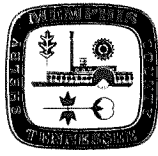


City of Memphis



JIM STRICKLAND
MAYOR

TENNESSEE

October 13, 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:

Raymond Browning Gill IV

be reappointed to the Memphis & Shelby County Land Use Control Board, with a term
expiring October 31, 2023.

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



JIM STRICKLAND
MAYOR

November 19, 2020

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

Dear Chairman Carlisle:

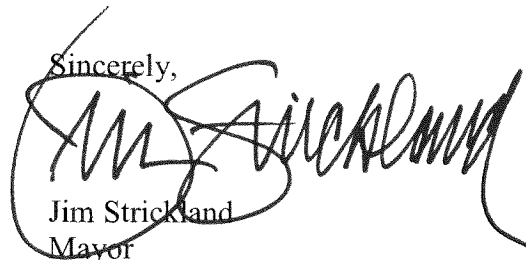
Subject to Council approval, I hereby recommend that:

Jennifer Karnes, DVM

be appointed to the Memphis Animal Shelter Advisory Board with a term expiring July 30, 2022.

I have attached biographical information.

Sincerely,



Jim Strickland
Mayor

JSS/sss

Cc: Council Members



JIM STRICKLAND
MAYOR

November 19, 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:

Willie Ward, Jr.

be appointed to the Civilian Law Enforcement Review Board with a term expiring August 31, 2021.

I have attached biographical information.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Strickland". The signature is written in a cursive style and is positioned over the printed name and title below it.

Jim Strickland
Mayor

JSS/sss

Cc: Council Members



JIM STRICKLAND
MAYOR

TENNESSEE

November 19, 2020

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

Dear Chairman Carlisle:

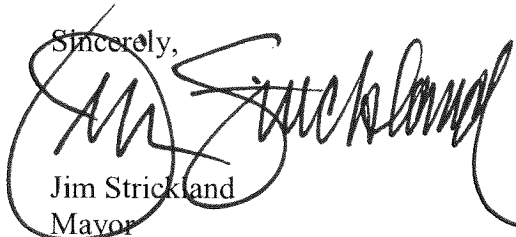
Subject to Council approval, I hereby recommend that:

Raymond Browning Gill IV

be appointed to the Memphis Landmarks Commission, as the Memphis & Shelby County Land Use Control Board representative, with a term expiring July 14, 2025.

I have attached biographical information.

Sincerely,



Jim Strickland
Mayor

JSS/sss

Cc: Council Members



JIM STRICKLAND
MAYOR

TENNESSEE

November 19, 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:

Shawna Engel

be appointed to the Memphis Housing Authority, with a term expiring June 30, 2021.

I have attached biographical information.

Sincerely,

Jim Strickland
Mayor

JSS/sss

Cc: Council Members

CITY COUNCIL RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners at their meeting of November 18, 2020, approved the employment of Jacqueline C. Jones as Vice President and Chief People Officer at an annual salary in the amount of \$223,000.00 and approval by this Council of her salary pursuant to the requirements of the Charter and Ordinances of the City of Memphis.

WHEREAS, the City Charter and Ordinances of the City require the above mentioned item be approved by the City Council.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that the employment of the new Vice President and Chief People Officer by MLGW at an annual salary in the amount of \$223,000.00 is hereby approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
November 18, 2020

The President has recommended to the Board of Light, Gas and Water Commissioners the employment of Jacqueline C. Jones as Vice President and Chief People Officer at an annual salary of \$223,000.00 and the certification of her nomination to the City Council for approval pursuant to the Division's Charter.

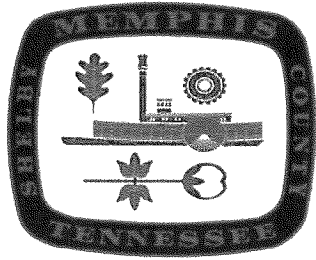
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF LIGHT, GAS & WATER COMMISSIONERS THAT:

Subject to the consent and approval of the Council of the City of Memphis, the employment of Jacqueline C. Jones as Vice President and Chief People Officer to supervise the day-to-day activities of the MLGW Human Resources division and all its departments at an annual salary of \$223,000.00 is hereby approved and that her nomination is hereby certified for approval by the City Council.

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 18th day of November, 2020, at which a quorum was present.


Secretary-Treasurer

Same Day Minutes
APPROVED



Memphis City Council Summary Sheet

- 1. Description of the Item (Resolution, Ordinance, etc.) Amendments to the Memphis Retirement System. Copy of amendments attached**
- 2. Initiating Party (e.g. Public Works, at request of City Council, etc.) Division of Human Resources and Finance**
- 3. State whether this is a change to an existing ordinance or resolution, if applicable. Yes, these amendments are to the existing Memphis Retirement System ordinances comprising the plan document**
- 4. State whether this requires a new contract, or amends an existing contract, if applicable. No new contract is required**
- 5. State whether this requires an expenditure of funds/requires a budget amendment. Funds required for these amendments are provided through the referendum adopted last November**

ORDINANCE # _____

ORDINANCES TO AMEND CHAPTER 25
OF THE CITY OF MEMPHIS CODE OF ORDINANCES
GOVERNING THE CITY PENSION SYSTEM

WHEREAS, the City of Memphis, Tennessee (the “City”) has adopted a pension system for general employees as well as police officers and firefighters known as the City of Memphis Retirement System, as amended and restated from time to time, consisting of a 1948 plan (that part of the system benefiting employees participating under the provisions of sections 25-60 through 25-99) and a 1978 plan (that part of the system benefiting employees participating under the provisions of sections 25-160 through 25-199) as amended in 2012; and a 2016 plan (that part of the system benefiting employees participating under the provisions of sections 25-210 through 25-274), currently established under City Ordinance Chapter 25, Articles I through VII, Divisions 1, 2 and 3 (collectively, “the Pension System”); and

