

Draft 1-31-00
Revised 2-21-00 (city/cty)
Revised 4-7-00 (city)
Revised 5-2-00 (city/cty)

SUBSTITUTE ORDINANCE UP FOR THIRD AND
FINAL READING MAY 16, 2000.
ORDINANCE NO: 4762

A JOINT ORDINANCE OF THE COUNTY OF SHELBY AND
THE CITY OF MEMPHIS, TENNESSEE, TO PROVIDE FOR
A BOARD OF THE MEMPHIS AND SHELBY COUNTY
COMMUNITY REDEVELOPMENT AGENCY, SETTING OUT
THE DUTIES AND TERMS OF OFFICE, AND TO AMEND
CHAPTER 2, ARTICLE CODE OF ORDINANCES, CITY OF
MEMPHIS, BY CREATING DIVISION 12, UNDER ARTICLE 4,
DESIGNATING SAID TERMS AND DUTIES.

WHEREAS, pursuant to creation of the Community Redevelopment Act of 1998, Shelby County and the city of Memphis, did establish a joint Community Redevelopment Agency; and

WHEREAS, pursuant to authority provided in the Community Redevelopment Act 1998, provision was made for counties or municipalities, when necessary to carry out the purposes of the said Act, to establish by ordinance a board for a Community Redevelopment Agency, consisting of five to seven members, for the purpose of preserving public health, safety, and welfare of the residents, to provide for affordable housing, and to inhibit slums and blighted areas; and

WHEREAS, it is now found necessary by the Council of the City of Memphis and by the Board of Commissioners of Shelby County to establish a board to exercise the powers of the joint Memphis-Shelby County Community Redevelopment Agency.

NOW, THEREFORE,

SECTION 1. BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, AND BY THE COUNCIL OF THE CITY OF MEMPHIS: That Code of Ordinances, City of Memphis, Chapter 2, Article 4, be amended to include a new Division 12, to read as follows:

"DIVISION 12.
Community Redevelopment Agency

Section 2-240. Created.

There is hereby created and established a Board for the Community Redevelopment Agency. The Board is hereby established shall exercise all of the powers of the Community Redevelopment agency as provided in the Community Redevelopment Act of 1998.

Section 240.1. Composition; terms; vacancies; compensation.

The Board shall consist of seven (7) members. Three of those members shall be nominated by the City Mayor, subject to the approval of the City Council, three members shall be nominated by the County Mayor, subject to the approval of the Board of County Commissioners, and one member shall be nominated jointly by the City Mayor and the County Mayor subject to the approval of the City Council and the Board of County Commissioners.

Original members shall be selected to serve as follows:

- Four members for four (4) years - two city , one county, one jointly selected..
- One member for three (3) years - county selected.
- One member for two (2) years - county selected.
- One member for (1) year - city selected.

Thereafter, each City member shall be nominated by the city mayor for a four (4) year term, subject to approval by the appropriate legislative body or bodies, or until their successor is appointed and qualified., In the event of a vacancy, whether by reason of resignation, death, or other cause, the respective mayor, with the approval of the appropriate legislative body or bodies, may appoint a successor for such member only for the vacating member's unexpired term. The members shall serve without compensation.

Section 240.2 Purpose.

The purpose of the board shall be :

- (a) To determine and prioritize needs, and make recommendations based thereon, for the support of services needed.
- (b) To report yearly to the Mayors and Director of Office of Planning and Development setting forth progress which has been made on existing programs and plans of services and making recommendations on which programs and plans of services should continue to be rendered.
- (c) To make recommendations on matters relating to grant applications and contractual arrangements for civic projects coming under their supervision.
- (d) To develop guidelines for area wide citizen participation and to insure broad and effective development of programs and activities.
- (e) To sponsor and conduct hearings, conferences and other such meetings designed to obtain information related to the problems of communities.

It is the intention of the Board to encourage planning offer incentives, to find funding sources and to obtain funds therefrom for the purpose of implementing approved programs and activities, and to aid communities and entities of the city and the county to assist in upgrading and beautifying properties in all areas of the city and the county.

Section 240.3 Meetings, secretary, chairman.

