



## Memphis City Council Summary Sheet Instructions

Please provide a brief summary of the item, in bullet form, not to exceed one page:

1. Resolution to increase the complement of the appointed positions of Colonels in the Police Division from (10) to (12).
2. Police Division recommends adding (2) Colonel positions for the Organized Crime Unit (182 employees) and Investigative Services (267 employees).
3. Increases the complement of appointed positions of Colonels from (10) to (12) – Section 250 of the Memphis City Charter.
4. No contracts are affected by this change.
5. This does not require an increased funding or a budget amendment. Police will be deleting (2) Major positions.

**RESOLUTION TO RECOGNIZE CERTAIN POSITIONS AS  
APPOINTED AND EXEMPT FROM CIVIL SERVICE AND TO  
CLARIFY THE STATUS OF THESE EMPLOYEES**

**WHEREAS**, Section 250 of the Memphis City Charter provides that the Director of Personnel shall classify all offices and positions; and

**WHEREAS**, Section 250 of the Memphis City Charter sets forth certain positions as appointed and allows for the creation of additional appointed positions with the concurrence of the Council of the City of Memphis; and

**WHEREAS**, Memphis Police Division recommends increasing the complement of the appointed positions of Colonels in the Police Division from (10) to (12).

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that the Council concurs with the recommendation of increasing the complement of the appointed positions of Colonels in the Police Division from (10) to (12) pursuant to Section 250 of the Memphis City Charter.

**BE IT FUTHER RESOLVED** that the complement of this classification shall be increased from (10) to (12).

Colonel

Police Services Division

## Memphis City Council Resolution

WHEREAS, House Bill 2635 is proposed to amend Tennessee Code Annotated, § 67-5-221 (a).

WHEREAS, TCA § 67-5-221 (a) provides relief from taxation of land owned by charitable institutions for the construction of residential housing for low-income families; and

WHEREAS, the proposed amendment would allow not only the exemption of land owned by charitable organizations but also would allow buildings on the land owned by such institutions to be exempt as well.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMPHIS CITY COUNCIL does support HB 2635 and encourages its passage by the State Legislature.

Jim Strickland

**\*TEXT IN BLUE IS FROM CURRENT CITY OF MEMPHIS PANHANDLING ORDINANCE;  
TEXT IN BLACK IS WHAT HAS BEEN ADDED\***

**DRAFT**

**Sec. 20-28. Panhandling**

**PURPOSE.**

The purpose of this section and legislation is to regulate and punish violations of the act of panhandling, rather than the status of the person and is not intended to restrict the exercise of protected free speech.

*Exclusion.* The activities of panhandling do not include a person who passively stands or sits with a sign or other indication that one is seeking donations, without addressing any solicitation to any specific person other than in response to an inquiry by that person.

Nothing in this section shall abrogate, or abridge provisions of City Code, Chapter 30, "Solicitation of Public Funds", or the laws of state and federal government, or those laws regulating non-profit, religious, educational, civic or benevolent organizations.

It is the intent of the City Council in enacting this ordinance to improve the quality of life and economic vitality of the City, and to protect the safety of the general public against abusive conduct of persons engaged in solicitation, by imposing reasonable manner and place restrictions on solicitation while respecting the constitutional rights of free speech for all citizens.

An increase in aggressive and abusive solicitation throughout Memphis, and in particular the Central Business Improvement District (CBID), has become extremely disturbing and disruptive to residents, visitors and businesses. Furthermore, aggressive and abusive solicitation has contributed not only to the loss of access and freedom to enjoy public spaces, but also to an enhanced sense of fear, intimidation and disorder and has created an economic hardship on businesses.

The City Council also finds as abusive the solicitation of people in places where they are a "captive audience" in which it is impossible or difficult for them to exercise their own right to decline to listen to or to avoid solicitation from others. Additionally, the City Council also finds that the presence of individuals who solicit money from persons at or near banks, automated teller machines, parking lots and garages, pay telephones, outdoor dining areas, school buildings, health care institutions and health services and public transportation facilities is especially troublesome because of the enhanced fear of crime in those confined environments. Such places include but are not limited to trolley stops, hotels, indoor and outdoor dining areas and financial institutions. Restricting solicitation in such places will provide a balance between the rights of solicitors and the rights of persons who wish to decline or avoid such solicitations, and will help avoid or diminish the threat of violence in such unavoidable confrontations.

Furthermore, people entering public buildings are frequently confronted with persons blocking the entrance in order to solicit funds, which not only can be a hindrance and distraction, but creates a bottleneck in an area where it is essential that there be a free flow of pedestrian traffic.

The City Council finds that aggressive solicitation for money in public and private places threatens residents' and visitors' safety, privacy and quality of life. Memphians seek policies that preserve citizens' rights to enjoy public spaces free from fear and harassment while protecting the free speech rights of individuals and groups, permitting appropriate and safe commercial activities of street artisans, performers and merchants.

It is not the purpose of this Ordinance to limit any persons from exercising their constitutional right to solicit funds, picket, protest or engage in other constitutionally protected activity. Rather, its goal is to protect citizens from the fear and intimidation accompanying certain kinds of solicitations that have become an unwelcome and overwhelming presence in Memphis.

In promulgating this Chapter, the City Council seeks to impose regulations that are narrowly tailored to serve the aforementioned significant government interests.

**(b) Definitions.** [For the purposes of this section, certain terms shall have the meanings ascribed to them in this paragraph, unless the context clearly indicates otherwise:]

**“Assault”** means assaultive offenses as set out in Tennessee Code Annotated sections 39-13-101, 39-13-102 and 39-13-103, and classed as criminal offenses.

For purposes of this City Code section 20-28, “assault” does not apply to “manner of panhandling” as set out in paragraph (f) hereunder and classified as a misdemeanor.

**“Abusive Solicitation”** means to do one or more of the following while engaging in solicitation or immediately thereafter:

1. Coming closer than three (3) feet to the person solicited unless and until the person solicited indicates that he or she wishes to make a donation;
2. Blocking or impeding the passage of the person solicited;
3. Following the person solicited by proceeding behind, ahead or alongside of him or her so as to continue soliciting after the person solicited declines to make a donation;
4. Threatening the person or accompanying person solicited with physical harm by word or gesture and the person would regard the threat as offensive or provocative;
5. Abusing the person solicited with words which are offensive and inherently likely to provoke an immediate violent reaction;
6. Touching the solicited person without the solicited person's consent and a reasonable person would regard the contact as offensive or provocative ;
7. Engaging in solicitation activity in any of the prohibited places specified in Restricted Geographical Areas.

