

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879 AS AMENDED, PURSUANT TO THE PROVISIONS OF ARTICLE 11 SECTION 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE HOME RULE AMENDMENT SO AS TO PROVIDE FOR DISCLOSURE OF CERTAIN INFORMATION BY THOSE SEEKING ELECTED OFFICE AND TO SUBMIT THE PROPOSED ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE FIRST GENERAL STATE ELECTION TO BE HELD NOVEMBER 4, 2008.

WHEREAS, it is deemed advisable and in the best interest of the citizens of the City of Memphis that the present Charter of said City be amended by ordinance as provided by Article 11 Section 9, of the Constitution of the State of Tennessee (Home Rule Amendment).

Section 1. Proposed Amendment.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, and submitted by the City of Memphis to its qualified voters at the first general State election, which shall be held in the City of Memphis on November 4, 2008, and which shall be held at least sixty (60) days after such publication:

QUESTION:

Shall the Home Rule Charter of the City of Memphis, Tennessee be amended to impose additional disclosure requirements upon candidates for elected office by adding the following language to Home Rule Amendment 1852 to read as follows?:

That at such time that a candidate for elected office submits a nominating petition for said office, a sworn affidavit shall accompany such petition disclosing the following: all business related bankruptcies the candidate has filed; any liens assessed by any entity including, but not limited to, the Internal Revenue Service, or any state, city or county governmental agency; and any convictions in any court, state or federal, for a crime(s) which is classified a felony in this state. Any candidate failing to submit such a sworn affidavit in form and content satisfactory to the election commission at the time of filing his or her nominating petition shall be disqualified from becoming a candidate for elected office and the election commission shall refuse any nominating petition that does not comply with this provision.

Section 2. Publication of Home Rule Amendment

BE IT FURTHER ORDAINED, That the Comptroller is hereby directed to cause the Ordinance to be published pursuant to provisions of Article 11, Section 9 of the Constitution of the State of Tennessee.

Section 3. Delivery to Election Commission

BE IT FURTHER ORDAINED, That the Comptroller of the City of Memphis shall certify adoption of this Ordinance to the Shelby County Election Commission in charge of holding the general State election on November 4, 2008, and request that this proposed amendment to the Home Rule charter of the City of Memphis be placed on the ballot.

Section 4. Proposal and preference.

BE IT FURTHER ORDAINED, That the Comptroller of the City of Memphis is hereby directed to deliver a copy of this Ordinance to the Shelby County Election Commission, together with a suggested proposal and the following form of preference to be placed on the ballot in an election to be held on the 4th day of November 2008:

REFERENDUM ON HOME RULE AMENDMENT TO THE CHARTER OF THE CITY OF MEMPHIS TO REQUIRE CANDIDATES FOR ELECTED OFFICE TO SUBMIT A SWORN AFFIDAVIT DISCLOSING ADDITIONAL ACCOMPANYING INFORMATION AT THE TIME OF FILING NOMINATING PETITION.

Said ordinance of the City of Memphis was adopted on the _____ day of _____, 2008, to provide for referendum vote on a Home Rule amendment to the Charter of the City of Memphis, to read as follows:

That at such time that a candidate for elected office submits a nominating petition for said office, a sworn affidavit will accompany such petition listing the following: all business related bankruptcies the candidate has filed; any liens assessed by any entity including, but not limited to, the Internal Revenue Service, or any state, city or county governmental agency; and any convictions in any court, state or federal, for a crime(s) which is classified a felony in this state. Any candidate failing to submit such a sworn affidavit in form and content satisfactory to the election commission at the time of filing his or her nominating petition shall be disqualified from becoming a candidate for elected office and the election commission may refuse any nominating petition that does not comply with this provision.

FOR (YES)
AGAINST (NO)

Section 5. Effective Date of Charter Amendment

BE IT FURTHER ORDAINED, That this Ordinance shall take effect for the purposes set forth herein sixty (60) days after approval by a majority of the qualified voters voting thereon in an election to be held on the 4th day of November, 2008, the public welfare, requiring it.

Section 6. Certification of Results.

BE IF FURTHER ORDAINED, That the Shelby County Election Commission certify the result of said election to the Comptroller of the City of Memphis, who shall see that said result is made a part of the Minutes of the Council of the City of Memphis.

Section 7. Nonconflicting –Conflicting Laws.

BE IT FURTHER ORDAINED, That upon adoption of this Home Rule Amendment, all laws constituting the present Charter of the City of Memphis, not in conflict with this amendatory Home Rule Ordinance, be and the same are here continued in full force and effect, and all laws in conflict therewith are hereby repealed.

Section 8. Severability.

BE IT FURTHER ORDAINED, that if any clause, section, paragraph, sentence or part of this Ordinance shall be held or declared to be unconstitutional and void, it shall not affect the remaining parts of this ordinance, it being hereby declared to be the legislative intent to have passed the remainder of this ordinance notwithstanding the parts so held to be invalid, if any.

Section 9. Publication.

BE IT FURTHER ORDAINED, that this ordinance shall be published immediately after the adoption hereof.

Section 10. Enactment of City Ordinance.

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.

SCOTT McCORMICK
Chairman



Memphis City Council Summary Sheet

- Resolution allowing the Memphis City Council and staff to opt in to all the provisions of the Mayor's Ethics Policy
- There is no cost to implement this Resolution
- **Sponsored by Conrad**

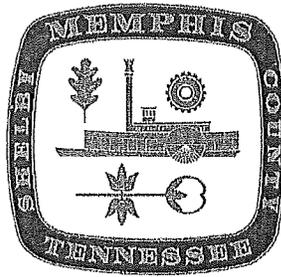
CITY COUNCIL RESOLUTION

WHEREAS, on June 04, 2007, the Memphis City Council adopted Ordinance 5206, a Code of Ethics, which was amended on March 15, 2010 by Ordinance 5344 to include sections 3 and 4 of the Mayor's Executive Order Establishing High Ethical Standards for City Employees Regarding the Acceptance of Gifts and Conflicts of Interest; and

WHEREAS, the Memphis City Council and Staff are not governed by the Mayor's Order, and though sections 3 and 4 have been adopted by the Council and the requirements of some other sections are covered under disclosures made to the Tennessee Ethics Commissions, the remaining sections are desirable practices and principals and the Council wishes to acknowledge adherence to all the standards contained in the Order.

NOW, THEREFORE BE IT RESOLVED, by the Memphis City Council, that the Council and Council Staff will agree to be guided by and adhere to all the directives outlined in Executive Order by the Mayor No. 2-2009 (attached hereto).

