

Memphis City Council Summary Sheet

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

AN ORDINANCE TO AMEND TITLE 6, CHAPTER 92 OF THE CODE OF ORDINANCES FOR THE CITY OF MEMPHIS, TO EXTEND THE SUNSET CLAUSE FOR THE EQUAL BUSINESS OPPORTUNITY PROGRAM

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

ADMINISTRATION

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

CHANGE TO AN EXISTING ORDINANCE

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

This will impact all council districts and super districts.

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

This does not require a new contract.

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

N/A

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

There are no MWBE goals associated with this Resolution.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND TITLE 6, CHAPTER 92 OF THE CODE OF ORDINANCES FOR THE CITY OF MEMPHIS, TO EXTEND THE SUNSET CLAUSE FOR THE EQUAL BUSINESS OPPORTUNITY PROGRAM

WHEREAS, a study of available data, including data maintained by the City of Memphis and other public agencies, data gathered from a survey of businesses in the Memphis MSA, and other commercially available data regarding the economic opportunities available to businesses in the Memphis MSA was conducted by Griffin and Strong, P.C. in 2016, concluding in the City of Memphis Minority and Women Business Enterprise Program Disparity Study and Legal Analysis (the "Disparity Study");

WHEREAS, the Memphis City Council passed an amendment to Ordinance No. 5662 in 2017 to implement the Equal Business Opportunity Program, consistent with certain findings based on the Disparity Study, legal analysis report and other data relative to the business opportunities available to Minority and Women Businesses in the Memphis Metropolitan Statistical Area (MMSA);

WHEREAS, pursuant to Memphis City Code Section Title 6, Chapter 92, Section 7(R)(3), the Equal Opportunity Program contains a sunset clause, which presently provides that this chapter shall sunset on June 30, 2024, unless prior to such date the city council, after conducting public hearings, finds that the purposes of this chapter have not yet been achieved, in which case it may extend the effective period of this chapter for an additional five years;

WHEREAS, the sunset clause operates as a mechanism to facilitate a periodic review process to assess and support the need for the Equal Business Opportunity program; and

WHEREAS, the City seeks to continue the Equal Business Opportunity programming, and has retained Griffin and Strong, P.C. to perform and to conduct a new Disparity Study as part of its periodic review process to assess the continued need for the Equal Business Opportunity program; and

WHEREAS, Griffin and Strong has begun work on the new Disparity Study but will not be able to complete its review and analysis prior to the expiration of the sunset clause;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS that the sunset clause set forth in Section 6-92-7(R)(3) be extended for a period of ninety days to September 30, 2024 and that Section 6-92-7(R)(3) of the Code of Ordinances be repealed and deleted in its entirety and the following be inserted in lieu thereof:

"This chapter shall sunset on September 30, 2024, unless prior to such date the city council, after conducting public hearings, finds that the purposes of this chapter have not yet been achieved, in which case it may extend the effective period of this chapter for an additional five years."

Sponsor: Administration

ORDINANCE TO AMEND CHAPTER 21 OF THE CITY OF MEMPHIS CODE OF
ORDINANCES, GOVERNING MOTOR VEHICLES AND TRAFFIC, TO AUTHORIZE THE
CITY COURT CLERK'S OFFICE TO ACCEPT PARTIAL PAYMENTS FOR TRAFFIC
CITATIONS

WHEREAS, the Memphis City Council recognizes that many factors contribute to a person's inability to pay traffic citations, such as economic hardship; and

WHEREAS, it is the intent of the Council to provide a means to reduce the outstanding cumulative balances of fines and costs traffic citations due the City while also making it easier for citizens to resolve any outstanding traffic citations at a reduced cost; and

WHEREAS, the Council has full power and authority under the City's charter to establish by ordinance fines and costs to be assessed for violation of City Ordinances, to approve and amend all budgets and to provide rules and regulations for the operation of the City Courts.