**“Accost”** means to approach and speak in a challenging and aggressive manner.

**“Aggressively beg”** means to beg with the intent to intimidate another person into giving money or goods with actual or implied threats, or menacing actions.

**“ATM or Automated Teller Machine”** shall mean a device, linked to a financial institution's account records, which is able to carry out cash transactions.

**“Bank”** means any member bank of the Federal Reserve System, and any bank, banking association, trust company, savings bank, or other banking institution organized or operated under the laws of the United States, and any bank the deposits of which are insured by the Federal Deposit Insurance Corporation.

**“Beg”** means to ask for money or goods as a charity, whether by words, bodily gesture, signs, or other means.

**“Check Cashing Business”** shall mean any person duly licensed to engage in the business of cashing checks, drafts or money orders for consideration.

**“Coerce”** means:

- 1) To approach or speak to a person in such a manner as would cause a reasonable person to believe that the person is being threatened with:
  - a) Imminent bodily injury; or
  - b) The commission of a criminal act upon the person or another person, or upon property in the person’s immediate possession;
- 2) To persist in a solicitation after the person solicited has given a negative response;
- 3) To block, either individually or as part of a group of persons, the passage of a solicited person;
- 4) To engage in conduct that would reasonably be construed as intended to compel or force a solicited person to accede to demands.

**“Credit Union”** means any federal credit union and any state-chartered credit union the accounts of which are insured by the Administrator of the National Credit Union Administration.

**“Donation”** means any item of value, monetary or otherwise, accepted by a panhandler and shall also include the purchase of an item for an amount far exceeding its value under circumstances where a reasonable person would understand that the purchase is in substance a gift.

**“Exempt organizations”** shall mean any non-profit, religious, civic or benevolent organization described in Section 501© of the Internal Revenue Code of 1986.

**“Exempt Zones”** means those portions of public property within, or on the boundary of, the Downtown Panhandling Prohibited Zone specifically excluded by the Exempt Zone Committee from the prohibitions of Section 20-28. Solicitation and off-premises canvassing, as defined above, and otherwise meeting the requirements of the City Code, may take place in exempt zones. The size, number and location of exempt zones shall be determined by the Exempt Zone Committee. Maps showing the location of the CBID Panhandling Exclusion Zone and Exempt Zones shall be made available at the Center City Commission and the Memphis Police Department South Main Precinct. Exempt Zones that are part of public property leased, permitted or otherwise contracted to third parties by the Center City Commission shall lose their exempt status during the term of the contract.

**“Exempt Zone Committee”** means a committee comprised of 1) the President of the Center City Commission and/or his designee(s) and 2) the ranking Memphis Police Department commander and/or his/her designee(s) of the South Main Precinct. Said committee shall determine the number and location of appropriate locations for Exempt Zones and shall meet on a semi-annual basis to perform a review of existing Exempt Zones.

**“Financial Institution”** shall mean any banking corporation, credit union, or foreign exchange office.

**“Health care institution”** shall mean any agency, institution, facility or place, whether publicly or privately owned or operated, that provides health services and that is one (1) of the following: nursing home; recuperation center; hospital; ambulatory surgical treatment center; birthing center; mental health hospital; mental retardation institutional habilitation facility; home care organization or any category of service provided by a home care organization for which authorization is required under part 2 of this chapter; outpatient diagnostic center; rehabilitation facility; residential hospice; or non-residential methadone treatment facility as defined in the Tennessee Code.

**“Health service”** means clinically related services such as diagnostic, treatment or rehabilitative services.

**“Intimidate”** means to engage intentionally in conduct which would make a reasonable person fearful or feel compelled.

Also, for purposes of this section 20-28, a person commits the offense of intimidating others from exercising civil rights who:

1. Injures or threatens to injure or coerces another person with the intent to unlawfully intimidate another from the free exercise or enjoyment of any right or privilege secured by the Constitution or laws of the State of Tennessee; or
2. Injures or threatens to injure or coerces another person with the intent to unlawfully intimidate another because that other exercised any right or privilege secured by the Constitution or laws of the United States or the Constitution or laws of the State of Tennessee.

**“Panhandler”** is any person, other than an exempt organization, acting on his/her own behalf or on behalf of another, requesting an immediate donation of money or exchange of any services; or any person, acting on his/her own behalf, attempting to sell an item for an amount far exceeding its value, or where said item is already offered free-of-charge to the general public, and a reasonable person would understand that the purchase is in substance a donation.

**“Panhandling”** is the solicitation of any item of value, monetary or otherwise, made by a person, other than an exempt organization, acting on his/her own behalf, requesting an immediate donation of money or exchange of series; or any person, acting on his/her own behalf, attempting to sell an item for an amount far exceeding its value, or an item which is already offered free-of-charge to the general public, and under circumstances a reasonable person would understand that the purchase is in substance a donation.

**“Pedestrian interference”** means the obstruction of pedestrian or vehicular traffic by aggressively begging which impedes the passageway or a pedestrian or vehicular traffic.

**THE “DOWNTOWN PANHANDLING PROHIBITED ZONE”** is defined by the boundaries of the following named streets, including both sides of each named street and each corner of intersecting named streets: Mill Avenue from the Mississippi River on the west to North Third Street on the east; North Third Street southbound from Mill Avenue to Exchange Avenue; Exchange Avenue eastbound to North Fourth Street; North Fourth Street south to Poplar Avenue; Poplar Avenue eastbound to North Lauderdale Street; North Lauderdale Street southbound to Washington Avenue; Washington Avenue westbound to North Fourth Street; North Fourth Street southbound to Union Avenue; Union Avenue westbound to South Fourth Street; South Fourth Street southbound to Vance Avenue; Vance Avenue westbound to Wagner Street; Wagner Street northbound to Beale Street; Beale Street westbound to Riverside Drive; Riverside Drive northbound to Interstate 40; Interstate 40 westbound to the Mississippi River; the Mississippi River northbound to Mill Avenue.

**Graphic insert:**



**“Public place”** means an area generally visible to public view and includes alleys, bridges, buildings, driveways, parking lots, parks, plazas, sidewalks and streets open to the general public including those that serve food or drink or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

**“Public transportation vehicle”** shall mean any vehicle, including a trailer bus, designed, used or maintained for carrying 10 or more persons, including the driver; or a passenger vehicle designed for carrying fewer than 10 persons, including the driver, and used to carry passengers for hire.