KEMP CONRAD
Memphis City Council



EXECUTIVE ORDER
BY THE MAYOR

No. 2-2009

**AN ORDER ESTABLISHING HIGH ETHICAL STANDARDS FOR CITY EMPLOYEES
REGARDING THE ACCEPTANCE OF GIFTS AND CONFLICTS OF INTEREST**

WHEREAS, it is essential that the highest ethical standards be maintained by City employees to ensure the proper performance of government business and instill confidence in the citizenry regarding the operation of their government; and

WHEREAS, it is important to provide clear guidance to employees at every level of government about the standards to which they should adhere regarding the acceptance of gifts and conflicts of interest; and

WHEREAS, this Order is intended support and offer guidance to the provisions set forth within the City Ethics Ordinance, Section 2-42 of the City Code of Ordinances or any other governing state or federal laws.

NOW THEREFORE, I A C Wharton, Jr., Mayor of the City of Memphis, Tennessee by virtue of the executive and administrative authority vested in me by the Charter of the City of Memphis and statutes and law of Tennessee, do hereby direct and order as follows:

1. **Persons covered.** This Order shall apply to all City employees with the exception of the members of the Memphis City Council and their staff.
2. **Employee responsibilities.** Each employee shall avoid any action, whether or not specifically prohibited by statute, regulation or this Order, which might result in or create the appearance of:

- i. Using public office for private gain;
- ii. Giving preferential treatment to any person;
- iii. Impeding government efficiency or economy;
- iv. Losing complete independence or impartiality;
- v. Making a government decision outside of official channels;
- vi. Affecting adversely the confidence of the public in the integrity of the government.

3. **Gift.** No employee shall solicit or accept, directly or indirectly, on behalf of himself or herself or any member of the employee's household, any gift, including but not limited to any gratuity, service, favor, food, entertainment, lodging, transportation, loan, loan guarantee or any other thing of monetary value from any person or entity that:

- i. Has or is seeking to obtain contractual or other business or financial relations with the department, division or agency of the City in which the individual is employed; or

- ii. Conducts operations or activities that are regulated by the department, division or agency of the City for which the individual is employed; or
- iii. Has interests that may be substantially affected by the performance or nonperformance of the employee's official duties.

4. **Exceptions.** The prohibition on accepting gifts in paragraph 3 does not apply to:

- i. A gift given by a member of the employee's immediate family, or by an individual if the gift is given for a non-business purpose and is motivated by a close personal friendship;
- ii. Informational materials, such as books, periodicals, audio or video, or sample merchandise helpful as a part of the employee's duties in determining the appropriateness of the product for use as a part of City business;
- iii. Unsolicited tokens or awards of appreciation, honorary degrees or bona fide awards in recognition of public service, provided that any such item can not be readily converted to cash;
- iv. Food, refreshments, foodstuffs, entertainment or beverages provided as a part of a meal or other event if the value of such items does not exceed \$50.00 per occasion and is not given for the performance of an act, or refrain from performance of an act, that the employee would be expected to perform, or refrain from performing, in the regular course of his duties or that might reasonably be interpreted as an attempt to influence such employee's action, or reward him for past action, in executing business of the City;
- v. Food, refreshments, foodstuffs, entertainment or beverages provided as a part of a meal or other event in which the employee is attending or is a speaker or part of a panel discussion at a scheduled meeting of an established or recognized membership organization; and
- vi. Loans from established financial institutions made in the ordinary course of business on usual and customary terms.
- vii. Voluntary, legally disclosed political campaign contributions given in accordance with applicable federal and state statutes to an individual covered by the provisions of this Order who has announced his or her intention to seek elected office.

5. **Financial Interests.** No employee shall enter into or derive any benefit, directly or indirectly, from any contractual arrangement with the City or its agencies. The normal employment compensation of a spouse whose regular, ongoing employer or business has a contractual arrangement with the City shall not be considered a benefit to the employee provided that the employee did not assist his or her spouse in securing the contract with the City.

6. **Use of Information or Property.** No employee shall directly or indirectly:

- i. Use, disclose or allow the use of official information which was obtained through or in connection with his or her City employment and which has not been made available to the general public for the purpose of furthering the private interest or personal profit of any person, including the employee; or
- ii. Engage in a financial transaction as a result of, or primarily relying upon information obtained through his or her government employment; or

- iii. Make use of facilities, equipment, personnel or supplies of the City for private use or gain, except to the extent that the use is incidental or de minimus or is lawfully available to the general public.

7. **Disclosure of Financial Interests.** Certain positions of employment appointed by the Mayor shall be required to file a disclosure of financial interests annually. This disclosure requirement shall apply to the Mayor, Chief Administrative Officer, Deputy Chief Administrative Officer, Division Directors, Division Deputy Directors and any employee whose immediate superior is either the Mayor or the Chief Administrative Officer.

8. **Information Required for Disclosure.** Each employee listed in paragraph 7 shall annually disclose the following information:

- i. The name and address of any business in which the employee or spouse or minor child of the employee has a financial interest exceeding 5% and the nature of the employee's interest in the business;
- ii. The address and nature of interest in any real property which the employee or spouse or minor child of the employee has a financial interest exceeding 5% excepting the primary personal residence of those individuals;
- iii. Any non-governmental position held, whether compensated or not, with any business entity, non-profit, labor group, educational institution or other similar entity, together with the nature and amount of any compensation;
- iv. Any litigation involving the City or any entity with a relationship to the City, in which the person is a party or has a financial interest;
- v. Any felony conviction within 20 years of the date of the disclosure;
- vi. Any debts, guarantees or endorsement of debts aggregating over \$5,000 owed to one creditor at any time during the year, excluding loans from established financial institutions made in the ordinary course of business on usual and customary terms;
- vii. Any debts of the employee, spouse or minor child which are secured or guaranteed by any individual other than the employee, parent, spouse or minor child.

9. **Compliance.** The Chief Ethics Officer, and the City Attorney when serving as Chief Ethics Officer, shall take steps on an annual basis to ensure compliance with this Order include the following:

- i. Creation and dissemination of annual disclosure forms;
- ii. Maintenance of completed disclosure forms and ensuring that they are available for public inspection;
- iii. Prepare and deliver training to all employees with regard to the standards set forth in this Order;
- iv. Investigate any reported violations of this Order and report the findings to the Mayor.

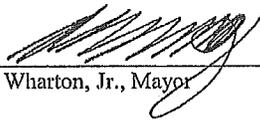
10. **Ethics Training.** The ethics training program to be provided by the Chief Ethics Officer in accordance with the City's ethics ordinance shall be mandatory for personnel described in paragraph 7 and strongly encouraged for all employees as space allows. The

training should not simply be a review of this Order or any other ethics ordinance, policy or law. Instead, training should emphasize ethical decision making in complex and/or high pressure situations.

11. This Order shall be implemented consistent with applicable law and is not intended to, and does not create, any right, benefit, or privilege, substantive or procedural, enforceable at law or in equity by any party against the City of Memphis, its divisions, departments, agencies or entities, its officers, employees, agents or any other person.