NOW, THEREFORE, BE IT ORDAINED by the Memphis City Council that Chapter 21, Section 49 (C) is hereby amended to add the following provision:

Section 1. Procedures applicable to summonses and traffic citations

The following procedures shall apply as to traffic summonses, ordinance summonses, and traffic citations:

C. Traffic citation. Whenever any traffic citation has been issued, the citation shall provide for payment within 15 days from issuance. Any person receiving such traffic citation may appear and pay the forfeiture set therein at the traffic violations bureau on or before that date, either in person or by mail. If no one appears to pay such traffic citation by the end of the 15-day period, then a summons shall be issued as provided in the Charter and served either by personal service or certified or registered mail as provided by law indicating the date and time for such person to appear to answer the charge in such traffic citation. The traffic citation summons shall be set upon the docket specially established for such summons. If such person fails to appear to answer such citation before the court indicated and at the date and time provided for, the court, upon motion of the city, shall take a default judgment against the defendant in favor of the city. The amount of such default judgment shall be at least the amount of the forfeiture set for the violation of such section and no more than \$50.00 and costs for each violation.

The traffic citation summons shall be sworn to by the officer before a person designated as a city court clerk for the purpose of taking oaths on a form of oath approved by a majority of the city court judges. The city court clerk's office shall certify that the defendant is the registered owner of the vehicle by signing the docket and certifying to such registration. The oath of the officer and the certification of the clerk shall be prima facie evidence that the defendant violated the section charged. If the defendant contests the ownership of the vehicle or the violation of the

ordinance, he or she shall file a sworn pleading in evidence of the hearing setting forth such defense or defenses so as to allow the city sufficient time to prepare for the trial.

D. Amnesty Program. The Memphis City Council shall be authorized from time to time to establish an Amnesty Program by resolution which provides a means to reduce the outstanding cumulative balances of fines and costs traffic citations due the City while also making it easier for citizens to resolve any outstanding traffic citations at a reduced cost; provided, however, that any such programs shall not permit partial payment in excess of fifty (50%) percent of the total fine and/or costs due for an individual's traffic citation(s) or be implemented more than once during any fiscal year. Any Amnesty Programs heretofore implemented by the City are hereby approved, ratified and confirmed.

Section 2. Nonconflicting - Conflicting laws.

BE IT FURTHER ORDAINED that as amended hereby all laws constituting the present Code of Ordinances of the City of Memphis be and the same are hereby continued in full force and effect, and all laws in conflict herewith are hereby repealed. This ordinance does not alter or amend the rights or obligations of any person or entity that may exist under the City Charter or under Tennessee law.

Section 3. 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 to be unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

Section 4. Effective Date.

BE IT FURTHER ORDAINED That this Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the Comptroller and become effective as otherwise provided by law.

Sponsor(s):

Jerri Green

JB Smiley, Jr.

Chairman

ORDINANCE AMENDING CHAPTER 15, SECTION 15-12, OF THE MEMPHIS CODE OF ORDINANCES REGARDING SOLID WASTE FEES FOR COLLECTION AND DISPOSAL

WHEREAS, Ordinance 5707 of the Memphis Code of Ordinances, created Chapter 15, establishing a Solid Waste Division as a division of city government and established a Solid Waste Director;

WHEREAS, pursuant to Chapter 15 of the Memphis Code of Ordinances, the Solid Waste Division maintains jurisdiction over residential and commercial solid waste collection, transportation, and disposal;

WHEREAS, the services provided by the Solid Waste Division are critical to the citizens of Memphis and warrant revision and adequate funding;

WHEREAS, the benefits of adequate funding of these services include personnel, equipment, facilities, and services used to safely collect and dispose of solid waste;

WHEREAS, the existing rate structure does not adequately fund the service delivery model;

Section 1.

NOW THEREFORE BE IT ORDAINED BY THE MEMPHIS CITY COUNCIL AS FOLLOWS that Chapter 15, Article 1, Section 15-12, be amended to change the solids waste fees for the collection and disposal of solid waste:

Sec. 15-12. - Solid waste fees for collection and disposal.

