



Memphis City Council
Summary Sheet
FY2012

- This Ordinance revises the Memphis, Tennessee, Code of Ordinances. Title 4 – Pension and Retirement System, Chapter 4-4-Definitions and Benefits Provisions, Chapter 4-28-1978 Benefit Plan. Article 3 – Retirement Benefits, and Chapter 4-28-1978 Benefit Plan. Article 4 – Death Benefits.
- Initiating Party: Finance Division and Human Resources Division.
- This Ordinance does not require a new contract or modification to an existing contract.
- No expenditure of funds is required under this Ordinance.

DRAFT

**An Ordinance to Amend Memphis, Tennessee
Code of Ordinances Title 4 – Pension and Retirement System,
So as to Modify the Pension Benefits Allowable Under the Ordinance**

WHEREAS, the City of Memphis Retirement System is a single employer public employee retirement system; and

WHEREAS, substantially all permanent full-time salaried employees of the City are required to participate in either of two contributory defined benefit pension plans- the 1948 Plan and the 1978 Plan (hereafter “the Plans”); and

WHEREAS, the Plans provide retirement benefits as well as death and disability benefits to participants of the Plans; and

WHEREAS, the City of Memphis Retirement System engages a qualified professional actuarial consultant to complete an annual actuarial valuation of the Plans; and

WHEREAS, the actuarial valuation report is used to determine the Plans’ funding status and the annual suggested contribution required to sustain the long-term viability of the Plans; and

WHEREAS, the most recent actuarial valuation report prepared by PricewaterhouseCoopers as of July 1, 2010 and dated November 2010 estimated the Plans’ unfunded liability at July 1, 2010 to be \$531 million and recommended a City contribution of \$80 million or 25.9% of covered payroll for the FY2011 Plan year’ and

WHEREAS, due to declining revenues and other ongoing financial obligations of the City it is not feasible for the City to fully fund the suggested contribution of \$80 million or 25.9% of covered payroll; and

WHEREAS, in order to protect the Plans’ actuarial soundness and ensure the long-term financial viability of the Plans it is necessary to amend the Code of Ordinances-Title 4- Pension and Retirement System, so as to reduce the pension benefits allowable under the Ordinances as follows:

Section 1. Be It Ordained, by the Council of the City of Memphis that Title 4- Pension and Retirement System, Code of Ordinances, City of Memphis, is hereby amended as follows:

(See red-line revised Pension and Retirement System Ordinance)

Section 2. Be It Further Ordained, that these changes to the City of Memphis Code of Ordinances, File 4-Pension and Retirement System shall become effective on October 1, 2011.

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.

Myron Lowery, Chairman
Memphis City Council

ATTEST:

Patrice Thomas, Comptroller

Ordinance No. 5363

AN ORDINANCE PROHIBITING UNFAIR
DISCRIMINATION IN CITY HIRING POLICIES
AGAINST PERSONS PREVIOUSLY CONVICTED

WHEREAS, currently 8,915 persons reside in Shelby County who are either on probation or parole or some other form of early release; and

WHEREAS, background checks by employers have increased at record rates, with 80% of large employers in the U.S. now screening their workers for convictions; and

WHEREAS, formerly incarcerated people represent a group of job seekers, ready to contribute and add to the work force; and

WHEREAS, research shows that lack of employment is a significant cause of recidivism; with people who are employed proving significantly less likely to be re-arrested; and

WHEREAS, the removal of obstacles to employment for people with prior convictions increases public health and safety by providing economic and social opportunities to a large group of people living in the city; and

WHEREAS, the City of Memphis has an obligation to act as a model employer to promote within itself the employment of people with prior convictions and to promote this employment to the private and non-profit sectors; and

WHEREAS, it is the intent and purpose of this ordinance to assist the successful reintegration of formerly incarcerated people back into the community by removing barriers to gainful employment after their release from prison; and

WHEREAS, it is the intent and purpose of this ordinance to enhance the health and security of the community by assisting people with conviction histories to reintegrate into the community and to provide for their families and themselves; and

WHEREAS, it is the intent and purpose of this ordinance to ensure that the City of Memphis implements just and fair measures and practices when screening and identifying persons eligible for employment, regardless of whether they have had past convictions or arrests; and

WHEREAS, it is the intent and purpose of this ordinance to not have hiring policies that artificially limit the applicant pool by discouraging applicants with conviction histories from applying for city employment, which would undermine the City's goal to hire the best qualified applicants for City employment.

NOW, THEREFORE, BE IT ORDAINED that the City of Memphis Code of Ordinances be amended as follows:

SECTION 1. Definitions.

Applicant means any person considered for, or who requests to be considered for, employment by the City of Memphis.

City means the City of Memphis or any division, department, agency or office thereof, unless specifically excluded by this section.

Conviction means any sentence arising from a plea or verdict of guilty, including a sentence of incarceration, a suspended sentence, a sentence of probation or a sentence of unconditional discharge.

Employment means any occupation, vocation, job, or work for pay, including temporary or seasonal work, contracted work, contingent work and work through the services of a temporary or other employment agency; or any form of vocational or educational training with or without pay. Employment shall not, for the purposes of this section, include any sworn position.

"Relationship to the job" means the nature of criminal conduct for which the person was convicted has a direct and/or specific negative bearing on a person's fitness or ability to perform one or more of the duties or responsibilities necessarily related to the employment sought.

"Otherwise Qualified" means any Applicant who meets all other criteria for a position or consideration for a position.

SECTION 2. Prohibitions Against Unfair Discrimination Against Persons Previously Convicted.

1. Except as otherwise dictated by state and federal law, the City shall not inquire about an Applicant's conviction history until after it has been determined that the Applicant is otherwise qualified for the position. City job applications shall not contain a "box" or inquiry regarding a job applicant's prior convictions. This does not apply to Police, Fire and Emergency Medical Services positions.
2. After an applicant has been identified as otherwise qualified for the position, the City will offer a conditional offer of employment to the applicant, pending a conviction history check by the Human Resources Division. Prior to conducting any conviction history check on an Applicant, the applicant will be required to complete a form listing any criminal history. Once the form has been received the City must provide a standard written notification to the Applicant advising: (a) that a conviction history check is going to take place, (b) that he or she will have the opportunity to rebut a decision by the City should it decide to retract the conditional offer of employment, and (c) what kinds of specific evidence the Applicant can present during this rebuttal.

