

CITY COUNCIL TRANSPARENCY IN TRAVEL RESOLUTION

WHEREAS, the Memphis City Council has a responsibility to the citizens of Memphis to ensure that scarce tax dollars are utilized in the most efficient and effective manner possible; and

WHEREAS, the Memphis City Council also recognizes that the various city divisions require adequate funding to successfully serve citizens; and

WHEREAS, at times it may be necessary for employees to attend out of town seminars, conferences or meetings as technology and methods of operating change over time; and

WHEREAS, during the recent budget hearings the Administration and City Council was reluctant to reduce this expenditure significantly; and

WHEREAS, \$452,184 has been authorized in travel for the 2010 budget, which is a great sum of money; and

WHEREAS, the Memphis City Council believes the City of Memphis and her tax payers should derive great value from the expenditure of these scarce and precious funds spent on such travel; and

WHEREAS, the Memphis City Council has already taken a leadership role on this issue, by writing a summary of the benefits to the City of Memphis when members travel to the National League of Cities Conference; and

NOW, THEREFORE, BE IT RESOLVED that the Memphis City Council requests that when a trip is completed that is funded by tax payer funds, that the traveler submit a one page executive summary detailing the reason for the travel and the benefit to the City of Memphis and her citizens, and also attach a copy of the expense report. Such documentation shall be submitted to the Memphis City Council Audit committee chair for all travel conducted before the 20th of each month by the end of the current month.

BE IT FURTHER RESOLVED that all travel conducted after the 21st of each month will be included in the next month's report.

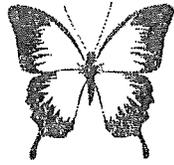
BE IT FURTHER RESOLVED that should the Administration or City Council fail to submit the required information by the end of each month, the item will be added to the Audit Committee agenda for the 1st meeting of the next month.

KEMP CONRAD
Council Member

**MEMPHIS CITY BEAUTIFUL COMMISSION
35 MEMBER BOARD
2 YEAR TERM**

MEMBERS	ADDRESS	TERM EXPIRES
Acuff, Virginia 'Ginger' F/W	2252 Jefferson Avenue 38104	June 30, 2010
Allen, Jake Jr. M/B	2639 Central Ave. #Y4 38104	June 30, 2010
Bari, Jonas M/W <i>(New Appointment)</i>	1634 Smokehouse Drive 38016	June 30, 2011
Blair, Shericka L. F/B	2816 Garden Park Dr. 38016	June 30, 2010
Conway, Jack M/W	261 W.Chickasaw Pkwy. 38111	June 30, 2010
Davis, Christian D. M/B	3125 Clearbrook St. 38118	June 30, 2010
Denton-Tate, Keiaire F/B	1898 Shadowlawn Blvd. 38106	June 30, 2010
Dixon, Brian M/W <i>(New Appointment)</i>	2037 Nelson 38104	June 30, 2011
Gibson, LeAndre 'Andre' M/B <i>(Re-appointment)</i>	314 Clower Road 38109	June 30, 2011
Green, Charles M. M/B	7694 October Rose Dr. 38119	June 30, 2010
Hayes, Sutton Mora F/W	2027 Walker Ave. 38104	June 30, 2010
Henley, Suzanne F/W <i>(New Appointment)</i>	2195 Monroe Ave. 38104	June 30, 2011
Herrington, Brandon <i>(New Appointment)</i>	721 Litty Court #303	June 30, 2011
Johnson, Valesa S. F/B	3483 Southland Dr. 38109	June 30, 2010
Littlejohn, Jennifer F/B <i>(New Appointment)</i>	3378 Spottswood Ave. 38111	June 30, 2011
Magallon-Puljic, Cynthia F/W	710 Shotwell St. 38111	June 30, 2010
Mallory, Carol A. F/W <i>(Re-appointment)</i>	2240 Jefferson 38104	June 30, 2011
Mayhue-Greer, Estella F/B	2270 N. Parkway 38112	June 30, 2010
McLaughlin, Frederick M/W	441 Avon Rd. 38117	June 30, 2010
Milton, Reginald M/B	1534 Marjorie Ave. 38106	June 30, 2010
Nelson, Yvonne F/B	3519 McCorkle Rd. 38116	June 30, 2010
Nolan, Thomas M/B	768 Velma St. 38104	June 30, 2010

Owen, Peggy F/W <i>(New Appointment)</i>	1827 York 38104	June 30, 2011
Pednekar, Sandeep M/O	9363 Helmsley 38018	June 30, 2010
Robbins, James N. M/W <i>(New Appointment)</i>	3200 Garrison Park Circle 38119	June 30, 2011
Stanley, Martina F/W <i>(New Appointment)</i>	224 Sussex Lane South #8 38018	June 30, 2011
Upchurch, Sandra F/B <i>(Re-appointment)</i>	9 North Fendwick Road 38111	June 30, 2011
Virgilio, Damone M/W <i>(Re-appointment)</i>	3911 Lytle Circle 38122	June 30, 2011
Waring, Anne, C. F/W <i>(New Appointment)</i>	112 Goodwyn 38111	June 30, 2011
VACANT		



MEMPHIS CITY BEAUTIFUL

Total Number of Meetings 6 Attendance Records for Fiscal Year 2009

	Member	Present	Absent	Unexcused Absences
1	Acuff, Virginia	6	0	0
2	Allen, Jake	5	1	0
3	Aviotti, Penny	2	4	0
4	Blair, Shericka	4	1	1
5	Campbell, Greg	5	1	0
6	Conway, Jack	4	1	1
7	Davis, Christian	3	2	1
8	Gibson, Andre	5	1	0
9	Green, Charles	5	1	0
10	Greer, Estella	3	2	1
11	Hayes, Sutton Mora	5	1	0
12	Johnson, Toni	5	1	0
13	Johnson, Valesa	4	1	1
14	Littlejohn, Jennifer	5	1	0
15	Mallory, Carol	5	1	0
16	Marshall, Carl E.	4	2	0
17	McLaughlin, Ted	3	2	1
18	Milton, Reginald	3	3	0
19	Nelson, Yvonne	1	3	2
20	Nolan, Thomas	4	1	1
21	Puljic Magallon, Cynthia	6	0	0
22	Smith, Meshee M.	4	2	0
24	Upchurch, Sandra	3	3	0
25	Virgilio, Damone	6	0	0
26	Wilson, Sheila	3	2	1

City of Memphis



DR. W. W. HERENTON
MAYOR

TENNESSEE

July 7, 2009

The Honorable Shea Flinn
Chairman
Personnel, Intergovernmental & Annexation Committee
City Hall - Room 514

Dear Chairman Flinn:

Subject to Council approval, it is my recommendation that:

Brian Dixon

be appointed to the Memphis City Beautiful Commission with a term expiring June 30, 2011.

I have attached biographical information.

Sincerely,

A handwritten signature in black ink, appearing to read "Dr. Willie W. Herenton", is written over a horizontal line.

Dr. Willie W. Herenton

WWH:jd

c: Council Members



City of Memphis

BIOGRAPHICAL INFORMATION APPOINTMENT TO BOARD/COMMISSION

Memphis City Beautiful
BOARD/COMMISSION

Name: Brian Dixon Date of Birth: 8/15/1970

Business Address: 120 South Front Phone: 522-9242 Fax: _____

City: Memphis State: TN Zip: 38104

E-Mail Address: brian@reddeluxe.com

Profession/Employer: Red Deluxe Brand Development

Education: BA, Rhodes College, 1993

Name of Spouse: Shannon Mae Bingham Dixon Number of Children: 1

Home Address: 2037 Nelson Phone: 603-2292

City: Memphis State: TN Zip: 38104

I certify that I am a resident of the City of Memphis (Unincorporated areas and surrounding counties are not considered). Yes or No _____ If yes, how long? 38 years

Professional Organizations/Associations: American Institute of Graphic Arts (former), National Academy of Recording Arts & Sciences (former)

Volunteer Experience: Founding board member of Lantana Projects

Other Interest: Soccer, Cooking, Photography, Bridge

Reasons for wanting the Commissioner Appointment: Interested in helping establish a new brand for the MCB.

Resume of Other Information (welcome but not required) _____

Signature Brian Dixon Date 4/27/2009

City of Memphis



DR. W. W. HERENTON
MAYOR

TENNESSEE

July 7, 2009

The Honorable Shea Flinn
Chairman
Personnel, Intergovernmental & Annexation Committee
City Hall - Room 514

Dear Chairman Flinn:

Subject to Council approval, it is my recommendation that:

Damone Virgilio

be reappointed to the Memphis City Beautiful Commission with a term expiring
June 30, 2011.

I have attached biographical information.

Sincerely,

A handwritten signature in black ink, appearing to read "Willie W. Herenton", is written over a horizontal line.

Dr. Willie W. Herenton

WWH:jd

c: Council Members



City of Memphis

BIOGRAPHICAL INFORMATION APPOINTMENT TO BOARD/COMMISSION

Memphis City Beautiful Commission

BOARD/COMMISSION

Name: Damone Virgilio Date of Birth: 06/15/1968

Business Address: 3030 Poplar Ave., 38111 Phone: (901) 415-2723

E-Mail
Address: virgiliod@memphislibrary.org

Business/Profession: Staff Development Officer, Memphis Public Library & Information Center

Education: B.A., Philosophy

Name of Spouse: Sheryl Virgilio Number of
Children: 1

Home Address: 3911 Lytle Circle, Phone:
901-830-4495

City: Memphis State: TN Zip:
38122

I certify that I am a resident of the City of Memphis (Unincorporated areas and surrounding counties are not considered). Yes or No

Professional Organization/Associations: Memphis Area Library council, Past-President,

Other Organizations/Associations: _____

Other Interests: Musician

City of Memphis



DR. W. W. HERENTON
MAYOR

TENNESSEE

July 21, 2009

The Honorable Shea Flinn
Chairman
Personnel, Intergovernmental & Annexation Committee
City Hall - Room 514

Dear Chairman Flinn:

Subject to Council approval, it is my recommendation that:

Nancy H. Albonetti

be appointed to the Pension Board with a term expiring December 31, 2009.

I have attached biographical information.

Sincerely,

A handwritten signature in black ink, appearing to read "Willie W. Herenton".

