

Ordinance No. \_\_\_\_\_

**AN ORDINANCE TO RENAME THE PINE HILL CLUBHOUSE IN HONOR OF CHARLES HUDSON AS THE CHARLES HUDSON CLUBHOUSE IN THE CITY OF MEMPHIS**

**WHEREAS**, on occasion, the Memphis City Council sees fit to recognize members of the Memphis community who have had a lasting impact and Charles Hudson is certainly worthy of recognition for his significant contributions to the sport of golf and the community of Memphis, Tennessee, throughout his illustrious career; and

**WHEREAS**, in 1991, Charles Hudson organized the Mid-South Junior Golf Association, a 501(c)(3) program dedicated to teaching thousands of youth how to play golf, fostering their development both on and off the golf course, and facilitating their access to higher education through golf scholarships; and

**WHEREAS**, Charles Hudson's dedication to the advancement of youth in golf extended beyond Memphis, as evidenced by his collaboration with the Tiger Woods Foundation in conducting youth golf clinics across various cities in the United States, including a clinic held at Pine Hill Golf Course in 1998, making him the only Golf Professional to bring Tiger Woods to Tennessee for such an event; and

**WHEREAS**, Charles Hudson's achievements have garnered recognition, including induction into Southern University's Sports Hall of Fame in 2016, highlighting his exceptional contributions to the sport of golf; and

**WHEREAS**, upon review, the Memphis City Council now seeks to exercise its naming authority under Chapter 12 of the City of Memphis Code of Ordinances to rename the City of Memphis Pine Hill Clubhouse at 1005 Alice Avenue in the city of Memphis, Tennessee in honor of Charles Hudson in recognition of his legacy and enduring impact on the Memphis community.

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

*Section 1.* The City of Memphis Pine Hill Clubhouse at 1005 Alice Avenue in the city of Memphis, Tennessee, and any replacement or successor facility, shall be renamed the "The Charles Hudson Clubhouse."

*Section 2.* Upon passage of this ordinance, the newly named "The Charles Hudson Clubhouse" shall be memorialized with a new facility sign and a suitable memorial plaque outside the clubhouse, acknowledging the honor. Any costs associated with the construction or installation of the sign shall be incurred by the City of Memphis Parks Division, and if necessary, the Memphis Parks Division shall bring a funding resolution before the City Council for consideration.

*Section 3.* The City of Memphis Parks Division shall make the appropriate arrangements to alter any media collateral and associated documentation to denote the name change to "The Charles Hudson Clubhouse."

*Section 4. Severability.* All provisions of this Ordinance are hereby severable and 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 5. Effective Date.* 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.

Sponsors:

Jana Swearengen-Washington

Edmund Ford, Sr.

JB Smiley, Jr.

Chairman



## Memphis City Council Summary Sheet

**1. Description of the Item (Resolution, Ordinance, etc.)**

Memphis Parks requests to create 13 full-time positions in FY24 by redlining \$722,678 in surplus part-time salary funding to full-time salaries. This ISL request is budget neutral and requires no additional funding.

**2. Initiating Party (e.g. Public Works, at request of City Council, etc.)**

Memphis Parks

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

This is a change to Budget Ordinance 5872, which approved the FY24 General Fund Operating Budget

**4. State whether this will impact specific council districts or super districts.**

This resolution affects all districts

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

N/A

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

This resolution required a budget amendment

**7. If applicable, please list the MWBE goal and any additional information needed**

N/A



## ***Resolution to Amend the Fiscal Year 2024 General Fund Operating Budget for Memphis Parks Division***

**WHEREAS**, on June 20, 2023, the Memphis City Council approved Budget Ordinance 5872, which established and appropriated the Fiscal Year 2024 General Fund Operating Budget; and

**WHEREAS**, the Memphis Parks Division realized a need for additional full-time positions to perform the Division's duties in a manner that upholds the high job performance standards obligated to the citizens of Memphis; and

**WHEREAS**, the Memphis Parks Division currently has a surplus of part-time salary funding due to difficulties in part-time hiring recruitment and turnover; and

**WHEREAS**, the Memphis Parks Division requests to increase its authorized complement by 13 and create the following full-time positions:

- 1 Human Resources Business Partner
- 1 Social Media Specialist
- 3 Truck Drivers
- 1 Assistant Director
- 3 Golf Maintenance Supervisor Assistants
- 1 Aquatic Coordinator
- 1 Group Exercise Coordinator
- 1 Field Director
- 1 Play Your Park Specialist; and

**WHEREAS**, it is necessary to amend the Fiscal Year 2024 General Fund Operating Budget to move the appropriated \$722,678 in Memphis Parks part-time salaries to the following service centers to fund the creation of the 13 full-time positions:

### **150101**

- Increase Full-Time Salaries by \$69,300
- Decrease Part-Time Salaries by \$26,070

### **150104**

- Increase Full-Time Salaries by \$56,070

### **150402**

- Increase Full-Time Salaries by \$157,446
- Decrease Part-Time Salaries by \$157,446

**151002**

- Increase Full-Time Salaries by \$51,000
- Decrease Part-Time Salaries by \$51,000

**151502**

- Increase Full-Time Salaries by \$59,850
- Decrease Part-Time Salaries by \$59,850

**151504**

- Increase Full-Time Salaries by \$59,850
- Decrease Part-Time Salaries by \$59,850

**151505**

- Increase Full-Time Salaries by \$59,850
- Decrease Part-Time Salaries by \$59,850

**151603**

- Increase Full-Time Salaries by \$91,628
- Decrease Part-Time Salaries by \$91,628

**151604**

- Increase Full-Time Salaries by \$59,850
- Decrease Part-Time Salaries by \$59,850

**151605**

- Increase Full-Time Salaries by \$57,834
- Decrease Part-Time Salaries by \$157,134;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Memphis that the Fiscal Year 2024 General Fund Operating Budget be amended in accordance with Tennessee Constitution Article 2 § 24, TCA § 9-1-116, Municipal Budget Law of 1982 in the amount of \$722,678 for the Memphis Parks Division.



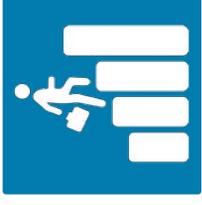
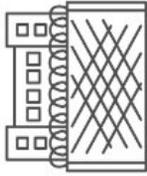
Center for  
Employment  
Opportunities

# **Center For Employment Opportunities** **Presentation to** **Memphis City Council**



# Why is CEO a Necessary Partner? *Looking at a Participant's Journey*

CEO exclusively works with individuals recently **returning to the community from incarceration.**



**Goal:** Returning citizens achieve upward mobility for themselves and their family.

Individuals are enrolled into **transitional work crews where they receive daily pay for daily training,** alongside CEO's comprehensive **vocational & supportive services.**

Individuals come to CEO **incredibly motivated to work, but face challenges in finding or maintaining employment.**

Ex. Limited education | no prior work experience | stigmatized convictions | long sentences

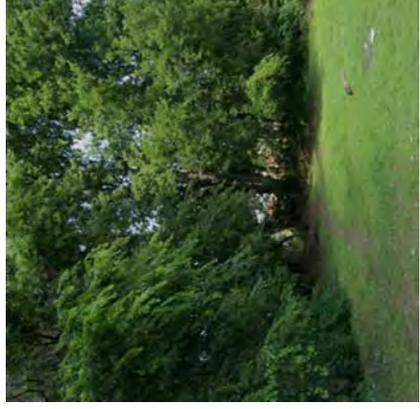
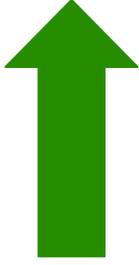
CEO invests in participants' career goals and provides **advanced training opportunities coupled with individualized case management services.**





# Landscaping & Blight Crew Work

**CEO Memphis partners with Klondike Smokey City-CDC to provide landscaping services in the Klondike and Smokey City neighborhoods.**





# Benefits for Employer Partners

## **Transportation & Guaranteed Fulfillment**

CEO transports crews to and from worksites on-time, everyday. We take responsibility to ensure our employer partners have enough workers to meet their goals and performance standards.

## **Trained, Professional Supervision**

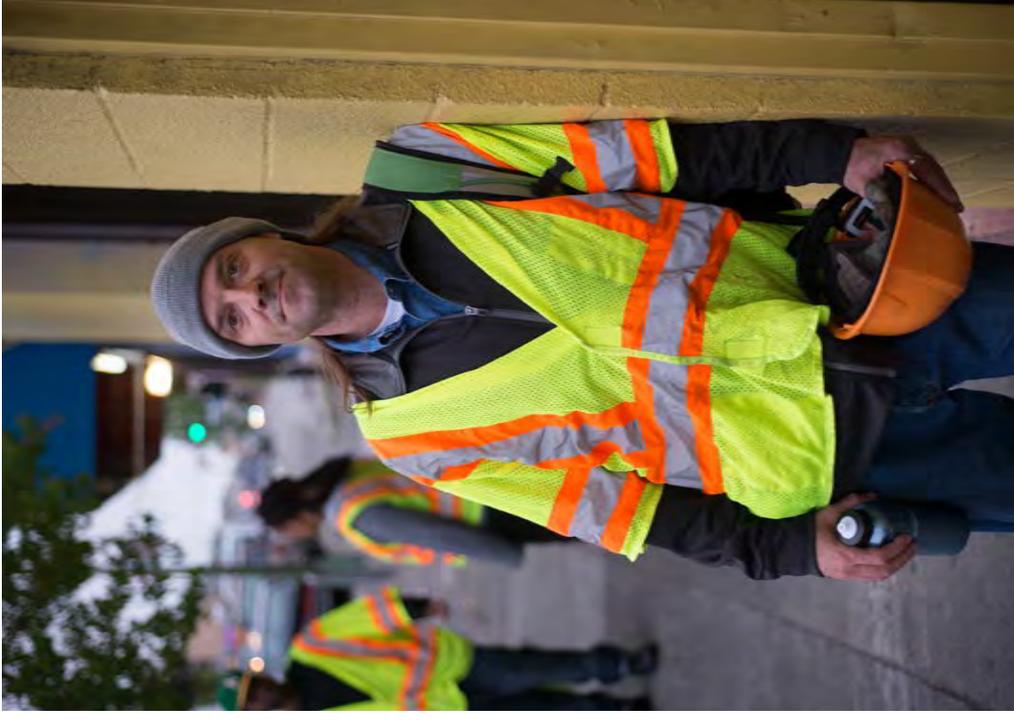
Every CEO crew is managed by a CEO Site Supervisor, who provides onsite supervision and support. The Site Supervisor provides daily feedback and coaching to all participants, promoting ongoing professional development.

## **Flexible & Responsive Work Crews**

CEO's crews are flexible and scalable, and able to adapt to employers changing needs. CEO also has the ability to adjust the crew size and work hours to best meet labor needs as operations change or expand.

## **Insurance & Administrative Support**

CEO assumes all responsibility for directly paying, managing, and insuring our crews, including workers' compensation. CEO carries robust insurance coverage and can name a crew partner as an insured party on our general liability policy.





# Our Work in Tennessee

## CEO Memphis (Launched in 2018)



Since 2018, CEO Memphis has...

**650+** Participants served

**230+** Unsubsidized job placements

**\$14.74** Average starting wage at job placement for FY23

All Time Data from 03.11.24

### Our Partners in Memphis

In FY24, we are projected to enroll approximately 165 individuals into our program.



# CEO Expanding Career Pathways

CEO's comprehensive program model allows us to create deeper workforce development partnerships, including establishing specialized training programs that prepare participants for necessary skills and certifications for the job. **Currently we offer CDLs, IT certifications, and an in-house workforce development specialist apprenticeship program.**

**Industries CEO is looking to expand training offerings to meet the state's needs:**

**Heavy Equipment Operator**



**Solar Installer**



**Information Technology**



**Skilled Construction Trades**



**Service Technician (Auto, Diesel, Industrial)**

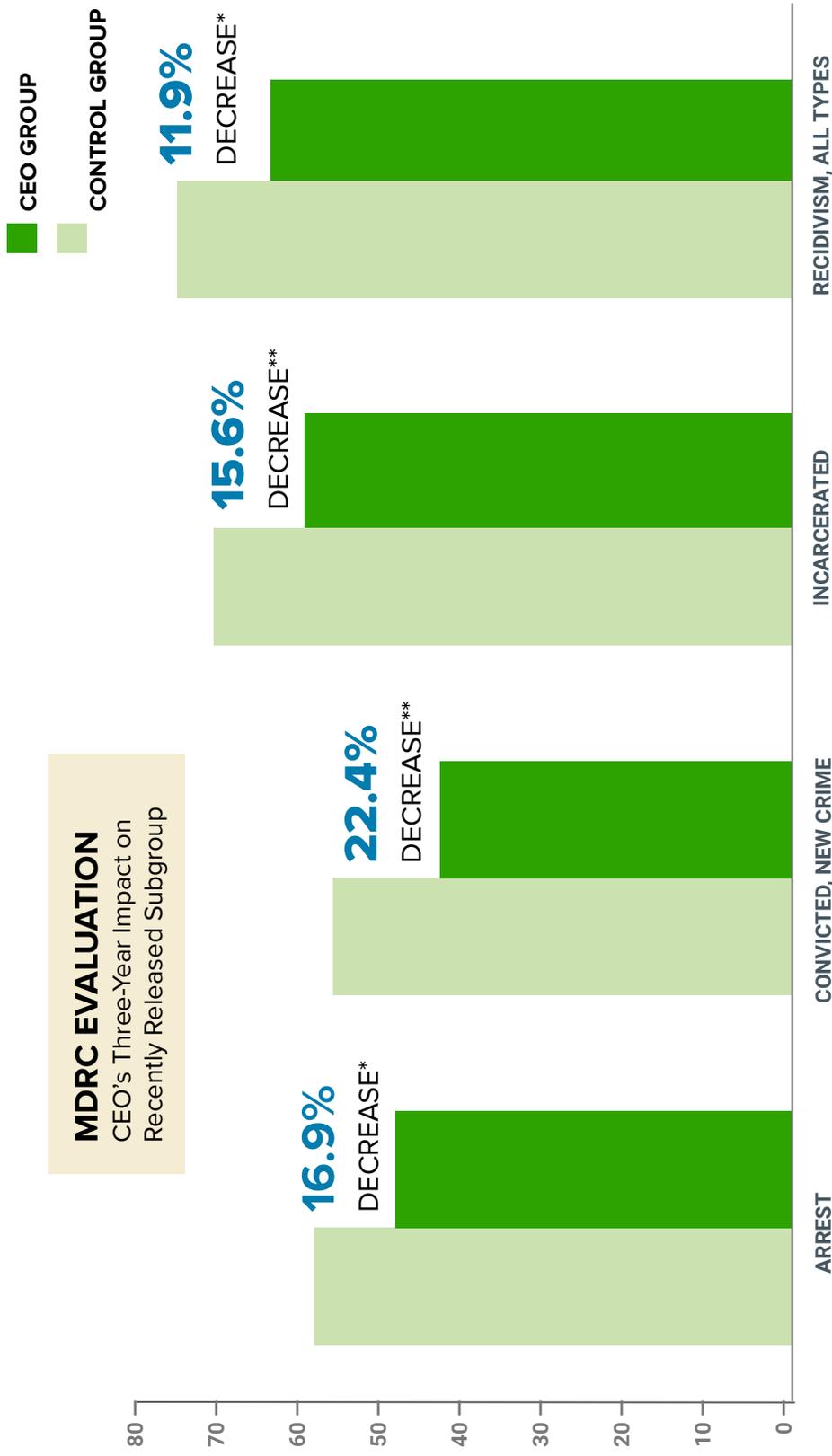


**Fiber Optic Technician**





# Impact on The Justice System



Asterisk indicates statistical significance (i.e. the likelihood the impact is due to chance) — \*10 percent — \*\*5 percent

