

City of Memphis



TENNESSEE

MYRON LOWERY
Mayor Pro Tem

August 24, 2009

The Honorable Shea Flinn
Chairman
Personnel, Intergovernmental & Annexation Committee
City Hall - Room 514

Dear Chairman Flinn:

Subject to Council approval, it is my recommendation that:

Brent R. David

be appointed to the Memphis & Shelby County Building Code Advisory Board with a term expiring September 15, 2012.

I have attached biographical information.

Sincerely,

A handwritten signature in black ink that reads "Myron Lowery". The signature is written in a cursive, flowing style.

Myron Lowery
Mayor Pro Tem

ML:rb

c: Council Members

Brent R. David

4565 E. Mallory • Memphis, TN 38117 • (901) 634-8065 • brentrdavid@yahoo.com

Education:

University of Memphis, Memphis, TN	2001- no degree	Ph.D. Program: Communication
Memphis Theological Seminary, Memphis, TN	1997-2001	M.Div; Cum Laude
LAEL College and Graduate School, St. Ann, MO	1994-1997	BA, Ministry
Nazarene Bible College, Colorado Springs, CO	1988-1991	AB, Biblical Studies
University of Louisville, Louisville, KY;	1987	Course in Macro Economics
University of Iowa, Iowa City, IA;	1978-1981	Social Work/ Religion

Experience:

September 2008 – Present

Central Adjustment Company

Multi-Line Claims Adjuster

- Handle property, casualty, general liability, workers compensation and inland marine claims for various clients
- Build and implement marketing in coordination with the marketing manager
- Monitor reserves and make recommendations to client adjusters in regards to liability following investigation
- Monitor reports and keep diary on when reports are due, appointments, status checks, and claim information

September 2006 – August 2008; April 2003-July 2005

Crawford & Company

Property Adjuster II-Multi-Line Adjuster

- Handle property, casualty, general liability, and workers compensation claims for clients to include scene investigations, property appraisals, recorded and signed statements, obtain investigative reports, reviewing and making liability recommendations based on investigations.
- Build marketing strategies to include networking with clients and their agents to strengthen client base.
- Set and monitor monetary reserves based on potential exposure.
- Manage 80-100 client files, make contacts with insured(s) and claimant(s) to obtain information, statements, forms signed get to assist in bringing claim to conclusion.
- Attention to detail and meeting reporting deadlines to meet client specific instructions essential.
- Awarded Employee of the Year 2004 for the Memphis Claims Branch.

July 2005 – August 2006

Amerisure Insurance

Casualty/Workers Comprehension Adjuster II-Multi-Line Adjuster

- Handle casualty, general liability, and workers compensation claims for clients to include scene investigations, property appraisals, recorded and signed statements, obtain investigative reports, reviewing and making liability recommendations based on investigations, issuing indemnity payments and working with health care professionals and attorneys to bring workers compensation claims in Tennessee and Arkansas to resolution.
- Set and monitor monetary reserves based on potential exposure.
- Manage 50-75 client files, make contacts with insured(s) and claimant(s) to obtain information, statements, get forms signed get to assist in bringing claim to conclusion.
- Attention to detail and meeting reporting deadlines to meet client specific instructions essential.

January 2002 – April 2003

Direct Adjusting Company

Claims Adjuster

- Handle all aspects of auto claims to include property damage, bodily injury, med-pay, fire, theft and vandalism from initial contact with involved parties to final resolution.
- Set monetary reserves and monitor periodically, adjusting the reserves based on the potential exposure.
- Obtain reports, record statements of involved parties, negotiate settlements, and work with other team members to handle each file in a timely manner.
- Keep open communication with all involved parties and keep them advised of the status of their claim.
- Maintain diary with reporting deadlines on 80-120 files.
- Awarded Adjuster of the Year, Louisiana Claims Group, and Adjuster of the Year, Corporate for 2002.

May 2001 – December 2001

University of Memphis, Memphis TN

- Ph.D. studies in communication.
- Accepted into the communications Ph.D. studies meeting GRE and other entrance requirements.
- Completed approved course of study outline, put together a dissertation committee of four professors within and from outside the department based on the program's requirements within the first semester.
- Left the program due to financial and job related issues with a goal to return and complete the program of studies at a later date.

June 1999 - June 2001

Germantown United Methodist Church, Part Time

Parish Chaplain

- Minister and Pastoral Care to the aging, those hospitalized, nursing homes, and retirement centers. Assisted in Worship Services as needed.
- Set up, network and build a volunteer force for lay care to the aging members of the church.
- Assist in support, visitation, training and resources.
- Counseling intervention and referral as called upon.
- Prepare and teach periodically in training sessions and Sunday School classes on visitation, Christian praxis, prayer, theological concepts, among other topics.

Licensing:

- Arkansas Non Resident Adjuster, Property and Casualty - March 29, 2008 – March 29, 2009
- Mississippi Non-Resident Adjuster, Property and Casualty – May 30, 2008 – May 30, 2009
- FEMA Flood Certification for 2008/2009 – Homes and Modular Homes

Affiliations:

- Member of the Memphis Claims Association 2003-present
 - 2006 Association Secretary
 - 2007 Trade Show Chair for the Tennessee State Claims Association Convention
 - 2008 Claims Adjuster of the Year

**MEMPHIS AND SHELBY COUNTY
BUILDING CODE ADVISORY BOARD
12 MEMBER BOARD
(6) City & (6) County
NO OATH OF OFFICE REQUIRED
3 YEAR TERM**

Members		Address	Term Expires
City			City
Bologna, Antonio	M/W	785 Harbor Isle Circle West Memphis, TN 38103 Res: 901.521.9497 Bus: 901.527.7770 ext 226	July 30, 2009
Reed-Winston, Chandrika	F/B	2034 Worchester Lane Memphis, TN 38134 Res: 901.528.4727 Bus: 901.387.1113	September 15, 2008
Ryan, Paul T.	M/W	581 S. Front St. Memphis, TN 38103 Res: 901.523.2885	September 15, 2009
David, Brent R.	M/B	4565 E. Mallory Memphis, TN 38117 Res: 901.634.8065 brentrdavid@yahoo.com	September 15, 2012
VACANT			
VACANT			
COUNTY			COUNTY
Hord, Carter		<i>UNAVAILABLE</i>	August 5, 2008
Richardson, Ralph	M/W	<i>UNAVAILABLE</i>	August 5, 2008
Self, Juan	M/B	<i>UNAVAILABLE</i>	August 5, 2009
Shapple, Ken	M/W	<i>UNAVAILABLE</i>	August 6, 2009
Tickle, Jack	M/W	<i>UNAVAILABLE</i>	August 6 2009
Toles, James	M/B	<i>UNAVAILABLE</i>	August 6 2009

