

Item #: _____
Moved by: _____
Seconded by: _____

Prepared By: Marcy Ingram
Reviewed By: Marcy Ingram

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE SHELBY COUNTY CHARTER TO DELETE ALL REFERENCES IMPOSING TERM LIMITS ON THE SHELBY COUNTY BOARD OF COMMISSIONERS, SHELBY COUNTY ASSESSOR, SHELBY COUNTY CLERK, SHELBY COUNTY MAYOR, SHELBY COUNTY REGISTER, SHELBY COUNTY SHERIFF, AND SHELBY COUNTY TRUSTEE. SPONSORED BY COMMISSIONER WALTER BAILEY.

WHEREAS, The state law that authorizes the establishment of a charter form of county government requires the charter document retain the rights, powers, duties, obligations or functions of any officer, agency or office of the county in order for them to be continued in the charter form of county government; assign administrative and executive functions to the officers of county government; and provide for the titles, qualifications, compensation, method of selection, tenure, removal and replacement of the administrative and executive officers of county government; and

WHEREAS, The Shelby County Board of Commissioners has proposed the amendments to the Shelby County Charter contained herein and same should be published and submitted to the voters of Shelby County in accordance with the state election laws during the next countywide election; and

WHEREAS, The Shelby County Board of Commissioners desires to submit a referendum that will provide the voters of Shelby County with the option to delete all references imposing term limits on the Shelby County Board of Commissioners, Shelby County Assessor, Shelby County Clerk, Shelby County Mayor, Shelby County Register, Shelby County Sheriff, and Shelby County Trustee; and

WHEREAS, The County Commission is desirous of providing for uniformity in the terms of service for all County officials elected pursuant to the Shelby County Charter; and

WHEREAS, State law requires the County Attorney to prepare a summary not to exceed 200 words in length when the full statement of the proposed amendments exceed three hundred 300 words in length; and

WHEREAS, The full statement of the proposed amendments do not exceed three 300 words in length and, therefore, should be published and submitted to the voters in its entirety.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That pursuant to Article V, Section 5.05(D) of the Shelby County Charter, the following proposed amendment to the Shelby County Charter shall be submitted to the qualified voters of Shelby County at the next countywide election allowed by law and the Shelby County Election Commission, in accordance with the state election laws, is hereby directed to publish the proposed amendments which read as follows:

PROPOSED AMENDMENTS:

Shall the Shelby County Charter be amended to delete all references imposing term limits on the Shelby County Board of Commissioners, Shelby County Assessor, Shelby County Clerk, Shelby County Mayor, Shelby County Register, Shelby County Sheriff, and Shelby County Trustee?

Yes _____

No _____

Section 2.03 Membership and election.

~~G. No county mayor nor any member of the board of county commissioners shall be eligible to be elected to, or hold the office of, county mayor or county commissioner for more than two consecutive four year terms. Provided, however, if an individual is appointed to fill and[sic] unfilled term either for mayor or county commissioner, this term shall not be counted as part of the two consecutive elected terms.~~

~~Section 5.25 Term limitations for county charter officers.~~

- ~~A. County charter officers elected pursuant to Article VIII herein shall not be eligible to hold, or be elected to, the same county charter office for more than two consecutive four-year terms.~~
- ~~B. If an individual is elected or appointed to fill an unfilled term, that term shall not be counted as part of the term limitations set forth herein for county charter officers.~~

BE IT FURTHER ORDAINED, That upon this Ordinance becoming effective, the Clerk of the Shelby County Board of Commissioners shall immediately deliver a certified copy of this Ordinance to the Shelby County Election Commission in accordance with Article V, Section 5.05(B) of the Shelby County Charter.

BE IT FURTHER ORDAINED, That the proposed Charter amendment shall be deemed ratified and adopted if approved by a majority of those voting in the referendum election.

BE IT FURTHER ORDAINED, That for the purposes set forth in this Ordinance, the proposed amendment to the Shelby County Charter shall take effect on September 1, 2016 so as not to have the effect of interrupting the term of any incumbent constitutional County officer from office, or abridging the term or altering the salary prior to the end of the term for which such incumbent constitutional County officers were elected.

BE IT FURTHER ORDAINED, That in accordance with state law, the Shelby County Election Commission shall certify the returns of the referendum election to the Shelby County Clerk and the Secretary of State together with a copy of the proposed Charter amendment previously filed with the Shelby County Election Commission by the Shelby County Board of Commissioners.

BE IT FURTHER ORDAINED, That upon receipt of the proclamation from the Secretary of State showing the results of such referendum election on the adoption or rejection of the proposed Charter amendment, the Shelby County Election Commission shall (1) attach one copy of the proclamation to the copy of the proposed Charter amendment theretofore certified to the Secretary of State and (2) deliver one copy of the proclamation to the Shelby County Clerk who shall attach the same to the copy of the referendum returns and proposed Charter amendment theretofore certified to, and deposited with, the Shelby County Clerk; the Shelby County Clerk subsequently delivering the proclamation and all attachments thereto to the Clerk of the Shelby County Board of Commissioners who shall make it a part of the minutes.

BE IT FURTHER ORDAINED, That all laws constituting the present Shelby County Charter that are not in conflict with the Charter amendments proposed herein be and the same are hereby continued in full force and effect, and all laws in conflict therewith be and the same 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 being hereby declared to be the legislative intent of the Shelby County Board of Commissioners to have passed the remainder of this Ordinance notwithstanding the part so held unconstitutional and void, if any.

BE IT FURTHER ORDAINED, The removal of the term limitation as a qualification for holding the office of Shelby County Board of Commissioner, Shelby County Assessor, Shelby County Clerk, Shelby County Mayor, Shelby County Register, Shelby County Sheriff, and Shelby County Trustee shall be applicable to every election made after September 1, 2016 unless specifically prohibited by state statute or other controlling law.

BE IT FURTHER ORDAINED, That upon passage of the above mentioned charter amendments by the qualified voters, all officials currently holding the elected office of Shelby County Board of Commissioner, Shelby County Assessor, Shelby County Clerk, Shelby County Mayor, Shelby County Register, Shelby County Sheriff, and Shelby County Trustee are hereby no longer subjected to term limitations.

BE IT FURTHER ORDAINED, That this Ordinance shall take effect upon adoption pursuant to Article V, Section 5.05(B) of the Charter of Shelby County.

NOTE: CERTIFICATION REFERRED TO HEREIN
FILED WITH RECORD IN OFFICE OF
CLERK OF COUNTY COMMISSION

Chairman

County Mayor

Date: _____

ATTEST:

Clerk of County Commission

FIRST READING: _____

SECOND READING: _____

ADOPTED
THIRD READING: _____