3. If, as a result of a conviction history check, the City finds a valid reason to refuse, rescind, or revoke the offer of a position to an Applicant, then the City must immediately notify the Applicant of the potential adverse employment action, and provide the Applicant with a photocopy of the conviction history report with a highlight(s) of the particular conviction(s) that relates to the job's responsibilities, thus warranting a denial of employment.
 - (a) The Applicant or current employee shall have ten (10) business days, after receipt of notice and the photocopy of the conviction history report from the City, to respond to the City regarding the conviction history report. The City shall provide the Applicant with an opportunity to present information rebutting the accuracy and/or relevance of the conviction history report, including information pertaining to any of the factors listed in sub-paragraph (4). The City must review all information and documentation received from the Applicant prior to taking any final action as to whether to hire said Applicant.
4. In making a determination concerning a previous criminal conviction, the City shall consider the following factors:
 - (a) the nature of the crime and its relationship to the job for which the person has applied; and
 - (b) the information pertaining to the degree of rehabilitation of the convicted person; and
 - (c) the time elapsed since the conviction or release,
 - (d) Any information produced by the person, or produced on his behalf, in regard to his rehabilitation and good conduct;
 - (e) The age of the person at the time of occurrence of the criminal offense or offenses;
 - (f) The gravity of the offense(s);
 - (g) The public policy of this City, as expressed in this chapter, to encourage the employment of persons previously convicted of one or more criminal offenses.
5. In no case may records of conviction which have been erased be used, distributed or disseminated by the City or any of its agencies in connection with employment, except as dictated by law.

6. In order to prevent discrimination against municipal employees in accordance with federal guidelines, any information pertaining to an applicant or employee's record of conviction obtained by the Human Resources Division in conjunction with the hiring process shall remain confidential within that Division, and shall not be used, distributed or disseminated by the City or any of its agencies, to any other Division, entity, or individual, except as dictated by law.

SECTION 3. Severability.

If any provision of these sections shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

HAROLD B. COLLINS
Chairman

JANIS FULLILOVE
Council Member



Memphis City Council Summary Sheet

- Resolution approving funds to be used for the construction and furnishing of the new Family Safety Center, and to connect the information systems of the various public and private agencies to the new center.
- This item is a Police Services resolution in support of the construction and furnishing of a new Family Safety Center.
- This item does not change any existing ordinance or resolution.
- The resolution requires a new contract between Police Services and the Family Safety Center.
- The effect of this item does require an expenditure of funds and a budget amendment.

RESOLUTION

WHEREAS, Operation: Safe Community is a historic and ambitious crime abatement initiative spearheaded by top government and law enforcement leaders within Memphis and Shelby County; and

WHEREAS, meaningful crime reduction requires nurturing our children and their families so that they become positive and productive contributors to the community; and

WHEREAS, Operation: Safe Community established 15 research – backed strategies for how law enforcement – both by itself and in partnership with community stakeholders – can effectively reduce crime; and

WHEREAS, Strategy 14: is to implement a coordinated domestic violence initiative to help combat homicides involving family violence and to stop the cycle of family violence in part by providing a facility to address the needs of domestic violence victims; and

WHEREAS, the founding of the Family Safety Center fulfills Strategy 14 of the 15 strategic initiatives of Operation: Safe Community for reducing crime in the City of Memphis and Shelby County; and

WHEREAS, The Family Safety Center is based upon a co-location model, where public and private stakeholders work together at the same site to better address the needs of the community, and this model has been successful in other cities, and served as the basis for the founding of the local Child Advocacy Center; and

WHEREAS, in order to help implement Strategy 14, the Memphis City Council approved a grant in the amount of \$750,000.00 to the Family Safety Center contingent on the ability of the Family Safety Center to raise an additional \$750,000.00 in matching funds by April 30, 2010; and

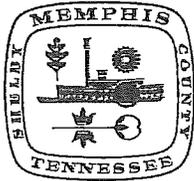
WHEREAS, having met the \$750,000.00 match contingency, pursuant to a previously approved grant resolution, the Fiscal year 2010 CIP Budget was amended by establishing the Family Safety Center budget line in the amount of \$750,000.00 funded by G.O. Bonds; and

WHEREAS, pursuant to the implementation of Strategy 14, the Family Safety Center has identified a facility to address the needs of domestic violence victims; and

WHEREAS, approved funds will be used for the construction and furnishing of the new Family Safety Center, and for connecting the information systems of the various public and private agencies to the new center; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Memphis that the Fiscal Year 2012 Capital Improvement Budget be and is hereby amended by appropriating the Expenditures and Revenues for the Family Safety Center in the amount of Seven Hundred and Fifty Thousand Dollars (\$750,000) as follows:

Revenues	
G.O. Bonds	<u>\$750,000</u>
Total	\$750,000
Expenditures	
Construction	\$444,631
Furniture, Fixtures & Equipment	140,000
Information Technology	<u>165,369</u>
Total	\$750,000



Memphis City Council Summary Sheet

AN ORDINANCE TO AMEND CHAPTER 21, ARTICLE III OF THE CITY OF MEMPHIS CODE OF ORDINANCES TO EXEMPT CERTAIN VEHICLES FROM THE OPEN CONTAINER LAW

- This item is an ordinance to allow passengers in vehicles that operate as party buses or limousines to consume alcoholic beverages or beer .
- The Council passed the open container law pursuant to T.C.A. 55-10-416. It was brought to the attention of Councilman Morrison that the law adversely impacted specific businesses.
- This is an amendment to an ordinance.
- No contracts, expenditure of funds, or budget amendments are required.

**AN ORDINANCE TO AMEND CHAPTER 21, ARTICLE III OF THE CITY OF MEMPHIS
CODE OF ORDINANCES TO EXEMPT CERTAIN VEHICLES FROM
THE OPEN CONTAINER LAW**

WHEREAS, the Memphis City Council exercised its authority to enact new traffic ordinances based on Tennessee Code Annotated 55-10-416 (c), which authorizes a municipality by ordinance, to prohibit the passengers in a motor vehicle from consuming or possessing an alcoholic beverage or beer in an open container during the operation of the vehicle by its driver and impose penalties for violation of the ordinance; and

WHEREAS, there are certain businesses that operate vehicles for entertainment purposes where patrons would consume alcoholic beverages or beer in an open container during the operation of said vehicle; and

WHEREAS, it is not the intention of the Memphis City Council to restrict or hinder businesses that offer this kind of service via party buses or limousines.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS,

SECTION 1. That Chapter 21, Article III is hereby amended to add the following:

Sec. 21-134.5. Open container law.

(D) This section shall not apply to passengers in commercial vehicles used as party buses or limousines.

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.

Bill Morrison
Councilman

Myron Lowery
Chairman

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND CHAPTER 5 – ANIMALS AND FOWL
OF THE CODE OF ORDINANCES, CITY OF MEMPHIS
TO PREVENT CRUELTY TO ANIMALS AND COCK AND ANIMAL FIGHTING**

WHEREAS, the Memphis City Council desires to protect the citizens and pets of Memphis from the dangers of animal cruelty, animal fighting and decrease the number of animals that are abused and abandoned; and

WHEREAS, current code does not properly address these dangers and how they can be eliminated.