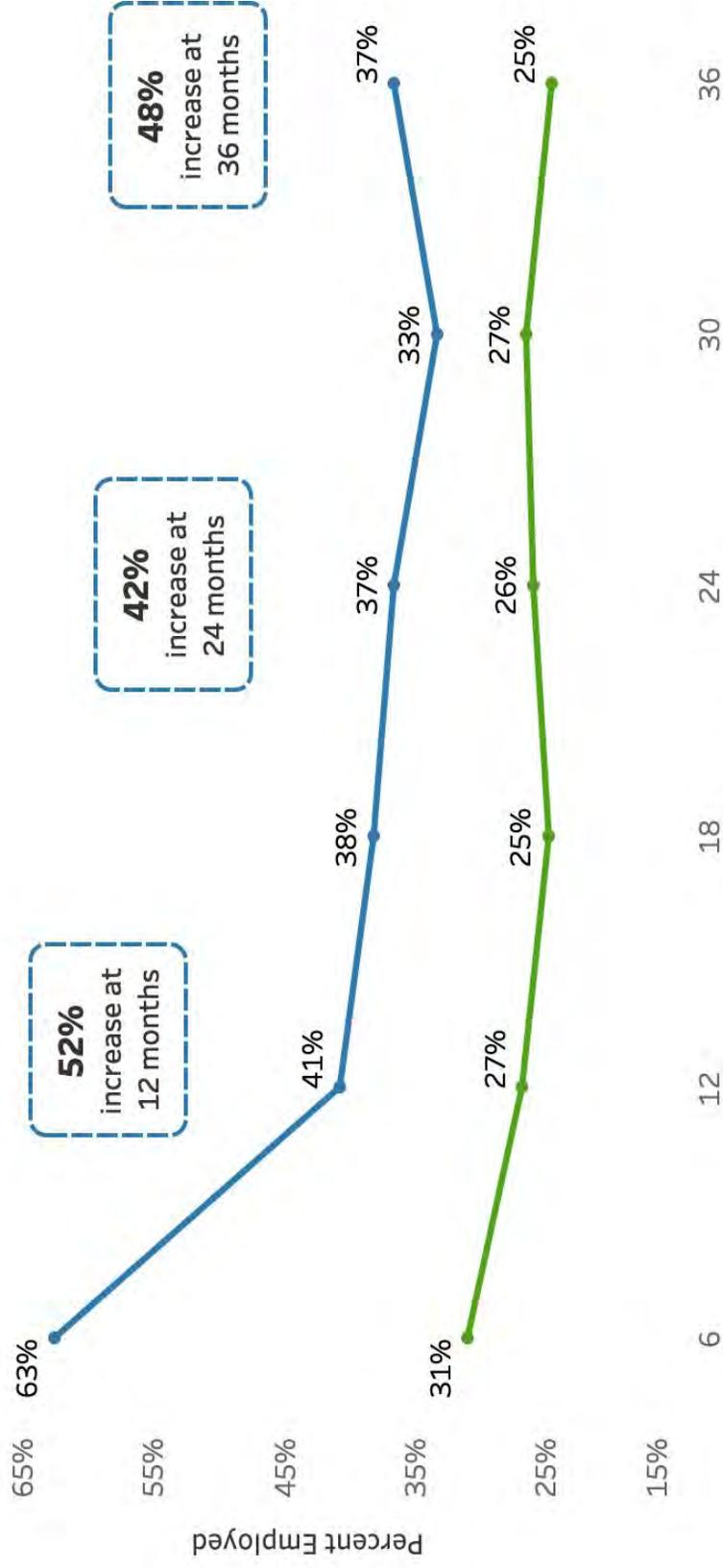
SOURCE: MDRC (2012). *More Than A Job: Final results from the evaluation of the Center for Employment Opportunities (CEO) Transitional Jobs Program.* OPRE Report 2011-18. Washington, DC: Office of Planning, Research and Evaluation, Administration for Children and Families, US Department of Health and Human Services.



# Impact on the Workforce System

## DCJS Combined Outcomes

from CEO NYC, Buffalo, and Rochester



**SOURCE:** DCJS Evaluation: CEO Labor Outcomes 2010-2012

■ CEO Participants  
■ Comparison Group



# Impact on Taxpayer Dollars

Since CEO focuses exclusively on mid- to high-risk populations, **savings to states double!**

## FULL STUDY SAMPLE SAVINGS

**\$2.10 saved**  
FOR EVERY  
**\$1 spent**  
on CEO services

That adds up to  
**\$4,000**  
saved yearly per  
taxpayer.

## RECENTLY RELEASED SUBGROUP SAVINGS

**\$3.30 saved**  
FOR EVERY  
**\$1 spent**  
on CEO services

That adds up to  
**\$8,300**  
saved yearly per  
taxpayer.

Subgroup  
Characteristic: These  
individuals were  
identified as  
high-risk.

**SOURCE:** MDRC (2012). *More Than A Job: Final results from the evaluation of the Center for Employment Opportunities (CEO) Transitional Jobs Program.* OPRE Report 2011-18. Washington, DC: Office of Planning, Research and Evaluation, Administration for Children and Families, US Department of Health and Human Services.

**CEO**

## **TEAM CONTACT INFORMATION**

**Patience Lewis-Walker, Deputy Executive Director**  
[plewis@ceoworks.org](mailto:plewis@ceoworks.org)

**Myletta Moore-Dawson, Memphis Site Director**  
[mmdawson@ceoworks.org](mailto:mmdawson@ceoworks.org)

March 12, 2024

The Honorable Michalyn Easter-Thomas, Chairman  
Personnel, Government Affairs, and Annexation Committee  
City Hall - Room 514  
Memphis, TN 38103

Dear Chairman Easter-Thomas:

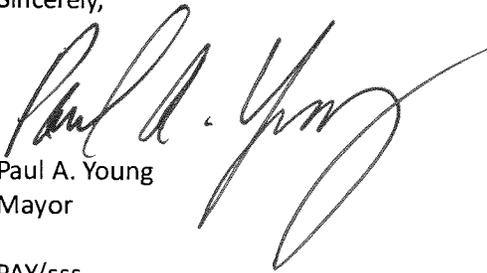
Subject to Council approval, I hereby recommend that:

**Robert H. Rogers**

be jointly appointed to the Memphis & Shelby County Air Pollution Control Board with a term expiration date of August 29, 2024.

I have attached biographical information.

Sincerely,

  
Paul A. Young  
Mayor

PAY/sss

Enclosure  
cc: Council Members

**MEMPHIS & SHELBY COUNTY AIR POLLUTION CONTROL BOARD**  
**9 Member Board**  
**(8) Jointly Appointed by City of Memphis & Shelby County Mayors**  
**(1) Appointed by the Executive Committee of the Memphis Area**  
**Association of Governments**  
**4 Year Term**

Purpose:  
 To grant, deny, or revoke variance applications.

Term ends:

<b>Boyd, Doris F.</b>	<b>F/B</b>	<b>08-14-21</b>
<b>Vacancy</b>	<b>M/W</b>	<b>10-24-21</b>
<b>Lin, Louie</b>	<b>M/A</b>	<b>08-29-21</b>
<b>Gideon Sarpong</b>	<b>M/A</b>	<b>08-29-24</b>
<b>Vacancy</b>	<b>M/W</b>	<b>10-24-22</b>
<b>Womack, Randall</b>	<b>M/W</b>	<b>10-24-22</b>
<b>Douglas Dugard</b>	<b>M/W</b>	<b>08-29-17</b>
<b>David LaVelle, MD</b>	<b>M/W</b>	<b>08-29-24</b>
<b>Vacancy</b>	<b>M/W</b>	<b>MAAG appointee No Expiration</b>

**Which Boards would you like to apply for?**

Air Pollution Control: Submitted

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**How many years have you been a resident of Shelby County?**

65

**Only if required in order to comply with state or federal law, do you give Shelby County Government authorization to perform a background check for the position for which you are applying?**

Yes  No

**Do you understand that local ordinance does not preclude Shelby County Government from making inquiries in sex offender databases, inquiries into sex offenses, or inquiries into offenses that involved a youth?**

Yes  No

**List any affiliation or ownership interest you have in any business, corporation or partnership and if such business contracts with or sells products or services to Shelby County Government. By answering yes to this question, you may be disqualified from holding a position.**

None

**List members of family, where employed, and whether or not their employer contracts with or sells products or services to Shelby County Government.**

Spouse. Unemployed 2 Children. Both live in Chicago. 1 is employed by Crate and Barrel, the other The Frank Lloyd Wright Foundation

**Additional Comments**

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**Signature**

Robert H. Rogers

**Date**

08/24/2023

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**Resolution #26 Questionnaire**

**Pursuant to the aforementioned Resolution you are hereby required to list all private country, social, athletic or professional clubs of which you belong.**

Memphis Hightailers Bicycle Club

Robert H. Rogers

List below any of the aforementioned clubs of which you belong that do not have female members.

None

List below any of the aforementioned clubs of which you belong that do not have minority group members (e.g. African American, Hispanic, Asian).

None

Do any of the aforementioned clubs of which you belong discriminate in selecting members based on race, sex, or religion?

Yes  No

Signature

Robert H. Rogers

Date

08/24/2023

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### Gratuity Questionnaire

Date of Gratuity

N/A

Nature and Purpose of the Gratuity

N/A

Name of the Official, Employee, Appointee or Family Member who received the gratuity

N/A

Name of the person or entity that provided the gratuity

N/A

Address of the person or entity that provided the gratuity

Description of the gratuity

N/A

Robert H. Rogers

**Cost of the Gratuity (If cost is unknown and not reasonably discernible by the person giving the gratuity, then the person giving the gratuity shall report a good faith estimate of the cost of the gratuity).**

N/A

**The information contained in this Gratuity Disclosure Form, and any supporting documentation or materials referenced herein or submitted herewith, is true and correct to the best of my knowledge, information and belief and I affirm that I have not given, directly or indirectly, any gratuity to any elected official, employee or appointee (including their spouse and immediate family members) that has not been disclosed and I affirm that I have not violated the provisions of the Shelby County Government Code of Ethics.**

Yes  No

**Signature**

Robert H. Rogers

**Date**

08/24/2023

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**Resume**

Resume2018.doc

Please upload a file

Robert H. Rogers

ROBERT H. ROGERS, P.E.

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## SUMMARY OF QUALIFICATIONS

Versatile engineering professional with proven ability to identify problems and implement creative solutions. Adept at team-building skills, but equally comfortable working in self-directed environment. Well-developed communication skills and ability to bring a common sense approach to solving technical engineering and environmental problems.

## PROFESSIONAL EXPERIENCE

### **SHELBY COUNTY HEALTH DEPARTMENT – Memphis, TN Manager – Pollution Control**

**2004 - Present**

- Responsible for management of a staff of 40 people with an annual budget of over \$4 million comprised of fees, local General Fund, and multiple Federal and State grants.
- Responsible for the local Groundwater Protection program and air programs including industrial permitting, inspection, enforcement and ambient air quality monitoring.
- Direct involvement in local and national enforcement resulted in funds in excess of \$1 million which were leveraged as a match for State grants for clean diesel projects and to fund an Outreach and Education campaign.
- Personal attention was critical in recruiting Nucor Steel to re-open an abandoned steel manufacturing facility in Shelby County in spite of non-attainment designation.
- Successfully lead local and State efforts in collaboration with Arkansas and Mississippi to petition EPA for reclassification of the area's ozone non-attainment designation.
- Guided the County through the controversy surrounding wells for cooling water for the new TVA power plant which lead to the first changes in local groundwater rules since initial adoption in the early 1980's.
- Represent the interests of Shelby County at all Tennessee State Air Pollution Control Board meetings and regional and National air pollution control organizations.

### **MEMPHIS AND SHELBY COUNTY HEALTH DEPARTMENT – Memphis, TN Air Program Coordinator – Pollution Control**

**1995 - 2004**

- Assisted the Manager of Pollution Control in implementing and enforcing Federal regulations for air pollution control in Shelby County.
- Directed activities related to the air pollution control program including staff development and outreach to citizen and industry groups, regulated facilities and other governmental organizations.
- Evaluated emerging regulations and requirements to determine compliance strategies and negotiate options. Prepared evaluations of these options to clearly communicate their effects to elected officials and the press.
- Responsible for ensuring Department activities consistently met complex Federal grant requirements to secure continued annual EPA funding of over \$300,000.
- Responded immediately on-site to a major explosion at a local chemical processing plant and provided sound technical advice to other local Health Officials and the Fire Department over a 48 hour period. Subsequently participated on a panel chaired by the Mayor of the City of Memphis to investigate the causes of the accident and to prevent similar accidents in the future.