ORDINANCE NO. 5323

ORDINANCE AMENDING CHAPTER 2, ARTICLE V, DIVISION 3 OF THE CODE OF ORDINANCES TO ESTABLISH REQUIREMENTS FOR CITY OF MEMPHIS FLEET AND EMPLOYEE TAKE HOME VEHICLES

WHEREAS, the existing City Code of Ordinances does not address take home vehicles for City of Memphis employees; and

WHEREAS, the city does not currently have a policy or ordinance that addresses fleet or take home vehicles and the Council wishes to establish an ordinance regarding take home vehicles to ensure the most efficient use and assignment of cars for employee use; and

WHEREAS, it is deemed appropriate and in the best interest of the citizens to amend said Chapter 2, Article V, Division 3 to establish requirements for Memphis fleet and take home vehicles.

SECTION 1, NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Chapter 2, Article V, Division 3, is hereby amended to add the following language:

Sec. 2-252. City of Memphis Fleet Policy

- (a.) Fleet standards for purchase. The General Services Division is responsible for developing and maintaining vehicle specification standards based on the job and fleet requirements. Purchase of vehicles must be in compliance with these standards and all purchases of vehicles will be made by the General Services Division beginning August 1, 2009.
- (b.) Purchase/Surplus requirements. Each purchase of a City vehicle requires surplus of an existing vehicle or justification of the additional vehicle to the fleet.
- (c.) All City-owned vehicles must have proper City and/or Division decal with government license plates which clearly identify them as City of Memphis property in plain view at all times as determined by the General Services Division. Any exceptions must be approved by the Chief Administrative Officer with notification to the City Council.

Sec. 2-253. Vehicle Assignment

Each Division Director will maintain a current list of personnel approved for use of an assigned vehicle by vehicle assignment classification as described below. This

list will include a vehicle identification and driver certification log sheet which will include periodic confirmation of driver compliance with current laws and regulations governing use of the assigned vehicle. This list should also include the vehicle mileage as of June 30 each year. A current copy of this information will be made available to the Chief Administrative Officer on request and annually on July 31 of each year summarizing the previous fiscal year.

(a.) Vehicle Assignment classification.

1. Group I: 24 Hour Employees. The Mayor and CAO are considered on duty 24 hours a day. They are assigned City vehicles that are covered by City automobile insurance or self insured by the City.

2. Group II: Special Assignment Use Vehicles (“take-home” vehicles). This category requires submission to and approval of a Take-Home Vehicle form by the General Services Director and CAO. Employees in this category are either (1) those whose job functions require them to be available at all times for immediate emergency response to at least five (5) emergency situations or callbacks to work per month where they have actual responsibility over a scene or those who are assigned to specialized response units working a scene; (2) Division Directors, Deputy Directors and other Administrative Personnel within Police Services, Fire Services, EMA and Public Works who have been approved for take-home vehicles due to the nature of their job responsibilities; (3) The nature of the employee's work requires immediate response to emergency situations, regardless of frequency, that require the use of specific safety or emergency equipment that cannot be reasonably carried in the employee's personal vehicle; or (4) police officers utilizing vehicles for undercover operations.

3. Take –home vehicles are to be used in compliance with the City’s travel policy where applicable and in addition must be covered by Risk Management if outside of the State of Tennessee.

4. Personnel with take-home vehicles must submit annual vehicle mileage as of June 30 each year on or before July 31. The City reserves the right to charge employees with take-home vehicles for excessive mileage or wear and tear to the vehicle. Mileage reasonableness will be based on the travel required by the position and a reasonable amount of travel to and from work and incidental travel.

(b) All other city employees shall be provided limited use or pool vehicles as necessary upon approval from the Division Director and General Services Director.

SECTION 2. BE IT FURTHER ORDAINED, 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 Mayor in writing by the comptroller and become effective as otherwise provided by law.

KEMP CONRAD
Council Member

MYRON LOWERY
Council Chairman

Attest:
Patrice Thomas, Comptroller

RESOLUTION

WHEREAS, the Council of the City of Memphis did include Fire Station Repair, CIP Project Number FS02001, Contract Construction, as part of the FY 2010 Capital Improvement Program; and

WHEREAS, three bids were received on July 17, 2009 for Fire Station Repair including Fire Stations 17 and 47, with the lowest and best complying bidder received from the firm of Barnes & Brower Construction, Inc. in the amount of \$1,363,359.00; and

WHEREAS, it is necessary to appropriate \$1,507,428.00, in construction, funded by G.O. Bonds General for the following:

Bid Amount	\$1,363,359.00
Contingency	\$ 109,069.00
Asbestos Abatement	<u>\$ 35,000.00</u>
Total	\$1,507,428.00

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Memphis that there be and is here by appropriating the sum of \$1,507,428.00 funded by General Obligation Bonds, chargeable to the FY2010 Capital Improvement Budget, CIP Project # FS02001, Contract Construction with said appropriation being credited as follows:

Fire Station Repair	\$1,507,428.00
CIP Number: FS02001	G.O. Bonds

RESOLUTION

WHEREAS, Project Number FS04010, Major Medical Equipment, for the purchase of defibrillator/monitors on all advanced life support companies, is included in the FY 2010 Capital Improvement budget; and

WHEREAS, a total of four (4) bids were received February 13, 2008 with the lowest and best complying bid being from Bound Tree Medical; and

WHEREAS, the funding for the purchase of the defibrillator/monitors on all advanced life support companies has been allocated in Capital Improvement Project Number FS04010, Major Medical Equipment; and

WHEREAS, it is necessary to appropriate \$700,000.00 in General Obligation Bonds for the purchase of defibrillator/monitors on all advance life support companies;

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Memphis that there be and is hereby appropriated the sum of \$700,000.00 in General Obligation Bonds chargeable to the FY 2010 Capital Improvement Budget and credited as follows:

Project Title	Major Medical Equipment
Project Number	FS04010
Amount	\$700,000.00

General Ob ligations Bonds

RESOLUTION

WHEREAS, Project Number FS04001, Fire Fighting Turnouts/Fire Protective Ensemble, for the purchase of Fire Fighting Turnouts/Fire Protective Ensemble designated for the annual procurement of protective clothing, is included in the FY 2010 Capital Improvement budget; and