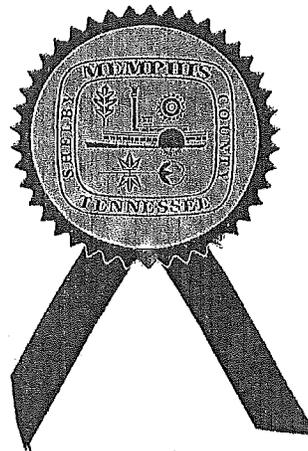
12. This Order shall be recorded by the Comptroller along with any subsequent orders issued by the Office of the Mayor in a hard bound volume to be maintained by the Office of Council Records. The Office of Council Records shall also maintain each executive order online for electronic access.

13. Upon signature, this Order shall become effective on January 1, 2010.



A C Wharton, Jr., Mayor

Executed this 7th day of December 2009





Memphis City Council Summary Sheet Instructions

Please provide a brief summary of the item, in bullet form, not to exceed one page:

1. Description of Item

The proposed document is a Resolution to convey property owned by the City of Memphis to a private developer.

2. Identify initiating party

Office of Planning and Development

3. State whether this is a change to an existing ordinance or resolution, if applicable.

This is a new resolution authorizing the Mayor of Memphis to enter into an agreement with the Center City Development Corporation to issue a Request for Proposals for the purchase of the James Lee House, located at 690 Adams Avenue, by a private developer. The resolution will also authorize the Mayor of Memphis to sell the property to the private developer.

4. State whether this requires a new contract, or amends an existing contract, if applicable.

This transaction will require the execution of an agreement with the Center City Development Corporation and the necessary conveyance documents (Offer to Purchase, Quit Claim Deed, etc.) once a purchaser is identified.

5. State whether this requires an expenditure of funds/requires a budget amendment.

No expenditure of funds is required under this Resolution. To satisfy the original 1929 Deed of Gift whereby the City obtained title to this property, the City will pay the Memphis College of Art the proceeds from the transaction.

The continued ownership of the James Lee House by the City of Memphis could potentially present substantial liabilities, due particularly to the age of the structure.

RESOLUTION

WHEREAS, The neighborhood known as Victorian Village, bounded by Poplar Avenue, Manassas, Madison Avenue and Danny Thomas Blvd. has a nationally recognized collection of 19th century homes including the Mallory-Neely House Museum, The Woodruff-Fontaine House Museum and ten other structures listed on the National Register of Historic Places. These historic structures are significant to the history of the City and the core of our heritage tourism industry; and

WHEREAS, One historic mansion, located at 690 Adams Avenue and known as the James Lee House, has been owned by the City of Memphis since 1929. It was deeded to the City by a Deed of Gift to house the Memphis College of Arts, formerly known as the Memphis Academy of Arts.

WHEREAS, The Memphis Academy of Arts vacated the James Lee House in 1959 to relocate to a building now known as Rust Hall in Overton Park. The James Lee house has been vacant since that time. It is now in danger of being lost to neglect. The Memphis City Council agrees that the loss of the house, designated by the Library of Congress as an important national landmark, would be a loss for future generations. This body acknowledges that the Tennessee Preservation Trust has placed the James Lee House on its list of the ten most endangered landmarks in the state; and

WHEREAS, A committee of stakeholders has been formed which consists of the Victorian Village Community Development Corporation and Memphis and Shelby County planning agencies including Housing and Community Development, Center City Development Corporation, Memphis Convention and Visitor's Bureau, Memphis Landmarks Commission, Office of Planning and Development, Association for the Preservation of Tennessee Antiquities, Memphis Heritage, and Division of General Services. The members of this committee have met and agreed that the house should be restored and placed into adaptive reuse to preserve this important architectural treasure.

NOW, THEREFORE BE IT RESOLVED that the Memphis City Council hereby agrees to authorize the Mayor of the City of Memphis to enter into an agreement with the Center City Development Corporation to act as the transactional agent for the James Lee House and surrounding property in order that a Request for Proposals may be drafted to ultimately place the restoration and adaptive reuse with a private development company, using a similar process as the successful Court Square Redevelopment project; and

BE IT FUTHER RESOLVED that the Memphis City Council authorizes the Mayor of the City of Memphis to sell the James Lee House and surrounding property to the private developer chosen through the Request for Proposals process.

BE IT FUTHER RESOLVED that this action is taken to encourage heritage tourism and strengthen the neighborhood of Victorian Village in Memphis, and to that end the Center City Development Corporation is directed to qualify the successful proposal as one that preserves the historic structure and encourages tourism, business and future development in the district.

BE IT FURTHER RESOLVED that upon the sale of the property to the developer, the City of Memphis shall pay to the Memphis College of Art an amount equal to the proceeds from the sale of the property, less legal and development fees, to satisfy the obligations between the two parties under the 1929 Deed of Gift.



Memphis City Council
Summary Sheet
M.C. Stiles WWTP Cogeneration Design/Build Project

1. This is a construction project to install a cogeneration unit at the M.C. Stiles Wastewater Treatment Plant. The cogeneration unit will use existing biogas from the covered lagoons to produce heat and power.
2. This item is being submitted by Public Works (Environmental Construction)
3. This item requires a change to an existing resolution.
4. This item requires a new contract.
5. This item requires an expenditure of funds.

RESOLUTION

WHEREAS, the Council of the City of Memphis accepted and appropriated Energy Efficiency Conservation Block Grant (EECBG) funds in the amount of \$6,767,200.00 from the US Department of Energy on November 17, 2009; and

WHEREAS, a portion of the funding will be used by Public Works for the installation of a cogeneration facility at the M.C. Stiles Wastewater Treatment Plant and a portion will be used by MLGW to improve the energy efficiency of owner-occupied and rental housing in the City of Memphis; and

WHEREAS, bids were taken on October 15, 2010 for EECBG-Energy Efficiency ARRA, project number, SW04010 for the installation of a cogeneration facility with the lowest complying bid of 2 bids being \$1,888,440.00 submitted by Gephart Electrical Construction Company; and

WHEREAS, it is necessary to transfer allocations and appropriations in the amount of \$182,399 from Architecture and Engineering to Construction in EECBG-Energy Efficiency ARRA, project number SW04010; and

WHEREAS, it is necessary to transfer an allocation of \$188,844.00 funded by Sewer Revenue Bonds from Rehab Existing Sewers, project number SW02001 to EECBG-Energy Efficiency ARRA, project number, SW04010 to cover the cost of contract contingencies; and

WHEREAS, it is necessary to appropriate \$188,844.00 funded by Sewer Revenue Bonds in EECBG-Energy Efficiency ARRA, project number, SW04010; and

WHEREAS, it is necessary to transfer appropriations in the amount of \$116,041 from the MLGW portion, grant project number PW90005 to EECBG-Energy Efficiency ARRA, project number SW04010 and establish the additional allocations for construction.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2011 Capital Improvement Budget be amended by transferring allocations and appropriations in the amount of \$182,399 from Architecture and Engineering to Construction in EECBG-Energy Efficiency ARRA, project number SW04010.