- Appointed to an industry and government commission to plan the implementation of mandated Clean Air Act Risk Management Plans which was used as a model by other state and local air pollution control agencies.
- ROBERT H. ROGERS, P.E.** **PAGE TWO**

**DOVER ELEVATOR SYSTEMS, INC. – Horn Lake, MS**  
**Plant Engineer**

**1985 - 1995**

- Successfully implemented training and management programs throughout the plant that reduced costs while improving compliance with safety and environmental regulations.
- Protected the company's Northern market as the Canadian Welding Bureau (CWB) Certified Welding Engineer and upgrading the company's designs, documentation, practices and certification tests to remove the company from "probation" status..
- Assisted the Maintenance Supervisor in facility and equipment maintenance activities. Served as Project Manager of the annual summer plant shutdown required for PM and equipment and system upgrades.
- Personally responsible for several large projects including re-roofing of 100,000 square feet of the factory, replacement of major HVAC systems and hard surfacing portions of the yard to facilitate trailer movement.
- Managed a six-month plant rearrangement project to implement cellular manufacturing and JIT inventory practices. The project was brought in under budget and on time without disrupting production schedules and resulted in a 20% savings in floor space needs and a 75% reduction in inventory.
- Leader of the plant Safety Committee tasked with identifying potential hazards and investigating accidents. Activities of the team led to a formal training system that improved worker safety and OSHA compliance.
- Designed specialty products from customer specifications such as high capacity elevators and stagelifts. Entrusted with verifying design and fabrication methods of other product designers.

**Memphis MACHINE WORKS – Memphis, TN**  
**Foundry Manager**

**1980 - 1985**

- Responsible for up to 30 foundry personnel, production planning, sales and shipping of all foundry products.
- Involved in machine design, maintenance and repair, estimating, and production methods.
- Designed and directed the fabrication and installation of material handling and process equipment which doubled foundry productivity.

**EDUCATION**

BSME - Mechanical Design - University of Memphis – Memphis, TN  
 MSIE - Statistical Process Controls – University of Memphis – Memphis, TN

**LICENSES**

Professional Engineer – Tennessee – Certificate Number 22,030

**AFFILIATIONS**

Past President – University of Memphis Engineering Alumni Board  
 Trustee – National Ornamental Metal Museum

March 12, 2024

The Honorable Michalyn Easter-Thomas, Chairman  
Personnel, Government Affairs, and Annexation Committee  
City Hall - Room 514  
Memphis, TN 38103

Dear Chairman Easter-Thomas:

Subject to Council approval, I hereby recommend that:

**Steve Sheridan**

be jointly appointed to the Memphis & Shelby County Air Pollution Control Board with a term expiration date of February 26, 2028.

I have attached biographical information.

Sincerely,



Paul A. Young  
Mayor

PAY/sss

Enclosure  
cc: Council Members

**MEMPHIS & SHELBY COUNTY AIR POLLUTION CONTROL BOARD**  
**9 Member Board**  
**(8) Jointly Appointed by City of Memphis & Shelby County Mayors**  
**(1) Appointed by the Executive Committee of the Memphis Area**  
**Association of Governments**  
**4 Year Term**

Purpose:  
 To grant, deny, or revoke variance applications.

Term ends:

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<b>Vacancy</b>	<b>M/W</b>	<b>10-24-21</b>
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<b>Gideon Sarpong</b>	<b>M/A</b>	<b>08-29-24</b>
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<b>Douglas Dugard</b>	<b>M/W</b>	<b>08-29-17</b>
<b>David LaVelle, MD</b>	<b>M/W</b>	<b>08-29-24</b>
<b>Vacancy</b>	<b>M/W</b>	<b>MAAG appointee No Expiration</b>

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How many years have you been a resident of Shelby County?

48

Only if required in order to comply with state or federal law, do you give Shelby County Government authorization to perform a background check for the position for which you are applying?

Yes  No

Do you understand that local ordinance does not preclude Shelby County Government from making inquiries in sex offender databases, inquiries into sex offenses, or inquiries into offenses that involved a youth?

Yes  No

List any affiliation or ownership interest you have in any business, corporation or partnership and if such business contracts with or sells products or services to Shelby County Government. By answering yes to this question, you may be disqualified from holding a position.

None

List members of family, where employed, and whether or not their employer contracts with or sells products or services to Shelby County Government.

None

Additional Comments

Signature

Steven Sheridan

Date

08/24/2023

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Resolution #26 Questionnaire

Pursuant to the aforementioned Resolution you are hereby required to list all private country, social, athletic or professional clubs of which you belong.

None

List below any of the aforementioned clubs of which you belong that do not have female members.

None

Mr. Steve G Sheridan

List below any of the aforementioned clubs of which you belong that do not have minority group members (e.g. African American, Hispanic, Asian).

None

Do any of the aforementioned clubs of which you belong discriminate in selecting members based on race, sex, or religion?

Yes  No

Signature

Steven Sheridan

Date

08/24/2023

**Gratuity Questionnaire**

Date of Gratuity

None

Nature and Purpose of the Gratuity

None

Name of the Official, Employee, Appointee or Family Member who received the gratuity

None

Name of the person or entity that provided the gratuity

None

Address of the person or entity that provided the gratuity

Description of the gratuity

None

Cost of the Gratuity (If cost is unknown and not reasonably discernible by the person giving the gratuity, then the person giving the gratuity shall report a good faith estimate of the cost of the gratuity).

None

Mr. Steve G Sheridan

The information contained in this Gratuity Disclosure Form, and any supporting documentation or materials referenced herein or submitted herewith, is true and correct to the best of my knowledge, information and belief and I affirm that I have not given, directly or indirectly, any gratuity to any elected official, employee or appointee (including their spouse and immediate family members) that has not been disclosed and I affirm that I have not violated the provisions of the Shelby County Government Code of Ethics.

Yes  No

**Signature**

Steven Sheridan

**Date**

08/24/2023

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**Resume**

Please upload a file

Mr. Steve G Sheridan

# Steven Sheridan

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## Education

**BACHELOR OF SCIENCE IN MECHANICAL ENGINEERING | DECEMBER 1979 | MEMPHIS STATE UNIVERSITY**

## Experience

**THE KROGER CO. | ENGINEERING DEPT. | 37 YEARS | 1979 TO 2017**

- **FACILITY MAINTENANCE ( INCLUDING REFRIGERATION & HVAC )**
- **NEW AND REMODEL CONSTRUCTION**
- **FUEL CENTER CONSTRUCTION AND MAINTENANCE**



# Shelby County Government

**LEE HARRIS**  
MAYOR

February 2, 2023

The Honorable Miska Clay-Bibbs, Chairman  
Shelby County Board of Commissioners  
160 N. Main, Suite 650  
Memphis, TN 38103

Dear Chairman Clay-Bibbs:

Pursuant to the rules and regulations governing the Air Pollution Control Board Board, I hereby nominate Robert H. Rogers and Steve Sheridan for appointment.

For your use, biographical information is attached and approval of the Board of Commissioners will be appreciated.

All the best,

Lee Harris  
Mayor

LH/jg

**Enclosures (2)**

Mairi Albertson, Chief of Staff  
Office of the Mayor  
125 N Main Street, 7<sup>th</sup> Floor  
Memphis, TN 38103  
(901) -636-6669

---

**From:** Michael Allen <michael.allen@memphisbotanicgarden.com>

**Sent:** Monday, March 11, 2024 2:27 PM

**To:** Albertson, Mairi <Mairi.Albertson@memphistn.gov>

**Subject:** Request for your signature support - Time Sensitive

**CAUTION:** This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

---

Good Afternoon Chief -

Could you ask Mayor Young if he would be a signatory to this letter please.

thanks

Mike

Dear Mayor Young -

For the first time in 28 years, the Memphis Botanic Garden is asking the State of Tennessee for funding. Our request is modest at \$1.2M and I am proud to say that we have the bi-partisan and bi-cameral support of the Shelby County and West Tennessee State delegation for this project.

We believe that a letter to Governor Lee from Memphis' business and civic leaders will assist us in this effort. **Would you be kind enough to lend your name to this effort?**

As the State's budget season is rapidly coming to a close, it is my hope to gather all permissions by this Thursday (3/14) and send a FedEx overnight letter to Governor Lee on Friday for Monday delivery. I realize that this is aggressive timing and beg your indulgence.



Please check how we list your name, your title and your company affiliation (below) and just let me know if you would like it changed in any way.

With my thanks.

Mike

**Business / Civic leaders who we are asking to sign on to this letter.**

Mike Bruns – Founder and Past President; Comtrak Logistics  
Bill Dunavant – CEO, President & Chairman; Dunavant Enterprises  
Edward Dobbs – President; Management Services  
Mitch Graves - CEO; West Cancer Center and Research Institute  
Jay Keegan – President and CEO; Adams Keegan  
Mike Keeney – Of Counsel; Lewis Thomason  
Kevin McEniry; former CEO Nexair LLC  
Doug McGowan – President and CEO; MLGW  
Bill Rhodes – Executive Chairman; AutoZone  
Teresa Sloyan – President Hyde Family Foundation  
Fred Smith – Executive Chairman; FedEx  
Mark Sutton – Chairman and Chief Executive Officer; International Paper  
Ted Townsend - President; Greater Memphis Chamber  
Duncan Williams - Chairman; Duncan Williams Asset Management  
Spence Wilson - Chairman; Kemmons Wilson Companies  
Paul Young; Mayor – City of Memphis

**Michael D. Allen**

Executive Director

Memphis Botanic Garden (901) 636-4101

New email Address: [michael.allen@MemBG.org](mailto:michael.allen@MemBG.org)

February 5, 2024

The Honorable Michalyn Easter-Thomas, Chairman  
Personnel, Government Affairs, and Annexation Committee  
City Hall - Room 514  
Memphis, TN 38103

Dear Chairman Easter-Thomas:

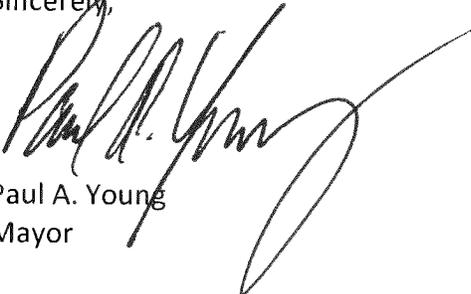
Subject to Council approval, I hereby recommend that:

**Daniel T. Reid**

be reappointed to the Memphis Health Education Housing Facility Board as a member with a term expiration date of December 31, 2029.

I have attached biographical information.

Sincerely,



Paul A. Young  
Mayor

PAY/sss

Enclosure

cc: Council Members

**HEALTH, EDUCATION & HOUSING FACILITY BOARD**  
**9 Member Board**  
**6 Year Term**

Purpose:

The Health, Education and Housing Facility Board is a public nonprofit corporation issues tax exempt revenue bonds for the development or rehabilitation of multi-family housing facilities to be occupied, according to the state statute, by persons of low and/or moderated income, and/or elderly and/or handicapped persons.

		Term ends:
<b>Monice Hagler</b>	<b>F/B</b>	<b>12-31-25</b>
<b>Howard Eddings</b>	<b>M/B</b>	<b>12-31-25</b>
<b>Cliff Henderson</b>	<b>M/B</b>	<b>12-31-28</b>
<b>Vincent S. Sawyer</b>	<b>M/B</b>	<b>12-31-28</b>
<b>James Jalenak</b>	<b>M/W</b>	<b>12-31-22</b>
<b>Daniel T. Reid</b>	<b>M/W</b>	<b>12-31-23</b>
<b>Katie Shotts</b>	<b>F/W</b>	<b>12-31-28</b>
<b>Buckner Wellford</b>	<b>M/W</b>	<b>12-31-23</b>
<b>Vacancy</b>	<b>F/W</b>	<b>12-31-23</b>

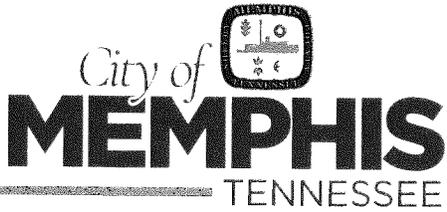
**Health, Education and Housing Facility Board Attendance**  
**From January 2022 to January 2024 Total No. of Meetings - 25**

<b>Member</b>	<b>Present</b>	<b>Absent</b>
Daniel T. Reid	23	2
Buck Wellford	16	9

Updated 020424

**Daniel T. Reid (Chair)**

Mr. Reid is President of West Tennessee banking groups with Guaranty Bank, and has been a banker in the Memphis market for the last 37 years. He earned a Bachelor's of Science degree in Business Administration with a concentration in Administrative Management and Finance from the University of Tennessee (Martin). He has been very active in training opportunities in leadership, lending and productivity. Some of Mr. Reid's community involvement includes: Board of Directors/University Club of Memphis and Admissions Committee Chair, past president of the Rotary Club, Paul Harris Fellow, Leadership Bartlett Chairman, Bartlett area Chamber of Commerce Board member and Secretary/Treasurer, Central Gardens association Board member, member of the Central Gardens Landmarks Committee, member of the Brooks Decorative Arts Trust, member of the Collierville Tomorrow Board, graduate of the New Memphis Institute (Leadership Academy) Master's Program and a communicant at Grace St. Luke's Episcopal Church. Mr. Reid currently serves as Chair of The Health, Educational and Housing Facility Board of the City of Memphis.



PAUL A. YOUNG  
MAYOR

February 5, 2024

The Honorable Michalyn Easter-Thomas, Chairman  
Personnel, Government Affairs, and Annexation Committee  
City Hall - Room 514  
Memphis, TN 38103

Dear Chairman Easter-Thomas:

Subject to Council approval, I hereby recommend that:

**Buckner Wellford**

be reappointed to the Memphis Health Education Housing Facility Board as a member with a term expiration date of December 31, 2029.

I have attached biographical information.

Sincerely,

A handwritten signature in black ink that reads "Paul A. Young". The signature is written in a cursive style with a large, sweeping flourish at the end.

Paul A. Young  
Mayor

PAY/sss

Enclosure

cc: Council Members

**HEALTH, EDUCATION & HOUSING FACILITY BOARD**  
**9 Member Board**  
**6 Year Term**

Purpose:

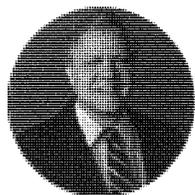
The Health, Education and Housing Facility Board is a public nonprofit corporation issues tax exempt revenue bonds for the development or rehabilitation of multi-family housing facilities to be occupied, according to the state statute, by persons of low and/or moderated income, and/or elderly and/or handicapped persons.