Dr. Willie W. Herenton

WWH:jd

c: Council Members



City of Memphis

BIOGRAPHICAL INFORMATION APPOINTMENT TO BOARD/COMMISSION

City of Memphis Pension Board
BOARD/COMMISSION

Post-It® Fax Note	7671	Date	7/13	# of pages	1
To	Joyce Douglas	From	Nancy Albonetti		
Co./Dept.		Co.			
Phone #		Phone #	767-4443		
Fax #	576-6022	Fax #			

Name: Nancy H. Albonetti Date of Birth: 05/21/1946

Business Address: N/A Retired Phone: N/A Retired

E-Mail Address: nhalbonet@comcast.net

Profession/Employer: Retired - Manager Business Affairs, Memphis Pink Palace Museum/City of Memphis

Education: BBA 1968 Memphis State University

Name of Spouse: Ramon M. Albonetti Number of Children: Me-2 Together = 11

Home Address: 116 Mary Ann Dr. Phone: 767-4443

City: Memphis State: TN Zip: 38117

I certify that I am a resident of the City of Memphis (Unincorporated areas and surrounding counties are not considered). Yes or No If yes, how long? 45 Yr

Professional Organization/Associations: Retired from all

Other Organizations/Association: Christ Methodist Church, Galloway Ladies Golf League

Other Interests: Travel, Reading, Golf, Gardening, Photography

Signature Nancy H. Albonetti Date 7/13/09

**PENSION BOARD OF ADMINISTRATION
9 MEMBER BOARD
2 YEAR TERM**

MEMBERS	ADDRESS	TERM EXPIRES
Dr. W.W. Herenton (Mayor/Ex-Officio) M/B		NO EXPIRATION
Lorene Essex (Director/Ex-Officio) F/B		NO EXPIRATION
Patrice Thomas (Comptroller) F/B		NO EXPIRATION
Pearl Gibson* Acting Chairperson F/B		NO EXPIRATION
Albonetti, Nancy (Retiree) <i>Replaces Joseph Garrone</i> F/W		December 31, 2009
Brassel, Derek (Employee) M/B	Division: Fire Services Address: 5426 Longwood Drive Memphis, TN 38134	December 31, 2007
Davis, James G. (Citizen Rep.) M/W	Address: 4830 Fleetgrove Memphis, TN 38117	December 31, 2007
Gilliom, Dwan L. (Employee) M/B	Divison: Public Works Address: 201 DuBois Drive Memphis, TN 38112	December 31, 2007
Gray, Mary (Employee) F/W	Division: General Services Address: 5346 Lyford Avenue Memphis, TN 38119	December 31, 2007
Pilot, Janice Currin (Employee) F/B	Divison: Police Services Address: 3362 Ladue Memphis, TN 38127	December 31, 2007

PENSION BOARD OF ADMINISTRATION
Attendance Records

MEMBERS	ADDRESS	TERM EXPIRES	# meetings attended	# meetings missed
Dr. W.W. Herenton (Mayor/Ex-Officio) M/B		NO EXPIRATION	0	12
Lorene Essex (Director/Ex-Officio) F/B		NO EXPIRATION	10	2
Patrice Thomas (Comptroller) F/B		NO EXPIRATION	5	7
Pearl Gibson* Acting Chairperson F/B		NO EXPIRATION	11	1
Albonetti, Nancy F/W (Retiree) <i>Replaces Joseph Garrone</i>		December 31, 2009	0	0
Brassel, Derek M/B (Employee)	Division: Fire Services Address: 5426 Longwood Drive Memphis, TN 38134	December 31, 2007	9	3
Davis, James G. M/W (Citizen Rep.)	Address: 4830 Fleetgrove Memphis, TN 38117	December 31, 2007	11	1
Gilliom, Dwan L. M/B (Employee)	Division: Public Works Address: 201 DuBois Drive Memphis, TN 38112	December 31, 2007	9	3
Gray, Mary F/W	Division: General Services	December 31, 2007	11	1

(Employee)	Address: 5346 Lyford Avenue Memphis, TN 38119			
Pilot, Janice Currin F/B (Employee)	Divison: Police Services Address: 3362 Ladue Memphis, TN 38127	December 31, 2007	7	5

7/09

City of Memphis



DR. W. W. HERENTON
MAYOR

TENNESSEE

July 21, 2009

The Honorable Shea Flinn
Chairman
Personnel, Intergovernmental & Annexation Committee
City Hall - Room 514

Dear Chairman Flinn:

Subject to Council approval, it is my recommendation that:

Larry Jensen

be reappointed to the Memphis and Shelby County New Arena Public Building Authority with a term expiring July 30, 2011.

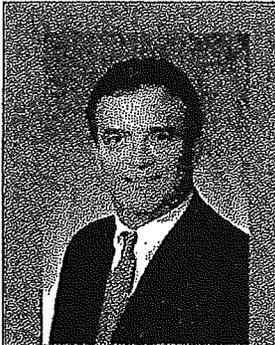
I have attached biographical information.

Sincerely,


Dr. Willie W. Herenton

WWH:jd

c: Council Members



LAWRENCE K. JENSEN

Larry Jensen is President and CEO of Commercial Advisors, LLC. He has more than 30 years of experience in the real estate business. Mr. Jensen was awarded "Commercial Broker of the Year" for the Memphis region by his real estate industry peers for 2005. He was also recently featured in an article "Commercial Real Estate 101", in Business Tennessee Magazine.

Mr. Jensen and his team advise and represent corporations, institutions and individuals with innovative strategies, planning, and implementation related to business and commercial real estate. His clients have included: ServiceMaster; FedEx Corporation; FedEx Express; Baker, Donelson, Bearman, Caldwell and Berkowitz; AutoZone; Hewlett Packard; ACH Food Companies; Wright Medical Technologies; Methodist Le Bonheur Healthcare System; First Alliance Bank; and St. Jude Children's Research Hospital.

As a lifelong Memphian, Mr. Jensen has worked in the Mid-South community serving many local organizations in a leadership capacity. Mr. Jensen was recently President of Memphis Tomorrow, an organization of 28 CEOs of the larger Memphis-area companies and institutions. He also served as Chairman of the Memphis Regional Chamber in 2001 and currently serves on the Chairman's Council. He currently serves as the Vice-Chairman of Shelby Farms Park Conservancy and the Aerotropolis Steering Committee as Chair of the Corridor Development Committee. He has recently served on the University of Memphis' Board of Visitors and serves on the Board of Advisors for the University of Fogelman College of Business.

Mr. Jensen's credentials include:

- B.A. Journalism from the University of Memphis
- Licensed broker in Tennessee, Arkansas, and Mississippi
- Member Society of Industrial and Office Realtors (SIOR)
- Former Chairman Memphis Regional Chamber of Commerce 2001
- Member Public Building Authority for FedEx Forum
- Chairman, The Steering Committee for the Governors' Alliance for Regional Excellence
- Member Lambda Alpha Real Estate Society
- Federal Reserve Bank, St. Louis Industry Council - Real Estate

3175 Lenox Park Blvd, Suite 100 Memphis, Tennessee 38115

Phone: (901) 366-6070 Fax: (901) 366-4617



**Memphis and Shelby County
New Arena Public Building Authority
(FEDEX FORUM)
6 Year Term**

Members	Address	Term Expires
Larry Jensen <i>(Reappointment)</i>	4737 Shady Grove Memphis, TN 38117 Bus: 901.366.6070	July 30, 2011
Carol Jones <i>(Reappointment)</i>	1324 Partee Cove Memphis, TN 38111 Res: 901.745.0737 Bus: 901.544.0658	September 10, 2011
Kevin Kane <i>(Reappointment)</i>	459 Montaigne Blvd. Memphis, TN 38103 Res: 901.523.2885 Bus: 901.543.5301	July 30, 2013
Larry J. Miller <i>(Reappointment)</i>	550 Techno Lane #803 Memphis TN 38105 Res: 901.272.7884 Bus: 615.741.4453 Rep.larry.miller@capitol.tn.gov	July 30, 2014
David Peck <i>(should be reappointed after County's process)</i>		September 10, 2007
Julie Raines <i>(should be reappointed after County's process)</i>		July 30, 2005
Johnnie Turner <i>(should be reappointed after County's process)</i>		July 30, 2007

City of Memphis



DR. W. W. HERENTON
MAYOR

TENNESSEE

July 21, 2009

The Honorable Shea Flinn
Chairman
Personnel, Intergovernmental & Annexation Committee
City Hall - Room 514

Dear Chairman Flinn:

Subject to Council approval, it is my recommendation that:

Carol Jones

be reappointed to the Memphis and Shelby County New Arena Public Building Authority with a term expiring September 10, 2011.

I have attached biographical information.

Sincerely,

A handwritten signature in black ink, appearing to read "Willie W. Herenton", is written over a horizontal line.

Dr. Willie W. Herenton

WWH:jd

c: Council Members



City of Memphis

BIOGRAPHICAL INFORMATION APPOINTMENT TO BOARD/COMMISSION

New Arena Public Building Authority
BOARD/COMMISSION

Name: Carol W. Jones Date of Birth: 09-01-60

Business Address: 167 N. Main Street, RM B202, Memphis, TN 38103-1894
Phone: 901-544-0658

E-Mail Address: Carol.Jones@usace.army.mil

Profession/Employer: Civil Engineering Manager / U.S. Army Corps of Engineers

Education: Masters in Engineering Management; Bachelors of Science in Civil Engineering

Name of Spouse: n/a Number of Children: 1

Home Address: 1324 Partee CV Phone: 901-745-0737

City: Memphis State: TN Zip: 38111

I certify that I am a resident of the City of Memphis (Unincorporated areas and surrounding counties are not considered). Yes or No If yes, how long? 48 yrs

Professional Organization/Associations: Society of American Military Engineers, National Society of Black Engineers, Engineers Club of Memphis, Memphis Joint Engineers Council

Other Organizations/Association: Trustee for Mt. Moriah Baptist Church

Other Interests: Traveling; attending sports, theater and musical events; mentoring young adults

Signature Carol W. Jones Date 5/21/09

City of Memphis



DR. W. W. HERENTON
MAYOR

TENNESSEE

July 21, 2009

The Honorable Shea Flinn
Chairman
Personnel, Intergovernmental & Annexation Committee
City Hall - Room 514

Dear Chairman Flinn:

Subject to Council approval, it is my recommendation that:

Kevin Kane

be reappointed to the Memphis and Shelby County New Arena Public Building Authority with a term expiring July 30, 2013.

I have attached biographical information.

Sincerely,

A handwritten signature in black ink, appearing to read "Willie W. Herenton", is written over a horizontal line.

Dr. Willie W. Herenton

WWH:jd

c: Council Members



City of Memphis

BIOGRAPHICAL INFORMATION APPOINTMENT TO BOARD/COMMISSION

PBA
BOARD/COMMISSION

Name: KEVIN KANE Date of Birth: 11/24/56

Business Address: 47 UNION Phone: 901 543-5301

E-Mail Address: KKANE MCVB @ AOL . COM

Profession/Employer: TOURISM DEV. / MEMPHIS CONVENTION & VISITORS BUREAU

Education: BS / U OF MEMPHIS BUSINESS ED.

Name of Spouse: HADEN KANE Number of Children: 3

Home Address: 459 MONTICENE 38103 Phone: 901 523 2885

City: MEMPHIS State: TN Zip: 38103

I certify that I am a resident of the City of Memphis (Unincorporated areas and surrounding counties are not considered). Yes or No If yes, how long? _____

Professional Organization/Associations: PRESIDENT / LIBERTY BOWL
CHAIRMAN / MEM ROCK N SOUL MUSEUM EXEC COMM / DEST MKT ASSOC TN

Other Organizations/Association: BOWLD / US TRAVEL ASSOC

Other Interests: BIO ATTACHED

Signature [Handwritten Signature] Date _____

Kevin Kane
Memphis Convention & Visitors Bureau President & CEO
Biography

As President and CEO of the Memphis Convention & Visitors Bureau, Kevin Kane has often been described as the face and voice of Memphis tourism.

His mission is a dual one: 1) on a local level, to create an understanding of the value of hospitality and tourism and 2) on a national and international level, to communicate a brand for the Memphis destination, a brand which promises a unique music heritage and great entertainment.

Kevin Kane directs a 501c-6 non-profit organization that is the official destination marketing organization of Memphis and Shelby County. He leads a staff of 30 and a membership of more than 500 hospitality-related businesses. The CVB also has representatives in London, Germany, Washington, DC, and Chicago. The agency functions as a catalyst for the growth of the local hospitality industry and advocates widespread support among Memphis and Shelby County citizens, businesses, lawmakers, and elected officials.

