

A REFERENDUM ORDINANCE AMENDING ARTICLE 27, SECTION 190 OF THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, PURSUANT TO THE PROVISIONS OF ARTICLE 11, SECTION 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE HOME RULE AMENDMENT SO AS TO REQUIRE ALL PERSONS EMPLOYED BY THE CITY OF MEMPHIS TO LIVE WITHIN SHELBY COUNTY, TENNESSEE.

Whereas, Section 190 of the Memphis City Charter was amended by Home Rule Ordinance No. 5345 and a referendum ordinance of November 2, 2010, was approved by the voters requiring that all employees solely employed by the City of Memphis must live and maintain a residence within the boundaries of Shelby County, Tennessee.

Section 1. Proposed amendment.

NOW, THEREFORE, 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 5, 2024, and which shall be held at least sixty (60) days after such publication:

QUESTION:

Shall Article 27, Section 190 of the Charter of the City of Memphis, Tennessee be deleted by substituting the following language, which would expand the residency requirement, to read as follows:

“Section 190. Residence requirements of persons employed solely by city and board and commission members.

(a) Hereafter all persons, employed primarily by the City of Memphis or any of its departments, boards, bureaus or commissions, with the exception of Public Safety employees, such as the Division of Police Services and the Division of Fire Services, shall be required to live and maintain a residence within the boundaries of Shelby County, Tennessee, as now defined or as may be hereafter defined. The City Council may exempt therefrom employees of any division, board, department or bureau whose duties as employees of such departments, boards, bureaus of commissions require them to perform services for Shelby County outside the territorial limits therein. For the purposes of this Ordinance, City of Memphis Divisions include:

1. Executive
2. Legislative
3. General Services
4. Public Works
5. Solid Waste
6. Finance
7. City Attorney
8. City Court Clerk
9. City Court Judges

10. Human Resources
11. Light, Gas, and Water
12. City Engineering
13. Library
14. Parks
15. Information Technology
16. Housing & Community Development

(b) Failure of any officer or employee to comply with the provisions of this section shall be cause for removal or discharge from city employment, except that no individual employed by the city as of the effective date of this ordinance, including any appointed employee who may be later reappointed, shall be disciplined or discharged for failure to comply. New employees shall be allowed six (6) months after the date they are hired or appointed to comply with this section.”

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 adoption of this Ordinance to the Shelby County Election Commission in charge of holding the general State election on November 5, 2024, 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 of the City of Memphis 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 5th day of November 2024:

REFERENDUM ON HOME RULE AMENDMENT TO THE CHARTER OF THE CITY OF MEMPHIS TO REQUIRE ALL PERSONS EMPLOYED BY THE CITY OF MEMPHIS TO RESIDE WITHIN SHELBY COUNTY, TENNESSEE.

Said ordinance of the City of Memphis was adopted on the 5th day of November 2024, to provide for referendum vote on a Home Rule amendment to the Charter of the City of Memphis, to read as follows:

REFERENDUM ON HOME RULE AMENDMENT TO THE CHARTER OF THE CITY OF MEMPHIS TO REQUIRE ALL PERSONS EMPLOYED BY THE CITY OF MEMPHIS TO RESIDE WITHIN SHELBY COUNTY, TENNESSEE.

“(a) Hereafter all persons, employed primarily by the City of Memphis or any of its divisions, departments, boards, bureaus or commissions, with the exception of Public Safety employees, such as the Division of Police Services and the Division of Fire Services, shall be required to live and maintain a residence within the boundaries of Shelby County, Tennessee, as now defined or as may be hereafter

defined and except that the City Council may exempt therefrom employees of any division, board, department or bureau whose duties as employees of such departments, boards, bureaus of commissions require them to perform services for the city outside the territorial limits therein. For the purposes of this Ordinance, City of Memphis Divisions include:

- 17. Executive
- 18. Legislative
- 19. General Services
- 20. Public Works
- 21. Solid Waste
- 22. Finance
- 23. City Attorney
- 24. City Court Clerk
- 25. City Court Judges
- 26. Human Resources
- 27. Light, Gas, and Water
- 28. City Engineering
- 29. Library
- 30. Parks
- 31. Information Technology
- 32. Housing & Community Development

(b) Failure of any officer or employee to comply with the provisions of this section shall be cause for removal or discharge from city employment, except that no individual employed by the city as of the effective date of this ordinance, including any appointed employee who may be later reappointed, shall be disciplined or discharged for failure to comply. New employees shall be allowed six (6) months after the date they are hired or appointed to comply with this section.”

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 5th day of November, 2024, 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 effect 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 invalid, if any.

Section 9. Publication.

BE IT FURTHER ORDAINED, that this ordinance shall be published immediately after the adoption hereof.

Section 10. Enactment of city ordinance.

BE IT FURTHER ORDAINED, that this ordinance shall take effect from and after the date it shall have 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.

Chairman:

Martavius Jones