		Term ends:
<b>Monice Hagler</b>	<b>F/B</b>	<b>12-31-25</b>
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<b>Cliff Henderson</b>	<b>M/B</b>	<b>12-31-28</b>
<b>Vincent S. Sawyer</b>	<b>M/B</b>	<b>12-31-28</b>
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<b>Buckner Wellford</b>	<b>M/W</b>	<b>12-31-23</b>
<b>Vacancy</b>	<b>F/W</b>	<b>12-31-23</b>

**Health, Education and Housing Facility Board Attendance**  
**From January 2022 to January 2024 Total No. of Meetings - 25**

<b>Member</b>	<b>Present</b>	<b>Absent</b>
Daniel T. Reid	23	2
Buck Wellford	16	9

Updated 020424



## Buckner Wellford

Shareholder

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Buck Wellford is an experienced trial lawyer and the former chair of Baker Donelson's Advocacy Department.

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Mr. Wellford represents hospitals, physicians, and medical groups in health care litigation, regulatory, peer review, contract, and employment matters. He is also an experienced litigator in products liability and commercial litigation disputes.

Mr. Wellford has substantial jury and bench trial experience in state and federal courts in Tennessee, Mississippi, Texas, West Virginia, and Arkansas. These matters include the defense of health care providers in medical malpractice or regulatory matters, as well as product liability, breach of contract and employment disputes, civil rights, antitrust, and class action defense.

His health care experience includes representation of clients at the state and federal appellate levels, as well as on administrative and/or civil enforcement proceedings involving hospital peer review proceedings, the Tennessee Department of Health, Board of Medical Examiners, Centers for Medicare and Medicaid Services, Office of Inspector General, and Department of Justice. He has also litigated health care cases in state and federal courts in Tennessee, Texas, and Massachusetts on matters regarding Anti-Kickback and False Claims, alleged violations of the Tennessee Consumer Protection Act, credentialing actions, and fraudulent conveyance.

A former Shelby County commissioner with substantial experience in local zoning and land use issues, Mr. Wellford has represented clients before the Shelby County Land Use Control Board, Memphis City Council, Shelby County Commission, Germantown Design Review Board, and Planning Commission for the City of Collierville. He is currently a member of the Memphis Health, Education, and Housing Facilities Board.

### Case Studies

- Victory for Pro Bono Client in Immigration Case - Immigration

### Representative Matters

- More than 30 health care liability jury trials representing defendant physicians and hospitals.
- Successfully represented a hospital and ambulatory surgery center in challenges brought by physicians subject to disciplinary action under peer review procedures.
- Successfully defended a physician hospital organization against claims that it conspired to boycott a surgery center and two of its physician investors from the outpatient surgery market in the Memphis area in violation of the Sherman Act, as well as state law unfair competition and tortious interference claims in the United States District Court for the Eastern District of Arkansas.
- Obtained summary judgment in favor of a hospital client in federal court action challenging a statistical extrapolation process used by Centers for Medicare & Medicaid Resources to wrongfully recoup substantial Medicare payments.
- Obtained summary judgment, affirmed on appeal before United States Court of Appeals, Sixth Circuit, in declaratory judgment action seeking favorable interpretation for a client in a commercial lease dispute.

- Obtained declaratory judgment for a commercial lessee distribution center in a dispute over the scope of a clause in the section of the lease governing "Additional Rent" in the United States District Court for the Northern District of West Virginia.
- Represented a health care system in a receivership action involving the attempted "claw back" of charitable contributions under fraudulent conveyance state laws in the United States District Court for the Northern District of Texas.
- Obtained a defense verdict for a publicly held waste collections and disposal company in a breach of contract and fraud claim involving failure to move forward with a Letter of Intent for acquisition.
- Completed the successful resolution of civil investigative demands made to physicians by the Office of the Inspector General and the Department of Justice.
- Represented a medical center in defending a recommendation made by its board of directors to apply a summary suspension of 31 days to the privileges of a physician who failed to meet his obligations as an on-call surgeon in an incident involving a patient presenting in the emergency room. The surgeon invoked his right to a "fair hearing" before a panel of three independent physicians. After presentation of evidence at the hearing, the panel unanimously upheld the board's recommendation and denied the physician's appeal.
- Successfully quashed an appeal involving a summary suspension filed against a hospital by a medical staff member.
- Represented plaintiffs and defendant municipalities in the United States District Court for the Western District of Tennessee in federal civil rights litigation.
- Obtained dismissal of a hospital client in a medical malpractice action based on failure to timely move for substitution of party after death of plaintiff; dismissal upheld by Tennessee Court of Appeals.
- Obtained a dismissal of a putative class action lawsuit against a hospital client alleging state and federal law privacy and security violations arising from the criminal convictions of several former associates who shared patient personal identifying information after being treated for injuries following automobile accidents.



## Professional Honors & Activities

- Fellow – American College of Trial Lawyers (2023)
- Listed in *The Best Lawyers in America*® for Commercial Litigation (since 2009); Medical Malpractice Law - Defendants and Product Liability Litigation - Defendants (since 2011); Personal Injury Litigation - Defendants (since 2012); Litigation - Health Care (since 2021); Health Care Law (2024)
- Named the Best Lawyers® 2024, 2022, 2019, and 2013 Product Liability Litigation – Defendants "Lawyer of the Year" in Memphis
- Named the Best Lawyers® 2015 Personal Injury Litigation – Defendants "Lawyer of the Year" in Memphis
- Selected to Mid-South Super Lawyers since 2006; listed as among top 50 attorneys in Memphis and top 100 attorneys in Tennessee
- Listed in *Chambers USA: America's Leading Lawyers for Business* as a leading Litigation: Medical Malpractice Defense lawyer in Tennessee (since 2011)
- Named to the *Lawdragon* 500 Leading Litigators in America (2022 – 2024)
- Named to *Business Tennessee* magazine's "150 Best Lawyers" in medical malpractice law (2009)
- Recipient – Baker Donelson Firmwide Pro Bono Attorney of the Year (2019)
- Recipient – Memphis Bar Association's annual Pro Bono award (2001)
- Recipient – Sam Myar, Jr. Memorial Award, Memphis Bar Association, for Service to the Community (1996)
- Member – Memphis Health, Education and Housing Facility Board (2016)
- Board of Directors – Memphis Bar Association (2008 – 2009)
- Board of Directors – Memphis Area Legal Services Corporation (1990 – 1992)
- Fellow – Tennessee Bar Foundation (1994), Memphis Bar Foundation (2006)

- Member – Tennessee Board of Professional Responsibility Hearing Committee Member (2016)
- Member – International Association of Defense Counsel (IADC)

## Publications

- "Florida's Broad New COVID-19 Liability Protections" (April 2021)
- "A Colleague, Mentor and Friend," *Trial Spotlight Newsletter* (December 2020)
- "Commitment to Community," *Trial Spotlight Newsletter* (December 2020)
- "Tennessee Joins States Extending Immunity to Businesses for COVID-19 Liability Issues" (August 24, 2020)
- "Potential Provider Protections: How the Proposed SAFE TO WORK Act Impacts Liability Claims Against Health Care Providers," republished in *Westlaw* (August 2020)
- "COVID-19 Health Care Provider Immunity Update," republished June 11, 2020, in *Westlaw* (May 14, 2020)
- "Long Term Care Liability During the COVID-19 Pandemic: Ways State Governments Can Ensure Protection" (April 24, 2020)
- "Health Care Provider Liability During the COVID-19 Pandemic: Ways to Ensure Protection," republished April 17, 2020, in *Westlaw Journal* (April 7, 2020)
- "Tennessee Supreme Court Accepts Certification of Non-Economic Damages Cap Question" (June 2019)
- "Sixth Circuit Denies Petition to Rehear En Banc in *Lindenberg*" (April 2019)
- "OIG Hospital Compliance Audits: Is Your Number Up? Are You Ready?," Bloomberg BNA (September 2015)

## Education

- Washington & Lee, J.D., 1981, Burks Scholar
- Vanderbilt University, B.A., 1978

## Admissions

- Tennessee, 1981



## Memphis City Council Summary Sheet

**1. Description of the Item (Resolution, Ordinance, etc.)**

This is a resolution requesting re-allocation to the American Rescue Plan Act (ARPA) for the City of Memphis Public Safety division.

**2. Initiating Party (e.g. Public Works, at request of City Council, etc.)**

Finance division

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

Not applicable.

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

Not applicable

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

This resolution requires a budget amendment.

**RESOLUTION TO AMEND THE AMERICAN RESCUE PLAN ACT (ARPA) ALLOCATION**

**WHEREAS**, on March 11, 2021, the American Rescue Plan Act (ARPA) was signed into law by the President. Section 9901 of ARPA amended Title VI of the Social Security Act to add section 602, which established the Coronavirus State Fiscal Recovery Fund, and section 603, which established the Coronavirus Local Fiscal Recovery Funds (together, the Fiscal Recovery Funds). The Coronavirus Local Fiscal Recovery Funds was established to provide support to local governments (“recipients”) to respond to the impacts of COVID-19 on communities, residents, and businesses; and

**WHEREAS**, section 602(c)(1) and 603(c)(2) provides that funds may be used to:

- A. To respond to the public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;
- B. To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers;
- C. For the provision of government services to the extent of the reduction in revenue due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency;
- D. To make necessary investment in water, sewer, or broadband infrastructure; and

**WHEREAS**, the City of Memphis has been notified by the Department of the Treasury of ARPA funding in the amount of \$161,061,490.00, payable in two tranches. The City of Memphis is in receipt of the first tranche and second tranche; and

**WHEREAS**, the City of Memphis was allocated a portion of ARPA funding to complement the President’s *Comprehensive Strategy to Prevent and Respond to Gun Crime and Ensure Public Safety*; and

**WHEREAS**, the City of Memphis was identified as one of the 15 jurisdictions to receive Presidential administrative support of a Community Violence Intervention collaborative; and

**WHEREAS**, the City Administration wants to ensure that funds respond to initiatives that support both proven and new strategies that are intended to reduce gun violence and strengthen community-based infrastructures to enhance public safety for children, families, and communities; and

**WHEREAS**, the Manhood University and WOWS programs (*under the Community Services ARPA project*) have over 500 clients registered and need additional funding to cover the cost per client; and

**WHEREAS**, the City Administration would like to amend the allocation for the ARPA funding.

**NOW, THEREFORE BE IT RESOLVED**, that the FY24 ARPA allocations be amended to reallocate as follows, effective with the approval of this resolution:

<b>ARPA Funding Reallocated From:</b>	<b>In the Amount of:</b>	<b>ARPA Funding Reallocated To:</b>
Staff Support for Public Safety Development/Training Initiatives <i>ARPA Project: PublicSafetyTrain</i>	\$74,900.00	Policing Fleet Initiatives <i>ARPA Project: PoliceFleet</i>
Public Safety Professional Development/Training <i>ARPA Project: PublicSafetyProfDev</i>	\$116,100.00	Policing Fleet Initiatives <i>ARPA Project: PoliceFleet</i>
Public Safety Division Enhancements (Felony Assault Unit) <i>ARPA Project: PublicSafetyFelony</i>	\$252,205.00	Policing Fleet Initiatives <i>ARPA Project: PoliceFleet</i>
<b>Total Allocation Reclass</b>	<b>\$443,205.00</b>	

<b>ARPA Funding Reallocated From:</b>	<b>In the Amount of:</b>	<b>ARPA Funding Reallocated To:</b>
City Operational – Data for Good <i>ARPA Project: DataforGood</i>	\$67,500.00	Manhood/WOWS <i>ARPA Project: Community Services</i>
City Operational – Premium Pay <i>ARPA Project: PremPay</i>	\$50,000.00	Manhood/WOWS <i>ARPA Project: Community Services</i>
<b>Total Allocation Reclass</b>	<b>\$117,000.00</b>	

# Wrecker Rules and Regulations

## **Application Process:**

Any person desiring to engage in the business of providing wrecker or emergency wrecker services within the corporate limits of the City of Memphis must first be approved by the Memphis Transportation Commission.

The Memphis Transportation Commission meets the first Thursday of each month.

Approval for the MPD Wrecker Rotation list comes from MPD

## **Towing Company Requirements:**

Permitted by the Permits Office to do business in city limits.

Current business license issued by Memphis/Shelby County Business Tax Office.

All towing vehicles titled and registered.

Valid DOT number.

Employ drivers are twenty-one years of age or older.

Must comply with the fees and schedule of charges prescribed.

Provide certificate of liability of insurance with the following:

### **Automobile liability:**

\$1,000,000.00 each occurrence -combined single limits

**AND**

### **Commercial General Liability:**

\$2,000,000.00	General Aggregate
\$2,000,000.00	Products-Completed Operations
\$1,000,000.00	Personal and Advertising Injury
\$1,000,000.00	Each Occurrence (Bodily Injury & Property Damage)
\$ 50,000.00	Fire Damage any One Fire
\$ 5,000.00	Medical Expense any One Person

**OR**

### **Garage Liability**

#### **With Minimum Limits of:**

\$2,000,000.00	Garage Liability General Aggregate
\$1,000,000.00	Garage Liability Each Occurrence
\$ 100,000.00	On Hook
\$ 200,000.00	Garage Keepers Legal Liability

The certificate of insurance shall state the following: “The City of Memphis, its official’s agents, employees and representative shall be named as additional insured on all liability policies.” The additional insured endorsement policy should be attached to the certificate.

**MPD Wrecker Rotation Company Requirements:**

Permitted by the Permits Office to do business in city limits.

Current business license issued by Memphis/Shelby County Business Tax Office.

Emergency Wrecker company Use and Occupancy Certificate.

All towing vehicles titled and registered.

Valid DOT number.

Employ drivers are twenty-one years of age or older.

A wrecker company shall be independent of any other wrecker company in the same zone.

Must comply with the fees and schedule of charges prescribed.

Provide certificate of liability of insurance with the following:

**Automobile liability:**

\$1,000,000.00 each occurrence -combined single limits

**AND**

**Commercial General Liability:**

\$2,000,000.00	General Aggregate
\$2,000,000.00	Products-Completed Operations
\$1,000,000.00	Personal and Advertising Injury
\$1,000,000.00	Each Occurrence (Bodily Injury & Property Damage)
\$ 50,000.00	Fire Damage any One Fire
\$ 5,000.00	Medical Expense any One Person

**OR**

**Garage Liability**

**With Minimum Limits of:**

\$2,000,000.00	Garage Liability General Aggregate
\$1,000,000.00	Garage Liability Each Occurrence
\$ 100,000.00	On Hook
\$ 200,000.00	Garage Keepers Legal Liability

The certificate of insurance shall state the following: “The City of Memphis, its official’s agents, employees and representative shall be named as additional insured on all liability policies.” The additional insured endorsement policy should be attached to the certificate.