WHEREAS, the original contract was signed on July 28, 2005 in the amount of \$3,074,092.32 being executed between the City of Memphis and Total Fire Group; and

WHEREAS, it is necessary to appropriate \$550,000.00 in General Obligation Bonds for the purchase of Fire Fighting Turnouts/Fire Protective Ensemble designated for the annual procurement of protective clothing, and

WHEREAS, the funding for the purchase of the Fire Fighting Turnouts has been Allocated in Capital Improvement Project Number FS04001, Other Costs

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Memphis that there be and is hereby appropriated the sum of \$550,000.00 in General Obligation Bonds chargeable to the FY 2010 Capital Improvement Budget and credited as follows:

Project Title	Personal Protective Equipment
Project Number	FS04001
Amount	\$550,000.00

General Ob ligations Bonds

RESOLUTION

WHEREAS, Project Number FS04001, Personal Protective Equipment, Other Costs, for the purchase of Airmask System Units and Accessories, is included in the FY 2010 Capital Improvement budget; and

WHEREAS, the original contract was signed on February 12, 2004 in the amount of \$2,696,169.00 being executed between the City of Memphis and Draeger Safety, Inc.; and

WHEREAS, the funding for the purchase of the Airmask System Units and Accessories has been allocated in Capital Improvement Project Number FS04001, Personal Protective Equipment, Other Costs; and

WHEREAS, it is necessary to appropriate \$300,000.00 in General Obligation Bonds for the purchase of these Airmask System Units and Accessories designated for annual procurement of replacement Airmask Units:

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Memphis that there be and is hereby appropriated the sum of \$300,000.00 in General Obligation Bonds chargeable to the FY 2010 Capital Improvement Budget and credited as follows:

Project Title	Personal Protective Equipment
Project Number	FS04001
Amount	\$300,000.00

General Obligations Bonds

RESOLUTION

WHEREAS, the Council of the City of Memphis did include Fire Station Repair, Project Number FS02001, as part of the FY2010 Capital Improvement Budget; and

WHEREAS, it is necessary to appropriate \$155,000.00 funded by G.O. Bonds General in Fire Station Repair, Project Number FS02001 for Furniture Fixtures and Equipment.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Memphis that there be and hereby appropriates the sum of \$ 155,000.00 for Fire Station Repair, Furniture, Fixtures & Equipment, funded by G.O. Bonds General chargeable to the Fiscal Year 2010 Capital Improvement Budget and credited as follows:

Project Title	Fire Station Repair
Project Number	FS02001
Amount	\$ 155,000.00

RESOLUTION

WHEREAS, the Council of the City of Memphis did include the Police Academy Renovations, CIP Project Number PD01006, as part of the Fiscal Year 2009 Capital Improvement Budget; and

WHEREAS, nine bids were received on June 26, 2009 for the Police Academy Renovations, with the best complying bid from P. C. Mock Construction Co., Inc. in the amount of \$287,600.00; and

WHEREAS, it is necessary to appropriate \$310,600.00, CIP Project Number PD01006 funded by G. O. Bonds General for the Police Academy Renovations for the following:

Bid Amount:	\$287,600.00
<u>Contingency:</u>	<u>\$ 23,000.00</u>
Total:	\$310,600.00

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby appropriated the amount of \$310,600.00, CIP Project Number PD01006, funded by G. O. Bonds General for the Police Academy Renovations with said appropriation being credited as follows:

Project Title:	Police Academy Renovations
CIP Project Number:	PD01006
Total Construction Cost:	\$310,600.00

**AN ORDINANCE TO AMEND CHAPTER 28, ARTICLE VI,
DIVISION 3 OF THE CODE OF ORDINANCES SO AS TO REDUCE THE
NUMBER OF ALLOWABLE FALSE ALARMS, INCLUDE CIVIL DAMAGES
AND ADD NOTIFICATION PROCESS OF ALARM USERS OPERATING
WITHOUT A PERMIT**

WHEREAS, the Memphis City Council recognizes the amount of man hours dedicated by the Memphis Police Department for investigating crimes is significantly impacted by the number of false alarms received daily; and

WHEREAS, the current ordinance is excessively lenient in false alarm allowances and fines compared to that of cities of comparable size and demographics; and

WHEREAS, the Memphis City Council deems it appropriate to amend this ordinance to ensure the health, safety and welfare of the citizens of Memphis are protected by the Memphis Police Department.

SECTION 1. NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS that Chapter 28, Article VI, Division 3, Section 28-130 (b) is hereby amended to delete the current language and insert the following

Sec.28 -130. False alarms fines; dispatch records; appeals.

- (b) An alarm user shall be subject to fines, warnings, and suspensions or revocation of permit after the sixth false alarm dispatch within a twelve-month period based upon the following schedules:

Number of False Alarm Dispatches	Action Taken	Fines
1	On-site written notice and warning letter #1.	No Fine
2	On-site written notice and warning letter #2.	No Fine
3	On-site written notice, certified letter to user requiring alarm inspection from metro alarm review board, certified inspection letter from alarm company to board and mandatory fine and administrative fee.	\$25.00
4	On-site written notice, certified letter to user requiring alarm inspection from metro alarm review board, certified inspection letter from alarm company to board and mandatory fine and administrative fee.	\$25.00
5	On-site written notice, certified letter to user requiring alarm inspection from metro alarm review board, certified inspection letter from alarm company to board and mandatory fine and administrative fee.	\$25.00
6	On-site written notice, required board hearing, mandatory fine and administrative fee and suspension of permit which may be waived if user attends alarm users training class.	\$25.00
7 or more	On-site written notice, mandatory fine and administrative fee, and suspension of permit.	\$25.00

1. Failure to comply with the above conditions will result in alarm operator being summoned into city court, or a court of competent jurisdiction, by issuance of a mandatory court summons issued by authorized officers. In accordance with City Code section 1-8, Fine and Penalties, violators are subject to a fine of up to fifty dollars (\$50.00), for each separate violation, with each day constituting a separate offense.

2. Any owner, user or operator of any alarm system, as defined in § 28-126, except an alarm system owned and operated by any governmental entity or subdivision, found to have violated this section three times or more in any twelve-month period shall also be liable for civil damages to the city for the actual cost of any response by law enforcement or emergency personnel, and for the actual cost to the city for any interruption of public

services or closure of public facilities reasonably necessitated by response to such false alarm, in an amount up to the maximum allowed by state law.