WHEREAS, in order to protect the Pension System’s actuarial soundness and ensure the long-term financial viability of the Pension System, and to ensure compliance with required provisions of the federal Internal Revenue Code governing employee benefit plans of governmental employers, as well as to make certain clarifying amendments to existing language it is necessary that the Pension System be further amended as set forth herein;

NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that the Pension System shall be amended as follows:

1. Sec. 25-1(4) shall be amended and restated in its entirety to read as follows:

4. *Average monthly compensation* means:

a. *1948 plan*:

- i. For each participant, the average monthly compensation, (excluding and disregarding any hiatus in the participant's employment by the city) for his or her five consecutive years of service for which such compensation was the highest. If his or her average monthly compensation for the 12 months next preceding the date of his or her retirement exceeds the average of his or her highest five consecutive years' compensation, then his or her average monthly compensation shall be based upon the 12-month period next preceding the date of his or her

retirement, and in the case of death or disability incurred by a participant in the performance of duties before he or she has five consecutive years of service, his or her average monthly compensation shall be the average monthly rate of compensation during all his or her years of service.

- ii. While in the armed services and receiving years of service credit as provided under subsection (44)(g) of this section, a participant's compensation for purposes of this subsection shall be deemed to be his or her rate of base compensation as a city employee in effect at the time he or she entered the armed services.
- iii. For any police officer or firefighter credited with 30 or more years of service, and eligible for automatic promotion to captain or comparable rank in the police or fire divisions of the city under Charter Section 67, his or her average monthly compensation shall be the current monthly base compensation of a captain or comparable rank in the police or fire divisions of the city as of the date of his or her retirement, plus any shift premium pay, hazardous premium pay, holiday pay, longevity pay and incentive pay, excluding overtime pay, earned during the immediately preceding 12 months.

b. *1978 plan:*

- i. For each participant hired prior to July 1, 2012, the average monthly compensation, (excluding and disregarding any hiatus in the participant's employment by the city) for his or her five consecutive years of service for which such compensation was the highest. If his or her average monthly compensation for the 12 months next preceding the date of his or her retirement exceeds the average of his or her highest five consecutive years' compensation, then his or her average monthly compensation shall be based upon the 12-month period next preceding the date of his or her retirement, and in the case of death or disability incurred by a participant in the performance of duties before he or she has five consecutive years of service, his or her average monthly compensation shall be the average monthly rate of compensation during all his or her years of service.
- ii. For each participant that is hired on or after July 1, 2012, the average monthly compensation, (excluding and disregarding any hiatus in the participant's employment by the city) for his or her three consecutive years of service for which such compensation

was the highest. In addition, in the case of death or disability incurred by a participant in the performance of duties before he or she has five consecutive years of service, his or her average monthly compensation shall be the average monthly rate of compensation during all his or her years of service.

- iii. For any police officer or firefighter, the average monthly compensation for three (3) consecutive years of service (excluding and disregarding any hiatus in the participant's employment with the city) for which such average is the greatest, or, if a participant has less than three (3) consecutive years of service, the participant's average monthly compensation for the entire period, or if less, the three- year aggregate period during which the participant was an employee and of which such average is the greatest.
- iv. For any police officer or firefighter hired before February 1, 1978, credited with 30 or more years of service, and eligible for automatic promotion to captain or comparable rank in the police or fire divisions of the city under Charter section 67, his or her average monthly compensation shall be the average monthly base compensation of a captain or comparable rank in the police or fire divisions of the city for the immediately preceding three years to be calculated as follows: the current monthly compensation of a captain or comparable rank as of the date of his or her retirement, plus the monthly compensation of a captain or comparable rank as of the date one year prior to the date of his or her retirement, plus the monthly compensation of a captain or comparable rank as of the date two years prior to the date of his or her retirement, plus any shift premium pay, hazardous pay, longevity pay, and incentive pay, excluding overtime pay or any double time compensation for holidays, earned during the immediately preceding three years, the sum of which is divided by three.

2. Sec. 25-1(11) shall be amended by the addition of the following subsection (c) to Sec. 25-1(11) regarding the 2016 Plan:

(c) 2016 plan: For each participant, for each plan year, the amount of pay, not in excess of two hundred thousand dollars (\$200,000.00) (as such amount may be adjusted for inflation from time to time by the secretary of the treasury under Code Sections 401(a)(17) and 415(d)), received by such participant for services rendered to the city, including shift premium pay, hazardous pay, longevity pay and incentive pay, but excluding overtime pay or any double-time compensation for holidays.

3. Sec. 25-1(11) shall be amended by the addition of the following subsection (d):

(d) For years beginning after December 31, 2008, (i) an individual receiving a differential wage payment, as defined by Code section 3401(h)(2), from the city shall be treated as an employee of the city, (ii) the differential wage payment shall be treated as compensation, and (iii) the pension system shall not be treated as failing to meet the requirements of any provision described in Code Section 414(u) (1)(C) by reason of any contribution or benefit which is based on the differential wage payment.

4. Sec. 25-1(17) shall be amended and restated in its entirety to read as follows:

Employee means, except for any such employee who is eligible to make and has duly made the election provided in Sec. 25-160 hereof, any person hired on or before June 30, 2016, but who as of June 30, 2016 has seven and one-half (7.5) or more years of service with the city and who was on June 30, 2016 a participant in the City of Memphis Retirement System for General Employees, including police officers and firefighters, under City Ordinance Chapter 25, Articles I through VII, in the regular, full-time employ of the city to the extent that the city contributes to the salary of such employee in a job classification or title that the city administration shall designate as eligible for participation in the plan, including any person who is elected to his/her office by the people, but not including the light, gas and water division of the city, temporary employees as classified by the city, part-time employees, or any employee mandated by law to contribute to the federal Social Security system and not eligible to be a participant by his/her job classification.