Emergency wrecker shall provide 24 hours service including holidays.

Arrive at the scene of the accident within 30 minutes of being dispatched to the scene.

Signed and notarized hold harmless agreement stating that it will indemnify, defend and hold the city harmless from any and all claims of any type, including attorney's fee which may arise out of the performance of the towing of any vehicle under or by the direction from the City of Memphis Police Department.

## **Rotation List**

### **Recovery, Towing and Storage Standards:**

Towing company are dispatched when the vehicle's owner, operator or agent does not have a request for a specific towing company.

The owner's request for a specific towing company shall be honored unless:

The requested towing company is not a permitted towing company by the Permits Office.

The requested towing company cannot or does not respond in a reasonable time, as determined by Memphis Police Department.

The vehicle to be towed poses an immediate traffic hazard, as determined by Memphis Police Department.

Towing company's drivers are responsible for cleaning-up all debris from the accident scenes including but not limited to glass and auto parts from wrecker vehicles.

### **Call and Notification Procedures:**

When MPD is dispatched to a crash, motorist assist, or any other request, the Officer, after determining the need for a towing company, shall contact the Dispatcher. The Dispatcher shall notify the next scheduled towing company on the MPD Wrecker Rotation list to respond unless the parties have already contacted a permitted towing company.

Towing companies shall be available for immediate response 24 hours a day, seven days a week.

If a towing company fails to respond within 30 minutes, at the discretion of the officer, the next scheduled towing company shall be called and the first called towing company shall be placed at the bottom of the rotation list.

If dispatch receives a busy signal, the next scheduled towing company shall be called and the first called towing company shall be placed at the bottom of the rotation list.

Towing companies shall be given all known information regarding the type of incident and equipment that may be required.

A towing company shall not refer a call to another towing company or substitute another company's towing vehicle to avoid losing its turn on the rotation list.

A towing company that refuses a call or fails to respond promptly to a call may be removed or suspended from the rotation list.

A towing company failing to answer a call shall lose the call. If two calls are missed by the towing company within a thirty-day time period, the company will be notified, and an investigation may occur.

If the first called towing company cannot remove the vehicle and does not have another towing vehicle that can perform the requested task, then the next scheduled towing company shall be called and permitted to remove the vehicle. The first called towing company shall not be paid for responding to the call. If the Officer's initial determination of the towing vehicle required to remove the disabled vehicle is incorrect and the towing company responds but cannot perform the task because it does not have the required equipment, then the towing company shall be returned to the position of next scheduled towing company on the rotation list.

If a towing company desires to be off-duty for more than twenty-four hours, the towing company shall inform the Wrecker Coordinator to avoid removal from the rotation list. Upon returning to duty, the towing company shall inform the Wrecker Coordinator and the towing company shall be returned to the rotation list.

No representative of the towing company called to the scene shall solicit business while at the scene.

Towing companies are prohibited from calling Dispatch to determine their position on the rotation list.

### **Service Procedures and Zone Assignments:**

A towing company may be listed in each zone if the towing company has distinctly separate storage facilities within the zone, separate and distinct equipment within the zone, and different business offices located in the zone.

It is prohibited for two or more towing companies, owned in whole or in part by the same individual, partnership or parent corporation, to be qualified to participate on rotation within the same zone.

All towing companies' owner and drivers are expected to know and comply with all applicable federal/state regulations, city ordinance, rules and regulations of the Permits Office, and traffic laws of the state of Tennessee.

A towing company shall not perform repair work on towed vehicle without prior written consent of owner.

Personal property or cargo contained in towed vehicles shall be released to the owner/designee upon their request, unless the MPD orders otherwise. Personal property is defined as anything not physically attached or mounted to the towed vehicle.

Towing company drivers/employees shall not wear exposed firearms at any scene while in the performance of their duties.

## **Wreckers/ Non-Emergency/Emergency/Rotational Wreckers**

### **Inspections**

Inspections of the tow trucks and lots are required annual for trucks and storage lots on the MPD Wrecker Rotation list.

New trucks required to be inspected prior to being used on the MPD Wrecker Rotation and/or used within the city limits.

A towing vehicle arriving at the scene shall be affixed with valid towing decal.

**Storage facility should be fully staff during office hours.**

Each truck should be equipped with:

- Broom
- Crowbar
- Flags
- Flares
- Firefighter Axes
- Shovel or scoop
- 20lbs Fire Extinguisher
- 10lbs Oil Dry

Wrecker companies that fail inspections have 5 days to reschedule inspection.

Contact Wrecker Coordinator to schedule re-inspection at 901-636-6735 or at [permits@memphistn.gov](mailto:permits@memphistn.gov).

### **Towing and Storage Fees**

Towing fees should only be charged for a wrecker used for the purpose of towing a vehicle.

Storage rates begin twenty-four hours after vehicle is towed.

Storage charges shall cease once the owner/designee contacts the towing company requesting to pick up a vehicle if the towing company cannot accommodate the request.

Customers should be provided with invoices prior to payment upon request.

**Invoices:**

All invoices should include the following:

- Location where the vehicle is towed from
- Tag and VIN of the vehicle
- Time wrecker dispatched to the scene
- Time the wrecker arrival at the scene
- Time the wrecker arrival at the final destination.
- The type of wrecker used and rates

Hourly rates can only be charged for Class B and C nonconsensual emergency wreckers in use or ordered to wait by a law enforcement officer.

There shall be no tarp or wrap charge without the consent of the owner or the owner’s insurance company.

Overcharging if found guilty shall result in:

1. Reimbursement of any monies paid; or
2. Vehicle being release with no charges.

**Drivers Requirement:**

All drivers and driver’s helpers should have a driver permit issued by the City of Memphis Permits Office.

All drivers must have either “F” endorsement or Commercial Driver License.

**Private Property Tows**

PPI tows must have written agreement signed and notarized by the property owner if the towing company is acting as the agent to authorized towing from property. The agreement should be on file with the Permits Office prior to towing from the property.

Towing company shall have express written authorization for towing and storage of each vehicle from the owner of the vehicle, from the owner, or the authorized agent of the owner, of the private property from which the vehicle is to be towed. Written authorization should include the following:

- a. Name of person giving authorization
- b. The year, make and model, and color of the vehicle to be towed;
- c. The reason for the tow;
- d. The license plate number if any and
- e. The vehicle identification number if it is ascertainable.

Towing without proper authorization will result in:

Reimbursement of monies paid; or

Vehicle being release with no charges.

**Request for information:**

Wrecker company should respond to request for information within 3 business days of request. Failure to respond will result in automatic suspension of wrecker license until requested information is received by the Permits Office.

**Complaints, Investigations and Permits Administrator Findings:**

The owner of a vehicle towed by a towing company may file a written complaint to the Permits Administrator or Wrecker Coordinator if the owner believes that:

The towing company towed a vehicle without the owner's or law enforcement authorization.

Charged an excessive towing/storage/other services rate; and/or

Violated any part of the City Ordinance or Rules and Regulations.

All complaints filed shall contain:

The name of the complaint

The complaint's address

The complaint's phone number and e-mail address

The time(s) and manner(s) in which the complainant may be contacted

The name of the towing company

The cause(s) of the complaint

Copies of the documents received from or correspondence with the towing company

The name and phone numbers of any witness and

Any other facts that may assist the Permits Administrator or Wrecker Coordinator in Investigating the complaint

A towing company/driver that violates any part of the City Ordinance or Rules and Regulations may be suspended from participating on the MPD rotation list for a period of time determined by

the Permit Administrator, but no more than 10 days. Should the Permit Administrator determine that the violation may justify a longer suspension or a revocation, the administrator may refer the complaint to the Transportation Commission.

Two or more sustained complaints against a towing company shall result in an Administrative Hearing conducted by the Permits Administrator.

Each towing company/driver charged with a violation shall receive disciplinary action.

The Permits Administrator shall review complaint and supporting documents and email a copy of the complaint and supporting documents to the towing company for review and response.

If the investigation reveals that the towing company owed the vehicle without the proper authorization and/or charged excessive rates, the Permits Administrator shall resolve the matter by:

Ordering the towing company to promptly reimburse the complainant any monies paid;  
or

Ordering the towing company to release the vehicle with no charge or for an amount determined by the Permits Administrator.

Hearings before the Transportation Commission can result in fines, suspension, or revocation.

## Acknowledgment

I, \_\_\_\_\_ the owner of \_\_\_\_\_  
located at \_\_\_\_\_, do hereby  
acknowledge that I have received a copy and read the City Ordinance and Rules and Regulations  
for a wrecker/towing company and agree to comply with all regulations.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



## Memphis City Council Summary Sheet

**1. Description of the Item (Resolution, Ordinance, etc.)**

A resolution to Appropriate Nine Hundred Three Thousand Dollars (\$903,000.00) of the City of Memphis Division of Police Services CIP Project PD04029 PD04029, Radio Maintenance Bldg Rehab project.

**2. Initiating Party (e.g. Public Works, at request of City Council, etc.)**

The Division of Police Services is the initiating party of this resolution.

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

There is no change to an existing ordinance or resolution.

**4. State whether this will impact specific council districts or super districts.**

This will impact all districts.

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

This resolution does not require a new contract, or amendments to existing contract(s).

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

The resolution does require an expenditure of funds.

**7. If applicable, please list the MWBE goal and any additional information needed**

N/A



## RESOLUTION

**WHEREAS,** A Resolution is needed to appropriate funds for the City of Memphis Division of Police Services CIP Project PD04029, Radio Maintenance totaling Nine Hundred Three Thousand Dollars (\$903,000.00); and

**WHEREAS,** The Nine Hundred Three Thousand Dollars is the Unappropriated Allocations in PD04029 for the Radio Maintenance Project, with the total amount of \$903,000.00 to contract Construction of Division of Police;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that the Fiscal Year 2024 Capital Improvement Budget be and is hereby amended by Appropriating Nine Hundred Three Thousand Dollars (\$903,000.00) contract Construction by General Obligation Bonds for the Radio Maintenance Rehab, Project PD04029.

**SUBSTITUTE ORDINANCE NO. \_\_**

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF MEMPHIS, TENNESSEE, CHAPTER 6 -BUSINESS LICENSES AND REGULATIONS -TO DEFINE ENTERTAINMENT TRANSPORTATION VEHICLES, AND TO PROVIDE FOR THE LICENSING AND REGULATION OF THE SAME**

**WHEREAS**, in recent years a new type of transportation business has emerged in various cities within the United States in which the passengers hire a motor vehicle not only as a means of transportation but also for some entertainment or social purpose; and

**WHEREAS**, the General Assembly of the State of Tennessee did in its recent session amend Tennessee Code Annotated, Section 7-51-1007, to recognize Entertainment Transportation Vehicles as a category separate from other types of vehicles already included in said law, and to allow municipalities within Tennessee to regulate the operation of Entertainment Transportation Vehicles; and

**WHEREAS**, in other cities in which such vehicles operate, governments have encountered various problems caused by the vehicles in the area of public safety and welfare, including accidents resulting in damage and injury, the commission of crimes related to the operation of the vehicles, and complaints from businesses and citizens about noise and offensive behavior by patrons; and

**WHEREAS**, the Memphis City Council deems it necessary for the health, safety, and welfare of citizens to amend the code of ordinances to regulate the operation of Entertainment Transportation Vehicles in the City of Memphis.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF MEMPHIS**  
that Chapter 39 – Vehicles for Hire – of the City of Memphis Code of Ordinances, also referenced  
in Chapter 6-44, is hereby amended to create a new Article V, which shall read as follows:

Section 1. **Sec. 39-256. Definitions.**

For purposes of this chapter:

"Certificate" means a certificate of public convenience and necessity, a license granted, upon application and approval, by the Memphis Transportation Commission (MTC) for the sole purpose of authorizing the certificate holder to provide entertainment transportation through an Entertainment Transportation Vehicle.

"Certificate holder" means a person, company, corporation or association which has applied for, and been granted, a certificate of public necessity and convenience.

"Customer" means any person on an Entertainment Transportation Vehicle other than the driver or other employee of the entertainment transportation business, who has paid money for the services of the business or is attached to a party that has done so.

"Driver" means any individual who physically operates an Entertainment Transportation Vehicle as a for-hire vehicle under this chapter. This person may share additional, company-related titles, such as owner, employee of the owner, holder or independent contractor.

"Driver permit" means a permit issued by the MTC to drive and operate an Entertainment Transportation Vehicle.

"Entertainment Transportation Vehicle" means any motor vehicle that is designed or constructed to accommodate and transport more than one passenger for hire, the principal operation of which is confined to the area within the Memphis City Limits, whether it is operated on a fixed

route or schedule, and where the passengers hire the motor vehicle not only as a means of transportation but also for some entertainment or social purpose. "Entertainment transportation" includes, but is not limited to, trucks, buses, and wagons/trailers pulled by a motor vehicle. "Entertainment transportation" does not include a limousine, sedan, shuttle, taxicab, horse-drawn carriage, or electric-assist pedal carriage.

"For hire" means a transaction whereby any money, thing of value, charge tickets, surcharge, payment, pecuniary consideration or compensation, reward, donation, tip, or any other remuneration or profit is paid to, accepted by, or received by a driver, employee, agent, owner, or any other representative of an Entertainment Transportation Vehicle in exchange for the temporary use by or for the transportation of a passenger, whether such is paid voluntarily or upon solicitation, demand, request, contract, agreement, or as a surcharge; or otherwise in conjunction with the purchase of any other services wherein the entertainment transportation is part of the services provided.

"Inspector(s)" means the inspector(s) for the Commission.

"Memphis Transportation Commission," hereinafter referred to as "MTC" or "the Commission," means the Memphis Transportation Commission as established by the City of Memphis Code of Ordinances, Chapter 39, Article V, the same being identified as Chapter 6-46 of the Code of Ordinances of the City of Memphis.

"MTC Director" means the Executive Secretary of the MTC, as employed by the City of Memphis on behalf of the MTC.

