

**RESOLUTION TO SUPPORT THE INCLUSION OF A NON-DISCRIMINATION
PROVISION IN ALL CITY CONTRACTS FOR SERVICES OR USE OF CITY
FACILITIES AND THE CITY PERSONNEL MANUAL**

WHEREAS, the population of the City of Memphis consists of people of every race, color, religion, sex, national origin, and sexual orientation; and

WHEREAS, it is in the interests of all citizens of Memphis to eradicate discrimination in all of its forms; and

WHEREAS, the Memphis City Council desires to promote the fair treatment and rights of all individuals; specifically the citizens of Memphis and employees of city government; and

WHEREAS, it is important to ensure that such individuals are not discriminated against based upon sexual orientation, gender identity or expression; and

WHEREAS, it is the intent of the Memphis City Council to continue to recognize uniformly held nondiscrimination policies and practices adopted in accordance with state and federal law; and

WHEREAS, it is not the intent of the Memphis City Council to support the creation of any additional protected classes yet to be established by state or federal law or to have this resolution interpreted by any commission, court, or other body as elevating any one group into a protected class; and

WHEREAS, the Memphis City Council has determined it to be in the best interest of the citizens of Memphis and city government employees that a standard non-discrimination provision be included in all city contracts for services or use of city facilities to expressly prohibit discrimination based on sexual orientation, gender identity or expression as hereafter defined by City policy; and

WHEREAS, the Memphis City Council has further determined that the City Personnel Manual; specifically, PM-30-01, should be revised to incorporate a non-discrimination policy that expressly prohibits discrimination based upon sexual orientation, gender identity or expression.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that all city contracts for services or use of city facilities shall include a non-discrimination provision that expressly prohibits discrimination based upon sexual orientation, gender identity or expression.

BE IT FURTHER RESOLVED by the Council that the City Personnel Manual shall be revised to incorporate a non-discrimination policy that expressly prohibits discrimination based upon sexual orientation, gender identity or expression as such terms are hereafter defined by City policy.

Janis Fullilove, Councilwoman
Memphis City Council

Harold Collins, Chair
Memphis City Council



Memphis City Council Summary Sheet

- Resolution urges TVA to implement a specific energy efficiency plan that will reduce electric consumption by one percent each year for the next five years and to partner with technology centers or community colleges that support Green Jobs training, join the state's Weatherization Assistance Program to educate low income families on electric bill saving tactics, engage in the training of building code inspectors, and invest more in public awareness throughout the community.
- There is no cost to implement this Resolution.
- **Sponsored by Flinn**

CITY COUNCIL RESOLUTION

WHEREAS, Tennessee homes are among the highest electric users in the nation; and many cities, counties and states throughout the country are on the energy efficiency path in an effort to expand on opportunities to deliver energy-efficient goods and services; and

WHEREAS, TVA has an aggressive peak reload reduction program in place, however, this focus alone does not maximize the overall economic and environmental benefits that stand to be gained through lower energy bills, greater consumer control, higher customer satisfaction, reduced cost power supply plants, air pollution control, reduced greenhouse gas emissions and fossil fuel extraction, lower water use and more; and

WHEREAS, investing in energy efficiency is critical to sustain TVA's mission to provide reliable service at the lowest possible price; and

WHEREAS, the Memphis City Council encourages TVA to move forward in rewarding electric conservation through measures such as paying rebates to consumers who purchase Energy Star appliances, offer recognition to industries that meet increased energy efficiency standards and reward contractors and homeowners who build or retrofit their properties to meet higher energy standards.

NOW, THEREFORE, BE IT RESOLVED, in an effort to provide reliable energy at the most affordable price, the Memphis City Council implores TVA to partner with technology centers or community colleges that support Green Jobs training, join the state's Weatherization Assistance Program to educate low income families on electric bill saving tactics, engage in the training of building code inspectors, and invest more in public awareness throughout the community.

BE IT FURTHER RESOLVED, that the Memphis City Council urges TVA to implement a specific energy efficiency plan that will reduce electric consumption by one percent each year for the next five years.

SHEA FLINN
Memphis City Council



Memphis City Council Summary Sheet Instructions

- Resolution to appropriate \$2,000,000 for CIP Project IS01007, Replace Obsolete Equipment (Enterprise), which was approved by City Council in the FY2011 CIP Budget. This project will programmatically replace obsolete equipment and will bolster the City's network storage capacity.
- The Division of Information Services is requesting this action.
- There is no change to an existing ordinance or resolution.
- The City of Memphis entered into an agreement with Affiliated Computer Services (ACS) for the provision of IT services including the procurement of the items pertaining to the services.
- This item requires the appropriation of \$2,000,000 in General Obligation Bonds chargeable to the FY2011 Capital Improvement Budget.

