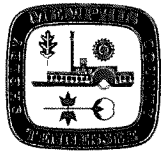


City of Memphis



TENNESSEE

JIM STRICKLAND
MAYOR

October 26, 2020

The Honorable Chase Carlisle, Chairman
Personnel Committee
City Hall - Room 514
Memphis, TN 38103

Dear Chairman Carlisle:

Subject to Council approval, I hereby recommend that:

Shawn Lynch

be appointed to the Civilian Law Enforcement Review Board with a term expiring June 30, 2022.

I have attached biographical information.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Strickland", written over a circular stamp or seal.

Jim Strickland
Mayor

JSS/sss

Cc: Council Members

City of Memphis



TENNESSEE

JIM STRICKLAND
MAYOR

October 26, 2020

The Honorable Chase Carlisle, Chairman
Personnel Committee
City Hall - Room 514
Memphis, TN 38103

Dear Chairman Carlisle:

Subject to Council approval, I hereby recommend that:

Victoria Young

be appointed to the Memphis & Shelby County Downtown Memphis Commission, with a term expiring December 31, 2022.

I have attached biographical information.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Strickland", written over a circular stamp.

Jim Strickland
Mayor

JSS/sss

Cc: Council Members

City of Memphis



TENNESSEE

JIM STRICKLAND
MAYOR

October 26, 2020

The Honorable Chase Carlisle, Chairman
Personnel Committee
City Hall - Room 514
Memphis, TN 38103

Dear Chairman Carlisle:

Subject to Council approval, I hereby recommend that:

Jana Travis

be appointed to the Memphis Public Art Oversight Committee with a term expiring August 31, 2022.

I have attached biographical information.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Strickland", written over a circular stamp.

Jim Strickland
Mayor

JSS/ss

Cc: Council Members

ORDINANCE NUMBER _____

SUBSTITUTE ORDINANCE

TO AMEND TITLE 3, CHAPTER 16 IN THE CITY OF MEMPHIS CODE OF ORDINANCES, CITY EMPLOYEE OCCUPATIONAL HEALTH PROGRAM, ESTABLISHING AN UPDATED OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN

WHEREAS, in compliance with Public Chapter 561 of the General Assembly of the State of Tennessee for the year 1972, the City of Memphis created and established an Occupational Safety and Health Program Plan ("OSHPP") for its employees under this Title; and

WHEREAS, the Public Sector Section of Tennessee Occupational Safety and Health Administration (TOSHA) is responsible for ensuring that local governments meet statutory responsibilities pursuant to the provisions of Tenn. Code Ann. § 50-3-912; and

WHEREAS, Title 3, Chapter 16 of the City of Memphis Code of Ordinances was last amended in 2004; and

WHEREAS, due to various updates and changes required by TOSHA, it has become necessary to amend the local ordinance and program plan to comply with more recent public sector requirements issued by TOSHA; and

WHEREAS, the form and substance of this amended ordinance is consistent with and pursuant to the forms, rules and regulations issued by TOSHA; and

WHEREAS, the form and substance of this amended ordinance ensures that the City of Memphis can maintain an updated occupational safety and health program plan in compliance with TOSHA.

NOW, THEREFORE,

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS that Title 3, Chapter 16 of the Code of Ordinances is hereby amended in its entirety and substituted as follows:

A. TITLE:

This section shall be known as "The Occupational Safety and Health Program Plan" for the employees of City of Memphis.

B. PURPOSE:

The City of Memphis, in electing to update the established Occupational Safety and Health Program Plan, will maintain an effective and comprehensive Occupational Safety and Health Program Plan for its employees and shall:

1) Provide a safe and healthful place and condition of employment that includes:

- a) Top Management commitment and employee involvement;
- b) Continually analyze the worksite to identify all hazards and potential hazards;
- c) Develop and maintain methods for preventing or controlling the existing or potential hazards; and
- d) Train managers, supervisors, and employees to understand and deal with worksite hazards.

2) Acquire, maintain and require the use of safety equipment, personal protective equipment and devices reasonably necessary to protect employees.

3) Record, keep, preserve, and make available to the Commissioner of Labor and Workforce Development, or persons within the Department of Labor and Workforce Development to whom such responsibilities have been delegated, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.

4) Consult with the Commissioner of Labor and Workforce Development with regard to the adequacy of the form and content of records.

5) Consult with the Commissioner of Labor and Workforce Development, as appropriate, regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be achieved under a standard promulgated by the State.

6) Provide reasonable opportunity for the participation of employees in the effectuation of the objectives of this Program Plan, including the opportunity to make anonymous complaints concerning conditions or practices injurious to employee safety and health.

7) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards and provide for education and notification of all employees of the existence of this Program Plan.

C. COVERAGE:

The provisions of the Occupational Safety and Health Program Plan for the employees of City of Memphis shall apply to all employees of each administrative department, commission, board, division, or other agency whether part-time or full-time, seasonal or permanent.

D. STANDARDS AUTHORIZED:

The Occupational Safety and Health standards adopted by the City of Memphis are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with Section 6 of the Tennessee Occupational Safety and Health Act of 1972 (T.C.A. Title 50, Chapter 3).

E. VARIANCES FROM STANDARDS AUTHORIZED:

Upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, the City may request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, VARIANCES FROM OCCUPATIONAL SAFETY AND HEALTH STANDARDS, CHAPTER 0800-01-02, as authorized by T.C.A., Title 50. Prior to requesting such temporary variance, the City will notify or serve notice to its employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on bulletin boards accessible to employees shall be deemed sufficient notice to employees.

F. ADMINISTRATION:

For the purposes of this ordinance, the Division of Human Resources shall designate a Safety Manager of Occupational Safety and Health to perform duties and to exercise powers assigned to plan, develop, and administer this Program Plan. The Safety Manager shall develop a plan of operation for the Program Plan in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, SAFETY AND HEALTH PROVISIONS FOR THE PUBLIC SECTOR, CHAPTER 0800-01-05, as authorized by T.C.A., Title 50.

SECTION 2. BE IT FURTHER ORDAINED that if any section, sub-section, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 3. BE IT FURTHER ORDAINED that this ordinance shall take effect from and after the date it shall have been passed, properly signed, certified, and has met all other legal requirements, and as otherwise provided by law, the general welfare of the City of Memphis requiring it.

Patrice Robinson
Chairperson



Memphis City Council Summary Sheet

SUBSTITUTE ORDINANCE TO AMEND TITLE 3, CHAPTER 16 IN THE CITY OF MEMPHIS CODE OF ORDINANCES, CITY EMPLOYEE OCCUPATIONAL HEALTH PROGRAM, ESTABLISHING AN UPDATED OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN

Ordinance addresses:

- Due to various updates and changes required by Tennessee Occupational Safety and Health Administration (TOSHA), it has become necessary to amend the local ordinance and program plan to comply with more recent public sector requirements issued by TOSHA.
- The form and substance of the proposed ordinance is consistent with and pursuant to the forms, rules and regulations issued by TOSHA.
- The form and substance of the proposed ordinance ensures that the City of Memphis can maintain an updated occupational safety and health program plan in compliance with TOSHA.
- The updated program plan and appendices are attached for reference.

PLAN OF OPERATION FOR THE OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN FOR THE
EMPLOYEES OF CITY OF MEMPHIS

SECTION	PAGE
I. PURPOSE AND COVERAGE	4
II. DEFINITIONS.....	4
III. EMPLOYER'S RIGHTS AND DUTIES	5
IV. EMPLOYEE'S RIGHTS AND DUTIES	6
V. ADMINISTRATION.....	7
VI. STANDARDS AUTHORIZED	8
VII. VARIANCE PROCEDURE.....	8
VIII. RECORDKEEPING AND REPORTING	9
IX. EMPLOYEE COMPLAINT PROCEDURE.....	9
X. EDUCATION AND TRAINING.....	10
XI. GENERAL INSPECTION PROCEDURES	11
XII. IMMINENT DANGER PROCEDURES	12
XIII. ABATEMENT ORDERS AND HEARINGS.....	13
XIV. PENALTIES.....	13
XV. CONFIDENTIALITY OF PRIVILEGED INFORMATION	13
XVI. DISCRIMINATION INVESTIGATIONS AND SANCTIONS.....	14
XVII. COMPLIANCE WITH OTHER LAWS NOT EXCUSED.....	14
 APPENDICES	
I. WORK LOCATIONS	15
II. NOTICE TO ALL EMPLOYEES	16
III. PROGRAM PLAN BUDGET	17
IV. ACCIDENT REPORTING PROCEDURES	18
I. PURPOSE AND COVERAGE	

The purpose of this plan is to provide guidelines and procedures for implementing the Occupational Safety and Health Program Plan for the employees of City of Memphis.

This plan is applicable to all employees, part-time or full-time, seasonal or permanent.

The City of Memphis in electing to update and maintain an effective Occupational Safety and Health Program Plan for its employees,

- a. Provide a safe and healthful place and condition of employment.
- b. Require the use of safety equipment, personal protective equipment, and other devices where reasonably necessary to protect employees.
- c. Make, keep, preserve, and make available to the Commissioner of Labor and Workforce Development, his designated representatives, or persons within the Department of Labor and Workforce Development to whom such responsibilities have been delegated, including the Safety Manager of the Division of Occupational Safety and Health, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.
- d. Consult with the Commissioner of Labor and Workforce Development or his designated representative with regard to the adequacy of the form and content of such records.
- e. Consult with the Commissioner of Labor and Workforce Development regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be resolved under an occupational safety and health standard promulgated by the State.
- f. Assist the Commissioner of Labor and Workforce Development or his monitoring activities to determine Program Plan effectiveness and compliance with the occupational safety and health standards.
- g. Make a report to the Commissioner of Labor and Workforce Development annually, or as may otherwise be required, including information on occupational accidents, injuries, and illnesses and accomplishments and progress made toward achieving the goals of the Occupational Safety and Health Program Plan.
- h. Provide reasonable opportunity for and encourage the participation of employees in the effectuation of the objectives of this Program Plan, including the opportunity to make anonymous complaints concerning conditions or practices which may be injurious to employees' safety and health.
- i. Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this Program Plan.

II. DEFINITIONS

For the purposes of this Program Plan, the following definitions apply:

- a. COMMISSIONER OF LABOR and Workforce Development means the chief executive officer of the Tennessee Department of Labor and Workforce Development. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the Commissioner of Labor and Workforce Development.
- b. EMPLOYER means the City of Memphis and includes each administrative department, board, commission, division, or other agency of the City of Memphis.
- c. SAFETY Manager OF OCCUPATIONAL SAFETY AND HEALTH or SAFETY Manager means the person designated by the establishing ordinance, or executive order to perform duties or to exercise powers assigned so as to plan, develop, and administer the Occupational Safety and Health Program Plan for the employees of the City of Memphis.
- d. INSPECTOR(S) means the individual(s) appointed or designated by the Safety Manager of Occupational Safety and Health to conduct inspections provided for herein. If no such compliance inspector(s) is appointed, inspections shall be conducted by the Safety Manager of Occupational Safety and Health.
- e. APPOINTING AUTHORITY means any official or group of officials of the employer having legally designated

powers of appointment, employment, or removal there from for a specific department, board, commission, division, or other agency of this employer.

- f. EMPLOYEE means any person performing services for this employer and listed on the payroll of this employer, either as part-time, full-time, seasonal, or permanent. It also includes any persons normally classified as "volunteers" provided such persons received remuneration of any kind for their services. This definition shall not include independent contractors, their agents, servants, and employees.
- g. PERSON means one or more individuals, partnerships, associations, corporations, business trusts, or legal representatives of any organized group of persons.
- h. STANDARD means an occupational safety and health standard promulgated by the Commissioner of Labor and Workforce Development in accordance with Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972 which requires conditions or the adoption or the use of one or more practices, means, methods, operations, or processes or the use of equipment or personal protective equipment necessary or appropriate to provide safe and healthful conditions and places of employment.
- i. IMMINENT DANGER means any conditions or practices in any place of employment which are such that a hazard exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such hazard can be eliminated through normal compliance enforcement procedures.
- j. ESTABLISHMENT or WORKSITE means a single physical location under the control of this employer where business is conducted, services are rendered, or industrial type operations are performed.
- k. SERIOUS INJURY or HARM means that type of harm that would cause permanent or prolonged impairment of the body in that:
 - 1. A part of the body would be permanently removed (e.g., amputation of an arm, leg, finger(s); loss of an eye) or rendered functionally useless or substantially reduced in efficiency on or off the job (e.g., leg shattered so severely that mobility would be permanently reduced), or
 - 2. A part of an internal body system would be inhibited in its normal performance or function to such a degree as to shorten life or cause reduction in physical or mental efficiency (e.g., lung impairment causing shortness of breath).

On the other hand, simple fractures, cuts, bruises, concussions, or similar injuries would not fit either of these categories and would not constitute serious physical harm.

- l. ACT or TOSH Act shall mean the Tennessee Occupational Safety and Health Act of 1972.
- m. GOVERNING BODY means the County Quarterly Court, Board of Aldermen, Board of Commissioners, City or Town Council, Board of Governors, etc., whichever may be applicable to the local government, government agency, or utility to which this plan applies.
- n. CHIEF EXECUTIVE OFFICER means the chief administrative official, County Judge, County Chairman, County Mayor, Mayor, City Manager, General Manager, etc., as may be applicable.

III. EMPLOYER'S RIGHTS AND DUTIES

Rights and duties of the employer shall include, but are not limited to, the following provisions:

- a. Employer shall furnish to each employee conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.
- b. Employer shall comply with occupational safety and health standards and regulations promulgated pursuant to Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972.
- c. Employer shall refrain from and unreasonable restraint on the right of the Commissioner of Labor and Workforce Development to inspect the employers place(s) of business. Employer shall assist the Commissioner of Labor and Workforce Development in the performance of their monitoring duties by supplying or by making available information, personnel, or aids reasonably necessary to the effective

- conduct of the monitoring activity.
- d. Employer is entitled to participate in the development of standards by submission of comments on proposed standards, participation in hearing on proposed standards, or by requesting the development of standards on a given issue under Section 6 of the Tennessee Occupational Safety and Health Act of 1972.
- e. Employer is entitled to request an order granting a variance from an occupational safety and health standard.
- f. Employer is entitled to protection of its legally privileged communication.
- g. Employer shall inspect all worksites to ensure the provisions of this Program Plan are complied with and carried out.
- h. Employer shall notify and inform any employee who has been or is being exposed in a biologically significant manner to harmful agents or material in excess of the applicable standard and of corrective action being taken.
- i. Employer shall notify all employees of their rights and duties under this Program Plan.

IV. EMPLOYEE'S RIGHTS AND DUTIES

Rights and duties of employees shall include, but are not limited to, the following provisions:

- a. Each employee shall comply with occupational safety and health act standards and all rules, regulations, and orders issued pursuant to this Program Plan and the Tennessee Occupational Safety and Health Act of 1972 which are applicable to his or her own actions and conduct.
- b. Each employee shall be notified by the placing of a notice upon bulletin boards, or other places of common passage, of any application for a permanent or temporary order granting the employer a variance from any provision of the TOSH Act or any standard or regulation promulgated under the Act.
- c. Each employee shall be given the opportunity to participate in any hearing which concerns an application by the employer for a variance from a standard or regulation promulgated under the Act.
- d. Any employee who may be adversely affected by a standard or variance issued pursuant to the Act or this Program Plan may file a petition with the Commissioner of Labor and Workforce Development or whoever is responsible for the promulgation of the standard or the granting of the variance.
- e. Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by any applicable standard shall be provided by the employer with information on any significant hazards to which they are or have been exposed, relevant symptoms, and proper conditions for safe use or exposure. Employees shall also be informed of corrective action being taken.
- f. Subject to regulations issued pursuant to this Program Plan, any employee or authorized representative of employees shall be given the right to request an inspection and to consult with the Safety Manager or Inspector at the time of the physical inspection of the worksite.
- g. Any employee may bring to the attention of the Safety Manager any violation or suspected violations of the standards or any other health or safety hazards.
- h. No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceeding or inspection under or relating to this Program Plan.
- i. Any employee who believes that he or she has been discriminated against or discharged in violation of subsection (h) of this section may file a complaint alleging such discrimination with the Safety Manager. Such employee may also, within thirty (30) days after such violation occurs, file a complaint with the Commissioner of Labor and Workforce Development alleging such discrimination.
- j. Nothing in this or any other provisions of this Program Plan shall be deemed to authorize or require any employee to undergo medical examination, immunization, or treatment for those who object thereto on religious grounds, except where such is necessary for the protection of the health or safety or others or when a medical examination may be reasonably required for performance of a specific job.
- k. Employees shall report any accident, injury, or illness resulting from their job, however minor it may seem to

be, to their supervisor or the Safety Manager within twenty-four (24) hours after the occurrence.