The board shall meet, at least, quarterly at such time and place as the board may fix by board resolution. Such meetings shall be open to the public. Notices of such meetings shall be placed on the bulletin board outside the city council chambers at least forty-eight hours (48) prior to such meetings. Special meetings upon notice may be called from time to time by the chairman, or at the request of the majority of the members of the Board. A majority of the members of the Board shall constitute a quorum for the transaction of business. The Board shall cause a proper record to be kept of the proceedings. For this purpose the Board shall appoint a secretary who shall be a member of the Board. The Chairman of the Board shall be elected by the Board from its own membership to serve for a term of one (1) year or to the end of the term of said Chairman if less than one year is remaining, with the right of succession for one additional term only at the option of the Board.

Section 240.4 Powers and Duties.

The board shall have all powers necessary and requisite to effectuate the purpose of the board as set out above in Section 240.2

Section 240.5 Rules and Regulations.

The Board, by majority vote of the total membership of the Board, is empowered to establish written rules and regulations as they may deem advisable.

Section 240.6 Report to Office of Planning and Development.

It shall be the duty of the board to file written reports, both periodically and final, on all individual projects with the Director of Office of Planning and Development in a timely manner.

SECTION 2. BE IT FURTHER ORDAINED, That this joint ordinance shall take effect in the City of Memphis and in the balance of Shelby County, from and after the date it shall have been enacted according to due process of law by virtue of the concurring and separate passage thereof by the Council of the City of Memphis and by the Shelby County Board of Commissioners, and thereafter shall be treated as in full force and effect in the jurisdiction subject to the above mentioned Ordinance by virtue of the concurring and separate passage thereof by the Council of the City of Memphis and by the Shelby County Board of Commissioners.

BARBARA SWEARENGEN HOLT
Chairman of City Council

Attest:
Danny N. Wray, Comptroller.

cram/ctb:wpd

THE FOREGOING ORDINANCE

4762 PASSED

1st Reading 3-7-00

2nd Reading 3-21-00

3rd Reading 6-6-00

Approved: Barbara Swearengen Holt
Chairman of Council

Date Signed: July 12, 2000

APPROVED:
[Signature]
Mayor, City of Memphis, TN

Date Signed: 7/20/00

I hereby certify that the foregoing is a true copy, and said document was adopted by the Council of the City of Memphis as above indicated and approved by the Mayor.

[Signature]
Comptroller

Item # 55A

Prepared by: _____

Commissioner WILBURN

Approved by: Thomas R. Russell

A JOINT RESOLUTION OF THE COUNTY OF SHELBY AND THE CITY
OF MEMPHIS, TENNESSEE, APPROVING THE ESTABLISHMENT OF
THE MEMPHIS AND SHELBY COUNTY
COMMUNITY REDEVELOPMENT AGENCY AND
ESTABLISHING THE INITIAL BYLAWS FOR SAID AGENCY

WHEREAS, In certain inner city areas of the City of Memphis, problems associated with deteriorating housing and commercial areas, inadequate public infrastructure, a declining tax base, lagging sales tax, fiscal disinvestment and out migration exist, and,

WHEREAS, There exists a need for physical and economic redevelopment in inner city residential and commercial districts, and,

WHEREAS, There is a need to attract new private sector investments into inner city residential and commercial areas, and,

WHEREAS, The Shelby County Board of Commissioners and the Memphis City Council have endorsed the concept of inner city physical and economic redevelopment, and,

WHEREAS, The General Assembly of the State of Tennessee has enacted Chapter 987 of the Tennessee Public Acts of 1998 designating it as the "Community Redevelopment Act of 1998" and,

WHEREAS, The said Public Act authorizes the City Council of Memphis and the Board of Commissioners of Shelby County to establish a Community Redevelopment Agency which agency shall have all the necessary powers to plan, finance, and implement development and redevelopment activities in blighted areas of Memphis and Shelby County as provided in the said Act.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ^{COUNTY} COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, AND THE CITY COUNCIL OF THE CITY OF MEMPHIS

hereby determined to be proper, in the public interest, wise, expedient, necessary and advisable to approve the creation of the Memphis and Shelby County Community Redevelopment Agency.

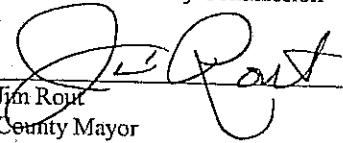
BE IT FURTHER RESOLVED, initial areas to be served by the Memphis and Shelby County Community Redevelopment Agency will be identified later and the proposed activities of the Agency will provide initiatives and incentives to attract new private sector investments for residential and commercial developments.

