Ord. #5357

AN ORDINANCE TO AMEND CHAPTER 2, ARTICLE IV OF THE CODE OF ORDINANCES SO AS TO ESTABLISH THE CITY OF MEMPHIS M INORITY BUSINESS DEVELOPMENT AND OVERSIGHT COMMISSION

WHEREAS, the Memphis City Council has received the final report from the consultants, Griffin & Strong, P.C., who conducted a comprehensive disparity study to determine if the City of Memphis still has a compelling interest in continuing the Minority and Women-Owned business enterprise program for the City; and

WHEREAS, the findings of the study show that minority and women-owned businesses confirmed that these enterprises are still consistently passively and actively discriminated against within the private sector and government; and

WHEREAS, to ensure the City of Memphis develops a plan to correct this serious problem it is imperative that a Minority Business Development and Oversight Commission be established to monitor the Minority and Women-Owned business enterprise program as well as any current or future City program created to increase the creation, maintenance and success rates of minority owned businesses.

SECTION 1. NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Chapter 2, Article IV is hereby amended as follows:

Sec. 2-106 City of Memphis Minority Business Development and Oversight Commission established.

There is hereby established a City of Memphis Minority Business Development and Oversight Commission.

Sec. 2-106.1 Composition; appointment of members; selection of members.

(a) The City of Memphis Minority Business Development and Oversight Commission shall consist of nine (9) members appointed by the mayor, subject to confirmation by the city council.

(b) The commission shall likewise consist of two (2) ex officio members.
(1) The Mayor of the City of Memphis, or his designee.
(2) A member of the Memphis City Council.

(c) The make-up of the commission shall be reflective of the population of the City of Memphis and shall include members of the groups determined in the study to have been historically discriminated against.

Sec. 2.106.2 Terms of members.

#32

The terms of office of the members of the Minority Business Development and Oversight Commission shall be three (3) years commencing on July 1st of the appointive year.

Sec. 2-106.3 Election and terms of officers.

It shall be the duty of the commission to elect a chairperson and such other officers as are deemed necessary, who shall serve for one year.

Sec. 2-106.4 Members not to be paid.

The members of the Minority Business Development and Oversight Commission shall not receive compensation for their services.

Sec. 2-106.5 Role.

(a) The members of the commission shall review the progress of Minority and Women-Owned business enterprise program for the City of Memphis and any other similar or related program no less than monthly. Said review shall include a report from any contractor or sub-contractor awarded City contracts.

(b) The commission shall also work with the Greater Memphis Chamber and the Office of Planning and Development on the utilization and creation of minority and women-owned business within the private sector.

(c) The commission shall ensure an external objective process be developed and implemented for affirming the validity of the reports, information, and certification by external agencies for those participating in the MBWE City of Memphis program.

Sec. 2-106.6 Meetings.

The commission shall meet no less than once a month with public notice given at least seven days prior to the meeting. The commission shall be responsible for establishing an agenda and procedure for meetings.

Sec. 2-106.7 Report to Memphis City Council.

The commission shall submit a written report to the Memphis City Council no less than quarterly on the status of participation in the Minority and Women-Owned business enterprise program. The commission shall also submit to the Memphis City Council an action plan for increasing the utilization and creation of minority and women-owned businesses within the private sector no later than three months after all inaugural members have been appointed. Thereafter, the commission shall make a report no less than quarterly on the progress of the action plan to the Memphis City Council Economic Development Committee.

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

SECTION 3. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that this ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the comptroller and become effective as otherwise provided by law.

Wanda M. Halbert
Council Member

Harold Collins
Council Chairman

Attest:
Patrice Thomas, Comptroller

THE FOREGOING ORDINANCE
5357 PASSED
1st Reading 5-11-10
2nd Reading 5-25-10
3rd Reading 6-8-10
Approved
Chairman of Council
Date Signed: 06/22/2010
Approved:
Mayor, City of Memphis
Date Signed: 6/28/2010

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

Valerie C. Snipes
Comptroller