Before joining the CVB, Mr. Kane was director of worldwide sales for Holiday Inns, Inc., then based in Memphis. He directed the development and expansion of worldwide sales strategies in North America for the hotel chain.

Mr. Kane has used his own background in international sales and marketing to establish an international awareness of Memphis. He uses strong professional relationships to push Memphis to the forefront of travel destinations. Special appearances by Memphis icons frequently accompany a vigorous sales pitch at major travel events. Through his own relentless enthusiasm, Mr. Kane has become the most sought-after spokesperson for Memphis entertainment and amenities.

After joining the CVB in 1991, Mr. Kane proceeded to strengthen its position as the lead tourism agency. He secured a permanent address, at 47 Union Avenue, for CVB offices. He opened new visitor centers to offer personal assistance to visitors and to showcase the destination: The Tennessee Welcome Center/Memphis Visitors Center on Riverside Drive in the mid 1990s, the Memphis and Shelby County Visitors Center on Airline Road in 2003, and the Memphis Visitors Center at Elvis Presley Boulevard and Brooks Road in 2005.

Under his direction, in the mid nineties, Mr. Kane transitioned the CVB marketing theme to "Memphis – Home of the Blues, Birthplace of Rock 'n' Roll," which was the beginning of Memphis' music brand and was inspiration for several successful advertising campaign and promotions, including the "50 Years of Rock 'N' Roll" in 2004, and the "50 Years of Soul" in 2007.

Additional accomplishments and milestones include:

- He opened sales offices in Washington DC and Chicago, London and Germany.
- Spearheaded the Memphis response to the Hurricane Katrina evacuees
- Established the Memphis Sports Development Council and the Memphis Tourism Education Foundation, both 501 c-3 subsidiaries of the CVB
- As a volunteer, directed the rebuilding of the Blues Foundation and kept this prestigious international organization in Memphis
- As a volunteer, co-founded the Bridges Kick Off Classic high school football competition

Mr. Kane is a native of Memphis, Tennessee and a graduate of Christian Brothers High School and the University of Memphis. He is an avid sports enthusiast, tennis player and golfer. He is the proud father of three.

Additional Activities:

Board Chairman, Memphis Rock 'N' Soul Museum
 President, AutoZone Liberty Bowl Festival Association
 Board & Executive Committee Member, Destination Marketing Association International
 Board Member, U. S. Travel Association
 Board Member, Riverfront Development Corporation
 Board Member, Regions Bank Advisory Board
 Member, National Academy of Recording Arts & Sciences (NARAS)
 Tournament Committee Member, International Tennis Hall of Fame, Newport, R.I.
 Founder & Co-Chair, Bridges High School Football Classic-Memphis, Tennessee
 Board Member, Memphis Regional Chamber of Commerce
 Advisory Council Member, Memphis Zoological Society
 Board Member, Metropolitan Memphis Hotel & Lodging Association
 Board Member, Beale Street Caravan
 Advisory Board Member, Mid South Fair
 Board Member (& former Chairman), Blues Foundation
 Trustee, Christian Brothers High School
 Past Chairman, Tennessee Association of Convention & Visitors Bureaus
 Member, Memphis Fast Forward Economic Development Task Force
 Member, Memphis & Shelby County Sports Authority Executive Committee
 Member, American Society of Association Executives
 Named Outstanding Young Tennessean, 1993, by Tennessee State Jaycees
 Elected to Christian Brothers High School Hall of Fame, 2000
 Named 2007 "Communicator of the Year"
 by Public Relations Society of America, Memphis Chapter
 Named 2001 "Downtowner of the Decade" by Memphis Downtowner Magazine
 Leadership Memphis graduate, 1994
 Recipient 2007 Dean Campbell Award for Community Service, Germantown Rotary

City of Memphis



DR. W. W. HERENTON
MAYOR

TENNESSEE

July 21, 2009

The Honorable Shea Flinn
Chairman
Personnel, Intergovernmental & Annexation Committee
City Hall - Room 514

Dear Chairman Flinn:

Subject to Council approval, it is my recommendation that:

Larry Miller

be reappointed to the Memphis and Shelby County New Arena Public Building Authority with a term expiring July 30, 2014.

I have attached biographical information.

Sincerely,

A handwritten signature in black ink, appearing to read "Willie W. Herenton", is written over a horizontal line.

Dr. Willie W. Herenton

WWH:jd

c: Council Members



City of Memphis

BIOGRAPHICAL INFORMATION APPOINTMENT TO BOARD/COMMISSION

Public Building Authority

BOARD/COMMISSION

Name: Larry J. Miller Date of Birth: March 11, 1954

Business Address: 20 Legislative Plaza; Nashville, TN 37243 Phone: 615-741-4453

E-Mail Address: Rep.larry.miller@capitol.tn.gov

Profession/Employer: TN State Representative and Firefighter (City of Memphis)

Education: College degree from LeMoyne-Owen College

Name of Spouse: N/A Number of Children: 1

Home Address: 550 Techno Lane, Apt 803 Phone: 901-272-7884

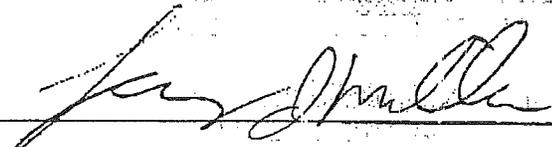
City: Memphis State: TN Zip: 38105

I certify that I am a resident of the City of Memphis (Unincorporated areas and surrounding counties are not considered). Yes or No If yes, how long? 55 yrs

Professional Organization/Associations: Black Pioneers Fire Fighters; NAACP; Memphis Shelby County Center City Commission

Other Organizations/Association: Kappa Alpha Psi Fraternity

Other Interests: _____

Signature  Date 5/27/09

RESOLUTION

WHEREAS, the City of Memphis Division of Engineering has received grant funds in the amount of Six Million One Hundred Three Thousand Five Hundred and Eight-Five Dollars (\$6,103,585.00) in 100% Surface Transportation Program grant funds from the Federal Highway Administration, through the Tennessee Department of Transportation; and

WHEREAS, these funds will be used by the Memphis Division of Engineering for traffic signal coordination activities; and

WHEREAS, it is necessary to accept the grant funding and amend the Fiscal Year 2010 Operating Budget to establish funds for the Signal Coordination Project; and

WHEREAS, it is necessary to appropriate the FY2010 grant funds in the amount of Six Million One Hundred Three Thousand Five Hundred and Eighty-Five Dollars (\$6,103,585.00) for the Signal Coordination Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Signal Coordination Project grant funds in the amount of Six Million One Hundred Three Thousand Five Hundred and Eighty-Five Dollars (\$6,103,585.00) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the Fiscal Year 2010 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the Signal Coordination Project in the amount of Six Million One Hundred Three Thousand Five Hundred and Eighty-Five Dollars (\$6,103,585.00) as follows:

REVENUES

State of Tennessee Department of Transportation	<u>\$6,103,585.00</u>
Total	\$6,103,585.00

EXPENDITURES

Salaries Full Time	\$280,000.00
Contract Arch/Eng	\$950,000.00
Contract Construction	<u>\$4,873,585.00</u>
Total	\$6,103,585.00

RESOLUTION

WHEREAS, the City of Memphis Division of Engineering has received grant funds in the amount of Five Million Four Hundred Ninety Four Thousand and Five Hundred Dollars (\$5,494,500.00) in 100% Surface Transportation Program grant funds from the Federal Highway Administration, through the Tennessee Department of Transportation; and

WHEREAS, these funds will be used by the Memphis Division of Engineering for traffic signal coordination activities; and

WHEREAS, it is necessary to accept the grant funding and amend the Fiscal Year 2010 Operating Budget to establish funds for the NW Signal Coordination Project; and

WHEREAS, it is necessary to appropriate the FY10 grant funds in the amount of Five Million Four Hundred Ninety Four Thousand and Five Hundred Dollars (\$5,494,500.00) for the NW Signal Coordination Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the NW Signal Coordination Project grant funds in the amount of Five Million Four Hundred Ninety Four Thousand and Five Hundred Dollars (\$5,494,500.00) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the Fiscal Year 2010 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the NW Signal Coordination Project in the amount of Five Million Four Hundred Ninety Four Thousand and Five Hundred Dollars (\$5,494,500.00) as follows:

REVENUES

State of Tennessee Department of Transportation	<u>\$5,494,500.00</u>
Total	\$5,494,500.00

EXPENDITURES

Salaries Full Time	\$270,825.00
Contract Arch/Eng	\$983,770.00
Contract Construction	<u>\$4,239,905.00</u>
Total	\$5,494,500.00

RESOLUTION

WHEREAS, the City of Memphis Division of Engineering has received grant funds in the amount of Two Million Five Hundred Thousand Dollars (\$2,500,000.00) in 100% Surface Transportation Program grant funds from the Federal Highway Administration, through the Tennessee Department of Transportation; and

WHEREAS, these funds will be used by the Memphis Division of Engineering for traffic signal coordination activities; and

WHEREAS, it is necessary to accept the grant funding and amend the Fiscal Year 2010 Operating Budget to establish funds for the Shelby Drive Signal Coordination Project; and

WHEREAS, it is necessary to appropriate the FY10 grant funds in the amount of Two Million Five Hundred Thousand Dollars (\$2,500,000.00) for the Shelby Drive Signal Coordination Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Shelby Drive Signal Coordination Project grant funds in the amount of Two Million Five Hundred Thousand Dollars (\$2,500,000.00) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the Fiscal Year 2010 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the Shelby Drive Signal Coordination Project in the amount of Two Million Five Hundred Thousand Dollars (\$2,500,000.00) as follows:

REVENUES

State of Tennessee Department of Transportation	<u>\$2,500,000.00</u>
Total	\$2,500,000.00

EXPENDITURES

Contract Construction	<u>\$2,500,000.00</u>
Total	\$2,500,000.00

RESOLUTION

WHEREAS, the City of Memphis Division of Engineering has received grant funds in the amount of One Million Fifty Thousand Dollars (\$1,050,000.00) in 100% Surface Transportation Program grant funds from the Federal Highway Administration, through the Tennessee Department of Transportation; and

WHEREAS, these funds will be used by the Memphis Division of Engineering for traffic signal coordination construction engineering/inspection/administration (CEI) activities; and

WHEREAS, it is necessary to accept the grant funding and amend the Fiscal Year 2010 Operating Budget to establish funds for the East CEI Traffic Signal Coordination Project; and

WHEREAS, it is necessary to appropriate the FY10 grant funds in the amount of One Million Fifty Thousand Dollars (\$1,050,000.00) for the East CEI Traffic Signal Coordination Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the East CEI Traffic Signal Coordination Project grant funds in the amount of One Million Fifty Thousand Dollars (\$1,050,000.00) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the Fiscal Year 2010 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the East CEI Traffic Signal Coordination Project in the amount of One Million Fifty Thousand Dollars (\$1,050,000.00) as follows:

REVENUES

State of Tennessee Department of Transportation	<u>\$1,050,000.00</u>
Total	\$1,050,000.00

EXPENDITURES

Salaries Full Time	\$75,000.00
Contract Arch/Eng	<u>\$975,000.00</u>
Total	\$1,050,000.00

