

STRUCTURE OF CITY OF MEMPHIS GOVERNMENT AND LEGAL AUTHORITY¹

A. FORM OF GOVERNMENT; POWERS GENERALLY

1. **Form of government.** The Town of Memphis was incorporated by Acts 1826, Chapter 145. By Acts 1869-70, Chapter 26, the Charter and all amendatory acts were reduced to one act. This act and all amendments were repealed by Acts 1879, Chapter 10, and the Taxing District of Shelby County was created by Acts 1879, Chapter 11. For the events leading up to the repeal of the Chapter and the establishment of the taxing district, see History of Memphis J.P. Young (1912), Chapters VIII and IX, and History of City of Memphis, J. M. Keating (1888), Vol. 1, Chapters VI, VII and VIII. See also the history contained in the preliminary pages of Vol. 1, Code of Ordinances of the City of Memphis.

Ordinance No. 1852 (home rule amendment) changed the form of government, was adopted by the Mayor and Board of Commissioners and submitted to the people at an election. The ordinance was approved by the people and the new form of government went into effect on January 1, 1968.

City of Memphis is a mayor-city council form of government.

[Memphis City Charter, Home Rule Amendment Ordinance No. 1852, §§ 1 and 4.]

2. **Powers generally.** The Council of the City of Memphis is vested with all other powers of the City not specifically vested in some other officer or officers of the City. The Council shall not exercise executive or administrative powers nor interfere in the operation of the administrative divisions. The Mayor shall be vested with and exercise the executive and administrative power of the City.
[Memphis City Charter, Home Rule Amendment Ordinance No. 1852, §§ 1

¹ This outline was prepared by the City of Memphis Attorney's Office for purposes of providing the Memphis and Shelby County Metropolitan Charter Commission with an outline of the structure of City of Memphis and the related legal authority. [Last updated 01-19-10]

and 4.]

B. LEGISLATIVE BRANCH

1. Legislative powers.

The legislative power of the city government is vested in the Council of the City of Memphis.

[Memphis City Charter, Home Rule Amendment Ordinance No. 1852, § 1.]

2. Members. The Council of the City of Memphis has 13 members.
[Memphis City Charter, Home Rule Amendment Ordinance No. 4346, § 1.]

3. Districts. There are 9 districts. The Council of the City of Memphis is composed of nine districts, with districts 1 through 7, both inclusive, being represented, by one (1) council member each and with multi-member districts 8 and 9 each being composed of approximately one-half the city's total population and each being represented by three (3) council members elected by position.
[Memphis City Charter, Home Rule Amendment Ordinance No. 4346, § 1.]

4. Selection; term; term limits; staggered terms. The Members of the Council of the City of Memphis are elected by the people for a term of four (4) years, and may succeed themselves. There are currently no term limits for the members of the Council of the City of Memphis.
[Memphis City Charter, Home Rule Amendment Ordinance No. 1852, § 1.]

For the first election held in 2011, in order to establish staggered terms of office, the candidates from single member districts shall be elected for a term of one (1) year, and the candidates from super districts, shall be elected for three (3) years. For all subsequent elections, all such candidates will be elected to a four (4) year term. Municipal elections will be held on even numbered years.

[Memphis Charter Commission 2008 Referendum No. 2.]

5. Qualifications. Each member shall be a resident as defined by state election laws, of the City and of the district from which he or she is elected.
[Memphis City Charter, Home Rule Amendment Ordinance No. 4346, § 1.]

6. Vacancy. Upon any vacancy occurring in the Council, including a vacancy in the office of Chairman, the remaining members of the Council shall have the power by a majority vote to elect a person to fill such vacancy and to serve until his successor is elected and qualified.
[Memphis City Charter, Home Rule Amendment Ordinance No. 1852, § 1.]