The following monthly fees are established for the collection, removal or disposal of solid waste:

Residential units, including single-family dwellings, mobile homes, duplexes, triplexes, quadruplexes, apartment units with seven units or less, for each unit thereof ¹	\$36.85
Additional carts for residential units may be leased for, each ² .	\$10.00
Apartment houses provided with non-mechanized collection, for each unit thereof**	\$29.86
Apartment houses and mobile homes with centralized, mechanized collection for each unit thereof**	\$19.42

Commercial businesses, churches, boardinghouses with three or more living quarters, and other institutions shall be charged the appropriate commercial rate based upon weekly containerized volume:	
Gallons	Monthly Fee
0-180	\$97.96
181-360	\$185.77
361-780	\$377.76
781-1,200	\$512.87
1,201-1,800	\$715.98
1,801-3,600	\$1,174.18
3,601-5,400	\$1,874.59
5,401-7,200	\$2,573.23

7,201-9,000	\$3,272.76
9,001-10,800	\$3,961.90
10,801-12,600	\$4,670.67

Notes:

1. Residential customers will be assigned a minimum of one (1) 90-gallon garbage cart and one (1) 90-gallon recycle cart, for a total of two (2) carts. Residential customers must have at least one (1) 90-gallon garbage cart. Residential customers in this category will be eligible for a reduced fee in the amount of \$9.23 if they meet the following criteria: Head of household, have an active utility account in their name, are at least 65 years of age or 100 percent (100%) disabled and have a gross household income of \$25,000.00 per year or less.
2. Households qualifying for the reduced fee, which generate more waste than what can be contained in one 90-gallon garbage cart per week, may request an additional city cart through the cart lease program, and pay the normal monthly fee.

**This item may be adjusted as necessary by resolution with a recommendation of the director of solid waste and approval of the city council.

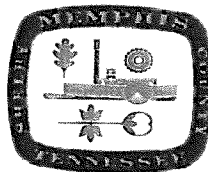
Section 2. Severability. The provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts is held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

Section 3. Effective Date. This Ordinance shall take effect on July 1, 2024, so as to coincide with the monthly billing cycles of Memphis Light Gas and Water.

Sponsor: Administration

Martavius Jones
CHAIRMAN

T-208



Memphis City Council Summary Sheet

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

Resolution approving a Management Agreement between the City of Memphis through its Division of Parks and Memphis Museums Inc, to manage museum properties.

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

Parks Division

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

N/A

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

Districts 2, 5, 6, 7 Super Districts 8 and 9

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

Requires new contract

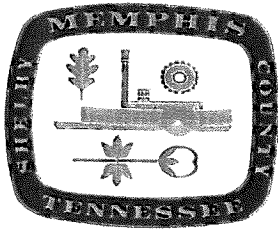
6. State whether this requires an expenditure of funds/requires a budget amendment

Will not require increase from existing budget; but will require annual management fee of minimum \$3,033,000.00

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

N/A

T-208



Resolution approving a Management Agreement between the City of Memphis through its Division of Parks and Memphis Museums Inc, to manage museum properties to include Museum of Science and History, Lichterman Nature Center, Magevney House, and Mallory-Neely House.

WHEREAS, the City of Memphis, through Memphis Parks, owns four museum properties to include Museum of Science and History, Lichterman Nature Center, Magevney House, and Mallory-Neely house; and

WHEREAS, Memphis Museums, Inc. (MMI) is an independently funded 501(c)(3) with a mission to inspire discovery through collecting, preserving, and interpreting the cultural histories and natural sciences that shape our region and has been the primary manager of all the above-mentioned museum properties via a management agreement with City of Memphis since 1968; and

WHEREAS, the City and MMI have a mutual interest in supporting Memphis' cultural resources and community education opportunities at the above-mentioned properties; and

WHEREAS, the history of collaboration and close association of MMI with Park Services makes it prudent and beneficial to create a new management agreement between the parties which is consistent with other management agreements held by the City and brings further clarity to the details of responsibilities, authority, and the relationship of MMI and Park Services in the provision of services at these public museum properties.

WHEREAS, the City of Memphis desires to enter a Management Agreement with MMI for the operation of museum properties with a term of ten (10) years with an option to extend for three (3) additional ten (10) -year periods, subject to mutual agreement of the parties, evidenced in writing.

WHEREAS, City of Memphis Ordinance No. 4763, Article 1, Section 23-1(d) requires the Council of the City of Memphis to approve all management and use agreements for Parks facilities; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that this Management Agreement between the City of Memphis and MMI, as agreed to by the parties, is hereby approved in accordance with the terms set forth therein outlining committed operational and other stipulated criteria as to both parties in the approved agreement.