

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Donald W. Jones, Director
Metropolitan Council Office

DATE: **April 5, 2005**

RE: **Analysis Report**

Balances As Of:	<u>3/30/05</u>	<u>3/31/04</u>
<u>GSD 4% RESERVE FUND</u>	* \$12,403,275	\$27,816,720
<u>CONTINGENCY ACCOUNTS</u>		
GSD	- 0 -	\$50,000
USD	\$50,000	\$50,000
<u>GENERAL FUND</u>		
GSD	\$28,765,661	\$24,729,757
USD	\$5,003,020	\$8,433,994
<u>GENERAL PURPOSE</u> <u>SCHOOL FUND</u>	\$25,250,424	\$38,771,091

* Assumes estimated revenues in fiscal year 2005 in the amount of \$18,738,500.

– RESOLUTIONS –

RESOLUTION NO. RS2005-728 (COLE & MCCLENDON) – This resolution approves a contract between the Metropolitan board of health and the state department of health for the purchase of behavioral risk factor surveillance interviews. Pursuant to this contract, the state department of health behavioral risk factor surveillance unit will conduct 700 telephone surveys of Davidson County residents. Metro will purchase these survey results from the state at a cost of \$21.50 per completed interview, for a total cost not to exceed \$15,050. The term of this grant is from April 1, 2005 through June 30, 2006, with a possible extension of up to four additional one-year periods.

RESOLUTION NO. RS2005-745 (COLEMAN) - This resolution submits a proposed plan of services to the planning commission for the extension of the urban services district to include 2,577 parcels of property, consisting of 4,419 total acres, located east of Interstate 24 in Council District 32. The Metropolitan Charter provides that general services district property may be annexed into the urban services district, in accordance with state law annexation procedures, whenever such areas come to need urban services. State law requires that a plan of services first be considered by the planning commission and then adopted by the council after public hearing, before an ordinance to extend the boundaries of the urban services district can be acted upon. This resolution submits the proposed plan of services to the planning commission and gives them 90 days to render a report, in accordance with state law.

These parcels already receive police protection, fire protection, and water and sewer service at essentially the same levels as urban services district properties. Therefore, the only additional services that will be rendered under the plan of services are street lighting, trash collection, and recycling. The Charter requires that in order for such property to be annexed into the urban services district, the Metropolitan Government must be able to provide these additional services within one year after property taxes become due. Pursuant to the plan of services, the annual cost to the Metropolitan Government to provide these additional services to the area to be annexed are as follows:

Trash disposal:	\$55,432.02 annually
Trash collection:	\$146,768.40 annually
Trash carts:	\$12,935.52 annually
Recycling collection:	\$39,801.60 annually
Recycling carts:	\$12,935.52 annually
Street lighting capital costs:	\$2,129,000

(The project will consist of the installation of approximately 600 new poles, 110 transformers, 180,000 feet of conductor cable, and 1,110 new lights.)

Electricity/maintenance:	\$504,000 annually
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Total Capital Cost:	\$2,129,000.00
Total Annual Cost:	\$771,873.06

Estimates regarding the amount of additional property revenue this annexation would generate range between \$1,128,000 and \$1,156,100 annually.

(continued on next page)

RESOLUTION NO. RS2005-745 (continued)

The Council Office would point out that the Charter prohibits liquor stores from being located in the general services district. Thus, this proposed annexation into the urban services district would allow liquor stores in certain commercial areas of the annexed area.

RESOLUTION NO. RS2005-746 (NEIGHBORS) – This resolution amends Resolution No. RS2001-510, as amended, by authorizing the refunding of additional general obligation multipurpose refunding bonds. On February 6, 2001, the Council adopted a resolution authorizing the issuance of general obligation refunding bonds in an amount not to exceed \$291 million in order to refund bonds at a lower interest rate. The Council then increased the amount refunded to \$336 million pursuant to Resolution No. RS2001-786 so that additional maturities on other series of bonds could be refunded. On October 1, 2002, the Council adopted Resolution No. RS2002-1190 authorizing additional outstanding bonds totaling \$103,890,000 to be refunded, resulting in a cost savings to the Metropolitan Government of an estimated \$6.1 million over the life of the obligation. To date, \$102,225,000 of the bonds authorized remain unissued. This resolution increases the total amount of bonds authorized to be refunded to \$566,000,000, leaving a remaining unissued authorization of \$332,225,000.