BE IT FURTHER RESOLVED, that the Fiscal Year 2011 Capital Improvement Budget be and is hereby amended by transferring an allocation of \$188,844.00 funded by Sewer Revenue Bonds from Rehab Existing Sewers, project number SW02001 to EECBG-Energy Efficiency ARRA, project number SW04010 to cover the cost of construction contingencies.

BE IT FURTHER RESOLVED, that there be and is hereby appropriated the sum of \$188,844.00 funded by Sewer Revenue Bonds chargeable to the Fiscal Year 2011 Capital Improvement Budget and credited as follows:

Project Title	EECBG-Energy Efficiency ARRA
Project Number	SW04010
Amount	\$188,844.00

BE IT FURTHER RESOLVED, that appropriations in the amount of \$116,041 are transferred from the MLGW portion, grant project number PW90005 to EECBG-Energy Efficiency ARRA, project number SW04010 and establish the additional allocations for construction.



Memphis City Council Summary Sheet

- Ordinance to allow a company with a local presence to be given consideration for preference in the awarding of city bids and contracts
- There is no cost to implement this Resolution and the General Fund may benefit from this action.
- **Sponsored by Conrad**

**AN ORDINANCE TO AMEND CHAPTER 2, DIVISION 6. LOCAL SMALL
BUSINESS DEVELOPMENT AND PROCUREMENT PROGRAM.**

WHEREAS, the Memphis City Council recognizes that the success of local businesses ensures a thriving local economy, employment for our citizens and a strong tax base; and

WHEREAS, the Council wishes to implement policies to ensure that companies that employ our citizens and contribute to our economy and the success of Memphis have the opportunity to do business with city government.

NOW, THEREFORE,

**SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
MEMPHIS,**

That Chapter 2, Section 2-332 of the Code of Ordinances, be and is hereby amended to read as follows:

Sec. 2-332. Local small business development and procurement program.

(b) *Purpose and Intent.* The city of Memphis shall give a local preference to local businesses in the city limits Memphis, Tennessee in awarding city contracts and making purchases whenever the application of such a preference is reasonable in light of the dollar-value of proposal received in relation to such expenditures.

In order to be eligible for the local preference, the vendor must provide a copy of the domestic Shelby County and Tennessee business license and shall also provide proof that Shelby County Personal Property Taxes and all other necessary local business operational taxes inherent to businesses whose principal base of operations is located within the city limits of Memphis, Tennessee were appropriately paid and/or authorize the governing bodies of each agency to release such information to the city of Memphis.

In the bidding of, or letting contracts for procurement of supplies, materials, equipment and services, with a total price of ten thousand dollars (\$10,000) or more, local preference shall mean that if the lowest responsive bidder is a regional or non-local business, then all bids received from responsive local businesses are decreased by five percent. The original bid is not changed; the five percent decrease is calculated only for the purposes of determining the local preference. The local preference cost differential is not to exceed one hundred thousand dollars (\$100,000.00).

In the case of request for proposal, letters of interest, best evaluated bids, qualifications or other solicitations and competitive negotiation and selection in which

objective factors are used to evaluate the responses, local businesses are assigned five percent of the total points of the total evaluation points up to a maximum of five points.

In the event of a tie between a local business and one or more non-local business meeting specifications, the ties shall be broken in favor of the local business.

In the event there is no local business preference designation, either due to non-participation or non-eligibility after the five (5) percent deferential or five (5) point assignment, then local presence will be considered for the procurement of goods and services over the amount of two million (\$2,000,000.00) dollars.

Local presence will be demonstrated by the total number of individuals a business employs within Shelby County. For procurements, a five (5) percent deferential which is not to exceed two hundred thousand (\$200,000.00) shall be granted for the business that demonstrates the highest number of total employees located within Shelby County at the time of the bid response. For request for proposals or matters for which factors are evaluated, local presence at the time of the response will be a weighted criteria. In no event shall the local presence designation be allowed for a business with less than twenty-five (25) local employees at the time of the bid response.

The local business preference or presence criteria shall not apply to purchases or contracts which are funded, in whole or in part, by a governmental entity and the laws, regulations, or policies governing such funding prohibit application of the local preference. Nor shall the local preference apply to purchases made or contacts let under emergency or noncompetitive situations.

Application of the local preference or local presence criteria to a particular purchase, contract or category of contracts for which the city of Memphis is the awarding authority may be waived upon written justification and recommendation of the city of Memphis to compare qualification, character, responsibility and fitness of all persons, firms, or corporations submitting bids or proposals. Further the preference or presence criteria established herein in no way prohibit the right of the city of Memphis from giving any other preference permitted by law in addition to the preference authorized herein.

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 remained 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 on the later of: after it is 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.

KEMP CONRAD
Council Member

HAROLD COLLINS
Council Chairman

Attest:

Patrice Thomas, Comptroller



Memphis City Council Summary Sheet

Resolution to accept WIA Title One National Emergency grant funds from the State of Tennessee Department of Labor and Workforce Development.

- This item is a resolution to accept grant funds from the State of Tennessee, Department of Labor and Workforce Development in the amount of \$10,000.00. These funds will be used for the WIA Title One National Emergency Grant for Dislocated Workers.
- The State of Tennessee Department of Labor and Workforce Development, which acts as a pass-through for the U.S. Department of Labor, allocated these formula grant funds to the Workforce Investment Network.
- This is a new award, pending council acceptance.
- Acceptance of these funds will require a new contract between the State of Tennessee and the City of Memphis, which acts as the administrative entity for the Workforce Investment Network.
- Acceptance of these funds will require an amendment to the FY2011 operating budget to appropriate the funds.

RESOLUTION

WHEREAS, the City of Memphis Workforce Investment Network has received grant funds in the amount of Ten Thousand Dollars, (10,000.00) 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 National Emergency Grant (NEG)

WHEREAS, it is necessary to accept the grant funding and amend the Fiscal Year 2011 Operating Budget to establish funds for the WIA Title One National Emergency Grant (NEG); and

WHEREAS, it is necessary to appropriate the grant funds in the amount Ten Thousand Dollars, (\$10,000.00) for the WIA Title One National Emergency Grant (NEG)

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the WIA Title One National Emergency Grant (NEG) in the amount of Ten Thousand Dollars, (\$10,000.00) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the Fiscal Year 2011 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the WIA Title One National Emergency Grant (NEG) in the amount of Ten Thousand Dollars, (\$10,000.00) as follows:

Revenue

State of Tennessee Department of Labor	
WIA Title One National Emergency Grant	\$9,260.00
Administrative Services	<u>\$740.00</u>
TOTAL	\$10,000.00

Expense

WIA Title One National Emergency Grant	\$9,260.00
Administrative Services	<u>\$740.00</u>
TOTAL	\$10,000.00



Memphis City Council Summary Sheet

Resolution to accept WIA Title One Dislocated Worker grant funds from the State of Tennessee Department of Labor and Workforce Development.