7. **Officers.** The Council of the City of Memphis elects a Chairman and Vice-Chairman in November to serve one (1) year beginning with first meeting in January.
[Memphis City Council Rules of Procedure, Section A, Subsection 5.]
8. **Employees.** The Chairman of the Council of the City of Memphis, through the Council Office Administrator, shall be in charge of the office staff, shall schedule the workload and assume the responsibility of office routing. The Chairman shall be in charge of employment with notification to Council Members of job openings. Dismissal of Council staff is subject to the approval of the Council in executive session.
[Memphis City Council Rules of Procedure, Section A, Subsection 6.a.]
9. **EEO/Labor Relations Office.** The Equal Employment Opportunity/Labor Relations Office is an office of the Human Resources Division designated to insure there shall be no discrimination in the City employment of personnel because of religion, race, sex, creed, political affiliation or other nonmerit factors, nor any discrimination in the promotion or demotion of City employees because of religion, race, sex, creed, political affiliation, or other nonmerit factors.
[Memphis City Charter, Home Amendment Ordinance No. 3233, § 1.]
 - (a) **EEO Officer/Labor Relations Manager.** The EEO Officer/Labor Relations Manager is appointed by Mayor upon approval by the Council. However, the EEO Officer/Labor Relations Manager does not go through all of the confirmation process and procedures as division directors.
10. **Oath of Office.** Before entering upon the discharge and performance of their duties, every Council member must take an oath or affirmation that they will support the Constitution of the United States, and of the State of Tennessee, and the laws and ordinances of the City of Memphis, which shall be filed with the Comptroller and preserved by him.
[Memphis City Charter, Home Amendment Ordinance No. 1852, § 16.]

C. EXECUTIVE BRANCH

1. **Executive and administrative powers.** The executive and administrative powers of the City government are vested in and exercised by the City Mayor and by such subordinate major divisions, boards, agencies, offices and employees of the City under the Mayor's control and direction.
[Memphis City Charter, Home Amendment Ordinance No. 1852 § 4.]

2. **City Mayor.** The Chief Executive Officer of the City of Memphis is the Mayor. The Mayor is the head of the executive branch of the City government. He must devote his entire time and attention to the duties of his office.
[Memphis City Charter, Home Amendment Ordinance No. 1852 § 4; Memphis City Charter Article 6, § 37.]

3. **Selection; term; term limits; staggered terms.** The City Mayor is elected by a vote of the qualified electors of the City for a term of four (4) years, beginning January 1 following his election, and he shall hold office until his successor is elected and qualified. There are currently no term limits for the City Mayor.
[Memphis City Charter, Home Amendment Ordinance No. 1852, § 4.]

For the first election held in 2011, in order to establish staggered terms of office, the candidates from single member districts shall be elected for a term of one (1) year, and the candidates from super districts, as well as for the offices of Mayor and City Court Clerk, shall be elected for three (3) years. For all subsequent elections, all such candidates will be elected to a four (4) year term. Municipal elections will be held on even numbered years.
[Memphis Charter Commission 2008 Referendum No. 2.]

4. **Qualifications.** The qualifications of the City Mayor are the same as those required for members of the Council of the City of Memphis, and no candidate for Mayor shall qualify for any other elective office.
[Memphis City Charter, Home Rule Amendment Ordinance No. 1852, §§ 1 and 4; Memphis City Charter, Home Rule Amendment Ordinance No. 4346, § 1.]

5. **Vacancy.** In the event the Office of the Mayor becomes vacant, the City Council Chair, who will at that time have the title of Mayor Pro-Tem, shall serve as Mayor for up to 180 days following such vacancy, at which time the public shall elect a duly qualified person to serve the remaining unexpired term of the vacated office, provided that if no general or municipal election is scheduled to occur within 180 days of such vacancy, a special election shall be held within 90 days of such vacancy to elect a candidate to fill the Office of the Mayor through the end of the remaining unexpired mayoral term.
[Memphis Charter Commission 2008 Referendum No. 6.]

6. **Oath of Office.** Before entering upon the discharge and performance of his duties, the Mayor must take an oath or affirmation that he will support the Constitution of the United States, and of the State of Tennessee, and the Charter and ordinances of the City of Memphis, which shall be filed with the

Comptroller and preserved by him.
[Memphis City Charter, Home Rule Amendment Ordinance No. 1852, § 16.]

7. **CAO.** The chief administrative officer (CAO) is appointed by the Mayor and subject to the approval of the Council, and serves as special liaison between the Mayor and all divisions, departments, boards, and commissions and performs such administrative and executive duties as may from time to time be assigned to him by the Mayor and he may be dismissed by the Mayor, without the approval of the Council.
[Memphis City Charter, Home Rule Amendment Ordinance No. 1852, § 8.]

- (a) **Qualifications.** The CAO must be trained or experienced in municipal government and be subject to the immediate supervision of the City Mayor.
[Memphis City Charter, Home Rule Amendment Ordinance No. 1852, § 8.]

8. **Service centers.** The Executive Division provides oversight and leadership to the City's boards, commissions and agencies and is comprised of the following service centers:

- **Office of the Mayor**
- **Chief Administrative Office**
- **Internal Auditing**
- **Information Services**
- **Mayor's Citizen Service Center**
- **Office of Youth Services and Community Affairs**

[Memphis City Charter, Home Rule Amendment Ordinance No. 1852, § 4.]