**Restricted geographical areas.** Persons shall be restricted from panhandling in the following geographical area:

1) Downtown Panhandling Prohibited Zone

**“Savings and Loan Association”** includes a building and loan association, a federal or state savings and loan association, a federal savings bank, and any other financial institution, the accounts of which are insured by the federal savings and loan insurance corporation (FSLIC) or any successor of such corporation. (TN Code 1-3-105)

**“Self-service car wash”** means a structure:

1. At which a vehicle may be manually washed by its owner or operator with equipment that is activated by the deposit of money in a coin-operated machine; and
2. That is accessible and available for use by members of the general public.

**“Self-service fuel pump”** means a fuel pump:

1. From which a vehicle may be manually filled with gasoline or other fuel directly by its owner or operator, without the aid of an employee or attendant of the premises at which the fuel pump is located; and
2. That is accessible and available for use by members of the general public.

**“Sidewalk”** means all portions of any public street where the same has no curb line and as to any public street having a curb line includes all portions situated between each curb line and the nearest property line regardless of whether the sidewalk is improved or unimproved.

**“Solicit”** and **“Solicitation”** mean to make any request in person while in a public place, for an immediate grant of money, goods or any other form of gratuity from another person(s) when the person making the request is not known to the person(s) who are the subject of the request, or to engage in such activity on private property.

However, the terms “solicit” and “solicitation” shall not mean the act of passively standing or sitting with a sign or other indicator that a donation of money, goods, or any other form of gratuity is being sought without any vocal request other than a response to an inquiry by another person.

**(d) Time of panhandling.** It is unlawful for any person to solicit under the following conditions: Between the hours of 7pm and 8am.

**(e) Place of panhandling.** Outside the boundaries of the Panhandling Prohibited Zone, any person who panhandles when the person solicited is in any of the following places is guilty of a misdemeanor:

1. Within 50 feet of:
  - a. any entranceway into or exit from any health care institution or health facility;
  - b. any entranceway into or exit from any bank, savings and loan association, credit union, check cashing business or other financial institution buildings;

- c. an automatic teller machine (ATM), provided that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility;
2. Within 25 feet of:
  - a. the entrance to a religious assembly;
  - b. any parking lot pay box;
  - c. any pay telephone, provided that when a pay telephone is located within a telephone booth or other facility, such distance shall be measured from the entrance or exit of the telephone booth or facility;
  - d. any bus stop, trolley stop or taxi stand
  - e. any entranceway into or exit from any building open to the public. Where any such entranceway or exit is recessed from the public sidewalk, the 25 feet shall be measured from the point at which the building abuts the sidewalk;
  - f. any marked crosswalk;
  - g. any outdoor dining area or outdoor merchandise area, if such areas are in active use at the time;
  - h. a self-service fuel pump
  - i. a self-service car wash
  - j. a line of people waiting to gain admission to a place or vehicle or waiting to purchase an item or admission ticket;
3. At or within 20 feet of any vendor location;
4. While seated on or leaning against any public bench, planter, monument or other public property;
5. While seated on or leaning against any privately owned property without the property owner's or tenant's permission;
6. While conducting a solicitation to any person placing or preparing to place money in a parking meter;
7. In any vehicle on the street;
8. In any public transportation vehicle;
9. On private property, unless the panhandler has permission from the owner or occupant

(f) **Manner of panhandling.** Any person who in a public place panhandles in any of the following ways or manner is guilty of a misdemeanor:

1. By coming within 3 (three) feet of the person solicited, unless that person has indicated that he/she does wish to make a donation;
2. By touching the person being solicited without that person's consent;
3. By using profane or abusive language, either during the solicitation or following a refusal;
4. By following or walking alongside a person who walks away from the panhandler and a reasonable person would regard this as offensive or provocative;
5. By blocking the path of a person who attempts to walk or drive away from the panhandler;
6. By panhandling in a group of two or more persons;
7. By any statement, gesture, or other communication which a reasonable person in the situation of the person solicited would perceive to be a threat;
8. By intimidating, obstructing pedestrian or vehicular traffic;

9. By assaulting or aggressively begging;
10. While under the influence of alcohol, illegal narcotic or a controlled substance.

**(g) False or misleading solicitation.**

1. Any person who knowingly makes any false, misuse, or misleading representation in the course of soliciting a donation is guilty of a misdemeanor. False or misleading representations include, but are not limited to, the following:
  - a. Stating that the donation is needed to meet a specific need, when the solicitor already has sufficient funds to meet the need and does not disclose that fact.
  - b. Stating that the donation is needed to meet a need which does not exist.
  - c. Stating that the solicitor is from out of town and stranded, when that is not true.
  - d. Wearing a military uniform or other indication of military service, when the solicitor is neither a present nor former member of the service indicated.
  - e. Wearing or displaying an indication of physical disability, when the solicitor does not suffer the disability indicated.
  - f. Use of any makeup or device to simulate any deformity; or
  - g. Stating that the solicitor is homeless, when he is not.
  - h. Stating the donation is for food but in reality is used for “sidewalk” drugs, or illegal contraband.
  - i. Using and exposing minors/children and animals to hazardous conditions i.e., cold, heat, animals, weather and/or strangers, to solicit funds.
  - j. To offer to sell newspapers, magazines, periodicals, pamphlets for a price, which are offered free-of-charge to the general public.
2. Any person who solicits a donation stating that the funds are needed for a specific purpose and then spends the funds received for a different purpose is guilty of a misdemeanor.
3. This section and subsection establishes a single offense. Evidence which establishes beyond a reasonable doubt that the defendant violated the section or subsection is sufficient for conviction and need not establish which subdivision was violated.

**(h) Accosting persons or obstructing traffic.** Every person who commits any of the following acts is guilty of a misdemeanor:

1. Who assaults, aggressively begs, intimidates, or accosts other persons in any public place or in any place open to the public, for the purpose of panhandling or soliciting a donation for immediate payment as defined in paragraph (b) above.
2. Obstructs pedestrian or vehicular traffic, or interferes at a time when a person, or the vehicle, is not in a position to walk or drive away.
3. Who accosts other persons in any public place, or in any place open to the public, for donations if it is a general and known fact to all reasonable people that appropriate institutions, organizations, or charity groups exist who make available the same daily necessities and needs at no cost.

