CA086800

SHELBY COUNTY BOARD OF COMMISSIONERS
AGENDA ROUTE SHEET

Referred to Commission Committee: _____

For Commission Action on: May 12, 2008

DESCRIPTION OF ITEM: RESOLUTION TO ENLARGE THE BOARD OF DIRECTORS FOR THE SHELBY COUNTY EMERGENCY COMMUNICATIONS DISTRICT TO ELEVEN MEMBERS AS AUTHORIZED BY 2007 PUB. ACTS CHAPTER 55. SPONORED BY COMMISSIONER SIDNEY CHISM.

CHECK ALL THAT APPLY BELOW:

X This Action does NOT require expenditure of funds.

_____ This Item requires/approves expenditure of funds as follows (complete all that apply):
County General Funds: $_____ ; County CIP Funds- $_____
State Grant Funds: $_____; State Gas Tax Funds: $_____
Federal Grant Funds: $_____
Other funds (Specify source and amount): $_____
Other pass-thru funds (Specify source and amount): $ _____

Originating Department: Office of Mayor

APPROVAL:

	(Type or print your name & phone #.)	(Initials)	(Date)
Dept. Head:	TED FOX (545-4266)		4/23/08
Elected Official:			
Division Director:	TED FOX (545-4266)		4/23/08
CIP – A&F Director:			
Finance Dept.	Mike Swift 545-4269	MAS	4/23/08
County Attorney:	Craig E. Willis 545-4917	CEW	4-18-08
CAO/Mayor:	James F. Huntzicker 545-4514	JFH	4/24/08

4-23-08

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SUMMARY SHEET

I. Description of Item

Resolution To Enlarge The Board Of Directors For The Shelby County Emergency Communications District To Eleven Members As Authorized By 2007 Pub. Acts Chapter 55.

II. Source and Amount of Funding

No additional funding required.

III. Contract Items

None

IV. Additional Information Relevant to Approval of this Item

Pursuant to the "Emergency Communications District Law", Chapter 867 of the Public Acts of 1984, codified at Tenn. Code Ann. § 7-86-101 et seq., the Shelby County Board of County Commissioners adopted Agenda Item #10 on November 19, 1984 establishing a nine (9) member Board of Directors for the Shelby County Emergency Communications District. Pursuant to the Resolution adopted by the Commission on November 19, 1984, a majority of the District Board of Directors shall always be residents of the City of Memphis.

The General Assembly enacted Chapter 55 of the Public Acts of 2007 amending Tenn. Code Ann. § 7-86-105(b) to allow the Board of Directors for the Shelby County Emergency Communications District to be increased to no more than eleven (11) members, subject to confirmation by the County Commission. The amended statute (copy attached) provides in Tenn. Code Ann. § 7-86-105(b)(5) that the county mayor and the legislative body of the county shall make every effort to appoint members to the board of directors of the Emergency Communications District that represent the diversity of the community, including women and minorities; and also shall ensure that the views and opinions of all participating governmental entities are given full consideration in the selection of members of said board of directors.

Upon adoption of this Resolution the Shelby County Mayor would have authority to appoint two (2) additional members to the Board of Directors for the Shelby County Emergency Communications District, subject to confirmation by the County Commission. Following adoption of this Resolution, a subsequent Resolution will be submitted to the Commission to appoint said additional two (2) members to the Shelby County Emergency Communications District (E911 Board) and establishing their initial terms of office so as to maintain staggered terms for members of the Board. The full term for E911 Board members is four (4) years.

Item_____ Prepared by Craig E. Willis

Approved by CEW

RESOLUTION TO ENLARGE THE BOARD OF DIRECTORS FOR THE SHELBY COUNTY EMERGENCY COMMUNICATIONS DISTRICT TO ELEVEN MEMBERS AS AUTHORIZED BY 2007 PUB. ACTS CHAPTER 55. SPONSORED BY COMMISSIONER SIDNEY CHISM.