The authorization of these refunding bonds pursuant to this resolution will not result in the Metropolitan Government incurring new debt, but simply provides for the refinancing of debt that is currently outstanding.

RESOLUTION NO. RS2005-747 (NEIGHBORS) – This resolution authorizes the issuance and sale of general obligation bonds in an amount not to exceed \$175,000,000 to retire the Metropolitan Government's outstanding general obligation commercial paper and to finance the construction of improvements to the district energy system. In June 2003, the Council approved a commercial paper program from the Metropolitan Government to finance construction costs for capital projects on a short-term basis until long-term bonds are issued. The commercial paper program essentially took the place of bond anticipation notes and capital outlay notes, which are other forms of short-term financing. Under Metro's commercial paper program, the principal amount of commercial paper outstanding at any time may not exceed \$150,000,000.

Commercial paper has been used as interim funding for various capital projects contained in the Mayor's 2001, 2002, and 2004 capital spending plans. In addition, commercial paper was used to fund various improvements to the district energy system (DES), including the installation of customer metering and new connections at the downtown library and new symphony hall. In December 2001, the Council authorized the issuance of \$66.7 million in revenue bonds to finance the construction of the DES, which was constructed to replace the decommissioned thermal plant. In November 2004, the Council approved an initial resolution authorizing the issuance general obligation public improvement bonds in the amount of \$10,000,000 to fund the various improvements to the DES, which allowed commercial paper to be issued for these costs as well.

This resolution authorizes the sale of general obligation bonds to retire the outstanding commercial paper. With interest rates rising, it is in the best interest of the Metropolitan Government to proceed with issuing the long-term debt. These general obligation bonds will have a term of twenty years, (continued on next page)

RESOLUTION NO. RS2005-747 (continued)

and will be awarded to the bidder whose bid results in the lowest true interest cost to the Metropolitan Government, not to exceed 5.5% annually. General obligation bonds are secured by and payable from ad valorem taxes. The proceeds of the bonds to be issued pursuant to this resolution will only finance projects previously approved by the Council.

RESOLUTION NO. RS2005-748 (WILLIAMS & NEIGHBORS) – This resolution approves applications for qualified zone academy bond (QZAB) funding in the amount of \$1,387,254 to the state school board authority on behalf of the Metropolitan board of public education. State law authorizes the Tennessee school board authority to issue qualified zone academy bonds, and loan the proceeds of the bonds to local governments at low interest rates for the benefit of local public schools. The proceeds of these loans can only be used for the renovation/rehabilitation of buildings or to purchase equipment. In order to qualify for QZAB funding, each school that is to receive funds must have a written commitment from a private entity to contribute ten percent of the funding for each project.

This resolution authorizes the Mayor to submit applications requesting QZAB funding in the amount of \$1,387,254 for the benefit of five Metro high schools. The Nashville Alliance for Public Education has agreed to pay at least ten percent of the cost for each project. These funds will be used to repair and renovate existing science labs, as well as to convert existing science classroom space into laboratories. If the applications are approved by the state, formal loan documents between the state school board authority and the Metropolitan Government will be submitted to the Council at a later date for approval.

The schools to receive funding and the corresponding amounts are as follows:

- Glenclyff High School: \$246,670 plus a private contribution of \$24,667.
- Maplewood High School: \$217,794 plus a private contribution of \$21,779.
- Pearl Cohn High School: \$237,290 plus a private contribution of \$23,729.
- Stratford High School: \$397,500 plus a private contribution of \$47,609.
- Whites Creek High School: \$288,000 plus a private contribution of \$32,055.

There may be an amendment offered for this resolution to add twenty middle schools and increase the amount of the requested funding to approximately \$6.6 million. A list of the schools and the corresponding QZAB funding request is attached at the end of this analysis.

RESOLUTION NO. RS2005-749 (NEIGHBORS & RYMAN) – This resolution accepts a grant in the amount of \$117,646 from the Tennessee emergency management agency to the Metropolitan Government for emergency management functions. This grant is federal pass-through funding used to subsidize the emergency management program. The term of the grant is from October 1, 2004 through September 30, 2005. The grant budget shows a local participation match of \$117,656.

RESOLUTION NO. RS2005-750 (NEIGHBORS & COLE) – This resolution approves an annual grant in the amount of \$379,000 from the state department of health to the Metropolitan board of health to provide immunization services for children, and for the control of vaccine-preventable diseases. The term of this grant is from January 1, 2005, through December 31, 2005. This grant, comprised of state funds and federal pass through funds, will be used to pay the salaries of health department employees who provide the immunization services.