RESOLUTION

WHEREAS, the Fiscal Year 2011 Capital Improvement Budget approved by the City Council did include the CIP project number IS01007, Replace Obsolete Equipment (Enterprise); and

WHEREAS, Information Services has a project to programmatically replace obsolete equipment and to bolster the City's network storage capacity; and

WHEREAS, the City of Memphis entered into an agreement with Affiliated Computer Services (ACS) for the provision of IT services including the procurement of the items pertaining to the services, and

WHEREAS, it is necessary to appropriate \$2,000,000 in G. O. Bonds general in CIP Project IS01007, Replace Obsolete Equipment (Enterprise).

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby appropriated \$2,000,000 in General Obligation Bonds chargeable to the FY2011 Capital Improvement Budget and credited as follows:

Project Title: Replace Obsolete Equipment (Enterprise)

CIP Project Number: IS01007

Amount: \$2,000,000 G. O. Bonds General



Memphis City Council Summary Sheet Instructions

- Resolution to appropriate \$700,000 for CIP Project IS01059, Traffic Signs Inventory Assessment and Information Management System, which was approved by City Council in the FY2011 CIP Budget. This project will implement a Traffic Signs Inventory Assessment, replacement and Information Management System to meet Federal mandates, Tennessee State Law and to effectively maintain the integrity of all City-owned signs.
- The Division of Information Services is requesting this action.
- There is no change to an existing ordinance or resolution.
- The City of Memphis entered into an agreement with Affiliated Computer Services (ACS) for the provision of IT services including the procurement of the items pertaining to the services.
- This item requires the appropriation of \$700,000 in General Obligation Bonds chargeable to the FY2011 Capital Improvement Budget.

RESOLUTION

WHEREAS, the Fiscal Year 2011 Capital Improvement Budget approved by the City Council did include the CIP project number IS01059, Traffic Signs Inventory Assessment and Information Management System; and

WHEREAS, Information Services has a project to implement a Traffic Signs Inventory Assessment, Replacement and Information Management System to meet Federal mandate, Tennessee State law and to effectively maintain the integrity of all City-owned signs; and

WHEREAS, the City of Memphis entered into an agreement with Affiliated Computer Services (ACS) for the provision of IT services including the procurement of the items pertaining to the services, and

WHEREAS, it is necessary to appropriate \$700,000 in G. O. Bonds general in CIP Project IS01059, Traffic Signs Inventory Assessment and Information Management System.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby appropriated \$700,000 in General Obligation Bonds chargeable to the FY2011 Capital Improvement Budget and credited as follows:

Project Title: Traffic Signs Inventory Assessment & Information Management System

CIP Project Number: IS01059

Amount: \$700,000

G. O. Bonds General



Memphis City Council Summary Sheet Instructions

- Resolution to appropriate \$340,000 for CIP Project IS01070, Website/Intranet Upgrade which was approved by City Council in the FY2011 CIP Budget. This project will upgrade the City of Memphis Website and Intranet.
- The Division of Information Services is requesting this action.
- There is no change to an existing ordinance or resolution.
- The City of Memphis entered into an agreement with Affiliated Computer Services (ACS) for the provision of IT services including the procurement of the items pertaining to the services.
- This item requires the appropriation of \$340,000 in General Obligation Bonds chargeable to the FY2011 Capital Improvement Budget.

RESOLUTION

WHEREAS, the Fiscal Year 2011 Capital Improvement Budget approved by the City Council did include the CIP project number IS01070, Website/Intranet Upgrade; and

WHEREAS, Information Services has a project to upgrade the City of Memphis website/intranet; and

WHEREAS, the City of Memphis entered into an agreement with Affiliated Computer Services (ACS) for the provision of IT services including the procurement of the items pertaining to the services, and

WHEREAS, it is necessary to appropriate \$340,000 in G. O. Bonds general in CIP Project IS01070, Website/Intranet Upgrade.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby appropriated \$340,000 in General Obligation Bonds chargeable to the FY2011 Capital Improvement Budget and credited as follows:

Project Title: Website/Intranet Upgrade

CIP Project Number: IS01070

Amount: \$340,000. G. O. Bonds General



Memphis City Council Summary Sheet Instructions

- Resolution to appropriate \$65,000 for CIP Project IS01071, Weights/Measures Billing SW which was approved by City Council in the FY2011 CIP Budget. This project will replace Weights and Measures accounting software.
- The Division of Information Services is requesting this action.
- There is no change to an existing ordinance or resolution.
- The City of Memphis entered into an agreement with Affiliated Computer Services (ACS) for the provision of IT services including the procurement of the items pertaining to the services.
- This item requires the appropriation of \$65,000 in General Obligation Bonds chargeable to the FY2011 Capital Improvement Budget.