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BE IT FURTHER RESOLVED, That the By-Laws of the Memphis and Shelby County Community Redevelopment Agency, as attached hereto, are incorporated by reference as if set out herein in their entirety and are hereby approved.

BE IT FURTHER RESOLVED, That this joint Resolution shall take effect in the City of Memphis and in the balance of Shelby County from and after the date it shall have been enacted according to due process of law, by virtue of the concurring and separate passage thereof by the Board of Commissioners of Shelby County, Tennessee and the City Council of the City of Memphis.

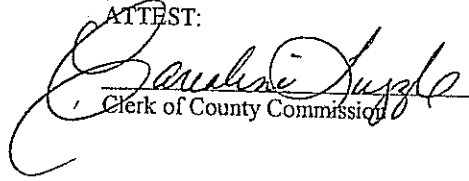
Chairman of County Commission



Jim Rout
County Mayor

Date 6-29-00

ATTEST:



Clerk of County Commission

ADOPTED JUNE 19, 2000

BY-LAWS
OF
THE CITY OF MEMPHIS AND SHELBY COUNTY
COMMUNITY REDEVELOPMENT AGENCY

ARTICLE I

ESTABLISHMENT AND NAME

Section I. A Community Redevelopment Agency, to be known as the "City of Memphis and Shelby County Community Redevelopment Agency," hereinafter referred to as the "Community Redevelopment Agency", is hereby created by the City of Memphis and Shelby County Governments pursuant to the State of Tennessee "Community Redevelopment Act of 1998".

ARTICLE II

OFFICE LOCATION

Section I. The principal offices of the Redevelopment Agency shall be at the offices of the Memphis and Shelby County Division of Planning and Development, or as otherwise designated for by the Board of Directors. Meetings of the Board of Directors for the transaction of business, except such as are required by law to be transacted at the principal offices, may be held elsewhere within the State of Tennessee. The books, records, plans and other corporate and technical information and records of the Redevelopment Agency shall be kept at the principal offices of the Redevelopment Agency and at such other locations as may be designated by the Board of Directors.

ARTICLE III

PURPOSE

Section I. The purpose for which the Redevelopment Agency is created is to plan, finance and implement development and redevelopment plans and projects which will eliminate or prevent the effects of slum and blight within the corporate limits of City of Memphis and Shelby County, Tennessee by using some or all of the powers identified and allowed under the State of Tennessee Community Redevelopment Act of 1998.

Section 2. It has been found and declared that there exist slum and blighted areas which constitute a serious and growing menace, injurious to the public health, safety, morals and welfare of the resident of the City of Memphis and Shelby County, Tennessee;

that the existence of such areas contributes to the spread of crime, constitutes an economic and social liability imposing burdens which decrease the tax base and reduce tax revenues, substantially impairs or arrests sound growth, retards the provision of housing accommodations, aggravates traffic problems and that the prevention and elimination of slums and blight is a matter of concern in order that the City of Memphis and Shelby County shall not continue to be endangered by such area

Section 3. It is further found and declared that certain slum or blighted areas, or portions thereof, may require acquisition, clearance, and disposition subject to use restrictions, as provided in the State of Tennessee Community Redevelopment Act of 1998, since the prevailing conditions of decay may make impracticable the reclamation of the area by conservation or rehabilitation; that other areas or portions thereof may, through the means provided through the State of Tennessee Community Redevelopment Act of 1998 may be susceptible to conservation or rehabilitation slum or blighting conditions may be eliminated, remedied or prevented.

Section 4. It is further found that the powers conferred by the State of Tennessee Community Redevelopment Act of 1998 to the Redevelopment Agency are for public uses and purposes for which public money may be expended and the power of eminent domain and police power exercised.

Section 5. It is further found that the preservation or enhancement of the tax base from which a taxing authority realizes tax revenues is essential to its existence and financial health; that tax increment financing is an effective method of achieving such preservation and enhancement in areas in which such tax base is declining; that community redevelopment in such areas, when completed, will enhance such tax base and provide increased tax revenues to all affected taxing authorities.

Section 6. It is further found that there exists in Memphis and Shelby County a shortage of housing affordable to residents of low or moderate income, including the elderly; that the existence of such condition affects the health, safety and welfare of the residents of the City of Memphis and Shelby County and retards their growth and economic and social development; and that the elimination or improvement of such condition is a matter of public purpose.