RESOLUTION NO. RS2005-751 (COLE & NEIGHBORS) – This resolution accepts an annual grant in the amount of \$735,200 from the state department of health to the Metro board of health to provide

an array of local health services. The term of the grant is from July 1, 2005 through June 30, 2006. These grant funds will be used to pay the salaries of health department administration employees.

RESOLUTION NO. RS2005-752 (COLE & NEIGHBORS) – This resolution approves a second amendment to a grant agreement between Meharry Medical College and the Metropolitan health department to conduct research as part of the grant for Asthma Disparities in Cohorts at Risk for Morbidity. Meharry received a grant for this program and contracted with the Metro health department to perform certain research functions. The original grant was in the amount of \$18,992 with a term commencing September 30, 2002, and ending August 1, 2003. The grant was amended in April of 2004 to extend the term of the grant and increase the grant award by an additional \$18,992. This resolution further extends the grant term from August 1, 2004 through July 31, 2005, and provides additional funding in the amount of \$18,992.

RESOLUTION NO. RS2005-753 (COLE & NEIGHBORS) – This resolution approves a grant in the amount of \$369,000 from the state department of health to the Metropolitan health department to provide a TennCare outreach program for enrolled children. These funds will be used to pay salaries and indirect costs of health department employees to conduct community outreach activities designed to reach pre-teen and teen populations, and to conduct “Welcome to TennCare” meetings for new recipients. The term of the grant is from January 1, 2005 through June 30, 2005.

RESOLUTION NO. RS2005-754 (NEIGHBORS) – This resolution accepts a grant in the amount of \$30,800 from the state department of labor and workforce development to the Nashville career advancement center to prepare adults, through the incumbent worker training program at Weyerhaeuser – Nashville, for re-entry into the labor force. These federal funds, under the Workforce Investment Act of 1998, will be used to upgrade skills for 32 employees at Weyerhaeuser. Weyerhaeuser, a building materials company located in Nashville and Memphis, applied for these federal funds to help train its employees. The grant will be administered through the Nashville career advancement center.

RESOLUTION NO. RS2005-755 (GREER & NEIGHBORS) – This resolution approves a grant in the amount of \$30,132 from the Alcohol and Drug Council of Middle Tennessee, Inc. to the juvenile court for community liaison services between juvenile court, schools, and families residing in the Sudekum-Napier community. These funds will be used to pay the salaries of two part-time support staff and a probation officer assistant for the Sudekum-Napier truancy reduction program. The term of the grant commences upon its effective date and terminates June 30, 2005.

RESOLUTION NO. RS2005-756 (NEIGHBORS) – This resolution approves an amendment to a grant in the amount of \$579,110 from the state department of children’s services to the juvenile court to provide case management and family support services. This amendment expands the scope of services to focus primarily on youth at risk of custody due to delinquency, status offenses, or unruly behavior. The remaining terms of the grant are unaffected by this amendment.

RESOLUTION NO. RS2005-757 (RYMAN & NEIGHBORS) – This resolution approves an amendment to a grant in the amount of \$256,000 from the U.S. department of justice to the Metropolitan police department for gang resistance training. These funds are for the gang resistance

education and training (GREAT) program, which uses law enforcement officers to provide instruction to school-aged children in life-skill competencies, gang awareness, and anti-violence techniques. This resolution extends the term of the grant until June 30, 2005.

RESOLUTION NO. RS2005-758 (RYMAN & NEIGHBORS) – This resolution approves an amendment to a grant from the U.S. department of justice, office of community oriented policing services (COPS), to the Metropolitan police department to implement a training program promoting strategies to reduce racial profiling. The COPS office provides grants and assistance to local police departments to increase police presence and to improve community policing. The purpose of this grant agreement is to promote strategies to reduce racial profiling through the collection and analysis of data, community involvement, and officer training. The amount of the original grant was \$192,161. This resolution simply extends the term of the grant until June 30, 2005, in order that the remaining grant funds may be used.

