MEMPHIS CITY COUNCIL
Committee Meeting Schedule
Tuesday, November 3, 2009

8:30 a.m. **PERSONNEL, INTERGOVERNMENTAL & ANNEXATION COMMITTEE**
(Chairman Flinn)

1. Reappointment to the Memphis & Shelby County Air Pollution Board

8:35 a.m. **PUBLIC SAFETY & HOMELAND SECURITY COMMITTEE**
(Chairman Hedgepeth)

1. Resolution amending the FY10 Operating Budget by accepting and appropriating grant funds in the amount of $6,345,093 from the U.S. Department of Justice for the American Reinvestment and Recovery Act funding through the Office of Community Oriented Policing Services Grant, specifically for the COPS Hiring Recovery Program
2. Resolution amending the FY10 Operating Budget by accepting and appropriating grant funds in the amount of $734,919 from Shelby County Government granted through the U.S. Department of Justice for the Justice Assistance Grant specifically for public safety projects
3. Resolution amending the FY10 Operating Budget by accepting and appropriating grant funds in the amount of $500,000 from the U.S. Department of Justice FY09 Smart Policing Project (Safeway's-Old Allen)

8:45 a.m. **PARKS COMMITTEE**
(Chairman Strickland)

1. Resolution requesting approval to fund $1,407,721 of the total appropriation approved by the Council on May 19, 2009 in Contract Construction in Greenway Improvements (PK07012) funded by G.O. Bonds for the construction of the Wolf River Greenway

9:00 a.m. **AUDIT COMMITTEE**
(Chairman Conrad)

1. Presentation of FedExForum Seat Audit
2. Presentation of the Golf Audit

9:45 a.m. **HOUSING & COMMUNITY DEVELOPMENT COMMITTEE**
(Chairman Ford)

1. Resolution appropriating CIP funding in the amount of $3,200,000 for the demolition phase of Fairgrounds Project, and reallocating and appropriating the balance of CIP funding for the Pyramid Acquisition

10:00 a.m. **O&M BUDDGET COMMITTEE**
(Chairman Halbert)

1. Resolution transferring $479,000 from the City Court Legal Level 870101 to new City Court Legal Level 870201 for Red Light Cameras

10:30 a.m. **PUBLIC WORKS & TRANSPORTATION COMMITTEE**
(Chairman Boyd)

1. Resolution amending the FY10 Operating Budget by accepting and appropriating grant funds in the amount of $6,767,200 from the Department of Energy for the Recovery Act Energy Efficiency Conservation Block Grant
2. Ordinance to revise Chapter 15, Section 15-11(d), of the Code of Ordinances pertaining to the dimensions of Limbs and Logs collected by the City of Memphis

11:00 a.m. **MLGW COMMITTEE**
(Chairman Ware)

1. Resolution requesting the Memphis City Council to authorize and direct the issuance of Refunding Bonds Series 2009 and authorizing the President and Secretary-Treasurer of MLGW to determine the feasibility of the issuance of Electric System Subordinate Revenue Refunding Bonds, Series 2009 to advance refund all or a portion of the Electric Series 2008A Subordinate Revenue Bonds, in principal amounts not exceeding $600,000,000 at an interest rate not to exceed 5% (the "Refunding Bonds Series 2009")
2. Resolution approving the budgets for the Electric, Gas and Water Divisions for the 2010 Operation and Maintenance Expenses and the 2010 Capital Expenditures

Noon **LUNCH BREAK**

12:30 p.m. **PUBLIC SERVICES & NEIGHBORHOODS COMMITTEE**
(Chairman Brown)

1. Resolution amending the FY 2010 by funding $45,000 in personnel services for the Mobile Inspection Station Program at the Motor Vehicle Inspection Bureau and adding $131,325 in Projected Revenue

1:00 p.m. **PLANNING & ZONING COMMITTEE**
(Chairman Morrison)

1. Honorary Street Name Change of Ridgeway for Mary Grimes Hutchinson
2. Honorary Street Name Change of Beale Street for Bernard Lansky
3. S46-001 Shady Grove Road and Roane Road – Appeal
4. PD09-319 Linden Avenue and Fourth Street
5. SAC09-605 Bledsoe Road street closure
6. HMW09-03 Hotel waiver at 6015 Macon Cove

1:30 p.m. **EXECUTIVE SESSION**
(Chairman Collins)

1. Ordinance to amend Chapter 24, Article III, Code of Ordinances, to update and amend regulations regarding Junk and Scrap Dealers

Committee meetings are held in the City Council Conference Room, 5th floor of City Hall.

City of Memphis
TENNESSEE

MYRON LOWERY
Mayor Pro Tem

September 18, 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:

Doris F. Boyd

be reappointed to the Memphis & Shelby County Air Pollution Board with a term expiring August 29, 2013.

I have attached biographical information.

Sincerely,

Myron Lowery
Mayor Pro Tem

ML:rb

c: Council Members

Doris F. Boyd
213 Viking Drive West
Cordova, TN38018
(901) 947-8454 office or (901) 359-1996 mobile

Education

- Chemical Engineering, BS – Christian Brothers University-- Memphis, TN
- Biology, BS – Lane College-- Jackson, TN

Employment History

September 1, 2008 – Present
Director of Environmental & Safety Affairs -Recently promoted to this position with the Valero Memphis Refinery. Responsible for directing Process Safety Management, Occupational Health and Safety, General Safety, Security, and Environmental Affairs at the Memphis Refinery.

September 2005 – September 2008
Environmental Engineering Manager –Assumed this position when the Refinery was purchased by Valero Energy in 2005. Managed all environmental affairs at the Memphis Refinery. Direct reports included four (4) environmental engineers, one (1) environmental specialist and four (4) environmental technicians. Continued efforts with neighbors and share holders, a member of the Refinery Community Advisory Panel (CAP), directed environmental projects, enhanced relationship with local, state and federal regulators, assured environmental compliance. Secured applicable air and water construction and operating permits as needed.

November 2003 – September 2005
Senior Environmental Supervisor – Promoted to this position with Premcor in November 2003. Responsibilities included supervising a nine member staff to ensue the compliance of the refinery in all areas as well as the three terminals owned by the refinery (in Memphis, West Memphis, and Mississippi). Initiated cross-training of the different areas of environmental for all members of the Environmental Dept. Negotiating and improving relationships with regulators and helping to improve relationship with the community. Initiated training programs for all refinery personnel to ensure improved environmental awareness and responsibility of all refinery personnel.