NOW, THEREFORE,

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, That Chapter 5 – Animals and Fowl – of the Code of Ordinances, City of Memphis, are hereby amended to add Article VI which is adopted to read as follows:

ARTICLE VI – CRUELTY TO ANIMALS

Sec. 5-90. Cruelty to animals.

(a) A person commits an offense who intentionally or knowingly:

1. Tortures, maims or grossly overworks an animal;
2. Fails unreasonably to provide necessary food, water, care or shelter for an animal in the person's custody;
3. Abandons unreasonably an animal in the person's custody;
4. Transports or confines an animal in a cruel manner; or
5. Inflicts burns, cuts, lacerations, or other injuries or pain, by any method, including blistering compounds, to the legs or hooves of horses in order to make them sore for any purpose including, but not limited to, competition in horse shows and similar events.

(b) A person commits an offense who knowingly ties, tethers, or restrains a dog in a manner that results in the dog suffering bodily injury. "Bodily injury" includes a cut, abrasion, bruise, burn or disfigurement, and physical pain or temporary illness or impairment of the function of a bodily member, organ, or mental faculty.

(c) It is a defense to prosecution under this section that the person was engaged in accepted veterinary practices, medical treatment by the owner or with the owner's consent, or bona fide experimentation for scientific research.

(d) Whenever any person is taken into custody by any officer for violation of subdivision (a)4., the officer may take charge of the vehicle or conveyance, and its contents, used by the person to transport the animal. The officer shall deposit these items in a safe place for custody. Any necessary expense incurred for taking charge of and sustaining the same shall be a lien thereon, to be paid before the same can lawfully be recovered; or the expenses, or any part thereof, remaining unpaid may be recovered by the person incurring the same of the owners of the animal in an action therefor.

(e) In addition to the penalty imposed in subsection (g), the court making the sentencing determination for a person convicted under this section shall order the person convicted to surrender custody and forfeit the animal or animals whose treatment was the basis of the conviction. Custody shall be given to a humane society incorporated under the laws of this state. The court may prohibit the person convicted from having custody of other animals for any period of time the court determines to be reasonable, or impose any other reasonable restrictions on the person's custody of animals as necessary for the protection of the animals.

(f) 1. Nothing in this section shall be construed as prohibiting the owner of a farm animal or someone acting with the consent of the owner of that animal from engaging in usual and customary practices which are accepted by colleges of agriculture or veterinary medicine with respect to that animal.

2. It is an offense for a person other than a law enforcement officer acting with probable cause to knowingly interfere with the performance of any agricultural practices permitted by subdivision (f)1.

3. An offense under subdivision (f) 2 is a Class B misdemeanor.

(g) 1. Cruelty to animals is a Class A misdemeanor.

2. A second or subsequent conviction for cruelty to animals is a Class E felony.

3. Violation of any prohibition or restriction imposed by the sentencing court pursuant to subsection (e) is a Class A misdemeanor.

Sec. 5-91. Cock and animal fighting.

(a) It is unlawful for any person to:

1. Own, possess, keep, use or train any bull, bear, dog, cock, swine or other animal, for the purpose of fighting, baiting or injuring another such animal, for amusement, sport or gain;

2. Cause, for amusement, sport or gain, any animal referenced in subdivision (a)(1) to fight, bait or injure another animal, or each other;

3. Permit any acts stated in subdivisions (a) 1 and 2 to be done on any premises under the person's charge or control, or aid or abet those acts; or

4. Be knowingly present, as a spectator, at any place or building where preparations are being made for an exhibition for the fighting, baiting or injuring of any animal, with the intent to be present at the exhibition, fighting, baiting or injuring.

(b) It is the legislative intent that the provisions of this section shall not apply to the training or use of hunting dogs for sport or to the training or use of dogs for law enforcement purposes.

(c) 1. Except for any offense involving a cock, an offense under subdivisions (a)1 - 3 is a Class E felony.

2. An offense involving a cock under subdivisions (a) 1 - 3 is a Class A misdemeanor.

(d) 1. An offense under subdivision (a) 4 is a Class B misdemeanor if the person is a spectator at a dog fight.

2. Any other violation of subdivision (a) 4 is a Class C misdemeanor.

(e) It is not an offense to own, possess or keep cocks, or aid or abet the ownership, possession or keeping of cocks, for the sole purpose of selling or transporting cocks to a location in which possession or keeping of cocks is legal.

Sec. 5-92. Penalty.

(a) Animal cruelty and animal fighting are dangerous public nuisances and all monies, profits and fruits of such illegal activity shall be subject to forfeiture action.

(b) In addition to penalties named in Sec. 5-90 (d) and (e), a lien for all costs and expenses of enforcement of this ordinance, including veterinary treatment and care, feeding and housing of animals surrendered or forfeited under this ordinance is declared on property where violation(s) of this section occurred. Such liens shall be enforced by attachment proceedings in any court of competent jurisdiction.

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 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.

SHEA FLINN
Council Member

MYRON LOWERY
Council Chairman

Attest:

Patrice Thomas, Comptroller

**City of Memphis
Public Art Program**

**Public Art Plan FY12
Executive Summary**

Public Art Oversight Committee

*Adrian Duran
Robert Fogelman II
Councilman Shea Flinn
Carl Moore
Marina Pacini
Beverly Perkins
Peter Warren*

City of Memphis Liaison

Jack Stevenson, Engineering

UrbanArt Commission Staff

*John Weeden, Executive Director
Rodney Coleman, Project Manager
Whitney Ranson, Project Manager
Siphne Sylve, Project Manager
Shelley Madison, Business Manager*

Approved Public Art CIP Budget for FY2012

Total: \$300,000
Artwork: \$246,000
Management: \$54,000

Recommended Public Art Projects for Approval in FY2012

The Public Art Oversight Committee recommends the following projects for approval as a part of the Public Art Plan for FY2012.

Cleaborn Homes

Location: South Lauderdale St. between Georgia Ave. and Vance St.
District: 6
Project Number: TBD
Proposed for: FY12 Plan

Recommended Artwork: Multiple sculptures and murals throughout the campus representing local historical figures and themes important to the community.

Recommended Budget: \$246,000 for design, fabrication, and installation.

Objective: To enhance the visual attractiveness of the new Cleaborn Homes campus and promote the cultural vibrancy of the surrounding area.

For further information contact:

UrbanArt Commission
3485 Poplar Avenue, Suite 225
Memphis, TN 38111
T: 901.454.0474
E: info@urbanartcommission.org

Enhancing the cultural vibrancy of communities
through the development of public art.