SECTION 2. BE IT FURTHER ORDAINED that Chapter 28, Article VI, Division 3, Section 28-130 (c) is hereby amended to delete the current language and insert the following

- (c) Any person operating a non-permitted alarm system (whether revoked or suspended) will be subject to a citation and a false alarm penalty (as defined in section 28-137) in addition to any other fines. Persons operating an alarm system that was never permitted shall receive a citation and will have ten (10) business days after such violation to apply for a permit. The Metro Alarm Office shall send a certified letter to users that have not applied within the ten (10) days notifying alarm user that a false alarm fine and civil damages will be levied if permit is not complete a total of thirty (30) days after the original violation.

SECTION 3. BE IT FURTHER ORDAINED that Chapter 28, Article VI, Division 3, Section 28-130 (d) is hereby deleted and sections following shall be renumbered accordingly.

SECTION 4. BE IT FURTHER ORDAINED, 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 5. 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 Mayor in writing by the comptroller and become effective as otherwise provided by law.

KEMP CONRAD
Council Member

HAROLD COLLINS
Council Chairman

Attest:
Patrice Thomas, Comptroller

**CITY OF MEMPHIS
RESOLUTION AUTHORIZING THE EXECUTION OF A
LEASE AGREEMENT WITH PRAXAIR, INC.**

WHEREAS, Praxair, Inc. has requested that Memphis and Shelby County Port Commission enter into a Lease Agreement providing that Praxair, Inc. lease certain real property in Pidgeon Industrial Park for five (5) years with three five (5) year automatic renewals.

WHEREAS, said proposed Lease Agreement is in the best interests of the Memphis and Shelby County Port Commission and promotes the economic development of Pidgeon Industrial Park.

NOW, THEREFORE, BE IT RESOLVED by the City of Memphis, on recommendation of the Memphis and Shelby County Port Commission, that the proposed Lease Agreement with Praxair, Inc. be approved.

BE IT FURTHER RESOLVED, By the Council of the City of Memphis that the appropriate officials of the City of Memphis be hereby authorized to execute said lease and any other documents attendant hereto.

BE IT FURTHER RESOLVED That this action is subject to concurrence by Shelby County.

RESOLUTION

WHEREAS, the City of Memphis Workforce Investment Network has received grant funds in the amount of Seven Hundred Forty Seven Thousand Six Hundred Eighty Six Dollars (\$747,686.00) from the State of Tennessee Department of Labor Workforce Development; and

WHEREAS, these funds will be used to provide a contingency fund for WIA Title One Dislocated Workers Program; and

WHEREAS, it is necessary to accept the grant funding and amend the Fiscal Year 2010 Operating Budget to establish funds for the WIA Title One Dislocated Workers Program; and

WHEREAS, it is necessary to appropriate the grant funds in the amount of Seven Hundred Forty Seven Thousand Six Hundred Eighty Six Dollars (\$747,686.00) for the WIA Title One Dislocated Workers Program.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the WIA Title One Dislocated Workers Program in the amount of Seven Hundred Forty Seven Thousand Six Hundred Eighty Six Dollars (\$747,686.00) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the Fiscal Year 2010 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the WIA Title One Dislocated Worker Program in the amount of Seven Hundred Forty Seven Thousand Six Hundred Eighty Six (\$747,686.00) as follows:

Revenue

State of Tennessee Department of Labor WIA Title One Dislocated Worker Program Administration	\$672,918.00 <u>\$74,768.00</u>
TOTAL	\$747,686.00

Expense

WIA Title One Dislocated Worker Program Administration	\$672,918.00 <u>\$74,768.00</u>
TOTAL	\$747,686.00

RESOLUTION

WHEREAS, the City of Memphis Workforce Investment Network has received grant funds in the amount of Five Hundred Four Thousand, Three Hundred Twenty Nine Dollars, (\$504,329.00) from the State of Tennessee Department of Labor and Workforce Development; and

WHEREAS, these funds will be used to provide a contingency fund for WIA Title One for Adult Program and Administrative Services; and

WHEREAS, it is necessary to accept the grant funding and amend the Fiscal Year 2010 Operating Budget to establish funds for the WIA Title One Adult Program and Administrative Services; and

WHEREAS, it is necessary to appropriate the grant funds in the amount Five Hundred Four Thousand, Three Hundred Twenty Nine Dollars, (\$504,329.00) for the WIA Title One Adult Program and Administrative Services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the WIA Title One Adult Program and Administrative Services Funds in the amount of Five Hundred Four Thousand, Three Hundred Twenty Nine Dollars (\$504,329.00) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the Fiscal Year 2010 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the WIA Title One Adult Program and Administrative Services Funds in the amount of Five Hundred Four Thousand, Three Hundred Twenty Nine Dollars, (\$504,329.00) as follows:

Revenue

State of Tennessee Department of Labor	
WIA Title One Adult Program Funds	\$453,896.00
Administration	<u>\$50,433.00</u>
TOTAL	\$504,329.00

Expense

WIA Title One Program Funds	\$453,896.00
Administration	<u>\$50,433.00</u>
TOTAL	\$504,329.00

RESOLUTION

WHEREAS, the City of Memphis Workforce Investment Network has received grant funds in the amount of Fifty Thousand Dollars (\$50,000.00) from the State of Tennessee Department of Labor Workforce Development; and

WHEREAS, these funds will be used to provide a contingency fund for WIA Title One Rapid Response Joint Apprenticeship Program; and

WHEREAS, it is necessary to accept the grant funding and amend the Fiscal Year 2010 Operating Budget to establish funds for the WIA Title One Rapid Response Joint Apprenticeship Program; and

WHEREAS, it is necessary to appropriate the grant funds in the amount of Fifty Thousand Dollars (\$50,000.00) for the WIA Title One Rapid Response Joint Apprenticeship Program.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the WIA Title One Rapid Response Joint Apprenticeship Program in the amount of Fifty Thousand Dollars (\$50,000.00) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the Fiscal Year 2010 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the WIA Title One Rapid Response Joint Apprenticeship Program in the amount of Fifty Thousand Dollars (\$50,000.00) as follows:

Revenue

State of Tennessee Department of Labor	
WIA Title One Rapid Response Funds	<u>\$50,000.00</u>
TOTAL	\$50,000.00

Expense

WIA Title One Rapid Response Funds	<u>\$50,000.00</u>
TOTAL	\$50,000.00

RESOLUTION

WHEREAS, the City of Memphis Workforce Investment Network has received grant funds in the amount of Twenty Five Thousand (\$25,000.00) from the State of Tennessee Department of Labor Workforce Development; and