March 2003 – November 2003
Environmental Engineer II – The Premcor Refining Group Inc.- Memphis Refinery (Premcor purchased the Williams Memphis Refinery in March 2003). Maintained same responsibilities as Senior Environmental Engineer with Williams Refining & Marketing.

June 2001 – March 2003
Senior Environmental Engineer – Williams Refining & Marketing L.L.C., Memphis, TN
Responsibilities are concentrated in the area of air compliance to include annual reporting (Tier II, Annual Emissions Inventory, Refinery MACT, West Memphis Title V Semi-Annual and Annual Certification, FormR), help to secure and review air permit applications and air permits, securing contractors for and overseeing regulated equipment performance testing, tank inspections, investigating exceedances/incidents, and making required written notification to regulating agencies. Also very active with the Williams CAP (Community Advisory Panel) in an effort to improve industry/community relations - attend monthly meetings, help to issue quarterly CAP Newsletter (organize articles, editing/proofreading) and participate in Adopt-A School activities and other community outreach projects.

1999 – June, 2001

Regulatory / Environmental Specialist - Penn Specialty Chemicals, Inc., Memphis, TN
Managed all Environmental requirements and issues; the only person in the department. Responsibilities included ensuring compliance with Air Permits, Water Permits (both POTW with the Memphis Shelby County Health Department and NPDES with Tennessee Department of Environment and Conservation) and Hazardous and Non-Hazardous Waste. Also responsible for training employees per regulations and completing monthly and annual reports; (DMR's, Tier II, Hazardous Waste, Emissions Inventory and Form R) Provide Environmental Leadership on various projects to include development of a more reliable pH system and containment systems for raw material storage tanks and hazardous waste tanks and cost reduction projects; Review and actively participate in environmental incidents onsite; Active in community relationships to include LEPC, DIER (Area Industry and Community Committee) Group, Douglass/Crump/Bungalow Community Block Club, ADOPT-A SCHOOL Program, and the Christmas Angel Tree Give-A-Way.

1996 – 1999
Process Engineer – POLYMEG Production Unit Great Lakes Chemicals, Inc., Memphis, TN
Responsibilities included meeting projected production and quality rates to meet sales and inventory needs/goals; Writing & updating departmental SOPs, optimization of bottlenecks in process, working with Maintenance Department on resolving equipment issues and upgrades; Supervision and training of staff operators.

1988 – 1996
Research Engineer – Pilot Plant - QO Chemicals, Inc., Memphis, TN
Responsibilities included scaling up bench scale procedures to pilot scale, write SOPs and optimize at pilot scale, then scale up to production; Assisted in the implementation and development of Fine Chemicals Plant and continued to work with plant as needed on optimizations and with the start-up of new products; Conducted Environmental, Health and Safety Assessment with EHS Department of all new raw materials / chemicals to be handled at Pilot Plant; Conducted research for improved throughput for POLYMEG production unit and helped optimize entire flow process.

Prior to completing Engineering degree, worked as Senior Chemist in the Quality Control Laboratory at Quaker Oats Chemical Company and served as Interim Lab Supervisor during the illness of the supervisor for Great Lakes Chemical Corporation, both located at 3324 Chelsea Avenue, Memphis, TN.

Activities / Organizations

- Member of Alpha Kappa Alpha Sorority
- Editor of ***The Missionary Messenger,*** the official publication of the Women's Missionary Council of the Christian Methodist Episcopal Church with circulation throughout the United States, Africa and Haiti from 1999 to 2007
- Member of the Executive Committee of the Tennessee Chapter of the American Association of Blacks in Energy (ABBE
- Lane College Alumni Association – National and Memphis Chapter

MEMPHIS AND SHELBY COUNTY
AIR POLLUTION CONTROL BOARD
9 MEMBER BOARD
NO OATH OF OFFICE REQUIRED
4 YEAR TERM

Member	Address	Positions	Term Expires
City			City
Boyd, Doris F/B *(New Appointment) Replaces Joel Barnes*	213 Viking Drive West Cordova, TN 38018 Cell: 901.359.1996 Bus: 901.947.8454	**INDUSTRY REPRESENTATIVE**	**AUGUST 29, 2013**
Dr. Helen Broughton F/B	195 Southill Memphis, TN 38019 Res: 901-396-2639 Bus: 901-333-5360 broughtonhr@aol.com	**CITIZEN MEMBER**	**AUGUST 29, 2010**
Dugard, Douglas B. Jr. *(Replacing Coop, Phil G.)* M/W	3050 Cross County Drive T Memphis, TN 38138 Res: 901-3753-4897 Wk: 901-729-5528	**CITIZEN MEMBER**	**AUGUST 29, 2012**
Yataco, Jose C., Dr. *(Replacing Freire, Amado X, MD)* M/W	1216 Misty Isle Drive Memphis, TN 38103 Res: 901-521-9330 Wk: 901-448-5757 joseyataco@hotmail.com	**PHYSICIAN**	**AUGUST 29, 2012**
Harvell, George R. M/W	Business Address: Memphis Environmental Center 2603 E. Corporate Center Dr. Memphis, TN 38132 901-345-1788 901-398-4719 Gharvell@velsicol.com Gharvel1@midsouth.rr.com	**MUNICIPALITIES (SUBURBAN) CITIZEN MEMBER**	**NOVEMBER 18, 2011**
Lenschau, James *(Reappointment)*	65 LaVerne Lane Memphis, TN 38117 901-374-9693 jlenschau@martintate.com	**ENVIRONMENTAL ATTORNEY**	**AUGUST 29, 2010**
Pensak, Karl	3412 Venson Drive Bartlett, TN 38135 Res: 901-384-4463 Bus: 901-416-6060	**ACADEMIA MEMBER**	**AUGUST 29, 2013**
Cash, Robert *(Replacing Tsangarakis, Carol* F/W	UNAVALABLE	**PROFESSIONAL ENGINEER**	**AUGUST 29, 2012**

Ware, Mary *(New Appointment)* *Replaces* *Felicia Reeves*	2110 Hickory Crest Dr. Memphis, TN 38119 Res: 901.756.5826 Cell: 901.496.4194	**CITIZEN MEMBER**	**AUGUST 29, 2012**

