

RESOLUTION NO. _____

A RESOLUTION CONFIRMING AND APPROVING THE APPOINTMENT OF VICKY GREGG AS A MEMBER OF THE ELECTRIC POWER BOARD OF CHATTANOOGA FROM THE EFFECTIVE DATE HEREOF UNTIL APRIL 15, 2021, AND THEREAFTER UNTIL HER SUCCESSOR IS APPOINTED AND QUALIFIED

WHEREAS, under the provisions of Chapter 455, Private Acts of the General Assembly of the State of Tennessee, 1935, as amended and now a part of the Charter of the City of Chattanooga, when a term of appointment of a member shall have expired or otherwise becomes vacant, the vacancy shall be filled by appointment made by the Mayor, subject to the confirmation and election by the City Council of the City of Chattanooga, Tennessee; and

WHEREAS, the appointment of Vicky Gregg, as a member of the Electric Power Board of Chattanooga (sometimes herein "Electric Power Board"), expired April 15, 2016 (an inadvertent typographical error in the June 12, 2012 minutes of the Chattanooga City Council noted the term as expiring April 15, 2017), but Ms. Gregg continues to serve until she or a successor is appointed.

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, that the Mayor's appointment of Vicky Gregg to the office of Member of said Electric Power Board of Chattanooga, be, and hereby is, confirmed with her service in the office to commence upon her taking the oath of office to serve a term of office to begin upon the date of this Resolution and to expire April 15, 2021, and to serve thereafter until her successor is appointed, elected and qualified.

ADOPTED: May ____, 2016.

April 21, 2016

Wade A. Hinton, City Attorney
City of Chattanooga, Tennessee
100 East 11th Street, Suite 200
Chattanooga, Tennessee 37402

RE: Electric Power Board Appointments

Dear Wade:

As you know from our past conversations, when the appointment of a person to serve as a member of the Electric Power Board of Chattanooga are made, it is important to have those memorialized by Resolution rather than by simple entries in the Minutes of the City Council meetings. As I have earlier explained, because EPB takes actions involving the issuance of significant sums of electric revenue bonds through the City. Having the ability to maintain a record by resolution helps in the certification that needs to be made in bond proceedings that the Board members lawfully hold office.

Attached is a copy of an e-mail that I sent to you on July 21, 2015, in connection with the John Foy's appointment. As I mentioned in that e-mail, apparently there was an error made on Vicky Gregg's prior appointment in that her appointment documents (which neither we nor your office prepared, but apparently were prepared elsewhere) shows the expiration of her office as being April 15, 2017. Technically, that is not correct for her term on the five-member Board (on which one term expires each year) would have expired April 15, 2016 instead of April 15, 2017 as reflected in the earlier documents. To my knowledge action on correcting that error was not taken when John Foy's appointment was renewed; but deferred until Ms. Gregg's term was to expire.

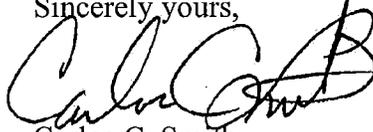
There is attached a draft resolution (I am forwarding copies in Word form also via e-mail) that reappoints Ms. Gregg to a new term on the Electric Power Board. Neither I, the remaining Board members, nor Mr. DePriest want to be presumptuous in Ms. Gregg's reappointment, but would appreciate your letting me know whether or not this is something that is best diplomatically discussed by you with Mayor Berke, or whether it is more appropriate from a protocol standpoint for me or someone else at EPB to send a letter to the Mayor suggesting that she is eligible for reappointment.

Just let me know how you want to handle this. I should be available most of the time by phone at 423-785-8359 (I do have to be out of town on Wednesday, April 27) or cell, 423-240-2798. In addition, I am glad to come by your office, meet you for lunch or breakfast, or whatever is most convenient with you.

Wade A. Hinton, City Attorney
April 21, 2016
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Thank you as always for all of your assistance on matters pertaining to EPB.

Sincerely yours,



Carlos C. Smith

CCS:cjb

Enclosure

cc: Phillip A. Noblett, Esq.
Mark W. Smith, Esq.

Carol Bain

From: Carlos Smith <ccsmith@millermartin.com>
Sent: Tuesday, July 21, 2015 10:40 AM
To: Hinton Wade (whinton@chattanooga.gov)
Cc: Mark Smith; Carol Bain
Subject: 2015-07-City of Chattanooga Resolution approving EPB Board Appointment of John Foy
Attachments: Content_13468902_1.DOCX; 2015-07-21 Resolution Reappointing John Foy as EPB Board Member.pdf

Wade, here is the resolution. I suppose we could, if you and Mayor wish, change the heading and add a paragraph to go ahead and correct the error that was made on Vicky Gregg's appointment . Just let me know after you speak with the Mayor, and if he wants to go ahead and clear up Vicky's typo as to her expiration date then let me know and I will send a revised resolution.

Carlos C. Smith
Miller & Martin PLLC

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832 Georgia Avenue
Chattanooga, TN 37402
Phone (423) 785-8359
Fax (423) 321-1659



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