RESOLUTION

WHEREAS, the City of Memphis Division of Engineering has received grant funds in the amount of Eight Hundred Forty Eight Thousand Seven Hundred and Fifteen Dollars (\$848,715.00) in 100% Surface Transportation Program grant funds from the Federal Highway Administration, through the Tennessee Department of Transportation; and

WHEREAS, these funds will be used by the Memphis Division of Engineering for traffic signal coordination activities; and

WHEREAS, it is necessary to accept the grant funding and amend the Fiscal Year 2010 Operating Budget to establish funds for the Poplar/Germantown Signal Coordination Project; and

WHEREAS, it is necessary to appropriate the FY10 grant funds in the amount of Eight Hundred Forty Eight Thousand Seven Hundred and Fifteen Dollars (\$848,715.00) for the Poplar/Germantown Signal Coordination Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Poplar/Germantown Signal Coordination Project grant funds in the amount of Eight Hundred Forty Eight Thousand Seven Hundred and Fifteen Dollars (\$848,715.00) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the Fiscal Year 2010 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the Poplar/Germantown Signal Coordination Project in the amount of Eight Hundred Forty Eight Thousand Seven Hundred and Fifteen Dollars (\$848,715.00) as follows:

REVENUES

State of Tennessee Department of Transportation	<u>\$848,715.00</u>
Total	\$848,715.00

EXPENDITURES

Salaries Full Time	\$40,415.00
Contract Arch/Eng	\$123,300.00
Contract Construction	<u>\$685,000.00</u>
Total	\$848,715.00

RESOLUTION

WHEREAS, the City of Memphis Division of Engineering has received grant funds in the amount of Four Hundred Two Thousand Five Hundred Dollars (\$402,500.00) in 100% Surface Transportation Program grant funds from the Federal Highway Administration, through the Tennessee Department of Transportation; and

WHEREAS, these funds will be used by the Memphis Division of Engineering for improving safety by replacing/repairing the street signs and markings at railroad crossings; and

WHEREAS, it is necessary to accept the grant funding and amend the Fiscal Year 2010 Operating Budget to establish funds for the RR Signs/Markings Project; and

WHEREAS, it is necessary to appropriate the FY2010 grant funds in the amount of Four Hundred Two Thousand Five Hundred Dollars (\$402,500.00) for the RR Signs/Markings Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the RR Signs/Markings Project grant funds in the amount of Four Hundred Two Thousand Five Hundred Dollars (\$402,500.00) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the Fiscal Year 2010 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the RR Signs/Markings Project in the amount of Four Hundred Two Thousand Five Hundred Dollars (\$402,500.00) as follows:

REVENUES

State of Tennessee Department of Transportation	<u>\$402,500.00</u>
Total	<u>\$402,500.00</u>

EXPENDITURES

Salaries Full Time	\$16,362.00
Contract Arch/Eng	\$58,902.00
Contract Construction	<u>\$327,236.00</u>
Total	<u>\$402,500.00</u>

RESOLUTION

WHEREAS, the City of Memphis Division of Engineering has received Federal grant funds in the amount of Fifty Thousand Dollars (\$50,000.00) through Shelby County Government; and

WHEREAS, these funds will be used to pay for personnel services for transportation planning for the Metropolitan Planning Organization; and

WHEREAS, these funds will be matched with a 20% in-kind services from the Engineering Division; and

WHEREAS, it is necessary to accept the grant funding and amend the Fiscal Year 2010 Operating Budget to establish funds for the Transportation Planning Grant; and

WHEREAS, it is necessary to appropriate the grant funds in the amount of Fifty Thousand Dollars (\$50,000.00) for the Transportation Planning Grant.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Transportation Planning Grant funds in the amount of Fifty Thousand Dollars (\$50,000.00) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED that the Fiscal Year 2010 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the Transportation Planning Grant as follows:

Revenue

Shelby County Government	\$50,000.00
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Expenditures

Full Time Salaries	\$50,000.00
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RESOLUTION

WHEREAS, the Council of the City of Memphis approved Rehab Existing Sewers, project number SW02001 as part of the Public Works Fiscal Year 2010 Capital Improvement Budget; and

WHEREAS, bids were taken on May 29, 2009 to replace the raw sewage header at the T.E. Maxson Wastewater Treatment Plant with the lowest complying bid of five bids being \$2,573,000.00 submitted by W.L. Hailey & Company, Inc; and

WHEREAS, it is necessary to transfer an allocation of \$2,830,300.00 funded by Sewer Revenue Bonds from Rehab Existing Sewers, project number SW02001 to Maxson Raw Sewage Header, project number SW02080 to replace the raw sewage header at the T.E. Maxson Wastewater Treatment Plant; and

WHEREAS, it is necessary to appropriate \$2,830,300.00 funded by Sewer Revenue bonds in Maxson Raw Sewage Header, project number SW02080 to replace the raw sewage header at the T.E. Maxson Wastewater Treatment Plant:

Contract Amount	\$ 2,573,000.00
Project Contingencies	<u>\$ 257,300.00</u>
Total	\$ 2,830,300.00

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Memphis that the Fiscal Year 2010 Capital Improvement Budget be and is hereby amended by transferring an allocation of \$2,830,300.00 funded by Sewer Revenue Bonds from Rehab Existing Sewers, project number SW02001 to Maxson Raw Sewage Header, project number SW02080 to replace the raw sewage header at the T.E. Maxson Wastewater Treatment Plant.

BE IT FURTHER RESOLVED, that there be and is hereby appropriated the sum of \$2,830,300.00 funded by Sewer Revenue Bonds chargeable to the Fiscal Year 2010 Capital Improvement Budget and credited as follows:

Project Title:	Maxson Raw Sewage Header
Project Number	SW02080
Amount:	\$2,830,300.00

RESOLUTION

WHEREAS, the Council of the City of Memphis did include Traffic Signals, Project Number EN01004 as part of the Fiscal Year 2010 Capital Improvement Budget; and

WHEREAS, bids are taken during the year for various purchases of traffic signal equipment needed in traffic control; and

WHEREAS, to expedite these bids and purchases the Engineering Division requests that this years allocation be appropriated; and

WHEREAS, it is necessary to appropriate \$740,000.00 to Traffic Signals, Project number EN01004 in Furniture, Fixtures and Equipment funded by G. O. General Bond funds.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby appropriated the sum of \$740,000.00 chargeable to the 2010 Capital Improvement Budget, with said appropriation to be funded from G. O. General Bond funds and the resulting appropriation being credited as follows:

Traffic Signals	\$740,000.00
Project Number EN01004	G. O. General Bond Funds

RESOLUTION

WHEREAS, Shelby County Government ("County"), acting by and through the Shelby County Clerk ("Clerk"), presently issues the annual license and collects the annual privilege tax due the State of Tennessee and the fees for motor vehicle registrations in Shelby County as provided in T.C.A. § 55-4-101 et. seq.; and

WHEREAS, The City of Memphis ("City") has determined it to be more economical and more convenient for the public and therefore, in the best interest of the City for the Clerk to collect the annual fees for the registration of vehicles in the City at the same time and place the Clerk issues the annual license and collects the annual privilege taxes due the State of Tennessee and the fees from the motor vehicle registrants in Shelby County;

NOW, THEREFORE,

SECTION 1. BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MEMPHIS, That the authority for the County to collect vehicle registration fees as defined by an Intergovernmental Agreement, to be executed by and between the City of Memphis and Shelby County Government, is hereby granted in accordance with the terms and conditions of said Agreement.

SECTION 2. BE IT FURTHER RESOLVED, That the Mayor is hereby authorized to execute the said Intergovernmental Agreement by and between the City of Memphis and Shelby County Government.

MYRON LOWERY, Chairman
Memphis City Council

Attest: Patrice Thomas,
Comptroller

CITY COUNCIL RESOLUTION

WHEREAS, the Tennessee Constitution guarantees to school children of this state the right to a free public education; and

WHEREAS, all public school children should be afforded substantially equitable educational opportunities regardless of their place of residence in Shelby County; and

WHEREAS, stable and adequate public funding is essential to the development and maintenance of an effective educational system throughout Shelby County; and

WHEREAS, the sole purpose of public education funding is to provide adequate financial resources and support to each school district to provide the opportunity for a meaningful and enriching education to all students to enable them to function as productive citizens in the 21st Century and to accomplish other essential basic educational objectives required for students to grow and develop into productive adults in an increasingly global society; and

WHEREAS, the goal, determination, commitment and responsibility of this Commission is to provide the local financial resources and support required to afford the opportunity for an excellent education program in the City of Memphis and Shelby County; and

WHEREAS, the purpose of this Resolution is to request the General Assembly of the State of Tennessee to enact appropriate legislation prior to the commencement of the next school year to more fully enable Shelby County to provide for stable and adequate local funding to both school districts in Shelby County.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMPHIS CITY COUNCIL hereby requests the members of the Tennessee General Assembly enact legislation, a copy of which is attached hereto and incorporated herein by reference, amending Tennessee Code Annotated, Title 49, Chapter 3, relative to education funding.

BE IT FURTHER RESOLVED, that the Shelby County Legislative Delegation and members of the Tennessee General Assembly be made aware of this request by copy of this resolution.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately, the public welfare requiring the same.

**MOTOR VEHICLE INSPECTION BUREAU
NEW ORDINANCE SUMMARY**

- N - New information added to ordinance
- C - Tasks currently performed by department
- R - Revised language in the ordinance

Section 21-301 Definitions

- N - The definitions listed in this ordinance are found in the Tennessee Code Annotated 1200-3-29 Light Duty Motor Vehicle Inspection and Maintenance. These definitions were added to this new ordinance and some were revised. The following changes were made to reference the City of Memphis Motor Vehicle Inspection Bureau (MVIB), the State of Tennessee, and the U.S. Environmental Protection Agency (EPA) inspection maintenance requirements.
- R (9) Changed wording to recognize the City of Memphis Motor Vehicle Inspection Bureau (MVIB).
- R (10) Changed wording to Division of Public Services and Neighborhoods, MVIB, and the Vehicle Examiner (MVIB employee).
- R (18) Changed wording to reflect the MVIB Fleet program in the Memphis Code of Ordinance Sec. 11-64-1 (b).
- R (19) (20) (21) Changed wording to recognize the MVIB.

Section 21-302 Motor Vehicle Inspection Requirements-Frequency

- R (1) Revised Memphis Code of Ordinance Sec. 11-64-1 (A).
- C (2) Added the current MVIB requirements for Vehicle Identification Number (VIN) Plates.
- C (3) Added the current MVIB requirements and U.S. Federal Register 40 CFR Part 51.356 requirements for inspections .
- C (4) Added the current MVIB and T.C.A. 1200-3-29-.03 (3) Certificate of Compliance requirements.
- C (5) Added the current MVIB and T.C.A. 1200-3-29-.03 (1) Certificate validation requirements
- N (6) Added the T.C.A. 1200-3-29-.03 (2) and US Federal Register 40 CFR Part 51.356 (4) federal vehicles and federal employees vehicles are inspected.
- N (7) Added the language to ensure that all government (City, County, State) vehicles and those employees vehicles are inspected.

