

Resolution amending the FY2017 budget to reallocate and appropriate \$150,000.00 from the Parks Professional Services Budget to the City Attorney's outside legal budget account and/or to City Council legal contingency budget account

WHEREAS, a management agreement put in place in 2011 and approved by the city council gave management authority to the Overton Park Conservancy(OPC) to manage 184 acres of public parkland in Overton Park; and

WHEREAS, the Contract provided for \$150,000 in annual funding in the City's operating budget for the OPC management agreement subject to appropriation by the City Council;

WHEREAS, the City has incurred legal expenses related to the defense of an action brought against the City Council regarding a resolution adopted by the Council on March 1, 2016 ("Open Meetings Suit");

WHEREAS, one of the Plaintiffs in the Open Meetings Suit has admitted to council members that OPC provided information and language for the Open Meetings lawsuit and may have been a motivating factor in the filing of the lawsuit and that the Plaintiffs agreed to bring the suit because OPC was reluctant to do so;

WHEREAS, the Council does not believe it is appropriate for City funded organizations to use public funding, in whole or in part, to bring lawsuits against their funding body or to promote others to do so;

WHEREAS, the Council believes that the OPC's FY 2017 funding should be reduced in order offset legal expenses for the Open Meetings Suit paid with public funds in part because of OPC's actions and that such funds should replace funds budgeted for other legitimate and more important legal disputes .

NOW, THEREFORE BE IT RESOLVED by the Memphis City Council that the fiscal year 2017 budget be amended by reducing funding in the Parks Department Professional Services budget by \$150,000.00 and allocating that reduced sum among the budgets of the City Attorney or City Council's legal contingency account as the case may be.

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