ARTICLE IV

BOARD OF DIRECTORS

Section 1. The business and affairs of the Redevelopment Agency shall be managed by its Board of Directors (Board).

Section 2. The Board of Directors (Board) shall consist of seven (7) members in which all powers of the Redevelopment Agency are vested. All Directors shall be residents of Shelby County, Tennessee.

The Directors shall serve as such without compensation except that they shall be reimbursed for their actual expenses incurred in and about the performance of their duties.

Section 3. The Board shall consist of seven (7) members. Three of those members shall be nominated by the City Mayor, subject to approval of the City Council, three members shall be nominated by the County Mayor, subject to the approval of the Board of County Commissioners, and one member shall be nominated jointly by the City Mayor and the County Mayor subject to the approval of the City Council and the Board of County Commissioners.

Any person may be appointed as Director if he or she resides or is engaged in business, which means owning a business, practicing or performing a service for compensation or serving as an officer or director of a corporation or other business entity so engaged, within the area of operation of the agency, which shall be coterminous with the area of operation of the City of Memphis and Shelby County, Tennessee.

Section 4. The terms of office of the Board shall be Four members for four (4) years - two city, one county, one jointly selected; One member for three (3) years- county selected; One member for two (2) years - county selected; One member for (1) year - city selected. Thereafter, each member shall be nominated by the respective mayor for a four (4) year term, subject to approval by the appropriate legislative body or bodies, or until their successor is appointed and qualified. In the event of a vacancy, whether by reason or resignation, death, or other cause, the respective mayor, with approval of the appropriate legislative body or bodies, may appoint a successor for such member only for the vacating member's unexpired term.

Section 5. A majority of the Directors constitutes a quorum for the purpose of conducting business and exercising the powers of the Redevelopment Agency and for all other purposes. Action may be taken by the Redevelopment Agency upon a vote of a majority of the Directors present.

ARTICLE V

OFFICERS OF THE BOARD

Section 1. The Chairman of the Board shall be elected by the Board from its own membership to serve for a term of one (1) year or to the end of the term of said Chairman if less than one year is remaining, with the right of succession for one additional term only at the option of the Board. A Vice-Chairman, Secretary and a Treasurer may be elected upon request by a majority of the Directors.

The Redevelopment Agency authorized to transact business and exercise powers under the State of Tennessee Community Redevelopment Act of 1998, shall file with the City of Memphis and Shelby County Governments

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and with the State of Tennessee Comptroller of the Treasury , on or before March 31 of each year, a report of its activities for the preceding fiscal year, which report shall include a complete financial statement setting forth its assets, liabilities, income, and operating expenses as of the end of such fiscal year.

At the time of filing the report, the Redevelopment Agency shall publish in a newspaper of general circulation in Memphis and Shelby County a notice to the effect that such report has been filed with the City of Memphis and Shelby County and that the report is available for inspection during business hours in the office of the Clerk of the City of Memphis and Shelby County Governments and in the office of the Redevelopment Agency.

Section 2. The initial officers shall be installed at the first meeting of the Directors after which, the officers shall be elected by the Directors at each annual meeting of the Board of Directors and shall hold office for a term until the next annual meeting and thereafter until their respective successor have been duly elected and qualified.

Section 3. The Chairman shall preside at all meetings of the Board of Directors of the Redevelopment Agency. At each meeting, the Chairman shall submit such recommendations and information as he or she may consider proper concerning the business affairs and policies of the Board. Except as otherwise authorized by the resolution of the Board, the Chairman shall sign all contracts, bonds, deeds and other instruments made by the Board.

Section 4. The Vice Chairman shall perform the duties of the Chairman in the absence or incapacity of the Chairman; and in the case of the resignation, removal or death of the Chairman, the vice Chairman shall perform such duties as are imposed on the Chairman until such time as a new Chairman shall be selected.

Section 5. The Secretary shall keep the records of the Board, shall act as Secretary of the meetings of the Board of the Redevelopment Agency and record all votes, shall keep a record of the proceedings of the Board in a journal of proceedings to be kept for such purposes and shall perform all duties incidental to the office. The Board shall have a seal which shall bear the name of the Board and be round. The Secretary shall keep the seal of the Board in safe custody and the Secretary, the Treasurer or any other officer shall have power to affix such seal to all contracts and instruments authorized to be executed by the Board.