The Board shall consist of the following: ***One professional engineer*** *knowledgeable in the field of air pollution control,* ***one physician*** *licensed to practice in Tennessee,* ***one attorney*** *licensed to practice law in Tennessee,* ***one member of academia, a representative of industry at large,*** *and such other* ***citizen members as may be appointed,*** *except that industry may have no more than two representatives.*

One member *of the Board is to be appointed by the Executive Committee of the Memphis Area Association of Governments.*

9/1709

RESOLUTION

WHEREAS, the City of Memphis Division of Police Services has been awarded grant funds in the amount of Six Million Three Hundred Forty Five Thousand Ninety Three Dollars ($6,345,093.00) from the U.S. Department of Justice Community Oriented Policing Services (COPS) for the COPS Hiring Recovery Program (CHRP) grant award; and

WHEREAS, the grant funding is intended to provide specific salaries and benefits for thirty-seven police officers; and

WHEREAS, it is necessary to accept the grant funding and amend the Fiscal Year 2010 Operating Budget to establish funds for the COPS Hiring Recovery Program; and

WHEREAS, it is necessary to appropriate the grant funds in the amount of Six Million Three Hundred Forty Five Thousand Ninety Three Dollars ($6,345,093.00) for the COPS Hiring Recovery Program (CHRP).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the COPS Hiring Recovery Program (CHRP) grant funds in the amount of Six Million Three Hundred Forty Five Thousand Ninety Three Dollars ($6,345,093.00) 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 COPS Hiring Recovery Program (CHRP) as follows:

REVENUES	
U.S. Department of Justice - COPS	$6,345,093.00
Total	$6,345,093.00
EXPENDITURES	
Full-Time Salaries	$6,345,093.00
Total	$6,345,093.00

RESOLUTION

WHEREAS, the City of Memphis Division of Police Services has been awarded grant funds in the amount of Seven-Hundred Thirty-Four Thousand Nine-Hundred Nineteen Dollars ($734,919.00) from the U.S. Department of Justice, Justice Assistance Grant Award through Shelby County government; and

WHEREAS, the grant funding and any interest or other program income generated are intended to provide public safety programs, to include law enforcement equipment; Crime Stoppers prevention program; Shelby County District Attorney Government – Special Prosecutor position, and law enforcement training projects; and

WHEREAS, it is necessary to accept the grant funding and amend the Fiscal Year 2010 Operating Budget to establish funds for the Justice Assistance Grant; and

WHEREAS, it is necessary to appropriate the grant funds in the amount of Seven-Hundred Thirty-Four Thousand Nine-Hundred Nineteen Dollars ($734,919.00) for the Justice Assistance Grant.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Justice Assistance Grant funds in the amount of Seven-Hundred Thirty-Four Thousand Nine-Hundred Nineteen Dollars ($734,919.00) 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 Justice Assistance Grant as follows:

REVENUES	
Shelby County Government Justice Assistance Grant	$734,919.00
Total	$734,919.00
EXPENDITURES	
Equipment	$574,700.00
Payment to Sub-grantees for Crime Prevention Programs:	
Crime Stoppers, Inc. ($25,000.00)	
Shelby County DA – Special Prosecutor ($107,024.00)	
Total Payment to Subgrantees	132,024.00
Law Enforcement Training	28,195.00
Total	$734,919.00

RESOLUTION

WHEREAS, the City of Memphis Division of Police Services has been awarded grant funds in the amount of Five Hundred Thousand Dollars ($500,000.00) from the U.S. Department of Justice – Bureau of Justice Assistance for the FY 2009 Safeways – Old Allen Smart Policing Demonstration Initiative; and

WHEREAS, these funds will be used to support the Memphis Police Department Investigative Services and Uniform Patrol Units in implementing a problem-solving strategy to address robbery and burglary in the Old Allen Station community; and

WHEREAS, it is necessary to accept the grant funding and amend the Fiscal Year 2010 Operating Budget to establish funds for the FY 2009 Safeways – Old Allen Smart Policing Demonstration Initiative; and

WHEREAS, it is necessary to appropriate the FY 2009 grant funds in the amount of Five Hundred Thousand Dollars ($500,000.00) for the FY 2009 Safeways – Old Allen Smart Policing Demonstration Initiative.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the FY 2009 Safeways – Old Allen Smart Policing Demonstration Initiative funds in the amount of Five Hundred Thousand Dollars ($500,000.00) 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 FY 2009 Safeways – Old Allen Smart Policing Demonstration Initiative in the amount of Five Hundred Thousand Dollars ($500,000.00) as follows:

REVENUES	
Department of Justice	$500,000.00
Total	$500,000.00
EXPENDITURES	
Full-Time Salaries	$ 286,800.00
Travel/Training	13,200.00
Payment to Sub Grantee	200,000.00
Total	$500,000.00

RESOLUTION

WHEREAS, the Council of the City of Memphis did include *Greenway Improvements*, CIP Project Number PK07012, as part of the Fiscal Year 2010 Capital Improvement Budget; and

WHEREAS, on May 19, 2009 the Council approved an appropriation of $1,675,000.00 in "Contract Construction" in PK07012 for the construction of the *Wolf River Greenway – Phase 2* prior to the City's receiving bids for the project; and

WHEREAS, the Council requested that the Division of Park Services return to the Council after receiving bids for the project for review purposes; and

WHEREAS, bids were received on September 25, 2009 for the construction of the *Wolf River Greenway – Phase 2*, with the lowest and best complying bidder of eight (8) bidders being ***Barnes & Brower, Inc.*** in the amount of $1,173,101.00; and

WHEREAS, it is necessary to encumber $1,407,721.00 of the total appropriation in Contract Construction, funded by G.O. Bonds - General in *Greenway Improvements*, CIP Project Number PK07012, for the following:

Bid amount:	**$1,173,101.00**
Contingency amount:	**$234,620.00**
	==========
TOTAL CONTRACT AMOUNT:	**$1,407,721.00**

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Memphis that the Division of Park Services may move forward with the low bid of $1,173,101.00 and with contingency a total of $1,407,721.00 in expenditures from Contract Construction, funded by G. O. Bonds – General and chargeable to the Fiscal Year 2010 Capital Improvement Budget, for the construction of the *Wolf River Greenway – Phase 2.*

SHELBY COUNTY GOVERNMENT
SHELBY COUNTY BOARD OF COMMISSIONERS
160 North Main #450
Memphis, TN 38103
545-4301
545-4283 fax

Collins

TO: Ms. Joyce Avery, Chair person

FROM: Mike Ritz, Commissioner MR

DATE: October 5, 2009

SUBJECT: Fedex Forum Seat Rental

It appears from the enclosed Audit by the City of Memphis that Hoops, L.P. has not been paying seat rental fees for "complimentary tickets" and that through FY2008 such rental fees would be $587,687.95, and that such rental fees are revenues for payment of obligations for the holders of the bonds. I believe we need to collect past seat rental fees and ascertain their payment for the future.