WHEREAS, pursuant to the Emergency Communications District Law, Chapter 867 of the Public Acts of 1984, this Board adopted Agenda Item #10 on November 19, 1984 titled a "Resolution To Establish An Emergency Communications District Within The Boundaries Of The County Of Shelby And To Provide For The Appointing Of A Board Of Directors For The Communications District"; and

WHEREAS, pursuant to said Resolution establishing the Shelby County Emergency Communications District ("District"), a nine (9) member Board of Directors was established to govern the affairs of the District; and

WHEREAS, said Resolution establishing the Emergency Communications District provides that the members of the Board of Directors for the District shall be appointed by the Mayor of Shelby County and approved by the Shelby County Board of Commissioners; and

WHEREAS, pursuant to said Resolution, a majority of the District Board of Directors shall always be residents of the City of Memphis; and

WHEREAS, pursuant to said Resolution establishing the District, the members of the Board of Directors of the District shall serve staggered four (4) year terms; and

WHEREAS, pursuant to Chapter 55 of the Public Acts of 2007, approved the 24th day of April 2007, amending Tennessee Code Annotated, Section 7-86-105(b) relative to the appointment of emergency communications district board of directors, the Mayor of Shelby County may appoint a board of directors to the District of no fewer than seven (7) nor more than eleven (11) members, subject to confirmation by the chief legislative body of the county; and

WHEREAS, Chapter 55 of the Public Acts of 2007 provides that the county mayor and the legislative body of the county shall make every effort to appoint members to the board of directors of the District that represent the diversity of the community, including women and minorities; and

WHEREAS, Chapter 55 of the Public Acts of 2007 further provides that the county mayor and the legislative body of the county shall ensure that the views and opinions of all participating governmental entities are given full consideration in the selection of members of said board of directors.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, that this Board, pursuant to Chapter 55 of the Public Acts of 2007, hereby enlarges the Board of Directors for the Shelby County Emergency Communications District to eleven (11) members.

BE IT FURTHER RESOLVED, that the County Mayor is hereby authorized to appoint two (2) additional members to the Board of Directors of the District to serve staggered four (4) year terms, subject to confirmation by this Board of County Commissioners.

BE IT FURTHER RESOLVED, that the County Mayor, in making appointments for the two (2) additional members to the Board of Directors of the District and all future appointments to the said Board, and this Board of County Commissioners in making confirmation of such appointments, shall ensure that the views and opinions of all participating governmental entities are given full consideration in the selection of members of said Board of Directors, and that every effort shall be made to appoint members to the Board of Directors of the District that represent the diversity of the community, including women and minorities.

BE IT FURTHER RESOLVED, that this Resolution shall take effect at the earliest time provided by law, the public welfare requiring the same.

_____
A C Wharton, Jr., Mayor

Date: _____

ATTEST:

_____
Clerk of County Commission

ADOPTED: _____

Tenn. Code Ann. § 7-86-105. Creation upon majority approval; board of directors

(a) Upon approval by a majority of the eligible voters within the area of the proposed district voting at such referendum, the legislative body may create an emergency communications district.

(b)(1) Except as otherwise provided by law, an emergency communications district shall have a board of directors composed of no fewer than seven (7) nor more than nine (9) members to govern the affairs of the district. For districts created by a county legislative body, the county mayor shall appoint the members of the board of directors subject to confirmation by the county legislative body. When the county mayor names an appointee to the board, the county legislative body has ninety (90) days or until the conclusion of its next regularly scheduled meeting, whichever is later, to confirm or reject the appointment. If the legislative body does not act within this time period, the appointment shall take effect without confirmation. In any municipality having a population of less than thirty thousand (30,000), according to the 1980 federal census or any subsequent federal census, having adopted home rule pursuant to the Constitution of Tennessee, article XI, § 9, and having an incorporated area lying in two (2) counties, the board of directors may be the legislative body of such municipality, if the emergency services are provided by such municipality.

