance and/or Capital Budgets or in any amendments thereto to provide the Council with the facilities and assets it deems necessary to adequately and efficiently perform the legislative functions vested in it by the City's Charter.
- (b) The Council has the authority under the City's Charter to approve and amend all budgets of the City and shall have the authority to amend the City's Annual Appropriation Ordinance and/or Capital Budgets to provide the Legislative Division with the facilities and assets it deems necessary to adequately and efficiently perform the legislative functions vested in it by the City's Charter, including funding for independent intellectual technology services and equipment, architectural and web design services, leasing consulting services, appropriation of unused or underutilized office space in City Hall, or leasing of additional office space, if none is available in City Hall.
- (c) The City administration shall see that the provisions of the Code of Ordinances for the City of Memphis, Tennessee Chapter 2, Article II, as amended, are observed and implemented, as required by the City's Charter.

SECTION 2. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS that the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases or parts are held

unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

SECTION 3. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS that this Ordinance shall take effect from and after the date it shall have been 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.

SPONSORS:

JB SMILEY, JR.

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**MARTAVIUS JONES
CHAIRMAN**