Please schedule a Discussion item regarding the Fedex Forum Seat Rental Fees for the Budget Committee.

Please put this report on SIRE when set for your committee agenda.

cc: All Shelby County Commissioners
All Memphis City Council persons

NBA Seat Rental Fee Report

Memphis/Shelby County Sports Authority

July 10, 2009

CITY AUDITOR

Elizabeth C. Moore, CFE, CGFM

ASSISTANT CITY AUDITOR

Leon Pattman, CIA, CISA

AUDITOR-IN-CHARGE

Catrina McCollum, CFE, CICA

City of Memphis
TENNESSEE

DR. WILLIE W. HERENTON - Mayor
KEITH L. McGEE - Chief Administrative Officer

EXECUTIVE DIVISION
Internal Audit Service Center
Elizabeth C. Moore, CFE, CGFM
City Auditor

July 10, 2009

Mr. Elbert Jefferson, Jr., City Attorney
City of Memphis
Law Division
125 N. Main, Suite 336
Memphis, Tennessee 38103

Dear Mr. Jefferson:

Per your request, we have completed our attestation engagement regarding the remittances of the National Basketball Association seat rental revenue to the Memphis and Shelby County Sports Authority. The findings and recommendations contained in this report should assist the Sports Authority with the oversight and effective administration of the seat rental revenue process.

The objective of our audit was to determine the accuracy of the remittances for seat rental revenues for fiscal years 2005 through 2008. To accomplish our objective, we interviewed management and staff and examined pertinent documentation on a sample basis.

We concluded that the overall seat rental revenue remittances were accurate with only immaterial differences. However, HOOPS, L.P. did not remit revenue on a monthly basis as required in the agreement. Also, the operating agreement did not specifically state that HOOPS, L.P. should collect the seat rental fee on complimentary tickets and therefore, no seat rental fees were collected for complimentary tickets.

The following pages provide the details of our findings and recommendations. It should be noted that our engagement may not necessarily disclose all weaknesses relating to the seat rental revenue process. This engagement was conducted in compliance with government auditing standards. Our process provides the Sports Authority with the option to submit a written response to the draft report for inclusion in the final report; or to submit a written response within 30 days after issuance of the final report. We presented you with the draft report dated June 25, 2009. Your written response to the draft appears in full text in the appendix of this report.

We appreciate the cooperation of HOOPS, L.P. management and other parties during our review. If we can be of further assistance, please advise.

Sincerely,

Catrina McCollum, CFE, CICA
Auditor-in-Charge

APPROVED:

Leon Pattman, CIA, CISA
Assistant City Auditor

Elizabeth C. Moore, CFE, CGFM
City Auditor

c: Greg Campbell, President, Memphis Grizzlies Business Operations
Brian L. Kuhn, County Attorney
Tommy Cates, Shelby County Chief Auditor
Kemp Conrad, City Council, Chairman, Audit Committee

BACKGROUND

The City of Memphis, Shelby County, and HOOPS, L.P. entered into a Memphis Arena Use and Operating Agreement dated June 29, 2001. Section 6 of the operating agreement states in part that HOOPS, L.P. shall pay to the City of Memphis and Shelby County, a $1.15 per seat rental fee, which fee shall be imposed and collected by HOOPS, L.P. on all pubic paid arena events and paid on a monthly basis as rent to the City of Memphis and Shelby County during the term.

In addition to the operating agreement, an Interlocal Agreement Relating to the Financing of the Proposed Sports and Basketball Arena to be Financed by the Memphis and Shelby County Sports Authority, Inc, states in part that the seat rental fees will be a source of repayment to the indebtedness for the National Basketball Association (NBA) arena (FedEx Forum). The Sports Authority is responsible for the seat rental revenue collected and the funds are used to finance the cost of the NBA arena. The interlocal agreement establishes a trustee for the various revenue sources, which currently is U. S. Bank. Public Financial Management (PFM) serves as a financial advisor for the Sports Authority and periodically oversees the trust records [electronic funds transfers (EFT)] to ensure cash flows represented in statements from the trustee are in accordance with the indenture.

The HOOPS, L.P. arena accountant is responsible for preparing the EFT authorizations (bank wire transfers) and supporting documentation, which includes Ticket Master and University of Memphis box office settlement sheets for the events.

FINDINGS AND RECOMMENDATIONS

FINDING I: **Overall, seat rental revenue remittances selected for testing were accurate and adequately documented.**

We initially attempted to test all transactions. However, HOOPS, L.P. stated that it would be very time consuming to provide all of the documentation for each wire remittance to the Sports Authority. Therefore, we selected 4 of the 19 remittances that occurred between 2005 and 2008, which represented $1,742,770.95 or 40% of the total for the audit period. If necessary, we would have performed additional test for EFT remittances. We also tested the list of events along with rental revenue for completeness. We compared the month end schedules from the HOOPS, L.P. audited financial statements, which included a listing of all events held at the FedEx Forum for fiscal years 2005 through 2008 to the wire transfer documentation provided by the HOOPS, L.P. arena accountant.

Based upon testing above, we noted the following:

- The remittances tested were materially accurate for our sample:
    - 2008 – Wire #17 was materially accurate, we noted only a net difference of $16.10, which is 0.007% of the total wire ($222,582.50) that was remitted to the Sports Authority.
    - 2007 – Wire #15 was materially accurate, we noted only a net difference of $161.00, which is 0.044% of the total wire ($361,064.35) that was remitted to the Sports Authority.
    - 2006 – Wire #10 was materially accurate, we noted only a net difference of $4.60, which is 0.001% of the total wire ($318,677.65) that was remitted to the Sports Authority.
    - 2005 - Wire #1 was materially accurate, we noted only a net difference of $695.75, which is 0.089% of the total wire ($840,446.85) that was remitted to the Sports Authority.
- We compared the month end schedules from the HOOPS, L.P. audited financial statements which included a listing of all events held at the FedEx Forum during a specific timeframe to the remittances documentation provided by the HOOPS, L.P. arena accountant. We noted all paid events were included in the documentation for the remittances and only the events not included were non paid events. These events were open to the public and no seat rental revenue was collected.