RESOLUTION

WHEREAS, the Fiscal Year 2011 Capital Improvement Budget approved by the City Council did include the CIP project number IS01071, Weights/Measures Billing SW; and

WHEREAS, Information Services has a project to replace Weights and Measures accounting software ; and

WHEREAS, the City of Memphis entered into an agreement with Affiliated Computer Services (ACS) for the provision of IT services including the procurement of the items pertaining to the services, and

WHEREAS, it is necessary to appropriate \$65,000 in G. O. Bonds general in CIP Project IS01071, Weights/Measures Billing SW.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby appropriated \$65,000 in General Obligation Bonds chargeable to the FY2011 Capital Improvement Budget and credited as follows:

Project Title: Enterprise Asset Management System

CIP Project Number: IS01071

Amount: \$65,000.

G. O. Bonds General



Memphis City Council Summary Sheet Instructions

- Resolution to appropriate \$350,000 for CIP Project IS01067, ADA Accessibility Routing which was approved by City Council in the FY2011 CIP Budget. This project will ensure the curb ramps and sidewalks meet the safety standards for the protection of citizens and develop a web-based mapping and routing application.
- The Division of Information Services is requesting this action.
- There is no change to an existing ordinance or resolution.
- The City of Memphis entered into an agreement with Affiliated Computer Services (ACS) for the provision of IT services including the procurement of the items pertaining to the services.
- This item requires the appropriation of \$350,000 in General Obligation Bonds chargeable to the FY2011 Capital Improvement Budget.

RESOLUTION

WHEREAS, the Fiscal Year 2011 Capital Improvement Budget approved by the City Council did include the CIP project number IS01067, ADA Accessibility Routing; and

WHEREAS, Information Services has a project to ensure the curb ramps and sidewalks meet the safety standards for the protection of citizens and develop a web-based mapping and routing application; and

WHEREAS, the City of Memphis entered into an agreement with Affiliated Computer Services (ACS) for the provision of IT services including the procurement of the items pertaining to the services, and

WHEREAS, it is necessary to appropriate \$350,000 in G. O. Bonds general in CIP Project IS01067, ADA Accessibility Routing.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby appropriated \$350,000 in General Obligation Bonds chargeable to the FY2011 Capital Improvement Budget and credited as follows:

Project Title: ADA Accessibility Routing
CIP Project Number: IS01067
Amount: \$350,000. G. O. Bonds General



Memphis City Council Summary Sheet Instructions

- Resolution to appropriate \$1,106,396 for CIP Project IS01072, Radio Banding which was approved by City Council in the FY2011 CIP Budget. This project will replace wide-band communications equipment and reconfigure 800 MHz frequency.
- The Division of Information Services is requesting this action.
- There is no change to an existing ordinance or resolution.
- The City of Memphis entered into an agreement with Affiliated Computer Services (ACS) for the provision of IT services including the procurement of the items pertaining to the services.
- This item requires the appropriation of \$1,106,396 in General Obligation Bonds chargeable to the FY2011 Capital Improvement Budget.

RESOLUTION

WHEREAS, the Fiscal Year 2011 Capital Improvement Budget approved by the City Council did include the CIP project number IS01072, Radio Banding; and

WHEREAS, Information Services has a project to replace wide-band communications equipment and reconfigure 800 MHz frequency; and

WHEREAS, the City of Memphis entered into an agreement with Affiliated Computer Services (ACS) for the provision of IT services including the procurement of the items pertaining to the services, and

WHEREAS, it is necessary to appropriate \$1,106,396 in G. O. Bonds general in CIP Project IS01072, Radio Banding.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby appropriated \$1,106,396 in General Obligation Bonds chargeable to the FY2011 Capital Improvement Budget and credited as follows:

Project Title: Radio Banding

CIP Project Number: IS01072

Amount: \$1,106,396. G. O. Bonds General



Memphis City Council Summary Sheet Instructions

- Resolution to appropriate \$850,000 for CIP Project IS01062, Telephone Systems Upgrade and Replacement, which was approved by City Council in the FY2011 CIP Budget. This project will bring telephone systems within all Divisions into compliance with the City standard by upgrading and/or replacing over 100 telephone systems.
- The Division of Information Services is requesting this action.
- There is no change to an existing ordinance or resolution.
- The City of Memphis entered into an agreement with Affiliated Computer Services (ACS) for the provision of IT services including the procurement of the items pertaining to the services.
- This item requires the appropriation of \$850,000 in General Obligation Bonds chargeable to the FY2011 Capital Improvement Budget.