(2) In any county having a metropolitan form of government and having a population of not less than four hundred thousand (400,000) nor more than five hundred thousand (500,000), according to the 1980 federal census or any subsequent federal census, the chief executive officer of the metropolitan government may appoint a board of directors, composed of no fewer than seven (7) nor more than nine (9) members, subject to confirmation by the chief legislative body of the metropolitan government, which shall govern the affairs of the district. Appointments to the board of directors shall include members selected from minorities as well as members of the sex that historically has been underrepresented on boards and commissions of the metropolitan government.

(3) In emergency communication districts established by counties with a population greater than three hundred thousand (300,000) and less than seven hundred fifty thousand (750,000), according to the 1980 federal census or any subsequent federal census, except in counties with a metropolitan form of government, the mayor, the chief of police and the fire chief of the municipality, or their representatives, with the largest population in the district, the county sheriff in the district, and the county mayor in the district, shall be members of the board of directors of the district. If, at the time this subdivision (b)(3) takes effect, any person or persons holding any one (1) of the positions mentioned in this subdivision (b)(3) is not a member of the board of directors of the district, then the board shall be immediately expanded to include such person or persons. In districts covered by this subsection (b), the legislative body may appoint up to eleven (11) members to govern the affairs of the district to allow for the appointment of two (2) additional directors, one (1) of whom shall be a woman and one (1) of whom shall be a representative of the nongovernmental emergency agencies servicing such district. Such additional members shall serve for an initial term of one (1) year. Each term thereafter shall be for a period of four (4) years. The method of appointment of the board of directors by the county legislative body referred to in this subdivision (b)(3) shall be by the confirmation process described in subdivision (b)(1).

(4) Notwithstanding the provisions of this subsection (b) to the contrary, in any county having a population of not less than forty-three thousand seven hundred (43,700) nor more than forty-three thousand eight hundred (43,800), according to the 1980 federal census or any subsequent federal census, the legislative body may appoint an additional two (2) members to the board of directors for an initial term of two (2) years. Each term thereafter of such members shall be for a period of four (4) years.

(5) Notwithstanding any provisions of this section to the contrary, in any county having a population of not less than eight hundred thousand (800,000), according to the 2000 federal census or any subsequent federal census, the county mayor may appoint a board of directors, composed of no fewer than seven (7) nor more than eleven (11) members, subject to confirmation by the chief legislative body of the county, which shall govern the affairs of the district. The county mayor and legislative body shall ensure that the views and opinions of all participating governmental entities are given full consideration in the selection of members of the board, with the exact methodology to be determined

by local ordinance or resolution. The county mayor and legislative body shall make every effort to appoint members who represent the diversity of the community, including women and minorities.

(6) In emergency communication districts established in any county having a population in excess of eight hundred thousand (800,000), according to the 1990 federal census or any subsequent federal census, one (1) of the members of the board of the directors of the district shall be an actively engaged firefighter, police officer or emergency medical technician; provided, that, if, on April 5, 1995, one (1) such person is not a member of the board in such county, when a vacancy occurs on the board or at the expiration of the term of office of a member of the board, at least one (1) person meeting the qualifications established in this subdivision (b)(6) shall be appointed to the board.

(7) It is the public policy of this state to encourage the consolidation of emergency communications operations in order to provide the best possible technology and service to all areas of the state in the most economical and efficient manner possible. Pursuant to this policy, if two (2) or more counties, cities, or existing emergency communications districts, or any combination of these, desire to consolidate their emergency communications operations, a joint emergency communications district may be established by the parties using an interlocal agreement as authorized by title 5, ch. 1, part 1, and title 12, ch. 9; provided, that, notwithstanding the language of this subdivision (b)(7) or any other law to the contrary, no such consolidation of emergency communications operations shall result in the creation of a separate emergency communications district within the boundaries of an existing emergency communications district. Under such an agreement, the funding percentages for each party, and the size and appointment of the board of directors of such combined emergency communications district shall be determined by negotiation of the parties, notwithstanding the provisions of this subsection (b) to the contrary; provided, that the board of directors of such combined district shall be composed of no fewer than seven (7) members to govern the affairs of the district. The terms, remuneration, and duties stated in subsections (c)-(i) shall apply to any board of directors of any combined emergency communications district.