The term "employee" shall also not include any person who is a leased employee within the meaning of Code §414(n). Leased employee means any person (other than an employee of the recipient) who pursuant to an agreement between the recipient and any other person ("leasing organization") has performed services for the recipient (or for the recipient and related persons determined in accordance with Code §414(n)(6)) on a substantially full-time basis for a period of at least one (1) year, and such services are performed under primary direction or control by the recipient. Contributions or benefits provided a leased employee by the leasing organization which are attributable to services performed for the recipient employer shall be treated as provided by the recipient employer. A leased employee shall not be considered an employee (unless otherwise specifically covered by the pension system) of the recipient if: (i) such employee is covered by a money purchase pension plan providing: (1) a nonintegrated employer contribution rate of at least ten percent (10%) of compensation, as defined in Code §415(c)(3), but including amounts contributed pursuant to a salary reduction agreement which are excludible from the employee's gross income under Code § 125, Code § 1320, Code §401(k), Code §402(h) or Code §403(b), (2) immediate participation, and (3) full and

immediate vesting; and (ii) leased employees do not constitute more than twenty percent (20%) of the recipient's non-highly compensated workforce.

5. The last sentence of Sec. 25-1(27) shall be deleted and the following sentence substituted therefor:

The determination of the line-of-duty disability of a participant shall be made on medical evidence by at least two (2) qualified physicians, one of whom may be the physician who makes disability determinations as to such participant for purposes of worker's compensation claims.

6. The last sentence of Sec. 25(31) shall be deleted and the following sentence substituted therefor::

The determination of the ordinary disability of a participant shall be made on medical evidence by at least two (2) qualified physicians, one of whom may be the physician who makes disability determinations as to such participant for purposes of worker's compensation claims.

7. Sec. 25-1(43) shall be amended by adding as subparagraph (h) thereto the following subparagraph (h):

(h) *Uniformed Service.* To the extent required under the Uniformed Services Employment and reemployment Rights Act of 1994, as amended from time to time, and subject to the mandates and conditions under such Act for the granting of service, including without limitation the payment of employee contributions as required under this Pension and Retirement System, a participant who leaves the employment of the city to enter the uniformed services and returns to employment with the city shall be credited with years of service in respect of such uniformed services.

8. Sec. 25-2 shall be amended and restated in its entirety to read as follows:

There is created and established a board of administration which, under the provisions of this title and the direction of the mayor, shall administer the plan and the trust fund created by this title. The board shall consist of the mayor or the mayor's designee, the officer in charge of the division of personnel or that officer's designee, the comptroller, five employees of the city with at least ten years of service, a citizen member of the city, a retiree of the plan, and a member of the city council. The member of city council shall be an ex officio member without a vote. The officer in charge of the division of personnel or that officer's designee shall be an ex officio member without a vote. The employee, citizen and retiree members of the board shall be appointed on the first Tuesday in December in odd-numbered years by the council on the recommendation of the mayor, for two year

appointments which shall begin on the January 1 next following the appointments. The council member of the board shall be chairman of the city council or the chairman's designee, who will be appointed each December, to serve for one year beginning on the January 1 next following the appointments. Each of the employee, citizen, retiree member, and city council member of the board shall serve until his or her successor is duly appointed. Vacancies during the term of any employee, citizen, retiree and/or city council member shall be filled by appointment in the same manner as provided for the original appointment except that such appointment shall be made as soon as reasonably feasible after such vacancy occurs (regardless of the year or when in the year such vacancy occurs). The term of such member shall begin effective immediately upon such appointment, and such member so appointed shall serve for the unexpired term of the original member or until a successor to such member is duly appointed. Until a vacancy is filled as provided herein the action of a quorum of the members as provided in Section 25-7 shall be and constitute a valid and binding action of the Board notwithstanding that a position is vacant.

9. Sec. 25-5 shall be amended and restated in its entirety to read as follows:

The mayor or the mayor's designee shall be ex officio chairperson and the comptroller ex officio treasurer of the board.

10. Sec. 25-31 shall be amended by adding as subparagraph (g) thereto the following subparagraph (g):

Five (5) members of the Pension Investment Committee shall constitute a quorum to transact any business, but it shall not require less than five (5) affirmative votes to carry out any matter presented to it.

11. Article V, Sec. 25-50 shall be amended and restated in its entirety to read as follows:

Sec. 25-50 Code §415 Limitations on Benefit Attributable to Employer Contributions.

(a) *Compliance with Code §415.* The limitations in this Section are intended to comply with the provisions of §415 of the Internal Revenue Code (the "Code") as applicable to governmental plans, the provisions of which are incorporated by reference. The plan shall be administered in compliance with the provisions of Code §415 and regulations under that section that are applicable to governmental plans and applicable provisions of the final regulations issued by the Internal Revenue Service on April 5, 2007. Employer-financed benefits provided by the retirement system shall not exceed the applicable limitations set forth in Code §415, as adjusted under section 415(d) to reflect cost of living increases, and the retirement system

shall adjust the benefits payable to participants and beneficiaries subject to the limitation each calendar year to conform with the adjusted limitation. For purposes of section 415(b) of the Code, the applicable limitation shall apply to aggregated benefits received from all qualified pension plans of the employer. If there is any discrepancy between the provisions of this Section and the provisions of Code §415 and the applicable regulations promulgated thereunder, such discrepancy shall be resolved in such a way as to give full effect to the provisions of the Code.

(b) *Basic Limitation on Benefit.* Notwithstanding any provision in the plan to the contrary and except as provided in subsection (b) hereof, the annual benefit payable to a participant under the plan to the extent attributable to employer contributions, shall not exceed the Defined Benefit Dollar Limitation.

