Ord. # 5466

AN ORDINANCE TO AMEND SECTION 2-73 OF THE CITY CODE OF ORDINANCES TO ESTABLISH THE CITY ATTORNEY'S OFFICE AS THE CITY'S CENTRALIZED REVENUE OFFICE FOR THE COLLECTION OF DELINQUENT CITY RECEIVABLES, JUDGMENTS, AND RELATED COURT COSTS, FEES, FINES AND AUTHORIZED CIVIL PENALTIES ON BEHALF OF THE CITY OF MEMPHIS

WHEREAS, in accordance with Chapter 2 of the City Code of Ordinances, the City Attorney has the exclusive power to file lawsuits, collect judgments, and initiate all legal proceedings in any instances in which the City may have an interest; and

WHEREAS, there continues to exist a severe problem with the ability of the City through its various departments and divisions to collect delinquent receivables and judgments as well as fees, fines, court costs, and civil penalties in which the City is duly authorized to assess pursuant to the City Charter, Code of Ordinances and applicable state law; and

WHEREAS, the failure of the City to collect such delinquent receivables, judgments and revenue owed to the City continues to adversely impact the City fiscally and thereby, contributes to the overall budget shortfall of the annual operating budget;

WHEREAS, this ordinance shall not alter any ordinance provisions regarding the collection of property or ad valorem taxes;

NOW THEREFORE,

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Chapter 2-73 of the City of Memphis, Code of Ordinances is hereby amended to read as follows:

Sec. 2-73. Duty to Prosecute or Defend Suits.

(a) The city attorney shall prosecute or defend, as the case may require, all suits to which the city may be a party or in which the city may be interested.

(b) The city attorney shall have full power and authority to collect on behalf of the City all delinquent receivables, judgments, fees, fines, court costs, civil penalties or any other delinquent payments owed to the City,. The collection of all such delinquent receivables, judgments and monies owed to the City shall be performed in the manner prescribed by applicable law with litigation as necessary.

(c) All delinquent City receivable accounts and judgments, exclusive of those addressed in Chapter 36 of the City Code of Ordinances, shall be

forwarded to the city attorney for collection no later than sixty (60) days from the date the account accrues.

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 is 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 City 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.

Bill Morrison, Chairman
Memphis City Council

THE FOREGOING ORDINANCE
5466 PASSED
1st Reading 8-7-2012
2nd Reading 8-21-2012
3rd Reading 9-18-2012
Approved
Chairman of Council
Date Signed: 10/2/2012

Approved:
Mayor, City of Memphis MAS
Date Signed: October 4, 2012

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