UrbanArt



Memphis City Council Summary Sheet Instructions

1. Resolution appropriates the sum of \$300,000.00 in Other Project Cost to continue the implementation of the Urban Art Plan, CIP Project Number EN01003 funded by G. O. Bonds.
2. Division of Engineering
3. There is not a change to an existing ordinance or resolution.
4. Resolution does not require a new or amended contract.
5. This resolution requires an appropriation of \$300,000.00 in CIP funds funded by G. O. Bonds chargeable to FY 2011 Capital Improvement Budget.

RESOLUTION

WHEREAS, the Council of the City of Memphis did include Urban Art, CIP Number EN01003 as part of the FY 2012 Capital Improvement Budget; and

WHEREAS, it is necessary to appropriate funds in the amount of \$300,000.00 funded by G. O. Bonds General in other project costs to continue the implementation of the Urban Art Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby appropriated the sum of \$300,000.00 funded by G. O. Bonds General, chargeable to FY 2012 Capital Improvement Budget with said appropriation being credited as follows:

Project Title:	Urban Art	\$300,000.00
Project Number:	EN01003	G. O. Bonds

Memphis City Council
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- This resolution adopts Governmental Accounting Standards Board Statement No. 54 (GASB 54), *Fund Balance Reporting and Governmental Fund Type Definitions*, establishes a fund balance policy and grants authority for assignment of fund balance in accordance with the Statement requirements.
- Initiating Party: Finance Division.
- This resolution does not require a new contract or modification to an existing contract.
- No expenditure of funds is required under this resolution.

Memphis City Council
Summary Sheet
FY2012

RESOLUTION

Establishing Fund Balance Policies as required by GASB 54

WHEREAS, the Governmental Accounting Standards Board ("GASB") has adopted Statement 54 ("GASB 54"), a new standard for governmental fund balance reporting and governmental fund type definitions that became effective in governmental fiscal years starting after June 15, 2010, and

WHEREAS, the City of Memphis ("the City") elects to implement GASB 54 requirements, and to apply such requirements to its financial statements beginning with the most recently completed fiscal year (July 1, 2010 to June 30, 2011); and

NOW THEREFORE BE IT RESOLVED THAT the City of Memphis hereby adopts the following policy:

FUND BALANCE POLICY

Fund balance measures the net financial resources available to finance expenditures of future periods.

The City's Unassigned General Fund Balance will be maintained to provide the City with sufficient working capital and a margin of safety to address local and regional emergencies without borrowing. The Unassigned General Fund Balance may only be appropriated by resolution of the City Council.

Fund Balance of the City may be committed for a specific source by formal action of the City Council. Amendments or modifications of the committed fund balance must also be approved by formal action of the City Council.

When it is appropriate for fund balance to be assigned, the City Council delegates authority to the Director of Finance upon approval of the Mayor.

In circumstances where an expenditure is to be made for a purpose for which amounts are available in multiple fund balance classifications, the order in which resources will be expended is as follows: restricted fund balance, followed by committed fund balance, assigned fund balance, and lastly, unassigned fund balance.

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BE IT FURTHER RESOLVED that the City's goal is to have a sufficient balance in the operating fund with sufficient working capital and a margin of safety to address local and regional emergencies without borrowing. The City shall strive to maintain a yearly fund balance in the general operating fund in which the unassigned fund balance is ten (10) percent of the total operating expenditures.

The above Resolution is adopted this 6th day of September, 2011.

Myron Lowery, Chairman
Memphis City Council

ATTEST:

Comptroller

GASB 54 Implementation

1

CITY OF MEMPHIS

Background Information

2

- Statement 54 – “Fund Balance Reporting and Governmental Fund Type Definitions” released by the Governmental Accounting Standards Board (GASB).
- Intended to improve the usefulness of the amount reported in fund balance by providing structured classification.
- Effective for fiscal year ending June 30, 2011.
- Applies to General Fund, Special Revenue Funds, Debt Service Funds, Capital Projects Funds.
- Does not apply to Enterprise Funds, Internal Service Funds, Fiduciary Funds or Agency Funds.

Current fund balance classifications

3

- Currently fund balance is classified as “reserved” or “unreserved.”
- Unreserved fund balance may be further allocated into designated and undesignated.
- General Fund June 30, 2010 audited Fund Balance:

New GASB 54 classifications

4

GASB 54 will change how fund balance is reported. The hierarchy of five possible GASB 54 classifications is as follows:

- **Non-spendable Fund balance** includes amounts that cannot be spent because they are either (a) not in spendable form or (b) legally or contractually required to remain intact.
- **Restricted Fund balance** includes amounts constrained for a specific purpose by external parties, constitutional provision, or enabling legislation. (e.g. State and Federal Grant Funds). Effectively, restrictions may only be changed or lifted with the consent of the resource provider.
- **Committed Fund balance** includes amounts formally constrained for a specific purpose by a government using its highest level of decision making authority (e.g. City Council). The commitment of these funds can only be changed by the government taking the same formal action that imposed the constraint originally.
- **Assigned Fund balance** includes amounts a government intends to use for a particular purpose. Intent can be expressed by the governing body or by an official or body to which the governing body delegates the authority (e.g. Finance Director).
- **Unassigned Fund balance** represents general fund amounts not classified elsewhere.

Other requirements

5

Governments are required to disclose more information in the notes to financial statements about amounts reported in fund balance as follows:

- Description of authority and actions that lead to committed or assigned fund balance.
- Government's policy regarding order in which restricted, committed, assigned, and unassigned amounts are spent (contained in attached resolution).
- Description of formally adopted minimum fund balance policies (contained in attached resolution).
- The purpose of each major special revenue fund.
- Encumbrances, if significant.



Memphis City Council Summary Sheet Instructions

Resolution for the N. Watkins Bridge over Cypress Creek ST03084:

1. Project is to replace the existing scour critical bridge which is in poor condition.
2. This project is initiated by the Public Works Division in response to the recommendation of the City Engineer.
3. This project is currently in the CIP budget taken from the storm water fund ST03084, and has been approved by the City Council.
4. This project requires a construction contract with Chris-Hill Construction to replace the existing bridge. The bridge will be replaced by phase construction.
5. This project requires an expenditure of storm water funds as shown in the current CIP 2012 fiscal year budget.

RESOLUTION

WHEREAS, the Council of the City of Memphis approved Bridge Repair Storm Water, project number ST03083, as part of the Public Works Fiscal Year 2012 Capital Improvement Budget; and

WHEREAS, bids were taken on July 22, 2011 for the replacement of North Watkins Street Bridge over Cypress Creek with the lowest complying bid of two bids being \$1,279,494.49 submitted by Chris Hill construction; and

WHEREAS, it is necessary to amend the Fiscal Year 2012 Capital Improvement Budget by transferring an allocation of \$381,854.00 funded by G.O. Bonds – General (Storm Water) from Bridge Repair Storm Water, project number ST03083, Watkins Storm Water, project number ST03084 for the replacement of North Watkins Street Bridge over Cypress Creek ; and

WHEREAS, it is necessary to appropriate \$1,381,854.00 funded by G.O. Bonds – General (Storm Water) in Watkins Storm Water, project number ST03084 for the replacement of North Watkins Street Bridge over Cypress Creek as follows:

Contract Amount	\$ 1,279,494.00
Project Contingencies	<u>\$ 102,360.00</u>
Total	\$ 1,381,854.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2012 Capital Improvement Budget be and is hereby amended by transferring an allocation of \$381,854.00 funded by G.O. Bonds – General (Storm Water) from Bridge Repair Storm Water, project number ST03083, to Watkins Storm Water, project number ST03084 for the replacement of North Watkins Street Bridge over Cypress Creek.