(c) *Exceptions.* The limitations under subsection (a) shall not apply if the participant's annual benefit attributable to employer contributions under the plan or any other defined benefit plans maintained by an Affiliate does not in the aggregate exceed \$10,000. For Limitation Years ending after December 31, 2001, the Defined Benefit Dollar Limitation is \$160,000, as adjusted, effective January 1 of each year, under Code §415(d) in such manner as the Secretary of the Treasury shall prescribe, and payable in the form of a straight life annuity. A limitation as adjusted under Code §415(d) will apply to Limitation Years ending with or within the calendar year for which the adjustment applies.

(d) *Adjustments to Basic Limitation.*

(1) *Adjustment for Early Retirement.* If a Participant's benefit under the Plan commences before age sixty-two (62), the Defined Benefit Dollar Limitation shall be adjusted (in the manner prescribed by the Secretary of the Treasury) so that it is the Actuarial Equivalent of an annual benefit equal to the Defined Benefit Dollar Limitation commencing at age sixty-two (62). The reduction under this subparagraph shall not reduce the Defined Benefit Dollar Limitation below (i) \$75,000 if the benefit begins at age fifty-five (55), or (ii) if the benefit begins before age fifty-five (55), the equivalent of the \$75,000 limitation for age fifty-five (55).

(2) *Adjustment for Deferred Retirement.* If a Participant's benefit under the Plan commences after age sixty-five (65), the Defined Benefit Dollar Limitation shall be adjusted (in the manner prescribed by the Secretary of the Treasury) so that it is the Actuarial

Equivalent of a benefit equal to the Defined Benefit Dollar Limitation commencing at age sixty-five (65).

(3) *Adjustment for Less Than Ten Years of Participation.* If a Participant has completed less than ten (10) years of participation in the Plan, the Defined Benefit Dollar Limitation shall be adjusted by multiplying it by a fraction, the numerator of which is the Participant's number of years (or part thereof) of participation in the Plan and the denominator of which is ten (10); provided, such adjustment shall in no event reduce the Defined Benefit Dollar Limitation to an amount which is less than one-tenth ($1/10^{\text{th}}$) of the Defined Benefit Dollar Limitation [as determined without regard to this subsection (d)(3)].

(4) *Adjustment for Less Than Ten Years of Vesting Service.* If a Participant has completed less than ten (10) Years of Service, the limitation referred to in (b) and the exception described in (c) shall be adjusted by multiplying the amounts described in such limitation and exception by a fraction, the numerator of which is the Participant's number of Years of Service (or part thereof) and the denominator of which is ten (10); provided, such adjustments shall in no event reduce the limitation or exception amount to a figure which is less than one-tenth ($1/10^{\text{th}}$) of such limitation or exception amount as determined without regard to this subsection (d)(4).

(5) *Actuarial Equivalence.* Actuarial Equivalence under subsections (d)(1) and (d)(2) shall be determined using a five percent (5%) interest assumption and the applicable mortality table prescribed under Code §417(e)(3)(A)(II).

(e) *Special Rule for Survivor and Disability Benefits.* Regardless of the above, the early retirement reduction and the ten (10) year phase-in do not apply to survivor and disability benefits.

(f) *Treatment of Multiple Defined Benefit Plans.* The limitations of this section with respect to any participant who at any time has participated in any other defined benefit plan maintained by the employer shall apply as if the total benefits payable under all defined benefit plans in which the participant has participated were payable from one plan.

(g) *Special Definitions Applicable to Code §415 Limitations.*

(1) *Current Accrued Benefit.* The term "Current Accrued Benefit" shall mean a Participant's accrued benefit, when expressed as an

annual benefit within the meaning of Code §415(b)(2), determined as of the last day of the last Limitation Year beginning before January 1, 1987, without regard to any change in the terms of the Plan or any cost of living adjustments, if any, occurring after May 5, 1986.

(2) *Defined Benefit Dollar Limitation.* The term "“Defined Benefit Dollar Limitation” shall mean, for Limitation Years ending after December 31, 2001, \$160,000, as adjusted, effective January 1 of each year, under Code §415(d) in such manner as the Secretary of the Treasury shall prescribe, and payable in the form of a straight life annuity. A limitation as adjusted under Code §415(d) will apply to Limitation Years ending with or within the calendar year for which the adjustment applies.

(3) *Defined Benefit Plan.* The term “Defined Benefit Plan” shall mean any qualified retirement plan maintained by the Employer which is not a Defined Contribution Plan.

(4) *Compensation.* The term “Compensation” as used in this section shall mean compensation as defined in the Regs. 1.415(c)-2(a) and shall be adjusted for types of compensation paid after a Participant’s severance from employment as provided in the final regulations under Section 415 of the Internal Revenue Code effective April 5, 2007 (IRB 2007-18, T.D. 9319).

For purposes of this Section “Limitation Year” shall mean the Plan year.

12. Article V shall be amended by the addition of a new section, to be denominated as Sec. 25-52 Rollover Distributions, as follows:

25-52. Rollover Distributions.

(a) *Application.* Notwithstanding any provision in the Pension System to the contrary that would otherwise limit a distributee's election under this Section, a distributee may elect at the time and in the manner prescribed by the Board of Administration to have any portion of an eligible rollover distribution from the Pension System paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

(b) *Definitions.*

(1) "Eligible Rollover Distribution." An "eligible rollover distribution" is any distribution of all or any portion of the balance to the credit of the "distributee," except that an "eligible rollover distribution" does not include:

any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the "distributee" or the joint lives (or joint life expectancies) of the "distributee" and the "distributee's" designated beneficiary, or for a specified period of ten years or more; any distribution to the extent such distribution is required under Code Section 401(a)(9); the portion of any other distribution that is not includible in gross income (determined without regard to the exclusion for net unrealized appreciation with respect to employer securities); and any other distribution that is reasonably expected to total less than \$200 during a year.