RESOLUTION

WHEREAS, the Fiscal Year 2011 Capital Improvement Budget approved by the City Council did include the CIP project number IS01062, Telephone Systems Upgrade and Replacement; and

WHEREAS, Information Services has a project to bring telephone systems within all Divisions into compliance with the City standard by upgrading and/or replacing over 100 telephone systems ; and

WHEREAS, the City of Memphis entered into an agreement with Affiliated Computer Services (ACS) for the provision of IT services including the procurement of the items pertaining to the services, and

WHEREAS, it is necessary to appropriate \$850,000. in G. O. Bonds general in CIP Project IS01062, Telephone Systems Upgrade and Replacement.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby appropriated \$850,000. in General Obligation Bonds chargeable to the FY2011 Capital Improvement Budget and credited as follows:

Project Title: Telephone Systems Upgrade and Replacement

CIP Project Number: IS01062

Amount: \$850,000. G. O. Bonds General



Memphis City Council Summary Sheet Instructions

- Resolution to appropriate \$250,000 for CIP Project IS01069, Enterprise Email Upgrade which was approved by the City Council in the FY2011 CIP Budget. This project will upgrade the City of Memphis enterprise email system.
- The Division of Information Services is requesting this action.
- There is no change to an existing ordinance or resolution.
- The City of Memphis entered into an agreement with Affiliated Computer Services (ACS) for the provision of IT services including the procurement of the items pertaining to the services.
- This item requires the appropriation of \$250,000 in General Obligation Bonds chargeable to the FY2011 Capital Improvement Budget.

RESOLUTION

WHEREAS, the Fiscal Year 2011 Capital Improvement Budget approved by the City Council did include the CIP project number IS01069, Enterprise Email Upgrade; and

WHEREAS, Information Services has a project to upgrade the City of Memphis enterprise email system; and

WHEREAS, the City of Memphis entered into an agreement with Affiliated Computer Services (ACS) for the provision of IT services including the procurement of the items pertaining to the services, and

WHEREAS, it is necessary to appropriate \$250,000 in G. O. Bonds general in CIP Project IS01069, Enterprise Email Upgrade.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby appropriated \$250,000 in General Obligation Bonds chargeable to the FY2011 Capital Improvement Budget and credited as follows:

Project Title: Enterprise Email Upgrade

CIP Project Number: IS01069

Amount: \$250,000.

G. O. Bonds General



Memphis City Council Summary Sheet

- An ordinance requiring cats over 6 months of age and dogs weighing 30 lbs or more to be spayed or neutered.
 - There is no cost to implement this ordinance.
 - There is no contract related to this ordinance.
 - **Sponsored by Flinn**
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ORDINANCE NO. _____

**AN ORDINANCE TO AMEND CHAPTER 5 – ANIMALS AND FOWL
OF THE CODE OF ORDINANCES, CITY OF MEMPHIS
TO REQUIRE MANDATORY SPAYING AND NEUTERING OF CATS AND
DOGS WEIGHING THIRTY POUNDS OR MORE**

WHEREAS, the Memphis City Council desires to protect the citizens and pets of Memphis from the dangers of overpopulation of dogs, the overcrowding of the Memphis Animal Shelter and prevalence of dogs that are abused and abandoned; and

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

NOW, THEREFORE,

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

**ARTICLE V - MANDATORY SPAYING AND NEUTERING OF CATS AND
DOGS WEIGHING THIRTY POUNDS OR MORE**

Sec. 5-83. Spay and Neuter Requirement

No person shall own, harbor, or keep within the City of Memphis, a dog weighing thirty (30) pounds or more or cat over the age of six months, which has not been spayed or neutered unless the dog or cat is exempted from the provisions of this section, as defined under Sec. 8-17-3.

Sec. 5-84. Owner

Any person intentionally providing care or sustenance for a dog or cat shall be deemed the owner of such dog or cat.

Sec. 5-85. The following animals are exempt from the provisions of Section 5-83.

- (a) Dogs weighing less than thirty (30) pounds;
- (b) Dogs documented as having been appropriately trained and actually being used by public law enforcement agencies for law enforcement activities, or such dogs designated as breeding stock by an appropriate agency or organization approved

by the Director of Memphis Animal Services after consultation with knowledgeable professionals;

- (c) Dogs having been appropriately trained and actually being used as a service dog, such as a guide dog, hearing dog, assistance dog, seizure alert dog, or social/therapy dog, or such dogs designated as breeding stock by an appropriate agency or organization approved by the Director of Memphis Animal Services after consultation with knowledgeable professionals;
 - (d) Dogs documented as having been appropriately trained and actually being used by search and rescue agencies for search and rescue activities, or such dogs designated as breeding stock by an appropriate agency or organization approved by the Director of Memphis Animal Services after consultation with knowledgeable professionals;
 - (e) Dogs or cats certified by a licensed veterinarian as having a health reason for not being spayed/neutered;
 - (f) Dogs which are appropriately trained and actually being used for herding of other animals, or as livestock guardian dogs, hunting dogs, or such dogs designated as breeding stock by an appropriate agency or organization approved by the Director of Memphis Animal Services after consultation with knowledgeable Professionals;
 - (g) Dogs or cats boarded in a licensed kennel or a business, which boards such animals for professional training or resale;
 - (h) Dogs or cats which are registered with the American Kennel Club, the Cat Fancier Association or other recognized registry or trained and kept for the purpose of show, field trials or agility trials.
 - (i) Dogs of cats whose owner has obtained an unaltered animal permit issued by the license-collecting agent of the City, or any successor agency authorized by law to issue said permit.
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(a) Obtaining an unaltered (Fertile Animal) permit. Applicants must apply for unaltered permits with the City of Memphis, Division of Public Services.