**Severability.** The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the

application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

(i) **Penalties for violation.** Any person found violating of any one or all of the above subsections of section 20-28 is deemed guilty of a misdemeanor and upon conviction thereof subject to penalties as set under City Code section 1-8.

(Ord. No. 4211, 1, 12-14-93; Ord. No. 4352, 4, 8-15-95)

**Note**—It should be noted that Ord. No. 4282, adopted September 27, 1994, repealed and deleted the termination date of September 30, 1994 for section 20-28. Said ordinance is not set out herein, but is on file and available for inspection in the offices of the city.

**City of Memphis Prohibition on the Sale of Single Units of beer for Off-Premise Consumption in  
Certain Areas of Memphis**

**Draft 5**

An ordinance creating an Alcohol Impact Area encompassing a defined area within the Central Business Improvement District (CBID) restricting the sale of single beers for off-premise consumption.

WHEREAS, records and anecdotal information from the Center City Commission, community residents and businesses indicate that the residents, businesses and tourists within the Central Business Improvement District (CBID) are increasingly affected by the effects of chronic public intoxication and illegal activity associated with alcohol sales and consumption, and;

WHEREAS, an important element in the plan to reduce chronic public inebriation and illegal activity is to restrict the availability of alcohol sold to chronic public inebriates in areas where such sales threaten the public's health, safety and welfare as well as that of the chronic public inebriates.

WHEREAS, residents and business owners within the CBID have appealed to the Center City Commission for relief from the adverse effects of chronic public inebriation and illegal activity associated with alcohol sales and consumption in their neighborhoods.

WHEREAS, chronic public inebriation and illegal activity associated with alcohol sales and consumption within the CBID have contributed to the deterioration of the general quality of life and economic vitality within the CBID and threaten the welfare, health, peace and safety of visitors and occupants, as demonstrated by relevant crime statistics, police reports, citizen complaints and other information.

WHEREAS, the Center City Commission requested two convenience store vendors to conduct a voluntary single-serve beer restriction test in March 2009. Said vendors were located within the area bounded by Exchange Avenue on the north, Beale Street on the south, Front Street on the west, and Third Street on the east. At the outset, alcohol related incidents decreased in the immediate areas adjacent to the stores; however, when vendors returned to selling single-serve beers, incidents associated with alcohol violations began to increase. The current City of Memphis open container ordinance has been shown to be ineffective in deterring violators from drinking in public.

Significant problems associated with chronic public inebriation persist in the CBID. Designating this area as an Alcohol Impact Area and initiating efforts to combat chronic public inebriation are essential tools in the overall effort to remedy this problem.

**SECTION 1:**

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF MEMPHIS to create the  
City of Memphis Alcohol Impact Area.**

**SECTION 2:**  
**PURPOSE**

Creating the City of Memphis Central Business Improvement District (CBID) Downtown Alcohol Impact Area will reduce chronic public intoxication and illegal activity in the proposed area and restrict the availability of alcohol to chronic publicly intoxicated persons where such sales threaten the public's health, safety and welfare, as well as that of the chronic publicly intoxicated persons.

**DEFINITIONS:**

**“Alcohol Impact Area”** means a geographic area within the city limits of Memphis, Tennessee that is experiencing significant problems with chronic public intoxication or illegal activity associated with alcohol sales or consumption. The City of Memphis Central Business Improvement District Downtown Alcohol Impact Area is further geographically defined in Section 4 “Geographical Area”.

**“Alcoholic beverage”** means and includes alcohol, spirits, liquor, wine and every liquid containing alcohol, spirits, wine and capable of being consumed by a human being, other than patent medicine, or beer where the latter contains an alcoholic content of five percent by weight or less. (Memphis Sec. 7-4-1)

**“Beer”** means a malt beverage containing one-half of one percent or more of alcohol by volume and not more than five percent of alcohol by weight, and does not include a beverage designated by label or otherwise by a name other than beer.

**SECTION 3:**

**VOLUME REGULATED**

- a) It is unlawful for any beer or malt beverages to be sold, regardless of container size, in quantities of less than six (6) manufacturer pre-packaged multi-unit quantities per sale.

**SECTION 4:**

**GEOGRAPHICAL AREA OF THE DOWNTOWN ALCOHOL IMPACT AREA** defined by the boundaries of the following named streets, including both sides of each named street and each corner of intersecting named streets: Mill Avenue from the Mississippi River on the west to North Third Street on the east; North Third Street southbound from Mill Avenue to Exchange Avenue; Exchange Avenue eastbound to North Fourth Street; North Fourth Street south to Poplar Avenue; Poplar Avenue eastbound to North Lauderdale Street; North Lauderdale Street southbound to Washington Avenue; Washington Avenue westbound to North Fourth Street; North Fourth Street southbound to Union Avenue; Union Avenue westbound to South Fourth Street; South Fourth Street southbound to Vance Avenue; Vance Avenue westbound to Wagner Street; Wagner Street northbound to Beale Street; Beale Street westbound to Riverside Drive; Riverside Drive northbound to Interstate 40; Interstate 40 westbound to the Mississippi River; and the Mississippi River northbound to Mill Avenue.

**Graphic insert:**



**SECTION 5:**  
**EXCEPTIONS**

The provisions of this section shall not apply to the holders of permits for the sale of beer for on-premises consumption, the Beale Street historic district, or individuals and/or organizations acquiring permits for special events.

**PENALTIES:**

A violation of this section shall be considered due cause to appear at a hearing of the Memphis Alcohol Commission. The Commission, after hearing the facts, may deny, suspend, revoke, or refuse to renew any beer permit issued by the city pursuant to Chapter 4 of the City of Memphis Code of Ordinances.