BE IT FURTHER RESOLVED, that there be and is hereby appropriated the sum of \$1,381,854.00 funded by G.O. Bonds - General (Storm Water) chargeable to the Fiscal Year 2012 Capital Improvement Budget and credited as follows:

Project Title	Watkins Storm Water
Project Number	ST03084
Amount	\$1,381,854.00



Memphis City Council Summary Sheet

Resolution for sewer line replacement services in various locations.

- This item is a resolution to replace sanitary sewer lines at various locations within the wastewater collection system.
- This project was initiated by Public Works.
- This project requires a construction contract with Acuff Enterprises Inc. d/b/a Scott Contractors.
- The project is funded under the Sewer Fund FY12 CIP rehab of existing sewers.

RESOLUTION

WHEREAS, the Council of the City of Memphis approved Rehab Existing Sewers, project number SW02001 as part of the Public Works Fiscal Year 2012 Capital Improvement Budget; and

WHEREAS, bids were taken on July 28, 2011 for sewer line replacement service in various locations with the lowest complying bid of two bids being \$1,449,250.00 submitted by Acuff Enterprises; and

WHEREAS, it is necessary to transfer an allocation of \$1,594,175.00 funded by Sewer Revenue Bonds from Rehab Existing Sewers, project number SW02001 to Sewer Line Replace FY'12, project number SW02092 for sewer line replacement service in various locations; and

WHEREAS, it is necessary to appropriate \$1,594,175.00 funded by Sewer Revenue bonds in Sewer Line Replacement FY'12, project number SW02092 as follows:

Contract Amount	\$1,449,250.00
Project Contingencies	<u>144,925.00</u>
Total	\$1,594,175.00

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Memphis that the Fiscal Year 2012 Capital Improvement Budget be and is hereby amended by transferring an allocation of \$1,594,175.00 funded by Sewer Revenue Bonds from Rehab Existing Sewers, project number SW02001 to Sewer Line Replace FY'12, project number SW02092 for sewer line replacement service in various locations.

BE IT FURTHER RESOLVED, that there be and is hereby appropriated the sum of \$1,594,175.00 funded by Sewer Revenue Bonds chargeable to the Fiscal Year 2012 Capital Improvement Budget and credited as follows:

Project Title:	Sewer Line Replace FY'12
Project Number	SW02092
Amount:	\$1,594,175.00



Memphis City Council Summary Sheet Instructions

Resolution amending the Executive Division's Capital Improvement Budget for the Overton Square Redevelopment project.

- This is a resolution to transfer an allocation of \$500,000 in Contract Construction to Architecture and Engineering within the Overton Square Redevelopment, project # GA01015. This request is being made so that sufficient funding is available for engineering and design related activities of the project.
- Executive is making this request.
- This resolution has no impact to any existing ordinance or resolution
- This resolution does not require a new contract or amend an existing contract.
- This resolution will not require any expenditure of funds or budget amendment. This is a transfer of a \$500,000 allocation from contract construction to architecture and engineering within the existing GA01015 project.

RESOLUTION

WHEREAS, the Council of the City of Memphis did include Overton Square Redevelopment, project number GA01015 as part of the Fiscal Year 2012 Capital Improvement Budget; and

WHEREAS, it is necessary to amend the Fiscal Year 2012 Capital Improvement Budget by transferring an allocation of \$500,000.00 from Contract Construction to Architecture and Engineering, in Overton Square Redevelopment, project number GA01015 to cover the cost of engineering activities.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2012 Capital Improvement Budget be amended by transferring an allocation of \$500,000.00 from Contract Construction to Architecture and Engineering, in Overton Square Redevelopment, project number GA01015.

AN ORDINANCE AMENDING CHAPTER 21 OF THE MEMPHIS CITY
CODE OF ORDINANCES GOVERNING MOTOR VEHICLES AND TRAFFIC
SO AS TO REGULATE VALET PARKING SERVICES

Whereas, the City of Memphis continues to experience significant problems with valet service operators parking vehicles upon property owned by the City of Memphis; and

Whereas, the administration and this Council have received numerous complaints from the citizens of Memphis regarding the inability to park in spaces designated by the City for members of the public; and

Whereas, the City Engineer is currently authorized by Chapter 21 of the Memphis Code to regulate or prohibit the parking of vehicles upon property owned by the City; and

Whereas, in an effort to remedy this ongoing problem with valet service operators, this Council along with the administration deems it in the best interest of the public that this ordinance be adopted .

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Memphis that:

Chapter 21, Article IV of the Memphis City Code of Ordinances is hereby amended to add the following new sections to read as follows:

DIVISION 1(A). VALET PARKING.

Sec. 21-161. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

Permit or *Valet parking permit* means the permit issued by the Division of Engineering allowing a person to conduct a valet parking service.

Valet operator means (a) a person whose business is served by valet parking service, (b) a person who provides valet parking service, and (c) any employee or agent of a person described in (a) or (b) who provides, or participates in the provision of valet parking service. For purposes of this Chapter, valet operator shall not mean the City of Memphis or a person acting on behalf of the City of Memphis.

Valet parking service means accepting possession of a vehicle for the purpose of parking the vehicle for the operator or retrieving a parked vehicle and returning it to the operator, regardless of whether a fee is charged.

Sec. 21-162. Permits.

(a) *Permit required.* No valet parking service is permitted unless a permit allowing such activity has been issued pursuant to this section. The City of Memphis through its Division of Engineering shall issue parking permits to valet operators to conduct their operations as a commercial enterprise or in furtherance of a commercial enterprise. No valet parking shall occur without the valet operator securing a valet parking permit from the Division of Engineering, except that parties conducting or offering valet parking services on a short-term, infrequent and/or occasional basis in connection with private parties or special events outside the Central Business Improvement District (CBID) shall not be required to obtain a permit. A separate permit is required for each location where valet parking services are provided. Valet operators engaged in valet parking under contract or otherwise on behalf of others, except as excepted above, shall be required to obtain a separate permit. Permits will be issued only for locations where valet parking would not be detrimental to the public safety, health and welfare of the inhabitants of the City of Memphis and only after approval of the City Engineer.