(b) The owner of a fertile animal will have to pay the City a one-time \$200.00 permit fee to keep a fertile animal within the City. Said payment must be made to the City of Memphis Treasury.

(c) In order to prevent the over-breeding of animals, each permit authorizes the whelping of no more than one litter per female dog in any 12-month period and no more than one litter per domestic household in any 12-month period.

Sec. 5-86. Enforcement.

Memphis Animal Services, which is the Department under the Division of Public Services and Neighborhoods, is charged with the enforcement of Sec. 8-17-1. Animal Control Officers (ACOs) are the agents of the City of Memphis which are generally charged with compliance activities.

Sec. 5-87. Proof of Compliance to Enforcement Agents, including ACOs

Proof of compliance before citation may include but is not limited to:

1. a uniform mark or symbol at the spay incision site, such as the mark already utilized by the Mid-South Spay and Neuter Services that is in conformance with the American Veterinarian Medical Association (AVMA) standards;
2. a written statement from a veterinarian, which identifies the animal and explains why the animal is exempt;
3. a current rabies certificate, which identifies the animal and states that it has been spayed or neutered;
4. a visual inspection and determination by the ACO that the animal has been altered.

Sec. 5-88. Penalties

The offender of this ordinance shall be issued a citation, the penalty shall be a Fifty Dollar (\$50.00) fine and court costs. Said fine may be waived by the Court of appropriate jurisdiction on a first offense, if proof is provided that the dog or cat is/or has been brought in compliance with Sec. 8-17-1 by the date of the hearing.

On a second or subsequent offense, the Court shall have authority to enforce the \$50 fine plus costs and may hold the owner in Criminal Contempt and require the owner to prove that the animal has been brought into compliance with Sec. 8-17-1.

Sec. 5-89. Data

The Council hereby recognizes that adoption of this spay neuter ordinance may qualify the City of Memphis to apply for available grant money and encourages the Administration to maintain records to be able to provide statistics which may be requested for use in grant applications.

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

SECTION 3. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that this ordinance shall take effect on the later of: after it is passed by the Council, signed by the Chairman of the Council, certified and delivered to

the Office of the Mayor in writing by the comptroller and become effective as otherwise provided by law.

SHEA FLINN
Council Member

HAROLD COLLINS
Council Chairman

Attest:
Patrice Thomas, Comptroller



Memphis City Council Summary Sheet

- An ordinance amending the “dangerous/vicious animal ordinance” to require a dog who has bitten or attacked to be spayed or neutered within 30 days. Also requires a dog who has bitten once and been found running at large twice to be declared a dangerous/vicious animal.
 - There is no cost to implement this ordinance.
 - There is no contract related to this ordinance.
 - **Sponsored by Flinn**
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ORDINANCE NO. _____

**AN ORDINANCE TO AMEND CHAPTER 5 – ANIMALS AND FOWL, ARTICLE
III.5. DANGEROUS/VISIOUS ANIMAL OF THE CODE OF ORDINANCES,
CITY OF MEMPHIS TO REQUIRE STERILIZATION OF DOGS WHO HAVE
BITTEN AND DECLARE VICIOUS DOGS WHO HAVE BITTEN ONCE AND
BEEN FOUND RUNNING AT LARGE TWICE**

WHEREAS, the Memphis City Council desires to protect the citizens and pets of Memphis from the dangers of overpopulation of dogs, the overcrowding of the Memphis Animal Shelter and prevalence of dogs that are abused and abandoned by encouraging owners to spay or neuter their pets.

NOW, THEREFORE,

**SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
MEMPHIS, that Section 5-64. Definitions. be hereby amended to read as follows:**

"Dangerous/vicious animal" means any dog, or animal of the canine family, that according to records of the appropriate authority has:

1. Aggressively bitten, attacked, or has otherwise inflicted injury on a human being on public or private property;
2. Severely injured or killed a human being;
3. Been used primarily, or in part, for the purpose of dog fighting or any other
aggressive activity;
4. Aggressively and unprovoked, while off its owner's property, attacked another domestic animal causing serious injury or death;
5. *Bitten once and been found at large twice.*

**SECTION 2. BE IT FURTHER ORDAINED, that Section 5-70. Dogs or
animals not declared dangerous/vicious. be hereby amended to read as follows:**

When an animal attacks and/or bites strangers:

A. If an animal that has not been declared dangerous/vicious under this chapter aggressively attacks and causes severe injury to, or death of, any human being, the owner of the animal shall be cited for failing to properly control the animal and shall be subject to a fine of fifty dollars (\$50.00).

