

Item \_\_\_\_\_

Prepared by: Christy Kinard  
Assistant County Attorney

Approved by: Brian Kuhn  
Shelby County Attorney

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE SHELBY COUNTY CHARTER BY ADDING A NEW SECTION TO THE "GENERAL PROVISIONS" UNDER ARTICLE V RELATIVE TO TERM LIMITATIONS OF COUNTY CHARTER OFFICERS. SPONSORED BY CHAIRMAN DAVID LILLARD.**

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**WHEREAS**, the Shelby County Board of Commissioners adopted Ordinance No. 360 and Ordinance NO. 361 on June 2, 2008 proposing amendments to the Shelby County Charter which were published and submitted to the voters of Shelby County during the August 7, 2008 countywide election; and

**WHEREAS**, Ordinance No. 361 passed, but Ordinance No. 360 failed and, therefore, the Shelby County Board of Commissioners desires to submit a referendum that will provide the voters of Shelby County with the option to impose term limits on the county charter officers, being the Shelby County Sheriff, Shelby County Trustee, Shelby County Register, Shelby County Clerk, and Shelby County Assessor; and

**WHEREAS**, the Shelby County Board of Commissioners has proposed the amendment 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 full statement of the proposed amendment does not exceed three hundred (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 5.05D 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 amendment which read as follows:

**PROPOSED AMENDMENT:**

**Shall the Shelby County Charter be amended by adding a new section to the “General Provisions” of Article V as follows:**

**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.

**so as to impose term limitations on County Charter Officers as a qualification for holding office?**

Yes \_\_\_\_\_

No \_\_\_\_\_

**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 5.05B 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, 2010 as it applies to the Shelby County Sheriff, Shelby County Trustee, Shelby County Register, and Shelby County Clerk; but shall become effective on September 1, 2014 as it applies to the Shelby County Assessor; so as not to have the effect of removing the incumbent constitutional county officers from office, or abridging the term or altering the salary prior to the end of the term for which such incumbent constitutional 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 amendment 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**, that this ordinance shall take effect upon adoption pursuant to Article V, Section 5.05B of the Charter of Shelby County.

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Chairman of County Commission

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A C Wharton, Jr., County Mayor

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Clerk of County Commission

FIRST READING: August 13, 2008

SECOND READING: August 18, 2008

ADOPTED THIRD READING: \_\_\_\_\_