(2) "Eligible Retirement Plan." An "eligible retirement plan" is an individual retirement account described in Code Section 408(a), an individual retirement annuity described in Code Section 408(b) (other than an endowment contract), a qualified trust (an employees' trust) described in Code Section 401(a) which is exempt from tax under Code Section 501(a), an annuity plan described in Code Section 403(a), an eligible deferred compensation plan described in Code Section 457(b) which is maintained by an eligible employer described in Code Section 457(e)(1)(A), and an annuity contract described in Code Section 403(b), that accepts the "distributee's" "eligible rollover distribution." However, in the case of an "eligible rollover distribution" to the surviving spouse or a nonspouse beneficiary as provided herein, an "eligible retirement plan" is an individual retirement account or individual retirement annuity.

(3) "Distributee." A distributee includes an employee or former employee. In addition, the employee's or former employee's surviving spouse and the employee's or former employee's spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Code § 414(p), are distributees with regard to the interest of the spouse or former spouse. In addition, a rollover shall be permitted in accordance with Code Section 402(c)(11). In general this includes a direct trust to trust transfer by a designated beneficiary to an inherited individual retirement account or annuity or other trust of a type specified by the Secretary of the Treasury.

(4) "Direct Rollover." A direct rollover is a payment by the pension system to the eligible retirement plan specified by the distributee.

(c) *Non-spouse beneficiary rollover right.* For distributions after December 31, 2009, a non-spouse beneficiary who is a "designated beneficiary" under Code §401(a)(9)(E) and the regulations thereunder, by a direct trustee-to-trustee transfer ("direct rollover"), may roll over all or any portion of his or her distribution from

the Pension System to an individual retirement account the beneficiary establishes for purposes of receiving the distribution. In order to be able to roll over the distribution, the distribution otherwise must satisfy the definition of an eligible rollover distribution.

(A) Certain requirements not applicable. Although a non-spouse beneficiary may roll over directly a distribution as provided above, any distribution made prior to January 1, 2010 is not subject to the direct rollover requirements of Code §401(a)(31) (including Code §401(a)(31)(B), the notice requirements of Code §402(f) or the mandatory withholding requirements of Code §3405(c)). If a non-spouse beneficiary receives a distribution from the Plan, the distribution is not eligible for a “60-day” rollover.

(B) Trust beneficiary. If the Participant’s named beneficiary is a trust, the Plan may make a direct rollover to an individual retirement account on behalf of the trust, provided the trust satisfies the requirements to be a designated beneficiary within the meaning of Code §401(a)(9)(E).

(C) Required minimum distributions not eligible for rollover. A non-spouse beneficiary may not roll over an amount which is a required minimum distribution, as determined under applicable Treasury regulations and other Revenue Service guidance. If the Participant dies before his or her required beginning date and the non-spouse beneficiary rolls over to an IRA the maximum amount eligible for rollover, the beneficiary may elect to use either the 5-year rule or the life expectancy rule, pursuant to Treas. Reg. §1.401(a)(9)-3, A-4(c), in determining the required minimum distributions from the IRA that receives the non-spouse beneficiary’s distribution.

(d) *Roth IRA rollover*. For distributions made after December 31, 2007, a participant may elect to roll over directly an eligible rollover distribution to a Roth IRA described in Code §408A(b).

13. Subparagraph (a) of Section 25-84 Refund of employee contributions shall be amended and restated in its entirety by substituting the following subparagraph (a) therefor:

(a) Any participant whose employment with the city terminates, for any reason other than death, who is not entitled to any benefits under section Sec. 25-78, Sec. 25-81 or Sec. 25-82, and who has not elected benefits under Sec. 25-83, shall receive an amount equal to the product of his or her total employee contributions times the applicable return multiple as determined under the table in Sec. 25-1 paid as soon as administratively feasible following the date the termination of his or her employment occurs or is deemed to have occurred under subsection C of this section unless he or she earlier withdraws the employee contributions,

becomes entitled to receive benefits under Sec. 25-78, Sec. 25-81 or Sec. 25-82, or elects benefits under Sec. 25-83.

14. Section 25-84 Refund of employee contributions shall be amended by the addition of the following as new subsection (b) and the re-lettering of the current subsection (b) as subsection (c):

(b) Any participant whose employment with the city terminates for any reason other than death but who is entitled to a benefit payable under Sec. 25-78, Sec. 25-81 or Sec. 25-82, and who has not elected benefits under Sec. 25-83, may elect to receive in lieu of any other benefit payable under any other section of this Plan an amount equal to the product of his or her total employee contributions times the applicable return multiple as determined under the table in Sec. 25-1 paid as soon as administratively feasible following the date the termination of his or her employment occurs (or which is deemed to have occurred under subsection C of this section) unless he or she earlier withdraws the employee contributions, becomes entitled to receive benefits under Sec. 25-78, Sec. 25-81 or Sec. 25-82, or elects benefits under Sec. 25-83. In the event that any participant elects to withdraw his or her participant contributions as provided in this section 25-84(b), such participant shall be deemed to have waived his or her rights to any other benefit payments under any provision of this Retirement System, including the right to payment of any survivor benefits otherwise payable in the event of the participant's death in accordance with section 25-90 or 25-91 or otherwise under the Pension System.

15. Sec. 25-85 shall be amended and restated in its entirety to read as follows:

25-85 Benefits upon reemployment.

