

A SUBSTITUTE 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 PROVIDE FOR THE RECALL OF A MEMPHIS CITY COUNCIL MEMBER 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 4, 2008.

WHEREAS, it is deemed advisable and in the best interest of the citizens of the City of Memphis that the present Charter of said City be amended by ordinance as provided by Article 11, Section 9, of the Constitution of the State of Tennessee (Home Rule Amendment).

Section 1. Proposed Amendment.

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 State election, which shall be held in the City of Memphis on November 4, 2008, 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 by adding language to read as follows:

Recall of a Memphis City Council Member.

BE IT ORDAINED, that upon petition signed by a number of qualified voters equal to ten per centum of the total number of votes cast in the last municipal general election of the City Council Member, excluding run-off elections and filed with the Election Commission (provided that no such petition shall be filed during the first two years of his term), the Election Commission shall call an election at the time of the next General Election after the filing of such petition pursuant to State Law at which said election the question shall be: "Shall the Memphis City Council Member be Recalled?" If a number of voters equal to a majority of those voting on the question shall vote to recall the City Council Member, the office shall be vacated when the Election Commission shall declare the results, and the remaining members of the Council fill such vacancy in the manner prescribed by Ordinance.

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 the adoption of this Ordinance to the Shelby County Election Commission in charge of holding the general State election on November 8, 2008, 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 be and she 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 8th day of November, 2008:

REFERENDUM ON HOME RULE AMENDMENT TO THE CHARTER OF THE CITY OF MEMPHIS TO PROVIDE FOR THE RECALL OF A MEMPHIS CITY COUNCIL MEMBER

Said Ordinance of the City of Memphis was adopted on the ___ day of ____, 200_, to provide for referendum vote on a Home Rule Amendment to the Charter of the City of Memphis, to read as follows:

Section __. Recall of a Memphis City Council Member.

BE IT ORDAINED, that upon petition signed by a number of qualified voters equal to ten per centum of the total number of votes cast in the last municipal general election of the City Council Member, excluding run-off elections, and filed with the Election Commission (provided that no such petition shall be filed during the first two years of his term), the Election Commission shall call an election at the time of the next General Election after the filing of such petition, pursuant to State Law, at which said election the question shall be: "Shall the Memphis City Council Member be Recalled?" If a number of voters equal to a majority of those voting on the question shall vote to recall the City Council Member, the office shall be vacated when the Election Commission shall declare the results, and the remaining members of the Council fill such vacancy in the manner prescribed by Ordinance.

FOR (YES)
AGAINST (NO)

Section 5. Effective Date of Charter Amendment

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 voting thereon in an election to be held on the 8th day of November, 2008, the public welfare, requiring it.

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 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.

Section 9. Publication.

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

Section 10. Effective Date of Referendum Ordinance.

BE IT FURTHER ORDAINED, That this Referendum 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.