Section 6. The Treasurer shall have the care and custody of all funds of the Corporation and shall deposit the same in the name of the Corporation in such bank or banks as the Board of Directors of the Redevelopment Agency may select. The Treasurer shall keep regular books of accounts showing receipts and expenditures and shall render to the Board of the Redevelopment Agency quarterly an account of all transactions and also of the financial condition of the Board. The Treasurer shall give such bond for the faithful performance of his or her duties as the Board of Directors of the Redevelopment Agency may designate.

5.5A

ARTICLE VI

MEETINGS

Section 1. The place, date and time of the holding of regular meetings of the Board of Directors shall be set by the Board and may be changed from time to time, by resolution, without a requirement of an amendment to these Bylaws and without any requirement of further notice to the Directors. The regular meeting in April of each year shall constitute the Annual Meeting of the Board of Directors.

Section 2. Special meetings of the Board of Directors may be called by the Chairman or any two Directors, by giving at least five (5) days written notice to each Director. Notice shall be deemed given when delivered to a Director by hand or by facsimile or similar means of transmission or when deposited in the United States mail, postage prepaid, addressed to a Director at his or her address of record as maintained by the Secretary of the Redevelopment Agency.

Section 3. It shall be the policy of the Redevelopment Agency to comply with all laws relating to meetings of public bodies, to the extent applicable, including requirements of public notice. Regular or special meetings (other than special meetings called by Board members other than the Chairman) may be canceled by the Chairman, without the necessity for public notice of such cancellation, if the Chairman shall determine that there is no business to come before such meeting.

Section 4. All resolutions shall be in writing and shall be copied in a journal of the proceedings of the Board of Directors of the Redevelopment Agency.

Section 5. The Chairman shall have the power to appoint such committees as the Chairman, in his or her discretion, may deem advisable; said committees shall have the power to recommend a course of conduct to the Board but shall have no extraordinary powers to act.

ARTICLE VII

ADOPTION, AMENDMENT, AND DISSOLUTION OF AGENCY

Section 1. The Bylaws of this Corporation shall be promulgated and established by the Board of Directors. The Bylaws may be amended only with the approval of at least a majority of the Directors of the Corporation; the Memphis City Council; and Shelby County Commissioners then in office at an annual or other regular meeting or at a special meeting duly called for that purpose.

Section 2. The City Council or the County Commission may, independently, revise or revoke the authority of the Community Redevelopment Agency with a thirty (30) days notice to the Board of Directors.

ITEM 45A

PREPARED BY

Thomas R. Russell

COMMISSIONER WILBUN

APPROVED BY

JOINT ORDINANCE NO. 222

A JOINT ORDINANCE OF THE COUNTY OF SHELBY AND THE CITY OF MEMPHIS, TENNESSEE TO PROVIDE FOR A BOARD OF THE MEMPHIS AND SHELBY COUNTY COMMUNITY REDEVELOPMENT AGENCY, SETTING OUT THE DUTIES AND TERMS OF OFFICE, AND TO AMEND CHAPTER 16 OF THE CODE OF ORDINANCES OF SHELBY COUNTY, TENNESSEE BY ADDING A NEW ARTICLE, DESIGNATING THE SAME AS "ARTICLE VII."

WHEREAS, pursuant to authority provided by the Community Redevelopment Act of 1998, Shelby County, Tennessee and the City of Memphis, Tennessee did establish a joint Community Redevelopment Agency; and

WHEREAS, pursuant to authority provided in the Community Redevelopment Act 1998, provision was made for counties or municipalities, when necessary to carry out the purposes of the said Act, to establish by ordinance a board for a Community Redevelopment Agency, consisting of five to seven members, for the purpose of preserving public health, safety, and welfare of the residents, to provide for affordable housing, and to inhibit slums and blighted areas; and

WHEREAS, it is now found necessary by the Council of the City of Memphis and by the Board of Commissioners of Shelby County to establish a board to exercise the powers of the joint Memphis-Shelby County Community Redevelopment Agency.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE AND BY THE COUNCIL OF THE CITY OF MEMPHIS:

SECTION 1. That Chapter 16 of Code of Ordinances of Shelby County, Tennessee, be amended to include a new article VII to read as follows:

ARTICLE III.