**Severability.** The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

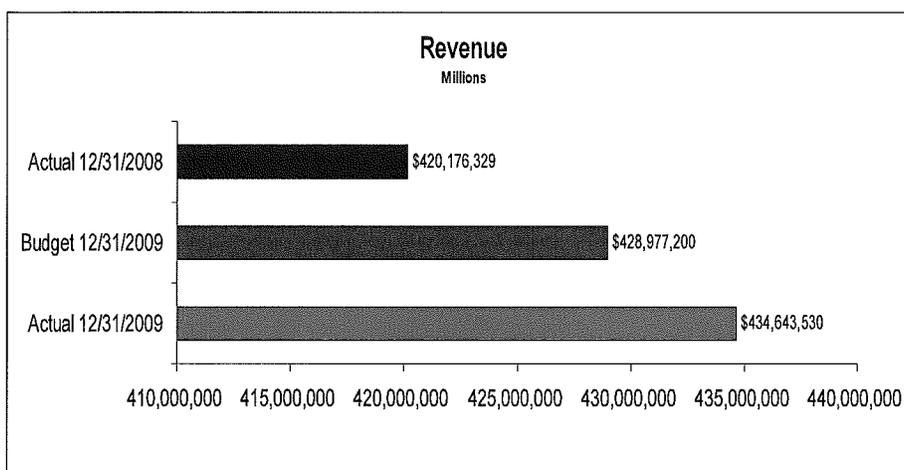
**FY 2010  
Second Quarter  
Financial Report**

**For the period ended  
December 31, 2009**

# **Operating Budget Section**

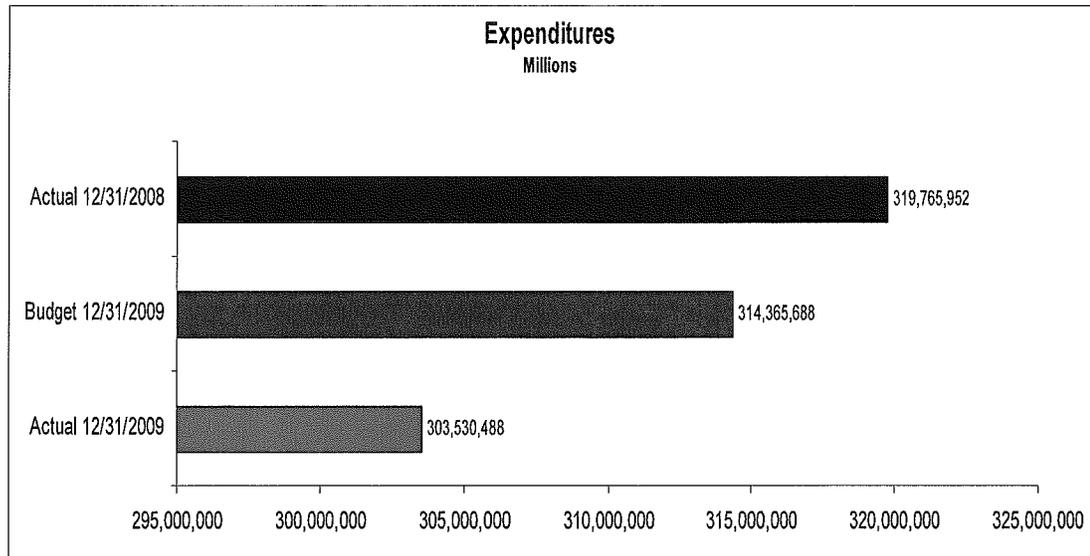
## Revenue Financial Highlights

- Local property tax collection is the major contributor to the City's positive financial performance. For the quarter ended December 31, 2009, local property tax collections of \$254 million are \$12.8 million ahead of the second quarter budget of \$241 million.
- Local option sales tax receipts seem to have settled into a pattern of 2-3% below budget on a monthly basis. For the quarter ended December 31, 2009, local sales taxes are approximately \$147,000 below budget. The benefit of an abnormal 20% above budget receipt in July has dissipated. Decreases in the range of 2 to 3% are expected through the end of the fiscal year.
- State sales tax receipts continue the downward trend for the quarter going from 11% below budget in October to 8% in both November and December. All categories of State tax receipts are below budget for the quarter except for the alcoholic beverage tax.



## Expenditure Financial Highlights

- Lower than budget, Quarter 2 2010 spending also trended lower than the same period last year.
- Spending for the quarter excluding the impact of cycling (budgeted spending ahead or behind the month budgeted) is in line with quarter expectations.
- For the six month period ending December 31, 2009, spending represents 50.0% of the annual forecast and 49.6% of the annual budget.



## Quarter 2 2010 Summary of Operations

### City of Memphis

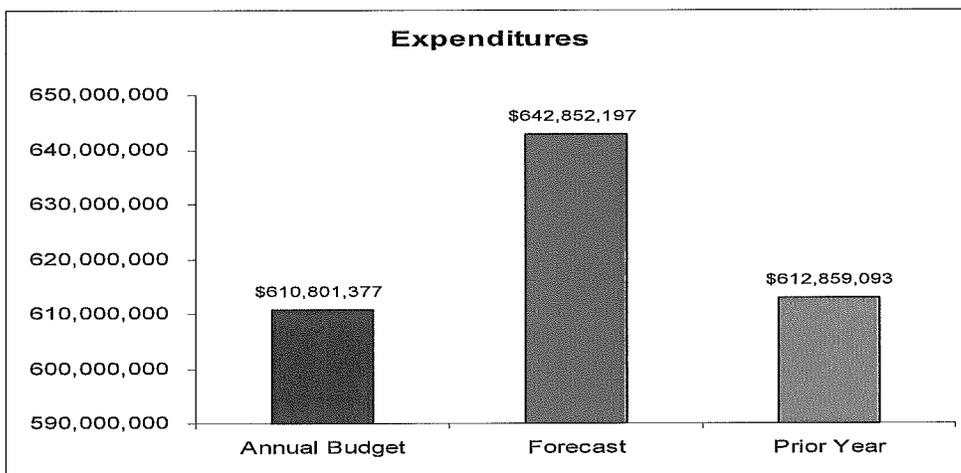
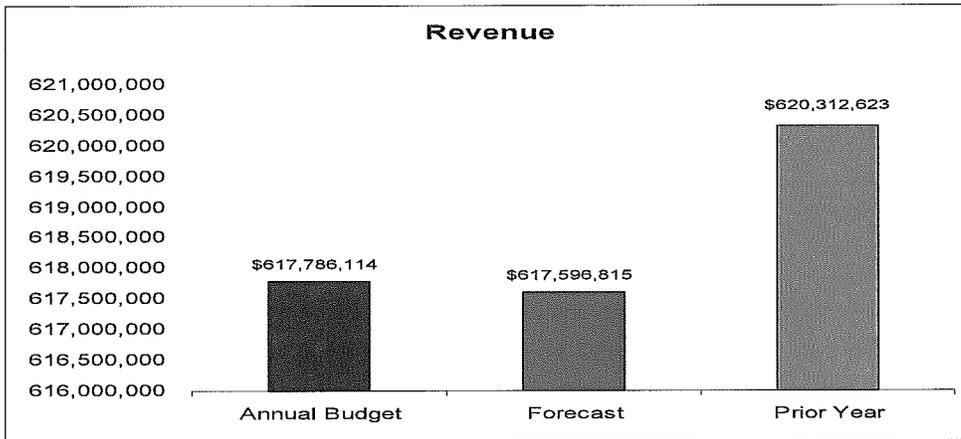
Summary of Operations  
For the Quarter Ended December 31, 2009