V. ADMINISTRATION

- a. The Safety Manager of Occupational Safety and Health is designated to perform duties or to exercise powers assigned so as to administer this Occupational Safety and Health Program Plan.
 1. The Safety Manager may designate person or persons as he deems necessary to carry out his powers, duties, and responsibilities under this Program Plan.
 2. The Safety Manager may delegate the power to make inspections, provided procedures employed are as effective as those employed by the Safety Manager.
 3. The Safety Manager shall employ measures to coordinate, to the extent possible, activities of all departments to promote efficiency and to minimize any inconveniences under this Program Plan.
 4. The Safety Manager may request qualified technical personnel from any department or section of government to assist him in making compliance inspections, accident investigations, or as he may otherwise deem necessary and appropriate in order to carry out his duties under this Program Plan.
 5. The Safety Manager shall prepare the report to the Commissioner of Labor and Workforce Development required by subsection (g) of Section 1 of this plan.
 6. The Safety Manager shall make or cause to be made periodic and follow-up inspections of all facilities and worksites where employees of this employer are employed. He shall make recommendations to correct any hazards or exposures observed. He shall make or cause to be made any inspections required by complaints submitted by employees or inspections requested by employees.
 7. The Safety Manager shall assist any officials of the employer in the investigation of occupational accidents or illnesses.
 8. The Safety Manager shall maintain or cause to be maintained records required under Section VIII of this plan.
 9. **The Safety Manager shall, in the eventuality that there is a fatality, ensure that the Commissioner of Labor and Workforce Development receives notification of the occurrence within eight (8) hours. All work-related inpatient hospitalizations, amputations, and loss of an eye must be reported to TOSHA within 24 hours.**
- b. The administrative or operational head of each department, division, board, or other agency of this employer shall be responsible for the implementation of this Occupational Safety and Health Program Plan within their respective areas.
 1. The administrative or operational head shall follow the directions of the Safety Manager on all issues involving occupational safety and health of employees as set forth in this plan.
 2. The administrative or operational head shall comply with all abatement orders issued in accordance with the provisions of this plan or request a review of the order with the Safety Manager within the abatement period.
 3. The administrative or operational head should make periodic safety surveys of the establishment under his jurisdiction to become aware of hazards or standards violations that may exist and make an attempt to immediately correct such hazards or violations.
 4. The administrative or operational head shall investigate all occupational accidents, injuries, or illnesses reported to him. He shall report such accidents, injuries, or illnesses to the Safety Manager along with his findings and/or recommendations in accordance with APPENDIX IV of this plan.

VI. STANDARDS AUTHORIZED

The standards adopted under this Program Plan are the applicable standards developed and promulgated under Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972. Additional standards may be promulgated by the governing body of this employer as that body may deem necessary for the safety and health of employees. Note: 29 CFR 1910 General Industry Regulations; 29 CFR 1926 Construction Industry Regulations; and the Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, CHAPTER 0800-01-1 through CHAPTER 0800-01-11 are the standards and rules invoked.

VII. VARIANCE PROCEDURE

The Safety Manager may apply for a variance as a result of a complaint from an employee or of his knowledge of certain hazards or exposures. The Safety Manager should definitely believe that a variance is needed before the application for a variance is submitted to the Commissioner of Labor and Workforce Development.

The procedure for applying for a variance to the adopted safety and health standards is as follows:

- a. The application for a variance shall be prepared in writing and shall contain:
 1. A specification of the standard or portion thereof from which the variance is sought.
 2. A detailed statement of the reason(s) why the employer is unable to comply with the standard supported by representations by qualified personnel having first-hand knowledge of the facts represented.
 3. A statement of the steps employer has taken and will take (with specific date) to protect employees against the hazard covered by the standard.
 4. A statement of when the employer expects to comply and what steps have or will be taken (with dates specified) to come into compliance with the standard.
 5. A certification that the employer has informed employees, their authorized representative(s), and/or interested parties by giving them a copy of the request, posting a statement summarizing the application (to include the location of a copy available for examination) at the places where employee notices are normally posted and by other appropriate means. The certification shall contain a description of the means actually used to inform employees and that employees have been informed of their right to petition the Commissioner of Labor and Workforce Development for a hearing.
- b. The application for a variance should be sent to the Commissioner of Labor and Workforce Development by registered or certified mail.
- c. The Commissioner of Labor and Workforce Development will review the application for a variance and may deny the request or issue an order granting the variance. An order granting a variance shall be issued only if it has been established that:
 1. The employer:
 - i. Is unable to comply with the standard by the effective date because of unavailability of professional or technical personnel or materials and equipment required or necessary construction or alteration of facilities or technology.
 - ii. Has taken all available steps to safeguard employees against the hazard(s) covered by the standard.
 - iii. Has as effective Program Plan for coming into compliance with the standard as quickly as possible.
 2. The employee is engaged in an experimental Program Plan as described in subsection (b), section 13 of the Act.
- d. A variance may be granted for a period of no longer than is required to achieve compliance or one (1) year, whichever is shorter.

- e. Upon receipt of an application for an order granting a variance, the Commissioner to whom such application is addressed may issue an interim order granting such a variance for the purpose of permitting time for an orderly consideration of such application. No such interim order may be effective for longer than one hundred eighty (180) days.
- f. The order or interim order granting a variance shall be posted at the worksite and employees notified of such order by the same means used to inform them of the application for said variance (see subsection (a)(5) of this section).

VIII. RECORDKEEPING AND REPORTING

Recording and reporting of all occupational accident, injuries, and illnesses shall be in accordance with instructions and on forms prescribed in the booklet. You can get a copy of the Forms for Recordkeeping from the internet. Go to www.osha.gov and type Recordkeeping Forms in the search box.

The position responsible for recordkeeping is shown on the SAFETY AND HEALTH ORGANIZATIONAL CHART, Appendix IV to this plan.

Details of how reports of occupational accidents, injuries, and illnesses will reach the recordkeeper are specified by ACCIDENT REPORTING PROCEDURES, Appendix IV to this plan. The Rule of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, OCCUPATIONAL SAFETY AND HEALTH RECORD-KEEPING AND REPORTING, CHAPTER 0800-01-03, as authorized by T.C.A., Title 50.

IX. EMPLOYEE COMPLAINT PROCEDURE

If any employee feels that he is assigned to work in conditions which might affect his health, safety, or general welfare at the present time or at any time in the future, he should report the condition to the Safety Manager of Occupational Safety and Health.

- a. The complaint should be in the form of a letter and give details on the condition(s) and how the employee believes it affects or will affect his health, safety, or general welfare. The employee should sign the letter but need not do so if he wishes to remain anonymous (see subsection (h) of Section 1 of this plan).
- b. Upon receipt of the complaint letter, the Safety Manager will evaluate the condition(s) and institute any corrective action, if warranted. Within ten (10) working days following the receipt of the complaint, the Safety Manager will answer the complaint in writing stating whether or not the complaint is deemed to be valid and if no, why not, what action has been or will be taken to correct or abate the condition(s), and giving a designated time period for correction or abatement. Answers to anonymous complaints will be posted upon bulletin boards or other places of common passage where the anonymous complaint may be reasonably expected to be seen by the complainant for a period of three (3) working days.
- c. If the complainant finds the reply not satisfactory because it was held to be invalid, the corrective action is felt to be insufficient, or the time period for correction is felt to be too long, he may forward a letter to the Chief Executive Officer or to the governing body explaining the condition(s) cited in his original complaint and why he believes the answer to be inappropriate or insufficient.
- d. The Chief Executive Officer or a representative of the governing body will evaluate the complaint and will begin to take action to correct or abate the condition(s) through arbitration or administrative sanctions or may find the complaint to be invalid. An answer will be sent to the complainant within ten (10) working days following receipt of the complaint or the next regularly scheduled meeting of the governing body following receipt of the complaint explaining decisions made and action taken or to be taken.
- e. After the above steps have been followed and the complainant is still not satisfied with the results, he may

then file a complaint with the Commissioner of Labor and Workforce Development. Any complaint filed with the Commissioner of Labor and Workforce Development in such cases shall include copies of all related correspondence with the Safety Manager and the Chief Executive Officer or the representative of the governing body.

- f. Copies of all complaint and answers thereto will be filed by the Safety Manager who shall make them available to the Commissioner of Labor and Workforce Development or his designated representative upon request.

X. EDUCATION AND TRAINING

a. Safety Manager and/or Compliance Inspector(s):

1. Arrangements will be made for the Safety Manager and/or Compliance Inspector(s) to attend training seminars, workshops, etc., conducted by the State of Tennessee or other agencies. A list of Seminars can be obtained.
2. Access will be made to reference materials such as 29 CFR 1910 General Industry Regulations; 29 CFR 1926 Construction Industry Regulations; The Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, and other equipment/supplies, deemed necessary for use in conducting compliance inspections, conducting local training, wiring technical reports, and informing officials, supervisors, and employees of the existence of safety and health hazards will be furnished.

b. All Employees (including supervisory personnel):

A suitable safety and health training program for employees will be established. This program will, as a minimum:

1. Instruct each employee in the recognition and avoidance of hazards or unsafe conditions and of standards and regulations applicable to the employees work environment to control or eliminate any hazards, unsafe conditions, or other exposures to occupational illness or injury.
2. Instruct employees who are required to handle or use poisons, acids, caustics, toxicants, flammable liquids, or gases including explosives, and other harmful substances in the proper handling procedures and use of such items and make them aware of the personal protective measures, person hygiene, etc., which may be required.
3. Instruct employees who may be exposed to environments where harmful plants or animals are present, of the hazards of the environment, how to best avoid injury or exposure, and the first aid procedures to be followed in the event of injury or exposure.
4. Instruct all employees of the common deadly hazards and how to avoid them, such as Falls; Equipment Turnover; Electrocution; Struck by/Caught In; Trench Cave In; Heat Stress and Drowning.
5. Instruct employees on hazards and dangers of confined or enclosed spaces.
 - i. Confined or enclosed space means space having a limited means of egress and which is subject to the accumulation of toxic or flammable contaminants or has an oxygen deficient atmosphere. Confined or enclosed spaces include, but are not limited to, storage tanks, boilers, ventilation or exhaust ducts, sewers, underground utility accesses, tunnels, pipelines, and open top spaces more than four feet (4) in depth such as pits, tubs, vaults, and vessels.
 - ii. Employees will be given general instruction on hazards involved, precautions to be taken, and on use of personal protective and emergency equipment required. They shall also be instructed on all specific standards or regulations that apply to work in dangerous or potentially dangerous areas.
 - iii. The immediate supervisor of any employee who must perform work in a confined or enclosed space shall be responsible for instructing employees on danger of hazards which may be present,

precautions to be taken, and use of personal protective and emergency equipment, immediately prior to their entry into such an area and shall require use of appropriate personal protective equipment.

XI. GENERAL INSPECTION PROCEDURES

It is the intention of the governing body and responsible officials to have an Occupational Safety and Health Program Plan that will ensure the welfare of employees. In order to be aware of hazards, periodic inspections must be performed. These inspections will enable the finding of hazards or unsafe conditions or operations that will need correction in order to maintain safe and healthful worksites. Inspections made on a pre-designated basis may not yield the desired results. Inspections will be conducted, therefore, on a random basis at intervals not to exceed thirty (30) calendar days.

- a. In order to carry out the purposes of this Ordinance, the Safety Manager and/or Compliance Inspector(s), if appointed, is authorized:
 1. To enter at any reasonable time, any establishment, facility, or worksite where work is being performed by an employee when such establishment, facility, or worksite is under the jurisdiction of the employer and;
 2. To inspect and investigate during regular working hours and at other reasonable times, within reasonable limits, and in a reasonable manner, any such place of employment and all pertinent conditions, processes, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any supervisor, operator, agent, or employee working therein.
- b. If an imminent danger situation is found, alleged, or otherwise brought to the attention of the Safety Manager or Inspector during a routine inspection, he shall immediately inspect the imminent danger situation in accordance with Section XII of this plan before inspecting the remaining portions of the establishment, facility, or worksite.
- c. An administrative representative of the employer and a representative authorized by the employees shall be given an opportunity to consult with and/or to accompany the Safety Manager or Inspector during the physical inspection of any worksite for the purpose of aiding such inspection.
- d. The right of accompaniment may be denied any person whose conduct interferes with a full and orderly inspection.
- e. The conduct of the inspection shall be such as to preclude unreasonable disruptions of the operation(s) of the workplace.
- f. Interviews of employees during the course of the inspection may be made when such interviews are considered essential to investigative techniques.
- g. Advance Notice of Inspections.
 1. Generally, advance notice of inspections will not be given as this precludes the opportunity to make minor or temporary adjustments in an attempt to create misleading impression of conditions in an establishment.
 2. There may be occasions when advance notice of inspections will be necessary in order to conduct an effective inspection or investigation. When advance notice of inspection is given, employees or their authorized representative(s) will also be given notice of the inspection.

- h. The Safety Manager need not personally make an inspection of each and every worksite once every thirty (30) days. He may delegate the responsibility for such inspections to supervisors or other personnel provided:
 - 1. Inspections conducted by supervisors or other personnel are at least as effective as those made by the Safety Manager.
 - 2. Records are made of the inspections, any discrepancies found and corrective actions taken. This information is forwarded to the Safety Manager.
- i. The Safety Manager shall maintain records of inspections to include identification of worksite inspected, date of inspection, description of violations of standards or other unsafe conditions or practices found, and corrective action taken toward abatement. Those inspection records shall be subject to review by the Commissioner of Labor and Workforce Development or his authorized representative.

XII. IMMINENT DANGER PROCEDURES

- a. Any discovery, any allegation, or any report of imminent danger shall be handled in accordance with the following procedures:
 - 1. The Safety Manager shall immediately be informed of the alleged imminent danger situation and he shall immediately ascertain whether there is a reasonable basis for the allegation.
 - 2. If the alleged imminent danger situation is determined to have merit by the Safety Manager, he shall make or cause to be made an immediate inspection of the alleged imminent danger location.
 - 3. As soon as it is concluded from such inspection that conditions or practices exist which constitutes an imminent danger, the Safety Manager or Compliance Inspector shall attempt to have the danger corrected. All employees at the location shall be informed of the danger and the supervisor or person in charge of the worksite shall be requested to remove employees from the area, if deemed necessary.
 - 4. The administrative or operational head of the workplace in which the imminent danger exists, or his authorized representative, shall be responsible for determining the manner in which the imminent danger situation will be abated. This shall be done in cooperation with the Safety Manager or Compliance Inspector and to the mutual satisfaction of all parties involved.
 - 5. The imminent danger shall be deemed abated if:
 - i. The imminence of the danger has been eliminated by removal of employees from the area of danger.
 - ii. Conditions or practices which resulted in the imminent danger have been eliminated or corrected to the point where an unsafe condition or practice no longer exists.
 - 6. A written report shall be made by or to the Safety Manager describing in detail the imminent danger and its abatement. This report will be maintained by the Safety Manager in accordance with subsection (i) of Section XI of this plan.
- b. Refusal to Abate.
 - 1. Any refusal to abate an imminent danger situation shall be reported to the Safety Manager and Chief Executive Officer immediately.
 - 2. The Safety Manager and/or Chief Executive Officer shall take whatever action may be necessary to achieve abatement.

XIII. ABATEMENT ORDERS AND HEARINGS

- a. Whenever, as a result of an inspection or investigation, the Safety Manager or Compliance Inspector(s) finds that a worksite is not in compliance with the standards, rules or regulations pursuant to this plan and is unable to negotiate abatement with the administrative or operational head of the worksite within a reasonable period of time, the Safety Manager shall:
 - 1. Issue an abatement order to the head of the worksite.
 - 2. Post or cause to be posted, a copy of the abatement order at or near each location referred to in the abatement order.
- b. Abatement orders shall contain the following information:
 - 1. The standard, rule, or regulation which was found to violated.
 - 2. A description of the nature and location of the violation.
 - 3. A description of what is required to abate or correct the violation.
 - 4. A reasonable period of time during which the violation must be abated or corrected.
- c. At any time within ten (10) days after receipt of an abatement order, anyone affected by the order may advise the Safety Manager in writing of any objections to the terms and conditions of the order. Upon receipt of such objections, the Safety Manager shall act promptly to hold a hearing with all interested and/or responsible parties in an effort to resolve any objections. Following such hearing, the Safety Manager shall, within three (3) working days, issue an abatement order and such subsequent order shall be binding on all parties and shall be final.

XIV. PENALTIES

- a. No civil or criminal penalties shall be issued against any official, employee, or any other person for failure to comply with safety and health standards or any rules or regulations issued pursuant to this Program Plan.
- b. Any employee, regardless of status, who willfully and/or repeatedly violates, or causes to be violated, any safety and health standard, rule, or regulation or any abatement order shall be subject to disciplinary action by the appointing authority. It shall be the duty of the appointing authority to administer discipline by taking action in one of the following ways as appropriate and warranted:
 - 1. Oral reprimand.
 - 2. Written reprimand.
 - 3. Suspension for three (3) or more working days.
 - 4. Termination of employment.

XV. CONFIDENTIALITY OF PRIVILEGED INFORMATION

All information obtained by or reported to the Safety Manager pursuant to this plan of operation or the legislation (ordinance, or executive order) enabling this Occupational Safety and Health Program Plan which contains or might reveal information which is otherwise privileged shall be considered confidential. Such information may be disclosed to other officials or employees concerned with carrying out this Program Plan or when relevant in any proceeding under this Program Plan. Such information may also be disclosed to the Commissioner of Labor and Workforce Development or their authorized representatives in carrying out their duties under the Tennessee Occupational Safety and Health Act of 1972.