9. **Divisions.** The City Mayor is authorized to administer, supervise and control all divisions, boards, agencies, offices, and employees of the City of Memphis and shall see that the ordinances and provisions of the Charter are observed. Such administration shall be conducted by and through divisional directors under the supervision and control of the Mayor.
[Memphis City Charter, Home Rule Amendment Ordinance No. 1852, § 4; Memphis City Charter Article 6, § 37.]

- (a) The principal administrative divisions of the City are the Division of Fire and Police; the Division of Public Works; the Division of Public Service; the Division of Finance and Institutions; the Division of Administration and Welfare.

[Memphis City Charter, Home Rule Amendment Ordinance No. 1852, § 8.]

- (b) The Council upon proposal by the Mayor, may by ordinance reorganize and may (1) transfer departments and agencies from one division to another; (2) add or abolish departments and agencies within divisions, or (3) add divisions.

[Memphis City Charter, Home Rule Amendment Ordinance No. 1852, § 8.]

- (c) The City of Memphis government also includes the Division of General Services, Division of Park Services, Division of Memphis Light, Gas & Water, Division of Community Enhancement, Division of Engineering, Division of Law, Division of Housing & Community Development and City Court Clerk Division.

[Memphis City Charter, Home Rule Amendment Ordinance No. 2246, § 1.]

- (d) **Division of Finance and Administration.** The division of finance and administration has a director who is appointed in the same manner as other directors. The following departments, agencies and employees are assigned to the division of finance and administration:

- **Administration**
- **Comptroller**
- **Financial Management**
- **Budgeting**
- **Purchasing**
- **Data Systems**
- **Treasurer**
- **Debt and Cash Management**

[Memphis City Code Chapter 2, Article V, Division 2, § 2-246.]

- (i) **Department and Personnel and Efficiency.**²

² The ordinance creating the department of personnel and efficiency, as authorized by § 321, was repealed by Ordinance No. 24 and the City is now operating with a personnel division

The Department of Personnel and Efficiency, currently known as the Human Resources Department, is established with the Director appointed by, and to serve at the will and pleasure of, the City Mayor.

[Memphis City Charter Article 37, § 321; Memphis City Code Charter 9, Article II, § 9-16.]

(e) **Division of Public Service and Neighborhoods.**

The Division of Public Service and Neighborhoods is responsible for all public service and neighborhood activities, which includes, but is not limited to, the functions of the Civilian Law Enforcement Review Board, Memphis Animal Shelter, Motor Vehicle Inspection, Office of Multicultural and Religious Affairs, Second Chance Program and Weights and Measures. [Memphis City Charter Article 24, § 162.]

(f) **Division of Planning and Development.** The Division of Planning and Development is responsible for all planning and development activities, which includes, but is not limited to, the functions of the Office of Building Officials, Office of Complaints and Zoning Violations, Office of Construction Code Enforcement, Office of Inspections Scheduling, Office of Land Use Controls and Office of Plans Review & Zoning.

(g) **Division of Public Works.** The Division of Public Works is responsible for all public work activities, which includes, but is not limited to, the functions of Drain Maintenance, Dead animal removal, Garbage/trash/limbs collection, Household hazardous waste, Recycling collection/containers, Sewer back-up or maintenance, Street maintenance (pothole) and Solid waste carts & cart repair. [Memphis City Charter Article 14, § 95.]

10. **Division Directors.** The division directors are appointed by the City Mayor, with the approval of a majority of the Council, and are subject to removal by the Mayor with a concurrence of a majority of the Council. [Memphis City Charter, Home Rule Amendment Ordinance No. 1852, § 8.]

(a) The term of office of each Director shall be the same as that of the appointing Mayor, and said Directors shall continue in office until their successors have been appointed and

within the department of administration.

approved. A Director likewise may be removed from office for cause as now provided by law.
[Memphis City Charter, Home Rule Amendment Ordinance No. 1852, § 8.]

11. **City Attorney.** The Legal Department of the City is constituted a department under the City Mayor. The Legal Department is headed by a City Attorney appointed as department heads are appointed and removable in the same manner as said department heads.
[Memphis City Charter, Home Rule Amendment Ordinance No. 1852, § 8.]

(a) **Qualifications.** The City Attorney shall be a licensed lawyer, and shall have resided in the City for at least two (2) years preceding his appointment.
[Memphis City Code, Chapter 2, Article III, Division 3, § 2-71.]

