



Metropolitan Nashville and Davidson County, TN

Legislation Text

File #: RS2022-1585, **Version:** 1

A resolution approving an Interlocal Agreement between The Metropolitan Government of Nashville and Davidson County and the Industrial Development Board of the Metropolitan Government of Nashville and Davidson County for administrative, financial, and legal services.

WHEREAS, The Metropolitan Government of Nashville and Davidson County (“Metropolitan Government”) and the Industrial Development Board of the Metropolitan Government of Nashville and Davidson County (the “Board”) have an interest in the economic development of the Metropolitan Government area; and,

WHEREAS, on May 5, 1959, the Metropolitan County Council of the Metropolitan Government adopted Resolution No. 59-1740 approving the certificate of incorporation of the Board; and,

WHEREAS, the Board is a public corporation performing a public function pursuant to T.C.A. § 7-53-101, et seq. (“the Act”); and,

WHEREAS, enumerated in the certificate of incorporation, the Board has the power to employ and pay compensation to such employees and agents, including attorneys, as its board of directors shall deem necessary for the business of the corporation; and,

WHEREAS, the Board currently operates with the assistance of key departments in the Metropolitan Government to administer its business and financial transactions and provide legal counsel; and,

WHEREAS, the Board has requested that the Metropolitan Government continue to provide administrative, financial, and legal services for the Board; and,

WHEREAS, the Metropolitan Government has the resources to provide administrative and financial services for the Board through its Mayor's Office of Economic and Community Development and Department of Finance, and legal services through its Department of Law; and,

WHEREAS, in order to enable the Board to fulfill its obligations under Title 7, Chapter 53 of the Tennessee Code Annotated and its certificate of incorporation, the Metropolitan Government has determined that it will benefit the public welfare to provide administrative, financial, and legal services to the Board; and,

WHEREAS, pursuant to Tennessee Code Annotated Section 12-9-104, et seq., public agencies in Tennessee have the authority to enter into interlocal agreements to achieve common objectives subject to the approval of their respective governing bodies by resolution or as otherwise provided by law; and,

WHEREAS, there has been presented with this resolution the Interlocal Agreement executed by the Board, which is the appropriate instrument to be executed and delivered for the purposes intended; and,

WHEREAS, the Metropolitan Government and the Board wish to enter into such an interlocal agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That the Interlocal Agreement by and between The Metropolitan Government of Nashville and Davidson County and the Industrial Development Board of the Metropolitan Government of Nashville and Davidson County for administrative, financial, and legal services be and the same is hereby approved and the

Metropolitan Mayor is hereby authorized to execute said Interlocal Agreement.

Section 2. That this resolution shall take effect from and after its final passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Analysis

This resolution approves an interlocal agreement between the Metropolitan Government and the Industrial Development Board of the Metropolitan Government (“IDB”) for administrative, financial, and legal services. The Metropolitan Government initially took over these services for the IDB at the Board's request in 2009 following resignation of the IDB’s longstanding legal counsel. The IDB did not otherwise maintain a staff to administer its business or financial transactions or provide legal counsel. The initial agreement was approved per Resolution No. RS2009-697.

The agreement under consideration authorizes Metro to continue providing these services, as has been requested by the IDB. The services are as follows:

- The Director of the Mayor’s Office of Economic and Community Development, or a designee, will handle administrative matters as directed by the IDB and will act as Executive Director of the IDB.
- The Director of Finance will maintain accounts and funds on behalf of the IDB, and will handle all other financial matters ad directed by the IDB.
- The Director of Law will provide general legal counsel to the IDB, as needed.

The term of this agreement will begin upon approval of the Council and extend through June 30, 2027. This agreement may be terminated by either party upon 90 days’ written notice.

Fiscal Note: The IDB and the Director of Law would negotiate and agree to compensation for legal services from time to time as needed.