XVI. DISCRIMINATION INVESTIGATIONS AND SANCTIONS

The Rule of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, DISCRIMINATION AGAINST EMPLOYEES EXERCISING RIGHTS UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1972 0800-01-08, as authorized by T.C.A., Title 50. The agency agrees that any employee who believes they have been discriminated against or discharged in violation of Tenn. Code Ann § 50-3-409 can file a complaint with their agency/safety Safety Manager within 30 days, after the alleged discrimination occurred. Also, the agency agrees the employee has a right to file their complaint with the Commissioner of Labor and Workforce Development within the same 30 day period. The Commissioner of Labor and Workforce Development may investigate such complaints, make recommendations, and/or issue a written notification of a violation.

XVII. COMPLIANCE WITH OTHER LAWS NOT EXCUSED

- a. Compliance with any other law, statute, ordinance, or executive order, which regulates safety and health in employment and places of employment, shall not excuse the employer, the employee, or any other person from compliance with the provisions of this Program Plan.
- b. Compliance with any provisions of this Program Plan or any standard, rule, regulation, or order issued pursuant to this Program Plan shall not excuse the employer, the employee, or any other person from compliance with the law, statute, ordinance, or executive order, as applicable, regulating and promoting safety and health unless such law, statute, ordinance, or executive order, as applicable, is specifically repealed.

Signature: Safety Manager, Occupational Safety and Health and Date

**APPENDIX - I WORK LOCATIONS
(ORGANIZATIONAL CHART)**

Attached.

APPENDIX – II NOTICE TO ALL EMPLOYEES

NOTICE TO ALL EMPLOYEES OF THE CITY OF MEMPHIS

The Tennessee Occupational Safety and Health Act of 1972 provide job safety and health protection for Tennessee workers through the promotion of safe and healthful working conditions. Under a plan reviewed by the Tennessee Department of Labor and Workforce Development, this government, as an employer, is responsible for administering the Act to its employees. Safety and health standards are the same as State standards and jobsite inspections will be conducted to ensure compliance with the Act.

Employees shall be furnished conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.

Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this Program Plan which are applicable to his or her own actions and conduct.

Each employee shall be notified by the placing upon bulletin boards or other places of common passage of any application for a temporary variance from any standard or regulation.

Each employee shall be given the opportunity to participate in any hearing which concerns an application for a variance from a standard.

Any employee who may be adversely affected by a standard or variance issued pursuant to this Program Plan may file a petition with the Safety Manager or _____.

Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by an applicable standard shall be notified by the employer and informed of such exposure and corrective action being taken.

Subject to regulations issued pursuant to this Program Plan, any employee or authorized representative(s) of employees shall be given the right to request an inspection.

No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceedings or inspection under, or relating to, this Program Plan.

Any employee who believes he or she has been discriminated against or discharged in violation of these sections may, within thirty (30) days after such violation occurs, have an opportunity to appear in a hearing before City of Memphis Equity Diversity and Inclusion office for assistance in obtaining relief or to file a complaint with the Commissioner of Labor and Workforce Development alleging such discrimination.

A copy of the Occupational Safety and Health Program Plan for the Employees of the City of Memphis is available for inspection by any employee at the respective employee's work location during regular office hours.

Signature: (City/County) MAYOR AND DATE

APPENDIX - III PROGRAM PLAN BUDGET

STATEMENT OF FINANCIAL RESOURCE AVAILABILITY

Be assured that the City of Memphis has sufficient financial resources available or will make sufficient financial resources available as may be required in order to administer and staff its Occupational Safety and Health Program Plan and to comply with standards.

APPENDIX – IV ACCIDENT REPORTING PROCEDURES

- (1-15) Employees shall report all accidents, injuries, or illnesses directly to the Safety Manager as soon as possible, but not later than twenty-four (24) hours after the occurrence. Such reports may be verbal or in writing. All fatalities, inpatient hospitalizations, amputations, and losses of an eye shall be reported to the Safety Manager and/or record keeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The Safety Manager will ensure completion of required reports and records in accordance with Section VIII of the basic plan.
- (16-50) Employees shall report all accidents, injuries, or illnesses to their supervisor as soon as possible, but not later than two (2) hours after the occurrence. All fatalities, inpatient hospitalizations, amputations, and losses of an eye shall be reported to the Safety Manager and/or record keeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The supervisor will investigate the accident or illness, complete an accident report, and forward the accident report to the Safety Manager and/or record keeper within twenty-four (24) hours of the time the accident or injury occurred or the time of the first report of the illness.
- (51-250) Employees shall report all accidents, injuries, or illnesses to their supervisors as soon as possible, but not later than two (2) hours after the occurrence. The supervisor will provide the Safety Manager and/or record keeper with the name of the injured or ill employee and a brief description of the accident or illness by telephone as soon as possible, but not later than four (4) hours, after the accident or injury occurred or the time of the first report of the illness. All fatalities, inpatient hospitalizations, amputations, and losses of an eye shall be reported to the Safety Manager and/or record keeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The supervisor will then make a thorough investigation of the accident or illness (with the assistance of the Safety Manager or Compliance Inspector, if necessary) and will complete a written report on the accident or illness and forward it to the Safety Manager within seventy-two (72) hours after the accident, injury, or first report of illness and will provide one (1) copy of the written report to the recordkeeper.
- (251-Plus) Employees shall report all accidents, injuries, or illnesses to their supervisors as soon as possible, but not later than two (2) hours after their occurrence. The supervisor will provide the administrative head of the department with a verbal or telephone report of the accident as soon as possible, but not later than four (4) hours, after the accident. If the accident involves a fatality, hospitalization, amputation, loss of an eye, loss of consciousness, broken bones, or third degree burns, the Safety Manager will be notified by telephone immediately and will be given the name of the injured, a description of the injury, and a brief description of how the accident occurred. The supervisor will then make a thorough investigation of the accident or illness (with the assistance of the Safety Manager or Compliance Inspector, if necessary) and will complete a written report on the accident or illness and forward it to the Safety Manager within seventy-two (72) hours after the accident, injury, or first report of illness and will provide one (1) copy of the written report to the record keeper.

Since Workers Compensation Form 6A or OSHA NO. 301 Form must be completed; all reports submitted in writing to the person responsible for recordkeeping shall include the following information as a minimum:

1. Accident location, if different from employer's mailing address and state whether accident occurred on premises owned or operated by employer.

2. Name, social security number, home address, age, sex, and occupation (regular job title) of injured or ill employee.
3. Title of the department or division in which the injured or ill employee is normally employed.
4. Specific description of what the employee was doing when injured.
5. Specific description of how the accident occurred.
6. A description of the injury or illness in detail and the part of the body affected.
7. Name of the object or substance which directly injured the employee.
8. Date and time of injury or diagnosis of illness.
9. Name and address of physician, if applicable.
10. If employee was hospitalized, name and address of hospital.
11. Date of report.

NOTE: A procedure such as one of those listed above or similar information is necessary to satisfy Item Number 4 listed under PROGRAM PLAN in Section V. ADMINISTRATION, Part b of the Tennessee Occupational Safety and Health Plan. This information may be submitted in flow chart form instead of in narrative form if desired. These procedures may be modified in any way to fit local situations as they have been prepared as a guide only.

The four (4) procedures listed above are based upon the size of the work force and relative complexity of the organization. The approximate size of the organization for which each procedure is suggested is indicated in parenthesis in the left hand margin at the beginning, i.e., (1-15), (16-50), (51-250), and (251 Plus), and the figures relate to the total number of employees including the Chief Executive Officer but excluding the governing body (County Court, City Council, Board of Directors, etc.).

Generally, the more simple an accident reporting procedure is, the more effective it is. Please select the one procedure listed above, or prepare a similar procedure or flow chart, which most nearly fits what will be the most effective for your local situation. Note also that the specific information listed for written reports applies to all three of the procedures listed for those organizations with sixteen (16) or more employees.



City Council Item Routing Sheet

Division: City Council **Committee:** MLGW **Hearing Date:** October 20, 2020

Ordinance

Resolution

Grant Acceptance

Budget Amendment

Commendation

Other: [Click here to enter text.](#)

Item Description: Resolution approving the 2021 Budget of the Memphis Light, Gas and Water Division for operation and maintenance expenses and capital expenditures.

Recommended Council Action: Approve the resolution.

Describe previous action taken by any other entity (i.e. board, commission, task force, council committee, etc.) and date of any action taken: Approved by the MLGW Board of Commissioners on October 7, 2020.

Does this item require city expenditure? Yes
\$Click here to enter text.
\$Click here to enter text.

Source and Amount of Funds:

Approvals

Director _____ Date _____

Division Chief _____ Date _____

Budget Manager _____ Date _____

MLGW SVP, CFO & CAO
Secretary-Treasurer  Date 10/7/20

Chief Operating Officer

_____ Date _____

Council Committee Chair

_____ Date _____



Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

Resolution approving the 2021 Budget of the Memphis Light, Gas and Water Division for operation and maintenance expenses and capital expenditures.

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

Memphis Light, Gas and Water Division

3. State whether this is a change to an existing ordinance or resolution, if applicable.

Not applicable.

4. State whether this requires a new contract, or amends an existing contract, if applicable.

Not applicable.

5. State whether this requires an expenditure of funds/requires a budget amendment.

Not applicable.



A resolution to approve the 2021 Electric, Gas and Water Operations and Capital Budget.

WHEREAS, the Board of Light, Gas and Water Commissioners has submitted a proposed budget for the Memphis Light, Gas and Water Division for operation and maintenance expenses for the calendar year 2021, and the capital expenditures for 2021; and

WHEREAS, the Board of Commissioners has approved said budget and submitted to the City Council with the recommendation of the Board for approval; and

WHEREAS, the Council has, through its MLGW Committee and other interested members of the Council, reviewed the budget and conducted hearings thereon; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the attached 2021 Budget of the Memphis Light, Gas and Water Division for operation and maintenance expenses and capital expenditures is approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
October 7, 2020

The President presented the proposed budgets for the Electric, Gas and Water Divisions for 2021 operating expenses and capital expenditures to the Board of Light, Gas and Water Commissioners. Such annual budgets include the applicable revenues, expenses and capital improvements for each system. These budgets have been reviewed by the Budget Review Committee and the applicable management staff, and copies have been provided to each member of the Board with opportunity given for each member to ask questions.

The President has recommended approval and adoption of the Budgets by the Board of Light, Gas and Water Commissioners.

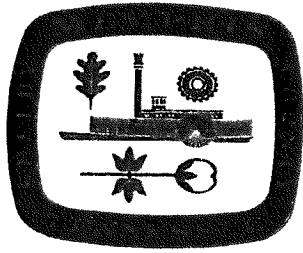
After discussion, the Board of Memphis Light, Gas and Water Commissioners determined that, in their opinion, the proposed Budgets are all in compliance with Chapter 381 of Private Acts 1939, as amended, creating the Division.

NOW THEREFORE BE IT RESOLVED BY THE Board of Light, Gas and Water Commissioners:

- (1) THAT, the Budgets for the Electric, Gas and Water Divisions for the 2021 operating expenses and capital expenditures, as presented by the President, subject to the consent and approval of the Council of the City of Memphis, be adopted and be in effect for the fiscal year 2021.

I hereby certify that the foregoing is a true copy of a resolution accepted by the Board of Light, Gas and Water Commissioners at a regular-special meeting held on 7th day of October, 2020, at which a quorum was present.


Secretary-Treasurer



T-099

Received

NOV 05 2020

Chief Administrative Office

City Council Item Routing Sheet

Division: Parks and Neighborhoods

Committee: Parks & Environment

Hearing Date: November 17th, 2020

RECEIVED
NOV 05 2020
Finance Division
Budget

Ordinance

Resolution

Grant Acceptance

Budget Amendment

Commendation

Other:

RECEIVED
NOV 10 2020
OUT: 11-10-20 1:35 (baw)
CITY ADMINISTRATIVE

Item Description:

**A Resolution approving a 100-year Lease to the Metal Museum for 1930 Poplar Avenue, also known as Rust Hall, the former Memphis College of Art building in Overton Park.
Address: 1930 Poplar Ave, Memphis, TN 38104**

Recommended Council Action: Whatever the Council deems appropriate

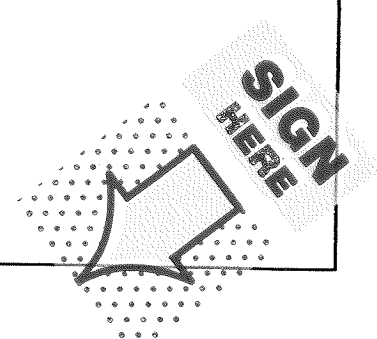
Describe previous action taken by any other entity (i.e. board, commission, task force, council committee, etc.) and date of any action taken: From Fall 2018-Spring 2020, the City of Memphis Park & Neighborhood Department conducted community outreach and solicited proposals for Rust Hall. The selection committee, made up of 10 representatives from the City, private sector, and various non-profits, recommended that the Metal Museum be selected as the tenant. The Metal Museum presented in front of Mayor Strickland on June 17th, 2020, who recommend the Metal Museum move forward to council approval.

Does this item require city expenditure? No

Source and Amount of Funds:

\$Amount:

\$Revenue to be received:



Approvals

Director [Signature] Date 11/4/2020

Division Chief _____ Date _____

Budget Manager Richard B. Campbell Date 11-6-2020

Chief Financial Officer [Signature] Date 11/6/2020

Chief Human Resources Officer [Signature] Date 11/11/2020

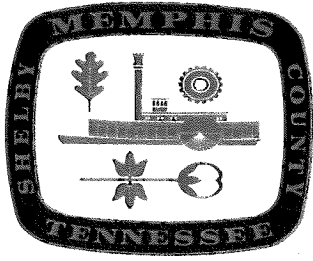
Chief Operating Officer

[Signature] Date 11/6/20

Council Committee Chair

Date

OK



Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

A Resolution approving a 100-year Lease to the Metal Museum for 1930 Poplar Avenue, also known as Rust Hall, the former Memphis College of Art building in Overton Park.

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

City of Memphis Parks & Neighborhoods

3. State whether this is a change to an existing ordinance or resolution, if applicable.

This item does not require a change to an existing ordinance.

4. State whether this requires a new contract, or amends an existing contract, if applicable.

This transaction only requires the execution of necessary conveyance documents (Letter of Intent, Lease)

5. State whether this requires an expenditure of funds/requires a budget amendment.

This item does not require an expenditure of funds or a budget amendment.

The Metal Museum will provide a large investment into the building, beginning renovations and construction after it has fundraised a minimum of \$25 million of its total fundraising goal of \$35 million.



A Resolution approving a 100-year Lease to the Metal Museum for 1930 Poplar Avenue, also known as Rust Hall, the former Memphis College of Art building in Overton Park.

Whereas the National Ornamental Metal Museum (Metal Museum), a non-profit museum, desires to enter into a lease with the City of Memphis, for the purpose of renovating the building and operating a public museum for the benefit of Memphis and the wider community;

Whereas The Metal Museum’s goal is to renovate Rust Hall into a public museum, preserving the mid-century building designed by acclaimed Memphis architect Roy Harrover, and increasing the number of people who are able to explore and experience the iconic building each year, furthering Overton Park Conservancy’s vision to provide our diverse community the opportunity to explore, learn, create, socialize, and play. With expanded space for its programs in an accessible and visible location, the Museum anticipates serving approximately 80,000 visitors per year from all areas of Shelby County and from across the globe;

Whereas the City of Memphis owns real property located at 1930 Poplar Avenue, Memphis, TN 38104 (the “Property”);

Whereas from Fall 2018-Spring 2020, the City of Memphis Park & Neighborhood Department conducted community outreach and solicited proposals for Rust Hall. The selection committee, made up of 10 representatives from the City, private sector, and various Memphis non-profits, recommended that the Metal Museum be selected as the tenant. The Metal Museum presented in front of Mayor Strickland on June 17th, 2020, who recommend the Metal Museum move forward to council approval;

Whereas the Metal Museum has raised more than \$12M toward the renovation of Rust Hall as a public museum, and will further raise \$23M, including \$13M for the endowment, to ensure long-term maintenance of the building.

The museum will include art galleries and metal-working facilities. The Metal Museum, in support of equitable access to the building and programming, shall come to an agreement—within a reasonable time period after lease execution—to document, analyze and improve over time in the following exemplary ways: space access to local groups/organizations, Museum access to the

public, partnerships with organizations that attracts a diverse population, and provide a diverse array of community programming.

If approved, the Lease would include that the Metal Museum must commit to the following terms to ensure that the redevelopment and preservation of the Property is completed in a timely manner: 1) construction and redevelopment of the Building is completed and Tenant has occupied the Building within 24 months following the Lease Commencement Date, unless due to circumstances beyond the Museum's control; 2) if the Museum fails to redevelop this Property within 24 months of lease commencement, the Property will revert back to the City of Memphis with no recourse by the Metal Museum; and 3) the Metal Museum cannot assign its rights under the Lease without the express written consent of the City of Memphis.