RECOMMENDATION

No recommendation warranted at this time.

FINDINGS AND RECOMMENDATIONS

FINDING II: HOOPS, L.P. did not submit seat rental revenue remittances monthly as required in the operating agreement.

We found that HOOPS, L.P. did not remit revenue monthly to the Sports Authority. If remittances were done in accordance to the operating agreement, there would have been 12 remittances per year. According to the arena accountant, remittances submitted to the City were based on the number of events held at the FedEx Forum. *Table I* details the wire submissions to the Sports Authority per year for the audit period:

Table I- Yearly EFT's

Fiscal Year	Number of EFT's
2005	2
2006	7
2007	5
2008	5

In addition, according to the arena accountant, a subsequent verbal agreement was made with the University of Memphis to pay seat rental fees at the end of the basketball season. Therefore, the University of Memphis seat rental fee was submitted annually to HOOPS, L.P. for tickets sold instead of monthly. Consequently, HOOPS, L.P. remitted University of Memphis basketball seat revenue to the Sports Authority once a year.

RECOMMENDATION

The Sports Authority should ensure that revenue for seat rental fees are submitted monthly to the City/County in accordance to the operating agreement.

FINDINGS AND RECOMMENDATIONS

FINDING III: **Operating agreement did not clearly state a fee should be charged for complimentary tickets; therefore, no seat rental revenue was collected for complimentary seats.**

We reviewed the operating agreement which states that HOOPS, L.P. shall pay to the City of Memphis and Shelby County, a $1.15 per seat rental fee, which shall be imposed and collected by HOOPS, L.P. on all public paid arena events as rent to the City of Memphis and Shelby County. The operating agreement did not clearly state whether a seat rental fee should be charged for complimentary seats. As a result, we obtained a legal opinion regarding seat rental revenue for complimentary seats. The legal opinion stated that "because Seat Rental Fees are characterized as a charge on the *use* of a seat during a Paid Arena Event, it follows that Seat Rental Fees should be collected on every seat *used* at a Paid Arena Event." Consequently, we examined the potential revenue for complimentary tickets.

Approximately 511,033 complimentary tickets have been issued for fiscal years 2005 through 2008. Based on the complimentary tickets issued, potential seat rental revenue not collected totaled $587,687.95. No documentation is maintained by HOOPS, L.P. for the University of Memphis issuance of complimentary tickets. Therefore, University of Memphis complimentary tickets are not included in the $587,687.95 total. *Table II* details the potential seat revenue:

Table II – Potential Complimentary Tickets Revenue

Fiscal Year	Total Complimentary Tickets per FedEx Forum Event Attendance Sheet	Seat Rental Rate per Operating Agreement	Potential Seat Rental Revenue not collected
2005	114,504	$1.15	$131,679.60
2006	139,218	$1.15	$160,100.70
2007	138,164	$1.15	$158,888.60
2008	119,147	$1.15	$137,019.05
Total	**511,033**		**$587,687.95**

RECOMMENDATION

The City Attorney's office should determine if there is an opportunity to collect $587,687.95 potential uncollected revenue for complimentary tickets.

APPENDIX A

City Attorney Response

City of Memphis
TENNESSEE

DR. WILLIE W. HERENTON - Mayor
KEITH L. McGEE - Chief Administrative Officer
LAW DIVISION
ELBERT JEFFERSON, JR. - City Attorney

RECEIVED
JUL 9 2009
CITY OF MEMPHIS
INTERNAL AUDIT

July 9, 2009

Ms. Elizabeth Moore
City Auditor
125 N. Main Street, Room 546
Memphis, Tennessee 38103

Re: Response to NBA Seat Rental Fee Report

Dear Ms. Moore:

This office has reviewed your report relative to the above matter. Our office accepts your report but desires to highlight that the City's Law Division accepts the opinion of outside counsel regarding seat rental revenue for complimentary seats.

We appreciate your professional work on the matter.

Sincerely,

Elbert Jefferson, Jr.
City Attorney

EJJ:ajc

Enclosure

xc: Mayor Willie W. Herenton
Roland McElrath, Director of Finance
Brian Kuhn, County Attorney

APPENDIX B

Legal Opinion

EDWARDS ANGELL PALMER & DODGE LLP

One North Clematis Street / Suite 400 West Palm Beach, FL 33401 561.833.7700 *fax* 561.655.8719 eapdlaw.com

Richard J. Miller, P.A.
Partner
561.820.0274
fax 561.655.8719
rmiller@eapdlaw.com

March 18, 2009

Brian L. Kuhn, Esq.
County Attorney
Shelby County, Tennessee
Shelby County Administrative Building
160 N. Main Street, Suite 660
Memphis, TN 38103

Re: Calculation of Revenues from "Seat Rental Fees" Under the Memphis Arena Use and Operating Agreement

Dear Brian:

You have asked us to review the Memphis Arena Use and Operating Agreement dated as of May 15, 2002 by and among the City of Memphis and Shelby County, Tennessee ("CITY/COUNTY") and HOOPS, L.P. ("HOOPS"), as amended (the "Operating Agreement") to clarify thereunder whether "complimentary seats" should be included in the calculation of revenues from Seat Rental Fees at the FedEx Forum (herein referred to as the "Memphis Arena").

In order to respond to your question, we have reviewed the Operating Agreement and the Project Agreement and the Pyramid License Agreement, as defined in the Operating Agreement, and the Trust Indentures, each dated as of May 1, 2002 (the "Trust Indentures"), relating to the Memphis and Shelby County Sports Authority Memphis Arena Project Revenue Bonds 2002 Series A and B, Subordinate Lien Revenue Bonds, 2002 Series C, and Junior Subordinate Lien Revenue Bonds, 2002 Series D and E, dated May 29, 2002 (collectively, the "Bonds").

According to Section 6 of the Operating Agreement, HOOPS must pay to the CITY/COUNTY, in consideration for the right, authority, license and privilege to use, occupy, and operate the Memphis Arena, "a $1.15 per seat rental fee, which fee shall be imposed and collected by HOOPS on all public Paid Arena Events and paid on a monthly basis as rent to CITY/COUNTY" during the term thereof. The Operating Agreement defines "Paid Arena Events" as any sporting, entertainment, exhibition, performance and other events occurring at the Memphis Arena, including but not limited to those NBA pre-season, regular season and playoff games of the Grizzlies scheduled by the NBA to be played on the Grizzlies' home court, "for which an admission price must be paid in order to attend such event."