Section 21-303 Motor Vehicle Inspection Program/Fleet Inspections

- C (1) Added and revised T.C.A. 1200-3-29-.09 (1) language to designate MVIB as the inspection authority in Memphis. U.S. Federal Register 40 CFR Part 51.356 (2).
- C (2) Added T.C.A. 1200-3-29-.09 (2) language designating where inspections must be conducted.
- C (3) Added Memphis Code of Ordinance 11-64-1 B and incorporated T.C.A. 1200-3-29-.09 (3) to reflect Public Services and Neighborhoods and the MVIB.

Section 21-304 Emission control device and emissions generally

- C Added this language to ordinance

Section 21-305 Motor Vehicle Performance Test Criteria

- C (1) Added the current MVIB requirements and T.C.A. 1200-3-29-.05 (1c) to prevent the idle emission testing of smoking and unsafe vehicles.
- C (2) Added the current MVIB requirements for Vehicle Identification Number Plates
- C (3) Added the current MVIB and U.S. Federal Register 40 CFR Part 51.373 requirements for rpm specifications.
- C (4) Added the current MVIB requirements and T.C.A. 12-00-3-29-.05 (a) for exhaust leaks.
- N (5) Added requirement per T.C.A. 1200-3-29-.05 (4) and mandate by The Clean Air Act Amendments 1990 for On Board Diagnostic II Testing.
- N (6) Added the current MVIB requirements and T.C.A. 1200-3-29-.08 (a) testing gas filler cap.
- C (7) Added T.C.A. 1200-3-29-.05 (5) testing requirements for engine replacement vehicles.
- R (8) Added the current MVIB requirements and the T.C.A. 1200-3-29-.05 (2) idle emissions values table. U.S. Federal Register 40 CFR Part 51.357 (b).

Section 21-306 Exemptions from Motor Vehicle Emission Requirements

- C This list represents the class of motor vehicles exempt from emissions requirements under T.C.A. 1200-3-29-.04. The list is revised adding the current MVIB program requirements.
- N (e) Added to list per T.C.A. 1200-3-29-.04.

Section 21-307 Motor Vehicle Anti-Tampering Criteria

- N Added T.C.A. 1200-3-29-.06 Anti-Tampering criteria.

Section 21-308 Motor Vehicle Anti-Tampering Testing Methods

N Added T.C.A. 1200-3-29-.08 and Federal Test Procedures for anti-tampering.

Section 21-309 Waiver Provisions

C (1) Added T.C.A. 1200-3-29-.11 and U.S. Federal Register 40 CFR Part 51 and 85 repair waiver guidelines.

N (b)(v)(c) Added repair waiver information for OBD

N (b)(vii) Added repair waiver validation

C (2) Added current MVIB requirements and U.S. Federal Register 40 CFR Part 51.356 (3) (4i) for register vehicles out of town during inspection period.

Section 21-310 Safety Inspections

C Added current MVIB safety inspection requirements and criteria.

N (11) Added T.C.A. 55-9-107 window tint requirement.

Section 21-311 Motorcycle/Motor Scooter Inspections

Added the current MVIB motorcycle and motor scooter safety inspection requirements.

Section 21-312 Procedures when vehicle found defective

N (A) Added language to grant grace period for windshield repair.

C (B) Added T.C.A. 55-4-128 (a) grace period for emission repairs.

C (C) Added current MVIB requirements for failed items after thirty (30) days.

Section 21-313 Director of Public Services and Neighborhoods Authorization

C Added the current Memphis Code of Ordinance language to authorize the Director of Public Services and Neighborhood to promulgate rules and regulations for inspection.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 21, ARTICLE IX, CODE OF ORDINANCES, CITY OF MEMPHIS, SO AS TO UPDATE REGULATIONS FOR THE INSPECTION OF MOTOR VEHICLES IN THE CITY OF MEMPHIS

WHEREAS, the administration of the City of Memphis desires to reduce the air pollution produced by the operation of motor vehicles within the boundaries of the city of Memphis, Tennessee for the protection of the public health, safety and welfare of its citizens; and .

WHEREAS, the City of Memphis seeks to implement new emissions testing to better regulate air pollution production resulting from the operation of motor vehicles within the boundaries of the city of Memphis; and

WHEREAS, it is necessary to modify the inspection requirements originally adopted to implement new emissions testing and specify vehicle inspection requirements.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Chapter 21, Article IX, Code of Ordinances, City of Memphis, is hereby deleted in its entirety and amended to read as follows:

- | | |
|-----------------------|-------------------------------------------------------------------------------------------------------------------|
| Section 21-301 | Definitions |
| Section 21-302 | Motor Vehicle Inspection Requirements - Frequency |
| Section 21-303 | Motor Vehicle Inspection Program/Fleet Inspections |
| Section 21-304 | Motor Vehicle Emission Performance Test |
| Section 21-305 | Motor Vehicle Emission Performance Test Criteria |
| Section 21-306 | Exemptions from Motor Vehicle Inspection Requirements |
| Section 21-307 | Motor Vehicle Anti-Tampering Test Criteria |
| Section 21-308 | Motor Vehicle Anti-Tampering Test Methods |
| Section 21-309 | Waiver Provisions |
| Section 21-310 | Safety Inspection |
| Section 21-311 | Motorcycle and Motor scooter Inspections |
| Section 21-312 | Procedure when motor vehicle found defective |
| Section 21-313 | Director of public service authorized to promulgate rules and regulations regarding inspection of vehicles |

Sec. 21-301 DEFINITIONS

The following definitions shall apply to this article:

- (1) Air Pollution is any particulate matter or any gas or vapor other than water or any combination thereof including any physical, chemical, biological, radioactive substance or matter which is emitted into or otherwise enters the ambient air.
- (2) Antique motor vehicle is any motor vehicle over twenty-five years old which is owned solely as a collectors' item and is used for participation in club activities, exhibits, tours, parades and similar uses, but in no event for general transportation.
- (3) Carbon dioxide is a compound consisting of the chemical formula (CO₂).
- (4) Carbon monoxide is a compound consisting of the chemical formula (CO).
- (5) Catalytic converter is a pollution control device containing a catalyst for converting automobile exhaust into mostly harmless products.
- (6) Centralized Network means that motor vehicle inspections are conducted by the Local or State government at permanent locations.
- (7) Certificate of Compliance is a certification issued by a Department vehicle examiner or a fleet vehicle inspector that the motor vehicle identified on the certificate complies with the emission performance, safety, and anti-tampering criteria appropriate to the vehicle as specified in this regulation.
- (8) Check Engine Light see Malfunction Indicator Light (MIL).
- (9) Department means the City of Memphis Motor Vehicle Inspection Bureau ("MVIB").
- (10) Department Vehicle Examiner is any person employed by the City of Memphis Division of Public Services and Neighborhoods who is designated by the MVIB as qualified to perform vehicle emissions performance, safety, and anti-tampering inspections.
- (11) Diagnostic Trouble Codes (DTCs) is an alphanumeric code which is set in a vehicle's onboard computer when a monitor detects a condition likely to lead to (or has already produced) a component or system failure or otherwise contribute to exceeding emissions standards by 1.5 times the certification FTP standard.
- (12) Diesel powered motor vehicle is a motor vehicle powered by a compression-ignition internal combustion engine.
- (13) Electric powered motor vehicle is a motor vehicle which uses a propulsive unit powered exclusively by electricity.
- (14) Exhaust emissions are substances emitted into the atmosphere from any opening downstream from the exhaust ports of a motor vehicle engine.
- (15) Exhaust gas analyzer is a device for sensing the amount of air pollutants, including carbon monoxide and hydrocarbons, in the exhaust emissions of a motor vehicle. For the purpose of this regulation, this shall mean analyzing devices of the non-dispersive infrared type or any other analyzing devices that provide equal or greater accuracy as approved by the United States Environmental Protection Agency.

- (16) Factory-Installed Motor Vehicle Pollutant Control System is a motor vehicle pollution control system installed by the vehicle or engine manufacturer to comply with the United States government motor vehicles emission control laws and regulations.
- (17) Federal Test Procedure (FTP) is the test procedure used to determine the compliance of vehicles with federal emission standards.
- (18) Fleet means ten (10) or more motor vehicles owned by the same person or business entity which are in-use, registered in any county that has been designated by the State of Tennessee Air Pollution Control Board to have a motor vehicle inspection and maintenance program in order to attain and maintain compliance with national ambient air quality standards within any area of Tennessee or an adjoining state and not owned or held primarily for the purpose of resale.
- (19) Fleet Inspection Operator is a business who has been certified, in accordance with this regulation and other requirements as determined by the MVIB to perform inspections on their own fleet, as defined herein.
- (20) Fleet Inspection Permit is a certificate issued by the MVIB authorizing a fleet operator to become a Fleet Inspection Operator.
- (21) Fleet Vehicle Inspector is any person retained by a fleet inspection operator holding a valid fleet inspection permit, and who is certified by the MVIB as qualified to perform vehicle emissions performance, safety, and anti-tampering inspections.
- (22) Fuel inlet restrictor is the leaded fuel nozzle restrictor installed on motor vehicles which was designed for the use of unleaded gasoline only.
- (23) Gasoline Cap is the manufacturer cover that seals the motor vehicle gasoline tank.
- (24) Gasoline powered motor vehicle is any motor vehicle powered by spark-ignition internal combustion engine.
- (25) Gross Vehicle Weight (GVWR) is a term defining the gross vehicle weight as determined from the combined manufacturer vehicle and maximum load rating.
- (26) Heavy-duty motor vehicle is any motor vehicle having a combined manufacturer vehicle and maximum load rating (GVWR) to be carried thereon in excess of 10,500 pounds (4,773 kilograms).
- (27) Hydrocarbon is any organic compound consisting predominantly of carbon and hydrogen.
- (28) Idle speed means the unloaded engine speed of a motor vehicle when the accelerator pedal is fully released. In a motor vehicle equipped with an automatic transmission, this is with the drive selector in neutral or park. In a motor vehicle equipped with a manual transmission, this is with the gear selector in neutral and the clutch fully engaged. In all motor vehicles, the engine operated accessories shall be turned off.
- (29) Internal combustion engine is any engine in which the combustion of gaseous, liquid or pulverized solid fuel takes place within one or more cylinders, or any engine with one or more combustion chambers.
- (30) Light-duty motor vehicle is any motor vehicle having a combined manufacturer vehicle and maximum load rating (GVWR) to be carried thereon of 10,500 pounds (4,773 kilograms) or less.

