

ORD # 9670

**AN ORDINANCE TO AMEND CHAPTER 2, ARTICLE II, SECTION 2-18 OF THE
CODE OF ORDINANCES OF THE CITY OF MEMPHIS, RELATIVE TO
CLASSIFICATIONS AND REGULATION OF CITY COUNCIL STAFF POSITIONS**

WHEREAS, the Memphis City Council adopted Ordinance 5219 effective October 16, 2007 over the veto of then Mayor Willie Herenton to insure a separation of powers between the executive and legislative branches of government pursuant to the Council's broad legislative authority under the City's Charter to establish rules and regulations to govern the affairs of the Council, including the creation, appointment and regulation of its own staff;

WHEREAS, Ordinance 5219 established section 2-18 of the Code of Ordinances, which provided that the Memphis City Council shall create, appoint and regulate its own staff;

WHEREAS, Ordinance 5219 created the following classifications of staff employees, Council Attorney, Council Administrator, Assistant Council Administrator and other positions as determined necessary by the Council Chairman;

WHEREAS, the Council desires to ratify (i) the creation by the Chairman of a new Council staff position, Chief Security Officer, and (ii) the creation of other classifications and positions previously established by the Council.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF MEMPHIS that consistent with the City's Charter and Ordinance 5219, the Code of Ordinances for the City of Memphis, Tennessee Chapter 2, Article II, Section 2-18, is hereby repealed in its entirety and replaced with new Section 2-18, which shall read as follows:

SECTION 1. Section 2-18. - Council Staff Positions

The Memphis City Council does hereby ordain that the Council alone shall create, appoint and regulate its own staff as herein after set forth and as it determines from time to time:

- (a) The classifications of the Council's staff shall be as follows: Council Attorney, Council Administrator, Assistant Council Administrator, Chief Security Officer, Legislative Analysts and Executive Assistants and other positions and classifications as determined necessary by the Council Chairman.

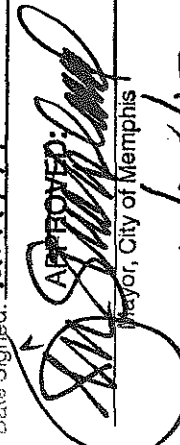
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- (b) The Chairman shall be in charge of employment, with notification to Council Members of temporary or permanent job openings.
- (c) The Chairman of the Council shall have the authority to appoint a person to any vacant staff position. However, should any Council member object to the person appointed by the Chair, said appointment shall require a majority vote by the Council.
- (d) The Chairman of the Council shall have the authority to determine the compensation of the Council's staff from time to time, which shall be included in the Council's annual budget approved by the Council.
- (e) For the sake of efficient administration the Council's payroll shall be administered by the Division of Human Resources as the Chairman shall direct and all City Council employees shall receive same benefits afforded City employees under the Mayor's jurisdiction, including but not limited to health insurance, life insurance, holiday pay, vacation, pension or related retirement package.

SECTION 2. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS that the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

SECTION 3. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS 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.

THE FOREGOING ORDINANCE
 # 5670 PASSED
 1st Reading NOV. 7, 2017
 2nd Reading NOV. 21, 2017
 3rd Reading DEC. 5, 2017
 Approved _____
 Chairman of Council

Date Signed: 12/14/17

 APPROVED:
 Mayor, City of Memphis
 Date Signed: 12/28/17

I hereby certify that the foregoing is a true copy and said document was adopted by the Council of the City of Memphis as above indicated and approved by the Mayor.
Valerie C. Snyper
 Comptroller

Sponsor: Berlin Boyd