Revenue	Cumulative Actual 12/31/2009	Cumulative Actual 12/31/2008	Variance	%
Local Taxes	\$334,139,985	\$320,059,811	\$14,080,174	0.04
State Taxes	22,860,753	24,790,680	(\$1,929,927)	(0.08)
Licenses and Permits	5,687,246	5,477,486	\$209,760	0.04
Fines and Forfeitures	5,282,181	4,619,709	\$662,472	0.14
Charges for Services	12,868,605	13,083,601	(\$214,996)	(0.02)
Use of Money	341,580	1,723,152	(\$1,381,572)	(0.80)
Federal Grants	768,456	775,831	(\$7,375)	(0.01)
Other Revenues	4,524,853	4,716,679	(\$191,826)	(0.04)
Transfers	<u>48,169,871</u>	<u>44,929,380</u>	<u>\$3,240,491</u>	0.07
<b>Total Revenue</b>	<b>434,643,530</b>	<b>420,176,329</b>	<b>14,467,201</b>	<b>0.03</b>
<b>Expenditures</b>				
Police	110,610,636	108,189,268	(2,421,368)	(0.02)
Fire	79,824,443	89,477,822	9,653,379	0.11
Grants & Agencies	19,097,300	16,800,000	(2,297,300)	(0.14)
Parks	14,777,123	18,139,887	3,362,764	0.19
Exec	11,848,799	10,919,497	(929,302)	(0.09)
Public Service	10,731,298	12,125,812	1,394,514	0.12
Public Works	3,849,892	3,378,855	(471,037)	(0.14)
MATA	17,509,457	17,447,000	(62,457)	(0.00)
City Attorney	6,211,961	7,590,221	1,378,260	0.18
General Services	6,064,951	7,672,940	1,607,989	0.21
Health Services	2,500,000	6,877,000	4,377,000	0.64
Engineering	5,038,806	5,790,889	752,083	0.13
Human Resources	3,240,352	2,716,015	(524,337)	(0.19)
Community Enhancement	4,171,112	4,307,133	136,021	0.03
Finance	2,460,544	2,462,536	1,992	0.00
Housing and Comm Dev	2,987,292	3,239,110	251,818	0.08
City Court Clerk	1,570,508	1,578,967	8,459	0.01
City Council	744,908	768,000	23,092	0.03
City Judges	<u>291,106</u>	<u>285,000</u>	<u>(6,106)</u>	(0.02)
<b>Total Expenditures</b>	<b><u>303,530,488</u></b>	<b><u>319,765,952</u></b>	<b><u>16,235,464</u></b>	<b>0.05</b>
<b>Excess Revenue over Expenditures</b>	<b><u>131,113,042</u></b>	<b><u>100,410,377</u></b>	<b><u>30,702,665</u></b>	<b>0.31</b>

# **FY 2010 Full Year Forecast**

## Financial Highlights

- Due to continuing strong property tax collections, general revenue is expected to exceed budget. The impact of expected property tax appeals will reduce property tax revenue in the latter months of the fiscal year.
- The downward trend in state taxes continues with a year to date \$10.1 million deficit in this quarter compared to \$6.4 million in the first quarter.
- Spending, excluding the School Board funding, is forecasted to be favorable versus budget and the prior year.