If a participant receiving benefits pursuant to this 1948 plan is reemployed after his or her annuity commencement date, and becomes a participant in the Plan as provided in Sec. 25-61 or any other section of the Plan, no further benefit payments shall be made to that participant during his or her period of reemployment. Subsequent benefits and an appropriate annuity compensation date for that participant shall be determined based on his or her years of service determined under Sec. 25-1(45), and in accordance with this 1948 plan or the 1978 and 2016 plan, as applicable; provided, however, subsequent benefits shall be reduced by the actuarial equivalent of any amounts distributed between his or her first annuity commencement date and his or her most recent reemployment commencement date, but not to an amount less than the annual plan benefit he or she was receiving immediately before his or her most recent reemployment commencement date.

16. Effective from and after the effective date of this Ordinance subsection (a) of Sec. 25-93 shall be amended and restated in its entirety by substituting the following subparagraph (2) therefor:

Beneficiary priority. The death benefit of Sec. 25-90 or Sec. 25-91 shall be paid to the surviving spouse (as such term is defined in Sec. 25-1) until the spouse's death. If there is no spouse, or upon the spouse's death, the death benefit shall be made or shall continue to be paid to or on the behalf of the participant's surviving child and handicapped child (as the terms "child" and "handicapped child" are defined in Sec. 25-1), for as long as the individual is a child or handicapped child; provided, however, any handicapped child shall be entitled to receive only 50 percent of the benefit payment any other child of the participant shall be entitled to receive. If payments are made to more than one child, the death benefit shall be payable in equal shares; provided, if any child becomes ineligible to receive benefits because of death or attainment of age, the death benefit shall be divided equally among the remaining eligible children. No surviving spouse of a participant's spouse shall be entitled to any benefits from this 1948 plan as a result of the participant's spouse's interest in a benefit payable under Sec. 25-90 or 25-91.

17. Sec. 25-94 shall be deleted in its entirety and the following Sec. 25-94 substituted therefor as Sec. 25-94:

Sec. 94. Residual benefits and Refund of Employee Contributions.

- (a) Notwithstanding any other sections of this 1948 plan, a participant's beneficiaries, in the order of priority as set forth in Sec. 25-94(b) hereof, shall be paid any excess of the participant's total accumulated employee contributions, minus the aggregate total retirement and death benefit payments under this 1948 plan made to the participant, the participant's spouse, children, or any other designated beneficiary, following the death of all such individuals.
- (b) For a participant whose employment terminates due to death, whose beneficiaries are not entitled to any benefit under any other section of this Plan, such participant's beneficiaries, in the order specified below, shall be entitled to receive a refund of the participant's contributions, less the aggregate of any amount of such contributions paid to the participant, the participant's spouse, children or any other designated beneficiary, prior to the participant's death. The beneficiaries of the benefit under this section (or in the case of residual benefits the beneficiaries of any residual benefits under Sec. 25-94(a) hereof) shall be

(i) the beneficiary or beneficiaries designated by the participant (in accordance with procedures established by the Board). Notwithstanding the foregoing to the contrary, if the participant is married at the time of such designation, if the beneficiary or beneficiaries designated by the participant is not the participant's spouse, the participant's spouse's written consent to such specific beneficiary or beneficiaries shall be required for such designation to become effective, and such consent shall be witnessed by a notary public or by the Benefits Manager of the City, the Total Rewards Officer of the City, or such other person representing the Board as duly designated by the Board. A participant's spouse may give a general consent acknowledging the spouse's right to consent to any beneficiary or beneficiaries and relinquishing such right, in which event any future revocation and/or redesignation of beneficiary(ies) by the participant shall not require further spousal consent. The consent of the spouse must acknowledge the effect of such election and, once given, cannot be revoked by such spouse. Any spousal consent shall only be applicable to the spouse granting such consent, or

(ii) the participant's spouse, if married to the participant at the time of his/her death, or

(iii) if no such spouse, the participant's surviving child and handicapped child, as those terms are defined in Section 25-1(6), or

(iv) if no such surviving child and/or handicapped child, to the participant's surviving child as the term "child" is defined in Section 25-1(6) but without regard to the child's age or status in an educational institution, or

(v) if no such surviving child to the alternative beneficiary or beneficiaries designated by the participant (in accordance with procedures established by the Board) or

(vi) if the participant failed to designate an alternate beneficiary or beneficiaries as provided above, to the participant's estate.

If there is more than one eligible beneficiary the benefit shall be divided equally among the eligible beneficiaries unless the beneficiaries are designated beneficiaries by the participant as provided above whereupon the benefit will be divided in accordance with the designation by the participant, or if no such designation then equally. For purposes of this section, the terms "spouse" and "child" shall mean any person who the Board determines in good faith under the Plan is the legally recognized spouse or child of the participant. Each beneficiary, or his/her duly appointed representative, shall be responsible for making application, in accordance with uniform procedures established by the Board, for any

benefit due him/her under this section. A beneficiary shall have no claim against the Board, or the pension system, or the city by reason of the failure of such beneficiary to apply properly or timely for benefits under the pension system.

18. Sec. 25-160 Participation shall be amended by adding the following as subparagraph (e) thereto:

(e) Each Transferred Participant (as such term is defined in Sec. 25-1(43)) who (i) both as of the original effective date of this 2016 plan was, has continuously since such date been, and continues to be as of the effective date of this Ordinance employed by the City in full-time employment as a commissioned fire or police officer, a police dispatcher, a fire alarm operator, or a paramedic, (ii) has continuously since adoption of this 2016 plan participated in this 2016 plan as a Transferred Participant and has not experienced a severance date as such term is defined in Sec. 25-1(39), (iii) has not withdrawn any amount of his or her cash balance account or separate defined contribution plan account from the 2016 plan may make a one-time irrevocable election in a form and manner prescribed by the City to transfer his or her entire cash balance account, consisting of both participant and city contributions and the aggregate interest credits on said account, plus his or her entire separate defined contribution plan account to the 1978 plan, whereupon his or her participation in the 2016 plan and any and all rights and benefits thereunder shall cease and such Transferred Participant shall participate in the 1978 plan, the same as if he or she had not transferred participation from the 1978 plan to the 2016 plan. Such election, once made, shall be irrevocable and may not be subsequently modified. If a participant makes such an election, all rights and benefits upon subsequent retirement or other termination of employment by such Transferred Participant shall be governed solely and exclusively by the terms and provisions of the 1978 plan.