- This item is a resolution to accept grant funds from the State of Tennessee, Department of Labor and Workforce Development in the amount of \$1,645,790.00. These funds will be used for the WIA Title One Dislocated Worker Program.
- The State of Tennessee Department of Labor and Workforce Development, which acts as a pass-through for the U.S. Department of Labor, allocated these formula grant funds to the Workforce Investment Network.
- This is a new grant award, pending council acceptance.
- Acceptance of these funds will require a new contract between the State of Tennessee and the City of Memphis, which acts as the administrative entity for the Workforce Investment Network.
- Acceptance of these funds will require an amendment to the FY2011 operating budget to appropriate the funds.

RESOLUTION

WHEREAS, the City of Memphis Workforce Investment Network has received grant funds in the amount of One Million, Six Hundred Forty Five Thousand, Seven Hundred Ninety Dollars, (\$1,645,790.00) 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 Dislocated Worker Program; and

WHEREAS, it is necessary to accept the grant funding and amend the Fiscal Year 2011 Operating Budget to establish funds for the WIA Title One Dislocated Worker Program; and

WHEREAS, it is necessary to appropriate the grant funds in the amount of One Million, Six Hundred Forty Five Thousand, Seven Hundred Ninety Dollars, (\$1,645,790.00) for the WIA Title One Dislocated Worker Program;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the WIA Title One Dislocated Worker Program in the amount of One Million, Six Hundred Forty Five Thousand, Seven Hundred Ninety Dollars, (\$1,645,790.00) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the Fiscal Year 2011 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 One Million, Six Hundred Forty Five Thousand, Seven Hundred Ninety Dollars, (\$1,645,790.00) as follows:

Revenue

State of Tennessee Department of Labor	
WIA Title One Dislocated Worker Program Funds	\$1,481,211.00
Administration	<u>164,579.00</u>
TOTAL	\$1,645,579.00

Expense

WIA Title One Dislocated Worker Program Funds	\$1,481,211.00
Administration	<u>164,579.00</u>
TOTAL	\$1,645,579.00



Memphis City Council Summary Sheet

Resolution to accept WIA Title One Adult grant funds from the State of Tennessee Department of Labor and Workforce Development.

- This item is a resolution to accept grant funds from the State of Tennessee, Department of Labor and Workforce Development in the amount of \$2,071,116.00. These funds will be used for the WIA Title One Adult Program.
- The State of Tennessee Department of Labor and Workforce Development, which acts as a pass-through for the U.S. Department of Labor, allocated these formula grant funds to the Workforce Investment Network.
- This is a new grant award, pending council acceptance.
- Acceptance of these funds will require a new contract between the State of Tennessee and the City of Memphis, which acts as the administrative entity for the Workforce Investment Network.
- Acceptance of these funds will require an amendment to the FY2011 operating budget to appropriate the funds.

RESOLUTION

WHEREAS, the City of Memphis Workforce Investment Network has received grant funds in the amount of Two Million, Seventy One Thousand, One Hundred Sixteen Dollars, (\$2,071,116.00) 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 Adult Program; and

WHEREAS, it is necessary to accept the grant funding and amend the Fiscal Year 2011 Operating Budget to establish funds for the WIA Title One Adult Program; and

WHEREAS, it is necessary to appropriate the grant funds in the amount of Two Million, Seventy One Thousand, One Hundred Sixteen Dollars, (\$2,071,116.00) for the WIA Title One Adult Program;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the WIA Title One Adult Program in the amount of Two Million, Seventy One Thousand, One Hundred Sixteen Dollars, (\$2,071,116.00) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the Fiscal Year 2011 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the WIA Title One Adult Program in the amount of Two Million, Seventy One Thousand, One Hundred Sixteen Dollars, (\$2,071,116.00) as follows:

Revenue

State of Tennessee Department of Labor	
WIA Title One Adult Program Funds	\$1,864,005.00
Administration	<u>207,111.00</u>
TOTAL	\$2,071,116.00

Expense

WIA Title One Adult Program Funds	\$1,864,005.00
Administration	<u>207,111.00</u>
TOTAL	\$2,071,116.00



Memphis City Council Summary Sheet Instructions

Please provide a brief summary of the item, in bullet form, not to exceed one page:

1. Describe item (Resolution, Ordinance, etc.)

Ordinance to amend Chapter 5, City of Memphis, Code of Ordinances, to eliminate Animal Control Officer's ability to issue citations in lieu of arrest and authorize such officers to issue ordinance summons in accordance with Tennessee Code Annotated Section 7-63-201

2. Identify initiating party (e.g., Public Works; at request of City Council, etc.)

Public Services & Neighborhoods

3. State whether this is a change to an existing ordinance or resolution, if applicable.

The ordinance is being amended to conform to current state law, specifically, TCA 7-63-101 and 7-63-201 with regard to the authority of animal control officers to issue ordinance summons in lieu of arrest.

4. State whether this requires a new contract, or amends an existing contract, if applicable.

There is no new contract or amendment required

5. State whether this requires an expenditure of funds/requires a budget amendment.

There is no expenditure of funds or necessary budget amendment.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 5, CITY OF MEMPHIS, CODE OF ORDINANCES, TO ELIMINATE ANIMAL CONTROL OFFICER'S ABILITY TO ISSUE CITATIONS IN LIEU OF ARREST AND AUTHORIZE SUCH OFFICERS TO ISSUE ORDINANCE SUMMONS IN ACCORDANCE WITH TENNESSEE CODE ANNOTATED SECTION 7-63-201

WHEREAS, Chapter 5 of the City Code of Ordinances currently authorizes animal control officers to issue citations in lieu of arrest in cases where such officers have jurisdiction; and

WHEREAS, existing state law, specifically, Tennessee Code Annotated Section 7-63-101 only authorizes the issuance of citations in lieu of arrest by certain individuals for municipal violations; and

WHEREAS, per Tennessee Code Annotated Section 7-63-101, animal control officers are not authorized to issue citations in lieu of arrest; and

WHEREAS, notwithstanding the lack of such authority, animal control officers are expressly authorized to issue an ordinance summons pursuant to Tennessee Code Annotated Section 7-63-201 upon witnessing a violation of the City Code related to animal control; and

WHEREAS, in an effort to comply with existing state law, the Council and administration deem it necessary to amend Chapter 5 of the City Code of Ordinances to eliminate the authority of animal control officers to issue citations in lieu of arrest and to authorize the issuance of ordinance summons by such officers in accordance with governing state law.

NOW THEREFORE,

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, That Chapter 5, Section 5-1, is hereby amended as follows:

Section 5-1. Definitions:

The definition of "Animal control officer" shall read as follows:

Any person assisting the animal shelter manager authorized to impound animals and issue ordinance summons pursuant to Tennessee Code Annotated Section 7-63-201 which expressly states as follows:

**Sanitation, litter control and animal control – Issuance of summons-
Copies-**

Notwithstanding § 7-63-101, any municipal, metropolitan or city government may designate by ordinance or resolution certain municipal enforcement officers in the areas of sanitation, litter control, and animal control who may not arrest or issue citations in lieu of arrests pursuant to part 1 of this chapter, but who, upon witnessing a violation of any ordinance, law or regulation of that municipal, metropolitan or city government, may issue an ordinance summons, leaving a copy with the offender, showing the offense charged and the time and place when such offender is to appear in court.