Comment [FM1]: Just a thought

(b) *Permit application.* An application for a valet parking permit shall be made in writing on a form prescribed by the City Engineer and submitted to the City Engineer's office along with payment of the permit fee in the amount of fifty dollars (\$50.00). Failure to provide such permit fee upon the submission of the application shall result in a rejection of the application. All permit fees will be deposited into the parking fee revenue fund of the City of Memphis.

In addition to the permit fee, the application must contain the following information:

- (1) the name, address, and telephone number of the business(es) to be served by the valet parking service and, if separate from the business to be served, the owner/operator of the valet parking service;
- (2) a written justification of the need for valet parking service by the business to be served;
- (3) a scale drawing of the location and limits of the proposed valet parking service activities, including an identification of any on-street parking spaces or loading zones to ensure that these areas would not be affected by the activities;
- (4) an operation plan that includes the days and times when valet parking services will be provided and the location where valet customer vehicles will be parked;
- (5) an indemnity and release form as prescribed by the City Engineer and approved by the City Attorney;
- (6) proof of insurance as required by the City Engineer;
- (7) any other information reasonably required by the City Engineer; and

- (8) payment of a non-refundable application fee.

The permit application and fee requirements of this section shall also apply to permit renewals.

(c) *Permitting criteria.* The City Engineer shall issue or deny a valet parking permit taking into consideration the following factors:

- (1) whether the application is complete;
- (2) the extent to which the valet parking service might unreasonably disrupt the flow of pedestrian and vehicular traffic, including the location of the proposed valet parking service in relationship to traffic control devices;
- (3) the extent to which the valet parking service might unreasonably interfere with or impinge upon on-street parking;
- (4) the proximity of traditional on-street and off-street parking to the business to be served by the valet parking service;
- (5) the proximity and relationship to any other previously permitted valet parking service; and
- (6) payment of the permit fee

A permit shall specify (i) the business served; (ii) the location and limits of the valet parking service activities; (iii) the days and times when the valet parking service is permitted and the location where valet customer vehicles will be parked; (iv) any additional restrictions or requirements regarding the location or operation of the valet parking service; (v) identification tag requirements for valet operators; (vi) the permit expiration date; and (vii) any other conditions on the permit.

(d) *Modification and revocation.* The City may modify or revoke a permit issued pursuant to this section at any time in the interest of the public health, welfare and safety upon violation of this Chapter or the permit requirements included herein.

(e) *Temporary suspension.* The City may temporarily suspend a permit issued pursuant to this section when warranted by traffic conditions or anticipated traffic conditions.

(f) *No rights established.* Nothing in this article is intended to establish any legal right to provide a valet parking service or any legal property interest in a valet parking permit. Valet parking permits and privileges may not be transferred.

Sec. 21-163. Conditions of valet parking permits.

(a) *Hold Harmless.* Each valet parking operator applying for a permit shall execute an agreement approved by the City of Memphis City Attorney providing for the valet

operator to indemnify and hold harmless the City of Memphis for any and all claims against the City resulting from the actions of the Valet Operator, including without limitation, claims of property damage or expenses resulting from the valet operator's violation of this Chapter or any applicable ordinance.

(b) *Term.* The term of each permit shall be for one year. Renewal shall be on an annual basis and shall be granted after confirmation of extension of all applicable permit requirements established in this chapter and payment of applicable fees.

Sec. 21-164. Cancellation of Permit

(a) A valet parking permit may be canceled by the City Engineer under the following circumstances:

1. The City of Memphis determines that the valet operation is creating a hazardous traffic condition and/or serious disruption of traffic flow or is otherwise inimical to the public health, safety and welfare;
2. Parking is no longer permitted in the area where valet service is provided;
3. The valet parking operator repeatedly fails to comply with the rules and regulations established by the City of Memphis and/or the provisions of this chapter or otherwise creates a situation that is inimical to the public health, safety and welfare.

Comment [FM2]: Implies on street parking may be permitted

(b) Cancellation pursuant to subparagraph (3) of this section shall preclude the valet parking operator, a general partner, or immediate family member of the operator from being issued a valet parking permit for any location for a period of one (1) year if the operator whose license has been canceled has any participation in the operation, management and/or maintenance of the valet parking operation(s) for which the permit application is being made.

(c) When a permit is canceled by the City Engineer pursuant to subsection (a) of this section, the City Engineer shall immediately provide the permit holder written notice by certified mail of the cancellation and the reasons for the cancellation.

Sec. 21-165. Valet parking operations.

(a) Valet services shall be operated in accordance with the terms of the Permit approved by the City Engineer. Valet service on public property shall not be permitted in any location other than for immediate loading and unloading of passengers in a zone established under Sections 21-149 and 21-150 by the City Engineer. Each valet service operator shall utilize an approved off-street parking facility for the parking of each valet vehicle.

(b) An ADA accessible passenger loading and unloading area meeting ADA standards shall be provided.

(c) Valet parking is not permitted in any alley, on-street public parking space or where otherwise prohibited by law, unless previously approved in writing by the City Engineer.

(d) The permit holders are responsible for reimbursing the City of Memphis for the cost of installing any signs, notices or warnings deemed necessary for the establishment of valet parking operations. Permit holders will be billed for any required installation by the Division of Engineering.

Sec. 21-166. Employees.

The valet parking operator shall require all employees who operate motor vehicles to have in their possession at the time of such operation a valid Tennessee driver's license.

Sec. 21-167. Violations.

(a) It shall be unlawful for a valet operator to provide or engage in valet parking service without a valid valet parking permit issued pursuant to this article. A valet parking permit that has expired or that has been suspended or revoked is not a valid permit.

(b) It shall be unlawful for a valet operator to provide or engage in valet parking service in violation of the terms and conditions of a valet parking permit issued to the valet parking service.

(c) It shall be unlawful for a valet operator to block, stop or direct traffic.

Sec. 21-168. Enforcement.

(a) The permit of any valet operator that violates this chapter shall be subject to suspension upon the first violation, and revocation upon the second violation along with the imposition of a civil penalty in the amount of \$50.00.

(b) All fines paid pursuant to this section will be deposited into the parking revenue fund of the City of Memphis.

(c) Valet parking operators shall pay all fines and fees, including towing charges, arising in connection with a valet patron's vehicle which is in the possession of the valet parking operator at the time such fine, fee or charge is incurred. This does not preclude the valet parking operator from also being cited for violations of this chapter which resulted in the imposition of the fines and fees.

Sec. 21-169. Appeals.

The denial, modification, revocation, or suspension of a valet parking permit, and the issuance of civil penalties, may be appealed to the City of Memphis Transportation Board within ten (10) days of receipt of notice of such action taken by the City Engineer's Office. A ruling on appeal is subject to further review by the Shelby County courts by proceedings in the nature of certiorari. Any petition for writ of certiorari for review shall be filed with the Court within sixty (60) days after notice of the decision has been sent to the appellant.