(8)(A) Notwithstanding the provisions of this section to the contrary, in any emergency communications district created by a municipality after July 1, 2002, the board of directors of the district may be the legislative body of such municipality. If the board of directors of the district is comprised of the legislative body, then the terms of the members of the board of directors shall run concurrently with their terms as members of the legislative body. The terms of the members of the legislative body shall run concurrently with their terms as members on the board of directors.

(B) In the event the provisions of subdivision (b)(8)(A) are in effect for an emergency communications district, and any member of the emergency communications district board is removed pursuant to the provisions of § 7-86-314, then the mayor shall appoint a private citizen to serve in the member's place until such time as the replaced member no longer serves on the legislative body of the municipality. Such appointment shall be subject to confirmation by the remaining members of the board of directors of the district.

(C) In the event the provisions of subdivision (b)(8)(A) are in effect for an emergency communications district, and the entire emergency communications district board is removed pursuant to the provisions of § 7-86-314, then the mayor shall appoint private citizens to serve in each such member's place until such time as the replaced members no longer serve on the legislative body of the municipality. Such appointment shall be subject to confirmation by the board.

(D) Nothing in this subdivision (b)(8) shall be construed to be contrary to the provisions of § 7-86-310.

(c) The members shall serve for a term of four (4) years. The initial members shall be appointed for staggered terms of two (2), three (3) and four (4) years, dating from the effective date of the ordinance or resolution creating such district. Members shall serve until a successor is duly appointed and, if required by this section or any other provision of law, confirmed.

(d) The members shall serve without compensation.

(e) The board of directors shall have complete and sole authority to appoint a chair and any other officers the board

may deem necessary from among the membership of the board of directors.

(f) A majority of the board of directors shall constitute a quorum, and all official action of the board shall require a quorum.

(g) The board has the authority to employ such employees, experts and consultants as the board may deem necessary to assist the board in the discharge of its responsibilities to the extent that funds are made available.

(h) The board has the authority to establish or make available for the benefit and welfare of the board's employees such pension, insurance or other employee benefit plans as the board may deem appropriate, including participation in the Tennessee consolidated retirement system in accordance with the provisions of title 8, chapter 35, part 2.

(i) No member of the board of directors shall be an employee of the emergency communications district.

1984 Pub.Acts, c. 867, § 5; 1986 Pub.Acts, c. 784, § 1; 1987 Pub.Acts, c. 94, § 3; 1988 Pub.Acts, c. 884, § 1; 1989 Pub.Acts, c. 243, § 1; 1990 Pub.Acts, c. 809, §§ 1 to 4; 1991 Pub.Acts, c. 283, § 1;1992 Pub.Acts, c. 891, § 2;1993 Pub.Acts, c. 479, § 10, eff. July 1, 1993; 1995 Pub.Acts, c. 68, § 5, eff. April 5, 1995; 1996 Pub.Acts, c. 696, § 1, eff. April 2, 1996; 1998 Pub.Acts, c. 1108, § 28, eff. May 20, 1998; 2001 Pub.Acts, c. 149, §§ 1, 2, eff. May 3, 2001; 2002 Pub.Acts, c. 567, § 1, eff. April 3, 2002; 2003 Pub.Acts, c. 90, § 2, eff. July 1, 2003; 2005 Pub.Acts, c. 64, § 1, eff. April 14, 2005; 2007 Pub.Acts, c. 55, § 1, eff. July 1, 2007.