Now therefore, be it resolved by the Council of the City of Memphis that the long-term lease with the Metal Museum on the above described property is hereby approved;

Be it further resolved, the City of Memphis Real Estate Department shall prepare and arrange for the execution of the lease and the Mayor of the City of Memphis is hereby authorized to execute said lease or any other documents necessary to complete the lease.

RESOLUTION AUTHORIZING APPROVAL OF THE USE OF PILOT EXTENSION FUND FOR PAYMENT OF INDEBTEDNESS OR COST WITH RESPECT TO DEVELOPMENT OF PARKING AND OTHER MOBILITY PROJECTS BY THE DOWNTOWN MOBILITY AUTHORITY AND OTHERWISE PROVIDING WITH RESPECT TO THE FOREGOING

WHEREAS, it is vital to the economic growth and development of the City of Memphis (the “City”) that vacant and underutilized property be developed or redeveloped and placed into service and that parking and other means of mobility be available in Downtown Memphis; and

WHEREAS, it is proposed that The Parking Authority of the City of Memphis and County of Shelby, Tennessee d/b/a/ Downtown Mobility Authority (“DMA”) develop a parking garages on the parking lot located at Peabody Place Avenue and Front Street (the “Mobility Center”) currently owned by the City of Memphis (the “City”) and the property on Front Street between Madison Avenue and Monroe Avenue which currently includes the Monroe Street Garage and which will be incorporated into the new Brooks Museum (the “Brooks Museum Garage”); and

WHEREAS, it is proposed that DMA add additional floors to the parking garage owned by it and located at 21 South Second Street (the “First Place Garage”) and renovate the garage at Adams Avenue and Front Street (the “Shoppers Garage”) which is currently leased by DMA from the City pursuant to Master Lease Agreement between the City and DMA (the “Master Lease”); and

WHEREAS, it is proposed that the parking lot along Wagner Avenue between Beale Street and Union Avenue owned by the City be redeveloped by the City or DMA as festival parking (the “Wagner Festival Parking”) and that connectors from Riverside Drive and Tom Lee Park to DMA owned or managed parking and other parking be developed by the City or DMA along the Bluff (the “Bluff Cut,” and collectively with the Mobility Center, the Brooks Museum Garage, the First Place Garage, the Shoppers Garage, and the Wagner Festival Parking, the “DMA Projects”); and

WHEREAS, it is anticipated that the cost of the DMA Projects will be up to Sixty Two Million Dollars (\$62,000,000) and that Memphis Center City Revenue Finance Corporation (“CCRFC”) will loan such amount to DMA from monies currently available or to be available in the future from the PILOT Extension Fund or from a loan funded from the PILOT Extension Fund; and

WHEREAS, the approval of the Memphis City Council is required for the use of funds from the PILOT Extension Fund by CCRFC; and

WHEREAS, it is proposed that the Master Lease be amended to include property currently owned by the City and on which the Mobility Center will be constructed, to include the demolition of the Monroe Garage currently leased by the City to this Corporation pursuant to the Master Lease and the construction of the Brooks Museum Garage on the site of the Monroe Garage, and the renovation of the Shoppers Garage and that the term of the Master Lease be extended.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis as follows:

1. That the use of funds from the PILOT Extension Fund in connection with the DMA Mobility Projects as described above is hereby approved.

2. An amendment to the Master Lease to include the property currently owned by the City and on which the Mobility Center will be constructed, to include the demolition of the Monroe Garage currently leased by the City to DMA pursuant to the Master Lease and the construction of the Brooks Museum Garage on the site of the Monroe Garage, and the renovation of the Shoppers Garage and an extension of the term of the Master Lease is hereby authorized and approved.

3. All actions heretofore undertaken by the Mayor or his designee and other officials, employees, attorneys and agents of the City in furtherance of the intent of this resolution, and of the documents authorized by this resolution, are hereby ratified, confirmed and approved.

4. The Mayor or his designee and other appropriate officials of the City are hereby authorized to enter into such agreements, and they and other appropriate employees of the City are hereby authorized to execute such certificates or other documents and take such other actions, as may be necessary or appropriate to carry out the intent of this resolution, including without limitation an amendment to the Master Lease.

5. This resolution shall take effect from and after its adoption, the welfare of the City of Memphis requiring it.

Adopted this ____ day of _____, 2020.



A Resolution to accept and appropriate Federal FY2020 Port Security Grant Program (PSGP) grant funds from the U.S. Department of Homeland Security.

WHEREAS, The City of Memphis, Division of Police Services has been awarded grant funds in the amount of Two Hundred Seventy Four Thousand, Five Hundred Dollars (\$274,500.00) from the U. S. Department of Homeland Security; and

WHEREAS, these funds will be used for equipment purchases; and

WHEREAS, it is necessary to accept the grant funding and amend the FY21 Operating Budget to establish funds for the Federal FY20 Port Security Grant Program (PSGP); and

WHEREAS, it is necessary to allocate and appropriate Two Hundred Seventy Four Thousand, Five Hundred Dollars (\$274,500) for the U. S. Department of Homeland Security grant project – Federal FY2020 Port Security Grant Program (PSGP);

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Federal U.S. Department of Homeland Security Grant Program – Port Security Grant Program (PSGP) grant funds in the amount of Two Hundred Seventy Four Thousand, Five Hundred Dollars (\$274,500) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the Fiscal Year 2021 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the FY20 U. S. Department of Homeland Security grant project – Federal FY20 Port Security Grant Program (PSGP) as follows:

REVENUE

U.S. Department of Homeland Security	\$274,500.00
Total	\$274,500.00

EXPENDITURES

Equipment	\$274,500.00
Total	\$274,500.00

Resolution to create and fund an Anti-Violent Crime Task Force for the City of Memphis

WHEREAS, the City of Memphis is committed to the safety, health, and welfare of all its residents; and

WHEREAS, ensuring the safety of Memphis residents, public safety officers, and visitors is a top priority for the City of Memphis; and

WHEREAS, this year, Memphis has experienced a record-setting number of homicides, with number over the 2016 rate; and

WHEREAS, the COVID-19 pandemic has negatively impacted the crime rate within the City of Memphis, including an uptick from last year's murder rate due to the increased financial strain placed on many from the loss of employment and the lack of outlets away from home; and

WHEREAS, young Memphians are being adversely affected by the unprecedented murder rate that Memphis is facing this year; and

WHEREAS, these young people represent the future of our City and are too valuable to our future to ignore; and

WHEREAS, violent crime in Memphis has restrained the ability of our City to address the issues of neglect, poverty, education and employment; and


WHEREAS, it is necessary to address and combat drivers of violent crime in Memphis in order to focus on the educational and financial aspects of life that Memphians must consider daily.

NOW, THEREFORE, BE IT RESOLVED that the Memphis City Council calls on the Mayor of Memphis and other local government agencies, including the Memphis Police Department, District Attorney's Office of Shelby County, Tennessee Bureau of Investigation, Health Department, the Bureau of Alcohol, Firearms and Tobacco, local mental health providers, and community leaders and activists to establish, fund, and empower a local Anti-Violent Crime Task Force for Memphis and Shelby County to address the increased violent crime rate that is negatively affecting the people of Memphis.

Sponsor: Jeff Warren

Patrice J. Robinson, Chairwoman

MEMORANDUM

From: Manny Belen, PE, Director of Engineering 
To: Jim Strickland, Mayor
Via: Doug McGowen, Chief Operating Officer
DATE: October 16, 2020
SUBJECT: Engineering Administration Fee Ordinance

Parts of the Decision Brief/Memo

1. Problem Statement or Opportunity

This Ordinance amends Chapter 2, Section 2-22-7 of the City of Memphis, Code of Ordinances to modify Engineering Administration Fees.

2. Recommendation

The Division of Engineering recommends approval.

3. Prior Coordination

The Division of Engineering coordinated with a local Consultant (Powers Hill Design) to evaluate the current Engineering Administration and Permit fees. This evaluation compared our current fee structure to similar sized cities and identified the need to make adjustments.

4. Additional Information

None

Q.7.



City Council Item Routing Sheet

Division: Engineering

Committee: PW, Transportation, GS

Hearing Date: 11-3-20

Ordinance

Resolution

Grant Acceptance

Budget Amendment

Commendation

Other:

Item Description: An Ordinance to amend Chapter 2, Section 2-22-7 of the City of Memphis, Code of Ordinances to modify Engineering Administration Fees.

Recommended Council Action: Adopt the resolution. (City Engineering recommends approval)

Describe previous action taken by any other entity (i.e. board, commission, task force, council committee, etc.) and date of any action taken: N/A

Does this item require city expenditure? No

\$ Amount (\$0.00)

\$Revenue to be received (\$0.00)

Source and Amount of Funds

G.O. Bonds: \$0.00

CIP Project Number: N/A

Approvals

Director MS 10/19/20 Date _____

Division Chief _____ Date _____

Budget Manager _____ Date _____

Chief Financial Officer _____ Date _____

Chief Operating Officer

_____ Date _____

Council Committee Chair

_____ Date _____

R-7



Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

This Ordinance amends Chapter 2, Section 2-22-7 of the City of Memphis, Code of Ordinances to modify Engineering Administration Fees.

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

This Ordinance is being initiated by the Division of Engineering.

3. State whether this is a change to an existing ordinance or resolution, if applicable.

This item does involve an amendment to Chapter 2, Section 2-22-7 of the Code of Ordinances

4. State whether this requires a new contract, or amends an existing contract, if applicable.

This item does not require a new contract

5. State whether this requires an expenditure of funds/requires a budget amendment.

This item does not require an expenditure of funds.

Council Ordinance Caption (Engineering Administration Fee Ordinance)

An Ordinance to amend Chapter 2, Section 2-22-7 of the City of Memphis, Code of Ordinances to modify Engineering Administration Fees

ORDINANCE NO: _____

**AN ORDINANCE TO AMEND CHAPTER 2, CODE
OF ORDINANCES, CITY OF MEMPHIS, BY AMENDING
SECTION 2-22-7 (ENGINEERING ADMINISTRATION FEES)**

WHEREAS, the Division of Engineering processes requests for various permits pertaining to special permission parking, construction dumpster placement, and temporary closure of portions of the public right-of-way (ROW); and

WHEREAS, the Division of Engineering does not currently charge a fee for processing any of the above referenced permits; and

WHEREAS, the Division of Engineering wishes to establish a fee structure for various Engineering Permits to recover the cost associated with processing these permit requests;

NOW, THEREFORE,

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Chapter 2, Code of Ordinances, City of Memphis, be and the same is hereby amended as follows:

Sec. 2-22-7. - Engineering Administration and Permit Fees.

A. For the processing of Engineering Permits and the performance of Engineering Administration in the processing of final plans for land development projects including subdivisions, planned developments, planned commercial developments and street dedications and the preparation of public improvement contracts. The City Engineer shall charge and receive from the applicant nonrefundable fees in accordance with the following fee schedule for all such projects and permit requests submitted to the City Engineer for processing:

(1) Development Review Fees

- a. Single Family Residential (5 lots or less), schools, churches
 - 1. Base Fee..... \$ 525.00
 - 2. Incremental Fee per lot (added to base fee)..... 25.00
- b. Single Family Residential (more than 5 lots)
 - 1. Base Fee..... 1,000.00
 - 2. Incremental Fee per lot (added to base fee)..... 50.00
- c. Multi-Family Residential
 - 1. Base Fee..... 1,250.00
 - 2. Incremental Fee per unit (added to base fee)..... 25.00

d. Non-residential uses (1 acre or less)		
1. Base Fee.....	1,250.00	
e. Non-residential uses (more than 1 acre)		
1. Base Fee.....	1,250.00	
2. Incremental fee per acre or portion thereof (added to base)	50.00	
(2) Developments Requiring Public Improvement Contracts		
a. Base Fee	\$ 1,725.00	
b. Incremental Fee (added to base fee) Greater of:		
1. per lot (applies to single family residential only)	50.00	
2. per unit (applies to multi-family only).....	25.00	
3. per acre (all uses).....	100.00	
c. Maximum fee	7,000.00	
(3) Street Cut Permits		
a. Minimum Fee	\$ 300.00	
b. Per linear foot of pipe or other cut.....	10.00	
c. Connection to existing structure.....	100.00	
d. Construction of new structure.....	200.00	
e. Street Improvements (per linear foot).....	11.00	
f. Sidewalk Improvements (per sq foot).....	0.48	
g. Curb Cut (per sq foot).....	0.48	
h. Curb, Gutter & Sidewalk (per sq foot).....	0.83	
(4) Administrative Site Plan Review		
a. Base Fee	\$ 750.00	
b. Incremental Fee per acre or portion thereof (added to base fee)	25.00	
(5) Fiber Optic Cable Installation Permit (aerial or buried)		
a. Base Fee	\$ 750.00	
b. Incremental Fee per linear foot of cable	1.00	
(6) Miscellaneous Charges		
a. Contract Time Extensions	250.00	
b. Contract Bond Conversion.....	250.00	
c. Contract Bond Reduction.....	250.00	
d. Assignment/Assumption Agreement.....	250.00	
e. Supplemental/Amended Agreement.....	750.00	
f. Redraft Fee.....	250.00	
g. Re-review fee for projects requiring more than 3 reviews (per additional review)	250.00	
h. Plans Review Fee (due at time plans are first submitted).....	525.00	
i. Traffic Engineering Plan Review (direct submittal).....	250.00	
j. Plat Record/Re-record.....	525.00	

k. Street Closures, Easements, Encroachments	250.00
l. Monitoring Well Permits.....	300.00

(7) Engineering Permit Fees

a. Bagged/Displaced Parking Meter Fee.....	\$50.00 (plus current daily meter rate)
b. Construction Dumpster Permit Fee	\$50.00 (plus \$10 per day the dumpster is in the City ROW)
c. Special Permission Parking	\$50.00
d. Lane Closure Permit Fee	\$50.00 (plus \$10 per lane closed, per day)
e. Temporary Road/Alley Closure Permit Fee	\$50.00 (plus \$50.00 per day the Road/Alley is closed)
f. Sidewalk Closure Permit Fee	\$50.00 (plus \$10.00 per day the sidewalk is closed)
g. Over-Dimensional Transport Permit Fee	\$100.00 (plus any associated escort fees)

B. With the exception of the Plans Review Fee, which is paid in advance, all fees for Engineering Administration shall be paid to the City Engineer at the time the contract or permit is ready to be executed with the City through the City Engineer.

C. Engineering Permit Fees

(1) The Division of Engineering shall establish all rules, regulations, and permit requirements associated with the above referenced Engineering Permit Fees. Applicants will be required to give the Division of Engineering at least 10 calendar days of advance notice on all permit requests unless the request is associated with a natural disaster or public emergency.

(2) **Permit Fee Waivers:** Engineering Permit Fees associated with Lane, Road, or Sidewalk closures may be waived for the following:

- a. City of Memphis crews performing roadway/sidewalk maintenance, repair, or construction.
- b. City of Memphis contractors performing roadway/sidewalk maintenance, repair, or construction.
- c. Activities associated with Federal, State, or County managed infrastructure projects.
- d. Closures implemented by the Memphis Police Department for investigations or other public safety related issues.
- e. Closures approved by the Memphis Police Department or City of Memphis Permits office for Special Events.
- f. When the City Engineer finds that it is necessary to close a portion of the public right-of-way for the immediate protection of public safety.

(3) **Penalty of Violation:** It shall be a violation of this chapter for any individual to block a portion of the public right-of-way or commence activity that requires a permit without first obtaining the required permit from the Division of Engineering. Anyone found in violation of this chapter commits a Class C misdemeanor and shall be subject to a \$50.00 fine for each day that the violation remains in effect. Violators will also be required to retroactively pay all associated permit fees.

SECTION 2. BE IT FURTHER ORDAINED, that the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases or parts is held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.


SECTION 3. BE IT FURTHER ORDAINED, that this Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairperson of the Council, certified and delivered to the Office of the Mayor in writing by the Comptroller and become effective as otherwise provided by law.

Sponsor:
Ford Canale

Patrice Robinson
City Council Chairwoman

Attest:
Valerie Snipes, Deputy Comptroller

MEMORANDUM

From: Manny Belen, PE, Director of Engineering 

To: Jim Strickland, Mayor

Via: Doug McGowen, Chief Operating Officer

DATE: October 16, 2020

SUBJECT: Default Speed Limit Ordinance

Parts of the Decision Brief/Memo

1. Problem Statement or Opportunity

This Ordinance amends Title 11, Section 11-16-21 of the City of Memphis, Code of Ordinances to reduce the default City Speed Limit to 25mph.

2. Recommendation

The Division of Engineering recommends approval.

3. Prior Coordination

City Ordinance currently establishes a default Speed Limit in the City of Memphis of 30mph. This default Speed Limit applies to all roadways where the Speed Limit has not been formally established on the basis of a Traffic Engineering Study (i.e. the Speed Limit unless otherwise posted). The majority of roadways governed by this default Speed Limit typically include residential/neighborhood roadways and roadways in the Downtown area where there is a higher percentage of pedestrians, bike riders, and other vulnerable users. The Division of Engineering recommends a reduction in the current default Speed Limit to 25mph in an effort to improve safety.

