

ORDINANCE NO: _____

AN ORDINANCE TO AMEND PREVIOUS ORDINANCE 4388, CODIFIED AS CITY CODE, TITLE 6, CHAPTER 6-92, SECTION 6-92-1, ET SEQ., SO AS TO REVISE SECTION 6-92-11, SUBSECTION (A) TO ALLOW SAID TITLE 6, CHAPTER 6-92 TO REMAIN IN FULL AND EFFECT UNTIL DECEMBER 31, 2008.

WHEREAS, Ordinance 4388 was adopted on February 20, 1996 wherein the Council determined that under all the circumstances and based on the factual predicate which had been established after careful study and review, the City had a compelling interest to fully remedy the ongoing effects of past and present discrimination against African Americans and female business owners in both the public and private sectors of its marketplace; and

WHEREAS, The Council reasoned that as a passive participant in a system of racial and gender exclusion practiced by elements of the local construction, professional and supply industries, the city had an affirmative duty to dismantle such a system; and

WHEREAS, This affirmative duty also entailed the continuation of initiatives to encourage the development of local small businesses, in general.

WHEREAS, the City has a compelling interest to assure that public dollars derived from tax collection and revenues are not utilized to further discriminatory practices.

WHEREAS, Ordinance 4388, as originally adopted, included a provision that the ordinance and program would expire June 30, 2001; and

WHEREAS, Ordinance 4866, nullified the original expiration date of June 30, 2001, and established a new expiration date of June 30, 2006; and

WHEREAS, Ordinance 5171, nullified the expiration date of June 30, 2006 and set a new expiration date of June 30, 2008 in an effort to provide time for the undertaking of a new disparity study; and

WHEREAS, Ordinance 5258, nullified the expiration date of June 30, 2008 and set a new expiration date of September 23, 2008; and

WHEREAS, the Council, having been informed that additional time is needed to complete data collection, desires to extend the current Ordinance sunset from September 23, 2008, to December 31, 2008 to allow the Council to complete its review.

WHEREAS, the City has retained the services of Griffin and Strong to perform a disparity study; and

WHEREAS, the scheduled dates of deliverables and estimated date for completion of the disparity study are such that the process for soliciting public comment and timeframe for Council study should be sufficient before acting on the findings and recommendations related to said ordinance, and after consideration it is deemed in the best interests of the citizens of the City of Memphis that said ordinance be amended; and

NOW, THEREFORE,

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, That existing Ordinance #4388, codified as City Code Title 6, Chapter 6-92, Section 6-92-1, et seq., be revised so as to amend Section 6-92-11 (A), by nullifying the previous termination date of September 23, 2008, and setting a new expiration date of December 31, 2008 so that said Section 6-92-11 (a) shall read as follows:

“Section 6-92-11 (A). Miscellaneous.

(a) Sunset Clause

The Minority and Women Owned Business Enterprise Procurement Program expire on December 31, 2008, unless prior to such date the City Council, after conducting public hearings, finds that the purposes of this Division have not yet been achieved, in which case it may extend the effective period of this Division for an additional five (5) years.”

SECTION 2. BE IT FURTHER ORDAINED That all other terms and conditions of Ordinance #4388, codified as City Code Title 6, Chapter 6-92, Section 6-92-1, et seq., shall remain the same through said extension date of December 31, 2008.

SECTION 3. BE IT FURTHER ORDAINED That this ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairperson 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.

SCOTT MCCORMICK
Chairperson of Council

Attest:
Patrice Thomas, Comptroller