"Owner" means the person who holds the legal title of the Entertainment Transportation Vehicle.

"Passenger" means any person on an Entertainment Transportation Vehicle other than the

driver.

"Person" means any individual, partnership, corporation, association or public or private organization of any character.

"Permittee" means a holder of any permit issued under this chapter.

"Solicit" means the distribution of flyers or other material, or an appeal by bell, horn, whistle, words, or gestures by a driver or his or her agent directed at individuals or groups for the purpose of attracting passengers for immediate hire.

"Vehicle permit" means a permit issued by the MTC for an Entertainment Transportation Vehicle to carry passengers.

## Section 2. Certificate of Public Convenience and Necessity

### **Sec. 39-257. Required Certificate and Effective Term.**

A. No Entertainment Transportation Vehicle shall be used or operated on a for hire basis by any person in the territorial jurisdiction of the Memphis City government without an owner or operator having first obtained a certificate of public convenience and necessity. Each certificate shall be valid for one year and shall be subject to renewal pursuant to the provisions set forth in this article. Applications will be reviewed and considered as they come in to the MTC.

B. Certificates shall not be transferred, sold or given from one owner to another, including the sale of one Entertainment Transportation Vehicle company in its entirety to another, without approval of the MTC upon the filing of an application for such transfer.

C. The MTC shall track all certificates, and after the renewal period, if the certificate has not been renewed it shall be determined to be void.

**Sec. 39-258. Application - Information and fees required.**

- A. An application shall be filed with the MTC for each certificate of public convenience and necessity sought. Forms will be provided by the MTC and payment of a nonrefundable fee of \$200 will be charged.
- B. The application shall require the following information:
1. Name and address of applicant;
    - a. Sole-proprietor: Name and address of the owner.
    - b. Partnership: Names and addresses of all partners.
    - c. Corporation or association: Names and addresses of all the officers, directors, and members.
  2. Business name (d/b/a), business address, and telephone number if different from above;
  3. A background check of each person;
  4. Proof of U.S. citizenship or legal residency;
  5. Names and addresses of two references as to the applicant's financial responsibility;
  6. Prior experience of applicant in transport of passengers;
  7. Number of Entertainment Transportation Vehicle permits requested, and copy of proof of ownership or other evidence of lawful control, as determined by the MTC, for each vehicle to be operated under the certificate;
  8. Applicant's Procedures for training drivers;
  9. Applicant's Rules and regulations governing driver appearance and conduct;
  10. Disclosure of prior state law or City of Memphis Code of Ordinances violations pertaining to noise from motor vehicles, lewd conduct as part of a commercial business, or alcoholic beverage open container laws; any disclosures shall be verified by the MTC;
  11. The financial status of the applicant, including the amounts of all unpaid judgments against the applicant or if a corporation, against any officer, director or shareholder as listed above or, if a partnership, any partner or limited partner, or any other person who is

interested directly in the ownership or operation of the business.

12. Any additional information the applicant desires to include to aid in the determination of whether the requested certificate should be issued; and

13. Such further information as the MTC may require.

C. An applicant will be ineligible for consideration if:

1. Any of the owners, partners, officers, directors, or members are under twenty-one (21) years of age and/or the Entertainment Transportation Vehicle business has no separate legal existence beyond a shareholder, owner, or partner who is under the age of twenty-one years of age;

2. Any of the owners, partners, officers, directors, or members has violated any portion of this chapter of the City of Memphis Code of Ordinances within five years immediately preceding the date of application;

3. Any of the owners, partners, officers, directors, or members have any outstanding unpaid final judgment; or

4. Any portion of the application is incomplete or contains incorrect or untruthful information.

D. An applicant will be ineligible for consideration for a one-year period if any owner, partner, officer, director, or member has been found guilty by a court of competent jurisdiction of violating state law or City of Memphis Code provisions three or more times within the past three hundred sixty-five days pertaining to noise from motor vehicles and/ or lewd conduct as part of a commercial business.

**Sec. 39-259. Findings - Issuance of additional certificates.**

A. If the MTC finds that further or additional Entertainment Transportation Vehicle service within the Memphis City Limits is warranted for the public convenience and necessity and that the applicant is fit, willing, and able to provide such service and to conform to the provisions of this chapter and the rules promulgated by the MTC, the MTC may issue a certificate of public convenience and necessity. The certificate shall state the name, business address and telephone number of the applicant, the number of vehicles authorized upon such certificate, the date of issuance and the date of expiration.

B. In making the above findings, the MTC shall, at a minimum, take into consideration the number of Entertainment Transportation Vehicles already in operation, whether existing service is adequate to meet the public need; the experience, financial condition and responsibility of the applicant, and such criteria as may be adopted by the MTC in its rules.

C. No more than (25) Entertainment Transportation Vehicles may be permitted to operate upon the streets of Memphis, and the MTC shall accept no applications for additional vehicles once this maximum has been permitted. Applications shall be evaluated in the order in which they are received; and upon issuance of a 25<sup>th</sup> permit, any other pending applications shall be set aside. Should the number of permitted vehicles drop below the maximum allowed, those applications will be considered in the order in which they were filed with the MTC, beginning with those pending applications that were previously set aside.

D. The MTC may, by rule, establish any further criteria for determining the necessity for additional Entertainment Transportation Vehicle certificates.

E. Any person whose application for a certificate is denied by the MTC may file a written appeal with the MTC within thirty days of denial and request an appearance before the MTC and

appear in-person for consideration of the certificate application.

**Section 39-260. Renewal of the Certificate of Public Convenience and Necessity.**

A. All certificates issued under the provisions of this chapter shall expire one (1) year from the date on which the certificate was issued. All certificates may be renewed by the MTC director up to 30 days before their expiration date. A renewal fee of \$125 for each approved certificate and other licensing fees shall be charged at the annual renewal of the certificate.

B. All applicants for renewal must be current with all assessments and taxes due to the City of Memphis.

C. If a licensed Entertainment Transportation Vehicle company or individual fails to renew their certificate within thirty (30) days from the expiration date, such company shall be treated as a new applicant upon renewal application.

**Section 39-261. Insurance required.**

A. Before any certificate shall be issued by the Commission Director, or before the renewal of such certificate shall be granted, the applicant or association shall be required to file an insurance policy and/or certificate of insurance with the MTC director evidencing insurance coverage as required in this section.

B. Insurance coverage as provided in subsection (A) of this section means a policy of public liability insurance issued by an insurance company qualified to do business in the State of Tennessee and naming the City of Memphis as an additional insured. Any policy of public liability insurance issued in compliance with this article shall be for a term of not less than one year, and for any Entertainment Transportation Vehicle insured thereunder shall afford protection to any third party sustaining injury or damage as a result of the negligent operation of any Entertainment

Transportation Vehicle, with the minimum amount of insurance to be determined by the City Risk Management Department, known as combined single limit insurance coverage. Such policy shall expressly provide that it may not be canceled, except after thirty (30) days' written notice to the Commission Director.

C. Such certificate will certify that the policy provides for a minimum coverage per the requirements of the Risk Management Department of the City of Memphis, which may be amended from time to time to remain current with the current risk factors, per Entertainment Transportation Vehicle for liability imposed by law for damages on account of bodily injuries, death or personal damages, other than injuries, death or property damages of the company or driver, in any one accident resulting from the ownership, maintenance or use of such Entertainment Transportation Vehicle. The certificate of insurance shall also list the serial number or identification number of each Entertainment Transportation Vehicle that is insured.

D. The operation of any Entertainment Transportation Vehicle within the Memphis City Limits without having in force the public liability insurance policy as outlined in this section is hereby declared to be a violation of this Article, subjecting the owner and/or certificate holder to all applicable penalties provided in this Article and this Chapter.

E. Any changes in insurance must be reported to the Commission immediately.

**Section 39-262. Suspension and revocation.**

A. A certificate issued under the provisions of this chapter may be revoked, suspended, placed on probation, otherwise restricted, or not renewed by the MTC if the holder thereof has:

1. Violated any of the provisions of this chapter or failed to comply with any rule or regulation established by the MTC;
2. Violated any other provision of the Code of Ordinances of the City of Memphis or laws of the United States or the State of Tennessee, the violation of which reflects unfavorably

on the fitness of the holder to offer transportation services, including but not limited to, violations for excessive noise;

3. Failed to pay assessments or taxes due to the City of Memphis;

4. Attempted to transfer a certificate or permit; or

5. Made a misrepresentation or false statement when obtaining a certificate or additional permits or transferring a certificate.

B. Prior to any action to revoke, suspend, place on probation, otherwise restrict, or not renew a certificate, the holder shall be given notice to the address listed on their certificate of the proposed action to be taken and shall have an opportunity to be heard by the MTC.

C. If the holder commits an act in violation of the criminal laws of the United States of America or State of Tennessee, and the MTC director determines that holder poses a threat to the public safety, the MTC director may enact an emergency suspension of the holder's certificate to remain in effect until the holder has the opportunity to be heard by the MTC at the next available meeting, but in no circumstance later than sixty (60) days from the date of the emergency suspension.

### Section 3. Driver Permits

#### **Section 39-263. Driver Permit required- Violations and term.**

A. No person shall drive or otherwise operate an Entertainment Transportation Vehicle engaged in the transportation of passengers unless he or she has a driver permit from the MTC and a currently effective Tennessee commercial driver's license.

B. A person commits an offense if he or she operates an Entertainment Transportation Vehicle in the Memphis City Limits without a driver permit issued by the MTC.

C. A business commits an offense if it employs or otherwise allows a person to operate an

Entertainment Transportation Vehicle owned, controlled, or operated by the permittee without a driver permit issued by the MTC.

D. Each driver permit shall be valid for one (1) year and shall be subject to renewal pursuant to the provisions set forth in this Article.

**Section 39-264. Application-Information and fees required.**

A. An application for an Entertainment Transportation Vehicle driver permit shall be filed with the MTC on forms provided by the MTC.

B. Such application shall be certified under oath and shall at a minimum contain the following information:

1. The name, residential address, telephone number and date of birth of the applicant.

No applicant under twenty-one (21) years of age will be accepted.

2. The type(s) of vehicle(s) which the applicant will drive under the certificate.

3. The years of experience of the applicant in the transportation industry.

4. A concise history of the applicant's employment.

C. The applicant shall provide copies of the following documents in order to submit his or her application:

1. A valid driver's license issued by one of the fifty states within the United States of America for the issuance or renewal of an Entertainment Transportation Vehicle driver permit corresponding with the type/classification of Entertainment Transportation Vehicle to be operated (i.e., commercial driver license, for-hire endorsement, etc.).

2. If a resident alien, a current work permit or other valid United States Immigration

and Customs Enforcement document.

3. A copy of a currently effective Tennessee commercial driver's license.

D. Each application shall be accompanied by an official driver record obtained no longer than thirty (30) days previous to the date of application. All applicants are required to meet the following standards:

1. No convictions in the last five (5) years for any of the following offenses involving bodily injury or death and no convictions in the last three (3) years for any of the following offenses not involving injury or death:

- Hit and run;
- Driving under the influence of an alcoholic beverage or drug;
- Reckless or careless driving.

2. For an initial driver permit, no more than three moving violations within the last three (3) years and no more than two (2) moving violations in the last year.

3. For a renewal driver permit, no more than four (4) moving violations within the last three (3) years and no more than two (2) moving violations in the last year.

**Section 39-265. Fingerprint-based criminal background investigation.**

A. All applicants for an Entertainment Transportation Vehicle driver permit must undergo a fingerprint-based identification and background check. The MTC shall provide instructions to applicants on obtaining such background checks. A background check report and a copy of the Motor Vehicle Record (MVR), generated by the Department of Motor Vehicles, of the applicant, if any, shall be attached to the application and forwarded for consideration by the MTC.

B. Any applicant shall, in addition to any disqualifications listed elsewhere in this Chapter, be

disqualified if the applicant:

1. Has been convicted, pleaded guilty, placed on probation or parole, pleaded nolo contendere, or been released from incarceration within a period of five (5) years prior to the date of application for violation of any of the following criminal offenses under the laws of Tennessee, any other state or of the United States:

- Homicide,
- Rape,
- Aggravated assault,
- Kidnapping,
- Robbery,
- Child sexual abuse,
- Domestic violence,
- Any sex-related offense,
- Leaving the scene of an accident,
- Criminal solicitation, or criminal attempt to commit any of above,
- Perjury or false swearing in making any statement under oath in connection with the application for a driver permit, or
- The felony possession, sale or distribution of narcotic drugs or controlled substances.

2. If, at the time of application, the applicant is charged with any offenses in subsection (1) of this section, consideration of the application shall be deferred until the applicant's entry of a plea, conviction, acquittal, dismissal, or other final disposition of the charges.

3. Has been convicted of or released from incarceration due to two (2) or more felony offenses within the past seven (7) years.

4. Has been convicted for a period of two (2) years prior to the date of application for violation of two or more sections of this Code or other ordinances governing the operation of Entertainment Transportation Vehicles.

If the applicant fails to disclose any criminal conviction, except traffic citations, on the application for a driver permit, the application may be referred to the MTC for consideration.

**Section 39-266. Application - Approval or disapproval.**

The MTC or its staff shall, upon the consideration of the application and any reports and certificates required to be attached thereto, approve or reject the application. Any applicant rejected by the MTC staff may file an appeal within thirty (30) days of denial and request an appearance before the MTC. The appeal shall be heard by the MTC at the next available MTC meeting with the appellant appearing in-person for consideration of the application.

**Section 39-267. Issuance – Driver Permit contents and display.**

A. Upon approval of an application for an Entertainment Transportation Vehicle driver permit, the MTC director shall issue a permit to the applicant, which shall bear the applicant's name, driver permit number, height, date of birth, a photograph of the applicant, and other information deemed appropriate by the MTC.

B. Every driver shall at all times conspicuously display a driver permit within the Entertainment Transportation Vehicle, where it is visible to passengers. A driver shall allow the MTC director, MTC inspector, or a police officer to examine the permit upon request.

**Section 39-268. New application after denial.**

Upon denial of an application for a driver permit, no new application shall be considered for a period of three (3) months.

**Section 39-269. Expiration - Issuance and renewal fee.**

A. A driver permit may be issued to qualified applicants upon the payment of a \$35 fee plus the costs of investigation. If the permit for the preceding year has been revoked, no new permit shall be issued without prior MTC approval.

