



Exhibit #
1-17-06

NOTICE OF SPECIAL SESSION

DATE OF NOTICE: January 17, 2006

IN ACCORDANCE WITH THE OFFICIAL CHARTER OF THE CITY OF CLARKSVILLE, TENNESSEE, YOU ARE HEREBY NOTIFIED THAT A SPECIAL CALLED SESSION OF THE CLARKSVILLE CITY COUNCIL WILL BE HELD IN CITY COUNCIL CHAMBERS, 108 PUBLIC SQUARE, WEDNESDAY, JANUARY 18, 2006, 5:00 P.M.

BUSINESS TO BE CONSIDERED WILL BE AS FOLLOWS:

1. RESOLUTION 38-2005-06 Requesting the Clarksville District Attorney, John Carney and the State of Tennessee Comptroller of the Treasury, Division of Municipal Audit, Dennis Dycus conduct an investigation to determine if there has been a violation of local laws, state laws, or conflict of interest.
2. RESOLUTION 39-2005-06 Requesting Mayor Don Trotter to place Mr. Dwight Luton on administrative leave without pay.

END OF AGENDA

WHEREAS, Mr. Dwight Luton refused to answer the question of whether any other city employees are involved or has done work for AIM.

WHEREAS, The Chief Executive Officer for the City of Clarksville, Mayor Don Trotter, through AIM, went into direct competition with the City of Clarksville, to bid on providing power services on Fort Campbell, in competition with another city department, Clarksville Department of Electricity (CDE).

WHEREAS, AIM Director, Mr. David Nussbaumer, was on the CDE Power Board and attended meetings and had knowledge of CDE's desire to bid on the RFP at Fort Campbell, a potential conflict of interest.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF 117-06 CLARKSVILLE, TENNESSEE:

Exhibit #

That the City Council request an investigation by the Clarksville District Attorney, John Carney, and the State of Tennessee Comptroller of the Treasury, Division of Municipal Audit, Dennis Dycus, to:

- a. Conduct a financial audit to determine if there has been any violation of local, state, or conflict of interest laws.**
- b. Conduct a performance/compliance audit and investigation to determine if there has been any violation of local, state, or conflict of interest laws.**
- c. Conduct a performance/compliance audit and investigation of all contracts (primary and subcontract) awarded to Darrell James and his affiliated companies to determine if there has been any violation of local, state, or conflict of interest laws.**
- d. Conduct a performance/compliance audit and investigation of all contracts (primary and subcontract) awarded to Paul Moore and his affiliated companies to determine if there has been any violation of local, state, or conflict of interest laws.**
- e. Conduct a performance/compliance audit and investigation of the RFP process for the Fort Campbell Power proposals (CDE and AIM) to determine if there has been any violation of local, state, or conflict of interest laws.**
- f. Conduct any other investigation and audits as needed to determine if any improprieties occurred.**

Provide all findings and reports at a special call meeting of the City Council.

**ADOPTED:
AMENDED:
RATIFIED:**

RESOLUTION

A RESOLUTION REQUESTING THE CLARKSVILLE DISTRICT ATTORNEY, JOHN CARNEY AND THE STATE OF TENNESSEE COMPTROLLER OF THE TREASURY, DIVISION OF MUNICIPAL AUDIT, DENNIS DYCUS CONDUCT AN INVESTIGATION TO DETERMINE IF THERE HAS BEEN A VIOLATION OF LOCAL LAWS, STATE LAWS, OR CONFLICT OF INTEREST.

WHEREAS, On December 29, 2005, Mayor Don Trotter and Mr. Dwight Luton, Gas, Water, Sewer Manager, when asked by the City Council, disclosed that they are Directors and shareholders in American Infrastructure Management, LLC (AIM), and the other public record Directors and/or shareholders are Mr. Paul Moore, Mr. Darrell James, and Mr. David Nussbaumer.

WHEREAS, The initial capital investment for AIM was \$900,000 and Mayor Don Trotter received 10,000 shares/units of AIM for free.

WHEREAS, On December 29, 2005, Mayor Don Trotter and Mr. Dwight Luton, Gas, Water, Sewer Manager, would not disclose whom the other investment partners and shareholders are in AIM.

WHEREAS, On December 29, 2005, Mr. Darrell James, when asked, acknowledged that his other company, James & Associates, office is co-located with AIM at 1 Vantage Way, Suite E220, Nashville, TN 37228; that Mr. James handles the daily operations and management of AIM; and James & Associates has been awarded contracts with the City of Clarksville for approximately \$5M.

WHEREAS, No information has been disclosed as to the directors, board members, investors, and/or shareholders of James & Associates.

WHEREAS, Mr. Paul Moore, AIM Director and Shareholder, has been awarded contracts, through his businesses, Moore Construction and Moore Design Services/Engineering, with the City of Clarksville for approximately \$14M.

WHEREAS, Some of the contracts awarded to Mr. Paul Moore and Mr. Darrell James were noncompetitive professional services/sole source contracts and other competitive contracts resulted in only one bid on the contract.

WHEREAS, Mr. Dwight Luton could not remember if he had disclosed to the city of Benson, Arizona, that he was the Utility Manager/Gas, Water, Sewer Manager for the City of Clarksville which would be a Conflict of Interest while representing AIM.

WHEREAS, Mayor Don Trotter and Mr. Dwight Luton used and announced their official positions with the City of Clarksville for personal benefit with the City Council, Benson, Arizona, as documented on the audio recording of the Benson City Council Executive Session meeting, January 2005.