4. Additional Information

None

R.7.



City Council Item Routing Sheet

Division: Engineering

Committee: PW, Transportation, GS

Hearing Date: 11-3-20

Ordinance

Resolution

Grant Acceptance

Budget Amendment

Commendation

Other:

Item Description: An Ordinance to amend Title 11, Section 11-16-21 of the City of Memphis, Code of Ordinances to reduce the default City Speed Limit to 25mph.

Recommended Council Action: Adopt the resolution. (City Engineering recommends approval)

Describe previous action taken by any other entity (i.e. board, commission, task force, council committee, etc.) and date of any action taken: N/A

Does this item require city expenditure? No

\$ Amount (\$0.00)

\$ Revenue to be received (\$0.00)

Source and Amount of Funds

G.O. Bonds: \$0.00

CIP Project Number: N/A

Approvals

Director W.B. 10/19/20 Date _____

Division Chief _____ Date _____

Budget Manager _____ Date _____

Chief Financial Officer _____ Date _____

Chief Operating Officer

_____ Date _____

Council Committee Chair

_____ Date _____

R.7.



Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

This Ordinance amends Title 11, Section 11-16-21 of the City of Memphis, Code of Ordinances to reduce the default City Speed Limit to 25mph.

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

This Ordinance is being initiated by the Division of Engineering.

3. State whether this is a change to an existing ordinance or resolution, if applicable.

This item does involve an amendment to Title 11, Section 11-16-21 of the Code of Ordinances

4. State whether this requires a new contract, or amends an existing contract, if applicable.

This item does not require a new contract

5. State whether this requires an expenditure of funds/requires a budget amendment.

This item does not require an expenditure of funds.

Council Ordinance Caption (Engineering Administration Fee Ordinance)

An Ordinance to amend Title 11, Section 11-16-21 of the City of Memphis, Code of Ordinances to reduce the default City Speed Limit to 25mph.

ORDINANCE NO: _____

AN ORDINANCE TO AMEND TITLE 11, VEHICLES AND TRAFFIC, CHAPTER 11-16 “RULES OF THE ROAD” OF THE CITY OF MEMPHIS CODE OF ORDINANCES, BY AMENDING SECTION 11-16-21 (GENERAL SPEED RESTRICTIONS)

WHEREAS, City Ordinance currently establishes a default Speed Limit in the City of Memphis of 30mph; and

WHEREAS, This default Speed Limit applies to all roadways where the Speed Limit has not been formally established on the basis of a Traffic Engineering Study; and

WHEREAS, The majority of roadways governed by this default Speed Limit typically include residential/neighborhood roadways and roadways in the Downtown area where there is a higher percentage of pedestrians, bike riders, and other vulnerable users; and

WHEREAS, The Division of Engineering recommends a reduction in the current default Speed Limit to improve safety;

NOW, THEREFORE,

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS,

That Title 11 – Vehicles and Traffic – Chapter 11-16 “Rules of the Road”, of the City of Memphis Code of Ordinances, is hereby amended as follows:

Sec. 11-16-21. - General *speed* restrictions.

It is unlawful for any person to drive a vehicle upon the streets of this city at a *speed* greater than 25 miles per hour. However, the city engineer shall have the authority, after determining on the basis of an engineering and traffic investigation that the stated *limit* is greater or lesser than is reasonable and safe, to designate certain streets or sections of streets as *speed* zones where greater speeds may be permitted or lesser speeds required. No person shall drive a vehicle upon the streets or sections of streets designated by the city engineer as *speed* zones at a greater *speed* than is permitted, when signs are in place giving notice thereof.

(Code 1967, § 23-152; Code 1985, § 21-106; Ord. No. 2236, § 1, 4-15-1975; Ord. No. 3586, § 10, 9-2-1986; Ord. No. 4491, § 1, 5-20-1997)

State Law reference— Speed limits, T.C.A. § 55-8-152 et seq.

SECTION 2. BE IT FURTHER ORDAINED, That the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases or parts is held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

SECTION 3. BE IT FURTHER ORDAINED, That this Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the Comptroller and become effective as otherwise provided by law.

Sponsor:
Ford Canale

Patrice Robinson
City Council Chairman

Attest:
Valerie Snipes, Deputy Comptroller



RESOLUTION

This is a resolution to transfer and appropriate construction funds to repair two bridges at North Watkins Street over Wolf River and McLean over Wolf River.

WHEREAS, the Council of the City of Memphis approved Repair 14 Bridges Sam Cooper, project number PW01253, Poplar-Yates to I-240, project number PW01278 and PW Bridge Repair III, project number PW01283 as part of the Public Works Fiscal Year 2021 Capital Improvement Budget; and

WHEREAS, bids were received on August 19, 2020 to repair eleven (11) bridges on Sam Cooper Boulevard with the lowest complying bid being \$7,875,414.95 submitted by Jamison Construction, LLC; and

WHEREAS, it is necessary to transfer \$6,400,000 funded by Federal Grants CIP (80%) from project number PW01253 in Repair 14 Bridges Sam Cooper and \$1,600,000 funded by GO Bonds (20%) from project number PW01278 in Poplar-Yates o I-240; and

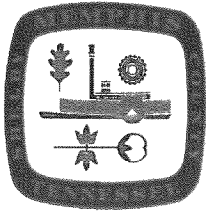
WHEREAS, it is necessary to appropriate construction funds in the total amount of \$8,000,000.00 funded by Federal Grants CIP (80%) \$6,400,000 and GO Bonds (20%) \$1,600,000 in PW Bridge Repair III, project number PW01283 as follows:

Contract Amount	\$7,875,414.95
Project Contingencies	\$124,585.05
Total Amount	\$8,000,000.00

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Memphis that the Fiscal Year 2021 Capital Improvement Budget be and is hereby amended by transferring construction funds in the amount of \$6,400,000 (80%) funded by Federal Grants CIP in Repair 14 Bridges Sam Cooper, project number PW01253 and \$1,600,000.00 (20%) funded by GO Bonds in Poplar-Yates to I-240, project number PW01278 to PW Bridge Repair III, project number PW01283 for bridge repair at North Watkins Street over Wolf River and North McLean Street over Wolf River; and

BE IT FURTHER RESOLVED, that there be and is hereby appropriated the total sum of \$8,000,000 funded by Federal Grants CIP and GO Bonds chargeable to the FY 2021, Capital Improvement Budget and credited as follows;

Project Title:	PW Bridge Repair III
Project Number:	PW01283
Amount:	\$8,000,000



Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

Resolution to transfer and appropriate construction funds to repair the Watkins Street and McLean Street Bridges over the Wolf River. Project will include City Council Districts 5 and City Council Superdistrict 9.

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

Public Works at the recommendation of the Engineering Department.

3. State whether this is a change to an existing ordinance or resolution, if applicable.

NA

4. State whether this requires a new contract, or amends an existing contract, if applicable.

This requires a new construction contract with Chris Hill Construction.

5. State whether this requires an expenditure of funds/requires a budget amendment.

This requires an expenditure of funds and budget amendment.



RESOLUTION

This is a resolution to transfer and appropriate funds for the expansion of Drain Maintenance-Heavy Equipment Facility.

WHEREAS, the Council of the City of Memphis approved Drainage – ST Coverline, project number ST03205, Flood Control – ST Coverline, project number ST03207 and DM-HE Facility Expansion, project number ST04047 as part of the Fiscal Year 2021 Capital Improvement Budget; and

WHEREAS, bids were received on October 21, 2020 for the expansion of Drain Maintenance-Heavy Equipment Facility with the lowest complying bid at \$4,595,000 submitted by Zellner Construction Services, Inc.; and

WHEREAS, the City of Memphis will enter into a contract with Zellner Construction Services, Inc. for the expansion the Drain Maintenance-Heavy Equipment Facility; and

WHEREAS, it is now necessary to transfer additional Contract Construction allocation amounts of \$1,724,500 funded by Storm Water Capital PAY GO in Drainage – ST Coverline, project number ST03205 and \$1,000,000 funded by Storm Water Capital PAY GO in Flood Control – ST Coverline, project number ST03207 to DM-HE Facility Expansion, project number ST04047 for the expansion the Drain Maintenance-Heavy Equipment Facility; and

WHEREAS, it is necessary to amend funding source by transfer of a Contract Construction allocation of \$170,000 funded by Storm Water Capital PAY GO, to Information Technology (IT) in DM-HE Facility Expansion, project number ST04047, for information technology expenses; and

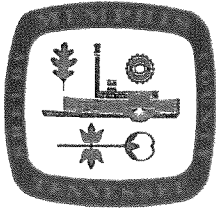
WHEREAS, it is necessary to appropriate total amount of \$5,424,500 (*Contract Construction and Project Contingencies amount \$5,054,500; FF&E amount \$150,00, and IT amount \$220,000*) funded by Storm Water Capital PAY GO in DM-HE Facility Expansion, project number ST04047 for the expansion the Drain Maintenance-Heavy Equipment Facility as follows:

Contract Amount	\$ 4,595,000.00
Contingencies	\$ 459,500.00
Fixtures, Furnishings and Equipment (FF&E)	\$ 150,000.00
<u>Information Technology (IT)</u>	<u>\$ 220,000.00</u>
Total	\$5,424,500.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2021 Capital Improvement Budget be and is hereby amended by transferring total amount of \$2,724,500 Contract Construction allocation amount funded by Storm Water Capital PAY GO from Drainage – ST Coverline, project number ST03205 (*amount \$1,724,500*) and Flood Control – ST Coverline, project number ST03207 (*amount \$1,000,000*), to DM-HE Facility Expansion, project number ST04047 and by transferring a Contract Construction allocation of \$170,000 funded by Storm Water Capital PAY GO to Information Technology (IT) in DM-HE Facility Expansion, project number ST04047 for the expansion the Drain Maintenance-Heavy Equipment Facility.

BE IT FURTHER RESOLVED, that there be and is hereby appropriated total amount of \$5,424,500 funded by Storm Water Capital PAY GO chargeable to the FY2021 Capital Improvement Budget and credited as follows:

Project Title:	DM-HE Facility Expansion
Project Number:	ST04047
Amount:	\$5,424,500.00



Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

This is a Resolution to transfer and appropriate funds for Drain Maintenance-Heavy Equipment Expansion, Project Number ST04047.

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

Initiated by Public Works Division.

3. State whether this is a change to an existing ordinance or resolution, if applicable.

NA

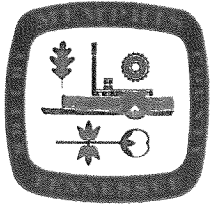
4. State whether this requires a new contract, or amends an existing contract, if applicable.

This requires a new contract.

5. State whether this requires an expenditure of funds/requires a budget amendment.

This requires an expenditure of funds and a budget amendment.

6. The MWBE Goal for this project was 43%. The WBE Goal for this project was 7%.



Memphis City Council Summary Sheet

1. Description of the Item

This is a resolution to transfer and appropriate funds for the Environmental Maintenance Relocation, Project Number SW04007.

2. Initiating Party

Public Works

3. State whether this is a change to an existing ordinance or resolution, if applicable.

This resolution does not change any existing ordinance or resolution.

4. State whether this requires a new contract, or amends an existing contract, if applicable.

This request will require a new construction contract.

5. State whether this requires an expenditure of funds/requires a budget amendment.

Yes, this requires an expenditure of funds and budget amendment.

6. The MWBE Goal for this project was 43%. The WBE Goal for this project was 7%.



RESOLUTION

This is a resolution to transfer and appropriate funds for the relocation of Environmental Maintenance Facility.

WHEREAS, the Council of the City of Memphis approved FY21 Rehab Existing Coverline, project number SW21200 and Environmental Maint. Relocation, project number SW04007 as part of the Fiscal Year 2021 Capital Improvement Budget; and

WHEREAS, bids were received on October 21, 2020 for the relocation of the Environmental Maintenance Facility with the lowest complying bid at \$11,923,000 submitted by Zellner Construction Services, Inc.; and

WHEREAS, the City of Memphis will enter into a contract with Zellner Construction Services, Inc. for the relocation of the Environmental Maintenance Facility; and

WHEREAS, it is now necessary to transfer additional Contract Construction amount of \$4,115,300 funded by Sewer Capital PAY GO in FY21 Rehab Existing Coverline, project number SW21200 to Environmental Maint. Relocation, project number SW04007 for the relocation of the Environmental Maintenance Facility; and

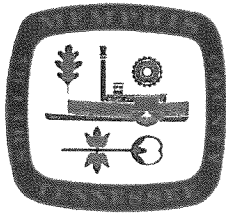
WHEREAS, it is necessary to appropriate total amount of \$14,923,000 (*Contract Construction and Project Contingencies amount \$13,115,300, FF&E amount \$600,000 and IT amount \$450,000*) funded by Sewer Capital PAY GO in Environmental Maint. Relocation, project number SW04007 for the relocation of the Environmental Maintenance Facility as follows:

Contract Amount	\$ 11,923,000.00
Contingencies	\$ 1,192,300.00
Fixtures, Furnishings and Equipment (FF&E)	\$ 600,000.00
<u>Information Technology (IT)</u>	<u>\$ 450,000.00</u>
Total	\$14,165,300.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2021 Capital Improvement Budget be and is hereby amended by a transfer of a Contract Construction allocation amount of \$4,315,300 funded by Sewer Capital PAY GO from FY21 Rehab Existing Coverline, project number SW21200 to Environmental Maint. Relocation, project number SW04007 for the relocation of the Environmental Maintenance Facility.

BE IT FURTHER RESOLVED, that there be and is hereby appropriated total amount of \$14,165,300 funded by Sewer Capital PAY GO chargeable to the FY2021 Capital Improvement Budget and credited as follows:

Project Title:	Environmental Maint. Relocation
Project Number:	SW04007
Amount:	\$14,165,300.00



City Council Item Routing Sheet

Division: Public Works Committee: Public Works, Transportation & Gen. Svcs. Hearing Date: December 1, 2020

- Ordinance
- Resolution
- Grant Acceptance
- Budget Amendment
- Commendation
- Other:

Item Description (Not the caption, but what does it do): Resolution to award a grant of \$175,000 to Hospitality Hub for "Work Local Program," a work initiative to address two of Memphis' biggest issue – panhandling and blight.	
Recommended Council Action: Approve	
Describe previous action taken by any other entity (i.e. board, commission, task force, council committee, etc.) and date of any action taken: N/A	
Does this item require city expenditure? Yes \$175,000.00 Amount	Source and Amount of Funds: The funding source for the project will be funded; equally 35% from 170202 Right of Way Maintenance and 171703 Ground Services plus 30% from 171501 Drain Maintenance. \$175,000.00 Operating Budget

Approvals

Director Re K Date 11-4-20

Division Chief _____ Date _____

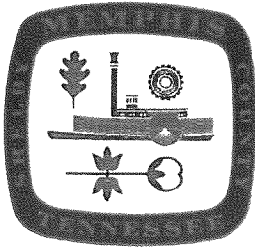
Budget Manager _____ Date _____

Chief Financial Officer _____ Date _____

Chief Legal Officer _____ Date _____

Chief Operating Officer
 _____ Date _____

Council Committee Chair
 _____ Date _____



Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

A Resolution to provide \$175,000 in grant funds to the Hospitality Hub for homeless work initiative to address two of Memphis' biggest issues – panhandling and blight, cleaning up blighted areas of our City.

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

Public Works

3. State whether this is a change to an existing ordinance or resolution, if applicable.

N/A

4. State whether this requires a new contract, or amends an existing contract, if applicable.

This requires a grant agreement and new contract between the City and Hospitality Hub.

5. State whether this requires an expenditure of funds/requires a budget amendment.

This requires an expenditure of funds from the Public Works Operating Budget in the amount of \$175,000 on an annual basis for a period of three (3) years, subject to the availability of funds. The funding source for the grant award will be as follows.

<u>Org Code</u>	<u>Account</u>	<u>Funding Amount</u>
0111-170202 ROW Maint.	065114 Professional Services	\$61,250.00
0111-171703 Ground Svcs.	065114 Professional Services	\$61,250.00
0671-171501 Drain Maint.	065114 Professional Services	\$52,500.00
	Total Funding Amount	\$175,000.00



A Resolution providing grant funds from the City of Memphis Public Works Division to the Hospitality Hub, funding in the amount of \$175,000.00 for “Work Local”, a work initiative for panhandlers and the homeless.

WHEREAS, it is vital to the cleanliness as well as the growth and development of the City of Memphis (“City”) that blight, litter, and unwanted vegetation be removed from the Public Rights of Way (“ROW”);

WHEREAS, the City of Memphis is committed to improving the quality of life of its citizens by encouraging employment opportunities wherever possible;

WHEREAS, The Hospitality Hub is a 501 (c) (3) organization founded in 2007 by the Downtown Churches Association to establish a centralized HUB of information and services for homeless persons in Memphis and Shelby County, and which serves as a hospitality, counseling, and resource center for homeless persons or those imminently to become homeless;

WHEREAS, in November 2016, The Hospitality Hub and the City of Memphis launched an innovative program called “Work Local” designed to address several of Memphis’ biggest issues – panhandling, homelessness and blight by transporting job-seeking panhandlers and homeless persons to cleanup sites twice a week where they were paid to work to reduce urban blight;

WHEREAS, last year, in conjunction with a One Hundred Seventy-Five Thousand Dollars (\$175,000) grant by the Division of Public Works approved by this body the Work Local program had 391 participants, and saw great successes including completing 168 blight reduction projects, 18 job training program enrollments, and 683 hot meals served.