The imposition and collection of Seat Rental Fees are therefore qualified by the nature of the event and not by the nature of the ticket or admission, *i.e.*, a Paid Arena Event triggers the imposition and payment of Seat Rental Fees. Because Seat Rental Fees are characterized as a charge on the *use* of a seat during a Paid Arena Event, it follows that Seat Rental Fees should be collected on every seat *used* at a Paid Arena Event.

In support of this conclusion, we note that in Section 21 of the Operating Agreement, HOOPS and CITY/COUNTY acknowledge, "it is in the best interests of each of them, and the citizens of Memphis and of Shelby County, Tennessee, to strive to maximize the number of events conducted at, and the amount of revenues realized from, the Arena." This is particularly significant because those covenants as to revenues and payment of obligations run to the Trustee under the Trust Indentures for the benefit of the holders of the Bonds. It is our conclusion, therefore, that "complimentary seats" are included in the calculation of revenues generated from imposition and collection of Seat Rental Fees at the Memphis Arena.

Sincerely,

Richard J. Miller

RJM/mti

RESOLUTION

OCT 19 2009

WHEREAS, on April 13, 2009, the Board of Commissioners of Shelby County, Tennessee, approved a Resolution authorizing the Shelby County Mayor to contract with the City of Memphis to sell Shelby County's interest in the Pyramid for $3,500,000 **(Three Million Five Hundred Thousand Dollars & 00/100)**; and

WHEREAS, on May 5, 2009, the Council of the City of Memphis, Tennessee, approved a Resolution authorizing the Memphis City Administration to initiate contract negotiations with Shelby County Government to purchase Shelby County's interest in the Pyramid for $3,500,000 **(Three Million Five Hundred Thousand Dollars & 00/100)**; and

WHEREAS, in furtherance of the Resolutions approved and ratified by the County and City, respectively, the City of Memphis appropriated and allocated the sum of $3,200,000 **(Three Million Two Hundred Thousand Dollars & 00/100)** in its 2010 Capital Improvements Program (CIP) budget (Project Number CD01080) toward the transfer of the County's interest in the Pyramid to the City of Memphis; and

WHEREAS, the City of Memphis, by and through its Division of Housing and Community Development (**HCD**) identified $3,200,000 **(Three Million Two Hundred Thousand Dollars & 00/100)** in Community Development Block Grant Funds (**CDBG**) for the transfer of the Memphis Pyramid from Shelby County Government, in-lieu of the CIP funds previously allocated to the transfer; and

WHEREAS, on August 18, 2009, the Council of the City of Memphis, Tennessee, approved a Resolution to amend the FY2010 Capital Improvement Budget by transferring the allocation of $3,200,000 **(Three Million Two Hundred Thousand Dollars & 00/100),** funded by G.O.-Bonds General, from Pyramid Acquisition, CIP Project Number CD01080, to the Fairgrounds Redevelopment, CIP Project Number CD01081, to fund various eligible activities in conjunction with the redevelopment of the Fairgrounds site, to serve as a catalyst for this critical community development project and to establish and credit the Fairgrounds Redevelopment budget line in the amount of $3,200,000 **(Three Million Two Hundred Thousand Dollars & 00/100)**; and

WHEREAS, "The Pyramid Rights Transfer Agreement by and Between Shelby County, Tennessee and The City of Memphis, Tennessee" (Contract Number 26100) was executed by all parties on October 8, 2009 and in accordance with the provisions of Contract Number 26100, the City of Memphis disbursed $3,200,000 **(Three Million Two Hundred Thousand Dollars & 00/100)** in CDBG funds as the "Immediate Purchase Price" on October 13, 2009; and

WHEREAS, Contract Number 26100 also provides that $300,000 **(Three Hundred Thousand Dollars & 00/100),** the balance of the "Purchase Price" known as the "Deferred Purchase Price", shall be payable to the County within thirty (30) days after closing; and

WHEREAS, the City has determined that it will utilize $300,000 **(Three Hundred Thousand Dollars & 00/100)** of the Fairgrounds Redevelopment allocation in order to fund the aforementioned "Deferred Purchase Price" and that all sums utilized to fund the "Deferred Purchase Price" shall be restored to the Fairgrounds Redevelopment Project within thirty (30) days; and

WHEREAS, the City now desires to appropriate $2,900,000 **(Two Million Nine Hundred Thousand Dollars & 00/100)** to the Fairgrounds Redevelopment Project Number CD01081; and

WHEREAS, the City also now desires to re-allocate and re-appropriate $300,000 **(Three Hundred Thousand Dollars & 00/100)** from the Fairgrounds Redevelopment Project Number CD01081 to the Pyramid Acquisition Project Number CD01080.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Memphis that there be and is hereby appropriated the sum of $2,900,000 **(Two Million Nine Hundred Thousand Dollars & 00/100)** funded by G.O. Bonds- General chargeable to the FY 2010 Capital Improvement Budget and credited as follows:

Project Title:	**Fairgrounds Redevelopment**
Project Number:	**CD01081**
Contract Construction:	**$2,900,000**

AND BE IT FURTHER RESOLVED, that there be and is hereby re-allocated and re-appropriated the sum of $300,000 **(Three Hundred Thousand Dollars & 00/100)** funded by G.O. Bonds- General chargeable to the FY 2010 Capital Improvement Budget and credited as follows:

Project Title:	**Pyramid Acquisition**
Project Number:	**CD01080**
Land Acquisition:	**$300,000**

RESOLUTION

WHEREAS, the Council of the City of Memphis approved and included $479,000 of expenses for the Automated Red Light Traffic Photographic System and $1,810,000 of revenues, as part of the City Court Clerk Fiscal Year 2010 Operating Budget; and

WHEREAS, such expenditures and revenues are included in Service Center 870101; and

WHEREAS, a new Service Center has been established to record expenses and revenues associated with the Red Light Cameras program; and

WHEREAS, it is necessary to transfer $479,000 of expenses and $1,810,000 revenues from Court Clerk &TVB, (870101), to Court Clerk Red Light Camera, (870201), and

WHEREAS, it is necessary to fund three unfunded clerical positions, that are part of the Division's authorized complement, to accommodate the work requirements of the Red Light Camera program ,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2010 Operating Budget be and is hereby amended by transferring a previous amount of $ 479,000 in expenses and $1,810,000 in revenues from Service Center 870101to Service Center 870201 for Red Light Cameras. Expenses are to be distributed as follows:

OBJECT TITLE	ORG. CODE	SERVICE CENTER	AMOUNT
Full Time Salaries	870201	51101	113,505
Pension		51302	6,326
Group Life Insurance		51308	1,500
Medicare		51314	1,660
United POS (Premier)		51322	13,215
City Hall Printing		52102	3,394
City Hall Postage		52106	1,000
Info Sys Phone/Comm		52122	200,400
Supplies		52304	5,000
Misc. Materials/Supplies		52342	12,000
Misc. Professional Svc		52528	121,000
			479,000

BE IT FURTHER RESOLVED that funding for three (3) FTEs, described in the budget above be approved in the Service Center 870201.