19. Subparagraph (a) of Section 25-184 Refund of employee contributions shall be amended and restated in its entirety by substituting the following subparagraph (a) therefor:

(a) Any participant whose employment with the city terminates, for any reason other than death, who is not entitled to any benefits under Sec. 25-178, Sec. 25-181 or Sec. 25-182, and who has not elected benefits under Sec. 25-183, shall receive an amount equal to the product of his or her total employee contributions times the applicable return multiple as determined under the table in Sec. 25-1 paid as soon as administratively feasible following the date the termination of his or her employment occurs (or which is deemed to have occurred under subsection C of this section) unless he or she earlier withdraws the employee contributions, becomes entitled to receive benefits under Sec. 25-178, Sec. 25-181 or Sec. 25-182, or elects benefits under Sec. 25-183.

20. Section 25-184 Refund of employee contributions shall be amended by the addition of the following as new subsection (b) and the re-lettering of the current subsection (b) as subsection (c):

(b) Any participant whose employment with the city terminates for any reason other than death but who is entitled to a benefit payable under Sec. 25-178, Sec. 25-181 or Sec. 25-182, and who has not elected benefits under Sec. 25-183, may elect to receive in lieu of any other benefit payable under any other section of this Plan an amount equal to the product of his or her total employee contributions times the applicable return multiple as determined under the table in Sec. 25-1 paid as soon as administratively feasible following the date the termination of his or her employment occurs or is deemed to have occurred under subsection C of this section unless he or she earlier withdraws the employee contributions, becomes entitled to receive benefits under Sec. 25-178, Sec. 25-181 or Sec. 25-182, or elects benefits under Sec. 25-183. In the event that any participant elects to withdraw his or her participant contributions as provided in this section 25-184(b), such participant shall be deemed to have waived his or her rights to any other benefit payments under any provision of this Retirement System, including the right to payment of any survivor benefits otherwise payable in the event of the participant's death in accordance with section 25-190 or 25-191 or otherwise under the Pension System.

21. Sec. 25-185 shall be amended and restated in its entirety to read as follows:

Sec. 25-185 Benefits upon reemployment.

If a participant receiving benefits pursuant to this 1978 plan is reemployed after his annuity commencement date, and becomes a participant in this Plan as provided in Sec. 25-161 or any other section of the Plan, no further benefit payments shall be made to that participant during his period of reemployment. Subsequent benefits and an appropriate annuity commencement date for that participant shall be determined based on his years of service determined under section 25-1(45) and in accordance with this 1978 plan or the 1948 and 2016 plans, as applicable; provided, however, subsequent benefits shall be reduced by the actuarial equivalent of any amounts distributed between his or her first annuity commencement date and his or her most recent reemployment commencement date, but not to an amount less than the annual plan benefit he or she was receiving immediately before his or her most recent reemployment commencement date.

Any employee hired after October 1, 2013, that leaves employment at the City of Memphis and is eligible for a pension benefit under this 1978 plan or any other plan division of the Memphis Pension System and is then employed at the MLGW, Shelby County, or any other taxpayer supported Primary Government and Discretely Presented Component Units of Memphis or Shelby County shall have his/her pension payment under the City of Memphis Pension System reduced

by the amount of the salary received from such employment up to the amount of the pension payment under the City of Memphis Pension System during the period of such employment. If the pension payment under the City of Memphis Pension System exceeds the salary received in such employment, then the pension payment shall be reduced by the amount of the gross amount of the salary during the period of employment.

22. Effective from and after the effective date of this Ordinance subsection (a) of Sec. 25-193 shall be amended and restated in its entirety by substituting the following subparagraph (a) therefor:

Beneficiary priority. The death benefit of Sec. 25-190 or Sec. 25-191 shall be paid to the surviving spouse (as such term is defined in Sec. 25-1) until the spouse's death. If there is no spouse, or upon the spouse's death, the death benefit shall be made or shall continue to be paid to or on the behalf of the participant's surviving child and handicapped child (as the terms "child" and "handicapped child" are defined in Sec. 25-1), for as long as the individual is a child or handicapped child; provided, however, any handicapped child shall be entitled to receive only 50 percent of the benefit payment any other child of the participant shall be entitled to receive. If payments are made to more than one child, the death benefit shall be payable in equal shares; provided, if any child becomes ineligible to receive benefits because of death or attainment of age, the death benefit shall be divided equally among the remaining eligible children. No surviving spouse of a participant's spouse shall be entitled to any benefits from this 1978 plan as a result of the participant's spouse's interest in a benefit payable under Sec. 25-190 or 25-191.

For each participant hired on or after July 1, 2012, the death benefit of 25-190 or 25-191 shall be paid to the surviving spouse until the spouse's death. If there is no spouse, or upon the spouse's death, the death benefit shall be made, or shall continue to be paid to or on the behalf of the participant's child and handicapped child (as the terms "child" and "handicapped child" are defined in Sec. 25-1), for as long as the individual is a child or handicapped child; provided, however, any handicapped child shall be entitled to receive only 50 percent of the benefit payment any other child of the participant shall be entitled to receive. If payments are made to more than one child, the death benefit shall be payable in equal shares; provided, if any child becomes ineligible to receive benefits because of death or attainment of age, the death benefit shall be divided equally among the remaining eligible children. No surviving spouse of a participant's spouse shall be entitled to any benefits from this 1978 plan as a result of the participant's spouse's interest in a benefit payable under Sec. 25-190 or 25-191.