WHEREAS, these funds will be used to provide a contingency fund for WIA Title One Disability Program Navigators Funds; and

WHEREAS, it is necessary to accept the grant funding and amend the Fiscal Year 2010 Operating Budget to establish funds for the WIA Title One Disability Program Navigators Grant; and

WHEREAS, it is necessary to appropriate the grant funds in the amount Twenty Five Thousand Dollars, (\$25,000.00) for the WIA Title One Disability Program Navigators Grant

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the WIA Title One Disability Program Navigators Grant in the amount of Twenty Five Thousand Dollars, (\$25,000.00) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the Fiscal Year 2010 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the WIA Title One Disability Program Navigators Grant in the amount of Twenty Five Thousand Dollars, (\$25,000.00) as follows:

Revenue

State of Tennessee Department of Labor WIA Title One Disability Program Navigators Grant	<u>\$25,000.00</u>
TOTAL	\$25,000.00

Expense

WIA Title One Disability Program Navigators Grant	<u>\$25,000.00</u>
TOTAL	\$25,000.00

RESOLUTION

WHEREAS, the City of Memphis Workforce Investment Network has received grant funds in the amount of Twenty Three Thousand Nine Hundred Thirty Nine Dollars (\$23,939.00) from the State of Tennessee Department of Labor Workforce Development; and

WHEREAS, these funds will be used to provide a contingency fund for WIA Title One Statewide Activities Program; and

WHEREAS, it is necessary to accept the grant funding and amend the Fiscal Year 2010 Operating Budget to establish funds for the WIA Title One Statewide Activities Program; and

WHEREAS, it is necessary to appropriate the grant funds in the amount of Twenty Three Thousand Nine Hundred Thirty Nine Dollars (\$23,939.00) for the WIA Title One Statewide Activities Program.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the WIA Title One Statewide Activities Program in the amount of Twenty Three Thousand Nine Hundred Thirty Nine Dollars (\$23,939.00) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the Fiscal Year 2010 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the WIA Title One Statewide Activities Program in the amount of Twenty Three Thousand Nine Hundred Thirty Nine Dollars (\$23,939.00) as follows:

Revenue

State of Tennessee Department of Labor	
WIA Title One Statewide Activities Program	\$22,799.00
Administration	<u>\$1,140.00</u>
TOTAL	\$23,939.00

Expense

WIA Title One Statewide Activities Program	\$22,799.00
Administration	<u>\$1,140.00</u>
TOTAL	\$23,939.00

RESOLUTION

WHEREAS, the City of Memphis Workforce Investment Network has received grant funds in the amount of Two Thousand Five Hundred Dollars (\$2,500.00) from the State of Tennessee Department of Labor Workforce Development; and

WHEREAS, these funds will be used to provide a contingency fund for WIA Title One Statewide Activities Program; and

WHEREAS, it is necessary to accept the grant funding and amend the Fiscal Year 2010 Operating Budget to establish funds for the WIA Title One Statewide Activities Program; and

WHEREAS, it is necessary to appropriate the grant funds in the amount of Two Thousand Five Hundred Dollars (\$2,500.00) for the WIA Title One Statewide Activities Program.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the WIA Title One Statewide Activities Program in the amount of Two Thousand Five Hundred Dollars (\$2,500.00) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the Fiscal Year 2010 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the WIA Title One Statewide Activities Program in the amount of Two Thousand Five Hundred Dollars (\$2,500.00) as follows:

Revenue

State of Tennessee Department of Labor	
WIA Title One Statewide Activities Program	<u>\$2,500.00</u>
TOTAL	<u>\$2,500.00</u>

Expense

WIA Title One Statewide Activities Program	<u>\$2,500.00</u>
TOTAL	<u>\$2,500.00</u>

WHEREAS, the City of Memphis has enjoyed a friendly informal relationship with Liege, Belgium over the past number of years; and

WHEREAS, the Memphis and Liege business communities are working collaboratively to strengthen economic development opportunities between the two regions; and

WHEREAS, the exchanges between our cities add richness, diversity and stronger international relations for our citizens; and

WHEREAS, our relationship unites people of all ages and backgrounds, and surmounts barrier of distance, cultural and artistic exchanges between our communities; and

WHEREAS, the Mayor, City Council and citizens of Memphis wish to continue the rich economical, cultural and artistic exchanges between our communities; and

WHEREAS, it is the desire of the Mayor, City Council and all the citizens of Memphis to establish a sister city relationship between our cities.

NOW, THEREFORE, BE IT RESOLVED that the Memphis City Council that Liege, Belgium is formally recognized and embraced as an official sister city to the City of Memphis; and that the City of Memphis offers the hand of friendship in the hope it will strengthen the bonds between our two great cities.

ADOPTED: September 1, 2009

HAROLD B. COLLINS
City Council Chairman

MYRON LOWERY
Mayor Pro Tem

RESOLUTION

WHEREAS, the Council of the City of Memphis approved South Plant Expansion, project number SW02033 as part of the Public Works Fiscal Year 2010 Capital Improvement Budget; and

WHEREAS, bids were taken on July 31, 2009 for the South Plant Expansion Project with the lowest complying bid of two bids being \$3,575,095.00 submitted by Chris-Hill Construction Co., LLC; and

WHEREAS, it is necessary to appropriate \$3,932,605.00 funded by Sewer Revenue Bonds in South Plant Expansion Project, project number SW02033 to replace the cover and repair an anchor wall at the South Plant Lagoon as follows:

Contract Amount	\$3,575,095.00
Project Contingencies	<u>\$ 357,510.00</u>
Total	\$3,932,605.00

NOW, THEREFORE BE IT RESOLVED, By the Council of the City of Memphis, that there be and is hereby appropriated the sum of \$3,932,095.00 funded by Sewer Revenue Bonds chargeable to the Fiscal Year 2010 Capital Improvement Budget and credited as follows:

Project Title: South Plant Expansion
Project Number: SW02033
Amount: \$3,932,605.00

RESOLUTION

WHEREAS, the Council of the City of Memphis approved Curb and Gutter, project number ST04010 as part of the Public Works Fiscal Year 2010 Capital Improvement Budget; and

WHEREAS, bids were taken on July 31, 2009 for curbs and gutters at various locations with the lowest complying bid of four bids being \$1,201,645.00 submitted by Barnes & Brower; and

WHEREAS, it is necessary to transfer an allocation of \$1,297,777.00 funded by GO Bonds - General (Storm Water) from Curb and Gutter, project number ST04010 to Curb Gutter Misc Loc 2009 , project number ST04044 to replace of curbs and gutters at various locations; and

WHEREAS, it is necessary to appropriate \$1,297,777.00 funded by GO Bonds - General (Storm Water) in Curb Gutter Misc Loc 2009, project number ST04044 to replace curbs and gutters at various locations:

Contract Amount	\$1,201,645.00
Project Contingencies	<u>\$ 96,132.00</u>
Total	\$ 1,297,777.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2010 Capital Improvement Budget be and is hereby amended by transferring an allocation of \$1,297,777.00 funded by GO Bonds – General (Storm Water) from Curb and Gutter, project number ST04010 to Curb Gutter Misc Loc 2009, project number ST04044 to replace curbs and gutters at various locations.