B. Each Entertainment Transportation Vehicle driver permit shall be issued for a period of one year. The fee to renew a driver permit shall be \$17.50. Such fees shall be in addition to the cost of any investigation.

**Section 39-270. Unpermitted drivers.**

A. If any person is found operating an Entertainment Transportation Vehicle within the Memphis City Limits without a valid Entertainment Transportation Vehicle driver permit on behalf of any holder of a certificate of necessity and public convenience, the MTC director may immediately take action to suspend or revoke the certificate.

B. A person whose Entertainment Transportation Vehicle driver permit is suspended shall not drive an Entertainment Transportation Vehicle within the Memphis City Limits during the period of suspension.

**Section 39-271. Suspension, revocation, and appeal.**

A. The MTC director is hereby given authority to suspend any Entertainment Transportation Vehicle driver permit issued under this Article for a driver's failure or refusal to comply with the

provisions of this Article. Such suspensions may not last for a period of more than thirty (30) days. The MTC director is also given authority to revoke any driver permit for failure to comply with the provisions of this Article.

B. If a driver is charged in any court with a misdemeanor involving moral turpitude, or with any felony, or with driving while intoxicated or under the influence of drugs, or with violations of this Article, the MTC director is hereby given authority to suspend the driver's permit pending final disposition of the charges against them, and to revoke such permit upon conviction thereof.

C. The MTC director may revoke an Entertainment Transportation Vehicle driver permit if the director determines that the permittee has engaged in conduct detrimental to the public safety.

D. The MTC director may not suspend or revoke any driver permit unless the driver has received notice of the charges against them and has had the opportunity to present evidence on their behalf.

E. Any permittee whose driver permit has been suspended or revoked by the MTC director may file a written appeal with the MTC within ten (10) business days. If an appeal is not made to the MTC within ten (10) business days of the MTC director's decision, the MTC director's decision shall be final. A letter addressed to the MTC and delivered to the MTC office stating that an appeal from the decision of the MTC director is desired shall perfect such appeal. The MTC, as soon as practicable after receiving such notice of appeal, shall notify the permittee of the date and time of the hearing which shall be not less than five (5) business days after the mailing of such notice. After the hearing of the appeal, the MTC shall sustain, modify or reverse the findings of the MTC director, and shall notify the MTC director and the permittee of its findings. The findings of the MTC shall be final, subject to any applicable legal processes.

F. A driver whose permit is revoked may not reapply for ninety (90) days from the date of

revocation and will be treated as a new applicant.

**Section 39-272. Revocation of a valid driver's license.**

An Entertainment Transportation Vehicle driver permit issued under this Chapter shall be valid for one (1) year so long as the permittee's valid driver's license, issued by one of the fifty states in the United States of America for the type/classification of Entertainment Transportation Vehicle to be operated, remains valid for the duration of the permit. Any time that a permittee's driver's license is suspended, revoked, or cancelled, their Entertainment Transportation Vehicle driver permit shall likewise be immediately suspended, revoked, or cancelled. The Entertainment Transportation Vehicle driver permit shall immediately be surrendered to the MTC until such time as their driver's license is reinstated.

**Section 39-273. Conduct of drivers.**

A. A driver shall at all times:

1. Act in a reasonable, prudent, safe, and courteous manner;
2. Take the necessary measures to prevent and prohibit a person not possessing an Entertainment Transportation Vehicle driver permit from operating the Entertainment Transportation Vehicle;
3. Refrain from allowing more passengers to be carried in an Entertainment Transportation Vehicle than for which there is proper seating, and at no time shall the driver allow any passenger to ride in any area of the Entertainment Transportation Vehicle not specifically designed or designated as a seat;
4. Prohibit any passenger eighteen (18) years of age or younger from riding in an

Entertainment Transportation Vehicle unaccompanied by an adult;

5. Not operate an Entertainment Transportation Vehicle while under the influence of intoxicating beverages or drugs;
6. Not operate an Entertainment Transportation Vehicle while possessing a lighted cigarette, cigar, or pipe at any time;
7. Observe and obey all state and local noise and traffic laws and regulations;
8. Not permit a customer to stand or ride on any part of the Entertainment Transportation Vehicle other than the designated seating area while the Entertainment Transportation Vehicle is in motion and require that passengers must be seated except when loading or unloading.

**Section 39-274. Drivers not to work more than 12 hours out of 24.**

No driver shall work more than a maximum of twelve (12) driving hours in the aggregate of any twenty-four-hour period, and such driver shall not begin to drive until he has had at least eight (8) consecutive hours of rest.

**Section 39-275. Consumption of Alcoholic Beverages**

The consumption of an alcoholic beverage by an individual, over the age of twenty-one (21), who is strictly a passenger in the passenger area of an Entertainment Transportation Vehicle is permitted. Sales of alcohol by the operator, driver, or riders of the vehicle are prohibited.

A. If alcoholic beverages are allowed to be consumed on an Entertainment Transportation Vehicle, the vehicle operator shall apply for a permit to allow such consumption from the Permits Office. The application fee for such permit is \$25 and the operator of an Entertainment Transportation Vehicle company shall pay an additional \$25 for each Entertainment Transportation

Vehicle on which alcohol is being consumed. The driver or operator of an Entertainment Transportation Vehicle shall be in possession of the permit referenced in this subsection at all times alcohol is being consumed on the Entertainment Transportation Vehicle. Additionally, the registration number issued by the Permits Office shall be conspicuously displayed on the rear of the Entertainment Transportation Vehicle.

B. If an alcohol consumption permit is granted to the Entertainment Transportation Vehicle operator, the following notice shall be on full display on the Entertainment Transportation Vehicle:

1. Each passenger is asked to drink responsibly; and
2. No passengers are permitted to take any opened alcoholic beverage container with them when they exit the Entertainment Transportation Vehicle, except in the Beale Street Historic District.

C. An Entertainment Transportation Vehicle driver shall not operate an Entertainment Transportation Vehicle while under the influence of alcoholic beverages, nor shall the driver consume alcoholic beverages while operating the vehicle.

D. The Entertainment Transportation Vehicle operator and driver may not allow consumption of alcoholic beverages by persons under the age of twenty-one (21).

E. Any violations of this Section may be enforced under the applicable laws of the City of Memphis and the State of Tennessee, as contemplated by §§ 39-291 and 39-293, which may result in revocation or suspension of the operator's certificate of public convenience and necessity.

**Section 39-276.     Return of passengers' property.**

A driver of an Entertainment Transportation Vehicle shall immediately attempt to return to a passenger any property left by the passenger in the vehicle. If unable to locate the passenger, the

driver shall turn the property in to the certificate holder's company office at the end of the driver's shift or at the first available opportunity. In such cases, the certificate holder shall make a good faith effort to locate the passenger, and, if not successful, hold the property in storage at its location for at least thirty (30) days.

**Section 39-277. Compliance with provisions.**

Every driver granted a driver permit under this Article shall comply with all City of Memphis, state, and federal laws. Failure to do so may result in disciplinary actions including suspension and up to revocation of the Entertainment Transportation Vehicle driver permit.

Section 4. Equipment and Operation

**Section 39-278. Entertainment Vehicle permit required.**

A. Each Entertainment Transportation Vehicle must have a vehicle permit issued by the MTC in the vehicle. The permit will identify each vehicle by a unique number in accordance with rules and procedures established by the MTC and will be associated with the certificate holder. Entertainment Transportation Vehicle permits are not transferable to other entertainment transportation vehicles or other certificate holders. B. To qualify for a vehicle permit, an applicant must have obtained a Certificate of Public Convenience and Necessity pursuant to § 39-257 of this Article and comply with all of the requirements and stipulations of this Chapter and any rules and regulations adopted by the MTC.

C. A \$125 fee will be charged for the issuance of each approved Entertainment Transportation Vehicle permit associated with the certificate.

D. It shall be unlawful for any person to transport or offer to transport passengers in any

Entertainment Transportation Vehicle which does not have affixed to the vehicle a valid permit issued through the MTC.

**Section 39-279. Application for additional vehicle permits.**

An application for additional Entertainment Transportation Vehicle permits under the certificate of public convenience and necessity issued pursuant to this Article must be filed with the MTC director. The requirements stipulated in this Chapter shall apply and must be satisfied in order for the application to be considered. If approved, the established permit fee will be applied.

**Section 39-280. Ownership and control of vehicles.**

All Entertainment Transportation Vehicles permitted under this Chapter must be under the lawful control of a certificate holder demonstrated either by proof of ownership or a copy of a valid lease agreement and must be under the direct control of a permitted driver while in operation or use.

**Section 39-281. Vehicle to display identification.**

All Entertainment Transportation Vehicles operated under the authority of this Chapter shall be equipped with identification as prescribed by the MTC in rules and regulations.

**Section 39-282. Vehicle requirements; safety standards.**

A. To the fullest extent permitted by Tennessee and federal law, prior to the issuance of a permit, or the use and operation of any vehicle under the provisions of this Chapter, the vehicle shall be thoroughly examined and inspected by the certificate holder or a designated third party in accordance with rules and regulations prescribed by the MTC. When a certificate holder finds that a vehicle has met all the terms established by the MTC, the holder shall certify this to the MTC

director, who shall authorize an Entertainment Transportation Vehicle permit to be issued.

B. To the fullest extent permitted by Tennessee and federal law, every vehicle operating under this Chapter is subject to random and periodic inspections to ensure the continued maintenance of safe operating conditions. A certificate holder shall make an Entertainment Transportation Vehicle available for inspection in accordance with the rules and regulations adopted by the MTC. If, upon inspection, it is determined that an Entertainment Transportation Vehicle for hire is not in compliance with this Chapter or MTC rules, the MTC staff shall order the vehicle to be removed from service or brought into compliance within two (2) weeks and require it to be reinspected prior to resuming operation.

C. Every vehicle operating under this Chapter shall be kept in a clean and satisfactory condition, according to rules and regulations promulgated by the MTC.

D. Every vehicle operating under this Chapter must be equipped with seats for each passenger.

E. To the fullest extent permitted by Tennessee and federal law, every vehicle operating under this Chapter shall undergo an annual detailed mechanical inspection conducted by an approved mechanic pursuant to the requirements of rules and regulations adopted by the MTC. The records of these inspections must be maintained and made available to MTC staff as provided by the rules and regulations adopted by the MTC. The certificate holder shall certify its compliance with this subsection to the MTC director.

F. The MTC may, by rule, establish additional inspection requirements for Entertainment Transportation Vehicles and other equipment used in the Entertainment Transportation Vehicle service.

**Section 39-283. Operating area.**

Entertainment Transportation Vehicles shall operate upon the streets in the Memphis City Limits on routes or zones delineated by the Memphis Transportation Commission, within the selected portion of the Central Business Improvement District (CBID - Core District, Edge/Medical District, and South District - see Exhibit A). In addition, Entertainment Transportation Vehicles may operate in the area commonly known as Overton Square, and along Union Avenue between the CBID and Overton Square. Any deviation or amendments to routes or zones must be reviewed by the MTC or its staff and receive approval from the Memphis City Council by Resolution. Any approved deviation must be reported to the MTC or its staff prior to beginning of operations.

**Section 39-284. Operating hours.**

Entertainment Transportation Vehicles shall operate between the hours of 11 AM to 1 AM local time. Any deviation from these hours must be reviewed by the MTC or its staff and receive approval from the Memphis City Council by Resolution. Any approved deviation must be reported to the MTC or the MTC director staff prior to beginning of operations.

**Section 39-285. Records and reports.**

A. Each holder shall maintain at a single location business records of its Entertainment Transportation Vehicle business. The records must be maintained in a manner approved by the MTC director and contain the following information:

1. An identification of the Entertainment Transportation Vehicle(s) operating each day;
2. An identification of the drivers operating the Entertainment Transportation Vehicles each day and a statement of the hours each driver operated the vehicle each day; and
3. Any other information the MTC director determines necessary for monitoring the

activities, operations, service, and safety record of the licensee.

B. A certificate holder shall make its records available for inspection by the MTC director, inspector, law enforcement officer or designated officials.

**Section 39-286. Accidents**

A. All accidents arising from or in connection with the operation of an Entertainment Transportation Vehicle shall be reported within seventy-two (72) hours from the time of occurrence to the MTC director if the accident results in:

1. Death or bodily injury to any person; or

2. Damage to any vehicle, or to any property in an amount exceeding the sum of four hundred dollars (\$400).

B. An Entertainment Transportation Vehicle damaged in an accident, but still operable without placing the driver or passengers at risk, must be repaired within two (2) weeks of the accident, or removed from operation until repaired, and inspected prior to resuming operations.

**Section 39-287. Passengers-Receiving and discharging by drivers.**

A. Drivers shall only receive and discharge passengers at designated staging areas/locations approved by the MTC.

B. Drivers shall not allow additional passengers to board the Entertainment Transportation Vehicle after the vehicle has left its fixed starting point.

**Section 39-288. Disposition of disorderly passengers.**

Drivers shall act in a reasonable and professional manner in dealing with disorderly passengers.

**Section 39-289. Soliciting business.**

No certificate holder or driver of an Entertainment Transportation Vehicle shall offer any compensation of whatever form to any person or entity in exchange for the direction or recommendation of passengers to that Entertainment Transportation Vehicle. This section shall not be construed to prohibit certificate holders from advertising their entertainment transportation business by other reasonable means.

**Section 39-290. Compliance with other laws.**

It shall be a violation of this Chapter for a certificate holder or driver to violate any other applicable federal, state or local law or regulation in offering or providing Entertainment Transportation Vehicle services.

**Section 39-291. Enforcement of this Article.**

A. The MTC shall promulgate rules and regulations, consistent with applicable state and federal law, relative to the operation and use of Entertainment Transportation Vehicles. These rules and regulations shall be promulgated to provide safe transportation and specify such safety equipment and regulatory devices as the MTC shall deem necessary.

B. Enforcement of any power or authority granted the MTC under this Chapter or any rules or regulations issued by the MTC pursuant to such authority shall be delegated by the Commission to any employee of the Commission staff, who may issue a citation for violations of this Ordinance, pursuant to Tenn. Code Ann. §§ 7-56-101 and 7-63-101.

C. The inspectors of the Memphis Transportation Commission are authorized and instructed

to observe the conduct of holders of certificates and permits operating under this Chapter. Upon discovering a violation of any of the provisions of this Chapter, the inspector may either report the violation to the MTC, which will order or take appropriate action, or issue a citation as authorized under this section.