B. In addition, the animal shall immediately be confiscated by the animal control authority and the provisions of this section relating to the classification of an animal as a dangerous/vicious animal shall be implemented.

C. This chapter and title does not apply to dogs or animals used by law enforcement officials for law enforcement work or purposes.

D. A dog or animal shall not be classified as dangerous/vicious if the threat, injury, or damage was sustained by a person, who at the time was tormenting, abusing, or assaulting the dog or its owner or handler, and it shall be considered an isolated incident.

E. An unaltered animal with a record of one bite and/or attack must be spayed or neutered within thirty (30) days of the incident.

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 on the later of: after it is passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the comptroller and become effective as otherwise provided by law.

SHEA FLINN
Council Member

HAROLD COLLINS
Council Chairman

Attest:
Patrice Thomas, Comptroller



Memphis City Council Summary Sheet

- An ordinance amending the current law governing “dogs running at large” to require tethered dogs to also be behind a traditional or invisible fence. Dogs tethered for a period of time of 2 hours or more must also be spayed or neutered, regardless of weight.
 - There is no cost to implement this ordinance.
 - There is no contract related to this ordinance.
 - **Sponsored by Flinn**
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ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 5 – ANIMALS AND FOWL, SECTION 5-60. OF THE CODE OF ORDINANCES, CITY OF MEMPHIS TO REQUIRE DOG RESTRAINT BY TIE-OUTS OR OVERHEAD CABLES TO BE IN ADDITION TO TRADITIONAL FENCING AND THAT DOGS RESTRAINED BY TIE-OUTS OR OVERHEAD CABLE RUNS FOR TWO (2) HOURS OR LONGER BE SPAYED OR NEUTERED

WHEREAS, the Memphis City Council desires to protect the citizens and pets of Memphis from the dangers dogs running at-large.

NOW, THEREFORE,

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that **Section 5-60. Dogs running at large. (c) (2)** of the Code of Ordinances, City of Memphis, be hereby amended to read as follows:

Dogs Restrained by Tie-Outs or Overhead Cable Runs. In addition to traditional and invisible fencing, dogs may be restrained with suitably sized tie-outs or overhead cable runs. These restraints must be sufficient in length but never less than six feet, excluding length around collar, and nonrigid, to allow the animal freedom of motion, and to move about at will within a protected area on the property of the owner or handler without becoming tangled in obstacles. These types of restraints shall be located in the fenced yard area so as to prevent the dog from traversing upon another person's property, public sidewalks or public property and from charging and harassing persons and pedestrians utilizing these properties.

a. Dogs restrained by tie-outs or overhead cable runs for a period of two (2) hours or longer must be spayed or neutered.

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

SECTION 3. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that this ordinance shall take effect on the later of: after it is passed by the Council, signed by the Chairman of the Council, certified and delivered to

the Office of the Mayor in writing by the comptroller and become effective as otherwise provided by law.

SHEA FLINN
Council Member

HAROLD COLLINS
Council Chairman

Attest:
Patrice Thomas, Comptroller



Memphis City Council Summary Sheet

- An ordinance amending the annual license fees for unaltered dogs under 30 lbs to \$35 a year (current fee is \$15 for a fertile animal) and waiving the annual license fee for sterile animals (current fee is \$5).
 - There is no cost to implement this ordinance. The increase in the fertile animal will likely offset the elimination of the fee for sterile animals.
 - There is no contract related to this ordinance.
 - **Sponsored by Flinn**
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ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 5 – ANIMALS AND FOWL, SECTION 5-57. OF THE CODE OF ORDINANCES, CITY OF MEMPHIS TO RAISE THE ANNUAL LICENSE FEES FOR FERTILE DOGS WEIGHING TWENTY-NINE POUNDS OR LESS AND WAIVING THE ANNUAL LICENSE FEE FOR STERILE DOGS

WHEREAS, the Memphis City Council desires to protect the citizens and pets of Memphis from the dangers of overpopulation of dogs, the overcrowding of the Memphis Animal Shelter and prevalence of dogs that are abused and abandoned by encouraging owners to spay or neuter their pets.