BE IT FURTHER RESOLVED, that there be and is hereby appropriated the sum of \$1,297,777.00 funded by GO Bonds – General (Storm Water) chargeable to the Fiscal Year 2010 Capital Improvement Budget and credited as follows:

Project Title:	Curb Gutter Misc Loc 2009
Project Number	ST04044
Amount:	\$1,297,777.00

RESOLUTION

WHEREAS, the Council of the City of Memphis approved the Major Modifications and Improvements to Property, CIP Project #GS01007, as part of the General Services Division Fiscal Year 2010 Capital Improvement Budget; and

WHEREAS, most of the work, to include the maintenance, enhancement and preservation of existing City of Memphis facilities will be performed by employees of the General Services Division; and

WHEREAS, it is necessary to appropriate \$3,291,000 funded by GO Bonds - General from Major Modifications, CIP Project # GS01007 for the maintenance and enhancement of City of Memphis facilities;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2010 Capital Improvement Budget be and is hereby amended by appropriating \$3,291,000 funded by GO Bonds – General chargeable to the FY 2010 Capital Improvement Budget and credited as follows:

Project Title: Major Modifications and Improvements to Property
Project Number: Project # GS01007
Amount: \$3,291,000

RESOLUTION

WHEREAS, the Council of the City of Memphis approved the Americans with Disabilities, CIP Project #GS01010, as part of the General Services Division Fiscal Year 2010 Capital Improvement Budget; and

WHEREAS, most of the work, to include the survey, design, and renovation of existing City facilities to meet compliance with the Federal Americans with Disabilities Act law and court mandated agreement will be performed by employees of the General Services Division; and

WHEREAS, it is necessary to appropriate \$2,331,000 funded by GO Bonds - General from Americans with Disabilities, CIP Project # GS01010 for the compliance of City of Memphis facilities;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2010 Capital Improvement Budget be and is hereby amended by appropriating \$2,331,000 funded by GO Bonds – General chargeable to the FY 2010 Capital Improvement Budget and credited as follows:

Project Title:	Americans with Disabilities
Project Number:	Project # GS01010
Amount:	\$2,331,000

RESOLUTION

WHEREAS, the Council of the City of Memphis approved the City Hall Improvements, CIP Project #GS01001, as part of the General Services Division Fiscal Year 2010 Capital Improvement Budget; and

WHEREAS, funding for various renovations and equipment upgrades includes generator emergency power system, City Hall exterior façade repairs, addition repairs to Police garage, informational emergency e-boards, Security office equipment, elevator upgrades, with the work to be done by employees of General Services Division and service related contracts; and

WHEREAS, it is necessary to appropriate \$480,000.00 funded by GO Bonds – General for construction costs in City Hall Improvements, CIP Project # GS01001.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2010 Capital Improvement Budget be and is hereby appropriated the sum of \$480,000.00 funded by GO Bonds – General chargeable to the FY 2010 Capital Improvement Budget and credited as follows:

Project Title:	City Hall Improvements
Project Number:	Project #GS01001
Amount:	\$480,000.00

RESOLUTION

WHEREAS, the Council of the City of Memphis approved the City-Wide Energy Modification, CIP Project #GS01003, as part of the General Services Division Fiscal Year 2010 Capital Improvement Budget; and

WHEREAS, most of the work, to provide energy saving improvements and modifications at City facilities will be performed by employees of the General Services Division; and

WHEREAS, it is necessary to appropriate \$59,000 funded by GO Bonds - General from City-Wide Energy Modification, CIP Project # GS01003 for the provision of energy saving improvements and modifications at City of Memphis facilities;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2010 Capital Improvement Budget be and is hereby amended by appropriating \$59,000 funded by GO Bonds – General chargeable to the FY 2010 Capital Improvement Budget and credited as follows:

Project Title:	City-Wide Energy Modification
Project Number:	Project # GS01003
Amount:	\$59,000

RESOLUTION

WHEREAS, the City of Memphis through its City Attorney's Office, filed suit in Chancery Court of Shelby County, Tennessee to recover delinquent real estate taxes owed on parcels in Shelby County, Tennessee; and

WHEREAS, pursuant to said suit which is known as Tax Sale #5, Chancery Court Cause TRD 9413-3, as Exhibit #5644, held on April 27, 1990, at which City of Memphis purchased certain properties, including Ward 060, Block 059, Parcel 010, subject to the redemption rights of former owner during the two (2) year period following said tax sale; and

WHEREAS, said redemption period expired April 27, 1992 and the City of Memphis desires to sell said property which it acquired in said Tax Sale #5 and which is not needed for public use; and

Whereas, the City has received an Offer to Purchase from Ricky Grady for the said parcel for the total sum of \$450.00, said parcel being more particularly described as follows:

Resolution accepts an offer from Ricky Grady to purchase property located in the City of Memphis, County of Shelby, and State of Tennessee. All the property described in Chancery Court #9413-3, Exhibit 5644, Tax Sale 5, identified as Ward 060 Block 059, Parcel 010, in the Shelby County Assessor's Office and as described in deed recorded as 4633 Page 146 in the Shelby County Register's Office, also known as Lot 25, Dilatush and Crane Subdivision of the Denscomb Tract and located on the south side of Dunn Avenue, east of Elvis Presley Boulevard. Said vacant property, formerly known for address purposes as 1535 Dunn Avenue, being 50' x 190', contains 9,500 square feet, more or less; and

WHEREAS, it is deemed to be in the best interest of the City of Memphis that said offer be subject to the terms and conditions as set out in the "Offer to Purchase" Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MEMPHIS that the offer made by Ricky Grady for the sum of \$450.00 Dollars for the purchase of the above described property and is hereby accepted. Per Ordinance, the sale of the subject property is NOT subject to the offer lying over to allow for an increase in bid. Therefore, Resolution approval is deemed approval of the sale.