D. The inspectors of the Memphis Transportation Commission shall conduct random and periodic inspections of the operations of holders of certificates and permits operating under this chapter, to ensure compliance with the provisions of this Chapter and the Rules and Regulations of the MTC.

E. In addition to the enforcement authority provided to MTC inspectors in this section, officers of the Memphis Police Department shall have the authority to enforce this Chapter in performance of their duty to protect and serve and enforce the laws of the City of Memphis and the State of Tennessee; such enforcement includes, but is not limited to the authority of the police officer to issue a summons or misdemeanor citation or effect a physical arrest for violations. A police officer, upon observing a violation of this Chapter or of any regulation or rule established by the MTC or the MTC director pursuant to this Chapter, may take necessary enforcement action to ensure effective regulation of Entertainment Transportation Vehicles.

**Section 39-292.     Limitation of service due to weather conditions.**

Entertainment Transportation Vehicles shall not receive passengers when weather conditions are sufficiently adverse or inclement so as to endanger passengers or the public. The MTC, by rule, may adopt specific guidelines for the operation of Entertainment Transportation Vehicles in inclement weather conditions.

Section 5. Violations – Civil Penalty Schedules

**Section 39-293. Violations-Penalties-Additional regulations.**

A. All provisions of this Chapter shall be governed by the penalties and procedures for general ordinance violations set forth in Tennessee Code Annotated § 6-54-306, the Charter of the City of Memphis Article 40, Section 355, and the Code of Ordinances of Memphis, Tennessee, Section 1-24-1.

B. Notwithstanding any provision contained herein, the MTC shall have the authority to enforce the provisions of this Chapter.

C. The MTC shall have the authority to promulgate, implement, and enforce additional rules and regulations pertaining to entertainment transportation vehicles, provided such rules and regulations are consistent with the provisions of this Chapter and state and federal laws, and prior approval is obtained from the Memphis City Council.

Section 6. Severability

**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 7. Intent on Legal Effect

**BE IT FURTHER ORDAINED**, That as amended hereby the remaining provisions of CHAPTER 6 – BUSINESS LICENSES AND REGULATIONS remains in full force and effect.

Section 8. Codification

**BE IT FURTHER ORDAINED**, That this ordinance amends Chapter 39 of the official City Code. The City has authorized the Municipal Code Corporation to provide a republication of the City's Ordinances in the official City Code, as amended from time to time, for the convenience of the public. The official City Code and the official version of all new, amending, repealing and clarifying ordinances adopted by the City Council are maintained by the City's Comptroller in the Office of Council Records.

Section 9. Effective Date Clause

**BE IT FURTHER ORDAINED**, That this Ordinance shall take effect after having been passed by City Council, signed by the Chair of Council, certified and delivered to the office of the Mayor in writing by the Comptroller, and becomes effective as otherwise provided by law and shall remain effective and operative unless and until the City Council alters, amends, clarifies or repeals it by a superseding, amending, clarifying or codifying ordinance.

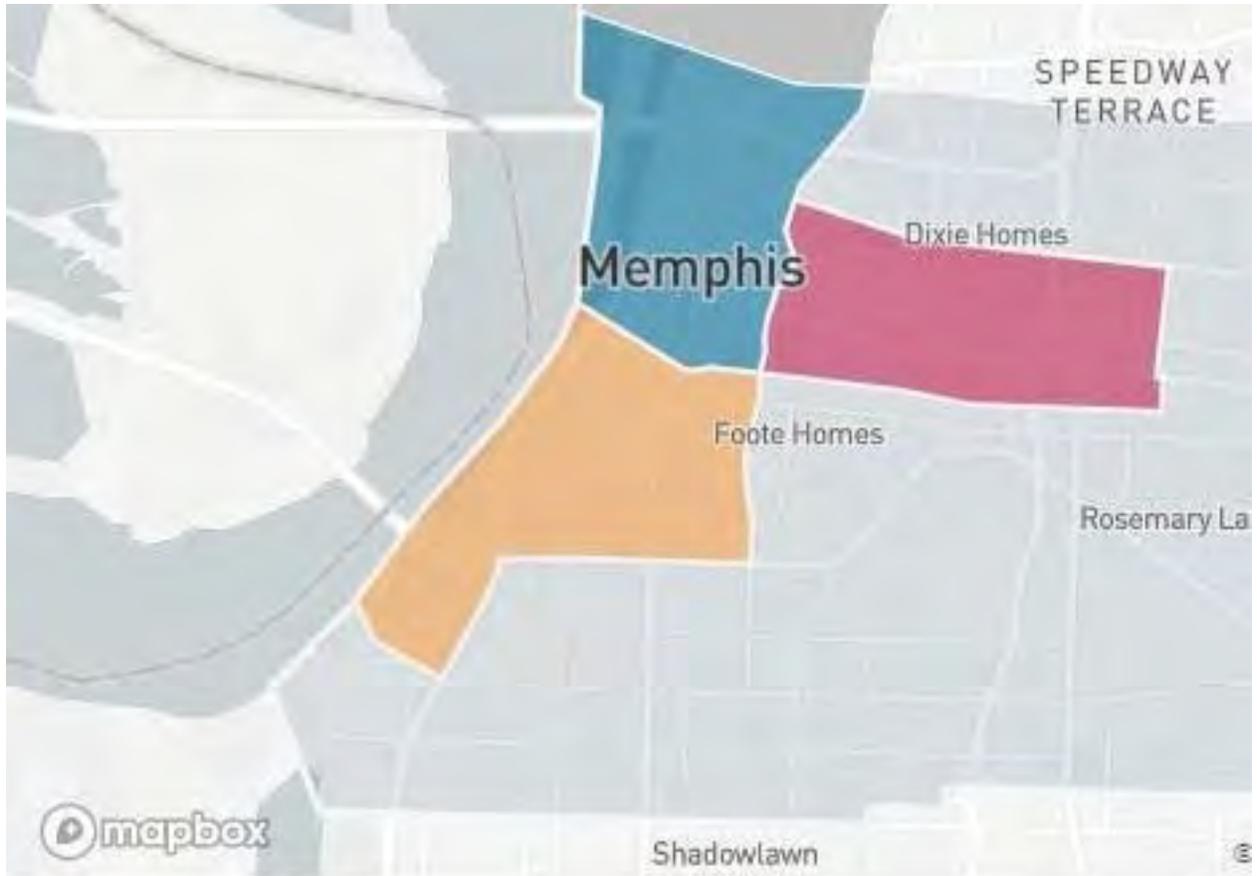
SPONSOR

Ford Canale

CHAIRMAN

JB Smiley, Jr.

Exhibit A



-  South District
-  North District
-  Core District
-  Edge/Medical District
-  Core City District



## Memphis City Council Summary Sheet

**1. Description of the Item (Resolution, Ordinance, etc.)**

A Resolution requesting the City of Memphis to transfer its ownership rights and interest to a parcel located at 956 Kerr Avenue Memphis, TN 38106 to the Blight Authority Memphis /Memphis Metropolitan Land Bank Authority

**2. Initiating Party (e.g. Public Works, at request of City Council, etc.)**

General Services

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

This is not a change to an existing ordinance or resolution.

**4. State whether this will impact specific council districts or super districts.**

Council District 4 and Super district 8

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

New Contract

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

This does not require expenditure of funds nor a budget amendment.

**7. If applicable, please list the MWBE goal and any additional information needed**

N/A

## City Council Resolution



**A Resolution requesting the City of Memphis to transfer its ownership rights and interest to a parcel located at 956 Kerr Avenue Memphis, TN 38106 to the Blight Authority Memphis /Memphis Metropolitan Land Bank Authority**

**Whereas** the City of Memphis is the owner of Parcel ID # 014037 00022;

**Whereas** the Blight Authority Memphis / Memphis Metropolitan Land Bank Authority has submitted an offer of One Thousand and One Hundred Dollars (\$1,100.00) along with a One Hundred and Ten Dollars (\$110.00) Earnest Money deposit to the City of Memphis Real Estate Office;

**Whereas** the Blight Authority Memphis / Memphis Metropolitan Land Bank Authority works with communities to address blight and provide affordable housing through the building of single-family homes;

**Whereas** the Blight Authority Memphis / Memphis Metropolitan Land Bank Authority endeavors to redevelop this parcel for the betterment of the communities in Council District 6 and would like to acquire all interest in the aforementioned City owned parcel;

**Whereas** the Blight Authority Memphis /Memphis Metropolitan Land Bank Authority has requested that the City of Memphis transfer its interest in Parcel ID # 014037 00022; and

**Whereas** it is deemed to be in the best interest of the Citizens of the City of Memphis and County of Shelby that said exchange be accepted subject to City Ordinance 2-16(F).

**Now, therefore, be it resolved**, by the Council of the City of Memphis that the request made by the Blight Authority Memphis / Memphis Metropolitan Land Bank Authority for the above described property be hereby accepted subject to the City Ordinance 2-16(F) which states in part, " Property acquired by the city for redevelopment purposes may be conveyed upon such terms and conditions as it deems proper and without regard to the conveyance procedure outlined in subsection A of this section, upon passage of a resolution authorizing such sale or conveyance by the City Council upon first reading, which reading shall be final."

**Be it further resolved**, that subject to the Ordinance, the City of Memphis Real Estate Department shall prepare and arrange for the execution of the quit claim deed, and any other documents incidental to the completion of the transfer, and the Mayor of the City of Memphis is hereby authorized to execute said deeds or any other documents necessary to complete the sale and conveyance. **Be it further resolved**, that subject to the Ordinance, the City of Memphis Real Estate Department shall prepare and arrange for the execution of the quit claim deed, and any other documents incidental to the completion of the transfer, and the Mayor of the City of Memphis is hereby authorized to execute said deeds or any other documents necessary to complete the sale and conveyance.



## Memphis City Council Summary Sheet

**1. Description of the Item (Resolution, Ordinance, etc.)**

This resolution amends the Fiscal Year 2024 Capital Improvement Budget by transferring and appropriating funds for Traffic Signal Improvements to the Intersection of Union at Cooper.

**2. Initiating Party (e.g. Public Works, at request of City Council, etc.)**

This project is being initiated by the Division of Engineering.

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

This project does not involve a change to an existing ordinance or resolution.

**4. State whether this will impact specific council districts or super districts.**

This project will be located in Council District 5 and Super District 9

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

This Traffic Signal project will not require a new contract. An existing On-Call contract is available.

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

Expenditure of funding will be required.

**7. If applicable, please list the MWBE goal and any additional information needed**

The MWBE Goal for this project is set at 0% due to a lack of MWBE vendors certified to perform this type of work.



*A Resolution appropriating Construction Funds for EN01117 – Traffic Signal Improvements to the intersection of Union at Cooper*

**WHEREAS**, the Council of the City of Memphis did include Traffic Signals, Project Number EN24100 as part of the Engineering Fiscal Year 2024 Capital Improvement Budget; and

**WHEREAS**, bids were taken on April 20, 2022, for On-Call Traffic Signal Maintenance and Construction at Various Locations (3-year term), with the lowest complying bid being submitted by submitted by McCrory Electric; and

**WHEREAS**, it is necessary to transfer an allocation of \$660,000.00 funded by G.O. Bonds – from Traffic Signals, Project Number EN24100 to Traffic Signal Improvements to the Intersection of Union at Cooper, Project Number EN01117; and

**WHEREAS**, it is necessary to appropriate \$660,000.00 funded by G.O. Bonds in Traffic Signal Improvements to the Intersection of Union at Cooper, Project Number EN01117 as follows:

<b>Contract Amount</b>	<b>\$630,093.87</b>
<b>Project Contingencies</b>	<b><u>\$29,906.13</u></b>
<b>Total Amount</b>	<b>\$660,000.00</b>

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that the Fiscal Year 2024 Capital Improvement Budget be and is hereby amended by transferring an allocation of \$660,000.00 funded by G.O. Bonds from Traffic Signals, Project Number EN24100 to Traffic Signal Improvements to the Intersection of Union at Cooper, Project Number EN01117.

**BE IT FURTHER RESOLVED**, that there be and is hereby appropriated the sum of \$660,000.00 funded by G.O. Bonds and chargeable to the Fiscal Year 2024 Capital Improvement Budget and credited as follows:

<b>Project Title</b>	<b>Traffic Signal Improvements to the Intersection of Union at Cooper</b>
<b>Project Number</b>	<b>EN01117</b>
<b>Total Amount</b>	<b>\$660,000.00</b>



## Memphis City Council Summary Sheet

### 1. Description of the Item (Resolution, Ordinance, etc.)

Resolution to transfer appropriate funds within the Personnel category for Mid-Year clean-up. Line item # 051402 / Salaries-Part-Time/Temporary and line item # 051902 / Bonus Pay

### 2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

This is initiated by Division of Solid Waste

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

The funding is available in the FY2024 Solid Waste Budget. The funds must be reallocated.

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

No, this does not require a new contract, nor does this require an amendment to an existing contract.

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

Approval will require amendment to reallocate personnel funds in the FY2024 Operating Budget.

**Same night meeting minutes requested.**



This is a Resolution to transfer appropriate funds within the Personnel category for Mid-Year clean-up. Line item # 051402 / Salaries-Part-Time/Temporary and line item # 051902 / Bonus Pay

**WHEREAS**, the Division of Solid Waste is committed to the improving the quality of life for all citizens of the City of Memphis. Placement of Part-Time/Temporary employees allows collection of waste in Areas A, B, C, and D where there is a need for short-term assignments and necessity; and

**WHEREAS**, the Division of Solid Waste responded to numerous areas in the City of Memphis due to extreme winter weather. Teams completed assignments not consistent with the daily operations of Solid Waste Collections, Disposal and Recycling. Said actions were compensated with Bonus Pay.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MEMPHIS, TENNESSEE**, that the Fiscal Year 2024 Budget be and is hereby amended by reallocating the Personnel Category funding in the amount of \$1,444,448.54 in lines items # 051402 and # 051902.

**BE IT FURTHER RESOLVED**, that the Fiscal Year 2024 Operating Budget be and is hereby amended by reallocating funding in the amount of \$1,444,448.54 as follows:

Salaries-Part-Time/ Temporary	\$ 1,374,105.54
Bonus Pay	\$ 70,343.00
Total Amount	<u>\$ 1,444,448.54</u>