NOW, THEREFORE,

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Section 5-57. Dog license tags required; fees; exceptions; cat rabies vaccination required. (a) (1) of the Code of Ordinances, City of Memphis, be hereby amended to read as follows:

(1) For each fertile dog weighing twenty-nine (29) pounds or less..... \$35.00

SECTION 2. BE IT FURTHER ORDAINED, that Section 5-57. Dog license tags required; fees; exceptions; cat rabies vaccination required. (a) (2) of the Code of Ordinances, City of Memphis, *be hereby deleted.*

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 on the later of: after it is passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the comptroller and become effective as otherwise provided by law.

SHEA FLINN
Council Member

HAROLD COLLINS
Council Chairman

Attest:
Patrice Thomas, Comptroller



Memphis City Council Summary Sheet

Resolution to accept and appropriate funds from the Department of Homeland Security for 2008 Metropolitan Medical Response System (MMRS).

1. This item is a resolution to accept and appropriate funds from the Department of Homeland Security for 2008 Metropolitan Medical Response System (MMRS)
2. Fire Service participates in the MMRS program annually to enhance the capabilities of State and local emergency preparedness and response personnel.
3. This requires an expenditure of funds in the Misc Grants Fund which is 100% reimbursed by the Department of Homeland Security.



Memphis City Council

RESOLUTION

WHEREAS, the City of Memphis Division of Fire Services has received grant funds in the amount of Three Hundred Twenty-One Thousand Two Hundred Twenty-One Dollars (\$321,221.00) from the United States Department of Homeland Security Metropolitan Medical Response System Grant Program; and

WHEREAS, these funds will be used to enhance the capabilities of State and local emergency preparedness and response personnel through the development of a State and urban area homeland security-training program; and

WHEREAS, it is necessary to accept the grant funding and amend the Fiscal Year 2011 Operating Budget to establish funds for the Division of Fire Services; and

WHEREAS, it is necessary to appropriate the grant funds in the amount of Three Hundred Twenty-One Thousand Two Hundred Twenty-One Dollars (\$321,221.00) from the United States Department of Homeland Security Metropolitan Medical Response System Grant Program

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the United States Department of Homeland Security Metropolitan Medical Response System Grant Program funds in the amount of Three Hundred Twenty-One Thousand Two Hundred Twenty-One Dollars (\$321,221.00) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the Fiscal Year 2011 Operating budget be and is hereby amended by appropriating the Expenditures and Revenues from the United States Department of Homeland Security Metropolitan Medical Response System Grant Program funds in the amount of Three Hundred Twenty-One Thousand Two Hundred Twenty-One Dollars (\$321,221.00) as follows:

Revenue

Homeland Security Grant \$321,221.00

Expenses

Equipment \$287,500.00

Training \$ 33,721.00



Memphis City Council Summary Sheet Instructions

1. This resolution will allow for the transfer of funds from the Drug Fund (0216) Drug Enforcement State (140802) Reserves Account (049999) to Drug Enforcement State vehicle account (053103) to purchase fifteen (15) Police vehicles for use at all nine (9) precincts.
2. It is initiated by Police Services Division.
3. No change to an existing ordinance or resolution applies.
4. This action does not presently require a contract or amend an existing contract.
5. This action requires an expenditure of funds and requires a budget amendment.

RESOLUTION

WHEREAS, the General Services Capital Acquisition Budget was reduced during FY11 budget hearings to allow for the purchase of 145 vehicles for the Division of Police Services Division; and

WHEREAS, the Division of Police Services has a need for an additional 15 marked Police vehicles at a total cost of \$465,000 for assignment and use at all of nine (9) Police Precincts and have determined an alternative source of funding; and

WHEREAS, the Police Organized Crime Unit has \$465,000.00 available in Reserves in the Drug Enforcement Fund under Drug Enforcement State Revenue to fund the additional purchase of the additional 15 Police vehicles.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby amended the Fiscal Year 2011 Operating Budget for the Police Organized Crime Unit in the amount of \$465,000.00 to purchase 15 marked Police vehicles chargeable and credited to the FY 2011 Operating Budget as follows:

Total chargeable to:

| | | |
|-----------------|------------------|------------------------|
| Fund | 0216 | Drug Fund |
| Service Center | 140802 | Drug Enforcement State |
| Line item | 049999 | Reserves |
| Expense Account | 053103 | Vehicles |
| Amount | \$465,000 | |



Memphis City Council Summary Sheet

Resolution changing eligibility requirements for the Utility Assistance Program

- A change to the existing resolution
- Expenditure of funds/requires a budget amendment: NA
- Sponsored by Councilwoman Fullilove

CITY COUNCIL RESOLUTION

WHEREAS, the City of Memphis has an Utility Assistance Program to provide relief to citizens struggling to pay their utility bills; and

WHEREAS, the Utility Assistance Program was designed to help residents who need emergency funds for energy and utility expenses; and

WHEREAS, due to certain eligibility requirements of the program, many citizens were not able to receive the help needed; and

WHEREAS, the Memphis City Council recognizes the change in the economic climate and the growing need for economic sustainability has severely impacted the budgets of everyone especially those citizens living on fixed incomes, working at minimum wage jobs and facing a hardship such as hospitalization or loss of job; and

WHEREAS, legislative changes were made in Nashville during the 106th General Assembly to expand eligibility from 125 percent to 200 percent of poverty; that means a family of four can earn up to \$44,100 a year and be eligible for LIHEAP (Low Income Home Energy Assistance Program) benefits.