RESOLUTION

WHEREAS, the City of Memphis has been awarded grant funds in the amount of Six Million Seven Hundred Sixty Seven Thousand Two Hundred Dollars ($6,767,200.00) from the U.S. Department of Energy on behalf of the Division of Public Works and Memphis Light Gas and Water; and

WHEREAS, these funds will be used by Public Works to install a cogeneration facility at the M. C. Stiles Wastewater Treatment Plant to convert the energy content of methane (a byproduct of the treatment process) into renewable electricity. MLGW will use a portion of the funds to improve the energy efficiency of owner-occupied, and rental housing within the City of Memphis by conducting an initial energy audit, identifying energy improvements, implementing improvements (at no cost to owner-occupied homes, and sharing the cost with landlords for rental housing); and

WHEREAS, it is necessary to accept the grant funding and amend the Fiscal Year 2010 Operating and Capital Improvement Budgets to establish funds for the Recovery Act Energy Efficiency Conservation Block Grant; and

WHEREAS, it is necessary to appropriate the FY 2010 grant funds in the amount of Six Million Seven Hundred Sixty Seven Thousand Two Hundred Dollars ($6,767,200.00) for the Recovery Act Energy Efficiency Conservation Block Grant.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Recovery Act Energy Efficiency Conservation Block Grant funds in the amount of Six Million Seven Hundred Sixty Seven Thousand Two Hundred Dollars ($6,767,200.00) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the Fiscal Year 2010 Operating and Capital Improvement Budgets be and are hereby amended by appropriating the Expenditures and Revenues for the Recovery Act Energy Efficiency Conservation Block Grant in the amount of Six Million Seven Hundred Sixty Seven Thousand Two Hundred Dollars ($6,767,200.00) as follows:

REVENUES	
U.S. Department of Energy - Operating	$4,994,801.00
U.S. Department of Energy - CIP	$1,772,399.00
Total	$6,767,200.00
EXPENDITURES	
Payment to Sub grantees - Operating	$4,994,801.00
Contract Construction - CIP	$1,590,000.00
Architecture and Engineering - CIP	$182,399.00
Total	$6,767,200.00

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

_____

CITY COUNCIL RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners at its meeting held October 15, 2009, delegated authority to the President and Secretary-Treasurer of the Division to determine (i) the feasibility of the issuance of Electric System Subordinate Revenue Refunding Bonds, Series 2009 to advance refund all or a portion of the Electric Series 2003A Subordinate Revenue Bonds, in principal amounts not exceeding $600,000,000, at an interest rate not to exceed 5% (the "Refunding Bonds Series 2009") to produce net savings to the Division and (ii) the details and content of any recommendation to the Memphis City Council concerning said advance refunding; and

WHEREAS, to the extent required by the City's Charter and applicable law, MLGW Board of Commissioners did by its Resolution request the Council of the City of Memphis to authorize and direct the issuance of Refunding Bonds Series 2009 and the execution of all required documents in connection with such issuance, each such document to be executed on behalf of the Board of Light, Gas and Water Commissioners by the President and Secretary-Treasurer in the manner therein set forth, subject to approval of the final details and financing documents by the Council; and

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MEMPHIS THAT the Division is hereby authorized to issue the Refunding Bonds on substantially the terms and conditions set forth in Supplemental Resolution No. 4, a copy of which (with all exhibits) is attached hereto as Exhibit A and made a part hereof as if set forth fully in this Resolution; and

BE IT FURTHER RESOLVED THAT the President and Secretary-Treasurer of the Division are hereby authorized and directed to take all the necessary steps for the

investigation of the feasibility of said advance refunding and the proper issuance of said Refunding Bonds Series 2009, including but not limited to, the engagement of professionals in connection with the issue, obtaining all necessary approvals required by Tennessee law and making all necessary declarations, tax elections and certifications as required by the Internal Revenue Code and pertinent regulations.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
October 15, 2009

****

In order to coordinate with short term and daily market fluctuations the Secretary-Treasurer requests that the Board delegate authority to the President and Secretary-Treasurer of the Division to determine when or if MLGW executes an advance refunding of the Electric Series 2003A Subordinate Revenue Bonds not to exceed $600,000,000 principal amounts at an interest rate not to exceed 5% to produce net savings to the Division.

It is also requested that the President and Secretary-Treasurer are authorized to take all other and further necessary steps for the proper issuance of said refunding, including but not limited to, preparation and submission of all documents to seek all necessary approvals and the engagement of professionals in connection with the issuance. The President and Secretary-Treasurer will apprise the Board as progress is made regarding the particulars of the refunding and will seek final approval from the Council as required by the City's Charter and applicable law.