- (31) Malfunction Indicator Light (MIL) is known as the Check Engine Light. The Malfunction Indicator Light is illuminated on the dashboard when conditions exist likely to result in emissions exceeding FTP standards by 1.5 times or worse. Alternatives include "Service Engine Soon," as well as an unlabeled icon of an engine.
- (32) Manufacturers Idle-speed Specification is the engine idle speed specified for a particular motor vehicle as printed on the engine compartment emissions system data plate or in the owners' manual.
- (33) Model Year means the annual production period of new motor vehicles or new motor vehicle engines designated by the calendar year in which such production ends. If the manufacturer does not designate a production period, the year with respect to such motor vehicle or engines shall mean the twelve (12) month period beginning January of the year in which production thereof begins. The model year for a motor vehicle constructed by other than the original manufacturer shall be assigned by the Tennessee Department of Motor Vehicles
- (34) Motor vehicle is any self-propelled vehicle used for transporting persons or commodities on public roads.
- (35) Motor Vehicle Regulatory License is the annual motor vehicle license required as a condition for legal operation of certain classes of motor vehicles.
- (36) Motorcycle is any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, and having a curb weight of 2000 pounds (907 kilograms) or less.
- (37) New motor vehicle is any motor vehicle that has never been previously titled or registered in this or any other jurisdiction and whose ownership document remains as a manufacturer's certificate of origin.
- (38) Official Inspection Station means a facility operated by the City of Memphis MVIB to conduct motor vehicle inspections pursuant to this regulation, in a Centralized Network.
- (39) Onboard Diagnostics (OBD) is a system of vehicle component and condition monitors controlled by a central, onboard computer designed to signal the motorist when conditions exist which could lead to a motor vehicle's exceeding its certification standards by 1.5 times the FTP standard. OBD refers specifically to EPA's OBDII requirements. The following vehicles are equipped with OBDII systems: 1996+ Gasoline Powered vehicles less than 8500 lbs GVWR, 1997+ Diesel Powered vehicles less than 8500 lbs GVWR, and 2007+ Gasoline and diesel powered vehicles between 8500 and 14000 lbs GVWR.
- (40) OBD Data Link Connector (DLC) serves as an interface between a motor vehicle's OBD computer and the OBD scanner and is usually located under the dashboard on the driver's side. Connecting an OBD scanner to the DLC allows inspectors and motor vehicle repair technicians to read the readiness status of motor vehicle's onboard monitors as well as any diagnostic trouble codes.
- (41) Pollution Control Device is the equipment designed by the manufacturer for installation on a motor vehicle for the purpose of reducing pollutants emitted from the motor vehicle, or a system or engine modification on a motor vehicle which causes a reduction of pollutants emitted from the motor vehicle.

- (42) Readiness codes are status flags stored by a motor vehicle's onboard computer which is different from the DTC in that it does not indicate a motor vehicle fault, but rather whether or not a given monitor has been run (i.e. whether or not the component or system in question has been checked to determine if it is functioning properly).
- (43) RPM is a term describing the engine crankshaft revolutions per minute. (44) Tampering means to remove, render inoperative, cause to be removed, or make less operative any emission control device, unless such removal or act to render inoperative or less operative is for the purpose of motor vehicle disposal or salvage operation.
- (45) Vehicle Exhaust System means all devices, equipment and systems which transport exhaust emissions from the exhaust ports of the motor vehicle engine to the atmosphere.
- (46) Opacity is the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

Sec. 21-302 Motor Vehicle Inspection Requirements - Frequency

- (1) For the protection of the public health, safety and welfare and for the promotion of safe operation of motor vehicles on the streets and highways of the City, all motor vehicles and freight vehicles required to be registered under Chapter 21, Article 8 shall be inspected by the Public Service and Neighborhoods Division of the city or other authorized vehicle inspection agency at least one (1) time per year. Owners or drivers of all such motor vehicles shall present such motor vehicles for inspection to the Motor Vehicle Inspection Bureau ("MVIB") or other authorized location. The failure of the owner or driver of any such motor vehicle to present same for inspection as herein required is declared to be a misdemeanor.
- (2) All motor vehicles, including motorcycles and motor scooters, are required to have a Vehicle Identification Number Plate permanently affixed to the vehicle prior to inspection of same.
- (3) All motor vehicles are required to be inspected annually for compliance with (i) emissions performance; (ii) safety, and (iii) anti-tampering, unless specifically excluded in this article
- (4) Owners of motor vehicles so inspected are required to obtain a Certificate of Compliance, which shall be issued by the MVIB and/or a licensed fleet vehicle inspector, authorized pursuant to Sec. 21-303(3), only after the motor vehicle demonstrates compliance with the test criteria established herein.
- (5) The Certificate of Compliance shall be valid for ninety (90) days following the date of issuance and must be presented to the County Clerks' office prior to the issuance of the Wheel Tax or the Vehicle Regulatory License.
- (6) Any motor vehicle which is owned or operated by an agency of the federal government and which is operated on a federal installation located in any county that has been designated by the State of Tennessee Air Pollution Control Board to have a motor vehicle inspection and maintenance program is required to be inspected annually for compliance with emissions performance and anti- tampering criteria as specified in Sections 21-304, 21-305, 21-306, and 21-307. This requirement applies to all employee-owned or leased motor vehicles (including vehicles owned, leased, or operated by civilian and military personnel on federal installations. This requirement shall not apply to a motor vehicle which is on the facility for less than a total of sixty (60) days during the calendar year or tactical military vehicles.

- (7) Any motor vehicle which is operated on property owned by the City, County, and State government within the City of Memphis shall be inspected annually for compliance with emissions performance and anti-tampering criteria as specified in Sections 21-304, 21-305, 21-306, and 21-307. This requirement applies to all employee-owned or leased vehicles, excluding tactical vehicles. This requirement shall not apply to a vehicle which is operated on government property for less than a total of sixty (60) calendar days per year.

Sec. 21-303 Motor Vehicle Inspection Program/Fleet Inspections

- (1) The MVIB, through its motor vehicle inspection program is responsible for testing motor vehicles for compliance with emissions, anti-tampering and safety standards.
- (2) All motor vehicle inspections shall be conducted at official or mobile inspection stations operated by the MVIB, except those fleet inspections authorized pursuant to subsection 3 below.
- (3) In lieu of the requirement in subsection 2 above, the City Council, by resolution, upon recommendation of the Public Services and Neighborhoods Division, when it finds it is necessary that inspections be made other than by the Public Services and Neighborhoods division, is authorized to permit the Public Services Division, to issue rules and regulations and to grant the privilege to operators of fleets of ten (10) or more motor vehicles and similar establishments to conduct inspections of its own fleet at a rate established by the MVIB in the rules and regulations. The Mayor shall be authorized to contract with such establishments that meet the standards set by the Public Services and Neighborhoods Division, consistent with those used by the MVIB.
 - (a) A fleet vehicle operator may make application to the MVIB for a fleet inspection permit. Minimum requirements for issuance of a permit shall be:
 - (i) Possession of an emissions analyzer, tools and other testing equipment approved by the MVIB, and in accordance with the applicable rules and regulations, to be adequate for conducting the required emissions inspections;
 - (ii) Demonstration of knowledge regarding the methods and procedures for conducting the required emissions performance, safety and anti-tampering inspections according to criteria developed by the MVIB;
 - (iii) Provisions of appropriate facility for motor vehicle testing and secure storage facility for storing inspection records;
 - (iv) Agreement to supply inspection information as requested by the MVIB and to allow access to testing facility, testing equipment, testing personnel, testing data, inventory and fleet vehicles as requested by the MVIB;
 - (v) Retention of a certified Automotive Service Excellence mechanic to conduct fleet vehicle inspections.
 - (b) A fleet inspection permit shall be valid for one year from the date of issuance and shall be renewed through application to the MVIB within thirty (30) days prior to the date of expiration.
 - (c) A fleet inspection permit is not transferable and may be denied, suspended or revoked by the MVIB for failure to comply with this regulation and other requirements as determined by the Department, in its sole discretion.

- (d) Any person operating as a fleet inspection operator, which (i) changes its business name, ownership, official inspection personnel, or approved emissions analyzers; or (ii) ceases to operate a *fleet operation* shall notify the MVIB program manager within ten (10) days of such change. Failure to provide such notice may be cause for the MVIB to revoke the fleet inspection permit.
- (e) A fleet inspection operator shall notify, and obtain written approval of, the MVIB Program Manager prior to relocating its fleet operation. A fleet inspection permit shall automatically terminate as a result of a fleet inspection operator's failure to obtain prior written approval as required herein.
- (f) Any vehicle inspected by a fleet inspection operator, under the provision of this section, shall be subject to retesting at either the fleet inspection location or an official inspection station as deemed necessary by the Department in order to maintain compliance with the intent of this regulation.

Sec. 21-304 Emission control devices and emissions generally.

Pursuant to § 21-351, every gasoline-powered motor vehicle shall be subject to inspection for emission of pollutants.

Sec. 21-305 Motor Vehicle Emission Performance Test Criteria

- (1) Motor vehicles shall not be allowed to undergo idle emission performance testing if, when the motor vehicle is presented for testing, smoke is present from the exhaust system, or the motor vehicle is overheating or losing fluids. Such presence is a health nuisance and would interfere with the operation of the testing equipment.
- (2) Motor vehicles shall not be allowed to undergo idle emission performance testing if, when the motor vehicle is presented for testing, the vehicle identification number (VIN) plate is missing or illegible.
- (3) To successfully pass the emission performance testing, the idle speed of the vehicle shall not exceed manufacturer specifications.
- (4) For vehicles subject to idle emission tests, if the vehicle exhaust system leaks in such a way as to dilute the exhaust emissions being sampled by the exhaust gas analyzer, the sum of carbon monoxide and carbon dioxide concentrations recorded for idle speed reading from an exhaust outlet must not be less than six percent (6%).
- (5) All 1996 and newer gasoline-powered motor vehicles and all 2002 and newer diesel-powered motor vehicles that are equipped with OBDII systems shall be subject to an OBD inspection for emissions testing. An OBD check shall consist of two parts: a visual check of the MIL and an electronic examination of the OBD computer. The motor vehicle is required to pass a MIL command on test, readiness evaluation and a bulb check test. A vehicle shall fail the OBD inspection if one or more of the following conditions exist:
 - a. The vehicle's MIL is commanded-on and there are DTCs stored in the computer.
 - b. The vehicle has more than the allowable number of monitors not ready:
 - i. 1996-2000 models: 2 monitors
 - ii. 2001+ models: 1 monitor
 - c. The vehicle's MIL fails to illuminate when the ignition key is placed in the key-on engine off position.

- (6) If the vehicle is incompatible with the OBD test equipment or if the DLC is readily unavailable (e.g., behind fender walls, under seats, etc.), then the vehicle is required to pass the MIL command on test readiness evaluation and a bulb check test conducted by the station supervisor.
- (7) All gasoline-powered motor vehicles that are not equipped with OBDII systems shall be subject to gasoline cap and idle emissions testing.
- (8) When a motor vehicle is equipped with other than the original engine or when a motor vehicle has been constructed, modified, customized or altered in such a way so that the model year cannot be clearly determined, the motor vehicle shall be classified, for purposes of the emission performance test, by the model year of the chassis.
- (9) All gasoline-powered motor vehicles which have idle speed emission values that exceed the test standards specified in Table I below shall fail the emission performance test.