RESOLUTION NO. RS2005-759 (NEIGHBORS & RYMAN) – This resolution approves an application for the Edward Byrne Memorial Justice Assistance Grant from the U.S. department of justice to the Metropolitan Government. The Metropolitan Government is applying for \$1,003,778 in federal funds to benefit the following departments: police, drug court, sheriff, public schools, district attorney, justice information system (JIS), juvenile court, public defender, and parks. There is a required local indirect cost match of \$100,377.80. If awarded, the grant funds will be distributed as follows:

1. **District attorney:** \$101,696.57 to hire "cold case" investigators to work with prosecutors to determine additional avenues of investigation on cases more than three years old.
2. **Public defender:** \$16,641.72 to employ a social worker to assist the attorneys assigned to the juvenile division.
3. **Juvenile court:** \$31,242.83 to retain a warrant officer who will function as a "gang specialist".
4. **Drug court:** \$150,148.37 for food, drug tests, and supplies for the drug court program.
5. **JIS:** \$50,691.14 to upgrade server hardware and operating software used to provide criminal data.
6. **Sheriff:** \$127,661.15 to employ a community outreach director and to purchase technology and security equipment for operation of the jails.
7. **Police:** \$292,418.45 to update the mobile data computers on the patrol units.
8. **Schools:** \$115,314.70 to install additional closed-circuit television cameras in schools, and for the wireless transmission of video to law enforcement laptop computers.
9. **Parks:** \$17,635.28 to purchase computers for the patrol vehicles.

RESOLUTION NO. RS2005-760 (NEIGHBORS & RYMAN) – This resolution approves a second amendment to a grant from the state board of probation and parole to the Metropolitan Government for funding the Davidson County community corrections program. This program provides alternative punishments for non-violent offenders consisting of offender supervision, residential programs, and day reporting center programs. The original grant was in the amount of \$2,459,274, and was subsequently amended to increase the award by \$20,753. This resolution further amends the grant to increase the amount by \$70,581 for a total grant award of \$2,550,608.

RESOLUTION NO. RS2005-761 (NEIGHBORS & SHULMAN) – This resolution accepts a grant in the amount of \$1,000,000 from the state department of transportation to the Metropolitan Government for pedestrian crossing upgrades. These funds will be used to install additional pedestrian signal

equipment, activation buttons, ramps, and signal heads in areas of the city with heavy pedestrian use. These are federal pass-through funds, and require no local match. This project will take an estimated 15 to 21 months to complete.

RESOLUTION NO. RS2005-762 (MURRAY & SHULMAN) – This resolution approves an amendment to a contract with the state department of transportation for the signalization of the Dickerson Pike and Spring Street intersection. The amendment expands the scope of the signalization location to include the I-24 westbound exit ramp to Spring Street. The estimated cost for the signalization project is \$200,000. The Metropolitan Government is providing \$50,000 with the remainder of the cost being covered by federal highway funds.

RESOLUTION NO. RS2005-763 (JAMESON, NEIGHBORS, & SHULMAN) – This resolution accepts a fast track infrastructure development program (FIDP) grant in the amount of \$300,000 from the state department of economic and community development in connection with the relocation of Louisiana-Pacific's corporate headquarters. On February 1, 2005, the Council approved an application for this grant, which has now been awarded. The FIDP, formerly known as the Tennessee industrial infrastructure program, is a state program in which the Metropolitan Government, the Greater Nashville Regional Council, and private businesses participate to obtain grant funds for infrastructure improvements. The funds are available to businesses that create new jobs through the expansion of new facilities. In November 2004, the Council enacted Ordinance No. BL2004-382, which transferred the administration of this program from the industrial development board and the Mayor's office of economic development to the department of public works.

These funds will be used to assist Louisiana-Pacific Corporation in making power, telecommunications, and network infrastructure improvements, as part of the relocation of its corporate headquarters from Portland, Oregon to the Bank of America Plaza located at 414 Union Street in downtown Nashville. Specifically, these funds will be used to install a new backup power supply for the corporation's data center, the installation of an isolated ground, the installation of wiring for data and telecommunications networks and security systems, and wiring and hardware for the conference room audio and visual systems. There is a required match of \$985,500, which is to be provided by Louisiana-Pacific. No Metropolitan Government funds are pledged for this grant. The term of the grant is from March 7, 2005 through June 30, 2009.

RESOLUTION NO. RS2005-764 (NEIGHBORS) – This resolution compromises and settles the claim brought by David King against the Metropolitan Government in the amount of \$8,400. On August 18, 2004, a Metropolitan police officer, traveling west on I-40, rear-ended a vehicle in front of him driven by Angela Lang, causing a chain collision into Mr. King's 1998 Infiniti Q45. Both Mr. King and Ms. Lang alleged injuries as a result of the accident, but this settlement only pertains to Mr. King's claim.

