

RESOLUTION

WHEREAS, the Mayor submitted to the Council of the City of Memphis on April 27, 2010, a recommended Capital Acquisition Budget and a Capital Improvement Program for fiscal years 2011 through 2015; and

WHEREAS, said Capital Acquisition Budget projects needed acquisitions of vehicles and equipment and the Capital Improvement Program does project on a priority basis the anticipated Capital expenditures required to construct needed public improvements for the said period; and

WHEREAS, the Budget Committee of the Council will hold meetings and review thoroughly the recommended Capital Acquisition Budget and Capital Improvement Program and will make approved revisions thereto; and

WHEREAS, it is the intent of the Council that funds for replacement vehicles and equipment as set forth in the Capital Acquisition Budget should be appropriated herein; and

WHEREAS, it is the intent of the Council that funds for construction require appropriation by Council; and

WHEREAS, the Comptroller is authorized to bring forward into the fiscal year 2011 all appropriations from the fiscal year 2010 Capital Budget; and

WHEREAS, it is the intent of the Council and the Administration to effect a material reduction in future capital expenditures; and

WHEREAS, in order to achieve this goal all prior year allocations that have not been reprogrammed in the fiscal year 2011 Capital Improvement Budget shall be unallocated and removed from the Capital Improvement Plan; and

WHEREAS, provisions have been made that upon completion or deletion of any authorized project any unencumbered appropriation will be returned to its source of funding by the Comptroller, subject to further appropriation and allocation of said funds by the Council.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Memphis that the fiscal years 2011-2015 Capital Improvement Program be and the same is hereby approved and adopted as the City's Official Statement of Intent to construct needed public improvements subject to annual review and modification, and the Capital Acquisition Budget is hereby adopted as needed replacements of vehicles and equipment. Appendix "A", which is the FY2011-FY2015 CIP Budget Book attached hereto, details the construction projects and capital acquisitions and is made a part of this resolution.

BE IT FURTHER RESOLVED, that the fiscal year 2011 allocations in the Capital Improvement Program be and are hereby adopted as the fiscal year 2011 Capital Construction Budget and funds are appropriated for architectural/engineering services and for

land options, if necessary. The Administration shall use the following procedures in moving forward with Capital Construction projects:

The Administration shall present to the appropriate Council Committee the schematic design of the project(s) as defined by the standard Architectural and Engineering Agreement used by the City of Memphis, at an architectural or engineering expense not to exceed 20% of the contracted professional fee amount. Projects designed "in house" or gratuitously must also go through the process. Council approval in the next following regular session of the Council is then required before the continuation of any such project.

After such Council approval, Administration will proceed with final plan preparation, final land acquisition and take bids for the project. Council shall be informed as to the time limitation designated in the professional contract.

The Administration will return to the Council for approval of funds for construction expenditures.

BE IT FURTHER RESOLVED, that projects with prior years allocation in any stage of design on the date of the 2011 budget adoption, that have not followed the procedure outlined above, must be returned to the Council for approval prior to going to bid.

BE IT FURTHER RESOLVED, that projects with prior years allocation which are not yet in the design process on the date of the adoption of the 2010 Budget must follow the same procedure outlined above for all 2011 projects.

BE IT FURTHER RESOLVED, that after construction funds have been appropriated by the Council, the Comptroller is no longer authorized to approve the transfer of unencumbered funds between categories within each project but must return to the Council for approval of such action.

BE IT FURTHER RESOLVED, that projects which subsequently require appropriations in excess of the total project amount approved in the fiscal year 2011 Capital Construction Budget and the Capital Acquisition Budget be subject to further Council approval.

BE IT FURTHER RESOLVED, that upon the completion/bond release of any authorized project, any unencumbered balance will be returned to its source of funding, subject to further allocation and appropriation of said funds by the Council.

BE IT FURTHER RESOLVED, that any land, building or facility under the jurisdiction of the City of Memphis or which has ever been funded or partially funded by the City of Memphis cannot be demolished, sold, given to, or leased to any non-municipal entity without authorization of the City Council. The authorization does not apply to routine short-term rental. Without authorization of the City Council, no assets may be received by the City.

BE IT FURTHER RESOLVED, that there be and is hereby appropriated \$ _____ for the acquisition of vehicles and equipment as set forth in the fiscal year 2011 allocation of the Capital Acquisition Budget.

BE IT FURTHER RESOLVED, that the Comptroller be and is hereby authorized to bring forward into the fiscal year 2011 Capital Construction Budget all appropriations and only those allocations that have been reprogrammed from the fiscal year 2010 Capital Construction Budget.

BE IT FURTHER RESOLVED, that the Comptroller be and is hereby authorized to unallocate and eliminate all prior year allocations that have not been reprogrammed in the fiscal year 2011 Capital Construction Budget.

BE IT FURTHER RESOLVED, that the Council expressly declares that each section, sub-section, paragraph and provision of this resolution is severable, and that should any portion of this resolution be declared unconstitutional or invalid by a Court of Law, the same shall not affect the remainder of this resolution, but such unconstitutional or invalid portion shall be elided, and the City Council declares that it would have passed this resolution with such unconstitutional or invalid portions elided.

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