NOW, THEREFORE, BE IT RESOLVED that the Memphis City Council hereby amends the following requirements of the Utility Assistance Program as follows:

Must be 30 years of age or older and/or certified medically as being totally (100%) disabled and/or faced with a hardship such as job loss or hospitalization for at least 6 months with proof of documentation

Combined household income that does not exceed 200% of the established federal poverty income level

BE IT FURTHER RESOLVED that utility assistance, in the amount of \$800 per fiscal year, will be unrestricted by Community Services Agency (CSA) funds, and will only be available to Memphis city residents.

BE IT FURTHER RESOLVED that the Memphis Light Gas & Water administration is asked to provide monthly to the Council, a list of all customers meeting the eligibility requirements established above and to promptly apply any payments made by the City to Memphis Light Gas & Water under the Utility Assistance Program to the accounts of those customers approved by the Council.

JANIS FULLILOVE
Council Member

CITY COUNCIL RESOLUTION

WHEREAS, Memphis is the home of the blues and the birthplace of rock and roll; brought back from near extinction, world famous Beale Street is now a top tourist destination, one of our city's most historic sites and a source of pride for all our citizens; and

WHEREAS, Beale Street has been mired in controversy for years and the city of Memphis recently reached a settlement in the long pending lawsuit against Performa Entertainment Real Estate allowing the city to regain control of the street; and

WHEREAS, the Memphis City Council seeks to help ensure future success and growth of Historic Beale Street and that all citizens of Memphis benefit from the revenue generated by Tennessee's number one tourist attraction – world famous Beale Street in Memphis, Tennessee.

NOW, THEREFORE BE IT RESOLVED, by the Memphis City Council, that any and all expenditures of income or profit due to the city of Memphis from the operation of the Beale Street Historic District be subject to approval by the Memphis City Council.

KEMP CONRAD
Memphis City Council



Memphis City Council Summary Sheet

- Resolution to require a Child Impact Statement (CIS) to be submitted with all items presented to the Council for approval that deal with education, health, land use, public safety and any other issue that could reasonably impact children in any way. Also amends the Council Rules of Procedure to require CIS.
- The cost to implement this Resolution is \$20K for staff and cost to use the UofM web application created to aid Shelby County to create a CIS and track the impact on the community, particularly children, of the items for which a CIS is used.
- **Sponsored by Conrad**

CITY COUNCIL RESOLUTION

WHEREAS, a child impact statement describes how a proposed policy would potentially affect children and their rights and ensure that children and young people below voting age are positively and systematically considered when it comes to policy formulation and legislation; and

WHEREAS, policies affecting children are frequently fragmented across a number of government departments and agencies, and their interests are often secondary to other more influential policy agendas; implementation of child impact statements can increase awareness of the fact that policies which have a positive impact on children today are an investment in our future and increase coherence and coordination of policy within city government; and

WHEREAS, the Shelby County Commission began using child impact statement in February 2010 for ordinances and resolutions that deal with education, health, land use, public safety and any other issue that could reasonably impact children; the Shelby County Office of Early Childhood and Youth (OECY) partnered with the University of Memphis to develop the Child Impact Statement Reporting System (CISRS), a child and youth-focused planning and decision aid which tracks the short and long term impact on the community, particularly children, of current county government proposals; and

WHEREAS, Shelby County and the University of Memphis have offered the City the use of the CISRS for city government projects and support to implement the policy of using child impact statements.

NOW, THEREFORE BE IT RESOLVED BY THE MEMPHIS CITY COUNCIL, that a Child Impact Statement shall be submitted to the Council with all items presented for approval that deal with education, health, land use, public safety and any other issue that could reasonably impact children in any way.

BE IT FURTHER RESOLVED, that the Memphis City Council Rules of Procedure Section D. 36 be amended to add 36b. which shall read, "A Child Impact Statement shall be submitted to the Council with all items presented for approval that deal with education, health, land use, public safety and any other issue that could reasonably impact children in any way."

BE IT FURTHER RESOLVED, that the FY 2011 Operating Budget be amended to allocate and appropriate \$20,000.00 to the Executive Division budget to provide for costs associated with implementing the CISRS and staff to coordinate with the divisions to begin using child impact statements.

KEMP CONRAD
Memphis City Council