(b) **Staff.** The City Attorney's Office shall consist of the City Attorney, assistant city attorneys, and such other employees as may from time to time be assigned to the office.

(i) **Assistant City Attorneys.** The Council of the City of Memphis, upon the recommendation of the Mayor, shall have power to determine the number of assistant city attorneys to be employed by the City of Memphis, and to fix their compensation.
[Memphis City Charter Article 28, § 195.]

12. **City Court Clerk.** The City Court Clerk shall be director of the division of City government known as the Office of the City Court Clerk. The Clerk shall have at least two (2) chief clerks, one of whom shall be responsible for the Traffic Violations Bureau, the other shall be responsible for the clerical functions of the City Courts per se. These two (2) chief clerks are selected by the elected City Court Clerk with the approval of the Mayor and Council. These chief clerks are responsible at all times to the City Court Clerk.
[Memphis City Charter, Home Rule Amendment Ordinance No. 2246, § 4.]

(a) **Responsibilities and power.** The Clerk shall have sole responsibility for the docket and minute books of the City Court. The Clerk shall supervise the execution clerks. The Clerk shall assign cases to the divisions. The Clerk shall have the power to select personnel for his department based on their qualifications for this type of work. The Clerk shall have responsibility for preparing and submitting a budget for his

office to the Mayor. The Clerk shall submit a report of his division every quarter, with the first quarterly report due on January 1, to the Mayor, the Administrative Judge, the Chairman of the City Council and the Chairman of the Council's Budget Committee.

[Memphis City Charter, Home Rule Amendment Ordinance No. 2246, § 4.]

- (b) **Selection; term; term limits; staggered terms.** The Clerk of the City Court is elected by a vote of the qualified electors of the City for a term of four (4) years and shall hold office until his successor is elected and qualified. There are currently no term limits for the Clerk of the City Court.

[Memphis City Charter, Home Rule Amendment Ordinance No. 2246, § 4.]

For the first election held in 2011, in order to establish staggered terms of office, the candidates from single member districts shall be elected for a term of one (1) year, and the candidates from super districts, as well as for the Offices of Mayor and City Court Clerk, shall be elected for three (3) years. For all subsequent elections, all such candidates will be elected to a four (4) year term. Municipal elections will be held on even numbered years.

[Memphis Charter Commission 2008 Referendum No. 2.]

- (c) **Qualifications.** To be eligible to seek elections as City Court Clerk, one must have been a resident voter of Memphis, Tennessee, for not less than five (5) years preceding his or her election, unless he or she have resided during the five (5) years preceding the election or appointment in territory that has been annexed to and at the time of such election or appointment form a part of the City of Memphis.

[Memphis City Charter, Home Rule Amendment Ordinance No. 2246, § 4.]

- (d) **Vacancy.** When a vacancy occurs in the Office of City Court Clerk, the Mayor, with the approval of the Council, appoints an interim Clerk. Interim Clerks shall be chosen in the same manner whenever a vacancy in the office occurs, provided that a new Clerk shall be elected at the next general election after the vacancy occurs, if such vacancy arises at such time as to permit the election to be placed upon the ballot.

[Memphis City Charter, Home Rule Amendment Ordinance No. 2246, § 4.]

(e) **Oath of Office.** Before entering upon the discharge and performance of his duties, the City Court Clerk must take an oath or affirmation that he will support the Constitution of the United States, and of the State of Tennessee, and the Charter and ordinances of the City of Memphis which shall be filed with the Comptroller and preserved by him.
[Memphis City Charter, Home Rule Amendment Ordinance No. 1852, § 16.]

13. **Employees.** Subject to provisions of the Charter including civil service regulations thereof, and ordinances, the City Mayor shall appoint and when he deems it necessary for the good of the people, may suspend or remove any employees of the City of Memphis, including any appointive officers or department heads provided for by or under the Charter. The City Mayor may delegate to any appointive administrative officer the power to appoint, suspend or remove subordinates in that officer's division, department, office or agency subject to such conditions and limitations as he may prescribe.
[Memphis City Charter, Home Rule Amendment Ordinance No. 2246, § 4.]

14. **Board and Commissions.** The City Mayor shall appoint the Members of all boards and commissions, said appointments to be made with the approval of a majority of the Council; the removal of all members of boards and commissions shall be effected in the same manner and subject to the same procedures provided for directors. Members of Boards and Commissions shall continue in office until their successors have been appointed and approved.
[Memphis City Charter, Home Rule Amendment Ordinance No. 1852, § 11.]