Comment [T3]: Should this be Chancery Court?

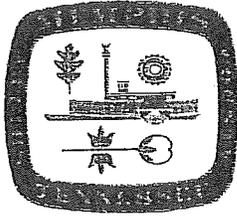
SECTION 2. BE IT FURTHER ORDAINED, that the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

SECTION 3. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that this ordinance shall take effect 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.

HAROLD COLLINS
Council Member

MYRON LOWERY
Council Chairman

Attest:
Patrice Thomas, Comptroller



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.)

Resolution to accept and appropriate Fifty-One Thousand, Eight Hundred Seventy-Six Dollars (\$51,876) from the State of Tennessee, Department of State, Tennessee State Library and Archives to purchase Library Books and Materials for the Memphis Public Library.

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

Division of Public Services and Neighborhoods

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

N/A. There is no change to an existing ordinance or resolution.

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

The Tennessee State Library and Archives sent a new contract for this purpose.

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

An amendment to the FY12 Operating Budget is required to accept and appropriate the grant funds.

RESOLUTION

WHEREAS, the City of Memphis, Division of Public Services and Neighborhoods, Memphis Public Library and Information Center, has received grant funds in the amount of Fifty-One Thousand, Eight Hundred Seventy-Six Dollars (\$51,876) from the State of Tennessee, Department of State, Tennessee State Library and Archives; and

WHEREAS, these funds will be used to purchase Library Books and Materials for the Memphis Public Library; and

WHEREAS, it is necessary to accept and appropriate the grant funds in the amount of Fifty-One Thousand, Eight Hundred Seventy-Six Dollars (\$51,876) for Library Books and Materials.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Memphis that Fifty-One Thousand, Eight Hundred Seventy-Six Dollars (\$51,876) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the Fiscal Year 2012 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the purchase of Library Books and Materials in the amount of Fifty-One Thousand, Eight Hundred Seventy-Six Dollars (\$51,876) as follows:

Revenues:

State of Tennessee	<u>\$51,876</u>
Total	\$51,876

Expenditures:

Library Books	<u>\$51,876</u>
Total	\$51,876



Memphis City Council Summary Sheet

- This item is a resolution to appropriate the sum of \$1,500,000 of the FY2012 Capital Improvement Budget for the MHA-Triangle Noir (Cleaborn Homes Redevelopment) project.
- The City of Memphis Housing and Community Development (HCD) and Memphis Housing Authority (MHA) are the initiating parties.
- This resolution is not a change to an existing resolution or ordinance.
- The resolution will require a new contract for the second phase of development in accordance with the HOPE VI Revitalization Plan.
- The resolution will require expenditure of funds.

RESOLUTION

WHEREAS, in partnership with the City of Memphis, the Memphis Housing Authority and its competitively selected development partners, Pennrose Properties (PRP) and Community Capital, Inc. (CC), and Duvernay + Brooks (DB) are continuing with the City's mission to develop quality affordable housing for low and moderate income families, as part of the Cleaborn Homes Redevelopment Project; and

WHEREAS, the Cleaborn Homes site will be developed in multiple phases under two main components: A 400 on-site rental housing community (290 affordable housing and 110 market rate units) on the former Cleaborn Homes Public Housing Development site; and some off-site parcels on which additional units will be developed; and

WHEREAS, planned redevelopment activities will consist of the development of 400 family rental apartments; installation of public improvements; and related activities to support the successful development of these components; and

WHEREAS, in accordance with the HOPE VI Revitalization Plan, the second phase of development is ready to commence for the on-site rental component consisting of the construction of 106 mixed income rental units, and as funds are necessary to begin on-site construction, infrastructure improvements, site preparation/grading engineering design work and related activities; offsite land acquisition; and

WHEREAS, the Memphis Housing Authority (Triangle Noir, Project Number CD01083) has received allocations totaling \$12,000,000 from the FY 2011, 2012, 2013, 2014, and 2015 Capital Improvement Budgets and those funds will be encumbered to fund the aforementioned activities in the targeted area; and

WHEREAS, the Memphis City Council has also approved the FY 2012 Capital Improvement Budget which included an allocation of \$1,500,000 for the Memphis Housing Authority Triangle Noir, Project Number CD01083 to provide additional funding for the aforementioned activities in the targeted area.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby appropriated the sum of \$1,500,000 funded by G.O. Bonds-General chargeable to the FY 2012 Capital Improvement Budget and credited as follows:

Project Title:	MHA-Triangle Noir (Cleaborn Homes Redevelopment)
Project Number:	CD01083
Contract Construction:	\$1,500,000

CITY COUNCIL RESOLUTION

City of Memphis Joining the National Moment of Remembrance of the 10th Anniversary of September 11th

WHEREAS, the governing body of the *City of Memphis* expresses their support of the United States Senate Resolution regarding coming together as a Nation and ceasing all work or other activity for a moment of remembrance beginning at 12:00 p.m. Central Daylight Time on September 11, 2011, in honor of the 10th anniversary of the terrorist attacks committed against the United States on September 11, 2001; and

WHEREAS, at 8:46 a.m., on September 11, 2001, hijacked American Airlines Flight 11 crashed into the upper portion of the North Tower of the World Trade Center in New York City, New York; and

WHEREAS, 17 minutes later, at 9:03 a.m., hijacked United Airlines Flight 175 crashed into the South Tower of the World Trade Center; and

WHEREAS, at 9:37 a.m., the west wall of the Pentagon was hit by hijacked American Airlines Flight 77, the impact of which caused immediate and catastrophic damage to the headquarters of the Department of Defense; and

WHEREAS, at approximately 10:00 a.m., the passengers and crew of hijacked United Airlines Flight 93 acted heroically to retake control of the airplane and thwart the taking of additional American lives by crashing the airliner in Shanksville, Pennsylvania, and, in doing so, gave their lives to save countless others; and

WHEREAS, nearly 3,000 innocent civilians were killed in the heinous attacks of September 11, 2001; and

WHEREAS, tens of thousands of individuals narrowly escaped the attacks at the Pentagon and World Trade Center and, as witnesses to this tragedy, are forever changed; and

WHEREAS, countless fire departments, police departments, first responders, governmental officials, workers, emergency medical personnel, and volunteers responded immediately and heroically to those horrific events; and

WHEREAS, the Fire Department of New York suffered 343 fatalities on September 11, 2001, the largest loss of life of any emergency response agency in United States history; and

WHEREAS, the Port Authority Police Department suffered 37 fatalities in the attacks, the largest loss of life of any police force in United States history in a single day; and

WHEREAS, the New York Police Department suffered 23 fatalities as a result of the terrorist attacks; and