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RESOLUTION NO. RS2005-764 (continued)

Mr. King's vehicle sustained damage in the amount of \$1,062.84, and he incurred car rental expenses in the amount of \$244.41. The Metropolitan Government has already reimbursed Mr. King and his

insurance company for the property damage and car rental. Mr. King's personal injuries consisted of a cervical strain due to whiplash and he incurred medical bills totaling \$3,880.73.

The department of law recommends settling this claim for \$8,400, which consists of reimbursement for the medical bills, \$3,000 in lost wages, and \$1,519.27 for pain and suffering.

The police officer involved in this accident received disciplinary action consisting of a written reprimand.

RESOLUTION NO. RS2005-765 (NEIGHBORS) – This resolution accepts \$9,030.21 in compromise and settlement of the Metropolitan Government's property damage claim against Matthew Flynn. On September 1, 2004, Matthew Flynn backed out of a driveway onto Shute Lane and struck the side a Metropolitan police department vehicle, causing the police car to spin and strike a fire hydrant. The Metro vehicle sustained damages to the left front, left rear, and right rear, at an estimated repair cost of \$9,030.21.

The department of law recommends settling this claim for the amount of property damage to the Metro vehicle.

RESOLUTION NO. RS2005-766 (NEIGHBORS) – This resolution accepts \$5,373.49 in compromise and settlement of the Metropolitan Government's property damage claim against Matthew Frazier. On July 6, 2004, Matthew Frazier was traveling south on Bell Road toward Smith Springs Road when he crossed the center line striking a Corvette and a Buick. A Metropolitan health department employee was traveling behind the Buick and was unable to avoid hitting the wrecked vehicle. The Metro vehicle sustained damage in the amount of \$5,373.49.

The department of law recommends settling this claim for the amount of property damage to the Metro vehicle.

RESOLUTION NO. RS2005-767 (HAUSSER) – This resolution authorizes Vanderbilt University to install and maintain 7,667 feet of fiber optic aerial cable on existing utility poles from 2601 Children's Way to 3319 West End Avenue. Vanderbilt University has agreed to indemnify the Metropolitan Government from all claims in connection with the installation and maintenance of the cables, and is required to provide a \$300,000 certificate of public liability insurance naming the Metropolitan Government as an insured party. This resolution has been approved by the planning commission.

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- BILLS ON SECOND READING -

ORDINANCE NO. BL2005-506 (WALLACE) – This ordinance, as amended, amends the Metropolitan code of laws to allow meter maids to enforce the Code provisions requiring dog owners to clean up excrement left by the dog. The Council recently enacted an ordinance requiring dog owners to clean up excrement left by their dog on public property or on another person’s private property, or be subject to a fifty-dollar fine. Under the code, the police department is responsible for the enforcement of all Metro ordinances. A meter maid patrol is provided for in the Code with the primary duty of enforcing parking laws and regulations. The Code provides that the training, equipment, and salaries of meter maids shall be borne by the traffic and parking commission, which is a part of the department of public works operating budget. This ordinance would grant authority to meter maids to enforce this one additional ordinance pertaining to dog excrement.

ORDINANCE NO. BL2005-531 (BRILEY) – This ordinance, as amended, amends the Metropolitan Code of Laws to make the ordinance prohibiting loitering during school hours applicable to students that have been suspended or expelled from school. The Code currently prohibits a child under the age of 18 who is subject to the state compulsory school attendance law from loitering in public places during school hours. No child may be taken into custody for violation of this provision until an investigation with the proper school officials has been made to determine if the child is required to be at school. However, the language of this section does not expressly apply to students that are suspended or expelled. Instead, expelled or suspended students may be loitering around the school grounds, but are not in violation of the Code because they are not “required” to be at school.

This ordinance is a result of discussions between the juvenile court and the police department regarding suspended and expelled students loitering around school premises. This ordinance would provide that a child under the age of 18 who is subject to the state compulsory attendance law, but who is suspended or expelled from school, or otherwise in violation of the compulsory attendance law, is prohibited from loitering in public places.

There is a proposed substitute for this ordinance adding some recitals clarifying the intent of the ordinance.