The term “Citation” shall be revised to read as follows:

“A written order issued by a law enforcement officer or other person authorized to issue such citations in accordance with Tennessee Code Annotated Section 7-63-101 which states as follows:

Municipal violations-Citation or complaint in lieu of arrest-

When any person violates any traffic, or other ordinance, law or regulation of any municipal, metropolitan or city government in the presence of a:

- (1) Law enforcement officer of such government;
- (2) Member of the fire department or building department who is designated as a special police officer of the municipality; or
- (3) Transit inspector employed by a public transportation system or transit authority organized pursuant to chapter 56, part 1 of this title; such officer or inspector may issue, in lieu of arresting the offender and having a warrant issued for the offense, a citation or complaint for such offense. A copy of such citation, which shall contain the offense charged and the time and place when such offender is to appear in court, shall be given to the offender.

Add the term “Ordinance Summons” which shall be defined as follows:

“A written order issued by an animal control officer pursuant to Tennessee Code Annotated 7-63-201.”

SECTION 2. BE IT FURTHER ORDAINED, That Section 5-15 (f) is hereby amended to read as follows:

(f) Once a citation or ordinance summons has been issued for a violation of this section, the violator must immediately discontinue the activity.

SECTION 3. BE IT FURTHER ORDAINED, That Section 5-70 is hereby amended to read as follows:

Sec. 5-70. Dogs or animals not declared dangerous/vicious.

When an animal attacks or bites strangers:

- (1) If an animal that has not been declared dangerous/vicious under this article aggressively attacks and causes severe injury to, or death of, any human being, the owner of the animal shall be issued an ordinance summons for failing to properly control the animal and shall be subject to a fine of fifty dollars (\$50.00).

SECTION 4. BE IT FURTHER ORDAINED, That Section 5-76 is hereby amended to read as follows:

Section 5-76. Official to designate special officers.

The city animal shelter manager may designate, subject to the approval of the director of public service, certain animal shelter employees to serve as municipal enforcement officers for the purpose of issuing ordinance summonses related to violations of this Chapter witnessed by the officer.

SECTION 5. BE IT FURTHER ORDAINED, That Section 5-77 is hereby amended to read as follows:

Sec. 5-77. Issuance of Ordinance Summons.

Any ordinance summons issued pursuant to this Chapter shall be treated in accordance with the procedures set forth in Section 5-78 included herein. The ordinance summons shall be left with the offender and shall provide information related to the offense charged and the time and place when such offender is to appear in court. Failure of the offender to appear in court shall result in a default judgment against the offender in an amount not to exceed fifty dollars (\$50.00) plus costs for each offense.

SECTION 6. BE IT FURTHER ORDAINED, That Section 5-78 is amended to add the following subsection (3) which shall read as follows:

- (3) Any ordinance summons issued pursuant to this chapter shall follow the procedures set forth herein in accordance with the preceding subsections (1) and (2) above.

SECTION 7. BE IT FURTHER ORDAINED, That Section 5-79(b) is hereby amended to read as follows:

Animal violation forfeiture schedule.

(b) The established forfeitures as provided herein may be paid at the city court clerk's office at any time prior to the court date appearing upon any citation or ordinance summons issued pursuant to this Chapter. Such payments at the city court clerk's office may be made in person or by mail, or as otherwise provided by law.

SECTION 8. BE IT FURTHER ORDAINED, That Section 5-80(a)(1) is hereby amended to read as follows:

(1) Upon the issuance of a citation or ordinance summons to the offender; or

SECTION 9. BE IT FURTHER ORDAINED, That Section 5-81 is hereby amended to read as follows:

Nothing herein shall prevent the City through the City Attorney's office from dismissing or entering a nolle prosequi of any citation, summons, or ordinance summons in open court. Such summons, citation or ordinance summons shall be dismissed if it shall be determined that the citation was issued to a nonresident and is deemed uncollectible; there is a lack of proof; or for such other valid reason as stated to the court.

SECTION 10. 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 11. 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
Comptroller



Memphis City Council Summary Sheet

Resolution for the Skate Park PK07098

- This Resolution seeks approval of schematic design of the Skate Park, and approval to continue forward to complete construction documents.
- The initiating party is the Division of Park Services.
- This Resolution does not change any existing Ordinance nor Resolution.
- This Resolution does not require a new contract. Design work is being completed under a previously approved contract.
- This Resolution only authorizes the expenditure of A/E funds to complete design work.

RESOLUTION

WHEREAS, The Council of the City of Memphis did include Skate Park, located at 2599 Avery, CIP Project Number PK07098, as part of the Fiscal Year 2011 Capital Budget; and

WHEREAS, THE Administration is required to present a preliminary design to the appropriate Council Committee and obtain Council approval prior to the continuation of the project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis, that the Skate Park, CIP Project Number PK07098, is hereby approved for completion of plans and specifications and taking of bids at an estimated construction cost of \$440,000.

**Skate Park
CIP Project Number: PK07098
G.O. Bonds**



Memphis City Council Summary Sheet Instructions

1. Resolution adopting the Greater Memphis Neighborhoods plan.
2. The Administration is asking the City Council to consider this resolution that will commit the Greater Memphis Neighborhoods plan to Memphis city policy.
3. The adopted plan will serve as an advisory plan to assist in establishing and guiding priorities for neighborhood revitalization, community development collaboration, funding decisions, and further affirm the support of the City of Memphis for the development and redevelopment of Greater Memphis Neighborhoods.



**A RESOLUTION BY THE COUNCIL OF THE CITY OF MEMPHIS, TENNESSEE
ADOPTING THE GREATER MEMPHIS NEIGHBORHOOD PLAN**

WHEREAS, the City of Memphis *City of Choice* initiative has set its goal of establishing Memphis as a singularly successful city that builds on its authenticity, its distinctive assets, and its spirit of community to offer every citizen choices for their lives, understanding that for Memphis to be a *City of Choice*, it must have *Neighborhoods of Choice*; and

WHEREAS, The City of Memphis has many neighborhoods in need of revitalization – both long disinvested communities and more recently developed areas in need of stabilization; and successful neighborhood revitalization will require a comprehensive approach and strong partnerships between the private, public, and nonprofit sectors; and

WHEREAS, the City of Memphis Division of Housing and Community Development, Community Foundation of Greater Memphis, Assisi Foundation, Community Development Council of Greater Memphis, and other interested parties undertook the creation of *Greater Memphis Neighborhoods: A Blueprint for Revitalization* (hereinafter referred to as “the GMN plan”); and