BE IT FURTHER RESOLVED, that the City of Memphis Real Estate Department shall prepare and arrange for the execution of Quit Claim Deeds and any other documents incidental to closing of the sale and the Mayor of the City of Memphis is hereby authorized to execute said deed or any other documents necessary to the closing of said sale.

RESOLUTION

WHEREAS, the City of Memphis is the owner of a parcel of land acquired in 1961 for the North Hollywood Street right of way and is located on the northwest corner of Midway Road and Hollywood Street (corner of Midway Road was formerly Belmont Circle) in Memphis, Shelby County, Tennessee; and

WHEREAS, the City of Memphis has received from Bertha Pugh, an offer to purchase the property for \$1,000.00 Dollars. The property is generally described as follows:

Being an unimproved, City-owned property, located on the northwest corner of Midway Road and Hollywood Street and identified by the Shelby County Assessor's Office as Ward 041, Block 063, Parcel 019, also known as Lot 23, Block 2, Belmont Park Subdivision. This parcel formerly fronted Belmont Circle; a portion of the parcel was taken for Hollywood Street to be extended. The remainder of the property contains 3,702 square feet, more or less; and

WHEREAS, it is deemed to be in the best interest of the City of Memphis that said offer be subject to the terms and conditions as set out in the "Offer to Purchase" Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MEMPHIS that the offer made by Bertha Pugh for the sum of \$1,000.00 Dollars for the purchase of the above described property by and the same is hereby accepted. Per Ordinance, the sale of the subject property is NOT subject to the offer lying over to allow for an increase in bid. Therefore, Resolution approval is deemed approval of the sale.

BE IT FURTHER RESOLVED, that the City of Memphis Real Estate Department shall prepare and arrange for the execution of Quit Claim Deed and any other documents incidental to closing of the sale and the Mayor of the City of Memphis is hereby authorized to execute said deed or any other documents necessary to the closing of said sale.

ORDINANCE NO: _____

**ORDINANCE AMENDING CHAPTER 15, SECTION 15-19 OF THE CITY OF
MEMPHIS CODE OF ORDINANCES TO INCLUDE CARPETING, METAL,
WOOD AND OTHER FORMS OF FENCING AS
CONSTRUCTION AND DEMOLITION MATERIAL**

WHEREAS, Chapter 15, Section 15-19(a) of the existing City Code of Ordinances does not include fencing material and carpeting as construction and demolition material; and

WHEREAS, it is deemed appropriate to amend Chapter 15, Section 15-19(a) to include fencing and carpeting as construction and demolition material to be removed by the property owner.

SECTION 1. NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Chapter 15, Section 15-19(a) is hereby amended to read as follows:

(a) Building debris, including, but not limited to, scrap lumber, plaster, roofing, concrete, brickbats, sanding dust, metal and wood fencing, carpeting and other types of construction debris generated as a result of construction, repair, remodeling or demolition of any building or appurtenances on private property, will not be removed by the public works division of the city. The property owner shall cause such material and waste to be privately removed to a disposal site authorized by the public works division.

SECTION 2. BE IT FURTHER ORDAINED, 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, 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.

Harold Collins,
Chairman of the Council

Attest:

ORDINANCE NO: _____

**ORDINANCE TO AMEND CHAPTER 15, SECTION 15-11
OF THE CITY OF MEMPHIS CODE OF ORDINANCES REGARDING
THE DIMENSIONS OF LIMBS AND LOGS COLLECTED BY THE CITY**

WHEREAS, Chapter 15, Section 15-11(d) of the existing City Code of Ordinances does not adequately address the dimensions of trees and logs collected by the City; and

WHEREAS, it is deemed appropriate to amend Section 15-11(d) to increase the size of trees and logs collected by the City from three (3) inches to thirteen (13) inches in diameter to allow residents greater flexibility and to provide the City better manageability.

SECTION 1. NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Chapter 15, Section 15-11(d) is hereby amended to read as follows:

(d) Limbs or logs in excess of thirteen (13) inches in diameter and five (5) feet in length will not be collected by the City.

SECTION 2. BE IT FURTHER ORDAINED, 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, 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.

Harold Collins,
Chairman of the Council

Attest
Patrice Thomas, Comptroller

Memphis City Council Resolution

Whereas, the Memphis Charter Commission was established for the purpose of reviewing the Memphis Charter and recommending changes to be approved by the Memphis voters during the election of November, 2008; and

Whereas, the Charter Commission was never intended as a perpetual body, nor were its members proposed to serve life terms; the Charter Commission ceased to exist on election day of November, 2008 when a series of charter changes were placed on the ballot; and

Whereas, one of the seven members has acknowledged that its work has been completed, but the remaining six members have expressed a desire to continue to meet; and

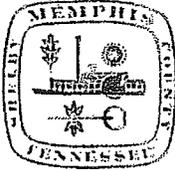
Now, Therefore, Be It Resolved By The Memphis City Council that the City of Memphis shall cease all funding and the use of Council staff for the former Charter Commission.

Be It Further Resolved that the City Attorney and staff shall cease all work in coordination with the former Charter Commission and the city shall prohibit any future use of the City's website by the former Charter Commission.

Be It Further Resolved that the Memphis City Council requests that the former members of the Charter Commission acknowledge that the Charter Commission has ceased to exist.

ADOPTED

Jim Strickland
Memphis City Council



CITY OF MEMPHIS
AND
SHELBY COUNTY, TENNESSEE



City of Memphis Mayor

Shelby County Mayor

August 17, 2009

Dear Council and Commission Members:

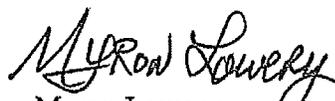
For more than three months, we have been engaged in a Listening Tour to explore the potential of merging city and county governments. Many of you attended these meetings and can attest to the public's deep interest in using the Tennessee Metropolitan Government Act as the vehicle for building a new government from the ground up.

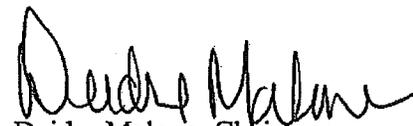
We have heard many opinions and concerns about the future, but there was broad consensus by members of the public that they would like to see what a new government could be and to have a vote on the kind of government we have in Memphis and Shelby County. When we began, we pledged to report back to you with our findings, and attached is the report summarizing the results of the Listening Tour.