WHEREAS, The Hospitality Hub and City of Memphis remain committed to continue the Work Local program, wherein, in which at the end of the 5-hour work day, the workers will be fed, paid for their labor at the rate of \$10 per hour, and will receive additional services and counseling as needed;

WHEREAS, the Work Local program will focus on three goals: 1) reducing homelessness or panhandling by giving participants an alternative way to earn money; 2) connecting homeless or panhandlers with available services and resources designed to move them away from the streets toward better futures; and 3) contributing to the beautification of Memphis by cleaning up blighted areas of the City;

WHEREAS, the Work Local program will also strive to engage local businesses and agencies who have a vested interest in their communities and are motivated to assist with permanent solutions to homelessness and blight;

WHEREAS, the operational costs for Work Local includes wages, supervisory and administrative overhead and expenses, including food, gas, insurance, and vehicles,

WHEREAS, Work Local program expects to operate five (5) days per week, at least 50 weeks per year.

WHEREAS, the City of Memphis Public Works Division will make available One Hundred Seventy-Five Thousand Dollars (\$175,000) to the Hospitality Hub on an annual basis for a period of three (3) years, subject to the availability of funds, to support the Work Local Program;

WHEREAS, The Hospitality Hub will utilize all annual funds for the sole purpose of directly supporting the Work Local program by allocating \$130,000.00 towards wages and \$45,000.00 towards supervisory and administrative overhead and expenses;

WHEREAS, The Hospitality Hub plans to secure all additional, future funding needed in support of the Work Local program from philanthropic individuals or organizations and potentially federal/state grant funding opportunities;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Memphis hereby authorizes the City of Memphis Public Works Division to provide the Hospitality Hub funding in the amount of \$175,000 on an annual basis for a period of three (3) year, subject to the availability of funds;

BE IT FURTHER RESOLVED that, such funding shall be provided from the Public Works General Fund Operating Budget in effect at the time funding is to be made available and that such funding shall be used solely for the purpose of blight abatement efforts; specifically, remediation work to be performed solely in various dedicated and recorded City Public Rights of Ways (ROW's).

BE IT FURTHER RESOLVED that, in the event the Hospitality Hub fails to use the funding for the sole purpose of directly supporting the Work Local Program, such funding shall be returned to the City of Memphis.

JOINT RESOLUTION OF THE SHELBY COUNTY BOARD OF COMMISSIONERS AND MEMPHIS CITY COUNCIL TO APPROPRIATE FUNDS TO THE PARKS AND NEIGHBORHOODS DEPARTMENT FOR GRASS CUTTING AND DEBRIS REMOVAL FROM CERTAIN CEMETERIES LOCATED IN THE CITY OF MEMPHIS FOR FISCAL YEAR (FY) 2021 IN A TOTAL AMOUNT OF \$15,000.00. THIS ITEM REQUIRES A REALLOCATION/TRANSFER OF FY 2021 COMMISSION CONTINGENCY FUNDS IN AN AMOUNT NOT TO EXCEED \$15,000.00 TO THE DIVISION OF PUBLIC WORKS. SPONSORED BY CHAIRMAN EDDIE S. JONES, JR. AND COMMISSIONER EDMUND FORD, JR.

WHEREAS, the Shelby County Board of Commissioners ("County") and the Memphis City Council ("City") have determined that one of the principal challenges facing the economic and social advancement of our community is the presence of blighted properties;

WHEREAS, the County and City recognize that the problem of blighted properties are particularly acute in the core city area of Shelby County;

WHEREAS, the County and the City have each received numerous complaints about blighted cemetery properties in the City of Memphis, specifically the properties located at: (1) 1341 Rose Hill Road, (2) 2012 Hernando Road, (3) 55 W. Mitchell Road, (4) Mt. Camel located at the corner of Elliston Road and Bellevue Boulevard, (5) 55 W. Mitchell Road, and 1426 S. Parkway East ("Properties"), and wish to support the communities surrounding these blighted Properties by cutting the grass and removing the debris located on such properties;

WHEREAS, because the reduction in the number of blighted properties will benefit the financial condition of all Shelby County residents by increasing the tax base that is critical to the County's financial well-being, the County and City each have decided to allocate funds to their respective Parks and Neighborhoods Departments to assist in the maintenance of the above-referenced Properties; and

WHEREAS, funds are available in the FY 2021 Commission Contingency Fund for reallocation to the Division of Public Works, Parks and Neighborhoods Department to fund the grass cutting and debris removal for these blighted Properties.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, that the transfer of \$15,000.00 from the FY 2021 Commission Contingency Fund to the Division of Public Works, Parks and Neighborhoods Department in order to fund the grass cutting and debris removal for the above-mentioned blighted Properties, as detailed in Exhibit A attached hereto and incorporated herein as if verbatim, is hereby approved.

BE IT FURTHER RESOLVED, that this resolution shall become effective in accordance with the Shelby County Charter, Article II, Section 2.06(B), the public welfare requiring same.

Sponsor: Edmund H. Ford, Sr.

Patrice J. Robinson, Chairwoman

**Resolution prohibiting the sale and purchase of single use bottled water by the
City of Memphis**

WHEREAS, the burning of fossil fuels, the primary cause of climate change, is toxic to Memphis and the planet and ending our reliance on them is an existential necessity; and

WHEREAS, fossil fuels are an integral component in the production of single-use plastics, which eventually enter the food chain and pollute our water; and

WHEREAS, single-use plastics that are discarded on Memphis streets wash into our storm drainage system causing flooding in our streets and threaten the safety of our citizens; and

WHEREAS, the use of plastic water bottles is expected to grow at a compound annual growth rate of 5.5% in the next five years; and

WHEREAS, Memphis is known as having the sweetest water in the world due to Memphis' world renowned aquifer; and

WHEREAS, Memphis' "sweet water" is readily available for citizens and visitors to enjoy; and

WHEREAS, especially in difficult budget times, cutting costs anywhere possible is a requirement for good stewards of public funds; and

NOW, THEREFORE, BE IT RESOLVED by the Memphis City Council that the City of Memphis will become an active participant in the growing global movement to protect and preserve water by joining the Blue Communities Project and becoming an official "Blue Community."

BE IT FURTHER RESOLVED that the Memphis City Council requests Mayor Strickland to establish an internal policy to prohibit the use of City funds to purchase single-use bottled water.

BE IT FURTHER RESOLVED that single-use bottled water will no longer be sold in municipal facilities, from municipally owned or administered concessions, or from vending machines in public facilities where there is access to municipal tap water by whenever the City of Memphis is no longer dealing with the negative effectives of the Corona Virus or by the commencement of FY 2022, whichever date is the latest.

Sponsor:
Jeff Warren

Patrice Robinson,
Chairwoman

Ordinance to establish the City Council meeting dates for 2021

WHEREAS, Referendum Ordinance 4274, approved by the citizens of Memphis on November 8, 1994, amended the Council's meeting dates to the first and third Tuesdays of each month; and

WHEREAS, the Council wishes to approve the 2021 meeting dates.

NOW, THEREFORE, BE IT RESOLVED that the Memphis City Council will conduct its regular meetings on the first and third Tuesdays of each month:

January 5	January 19
February 2	February 16
March 2	March 16
April 6	April 20
May 4	May 18
June 1	June 15
July 6	July 20
August 3	August 17
September 7	September 21
October 5	October 19
November 2	November 16
December 7	December 21

ADOPTED: January 5, 2021

CITY OF MEMPHIS

FY 2021 Q1
General Fund Operating
Performance

Council Report

November 17, 2020



General Fund FY21 Q1 Summary

This performance review is provided to discuss early trends of revenues and expenditures compared to budget, and to identify any budget adjustments that may be necessary for continued effective and efficient city operations.

Account Classification	Q1 YTD	% YTD	Annual Funding Budget
Revenues	\$ 373,258,855.87	51%	\$ 736,093,495
Expenditures	204,031,814	27%	750,235,211
Net Performance Q1	<u>\$ 169,227,042</u>		
Adopted Budget to Funding Budget for Expenditures:			
FY21 Adopted Expenditure Budget			\$ 708,694,526
Encumbrances			14,176,008
Revised Operating Budget			<u>\$ 722,870,534</u>
Grant/Donated Revenue			80,000
Transfer In - HCD (from Affordable Housing)			160,000
Recognition of CARES Act Funding			27,124,677
Revised Funding Budget			<u>\$ 750,235,211</u>

General Fund FY21 Q1 Revenues

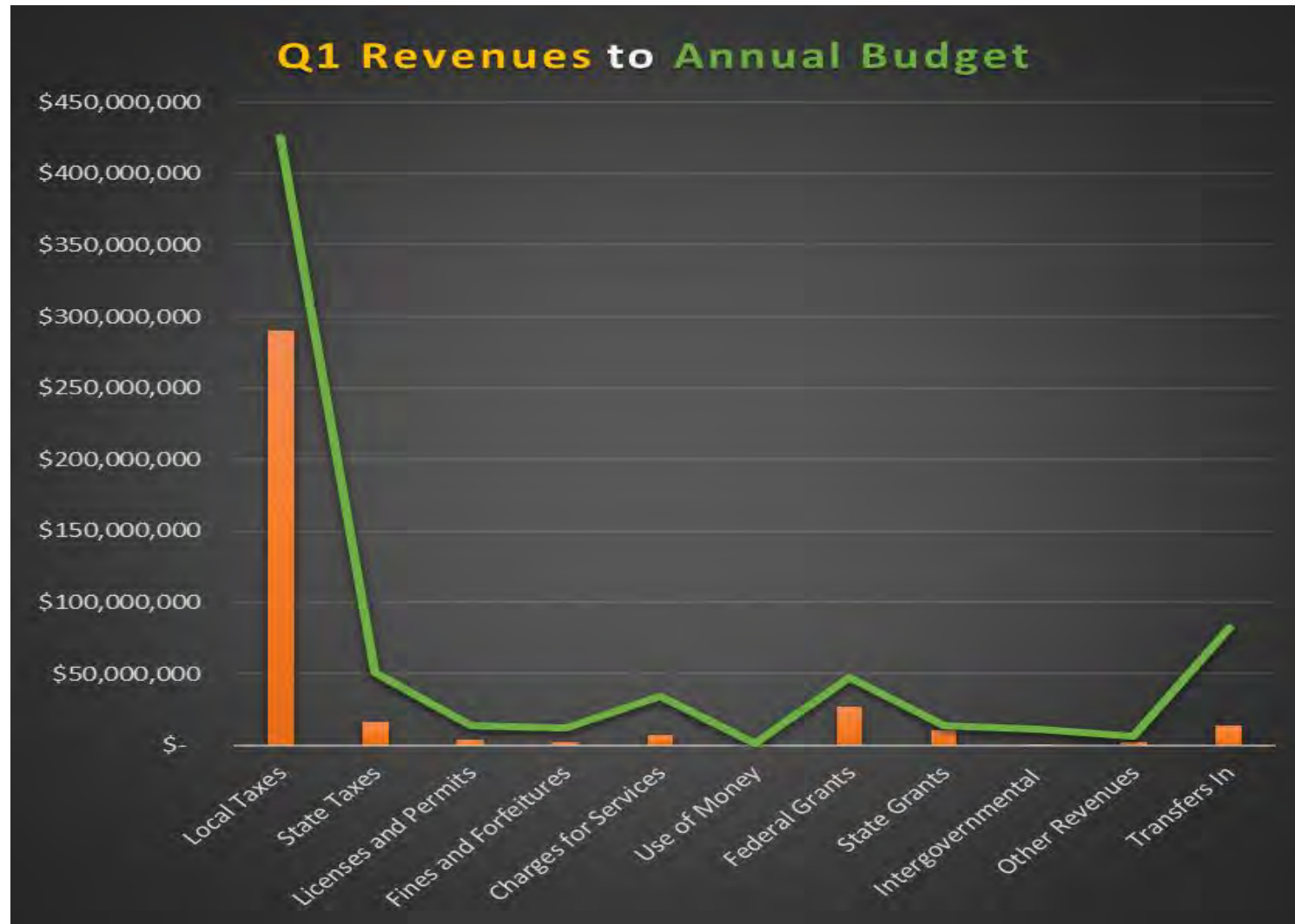
- Local Taxes
- Federal Grants
- State Grants
- Intergovernmental
- Transfers In

Account Classification	Q1 YTD	% YTD	Annual Funding Budget
Revenues	\$ 373,258,856	51%	\$ 736,093,495
Expenditures	204,031,814	27%	750,235,211
Net Performance Q1	<u>\$ 169,227,042</u>		
Revenues	Q1 Actual		Annual Budget
Local Taxes	\$ 290,486,717	68%	\$ 425,471,059
State Taxes	15,886,518	31%	50,835,000
Licenses and Permits	4,034,560	29%	13,795,550
Fines and Forfeitures	2,527,740	21%	11,763,000
Charges for Services	7,079,519	21%	33,950,400
Use of Money	163,682	11%	1,505,000
Federal Grants	26,717,367	56%	47,679,292
State Grants	10,000,000	71%	14,000,000
Intergovernmental	710,996	6%	10,965,973
Other Revenues	1,891,081	30%	6,277,051
Transfers In	13,760,677	17%	81,898,000
Budgeted Use of Fund Balance			37,953,169
Total Revenues	<u>\$ 373,258,856</u>		<u>\$ 736,093,495</u>

General Fund FY21 Q1 Revenues

- **Ad Valorem Tax** - Collections to date of \$236,429,555 represent 93% of budget; however actual collections are 3% (\$7,319,084) less than same period measurement of prior year.
- **Local Sales Tax** - Collections to date of \$30,130,094 represent 33% of budget. Collections are 5.7% (\$1,639,094) over same period measurement of prior year.
- **Federal Grants** - CARES Act revenue recognition of \$25,463,046 is recorded as incurred.
- **State Grant** - Grant of \$10,000,000 was received in Q1; however final state allocation was \$4,000,000 less than adopted budget.
- **Intergovernmental** - MATA annual bridge grant of \$6,700,000 is expected to be received in full in Q2.
- **Transfers In** - MLGW PILOTs are received in December (Q2) and April (Q3).

General Fund FY21 Q1 Revenues

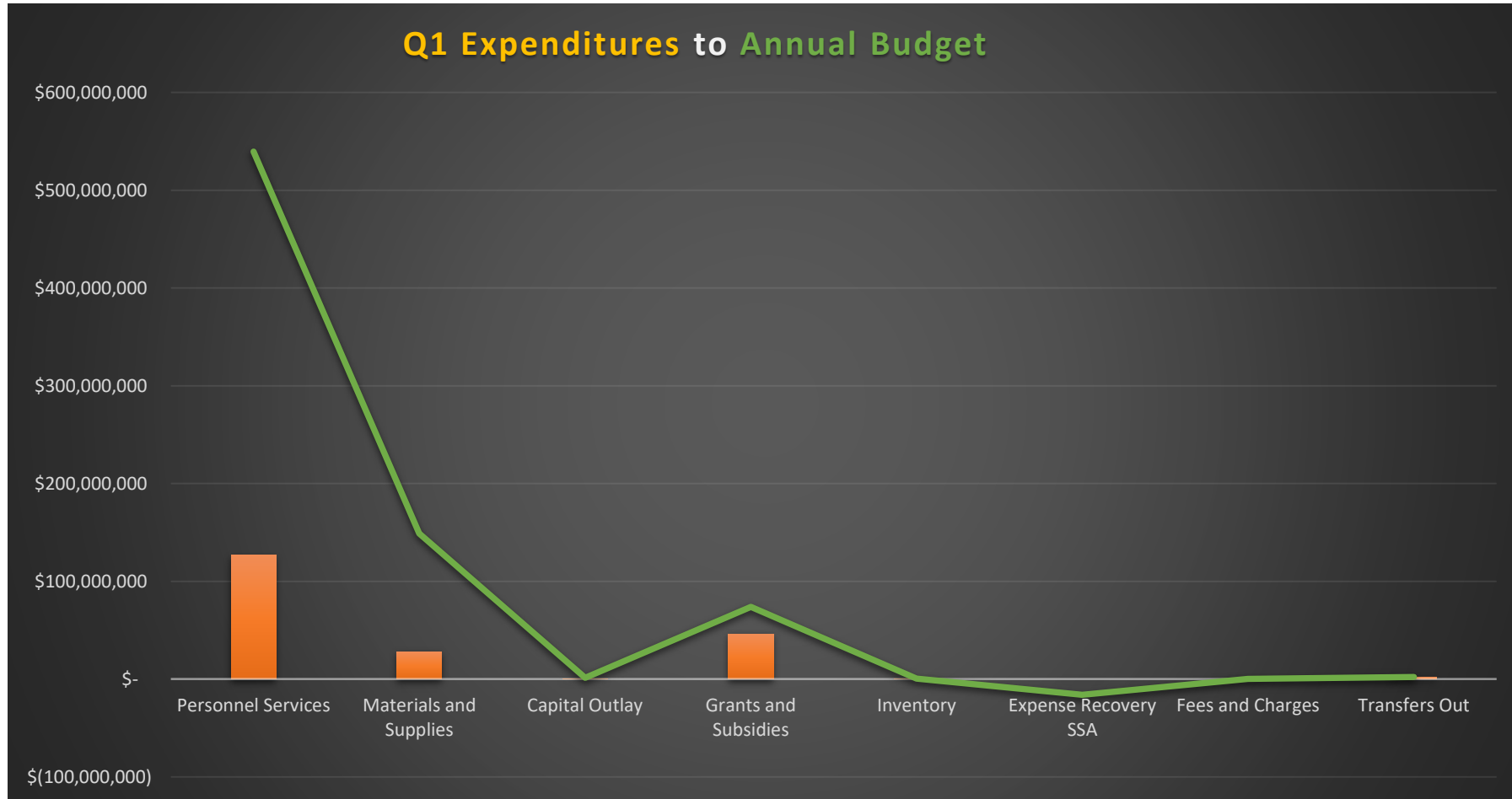


General Fund FY21 Q1 Expenditures

- Personnel trending on budget
- M&S slightly under budget due to Q1 recognition of higher percentage of expense recovery
- Grants & Subsidies are typically highest in Q1
- State Street Aid recovery is recognized in Q4
- Transfers Out are typically highest in Q1