WHEREAS, the GMN plan was developed with broad input from diverse stakeholder and grassroots groups with a commitment to neighborhood revitalization, including community associations, community development corporations, private sector developers, representatives of City and County government, colleges and universities, foundations, the banking industry, faith leaders, and other entities; and

WHEREAS, the GMN planning process included a comprehensive needs assessment, existing neighborhood conditions report, an inventory of organizations working in neighborhood revitalization, and a community assessment tool by which to make objective, data-driven resource allocation; and

WHEREAS, the GMN plan sets forth a collaborative effort between relevant divisions of local government, the private sector, and non-profits to accomplish detailed strategies in five goal areas: building better relationships; improving economic and residential vitality; improving quality of life; developing neighborhood plans; and improving capacity of the CDC industry; and

WHEREAS, the GMN plan offers a comprehensive approach that is data-driven and leverages collaborative resources of economic, community, and human capital development for maximum effect; and the GMN plan is fundamentally consistent with and supportive to City of Memphis *City of Choice* initiative in its strategic focus on neighborhood redevelopment, economic growth, and human capital development, which are its priority areas.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MEMPHIS, that the Greater Memphis Neighborhoods plan is hereby adopted as an advisory plan to assist in establishing and guiding priorities for neighborhood revitalization, community development collaboration, funding decisions, and further affirm the support of the City of Memphis for the development and redevelopment of Greater Memphis Neighborhoods.

City of Memphis

TENNESSEE

A C WHARTON, JR.
MAYOR

May 19, 2010

Robert Lipscomb
Director, Housing and Community Development
701 North Main Street
Memphis, TN 38105

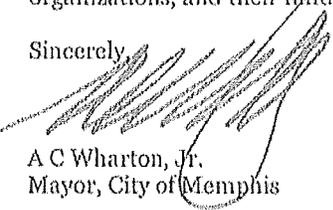
Robert,

I will soon be asking the City Council to consider an ordinance that will commit the Greater Memphis Neighborhoods (GMN) plan to Memphis city policy. I have been briefed extensively on this plan's origins and understand its potential for organizing and supporting our vital community development agencies. GMN was developed by the local non-profit community development community and its key stakeholders and funded by the Assisi Foundation, the Community Foundation of Greater Memphis and the division of Housing and Community Development. I consider Greater Memphis Neighborhoods to be a crucial asset as we work to make Memphis a "city of choice," and it has my full endorsement.

GMN provides a long-overdue strategic framework for guiding the financial investment, redevelopment efforts, and business recruitment strategies for all of Memphis' neighborhoods. Most importantly, it provides a clear and cogent set of action steps for citizens, city government, the funding community, non-profit organizations, and our private sector partners.

I am very pleased with the investment that the Housing and Community Development division has already made in development of this plan and I am eager to see it move into the implementation phase with our support. I am counting on you to help the Community Development Council, its member organizations, and their funders make sure that this plan is a success for Memphis neighborhoods.

Sincerely



A C Wharton, Jr.
Mayor, City of Memphis

C: Harold Collins, City Council Chairman
George Little, Chief Administrative Officer
Bobby White, Chief of Staff
Kelly Rayne, Deputy Chief of Staff
Rick Copeland, Division of Planning & Development
Kerry Hayes, Research Analyst
Tonya Meeks, Communications Specialist
Robert Fockler, President, Community Foundation of Greater Memphis
Jan Young, Executive Director, The Assisi Foundation
Emily Trenholm, Executive Director, Community Development Council

MEMPHIS CITY COUNCIL RESOLUTION

Whereas, mediation is an inexpensive way to resolve disputes; and

Whereas, the litigation between the City of Memphis and Memphis City Schools is in its third year and is complicated involving many factual and legal disputes; and

Now, Therefore, Be It Resolved that the Memphis City Council's attorney, Allan Wade, is instructed to pursue a motion for mediation with the court handling the subject litigation.

Adopted: November 23, 2010

Jim Strickland



Memphis City Council Summary Sheet

Resolution requesting that the City Council schedule a public hearing to be held on December 7, 2010, for consideration and determination of revisions in tariffs to reflect increases in water rates (5.0%), effective with meters read on Cycle One of the January 2011 revenue month on a non-prorated basis.

- This item is a resolution requesting the City Council schedule a public hearing to be held on December 7, 2010, for the above.
- Memphis Light, Gas and Water Division.
- There is no change to an existing resolution or ordinance.
- This does not require a new contract, or amends an existing contract.
- This resolution does not require an expenditure of funds or a budget amendment.

RESOLUTION

WHEREAS, pursuant to Chapter 381 of the Private Acts of 1939, and City of Memphis Charter Section 680, authority is granted to the governing body of the City of Memphis to convene as a Ratemaking Board for the purpose of determining changes in water rates; and

WHEREAS, the Memphis Light, Gas and Water Division has made application under said sections for the Council to hold a public hearing, at which time the Council will convene as a Ratemaking Board to consider approval by the Council of revisions to the schedule of water rates proposed by MLGW;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis, that the City Council as authorized, pursuant to Chapter 381 of the Private Acts of 1939, and City Charter Section 680, does hereby establish December 7, 2010, as the date for a public hearing at which the Council will convene and sit as a Ratemaking Board for the purpose of determining the feasibility of a revision in the schedule of rates, and to prescribe rates sufficient for the operation of Memphis Light, Gas and Water Division.

RESOLUTION

WHEREAS, pursuant to Chapter 381 of the Private Acts of 1939, and City of Memphis Charter Section 680, authority is granted to the governing body of the City of Memphis to convene as a Ratemaking Board for the purpose of determining changes in water rates; and

WHEREAS, the Memphis Light, Gas and Water Division has made application under said sections for the Council to hold a public hearing at which time the Council will convene as a Ratemaking Board to consider approval by the Council of revisions to the schedule of water rates proposed by MLGW;

WHEREAS, the City Council, as authorized by the Ratemaking Charter Provisions, convened a public hearing as a Ratemaking Board for the purpose of considering approval of revisions in the schedule of rates as proposed by MLGW;

WHEREAS, the Council has determined the approval of revisions in the schedule of rates proposed by MLGW is necessary, and hereby prescribes rates sufficient for the Memphis Light, Gas and Water Division to pay operating expenses, interest, sinking funds, reserves for casualties, payments in lieu of taxes, construction and capital expenditures, other fixed charges and reserves for safe operating margins.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis, Properly convened and sitting as a Ratemaking Board pursuant to Ratemaking Charter Provisions and the Charter as a whole, that the rate application of the Memphis Light, Gas and Water Division consisting of correspondence and exhibits filed herewith and the resolution of the Board of Light, Gas and Water Commissioners establishing said

rates (“MLGW Rate Application”) is hereby approved and the schedule of water rates is hereby approved resulting in a 5.0% increase for each customer rate class.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Council of the City of Memphis that the aforesaid water rate change shall be effective for Cycle 1 meter reading for the January 2011 revenue month on a non-prorated basis.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS, CITY OF MEMPHIS
held
November 4, 2010

The Controller advised the Board that a petition should be presented to the City Council requesting that they schedule a public hearing to be held on December 7, 2010, for consideration and determination of revisions in MLGW water rates effective with meters read on Cycle 1 of the January 2011 revenue month on a non-prorated basis.