# FY 2010 Summary of Operations

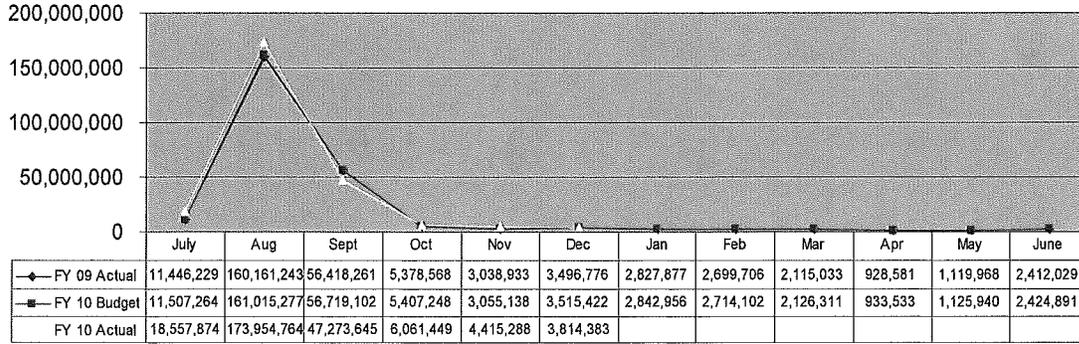
## City of Memphis

Summary of Operations  
For the Quarter Ended December 31, 2009

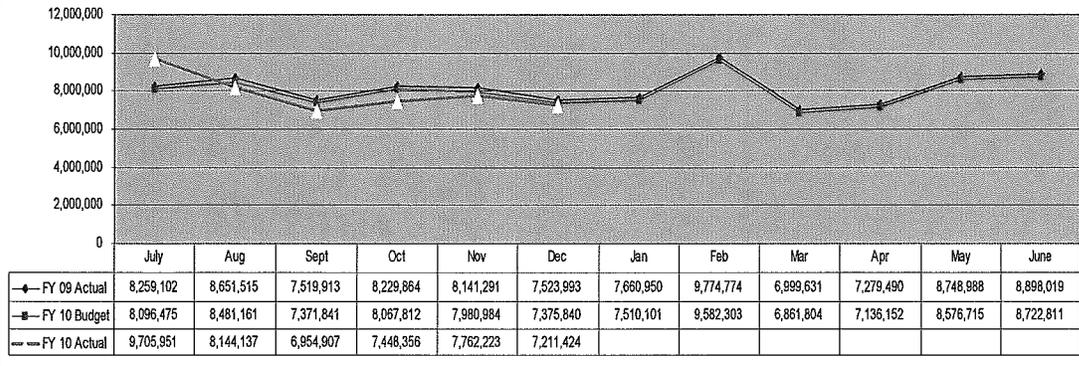
	<u>Annual Budget</u>	<u>Annual Forecast</u>	<u>Variance</u>	<u>%</u>
<b>Revenue</b>				
Local Taxes	\$413,460,129	\$423,913,053	\$10,452,924	2.53%
State Taxes	61,653,667	51,553,412	(\$10,100,255)	-16.38%
Licenses and Permits	11,697,406	11,637,725	(\$59,681)	-0.51%
Fines and Forfeitures	11,631,645	11,669,988	\$38,343	0.33%
Charges for Services	28,906,077	28,015,271	(\$890,806)	-3.08%
Use of Money	3,515,669	2,092,796	(\$1,422,873)	-40.47%
Federal Grants	1,979,942	1,737,817	(\$242,125)	-12.23%
Other Revenues	10,619,146	12,292,430	\$1,673,284	15.76%
Transfers	<u>74,322,433</u>	<u>74,684,323</u>	<u>\$361,890</u>	0.49%
<b>Total Revenue</b>	<b>617,786,114</b>	<b>617,596,815</b>	<b>(189,299)</b>	<b>-0.03%</b>
<b>Expenditures</b>				
Police	219,477,067	216,723,189	2,753,878	1.25%
Fire	161,987,627	158,876,921	3,110,706	1.92%
Grants & Agencies	39,334,234	79,129,700	(39,795,466)	101.17%
Parks	28,936,400	29,079,802	(143,402)	-0.50%
Exec	26,069,554	26,871,742	(802,188)	-3.08%
Public Service	22,257,417	22,376,107	(118,690)	-0.53%
Public Works	18,678,002	17,698,147	979,855	5.25%
MATA	17,930,000	17,930,000	0	0.00%
City Attorney	15,226,495	14,920,987	305,508	2.01%
General Services	11,820,204	11,703,666	116,538	0.99%
Health Services	5,000,000	5,000,000	0	0.00%
Engineering	9,454,297	9,146,392	307,905	3.26%
Human Resources	9,132,333	8,734,437	397,896	4.36%
Community Enhancement	8,597,157	7,989,760	607,397	7.07%
Finance	5,240,026	5,226,000	14,026	0.27%
Housing and Comm Dev	5,466,754	5,318,520	148,234	2.71%
City Court Clerk	3,843,113	3,832,652	10,461	0.27%
City Council	1,729,219	1,676,657	52,562	3.04%
City Judges	<u>621,480</u>	<u>617,518</u>	<u>3,962</u>	0.64%
<b>Total Expenditures</b>	<b>610,801,377</b>	<b>642,852,197</b>	<b>(32,050,820)</b>	<b>-5.25%</b>
<b>Excess Revenue over Expenditures</b>	<b><u>6,984,737</u></b>	<b><u>(25,255,382)</u></b>	<b><u>(32,240,119)</u></b>	

