ORDINANCE NO. _____

AN 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 REQUIRE A TWO-THIRDS MAJORITY APPROVAL OF THE CITY COUNCIL IN ORDER TO INCREASE THE AD VALOREM TAX RATE IF THE INCREASE IS A HIGHER PERCENTAGE THAN THE RATE OF INFLATION AND TO SUBMIT THE PROPOSED ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE FIRST GENERAL STATE ELECTION TO BE HELD NOVEMBER 8, 2012 A REFERENDUM ORDINANCE REQUIRING

WHEREAS, Article 11, Section 9 of the Constitution of the State of Tennessee provides that it shall be the duty of the legislative body of such municipality to publish any proposal so made and to submit the same to its qualified voters at the first general state election which shall be held at least sixty (60) days after such publication and such proposal shall become effective sixty (60) days after approval by a majority of the qualified voters voting thereon.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS that the present Charter of said City consisting of the provisions of the Act of the State of Tennessee for the year 1879, Chapter 11, as amended, and pursuant to Article 11, Section 9 of the Constitution of the State of Tennessee (Home Rule Amendment) the following proposal shall be published and submitted by the City of Memphis to its qualified voters at the first general state election, which shall be held in the City of Memphis on November 8, 2012, and which shall be held at least sixty (60) days after such publication:

"Section 1.

1.

QUESTION:

Shall the Home Rule Charter of the City of Memphis, Tennessee, be amended by adding the following provisions to read as follows?

Two Thirds Majority Vote Required to Approve an Ad Valorem Tax Increase.

Any proposed increase in the Ad Valorem Tax Rate which is a higher percentage than that of the rate of inflation shall require a two-thirds majority vote of the City Council for approval.

THEREFORE, BE IT 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.

BE IT FURTHER ORDAINED, That this Ordinance shall take effect for the purposes set forth herein sixty (60) days after approval by a majority of the qualified voters upon adoption of the Home Rule Amendment to Article , of the Charter of the City of Memphis, Tennessee to add Section _____ in an election to be held on the 8th day of November, 2012, the public welfare, requiring it.

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

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 is hereby declared to be the legislative intent to have passed the remainder of this Ordinance notwithstanding the parts to be held to be invalid, if any.

KEMP CONRAD
Council Member

MYRON LOWERY
Chairman of Council

Attest:
City Comptroller

REFERENDUM ON HOME RULE AMENDMENT TO THE CHARTER OF THE CITY OF MEMPHIS TO REQUIRE A TWO-THIRDS MAJORITY VOTE OF THE COUNCIL TO INCREASE THE AD VALOREM TAX RATE IF THE RATE OF INCREASE IS MORE THAN THE INFLATION RATE

Said ordinance of the City of Memphis was adopted on the __th day of August, 2011, to provide for referendum vote on a Home Rule Amendment to the Charter of the City of Memphis, to read as follows:

Two Thirds Majority Vote Required to Approve an Ad Valorem Tax Increase.

Any proposed increase in the Ad Valorem Tax Rate which is a higher percentage than that of the rate of inflation shall require a two-thirds majority vote of the City Council for approval.

FOR (YES) _____

AGAINST (NO) _____