

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 CONSITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO PROVIDE FOR THE APPROVAL OF DEPUTY DIRECTORS BY THE CITY COUNCIL 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, the Charter of the City of Memphis provides that “The several principal administrative divisions shall be headed by directors who shall be appointed by the Mayor with the approval of a majority of the Council; a Director shall be subject to removal by the Mayor with a concurrence of the Council. The term of office of each Director shall be the same as that of the appointing Mayor, and said Director shall continue in office until their successors have been appointed and approved. A Director likewise may be removed from office for cause as now provided by law.

WHEREAS, currently there are 15 Deputy Directors appointed by the Mayor who carry out the administrative duties of their divisions; and

WHEREAS, the Council believes the enactment of a provision for Council approval of Deputy Directors is appropriate.

Section 1.

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 4, 2008, and which shall be held at least sixty (60) days after such publication:

QUESTION:

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

Section 1. The administrative divisions shall be headed by directors and deputy directors who shall be appointed by the Mayor with the approval of a majority of the Council.

Section 2. A Deputy Director shall be subject to removal by the Mayor with the concurrence of a majority of the Council.

Section 3. The term of office of each Deputy Director shall be the same as that of the appointing Mayor, and said Deputy Director shall continue in office until their successors have been appointed and approved by Council.

Section 4. A Deputy Director likewise may be removed from office for cause as now provided by law.

Section 2. Publication of Home Rule Amendment.

BE IT FURTHER ORDAINED, That the Comptroller is hereby directed to cause the proposal (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 4, 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 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 4th day of November, 2008.

REFERENDUM ON HOME RULE AMENDMENT TO THE
CHARTER OF THE CITY OF MEMPHIS TO PROVIDE FOR THE
APPROVAL OF DEPUTY DIRECTORS BY THE CITY COUNCIL

Said ordinance of the City of Memphis was adopted on the 19th day of August, 2008, to provide for referendum vote on a Home Rule Amendment to the Charter of the City of Memphis, to read as follows:

Section 1. The administrative divisions shall be headed by directors and deputy directors who shall be appointed by the Mayor with the approval of a majority of the Council.

Section 2. A Deputy Director shall be subject to removal by the Mayor with the concurrence of a majority of the Council.

Section 3. The term of office of each Deputy Director shall be the same as that of the appointing Mayor, and said Deputy Director shall continue in office until their successors have been appointed and approved by Council.

Section 4. A Deputy Director likewise may be removed from office for cause as now provided by law.

FOR (YES) _____

AGAINST (NO) _____

Section 5. Effective date of 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 4th 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 all laws constituting the present Charter of the City of Memphis, not in conflict with the amendatory Home Ryle 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 valid, if any.

Section 9. Enactment of city ordinance.

BE IT FURTHER ORDAINED, 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.

SCOTT McCORMICK
Council Chairman

Attest:

Comptroller