

**First Reading: June 27, 2017**  
**Second Reading: July 11, 2017**

ORDINANCE NO. 13192

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF CHATTANOOGA, AND ALL ACTS, ORDINANCES, AND OTHER CHARTER PROVISIONS AMENDATORY THEREOF, PURSUANT TO THE PROVISIONS OF ARTICLE XI, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO CHANGE THE CITY CHARTER BY AMENDING THE FIRST SENTENCE RELATED TO SECTION 3.1 TO REPEAL THE FIRST SENTENCE OF SECTION 3.1 OF THE CHARTER AS WRITTEN.

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE:

SECTION 1. That the present Charter of the City of Chattanooga, and all Acts and Ordinances amendatory thereof, be and is hereby further amended as follows:

That Section 3.1 of the Charter adopted by vote of the electorate in Ordinance No. 11877, which currently states:

Section 3.1 – Eligibility for Office.

No person, while holding any office or employment under the federal, state or county government, except the office of notary public, shall be eligible to any popularly elected office under said city government. No person shall have any interest, direct or indirect, in any contract with or franchise from the city while holding any popularly elected office under the city government. But stockholders in corporations having such relations with the city, may be eligible to membership on the city council, but shall not vote on or interfere directly or indirectly, with any matters or questions affecting a contract or franchise between such company and the city, or its right or duty under the same. If, while any person is holding any popularly elected office under the city government, he shall cease to possess any or all of the qualifications, or become subject to any of the disqualifications herein prescribed, his office shall thereby become immediately vacant. No person, while in arrears to the city for money collected, shall be eligible to any popularly elected office under the city government.

shall be amended by repealing the first sentence only in said Section 3.1 and substituting in lieu thereof the following:

Section 3.1 – Eligibility for Office.

No person shall be eligible to any popularly elected office under City government to the extent that political activity by such person would interfere with state business prohibited by Tennessee or Federal law or otherwise result in any disqualification from taking office pursuant to Tennessee Code Annotated §§ 2-19-201 through 2-19-208 under Tennessee or Federal law. No person shall have any interest, direct or indirect, in any contract with or franchise from the city while holding any popularly elected office under the city government. But stockholders in corporations having such relations with the city, may be eligible to membership on the city council, but shall not vote on or interfere directly or indirectly, with any matters or questions affecting a contract or franchise between such company and the city, or its right or duty under the same. If, while any person is holding any popularly elected office under the city government, such person shall cease to possess any or all of the qualifications, or become subject to any of the disqualifications herein prescribed, such person's office shall thereby become immediately vacant. No person, while in arrears to the city for money collected, shall be eligible to any popularly elected office under the city government.

FOR THE AMENDMENT ( )

AGAINST THE AMENDMENT ( )

SECTION 2. BE IT FURTHER ORDAINED, That, this with the exception provided in Section 3.1, all provisions in the present Charter of the City of Chattanooga, not in conflict with this amendatory home rule ordinance, be and the same are continued in full force and effect, and all provisions constituting the Charter of the City of Chattanooga in conflict therewith are hereby repealed.

SECTION 3. BE IT FURTHER ORDAINED, That if any clause, sentence, paragraph, section, or part of this Ordinance shall be held to be unconstitutional or void, it shall not affect the remaining parts of this Ordinance, it being hereby declared to be the legislative intent to have

passed the remainder of this Ordinance notwithstanding such part, if any, as may be held to be invalid.

SECTION 4. BE IT FURTHER ORDAINED, That this Ordinance shall be published in full by the Clerk of the City Council in the daily newspaper in the City of Chattanooga after the passage thereof on second and final reading.

SECTION 5. BE IT FURTHER ORDAINED, That the Clerk of the City Council shall certify the passage of this Ordinance to the Hamilton County Election Commission and request that the proposed amendment to the City Charter of the City of Chattanooga, Tennessee, be placed on the ballot to be used in the general state election to be held on or about November 6, 2018.

SECTION 6. BE IT FURTHER ORDAINED, That the City Finance Officer is authorized and directed to pay the *pro rata* cost of this special City election.

SECTION 7. BE IT FURTHER ORDAINED, That the Hamilton County Election Commission shall certify to the Clerk of the City Council of the City of Chattanooga, Tennessee, the result of said election, and the said Clerk shall cause said certification to be made a part of the minutes of the City Council.

SECTION 8. BE IT FURTHER ORDAINED, That Section 3.1 of this Ordinance shall take effect sixty (60) days after its approval by a majority of the qualified voters of the City voting thereon, as provided by Article XI, Section 9, Constitution of Tennessee, the public welfare requiring it.

Passed on second and final reading: July 11, 2017



CHAIRPERSON

APPROVED:   ✓   DISAPPROVED:       



MAYOR

PAN/mem/6-27-17 Version