ORDINANCE NO. BL2005-560 (WALLACE) – This ordinance amends the building code and property standards code sections of the Metropolitan Code of Laws to prohibit fences from extending past the front façade of single and two-family homes. In October 2004, the Council amended the fence provisions in the code to require that fences be constructed of certain materials such as wrought iron, wood, masonry, split rail, and chain link. This ordinance further amends the fence provisions to prohibit a fence from being erected past the front edge of a house. This would essentially prevent fences from being located in a person’s front yard and along the street right-of-way in front of the house.

ORDINANCE NO. BL2005-576 (LORING) – This ordinance authorizes the director of public property administration to acquire and or exchange property by negotiation or condemnation for the purpose of acquiring land and easements in connection with the Omohundro 48” water main – alternate 36” water main and master meter installations. The Metropolitan Government currently owns land adjacent to the properties needed for the project that can possibly be exchanged as compensation for the property. In the event Metro has to purchase the property, the required funds will be paid from the water and sewer extension and replacement fund. Pursuant to this ordinance, Metro is to acquire three parcels in fee simple and temporary construction easements for thirteen parcels. The ordinance provides that the acquisition of additional easements for these same purposes may be authorized by adoption of a resolution by the council.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2005-577 (FOSTER) – This ordinance amends the “meter maid patrol” section of the Metropolitan Code of Laws by removing the patrol from under the jurisdiction of the police department, as is currently provided in the Code, and placing the patrol under the jurisdiction of the traffic and parking commission. In reality, the meter maid patrol has been a part of the traffic and parking commission, through the department of public works, for many years. The parking officers are currently trained by public works employees and their salaries are paid through the public works department’s budget. This ordinance would essentially codify what has been in place for some time.

In addition, this ordinance would rename the meter maid patrol as the “parking enforcement patrol” in an effort to be more politically correct and gender neutral. The parking enforcement patrol would have the same functions and duties as the meter maid patrol. The primary duties of the parking enforcement patrol is to patrol parking meter areas and issue citations for meter and parking violations.

ORDINANCE NO. BL2005-578 (RYMAN & MCCLENDON) – This ordinance accepts a donation of \$142.06 from Fred’s Inc., for the benefit of the Metropolitan police department. This donation is being given in recognition and appreciation of the work done by the police department.

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- BILLS ON THIRD READING -

ORDINANCE NO. BL2004-259 (MCCLENDON, HAUSSER & OTHERS) – This ordinance amends the Metro Code relative to graffiti to make it unlawful to sell graffiti implements to minors. The Code defines “graffiti implements” as aerosol paint containers, felt tip markers (greater than 1/8 inch), and graffiti sticks. The “graffiti stick” is a device that contains paint, chalk, wax, or similar substance capable of being applied by pressure leaving a mark of at least 1/8 inch in width, and which is not water soluble. Presently, it is unlawful to have graffiti implements in your possession in any public facility, recreation facility or public building, and within 100 feet of any underpass, bridge abutment, or similar type of infrastructure, unless authorized by the Metropolitan Government. This ordinance would add another restriction prohibiting the sale of graffiti implements to persons under the age of eighteen.

ORDINANCE NO. BL2004-421 (COLE) – This ordinance, as amended, amends the Metropolitan Code of Laws to provide reporting requirements for nonprofit organizations receiving grants from the Metropolitan Government. State law requires that all organizations desiring financial assistance from the Metropolitan Government submit “a copy of an annual audit”, but this state law provision does not define the term “audit”. As a result, there has been some confusion as to the type of financial information that nonprofit organizations must submit in order to receive grants from the Metropolitan Government. The finance department has in the past been willing to accept other information in lieu of an audit, such as a copy of a tax return, for some start-up nonprofit entities. However, the department of law has recently interpreted the state law provision in question to require that such nonprofit entities file an annual audit with the Metropolitan Clerk before obtaining governmental funding. The legal opinion issued by a Metropolitan Attorney quotes a Tennessee Supreme Court case in which the Court states that “an audit, as the term is commonly use, is ... the methodical examination of records with intent to verify the accuracy.” A Tennessee Attorney General opinion from 1991 states that although an audit is required, the audit does not have to be prepared by an independent accountant. The Attorney General opinion further provides that the local legislative body can adopt regulations to clarify the type of audit required.