Based on what we heard, we will shortly proceed with resolutions to create a charter commission that will consider ways to make our government more efficient and more effective in answering the needs of our people. We look forward to discussing this with you as we proceed.

Sincerely,


A C Wharton, Jr.
Mayor
Shelby County


Myron Lowery
Mayor Pro Tem
City of Memphis


Deidre Malone, Chairman
Shelby County Board of
County Commissioners

RESOLUTION ESTABLISHING A METROPOLITAN GOVERNMENT CHARTER COMMISSION, AUTHORIZING THE MAYOR TO APPOINT MEMBERS; ESTABLISHING A VETTING PROCESS; REQUESTING THE COUNTY COMMISSION ADOPT A SIMILAR RESOLUTION; AMENDING THE FY2010 OPERATING BUDGET; AND APPROPRIATING FUNDS

WHEREAS, the citizens of Shelby County and the City of Memphis are concerned about the direction of their community and are demanding an ethical, effective, efficient, and streamlined government that prepares and positions Memphis and Shelby County to address the current economic crisis and the increasing competition for new jobs and economic expansion; and

WHEREAS, Tennessee Code Annotated Section 7-2-101 et seq. allows for the merger of Shelby County Government with City of Memphis Government if approved by a majority of the voters of Memphis in a referendum and a majority of the voters of Shelby County outside Memphis in a separate referendum held on the same day; and

WHEREAS, Tennessee Code Annotated Section 7-2-101 et seq. provides the vehicle for Memphis and Shelby County to build a new government from the ground up, a new government that is simpler, more understandable, more responsive, and more accountable; and

WHEREAS, Tennessee Code Annotated Section 7-2-101 et seq. provides for the formation of a metropolitan government charter commission to prepare a vision for a new merged government known in the general law as a metropolitan form of government; and

WHEREAS, an efficient new government gives Memphis and Shelby County a fresh start and eliminates bureaucracy, because every dollar spent on duplication and fragmentation is a dollar that can't be spent educating a child, protecting neighborhoods, and strengthening families; and

WHEREAS, a new government can eliminate the cumbersome red tape that results in lost opportunities for new jobs and economic growth; and

WHEREAS, the Memphis and Shelby County Charter Commission will be charged with creating a new government that has the capacity and authority to develop programs to make our community safer, to revitalize our neighborhoods, to fight corruption, and to create jobs that will keep our young adults here; and

WHEREAS, Memphis and Shelby County is being outpaced by peer cities like Nashville, Indianapolis, Jacksonville, and Louisville, whose merged governments can act more entrepreneurially and make decisions more quickly, but most importantly, act with one vision that promotes unity for the future; and

WHEREAS, Memphis and Shelby County have two large governments doing the job of one and doing nothing is not an option in the face of the historic challenges confronting our community; and

WHEREAS, the people of Memphis and Shelby County are anxious to have a voice in how their government is run and they deserve the right to vote on their government's future; and

WHEREAS, because state law provides that the County Mayor will appoint ten members and the City Mayor will appoint five members to the metropolitan government charter commission, it is the desire of the City Council that the vetting process for selecting members include, but not be limited to, the receipt of an application by the County and City Mayors for their respective nominees and an interview of the nominees by the respective legislative bodies; and

WHEREAS, it is also the desire of the City Council that the proposed charter be filed not less than 80 days nor more than 100 days before the November 2, 2010 statewide election and, to ensure that the proposed charter is filed during that time period, when a resolution appointing the City Mayor's nominees is submitted for approval that said resolution set the effective date of the appointments as November 5, 2009 which will require the metropolitan government charter commission to hold its organizational meeting on November 10, 2009 and perform its work between November 11, 2009 and August 12, 2010 in accordance with state law; and

WHEREAS, it is further the desire of the City Council that the resolution appointing members to the metropolitan government charter commission direct said members to file the proposed charter on August 10, 2010; and

WHEREAS, Tennessee Code Annotated Section 7-2-104 requires that whenever a metropolitan government charter commission is formed, it is the duty of the legislative body of the county to appropriate at least twenty-five thousand dollars (\$25,000.00), but not more than fifty thousand dollars (\$50,000.00), to defray the expenses of the charter commission, which will require an amendment to the county general fund budget; and

WHEREAS, funds should be transferred to an account that will be utilized for the expenses of the metropolitan charter commission created herein.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMPHIS CITY COUNCIL that the Memphis and Shelby County Charter Commission is hereby established pursuant to Tennessee Code Annotated, Title 7, Chapter 2, to propose to the voters of the City of Memphis and Shelby County the merger of the governmental and corporate functions of the City of Memphis and Shelby County, and the creation of a new metropolitan government that responds to the needs of the community in its services and vision.

BE IT FURTHER RESOLVED, that the Mayor of City of Memphis is hereby authorized to appoint five (5) members of the metropolitan government charter commission, subject to confirmation by the Memphis City Council to obtain an application from each nominee, and to have each nominee appear before the Personnel, Intergovernmental and Annexation Committee for an interview.

BE IT FURTHER RESOLVED, that the Mayor of Memphis is hereby authorized to appoint persons to the metropolitan government charter commission who are broadly representative of Memphis in accordance with state law.

BE IT FURTHER RESOLVED, that the metropolitan government charter commission shall perform its work in the manner established by general state law and the resolution appointing its members.

BE IT FURTHER RESOLVED, that members of the metropolitan government charter commission shall not receive per diem or other compensation for their services, except reimbursement of actual expenses incurred by members in carrying out their duties as members of the metropolitan government charter commission.

BE IT FURTHER RESOLVED, that the FY2010 Operating Budget is hereby amended to establish a line item budget of \$50,000 for the Memphis and Shelby County Charter Commission and said funds are hereby appropriated.

ADOPTED: August 18, 2009

GEORGE S. FLINN, III

HAROLD B. COLLINS
CHAIRMAN

**Target Dates for County Commission and City Council Action
On Consolidation Resolutions**

<u>Action Item</u>	<u>City</u>	<u>County</u>
Resolution Establishing Charter Commission	August 18 th —Committee September 1 st —Full Council	August 26 th —Committee August 31 st —Full Commission
Resolution Appointing Members	September 15 th —Committee October 6 th —Full Council	September 9 th —Committee September 14 th —Full Commission

Appointments Take Effect: November 5, 2009

1st Meeting of Charter Commission: November 10, 2009

Charter Filed: August 10, 2010

Referendum Held: November 2, 2010