# **Three Revenues to Watch**

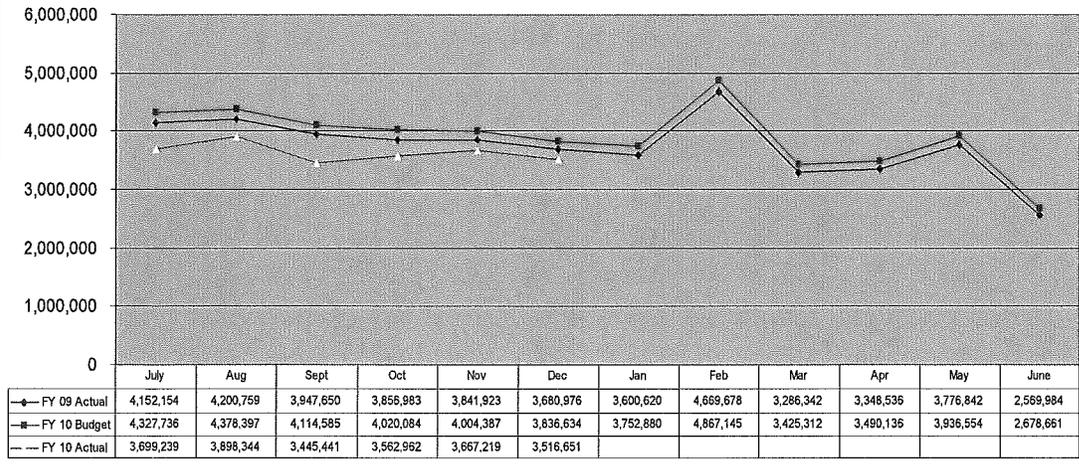
**Property Tax**  
254,077,403



**Local Sales Tax**  
47,226,997



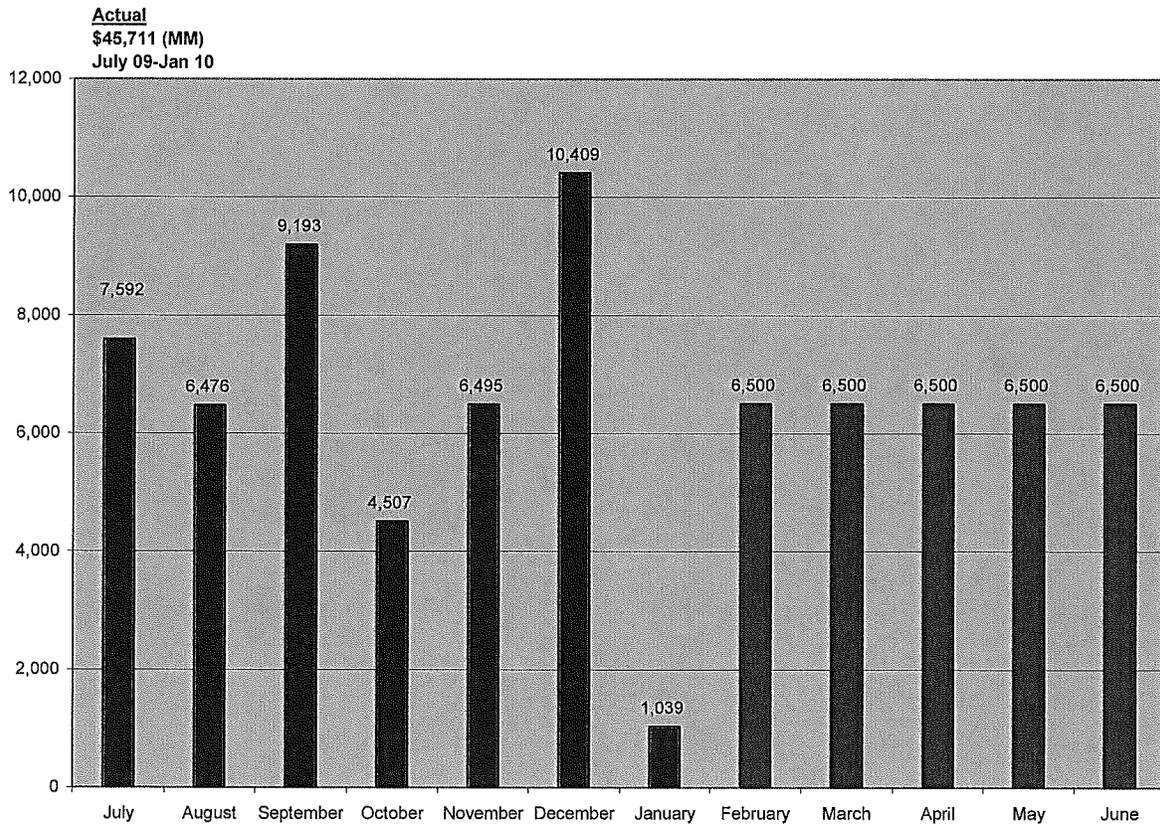
**State Sales Tax**  
21,789,856



# **Capital Improvement Budget Section**

## CIP Spending Trends

- Spending on CIP programs averaged \$7.4 million during the first half of FY 2010.
- This puts the full year spending forecast for CIP on track at just under \$80.0 million for FY 2010.



	July	August	September	October	November	December	January	February	March	April	May	June
Current	7,592	6,476	9,193	4,507	6,495	10,409	1,039	6,500	6,500	6,500	6,500	6,500
Cumulative	7,592	14,068	23,261	27,768	34,263	44,672	45,711	52,211	58,711	65,211	71,711	78,211

## Quarterly Report of Closed Projects

- Projects identified in Quarter 2 2010 with unused allocations are listed below.
- Unused allocations for completed projects amount to just over \$.5 million.

Project Number	Year Council Approved Project	Executive Description	Current Allocations	Total Approp	Proj-To-Date Expend	G.O. Bonds Balance
GA01001	07/01/2003	Riverfront	7,289,713	7,289,713	7,250,284	39,429
GA02004	07/01/2003	Pyramid Lighting	300,000	300,000	295,854	4,146
GA04001	07/01/2003	Health Dept-Forensic	393,160	386,502	386,502	-
<b>Executive Total</b>			<b>7,982,873</b>	<b>7,976,215</b>	<b>7,932,640</b>	<b>43,575</b>
PW01049	07/01/2003	Front at Carolina	1,618,773	1,018,773	939,334	79,439
<b>Public Works Total</b>			<b>1,618,773.00</b>	<b>1,018,773.00</b>	<b>939,334.00</b>	<b>79,439</b>
IS01004	07/01/2003	Communications Network Expansion	6,300,000	5,700,000	5,288,832	411,168
<b>IS Total</b>			<b>6,300,000</b>	<b>5,700,000</b>	<b>5,288,832</b>	<b>411,168</b>
<b>Total</b>			<b>15,901,646</b>	<b>14,694,988</b>	<b>14,160,806</b>	<b>534,182</b>



## Memphis City Council Mid Year Clean-up Summary Sheet

- This item is a Resolution to amend the FY 2010 Budget for unanticipated expenditures, including the City's FY 2010 obligation to Memphis City Schools.
- Initiating Party: Finance Division
- This Resolution is not a change to an existing Ordinance or Resolution.
- This Resolution does not require a new contract or modification to an existing contract.
- This Resolution is a budget amendment and will require spending from the City's Reserve Funds.

## RESOLUTION

**WHEREAS,** the Finance Division constantly monitors the City's actual financial performance relative to its adopted operating budget ; and

**WHEREAS,** each division of City Government periodically reviews its current revenues and expenditures and projects anticipated expenditures; and

**WHEREAS,** based on these projections some City divisions or service centers are forecasting total annual expenditures that will exceed the appropriated amounts approved for the Fiscal Year 2010 Operating Budget due to unanticipated circumstances; and

**WHEREAS,** it is necessary to amend the Fiscal Year 2010 Operating Budget to move appropriations between certain service centers and approve additional funding from reserves in order that appropriations not be exceeded; and

**WHEREAS,** it is also necessary to appropriate additional funding from the City's general fund revenues and reserve funds to meet its fiscal year 2010 obligation to Memphis City Schools; and

**WHEREAS,** the additional appropriation required for Memphis City Schools totals thirty-eight million dollars comprised of twenty-eight million from reserves and ten million from general revenues; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Memphis that the Fiscal Year 2010 Operating Budget be and is hereby amended in accordance with the attached schedule.

**City of Memphis  
Mid - Year Adjustments  
FY 2010**

Item #	Fund	Division	Description	Amount
1	General Fund	Information Services	Maintenance Contracts	\$500,000
2	General Fund	Finance	Retirement	\$35,000
3	General Fund	Executive	Mayor's Office-Retirement and personnel transition costs	\$219,516
			Citizens Service Center	\$37,000
			Auditing	\$43,000
			EMA	\$17,900
4	General Fund	Grants	Shelby County	\$996,600
			Death Benefits	\$300,000
5	General Fund	Public Services	Inspection Station Opening	\$100,000
5a	General Fund	Public Services	Animal Shelter Funding	\$262,271
6	General Fund	Parks	Temps for Recreation and Fairgrounds Costs	\$422,000
<b>Total Administration Requests</b>				<b>\$2,933,287</b>
7	General Fund	Grants	Transfer-Out Education Fund	\$38,000,000
<b>Fund Balance Reduction</b>				<b>\$40,933,287</b>
	General Fund	Grants	Transfer -Out CRA	\$499,500
<b>Increased Revenue</b>				<b>\$499,500</b>

**City of Memphis  
Mid - Year Adjustments  
FY 2010**

Fund		Account	Amount Dr.	Amount Cr.
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**New  
Memphis  
Arena Fund  
225**

Debit	Expenditures	\$4,834,173	
Credit	TDZ Revenues		\$4,834,173

**Education  
Fund 889**

Debit	Expenditures	\$38,000,000	
Credit	Transfer-In Education Fund		\$38,000,000

**CRA Fund  
228**

Debit	Expenditures	\$499,500	
Credit	Transfer-In CRA		\$499,500