WHEREAS, the impact of that day on public health continues through 2011, as nearly 90,000 people are at risk of or suffering from negative health effects as a result of the events of September 11, 2001, including 14,000 workers and 2,400 community residents who are sick, and tens of thousands of others whose health is being monitored; and

WHEREAS, 10 years later, the people of the United States and people around the world continue to mourn the tremendous loss of innocent life on that fateful day; and

WHEREAS, 10 years later, thousands of men and women in the United States Armed Forces remain in harm's way defending the United States against those who seek to threaten the United States; and

WHEREAS, on the 10th anniversary of this tragic day, the thoughts of the people of the United States are with all of the victims of the events of September 11, 2001 and their families; and

WHEREAS, the lives of Americans were changed forever on September 11, 2001, when events threatened the American way of life; and

WHEREAS, in 2009, Congress and the President joined together to designate September 11 as a National Day of Service and Remembrance under the Serve America Act (Public Law 111-13; 123 Stat. 1460); and

WHEREAS, in September 2009 and 2010, President Obama issued Proclamation 8413 (74 Fed. Reg. 47045) and Proclamation 8559 (75 Fed. Reg. 56463) proclaiming September 11, 2009, and September 11, 2010, respectively, as Patriot Day and National Day of Service and Remembrance; and

WHEREAS, September 11 will never, and should never, be just another day in the hearts and minds of all people of the United States;

NOW, THEREFORE BE IT RESOLVED that the governing body of *the City of Memphis*:

(1) recognizes September 11, 2011, as a day of solemn commemoration of the events of September 11, 2001, and a day to come together as a Nation; and

(2) offers its deepest and most sincere condolences to the families, friends, and loved ones of the innocent victims of the September 11, 2001, terrorist attacks; and

(3) honors the heroic service, actions, and sacrifices of first responders, law enforcement personnel, State and local officials, volunteers, and countless others who aided the innocent victims of those attacks and, in doing so, bravely risked and often gave their own lives; and

(4) recognizes the valiant service, actions, and sacrifices of United States personnel, including members of the United States Armed Forces, the United States intelligence agencies, the United States diplomatic service, homeland security and law enforcement personnel, and their families, who have given so much, including their lives and well-being, to support the cause of freedom and defend the security of the United States; and

(5) reaffirms that the people of the United States will never forget the challenges our country endured on and since September 11, 2001, and will work tirelessly to defeat those who attacked the United States; and

BE IT FURTHER RESOLVED that on the 10th anniversary of this tragic day in United States history the governing body of *the City of Memphis* calls upon all of the people and institutions of the United States to observe a moment of remembrance on September 11, 2011, including (i) media outlets; (ii) houses of worship; (iii) military organizations; (iv) veterans organizations; (v) airlines; (vi) airports; (vii) railroads; (viii) sports teams; (ix) the Federal Government; (x) State and local governments; (xi) police, fire, and other public institutions; (xii) educational institutions; (xiii) businesses; and (xiv) other public and private institutions; and

BE IT FURTHER RESOLVED that the governing body of *the City of Memphis* encourages the observance of the moment of remembrance to last for 1 minute beginning at 12:00 p.m. Central Daylight Time by, to the maximum extent practicable ceasing all work or other activity; and marking the moment in an appropriate manner, including by ringing bells, blowing whistles, or sounding sirens.

ADOPTED: September 6, 2011

CITY COUNCIL RESOLUTION

WHEREAS, the Memphis City Council is empowered to make its own Rules of Procedure to ensure orderly and consistent functioning of the Council and fair treatment of all items and individuals that come before the body; and

WHEREAS, prompt approval by the Memphis City Council of the acceptance of grant funds is crucial in order to streamline City of Memphis division operations and ensure efficient management of resources.

NOW, THEREFORE BE IT RESOLVED, by the Memphis City Council that Resolutions accepting grant funds shall appear on the agenda of the appropriate Council Committee and on the Fiscal Consent Agenda as provided in Rule of Procedure 43 (attached) on the same meeting date.

BE IT FURTHER RESOLVED, that the Rules of Procedure of the Memphis City Council be amended to add Section 37. d. which shall read as follows:

37. d. Resolutions for the acceptance of grant funds shall be placed in the appropriate Council Committee for approval and the Fiscal Consent portion of the Council Agenda on the same meeting date unless an objection is voiced by any member of the Council.

MYRON LOWERY
City Council Chairman

43. Resolutions and ordinances on first and second reading, which appear to be noncontroversial, may be placed on a "Consent Agenda." All items on the Consent Agenda may be read cumulatively and adopted by one vote, provided, however, an objection by any one Member of the Council will cause an item to be removed from the Consent Agenda and handled in the normal manner. The Consent agenda is to be made and distributed at the same time as the regular weekly agenda.

Resolutions and ordinances on first and second reading, prepared for fiscal matters and routine appropriation of funds on items previously budgeted or allocated for specific projects, up to amounts of \$25,000, may be placed under a caption "Fiscal Consent Agenda," be read cumulatively and adopted by one roll call vote, provided, however, any objection by any one Member of the Council will cause an item to be removed from the Fiscal Consent Agenda and handled in the normal manner. Items above \$25,000, where no objection is voiced, may be added at Executive Sessions and be considered with other Fiscal Consent items. The Fiscal Consent Agenda is to be made a part of and distributed at the same time as the regular weekly agenda.

Memphis City Council Resolution

Whereas, the nation continues to face tremendous challenges as a result of the poor state of the economy and the City of Memphis has had to tackle difficult choices as it addresses its own fiscal realities; and

Whereas, as stewards of taxpayer dollars it is incumbent upon the Memphis City Council to be prudent, and thrifty supervisors of expenditures involving the public's funds; and

Whereas, as the City Council exercises its fiscal responsibilities over budget appropriations, it is important that its own expenses are kept at the lowest cost possible; and

Whereas, framing of personal items is a frivolous expenditure which should not be paid for utilizing taxpayer dollars and as such the Council's Rules of Procedure should be modified to specifically exclude this expense.

Now, Therefore, Be It Resolved by the Memphis City Council that Section 6 of the Council's Rules of Procedure be amended to exclude framing of Council member's personal items as an allowable expenditure from the Council budget with the only exception being the official Certificate of Election as presented by the Shelby County Election Commission.

September 20, 2011

William C. Boyd

Memphis City Council Resolution

Whereas, the nation continues to face tremendous challenges as a result of the poor state of the economy and the City of Memphis has had to tackle difficult choices as it addresses its own fiscal realities; and

Whereas, as stewards of taxpayer dollars it is incumbent upon the Memphis City Council to be prudent, and thrifty supervisors of expenditures involving the public's funds; and

Now, Therefore, Be It Resolved by the Memphis City Council that Council portraits will only be taken of members expected to serve at least one year on the legislative body.

Adopted: September 16, 2011

William C. Boyd