In an effort to clarify the type of information required, this ordinance amends the code to include a specific list of information that must be submitted to the Metropolitan Government prior to the disbursement of any grant funds to nonprofit organizations. This ordinance is modeled after a law currently in place in Knoxville, Tennessee. Pursuant to this ordinance, all nonprofit organizations would be required to submit the following information:

- A copy of its corporate charter or other articles, constitution, bylaws, or instruments of organization.
- A copy of a letter from the Internal Revenue Service evidencing the fact that the organization is a nonprofit, tax-exempt organization.
- A statement of the nature and extent of the organization’s program that serves the residents of the metropolitan government.
- The proposed use of the funds to be provided by the metropolitan government.
- The proposed budget of the organization.
- A copy of the organization’s audit for the most recent fiscal year. The ordinance defines the term “audit” as “a formal examination of the organization’s accounting records and financial situation in accordance with the generally accepted auditing standards issued by the American Institute of Certified Public Accountants.”

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ORDINANCE NO. BL2004-421 (continued)

This ordinance expressly exempts nonprofit civic and charitable organizations receiving grants from the arts commission, as these appropriations are governed by another specific code section.

Pursuant to a provision added by amendment to this ordinance, the nonprofit reporting requirements would not take effect until July 1, 2005.

ORDINANCE NO. BL2004-431 (GREER) – This zoning text change, as amended, would require the planning commission to notify the district councilmember of all requests to modify a planned unit development (PUD) within five days of receiving the request. The zoning code currently does not require that district councilmembers be notified about PUD plans. The code makes a distinction between major and minor modifications to a PUD plan. Major modifications require council approval by ordinance, whereas minor modifications only require approval of the planning commission, or in many cases can be handled administratively upon approval of the executive director of the planning commission. Modifications to PUDs that must be approved by council include:

- Land area being added or removed.
- Modification of special performance criteria or design standards set forth in the enacting ordinance.
- A change in land use beyond that permitted by the underlying zoning district.

The planning commission can consider all minor modifications subject to the following limitations:

- The change does not alter the basic development concept of the PUD.
- The boundary of the PUD is not expanded.
- There is no change in the general PUD classification (i.e. residential to commercial).
- There is no deviation from special performance criteria or design standards.
- No new vehicle access point to an existing street is proposed.
- There is no change from a PUD approved exclusively for single family homes to any other type of residential structure.
- The total floor area of commercial property is not increased more than ten percent.
- The range of permitted uses is not expanded beyond that allowed in the underlying zoning district.

According to the planning commission staff analysis, minor modifications that are approved by the executive director of the planning commission include restriping a parking lot, moving the location of a dumpster, modifications to landscaping, and small additions. This ordinance would require that notification be sent to district councilmembers of all PUD modifications, regardless of the magnitude of the modification.

This ordinance has been disapproved by the planning commission.

ORDINANCE NO. BL2005-521 (WILHOITE) – This ordinance renames a portion of Long Hunter Court as “Nashboro Greens”. This is a private road that intersects with and then runs parallel to Longhunter Lane. The planning commission has sent notices to the affected residents regarding this name change.

This ordinance has been approved by the planning commission and the ECD board.

ORDINANCE NO. BL2005-557 (NEIGHBORS & WILHOITE) – This ordinance approves an agreement between the Metropolitan Government and the Oasis Center regarding participation in the Oasis AmeriCorps program. AmeriCorps is a network of national service programs that engage volunteers to work intensively in various service projects. AmeriCorps members serve through more than 2,100 nonprofit organizations, public agencies, and faith-based organizations. The Oasis Center in Nashville is recruiting AmeriCorps members to partner with the Metropolitan department of parks and recreation to lead youth civic action groups at various inner-city community centers.

Pursuant to this contract, the Metropolitan Government will provide \$20,000 to the Oasis Center for support of the AmeriCorps participants. The Oasis Center will be responsible for recruiting the AmeriCorps participants, for carrying out criminal background checks on the participants, and for providing the participants with stipends, training, and administrative support. The Oasis Center is required to maintain commercial general liability insurance in the amount of \$1 million per occurrence, as well as automobile and workers' compensation insurance. The contract provides that the Oasis Center will indemnify the Metropolitan Government for any claims arising from acts or omissions of the participants.

Amendments to this contract may be approved by resolution of the Council.