It is recommended at this time that the Board request the City Council to schedule and properly advertise a public hearing to be held on December 7, 2010 for consideration of these items.

NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, the Board of Light, Gas and Water Commissioners, by this resolution, petitions the City Council of the City of Memphis to schedule and duly advertise a public hearing to be held on December 7, 2010, for consideration and determination of revisions in MLGW water rates effective with meters read on Cycle 1 of the January 2011 revenue month as described in the foregoing preamble to this resolution.

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 4th day of November, 2010, at which a quorum was present.


Secretary-Treasurer

Approved, as Amended

**STATEMENT OF DANA J. JEANES
CONTROLLER
MEMPHIS LIGHT, GAS AND WATER DIVISION
CITY OF MEMPHIS
November 4, 2010**

My name is Dana J. Jeanes and I reside at 11523 Metz Place in Eads, Tennessee. I hold the position of Controller at Memphis Light, Gas and Water Division, and it is my duty to make recommendations concerning the schedule of rates to the Board of Commissioners. I have recommended and the Board of Commissioners has approved, pursuant to Section 680 of the Charter of the City of Memphis, a schedule of rates as will enable the Memphis Light, Gas and Water Division pursuant to said Charter requirements to pay operating expenses, interest, sinking funds reserve, working capital, renewal and replacements, casualties, and other fixed charges including necessary capital improvements and payments in lieu of taxes to the City of Memphis.

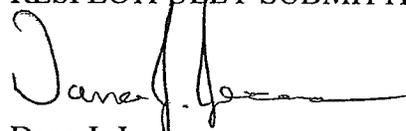
On November 4, 2010, I recommended to the Board that water rate increases be implemented due to the effects of increases in general operating expenses, reduced cash balances, and capital expenditures for system improvements. I recommend that water rates be increased an overall 5.0% for each customer rate class. The total proposed revenue increases on an annual basis are estimated to be \$3,839,000 for water during the calendar year 2011.

I have further advised the Board of certain factors and details outlining the necessity of these rate tariff changes and file herewith exhibits of these factors for your consideration and discussion of the public hearing to be held on December 7, 2010.

As Controller of Memphis Light, Gas and Water Division, it is my opinion that the rates requested by the Division will produce sufficient revenues to meet the obligations of Memphis Light, Gas and Water under the Charter and Covenants in Bond Resolutions.

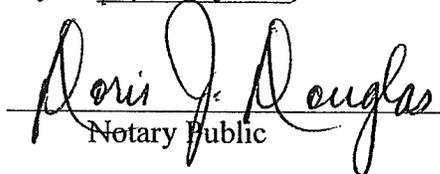
For the reasons set out above, I recommend that the Memphis City Council, pursuant to Chapter 381 of the Private Acts of 1939, as amended, approve these revisions at the public hearing to be held on December 7, 2010.

RESPECTFULLY SUBMITTED



Dana J. Jeanes
Controller
Memphis Light, Gas and Water Division

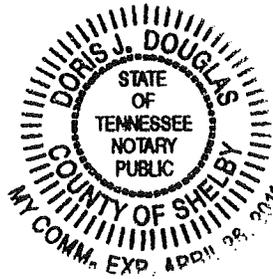
Sworn to and subscribed before
me the undersigned this 4th
day of November, 2010.



Doris J. Douglas
Notary Public

My commission expires:

April 26, 2011





Memphis City Council Summary Sheet

Resolution expressing the approval of the 2011 Budget and Water rate increase for Memphis Light, Gas and Water.

- Resolution to approve the 2011 Electric, Gas and Water Operations and Capital Budget which include an increase in water rates of 5.0% to be effective with meters read on Cycle 1 of the January 2011 revenue month on a non-prorated basis.
- Memphis Light, Gas and Water requests that the Memphis City Council approve the water rate increase to be implemented due to the effects of increases in general operating expenses, reduced cash balances, and capital expenditures for system improvements. Memphis Light, Gas and Water recommends that water rates be increased an overall 5.0% for each customer rate class. The total proposed revenue increases on an annual basis are estimated to be \$3,839,000 for water during the calendar year 2011.
- There is no change to an existing resolution or ordinance.
- The resolution does not require a new contract, or amends an existing contract.
- No contracts, expenditure of funds, or budget amendments are required.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners has submitted a proposed budget for the Memphis Light, Gas and Water Division for operation and maintenance expenses for the calendar year 2011, and the capital expenditures for 2011 specifying the portion to be funded from current year's revenue; and

WHEREAS, the Council has, through its MLGW 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 2011 Budget for operation and maintenance expenses and capital expenditures of the Memphis Light, Gas and Water Division is approved.

E X C E R P T
from
MINUTES OF MEETING
of
BOARD OF LIGHT GAS AND WATER COMMISSIONERS, CITY OF MEMPHIS
held
November 4, 2010

.....

The President presented the 2011 budgets of the Electric, Gas and Water Divisions for 2011 operation and maintenance expenses and the 2011 capital expenditures to the Board of Light, Gas and Water Commissioners for adoption.

Such annual budgets will include 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.

The President also recommends that the Board approve the adoption and revisions to Water Rate Schedules W-1, W-2, W-5, W-6, W-7, W-8, W-9, W-10, W-11, W-51, W-53, W-57, FP-1 and FP-2 proposed to become effective with Cycle 1 meter readings for the January 2011 revenue month on a non-prorated basis. The proposed rate increase of approximately 5.0% for water for each customer rate class is estimated to produce an annual increase in revenues of \$3,839,000 for water during the calendar year 2011.

The rate increase for the Water Division is due to the effects of increases in general operating expenses, reduced cash balances, and capital expenditures for system improvements.

After discussion, the Board of Memphis Light, Gas and Water Commissioners determined that, in their opinion, the proposed new rate is necessary in order to keep the

Water Division financially sound, and that they are in compliance with Chapter 381 of Private Acts 1939, as amended, creating the Division.

NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

- (1) THAT, the Budgets for the Electric, Gas and Water Divisions for the 2011 operation and maintenance expenses and the 2011 capital expenditures, as presented by the President, subject to the consent and approval of the Council of the City of Memphis, be adopted and be in effect for the fiscal year 2011; and
- (2) THAT, the Board of Light, Gas and Water Commissioners approve the attached Water Rates Schedules as described in the foregoing preamble to this resolution subject to the consent and approval of the Council of the City of Memphis, be adopted to become effective with Cycle 1 meter readings for the January 2011 revenue month on a non-prorated basis.

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 7th day of November, 2010, at which a quorum was present.


Secretary-Treasurer

Approved, as Amended