Community Redevelopment Agency

SECTION 16-161. Created

There is hereby created and established a Board for the Memphis and Shelby County Community Redevelopment Agency. The Board hereby established shall exercise all of the powers of the Community Redevelopment Agency as provided in the Community Redevelopment Act of 1998.

SECTION 16-162. Composition; terms; vacancies; compensation

The Board shall consist of seven (7) members. Three of those members shall be nominated by the City Mayor, subject to the approval of the City Council, three members shall be nominated by the County Mayor, subject to the approval of the Board of County Commissioners, and one member shall be nominated jointly by the City Mayor and the County Mayor, subject to the approval of the City Council and the Board of County Commissioners.

Original members shall be selected to serve as follows:

Four members for four (4) years - two city, one county, one jointly selected.
One member for three (3) years - county selected.

One member for two (2) years - county selected.
One member for one (1) year - city selected.

Thereafter, each member shall be nominated by the appropriate mayor for a four (4) year term, subject to approval by the appropriate legislative body or bodies, or until their successor is appointed and qualified. In the event of a vacancy, whether by reason of resignation, death, or other cause, the respective mayor, with the approval of the appropriate legislative body or bodies, may appoint a successor for such member only for the vacating member's unexpired term. The members shall serve without compensation.

SECTION 16-163. Purpose.

The purpose of the board shall be:

(a) To determine and prioritize needs, and make recommendations based thereon, for the support of services needed.

(b) To report yearly to the Mayors and the Director of the Office of Planning and Development setting forth progress which has been made on existing programs and plans of services and making recommendations on which programs and plans of services should continue to be rendered.

(c) To make recommendations on matters relating to grant applications and contractual arrangements for civic projects coming under their supervision.

(d) To develop guidelines for area wide citizen participation and to insure broad and effective development of programs and activities.

(e) To sponsor and conduct hearings, conference and other such meetings designed to obtain information related to the problems of communities.

It is the intention of the Board to encourage planning, to offer economic incentives, to find funding sources and to obtain funds therefrom for the purpose of implementing approved programs and activities, and to aid communities and entities of the city and the county to assist in upgrading and beautifying properties in all areas of the city and the county.

SECTION 16-164. Meetings, secretary, chairman.

The Board shall meet at least quarterly at such time and place as the Board may fix by Board resolution. Such meetings shall be open to the public. Notices of such meetings shall be placed on the bulletin board outside the City Council chambers at least forty-eight (48) hours prior to such meetings. Special meetings upon notice may be called from time to time by the chairman, or at the request of the majority of the members of the Board. A majority of the members of the Board shall constitute a quorum for the transaction of business. The Board shall cause a proper record to be kept of the proceedings. For this purpose the Board shall appoint a secretary who shall be a member of the Board. The Chairman of the Board shall be elected by the Board from its own membership to serve for a term of one (1) year, or to the end of the term of said Chairman if less than one year is remaining, with the right of succession for only one additional term at the option of the Board.

SECTION. 16-165. Powers and Duties.

The Board shall have all powers necessary and requisite to effectuate the purpose of the Board as set out above in Section 16-163.

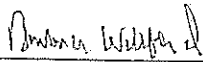
SECTION 16-166. Rules and Regulations.

The Board, by majority vote of the total membership of the Board, is empowered to establish written rules and regulations as it may deem advisable.

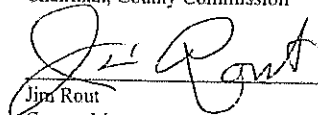
SECTION 16-167. Report to Office of Planning and Development.

It shall be the duty of the Board to file written reports, both periodically and final, on all individual projects with the Director of Office of Planning and Development in a timely manner.

SECTION 2. BE IT FURTHER ORDAINED, That this joint ordinance shall take effect in the City of Memphis and in the unincorporated areas of Shelby County from and after the date it shall have been enacted according to due process of law by virtue of the concurring and separate passage thereof by the Council of the City of Memphis and by the Shelby County Board of Commissioners.



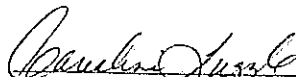
Chairman, County Commission



Jim Rout
County Mayor

Date: 7-13-00

ATTEST:



Clerk of County Commission

First Reading: May 8, 2000

Second Reading: June 5, 2000

Adopted

Third Reading: July 10, 2000