ORDINANCE NO. BL2005-558 (RYMAN & BRILEY) – This ordinance establishes the criminal justice planning unit (CJPU) as a department of the Metropolitan Government. In 1990, the United States district court placed an inmate population cap on Metro's jails as a result of overcrowded conditions in the jails. In 2000, Metro filed a final jail management plan to get out from under the court decree, which included the establishment of a criminal justice steering committee comprised of the mayor, the district attorney, the public defender, the sheriff, the chief of police, the director of law, a general sessions judge, and a criminal court judge. In 2001, the Institute on Crime, Justice and Corrections at George Washington University, at the request of Metro's criminal justice consultant, recommended that Metro create an independent criminal justice population forecasting unit. As a result of this recommendation, the steering committee executed a memorandum of purpose in 2002 to create a criminal justice planning unit.

This ordinance formally establishes the CJPU as a Metropolitan Government department. Some of the powers and duties of the CJPU include the following:

- Advise Metro policy makers regarding the necessary correctional capacity to meet Metro's incarceration obligations.
- Collect information in order to provide accurate statistical data reports.
- Create an annual correctional population projection report for the following five years.
- Create reports evaluating and describing criminal justice policies and practices.

The CJPU was funded in the operating budget for fiscal year 2005.

ORDINANCE NO. BL2005-561 (GILMORE & SHULMAN) – This ordinance approves a contract with the state department of transportation for the installation of traffic signals at Ashland City Highway and Briley Parkway. Pursuant to this contract, the state will install the signals, and Metro will maintain and provide electricity for the signals. Future amendments to this contract may be approved by resolution of the Council.

ORDINANCE NO. BL2005-562 (WHITMORE, GIMORE & OTHERS) – This ordinance, as amended, declares 12 parcels of property owned by the Metropolitan Government to be surplus and authorizes the director of public property administration to sell the property in accordance with the standard procedures for the disposition of surplus property. The Metropolitan Government has determined that these parcels are no longer needed for governmental purposes. The proceeds from the sale of these parcels will be credited to the general fund. The property to be sold consists of the following:

Route 2 Clarksville Pike
317 Vailview Drive
325 E. Trinity Lane
357 Queen Avenue
709 Douglas Avenue
1411 Jewel Street
1409 Jewel Street
1407 Jewel Street
2410 Chapel Avenue
One parcel on 23rd Avenue North
3012 Indiana Avenue
2617 Herman Street

All of these parcels were acquired by the Metropolitan Government as a result of property owner's failure to pay back property taxes. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2005-563 (MURRAY) – This ordinance accepts an easement for property located at 1016 McClurkan Avenue in connection with the Nashville Auto Diesel College stormwater project. This easement is being donated at no cost to the Metropolitan Government in order that the stormwater project may be completed. This easement will be filed in the office of the register of deeds to evidence its acceptance. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2005-567 (TYGARD, NEIGHBORS & SHULMAN) – This ordinance, as amended, accepts \$35,000 from Riverwalk Development Partners, Inc., to fund traffic infrastructure improvements at Newsome Station Road and McCrory Lane. The development of the Riverwalk subdivision at Newsome Road and McCrory Lane has necessitated certain infrastructure improvements. These funds will be deposited into a fund designated by the director of finance as a contribution towards the improvements.

ORDINANCE NO. BL2005-568 (RYMAN & NEIGHBORS) – This ordinance approves two agreements between Vanderbilt University and the Metropolitan Government for clinical training of Vanderbilt medical residents and medical students. Pursuant to these agreements, the students and medical residents will receive clinical training under the fire department's first responder and ambulance and rescue programs. The term of the program, which has no cost to Metro, will continue through June 30, 2009. Vanderbilt will be required to maintain professional liability insurance coverage for all residents and medical students participating in this program.

ORDINANCE NO. BL2005-570 (JAMESON) – This ordinance abandons Alley #66 from Alley #54 to the northern terminus of alley 66, located at 401 Church Street. This Alley is being abandoned to facilitate the construction of the Viridian apartment tower. The Metropolitan Government has determined that there is no future governmental need for this alley. All easements held by Metro are to be abandoned.

This ordinance has been approved by the planning commission and the traffic and parking commission.

ORDINANCE NO. BL2005-571 (MURRAY) – This ordinance abandons a sewer line and easement for the construction of the Wal-Mart Neighborhood Market located on Gallatin Pike. The developer of the Wal-Mart Neighborhood Market has agreed to install a sewer manhole that will adequately serve the property currently encumbered by the sewer line and easement.

This ordinance has been approved by the planning commission.

p:billstrd