Account Classification	Q1 YTD	% YTD	Annual Funding Budget
Revenues	\$ 373,258,856	51%	\$ 736,093,495
Expenditures	204,031,814	27%	750,235,211
Net Performance Q1	<u>\$ 169,227,042</u>		
Expenditures	Q1 Actual		Annual Budget
Personnel Services	\$ 126,952,157	24%	\$ 539,466,765
Materials and Supplies	28,239,428	19%	148,991,187
Capital Outlay	115,305	9%	1,237,558
Grants and Subsidies	46,303,005	63%	73,818,827
Inventory	54,160	11%	471,490
Expense Recovery SSA	-	0%	(16,035,300)
Fees and Charges	106,677	54%	198,200
Transfers Out	2,261,082	108%	2,086,484
Total Expenditures	<u>\$ 204,031,814</u>		<u>\$ 750,235,211</u>

General Fund FY21 Q1 Expenditures



FY21 Q1 Expenditures by Division

Division	FY21 YTD Actual	%	FY21 Funding Budget	
City Attorney	\$ 3,906,492	25%	\$ 15,513,025	
City Council	649,770	24%	2,734,641	
City Court Clerk	1,294,121	17%	7,610,278	
City Court Judges	188,920	23%	817,917	
City Engineer	3,169,727	40%	7,848,061	*
Executive	4,180,292	20%	20,527,036	
Finance	9,976,255	50%	20,056,694	*
Fire	44,742,097	23%	192,228,845	
General Services	5,328,656	22%	24,351,491	
Grants & Subsidies	44,189,664	77%	57,618,171	
HCD	1,554,646	23%	6,638,485	
Human Resources	1,416,753	16%	8,985,777	
IT	3,738,696	17%	22,300,142	
Library Services	6,083,945	26%	23,760,148	
Parks	9,678,494	26%	36,854,117	*
Police	64,001,001	23%	282,421,022	
Public Works	(123,338)	-1%	19,993,155	*
Unallocated	55,623		(23,795)	
Total Expenditures	\$ 204,031,814		\$ 750,235,211	

FY21 Q1 Division Expenditure Notes

- **Finance**

- Personnel - Separate Service Center established to track COVID-19 Hazard Pay and COVID-19 OJI claims(\$6.2m). Expenditures are recognized 100% concurrently with budget. Outside of COVID related expenditures, personnel trending on budget.

- **Public Works**

- Division over recognized personnel expense recovery, correction to line item brings personnel to 20% of budget.
- Division over recognized M&S expense recovery, correction to line item brings M&S to 13% of budget.
- Correction to expense recovery line items brings Division expenditures to 22% of budget.

FY21 Q1 Division Expenditure Notes

- City Engineer

- M&S is currently at 28% of budget; however Miscellaneous Professional Services line item is at 181% of budget. Q1 adjustment will be requested for this line item to restore contracted services required to maintain service levels and for fiber optic and land development reviews.
- State Street Aid recovery is not recognized until Q4.

- Parks

- Revenue – Green Fees, Golf Cart Fees, and Pro Shop Sales all trending above budget (44%-56%). Q1 adjustment will be requested for part-time salaries in order to meet operational service level.

FY21 Q1 Claim on Cash

General Fund	330,278,464
Parks Special Service Fund	3,186,958
Life Insurance Fund	23,285,989
State Street Aid Fund	5,316,599
Solid Waste Management Fund	7,283,094
Miscellaneous Grants Fund	2,101,103
Drug Enforcement Fund	9,610,951
Community Development Fund	2,376,421
Hotel/Motel Occupancy Tax Fund	8,518,591
New Memphis Arena Special Revenue Fund	110,749
Electronic Traffic Citation Fee Special Revenue Fund	837,210
2019 Sales Tax Referendum	14,639,651
Fire EMS	(853,335)
Pre-K Fund	4,116,196
Community Catalyst Fund	711,938
Affordable Housing Fund	1,213,430
HUB Community Impact Fund	554,521
Debt Service Fund	140,977,970
Capital Projects Fund	21,846,495
Sewer Treatment & Collection Fund	24,037,560
Metro Alarm Fund	967,689
Storm Water Fund	21,985,229
Health Insurance Fund	19,119,594
Unemployment Compensation Fund	776,828
Fleet Management Fund	3,800,006
Beale Street District Fund	1,429,149
Central Business Improvement District Fund	3,388,064
Sold Property Tax Receivables Fund	(717,423)
City Retirement System Fund	1,955,878
Library Retirement System Fund	1,201,204
OPEB	5,235,703
Board of Education Property Tax Fund	54,839
Total	659,347,313

CITY OF MEMPHIS

FY 2021 Q1
General Fund Operating Performance

Council Report

November 17, 2020

Jim Strickland	Mayor
Doug McGowen	COO
Shirley Ford	CFO
Candi Burton	Deputy CFO

CITY OF MEMPHIS

FY21 Q1
CAPITAL
IMPROVEMENT
PLAN
Council Report

November 17, 2020



Table of Contents

	Page
• CIP Budget Defined	3
• GO Bond Spending Budget	4
• CIP Q1 Status of GO Bond Funding	5 –9
• CIP Q1 Status of Sewer and Storm Water Funds	10
• CIP Q1 Status of All Funding	11

Capital Improvement Budget - Defined

- The Capital Improvement Budget is the annual allocation to the Capital Improvement Program (CIP) that is set aside to fund major construction projects, acquire property, purchase equipment, and fund ongoing capital programs for the City.
- The CIP Budget is a one-year allocation. Adoption of the CIP budget by the City Council allows for the allocation of funds for the first year of the program, or in the case of carried-forward projects a reallocation of unappropriated funding. Specific language on how to appropriate and spend construction funds is contained in the CIP resolution.

FY2021 CAPITAL IMPROVEMENT BUDGET G.O. BOND FUNDING

- The City's proposed CIP spending aligns with current mission critical projects, those that are considered essential to the health and welfare of our communities in this unprecedented environment, and those mandated by law.
- The FY2021 CIP Adopted Budget for General Obligation Bond (G.O.) spending was \$78,207,500.
- Adopted Budget was amended by City Council on July 7, 2020 to include \$7.5m of IT initiatives that were previously identified as CARES CRF expenditures, bringing GO bond funding to \$85,707,500.

Q1 Status of G.O. Bond Funding

FY21 Budget

\$86 million

FY2021 ADOPTED CIP 1st QUARTER STATUS REPORT

UNAUDITED

Project Number	Project Name	FY 2021 Adopted Budget Allocation	Amount Appropriated of FY 2021 Adopted Budget	Total Allocation as of 9/30/2020	Total Amount Appropriated as of 9/30/2020	Spend-to-Date as of 9/30/2020	Encumbrances as of 9/30/2020	% (Spend-to-Date PLUS Encumbrances) VS. Appropriated	COMMENTS
GENERAL OBLIGATION (G.O.) BONDS									
ENGINEERING									
EN01067	HSIP Coverline	\$ 150,000		\$ 293,744					
Various	Various		\$ 150,139	\$ -	\$ -	\$ -	\$ -	0.00%	
EN01096	LED Traffic Signal Replacement	\$ 500,000	\$ 500,000	\$ 1,250,000	\$ 1,250,000	\$ 609,465	\$ -	48.76%	
EN21100	Traffic Signals FY21	\$ 750,000		\$ 300,000					
EN01104	FY21 Traffic Signals		\$ 450,000	\$ 450,000	\$ 450,000	\$ 4,128	\$ -	0.92%	
EN21200	Traffic Calming Devices FY21	\$ 1,700,000		\$ -					
EN01099	Speed Hump Installation Group 12		\$ 1,700,000	\$ 3,000,000	\$ 3,000,000	\$ 1,274,149	\$ 1,675,851	98.33%	
EN21300	FY21 Urban Art Coverline	\$ 350,000		\$ 350,000					
EN21301	Urban Art FY21		\$ -	\$ -	\$ -	\$ -	\$ -	0.00%	Full Appropriation expected in 2nd Qtr
Total ENGINEERING		\$ 3,450,000	\$ 2,800,139	\$ 5,643,744	\$ 4,700,000	\$ 1,887,742	\$ 1,675,851	75.82%	
Appropriation Percentage of Allocation			81.16%		83.28%				
EXECUTIVE									
GA01030	X-Ray Machine-Animal Services	\$ -	\$ -	\$ 50,000	\$ 50,000	\$ -	\$ 50,000	100.00%	This project was funded by a \$50,000 transfer from a project closed in FY20 and is fully appropriated and encumbered.
Total EXECUTIVE		\$ -	\$ -	\$ 50,000	\$ 50,000	\$ -	\$ 50,000	100.00%	
Appropriation Percentage of Allocation			0.00%		100.00%				

Q1 Status of G.O. Bond Funding

FY21 Budget

\$86 million

FY2021 ADOPTED CIP 1st QUARTER STATUS REPORT

UNAUDITED

Project Number	Project Name	FY 2021 Adopted Budget Allocation	Amount Appropriated of FY 2021 Adopted Budget	Total Allocation as of 9/30/2020	Total Amount Appropriated as of 9/30/2020	Spend-to-Date as of 9/30/2020	Encumbrances as of 9/30/2020	% (Spend-to-Date PLUS Encumbrances) VS. Appropriated	COMMENTS
GENERAL OBLIGATION (G.O.) BONDS									
FIRE SERVICES									
FS02011	Replace Fire Station #43	\$ 535,000	\$ -	\$ 6,175,519	\$ 5,640,519	\$ 2,678,848	\$ 2,948,183	99.76%	
FS02029	Fire Station 5 / Fire Headquarters	\$ 4,000,000	\$ 4,000,000	\$ 14,941,084	\$ 14,941,084	\$ 2,273,898	\$ 11,537,808	92.44%	
FS02032	EMA Sirens	\$ 140,000	\$ -	\$ 281,663	\$ 141,663	\$ -	\$ 141,663	100.00%	
FS04012	Personal Protective Equipment	\$ 604,000	\$ 604,000	\$ 9,116,990	\$ 9,116,990	\$ 8,545,244	\$ 571,747	100.00%	
FS21100	Fire Station Repair	\$ 750,000		\$ 750,000					\$185K transfer to FS02034-Security Cameras in 2nd Qtr pending (10/6/20 Committee)
Total FIRE SERVICES		\$ 6,029,000	\$ 4,604,000	\$ 31,265,256	\$ 29,840,256	\$ 13,497,990	\$ 15,199,401	96.17%	
Appropriation Percentage of Allocation			76.36%		95.44%				
GENERAL SERVICES									
GS01032	CoMEM Phase II	\$ 10,000,000	\$ 10,000,000	\$ 24,900,000	\$ 24,900,000	\$ 2,220,527	\$ 1,399,673	14.54%	
GS0221--	FY21 Capital Acquisitions	\$ 8,600,000	\$ 8,600,000	\$ 9,562,530	\$ 9,562,530	\$ 122,000	\$ 5,006,182	53.63%	Total allocations and appropriations > FY21 allocs and approps by \$962,530 due to transfer of funds from closed prior year CAQ projects
GS21100	FY21 Major Modifications	\$ 3,700,000		\$ -					Fully appropriated in sub-Major Mod projects - see lines below
GS21101	FY21 Major Mod - Roofing		\$ 1,191,000	\$ 1,191,000	\$ 1,191,000	\$ -	\$ 120,000	10.08%	
GS21102	FY21 Major Mod - Electric		\$ 942,022	\$ 942,022	\$ 942,022	\$ -	\$ -	0.00%	
GS21103	FY21 Major Mod - Plumbing		\$ 60,000	\$ 60,000	\$ 60,000	\$ -	\$ -	0.00%	
GS21104	FY21 Major Mod - HVAC		\$ 1,386,978	\$ 1,386,978	\$ 1,386,978	\$ -	\$ 140,000	10.09%	
GS21105	FY21 Major Mod - Carpentry		\$ 120,000	\$ 120,000	\$ 120,000	\$ -	\$ -	0.00%	
Total GENERAL SERVICES		\$ 22,300,000	\$ 22,300,000	\$ 38,162,530	\$ 38,162,530	\$ 2,342,527	\$ 6,665,855	23.61%	
Appropriation Percentage of Allocation			100.00%		100.00%				

Q1 Status of G.O. Bond Funding

FY21 Budget

\$86 million

UNAUDITED

Project Number	Project Name	FY 2021 Adopted Budget Allocation	Amount Appropriated of FY 2021 Adopted Budget	Total Allocation as of 9/30/2020	Total Amount Appropriated as of 9/30/2020	Spend-to-Date as of 9/30/2020	Encumbrances as of 9/30/2020	% (Spend-to-Date PLUS Encumbrances) VS. Appropriated	COMMENTS
GENERAL OBLIGATION (G.O.) BONDS									
HOUSING & COMMUNITY DEVELOPMENT									
CD01030	Footcote Homes	\$ 6,000,000	\$ 6,000,000	\$ 30,000,000	\$ 30,000,000	\$ 22,422,200	\$ 1,577,800	80.00%	<i>All pre-FY21 allocations (\$24M) have been appropriated and spent or encumbered.</i>
CD02016	Fairgrounds Redevelopment II	\$ 4,000,000	\$ -	\$ 6,904,618	\$ 2,904,618	\$ 2,187,398	\$ 478,367	91.78%	
Total HOUSING & COMMUNITY DEVELOPMENT		\$ 10,000,000	\$ 6,000,000	\$ 36,904,618	\$ 32,904,618	\$ 24,609,598	\$ 2,056,167	81.04%	
Appropriation Percentage of Allocation			60.00%			89.16%			
INFORMATION TECHNOLOGY									
IS01062	Telephone Systems Upgrade	\$ 5,300,000	\$ 5,300,000	\$ 8,100,000	\$ 8,100,000	\$ 2,408,926	\$ 120,890	31.23%	
IS01077	Time & Attendance System	\$ 1,500,000	\$ 1,500,000	\$ 3,200,000	\$ 3,200,000	\$ 1,453,989	\$ 1,470,408	91.39%	
IS01081	Data Center Relocation	\$ 550,000	\$ 550,000	\$ 2,550,000	\$ 2,550,000	\$ 1,497,377	\$ 79,194	61.83%	
IS01083	Desktop & Application Infrastructure	\$ 500,000	\$ 500,000	\$ 2,200,000	\$ 2,200,000	\$ 621,139	\$ 635,507	57.12%	
IS01084	Network Infrastructure Upgrade	\$ 200,000	\$ 200,000	\$ 1,900,000	\$ 1,900,000	\$ 1,559,976	\$ 3,951	82.31%	
Total INFORMATION TECHNOLOGY		\$ 8,050,000	\$ 8,050,000	\$ 17,950,000	\$ 17,950,000	\$ 7,541,407	\$ 2,309,950	54.88%	
Appropriation Percentage of Allocation			100.00%			100.00%			
LIBRARY SERVICES									
LI01030	New Frayser Library	\$ 3,870,000	\$ 3,870,000	\$ 8,745,000	\$ 8,745,000	\$ 596,220	\$ 504,871	12.59%	
		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%	
Total LIBRARY SERVICES		\$ 3,870,000	\$ 3,870,000	\$ 8,745,000	\$ 8,745,000	\$ 596,220	\$ 504,871	12.59%	
Appropriation Percentage of Allocation			100.00%			100.00%			