**TABLE I
MAXIMUM IDLE SPEED EMISSIONS ALLOWABLE
DURING IDLE SPEED EMISSIONS TEST**

Vehicle Model Year	CO (%)	HC (PPM)		
	Light Duty Vehicle Less Than or Equal to 6,000 lbs GVWR	Light Duty Vehicles Greater Than 6,000 lbs to 10,500 lbs GVWR	Light Duty Vehicles Less Than or Equal to 6,000 lbs GVWR	Light Duty Vehicles Greater Than 6,000 lbs to 10,500 GVWR
Pre-72	8.2	8.9	700	900
1973-74	8.2	8.9	700	900
1975-77	5.0	6.5	500	750
1978-79	4.0	6.0	400	600
1980	3.0	4.5	300	400
1981-95	1.2	4.0	220	400
1996+	NA	4.0	NA	400

**Heavy Duty Vehicles
10,501 lbs to 25,999 lbs GVWR**

Year	CO (%)	HC (PPM)
Pre-72	8.9	1,000
1973-74	8.2	1,000
1975-79	8.0	1,000
1980	6.0	800
1981-85	4.0	800
1996+	4.0	800

Sec. 21-306 Exemptions from Motor Vehicle Emission Requirements

- (1) The following classes of motor vehicles are exempt from the emission requirements established in Sections 21-304 and 21-305 of this Chapter:
 - (a) Antique motor vehicles with antique registration;
 - (b) Electric powered light-duty vehicles;
 - (c) Motorcycles;
 - (d) Motor scooters;
 - (e) New motor vehicles registered for first time.
 - (f) Tactical military vehicles;
 - (g) Vehicles over 26,000 GVWR

Sec. 21-307 Motor Vehicle Anti-Tampering Test Criteria

- (1) Each gasoline and diesel-powered motor vehicle subject to an emission performance test is also subject to a visual anti-tampering inspection under this rule and shall comply with the following minimum anti-tampering requirements:
 - (a) At a minimum, the emissions control devices subject to an inspection are the catalytic converter, and fuel cap. If emission control devices are found in a tampered condition, such devices shall be repaired or replaced prior to any retesting, re-inspection or waiver issuance as provided for in Sections 21-312 and 21-309.
 - (b) Nothing in this section shall be construed as to relieve a motor vehicle owner from complying with the provisions of Sections 21-304 and 21-305.
- (2) Each gasoline and diesel-powered motor vehicle, subject to an OBD inspection, is also subject to an anti-tampering test and shall comply with a DLC check.

Sec. 21-308 Motor Vehicle Anti-Tampering Test Methods

- (1) The motor vehicle anti-tampering test shall be verified by the Department vehicle examiner and consists of the following elements:
 - (a) The vehicle examiner shall visually check the vehicle to see that the appropriate fuel cap is securely in place and limits the escape of fumes into the environment.
 - (b) If the appropriate fuel cap is present and the vehicle is 1995 or older model, the gas cap shall be removed and a fuel cap pressure test shall be performed to assure the cap is working properly, (F.T.P. 26-21 Pass/Fail Standard). If the fuel cap fails the pressure test, it shall result in a failure of the anti-tampering test. If the appropriate fuel cap is not in place or is damaged, it shall result in failure of the anti-tampering test.
 - (c) Each gasoline-powered motor vehicle with a model year of 1996 and newer, and each diesel-powered motor vehicle with a model year of 2002 and newer, shall comply with the DLC inspection. If the DLC has been tampered with or is missing, it must be repaired or replaced prior to any retesting or re-inspection.

- (2) Pass/fail determination. A pass or fail determination shall be made for each of the anti-tampering test elements in this section. If a motor vehicle fails any of the anti-tampering elements, it shall result in the failure of the motor vehicle inspection test and a Certificate of Compliance shall not be issued until the repairs have been made to the vehicle, in accordance with Section 21-312.

Sec. 21-309 Waiver Provisions

(1) The purpose of this section is to allow a person to operate a motor vehicle that fails to meet the applicable motor vehicle emission performance test criteria as specified in Sections 21-304 and 21-305, provided the department has issued a waiver to the owner of the motor vehicle.

- (a) A waiver issued pursuant to this section shall relieve the registered owner of a motor vehicle from responsibility for taking any further action to reduce exhaust emissions from the motor vehicle until the motor vehicle is next due for inspection, pursuant to Section 21-302.
- (b) Any registered owner of a motor vehicle may be eligible and may apply to the department for a waiver pursuant to this rule if:
 - (i) An application for a waiver is submitted to a representative at an inspection site designated by the department; and
 - (ii) The vehicle passed the tampering portion of the vehicle inspection; and
 - (iii) All of the exhaust emissions components appropriate to make, model, year, series, and engine size are in place and visually operating; and
 - (iv) The motor vehicle failed the three emissions tests, including retest after repairs; and
 - (v) The registered owner of the motor vehicle has spent the required amount, pursuant to parts a, b, or c of this subparagraph, in parts and/or labor as an attempt to bring the vehicle into compliance with the motor vehicle emission performance test criteria as specified in Section 21-305 and has satisfied the remaining requirements of this subparagraph:
 - a. For 1980 and older model year vehicles – the minimum expenditure requirement is \$75.00. All repairs must be appropriate and/or related to the cause of the test failure. This expenditure includes parts and labor, as specified in part d of this section.
 - b. For 1981 through 1995 model year vehicles – the minimum expenditure requirement is \$200.00. All repairs must be appropriate and/or related to the cause of the test failure. This expenditure includes parts and labor, as specified in part 4 of this section.
 - c. For 1996 and newer model year vehicles – the minimum expenditure requirement is \$650.00. All repairs must be appropriate and/or related to the cause of the test failure. This expenditure includes parts and labor, as specified in part 4 of this section.
 - d. The cost of labor can be applied towards the expenditure amount only if the repairs were performed by a certified repair technician (National Institute for Automotive Service Excellence [ASE] certified in engine repair and engine performance). Repairs performed by non-technicians (e.g., owners) may only apply the cost of parts towards the expenditure.

- e. Documentation of repairs must be provided to the Department. Documentation shall include dated receipts itemized with the name of each part, part number, and manufacturer.
 - f. Emission related repairs were performed on the motor vehicle sixty (60) days before or after the initial failed exhaust emissions inspection.
 - g. Proof of registration is provided to the department. (Example: Title, vehicle registration).
 - h. The registered owner of a motor vehicle, within the failed vehicle's warranty period, shall use all available warranty coverage to have repairs made that are directed toward correcting the cause of the motor vehicle's inspection failure prior to applying for a waiver and provide support documentation pursuant to subparagraph (a) or (b) of this paragraph:
 - a. Documentation indicating that any available warranty coverage has been used to have the repairs made that are directed toward correcting the cause of the motor vehicle's failure to pass the motor vehicle inspection shall be provided to the Department; or
 - b. A written denial of warranty coverage for the needed repairs from the manufacturer or authorized dealer shall be provided to the Department.
- (vi) Prior to the issuance of a waiver, Department staff shall perform a visual (underhood) inspection of the motor vehicle. This inspection will be performed to determine that emission related repairs have been completed and verify that the minimum expenditure has been met. If during the visual inspection any motor vehicle tampering, as defined in Section 21-307, is discovered, a waiver cannot be granted.
 - (vii) The waiver shall be valid for one year or until the next registration expiration date, whichever is sooner.
 - (viii) A waiver shall be granted to the registered owner of a motor vehicle provided the requirements of this section have been fulfilled.
 - (ix) Upon receiving a waiver from the department, the registered owner shall be exempt from the requirements of section 21-302 within the time period prescribed in paragraph (vii) above.
- (2) Upon application, the department may issue an exemption, as specified in paragraphs (a), (b), or (c) below, from the inspection requirements pursuant to this Article, provided the subject motor vehicle is registered in the name of the individual applying for the exemption and (i) is not impounded or non-operational; (ii) has never been inspected or has not failed inspection within the past ninety (90) days; or (iii) is not registered in another city or state.
- (a) Out-of Town Exemption. The department may grant an exemption for a vehicle that is out-of-town during the required annual inspection period, subject to the following requirements:
 - i. The motor vehicle must be a minimum of three hundred (300) miles outside of the City;
 - ii. The applicant must complete the application required by the City and provide all documentation required by the department; and
 - iii. In the event a federal-approved emissions program is available in the locale

where the motor vehicle is located, the motor vehicle must successfully pass a federal emissions test.

- (b) **Military Exemption.** The department may grant an exemption for active-duty military personnel, including his or her spouse, when the military personnel's vehicle(s) are out-of-town during the required annual inspection period, subject to the following requirements:
 - i. The individual must provide evidence of an active-duty military identification and Leave Earning Statement (LES), issued by the military, of the motor vehicle owner or his or her spouse;
 - ii. In the event the motor vehicle was registered in another state, the vehicle must successfully pass a federal emissions test; and
 - iii. The individual must complete the application required by the City and provide all documentation required by the department.

- (c) **Reciprocal Inspection.** The department may grant an exemption for motor vehicles inspected at another federal-approved inspection facility in another locale, subject to the following requirements:
 - i. The motor vehicle must have passed a federal-approved emissions test within the past ninety (90) days, and the individual must provide evidence of a certificate of compliance from such federal-approved inspection facility;
 - ii. The certificate of compliance, as referenced in the preceding paragraph, shall be valid for a period of ninety (90) days from the test completion date.

Sec. 21-310 Safety Inspection

In addition to any and all other tests required herein, all motor vehicles registered in the City of Memphis shall pass the safety inspection prior to registration. The following components shall be inspected:

- 1. Visible Smoke
- 2. Emergency/Parking Brakes
- 3. Turn Signals
- 4. Rear Lights
- 5. Brake Lights
- 6. Head Lights
- 7. Windshield Wipers
- 8. Windshield
- 9. Rearview Mirrors
- 10. Side Mirrors
- 11. Window Tint
- 12. Exhaust and Muffler

I. Emergency/Parking Brakes

The emergency and parking brakes shall function according to the manufacturer's specifications. When emergency brakes or parking brakes are applied, the motor vehicle should not move more than twelve (12) inches in either direction when lightly accelerated.

II. Turn Signals

The turn signals and components shall function according to the manufacturer's specifications. Both the left and right turn signals on the front and rear of the vehicle must be operational. No aftermarket lens that reduces the candle light power should be affixed to the motor vehicle. Lens shall not be broken or missing.

III. Rear Lights

The rear lights and components shall function according to the manufacturer's specifications. Rear lights on both sides must be fully illuminated when activated. No aftermarket lenses that reduce the candle light power should be affixed to the motor vehicle. Lens shall not be broken or missing.

IV. Brake lights

The brake lights and lens shall function according to the manufacturer's specifications. Both the left and right brake lights must illuminate brightly when the brakes are applied. This must occur when headlights are in the on and off state. No aftermarket lens that reduces the candle light power should be affixed to the vehicle. Lens shall not be broken or missing.

V. Head Lights

The head lights and components shall function according to the manufacturer's specifications. Both head lights must operate and be properly aligned. The dimmer switch must change the head lights from high to low beam. No aftermarket lens that reduces the candle light power should be affixed to the vehicle. No device or lens may impair the direction or intensity of the headlights.

VI. Windshield Wipers

The windshield wipers and components shall function according to the manufacturer's specifications. The windshield wipers must cover the sweep of the windshield and the blades shall not be frayed or missing.

VII. Windshield

The windshield, front and rear, is designed to help support the roof of the motor vehicle. Cracks or starbursts can reduce the structural integrity of the windshield. Any crack six (6) inches or longer anywhere on the windshield, a crack three (3) inches in length inside the critical area (wiper sweep), starbursts larger than one (1) inch in diameter in the critical area, or a missing windshield shall be cause for inspection failure.

VIII. Rearview Mirror

The rearview mirror shall be attached to the inside of the windshield. The mirror shall not be broken or missing, and shall be in good working condition.

IX. Side Mirrors

The side mirrors shall be attached to the sides of the motor vehicle according to the manufacturer's specifications. The mirrors shall not be broken, or missing, and shall be in good working condition.

X. Window Tint

Windows may have a visible light transmittance equal to, but not less than, that specified in the Federal Motor Vehicle Safety Standard No. 205. Windows may have a visible light transmittance of less than thirty-five percent (35%). (With the exception of the manufacturer's standard installed shade band which reduces the visible light transmittance in the uppermost portion of the windshield below seventy percent (70%). The shade band should not exceed six (6) inches from the top of the windshield or below the AS1 line on the windshield.