It was moved by Commissioner Wishnia, seconded by Vice Chairman Cobbins and unanimously carried:

That, the President and the Secretary-Treasurer of the Division are hereby authorized to determine (i) the feasibility of the issuance of Electric System Subordinate Revenue Refunding Bonds, Series 2009 to advance refund all or a portion of the Electric Series 2003A Subordinate Revenue Bonds, in principal amounts not exceeding $600,000,000, at an interest rate not to exceed 5% (the

"Refunding Bonds Series 2009") to produce net savings to the Division as outlined in the foregoing preamble and (i) the details and content of any recommendation to the Memphis City Council concerning said advance refunding; and

That, to the extent required by the City's Charter and applicable law, this Board does hereby request the Council for the City of Memphis to authorize and direct the issuance of Refunding Bonds Series 2009 and the execution of all required documents in connection with such issuance, each such document shall be executed on behalf of this Board by the President and Secretary-Treasurer in the manner therein set forth, subject to approval of the final details and financing documents by the Council; and

That, the Board authorizes and directs the President and the Secretary-Treasurer of the Division to take all the necessary steps for the investigation of the feasibility of said advance refunding and the proper issuance of said Refunding Bonds Series 2009, including but not limited to, the engagement of professionals in connection with the issue, obtaining all necessary approvals required by Tennessee law and making all necessary declarations, tax elections and certifications as required by the Internal Revenue Code and pertinent regulations. Without limiting the authority granted and requested herein, it is the intent of this resolution that the President and Secretary-Treasurer would be authorized and empowered to select underwriting firms to participate in the sale of the Refunding Bonds Series 2009, to negotiate the terms of the sale of the Bonds, to employ Bond Counsel, Financial Advisors and other professionals that they deem necessary to consummate the transactions contemplated herein and to negotiate engagements with all of said firms at rates and amounts prevailing in the municipal bond industry for the work to be performed by such firms, to identify the maturities of the Series 2003A Bonds to be refunded and to determine the form and content of all documents necessary or appropriate to consummate the transactions contemplated hereby.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular ~~special~~ meeting held on 15th day of October, 2009 at which a quorum was present.

Secretary-Treasurer

(Minutes) Approved 10.15.09

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners has submitted proposed budgets, subject to further action as may be necessary by the President to amend the budget to reflect the outcome of on-going negotiations regarding the Memorandum of Understanding, for the Memphis Light, Gas and Water Division for operation and maintenance expenses for the calendar year 2010; and capital expenditures for 2010 specifying the portion to be funded from current year's revenue; and

WHEREAS, the Council has, through its Memphis Light, Gas and Water Committee and other interested members of the Council, reviewed the budget and conducted hearings thereon; and

WHEREAS, the Board of Commissioners has approved said budget and submitted to the City Council with the recommendation of the Board for approval;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the attached budget for operation and maintenance expenses and capital expenditures of the Memphis Light, Gas and Water Division is approved with authority granted to the President of the Memphis Light, Gas and Water Division to amend the budgets as necessary to reflect the outcome of on-going negotiations regarding the Memorandum of Understanding.

E X C E R P T
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS, CITY OF MEMPHIS
held
October 15, 2009

The President presented the 2010 budgets of the Electric, Gas and Water Divisions for 2010 operation and maintenance expenses and 2010 capital expenditures to the Board of Light, Gas and Water Commissioners for adoption. No rate changes are proposed in 2010 for electric, gas or water.

Master Bond Resolutions adopted by the City of Memphis for the Water Division July 15, 1958, May 10, 1983, June 18, 1985, and May 29, 1986, for the Electric Division July 2, 2002, and October 21, 2003, and for the Gas Division May 1, 1984, require the Electric, Gas and Water Divisions to prepare and file in the office of the Division a budget of operating expenses and capital improvements for the succeeding fiscal year. Such annual budgets will include only the applicable revenues, expenses and capital improvements for each system. These budgets have been reviewed by the Budget Review Committee, the applicable management staff, and the Board.

It was moved by Commissioner Wishnia **, seconded by** Vice Chairman Cobbins **, and unanimously carried:**

> **THAT, the budgets for the Electric, Gas and Water Divisions for the 2010 operation and maintenance expenses and the 2010 capital expenditures, as presented by the President, subject to further action as may be necessary by the President to amend the budgets to reflect the outcome of on-going negotiations regarding the Memorandum of Understanding and subject to the consent and approval of the Council of the City of Memphis, be adopted and be in effect for the fiscal year 2010; and further,**
>
> **THAT, subject to the addition of language "How to Read the Budget" summary and subject to approval of said language by the Finance Committee Chair.**

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular - ~~special~~ meeting held on 15th day of October, 20 09, at which a quorum was present.

Approved as Amended

Secretary-Treasurer

RESOLUTION

WHEREAS, the Mobile Inspection Program at the Motor Vehicle Inspection Bureau were implemented in 1992 and two examiners from the stations were placed on the mobile vans to perform inspections at car dealerships; and

WHEREAS, the Mobile Inspection program was suspended for the FY2010 budget cycle; and

WHEREAS, the Mobile Inspection program inspects vehicles at car dealers for a fee; and

WHEREAS, the Mobile Inspection program had generated revenue of approximately $270,000.00 annually over the past three (3) years and reduced the number of vehicles at inspection facilities; and

WHEREAS, in order to re-establish this program it is necessary to increase the authorized complement and full-time employee funding for the Motor Vehicle Inspection Bureau; and

WHEREAS, an increase in the fee charged from $13.00 to $15.00 is necessary to continue to fund the program and off-set the expenses incurred.

NOW, THEREFORE BE IT RESOLVED, that fiscal year 2010 budget be amended and the expenses and revenues to be appropriated as follows: $45,000 in Personnel Services and $131,325 in Projected Revenue.

BE IT FURTHER RESOLVED, that the authorized complement for the Motor Vehicle Inspection Bureau is increased to include two (2) additional full-time Motor Vehicle Examiner positions and an increase in the inspection fee to $15.00 per vehicle.

SCRAP METAL ORDINANCE SUMMARY

I. State Law

A. No Tag and Hold
B. Voucher for copper and catalytic converters

II. Current City Ordinance

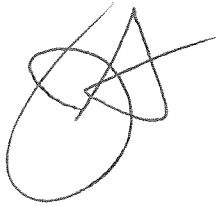
A. Tag and Hold - most metals
B. Voucher – most metals

III. City Law Division's Proposed Changes

A. Tag and Hold – all metals except:
   1. transactions between permitted dealer and permitted dealer
   2. purchases by permitted dealers from licensed contractors
   3. "other" metals (any metal not on purchase list)
B. Voucher – same materials as Tag and Hold
C. Lawsuit - not necessarily settled

IV. Victims' Proposed Changes

A. Tag and Hold metals:
   1. telephone wire and cable and new copper tubing
   2. copper tubing and wire with ID stamp and marking
   3. HVAC
   4. specified metals identified by victims
B. Voucher – same materials as Tag and Hold
C. Lawsuit - settled

V. Potential Compromise between City Attorney and Victims

A. Add metals to Victims' Proposed Changes:
   1. aluminum siding
   2. stainless steel sinks
   3. cast iron
   4. brass
B. A hybrid tag-and-hold/voucher requirement that uses the dealers' price lists
C. Include more metals under Voucher than Tag and Hold