Q1 Status of G.O. Bond Funding FY21 Budget \$86 million

UNAUDITED									
Project Number	Project Name	FY 2021 Adopted Budget Allocation	Amount Appropriated of FY 2021 Adopted Budget	Total Allocation as of 9/30/2020	Total Amount Appropriated as of 9/30/2020	Spend-to-Date as of 9/30/2020	Encumbrances as of 9/30/2020	% (Spend-to-Date PLUS Encumbrances) VS. Appropriated	COMMENTS
GENERAL OBLIGATION (G.O.) BONDS									
MATA									
GA03007	Fixed-Route Buses	\$ 360,000	\$ -	\$ 16,161,339	\$ 15,801,339	\$ 14,473,882	\$ -	91.60%	
GA03011	Paratransit Vehicles	\$ 50,000	\$ -	\$ 4,261,314	\$ 3,369,564	\$ 2,768,738	\$ -	82.17%	
GA03022	Adv. Public Transportation Systems	\$ 50,000	\$ -	\$ 11,495,000	\$ 11,445,000	\$ 4,695,740	\$ -	41.03%	This project includes several systems that are linked together to enhance the public experience and provide MATA with the management tools it needs to adhere to stakeholders' requirements.
GA03023	Operations & Maintenance Facility	\$ 73,660	\$ -	\$ 3,136,160	\$ 1,612,500	\$ 170,265	\$ -	10.56%	These funds are dedicated to the acquisition of property that has already been identified and is under review for feasibility. Purchase of property was anticipated to occur in June.
GA03024	Rail Facility Improvements	\$ 50,000	\$ -	\$ 1,912,000	\$ 1,862,000	\$ 1,202,620	\$ -	64.59%	
GA03025	Bus Facility Improvements	\$ 50,000	\$ -	\$ 1,346,500	\$ 1,296,500	\$ 543,711	\$ -	41.94%	
GA03026	Rail Vehicles	\$ 165,000	\$ -	\$ 5,495,000	\$ 5,330,000	\$ 1,099,076	\$ -	20.62%	MATA has plans to restart the Riverfront Line and the Madison Line of the trolley system. However, pre-pandemic delays continue due to the low availability of vendors who can provide the desired rail vehicles.
GA03028	Innovation Corridor BRT Project	\$ 1,159,840	\$ 1,159,840	\$ 2,584,840	\$ 2,584,840	\$ -	\$ 1,425,000	55.13%	
Total MATA		\$ 1,958,500	\$ 1,159,840	\$ 46,392,153	\$ 43,301,743	\$ 24,954,032	\$ 1,425,000	60.92%	
Appropriation Percentage of Allocation			59.22%		93.34%				
MEMPHIS RIVER PARKS PARTNERSHIP									
GA01028	Mud Island Amphitheater	\$ 200,000	\$ -	\$ 200,000	\$ -	\$ -	\$ -	0.00%	
GA01029	Mud Island / Beale Street	\$ -	\$ -	\$ 400,000	\$ 400,000	\$ -	\$ -	0.00%	This project, which covers 4 areas of repair at Mud Island and Beale Street Landing, was funded by a \$400,000 transfer from a project closed in FY20 and is fully appropriated. (\$13K spent in OCT.)
Total MEMPHIS RIVER PARKS PARTNERSHIP		\$ 200,000	\$ -	\$ 600,000	\$ 400,000	\$ -	\$ -	0.00%	
Appropriation Percentage of Allocation			0.00%		66.67%				
PARKS & NEIGHBORHOODS									
PK01032	Ed Rice Community Center	\$ 1,700,000	\$ -	\$ 4,660,000	\$ 2,960,000	\$ 595,298	\$ 2,363,697	99.97%	
PK03004	Tennis Major Maintenance	\$ 600,000	\$ 600,000	\$ 2,850,000	\$ 2,850,000	\$ 1,593,345	\$ 649,529	78.70%	
PK09002	Zoo Major Maintenance	\$ 250,000	\$ 250,000	\$ 6,876,000	\$ 6,576,000	\$ 6,517,796	\$ -	99.11%	
PK21100	Parks Coverline FY21	\$ 2,500,000	\$ -	\$ -	\$ -	\$ -	\$ -		
PK21101	FY21 Kennedy Park Playground		\$ 500,000	\$ 500,000	\$ 500,000	\$ -	\$ -	0.00%	
PK21102	FY21 Misc Park Paving		\$ 350,000	\$ 350,000	\$ 350,000	\$ -	\$ -	0.00%	
PK21103	FY21 Misc Park Improvements		\$ 900,000	\$ 900,000	\$ 900,000	\$ -	\$ -	0.00%	
PK21104	FY21 Furniture/Fixtures/Equipment		\$ 150,000	\$ 150,000	\$ 150,000	\$ 91,210	\$ -	60.81%	
PK21105	FY21 Fees for A&E		\$ 200,000	\$ 200,000	\$ 200,000	\$ -	\$ -	0.00%	
PK21106	FY21 Playground Resurfacing		\$ 600,000	\$ 600,000	\$ 600,000	\$ -	\$ -	0.00%	
PK21200	Council District Improvements	\$ 1,400,000	\$ -	\$ -	\$ -	\$ -	\$ -		
PK21201	FY21 Community Ctr Improvements		\$ 1,400,000	\$ 1,400,000	\$ 1,400,000	\$ -	\$ -	0.00%	
Total PARKS & NEIGHBORHOODS		\$ 6,450,000	\$ 4,950,000	\$ 18,486,000	\$ 16,486,000	\$ 8,797,649	\$ 3,013,226	71.64%	
Appropriation Percentage of Allocation			76.74%		89.18%				

Q1 Status of G.O. Bond Funding

FY21 Budget

\$86 million

UNAUDITED

Project Number	Project Name	FY 2021 Adopted Budget Allocation	Amount Appropriated of FY 2021 Adopted Budget	Total Allocation as of 9/30/2020	Total Amount Appropriated as of 9/30/2020	Spend-to-Date as of 9/30/2020	Encumbrances as of 9/30/2020	% (Spend-to-Date PLUS Encumbrances) VS. Appropriated	COMMENTS
GENERAL OBLIGATION (G.O.) BONDS									
POLICE SERVICES									
PD02013	Police Academy Renovations	\$ 750,000	\$ 750,000	\$ 3,452,916	\$ 2,953,716	\$ 116,341	\$ 1,787,375	64.45%	
PD04022	In-Car Video - GPS	\$ 600,000	\$ -	\$ 11,747,100	\$ 11,147,100	\$ 9,334,071	\$ 128,562	84.89%	
PD04025	Radio System Upgrade	\$ -	\$ -	\$ 25,800,000	\$ 25,800,000	\$ 18,618,987	\$ 3,179,492	84.49%	
PD04029	Radio Maintenance Rehabilitation	\$ 500,000	\$ -	\$ 1,500,000	\$ 87,940	\$ 15,588	\$ 62,610	88.92%	
Total POLICE SERVICES		\$ 1,850,000	\$ 750,000	\$ 42,500,016	\$ 39,988,756	\$ 28,084,987	\$ 5,158,039	83.13%	
Appropriation Percentage of Allocation			40.54%		94.09%				
PUBLIC WORKS									
PW21100	Asphalt Paving Coverline	\$ 19,500,000		\$ -					
PW21101	FY21 Resurfacing Group 1		\$ 5,721,757	\$ 5,721,757	\$ 5,721,757	\$ -	\$ -	0.00%	
PW21102	FY21 Resurfacing Group 2		\$ 7,278,243	\$ 7,278,243	\$ 7,278,243	\$ -	\$ -	0.00%	
PW21103	Asphalt Paving In-house Operations		\$ 6,500,000	\$ 6,500,000	\$ 6,500,000	\$ 6,500,000	\$ -	100.00%	
PW21200	Replace Sidewalks Coverline	\$ 250,000		\$ 250,000					
PW21300	ADA Curb Ramp Coverline	\$ 1,000,000		\$ 1,000,000					
PW21400	Bridge Repair Coverline	\$ 800,000		\$ 800,000					
Total PUBLIC WORKS		\$ 21,550,000	\$ 19,500,000	\$ 21,550,000	\$ 19,500,000	\$ 6,500,000	\$ -	33.33%	
Appropriation Percentage of Allocation			90.49%		90.49%				
Total GENERAL FUND (G.O. BONDS)		\$ 85,707,500	\$ 73,983,979	\$ 268,249,317	\$ 252,028,903	\$ 118,812,152	\$ 38,058,360	62.24%	

Q1 Status Sewer and Storm Water Funding FY21 Budget

UNAUDITED									
Project Number	Project Name	FY 2021 Adopted Budget Allocation	Amount Appropriated of FY 2021 Adopted Budget	Total Allocation as of 9/30/2020	Total Amount Appropriated as of 9/30/2020	Spend-to-Date as of 9/30/2020	Encumbrances as of 9/30/2020	% (Spend-to-Date PLUS Encumbrances) VS. Appropriated	COMMENTS
SEWER FUND									
SW21100	Misc Sub Outfalls Coverline FY21	\$ 3,150,000		\$ 3,150,000					
SW21200	Rehab Existing Coverline FY21	\$ 14,000,000		\$ 14,000,000					
SW21203	Marble PS Sewer Rehab		\$ -	\$ -	\$ -	\$ -	\$ -	0.00%	\$80,403 transfer to SW21203-Marble PS Sewer Rehab in 2nd Qtr pending (10/20/20 Committee)
SW21300	Service Unsewered Coverline FY21	\$ 1,850,000	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%	
SW02006	Sludge Disp/Earth Complex	\$ 15,000,000	\$ -	\$ 20,930,978	\$ 230,978	\$ 77,519	\$ -	33.56%	
SW02011	Covered Anaerobic Lagoon	\$ 8,000,000	\$ -	\$ 53,515,670	\$ 17,715,670	\$ 17,248,161	\$ -	97.36%	
SW02033	South Plant Expansion	\$ 20,500,000	\$ -	\$ 302,580,038	\$ 134,899,515	\$ 68,857,416	\$ 16,430,291	63.22%	
SW04007	Environmental Maint Relocation	\$ 600,000	\$ -	\$ 13,650,000	\$ 1,760,189	\$ 1,435,399	\$ 311,021	99.22%	
SW04009	Stiles Plant Modification	\$ 15,000,000	\$ -	\$ 45,311,759	\$ 18,103,550	\$ 13,811,294	\$ 2,976,190	92.73%	
SW04011	Stiles WWTF Biosolids Upgrades	\$ 24,000,000	\$ -	\$ 39,000,000	\$ -	\$ -	\$ -	0.00%	
SW05001	Sewer Assessment and Rehab *	\$ 30,000,000	\$ -	\$ 163,000,000	\$ 101,666,849	\$ 88,303,542	\$ 3,609,827	90.41%	Includes \$6.5M Federal Grants in Total Allocation and Total Appropriation. Also ... see footnote below for more.
	Total CAPITAL PAY GO	\$ 132,100,000	\$ -	\$ 655,138,445	\$ 274,376,751	\$ 189,733,331	\$ 23,327,329	77.65%	
SW05001	Sewer Assessment and Rehab *	\$ 20,000,000	\$ -	\$ 115,000,000	\$ 95,000,000	\$ 54,440,399	\$ -	57.31%	See footnote below.
		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%	
	Total SEWER REVENUE BONDS	\$ 20,000,000	\$ -	\$ 115,000,000	\$ 95,000,000	\$ 54,440,399	\$ -	57.31%	
* Project SW05001-Sewer Assessment and Rehab was budgeted at \$50,000,000 total (\$30M CPG; \$20M Revenue Bonds). However, a 2nd Qtr resolution to change all funding to Revenue Bonds (per bond issuance and new loan) is pending.									
Total SEWER FUND		\$ 152,100,000	\$ -	\$ 770,138,445	\$ 369,376,751	\$ 244,173,730	\$ 23,327,329	72.42%	
Appropriation Percentage of Allocation			0.00%			47.96%			
STORM WATER FUND									
ST02001	Design - ST Coverline	\$ 5,550,000		\$ 8,740,501					
ST02013	Storm Water Program Manager		\$ 750,000	\$ 750,000	\$ 750,000	\$ -	\$ 711,767	94.90%	
ST03207	Flood Control - ST Coverline	\$ 3,750,000		\$ 3,689,508					
ST03199	Marble PS Electric Rehab		\$ -	\$ 124,000	\$ 124,000	\$ 94,512	\$ 29,488	100.00%	\$1,616,303 transfer to ST03199-Marble PS Electric Rehab in 2nd Qtr pending (10/20/20 Committee)
ST03200	Ensley PS Electric Rehab		\$ 424,522	\$ 2,707,097	\$ 2,707,097	\$ 515,849	\$ 1,573,633	77.19%	
ST03211	Curb & Gutter Misc Loc	\$ 500,000	\$ -	\$ 1,000,000	\$ 500,000	\$ 261,477	\$ 238,523	100.00%	
ST03214	Flood Mitgn Land Acq Coverline	\$ 350,000		\$ 350,000				0.00%	
ST03216	Bridge Repair - ST	\$ 500,000		\$ 500,000				0.00%	
Total STORM WATER FUND (Capital Pay Go)		\$ 10,650,000	\$ 1,174,522	\$ 17,861,106	\$ 4,081,097	\$ 871,838	\$ 2,553,411	83.93%	
Appropriation Percentage of Allocation			11.03%			22.85%			

Q1 Status Total CIP Funding FY21 Budget

UNAUDITED

Project Number	Project Name	FY 2021 Adopted Budget Allocation	Amount Appropriated of FY 2021 Adopted Budget	Total Allocation as of 9/30/2020	Total Amount Appropriated as of 9/30/2020	Spend-to-Date as of 9/30/2020	Encumbrances as of 9/30/2020	% (Spend-to-Date PLUS Encumbrances) VS. Appropriated	COMMENTS
TOTAL FY21 CIP BUDGET		\$ 248,457,500	\$ 75,158,501	\$ 1,056,248,868	\$ 625,486,751	\$ 363,857,720	\$ 63,939,100	68.39%	
Appropriation Percentage of Allocation			30.25%		59.22%				

CITY OF MEMPHIS

FY21 Q1 CAPITAL IMPROVEMENT PLAN Council Report

November 17, 2020

Jim Strickland

Mayor

Doug McGowen

COO

Shirley Ford

CFO

Kametris Wyatt

CIP Manager

Kerry Watkins

CIP Analyst



City Council Item Routing Sheet

Division: Finance

Committee: Finance and Budget

Hearing Date: November 17, 2020

Ordinance

Resolution

Grant Acceptance

Budget Amendment

Commendation

Other: [Click here to enter text.](#)

Item Description (Not the caption, but what does it do):
 Resolution to amend the Fiscal Year 2021 General Fund Operating Budget in accordance with Tennessee Constitution Article 2 § 24, TCA § 9-1-116, Municipal Budget Law of 1982.

Recommended Council Action: Approve the resolution.

Describe previous action taken by any other entity (i.e. board, commission, task force, council committee, etc.) and date of any action taken: None taken

<p>Does this item require city expenditure? Yes</p> <p>\$2,314,000</p>	<p>Source and Amount of Funds:</p> <p>Source: Operating Revenue Q1 performance - \$1,800,000 Parks Revenue Q1 performance - \$514,000</p>
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Approvals

Director _____ Date _____

Division Chief _____ Date _____

Budget Manager _____ Date _____

Chief Financial Officer _____ Date _____

Chief Legal Officer/City
 Attorney _____ Date _____

Chief Operating Officer

_____ Date _____

Council Committee Chair

_____ Date _____



Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

This is a Resolution requesting amendment to the Fiscal Year 2021 General Fund Operating Budget in accordance with Tennessee Constitution Article 2 § 24, TCA § 9-1-116, Municipal Budget Law of 1982.

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

Finance Division

3. State whether this is a change to an existing ordinance or resolution, if applicable.

This item requires an amendment to the current funding budget for the City.

4. State whether this requires a new contract, or amends an existing contract, if applicable.

This item does not require a new contract or amend an existing contract.

5. State whether this requires an expenditure of funds/requires a budget amendment.

This item will require an expenditure of funds and requires an amendment to the current General Fund operating budget.



A Resolution to Amend the Fiscal Year 2021 General Fund Operating Budget

WHEREAS, the Finance Division monitors the City's actual financial performance relative to its budget, for all funds; and

WHEREAS, in conjunction with the Finance Division, each Division of City Government periodically reviews its current revenues and expenditures, and projects anticipated outcomes for their respective General Fund Division or Other Fund(s) which are not a part of the General Fund; and

WHEREAS, based on the General Fund 1st Quarter review, circumstances to amend the existing budget exist and the required spending and funding has been identified; and

WHEREAS, it is necessary to amend the Fiscal Year 2021 (FY21) budget in certain General Fund Divisions to add appropriations to match program spending that is projected different than the FY21 adopted budget plan;

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Memphis that the Fiscal Year 2021 General Fund Operating Budget be amended in accordance with Tennessee Constitution Article 2 § 24, TCA § 9-1-116, Municipal Budget Law of 1982 as follows:

- City Engineering Division – An increase to the Miscellaneous Professional Services budget in the amount \$1,800,000 for the payment of professional services to maintain service levels and to complete fiber optic and land development reviews. The funding will be provided from revenues performing above budget.
- Parks and Neighborhood Division – An increase to the Part Time Salaries budget in the amount of \$514,000 to match the required service level for golf activities which are exceeding budget plans. The funding will be provided by green fees and golf cart fees.