XI. Exhaust and Muffler

The muffler and exhaust system shall be in good working order and in constant operation to prevent excessive or unusual noise, annoying smoke, escape of excessive gas, steam or oil, and to prevent entrain carbon monoxide from entering the vehicle. The exhaust system shall extend pass the rear bumper or exit near the rear tires on the motor vehicle according to the manufacturer's specifications.

Sec. 21-311 Motorcycle/Motor scooter Inspections

An annual safety inspection is required on motorcycles and motor scooters that are registered in the City of Memphis. These inspections are performed at the Motor Vehicle Inspection Stations. The following items shall be inspected:

1. Vehicle Identification Number
2. Turn Signals
3. Headlights
4. Brake lights
5. Rearview Mirrors
6. Muffler and Exhaust

I. Motorcycle/Motor scooter Turn Signals

The turn signals and components shall function according to the manufacturer's specifications. Both the left and right turn signals on the front and rear of the motor vehicle must be operational. No aftermarket lens that reduces the candle light power should be affixed to the motor vehicle. Lens shall not be broken or missing.

II. Motorcycle/Motor scooter Head Lights

The head lights and components shall function according to the manufacturer's specifications. The head light or head lights must be operational and aligned properly. The dimmer switch must change the head lights from high to low beam. No aftermarket lens that reduces the candle light power should be affixed to the motor vehicle. No device or lens may impair the direction or intensity of the headlights.

III. Motorcycle/Motor scooter Brake lights

The brake lights and lens shall function according to the manufacturer's specifications. The brake lights must illuminate bright in a steady state when the brakes are applied. This must occur when headlights are in the on and off state. Oscillating or flashing brake lights are legal for emergency vehicles only. No aftermarket lens that reduces the candle light power should be affixed to the motor vehicle. Lens shall not be broken or missing.

IV. Motorcycle/Motor scooter Rearview Mirror

Two rearview mirrors shall be securely mounted. Mirror must not be broken, missing, tarnished, or peeling.

V. Motorcycle/Motor scooter Exhaust and Muffler

The muffler and exhaust system shall be in good working order with a sound baffling device inside the tailpipe. Motor vehicle noise level will be checked in accordance with §21-350 (B)

Sec. 21-312 Procedure when vehicle found defective.

- A. If any motor vehicle fails to pass the windshield safety inspection provided for in this chapter, the registered owner of such motor vehicle shall be allowed fourteen (14) days from the date the motor vehicle registration expires to make repairs or corrections in order that such vehicle shall pass such inspection. The owner of such motor vehicle shall be required to resubmit the motor vehicle for inspection within fourteen (14) days to pass the required inspection.
- B. If any motor vehicle fails to pass the emissions test provided for in this chapter, the registered owner of such motor vehicle shall be provided an inspection certificate stating the date the emissions test was administered and failed and shall be allowed thirty (30) days from the date the vehicle registration expires, in accordance with T.C.A. 55-4-128(a), to make repairs or corrections in order that such motor vehicle shall pass such test. The owner of such motor vehicle shall be required to resubmit the motor vehicle for inspection until such motor vehicle successfully passes the emissions test requirements.
- C. If any motor vehicle fails inspection, excluding the emissions testing, the owner of such motor vehicle shall resubmit the motor vehicle for re-inspection of the failed items within thirty (30) days from the date of failure. Should the owner fail to comply with this provision, the motor vehicle shall be subject to all inspection requirements as specified in Section 21-302.
- D. If, in the opinion of the police director, or his or her designated agent, the director of the division of Public Services and Neighborhoods or his or her designated agent, any motor vehicle is so defective as to make it dangerous to the public to allow such motor vehicle to be operated on the public streets and highways, the time period, as specified in paragraphs A and B above, allowed for repair may be denied and the owner or driver of such motor vehicle shall take same immediately to a place of repair and, until same passes inspection, shall not operate same except to the place where it is to be repaired and to return same to the municipal testing station.
- E. Any owner or driver of any motor vehicle which has not passed inspection, operating same more than thirty (30) days after the time of its inspection, and any owner or driver of a motor vehicle which has failed to pass on re-inspection, or which has been declared dangerous and ordered immediately repaired, operating same otherwise than as hereinabove provided, shall be guilty of a misdemeanor.

Sec. 21-313 Director of Public Services and Neighborhoods authorized to promulgate rules and regulations regarding inspection of vehicles.

The director of Public Services and Neighborhoods is authorized to promulgate rules and regulations subject to approval of the council for the inspection of motor vehicles, setting forth the equipment of such motor vehicles to be inspected in accordance with the standards and provisions of this title and such other standards as approved in such rules and regulations.

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

BE IT FURTHER ORDAINED, that this Ordinance shall take effect from and after the date it shall have been approved by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the Comptroller.

Myron Lowery
Council Chairman

Attest:

Patrice Thomas, Comptroller

RESOLUTION

WHEREAS, Shelby County Government ("County"), acting by and through the Shelby County Clerk ("Clerk"), presently issues the annual license and collects the annual privilege tax due the State of Tennessee and the Clerk's fees for motor vehicle registrations in Shelby County as provided in T.C.A. § 55-4-101 et. seq.;

WHEREAS, The City of Memphis ("City") has determined it to be more economical and more convenient for the public and therefore in the best interest of the City for the Clerk to collect the annual fees for the registration of vehicles in the City at the same time and place the Clerk issues the annual license and collects the annual privilege taxes due the State of Tennessee and the Clerk's fees from the motor vehicle registrants in Shelby County;

NOW, THEREFORE,

SECTION 1. BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MEMPHIS, That the authority for the County to collect vehicle registration fees as defined by an Intergovernmental Agreement, by and between the City of Memphis and Shelby County Government, is hereby granted in accordance with the terms and conditions of said Agreement.

SECTION 2. BE IT FURTHER RESOLVED, That the Mayor is hereby authorized to execute the said Intergovernmental Agreement by and between the City of Memphis and Shelby County Government.

MYRON LOWERY, Chairman
Memphis City Council

Attest: Patrice Thomas,
Comptroller

CITY COUNCIL RESOLUTION

WHEREAS, Shelby County Commission Chairman Deidre Malone appointed an ad hoc Reappraisal Committee to study the 2009 Countywide Reappraisal and make recommendations for improvements for future appraisals; and

WHEREAS, it has been reported by Chandler Reports that there were 3,999 foreclosures in Shelby County during 2005, 5,390 in 2006, 5,965 in 2007 and 7,317 in 2008 while the total Shelby County home sales for those same years were 24,739, 25,284, 20,706 and 16,418 respectively; and

WHEREAS, it has also been reported by Chandler Reports that the 10 largest sellers of homes in Shelby County during 2008 were financial institutions, loan servicers and/or loan insurers/guarantors and the 3,998 home sales of those financial institutions totaled \$237,942,966; and

WHEREAS, the 2008 home sales by these 10 financial institutions constituted 24% of all home sales in Shelby County during 2008 and considering sales of other financial institutions in 2008 might carry the percentage of 2008 home sales by financial institutions to over 35%; and

WHEREAS, an official of the Tennessee State Department of Property Assessment has advised ad hoc committee Chairman Mike Carpenter that while the County Assessor is obligated to follow the guidelines promulgated by the State Department of Property Assessment to not consider home foreclosures, bank REO sales and deeds-in-lieu in their reappraisal process, the Shelby County Board of Equalization may consider the effect of these foreclosures, bank REO sales and/or deeds-in-lieu in considering and deciding appeals by individual homeowners of the County Assessor's individual reappraisals; and

WHEREAS, three members of the County Board of Equalization are appointed by the Shelby County Board of Commissioners, three members are appointed by the City of Memphis, and one each are appointed by the cities of Bartlett, Germantown and Collierville; and

WHEREAS, the Board of Equalization is not obligated to follow the guidelines that the State Division of Property Assessments establishes for the County Assessor and may consider bank foreclosures, bank REO sales and/or deals in-lieu-of-foreclosure when they consider and decide appeals by homeowners; and

WHEREAS, commercial, industrial and agricultural property owners generally appeal their appraisals through professional services knowledgeable in the law and methods of appraisal including the effects of an adverse economic climate, but residential homeowners generally appeal without the assistance of such tax professionals.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMPHIS CITY COUNCIL that due to this year's unusual economic climate as described above, the members of the Council of the City of Memphis encourage the Shelby County Board of Equalization to consider the effect of bank foreclosures, bank REO sales and/or deeds-in-lieu-of-foreclosure on home values in their decisions concerning appeals by the City of Memphis homeowners for the reappraisals done for the Tax Year 2009.

KEMP CONRAD
Council Member

MYRON LOWERY
Chairman

**AN ORDINANCE TO AMEND CHAPTER 2, ARTICLE I,
SECTION 2-10 OF THE CODE OF ORDINANCES SO AS TO
AMEND THE MEMBERSHIP REQUIREMENTS OF THE BOARD OF ETHICS
OF THE CITY OF MEMPHIS**

WHEREAS, the Memphis City Council recognizes the importance of getting the City of Memphis Board of Ethics operating to assume the responsibilities now being handled by the City Attorney's office; and

WHEREAS, Council members have submitted potential appointees for the City of Memphis Board of Ethics, none of which have been a retired judicial officer which is required by the current ordinance; and

WHEREAS, it has been extremely difficult to identify a retired judicial officer willing to serve as a member of the City of Memphis Board of Ethics and the Memphis City Council believes it is in the best interest of the citizens of Memphis to amend the ethics ordinance to remove this requirement.

**SECTION 1. NOW, THEREFORE, BE IT ORDAINED BY THE
COUNCIL OF THE CITY OF MEMPHIS that Chapter 2, Article I, Section 2-10-
10, subsection A (1) is hereby amended by adding the following language**

Sec. 2-10-10 Board of ethics of the city.

A. Creation, Organization, and Membership.

1. There is created the board of ethics of the city. The board of ethics shall consist of seven members. The members of the board of ethics shall have resided in the city of Memphis for five years and be selected from each of the seven city council districts of Memphis, with one member being selected from each district. Each member shall be a resident of the district he or she represents. At least one member of the board of ethics may be a retired judicial officer who during his or her tenure presided over a Tennessee chancery, circuit, criminal, general sessions, juvenile, or probate court, or served as a federal judicial officer in a court with jurisdiction over the city, and who retired or left office in good standing. In the event no retired judicial officer is available to serve as a member of the Board of Ethics of the City of Memphis, an attorney who is retired and in good standing with the Tennessee Bar Association may be nominated for appointment.

SECTION 2. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS that Chapter 2, Article I, Section 2-10-10, subsection A(7) is hereby amended by deleting the current language and adding the following

7. Members shall elect a chair from amongst their number in April of every odd-numbered year. The chair of the board of ethics may be a retired judicial officer who during his or her tenure presided over a Tennessee chancery, circuit, criminal, general sessions, juvenile, or probate court, or served as a federal judicial officer in a court with jurisdiction over the city, and who retired or left office in good standing. In the event no judicial officer is appointed to the board, members may elect a retired attorney in good standing with the Tennessee Bar Association or any other member deemed capable to serve as chair by the Board.

SECTION 3. 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 4. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that this ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the comptroller and become effective as otherwise provided by law.

BILL BOYD
Council Member

MYRON LOWERY
Council Chairman