23. Sec. 25-194 shall be deleted in its entirety and the following Sec. 25-194 substituted therefor as Sec. 25-194:

Sec. 194. Residual benefits and Refund of Employee Contributions.

- (a) Notwithstanding any other sections of this 1978 plan, a participant's beneficiaries, in the order of priority as set forth in Sec. 25-194(b) hereof, shall be paid any excess of the participant's total accumulated employee contributions, minus the aggregate total retirement and death benefit payments under this 1978 plan made to the participant, the participant's spouse, children, or any other designated beneficiary, following the death of all such individuals.
- (b) For a participant whose employment terminates due to death, whose beneficiaries are not entitled to any benefit under any other section of this Plan, such participant's beneficiaries, in the order specified below, shall be entitled to receive a refund of the participant's contributions, less the aggregate of any amount of such contributions paid to the participant, the participant's spouse, children or any other designated beneficiary, prior to the participant's death. The beneficiaries of the benefit under this section (or in the case of residual benefits the beneficiaries of any residual benefits under Sec. 25-194(a) hereof) shall be

- (i) the beneficiary or beneficiaries designated by the participant (in accordance with procedures established by the Board). Notwithstanding the foregoing to the contrary, if the participant is married at the time of such designation, if the beneficiary or beneficiaries designated by the participant is not the participant's spouse, the participant's spouse's written consent to such specific beneficiary or beneficiaries shall be required for such designation to be effective, and such consent shall be witnessed by a notary public or by the Benefits Manager of the City, the Total Rewards Officer of the City, or such other person representing the Board as duly designated by the Board. A participant's spouse may give a general consent acknowledging the spouse's right to consent to any beneficiary or beneficiaries and relinquishing such right, in which event any future revocation and/or redesignation of beneficiary(ies) by the participant shall not require further spousal consent. The consent of the spouse must acknowledge the effect of such election and, once given, cannot be revoked by such spouse. Any spousal consent shall only be applicable to the spouse granting such consent, or

- (ii) the participant's spouse, if married to the participant at the time of his/her death, or

- (iii) if no such spouse, the participant's surviving child and handicapped child, as those terms are defined in Section 25-1(6), or

(iv) if no such surviving child and/or handicapped child, to the participant's surviving child as the term "child" is defined in Section 25-1(6) but without regard to the child's age or status in an educational institution, or

(v) if no such surviving child to the alternative beneficiary or beneficiaries designated by the participant (in accordance with procedures established by the Board) or

(vi) if the participant failed to designate an alternate beneficiary or beneficiaries as provided above, to the participant's estate.

If there is more than one eligible beneficiary the benefit shall be divided equally among the eligible beneficiaries unless the beneficiaries are designated beneficiaries by the participant as provided above whereupon the benefit will be divided in accordance with the designation by the participant, or if no such designation then equally. For purposes of this section, the terms "spouse" and "child" shall mean any person who the Board determines in good faith under the Plan is the legally recognized spouse or child of the participant. Each beneficiary, or his/her duly appointed representative, shall be responsible for making application, in accordance with uniform procedures established by the Board, for any benefit due him/her under this section. A beneficiary shall have no claim against the Board, or the pension system, or the city by reason of the failure of such beneficiary to apply properly or timely for benefits under the pension system.

24. Sec. 25-201 Cessation of accruals for transferred participants shall be amended and restated in its entirety to read as follows:

Except as expressly provided below and solely for Transferred Participants who have duly made the election provided in Sec. 25-160(e), notwithstanding any other contrary provision of this pension system, in calculating the accrued benefit (including the right to any optional benefit provided under the pension system) of any transferred participant, such transferred participant shall accrue no additional benefit under the pension system, division 1 or division 2, on or after June 30, 2016. Transferred Participants who have duly made the election in Sec. 25-160(e) shall accrue no benefit under division 3 (the 2016 plan) but shall accrue benefits solely pursuant to the terms and provisions of this 1978 plan.

25. Subparagraph (a) of Sec. 25-211 shall be amended and restated to read as follows:

General rule. Each person (1) who is hired on or after July 1, 2016, or (2) who is a transferred participant as defined in Sec. 25-1(43)(except for those transferred participants who are eligible to make and have duly made the election provided in Sec. 25-160), in each case who is in the regular, full-time employment of the city to the extent that the city contributes to the salary of such employee in a job classification or

title that the city administration shall designate as eligible for participation in the plan, including any person who is elected to his/her office by the people, but not including the light, gas and water division of the city, temporary employees as classified by the city, part-time employees, or any employee mandated by law to contribute to the federal Social Security system and not eligible to be a participant by his/her job classification, shall become a participant in this 2016 plan as of his or her employment creditable service date without any further action on his or her part.

26. Section 25-211 shall be amended by adding as subparagraph (e) thereto the following subparagraph (e):

(e) *Leased Employee.* The term “employee” shall also not include any person who is a leased employee within the meaning of Code §414(n)

27. Sec. 25-240 Normal Retirement shall be amended by adding as subparagraph (b) the following and renumbering the current subparagraph (b) as subparagraph (c):

(b) Any Participant eligible for a normal retirement benefit pursuant to subparagraph (a) above may irrevocably elect to receive between five percent (5%) and twenty-five percent (25%) (in increments of five percent (5%)) of his/her accrued benefit in the form of an actuarial equivalent single lump-sum distribution. Such election shall be made prior to the participant's annuity commencement date in accordance with uniform procedures established by the Board.

If a participant elects to receive any part of his/her accrued benefit in the form of a lump-sum distribution as provided in this subparagraph (b), the monthly retirement benefit payable to such participant shall be reduced by an equal percentage. Such election shall likewise reduce the amount of any death benefit payable to a surviving spouse or any other beneficiary or beneficiaries, which shall be calculated taking into account such election.

Any cost of living adjustments to the participant's monthly retirement benefit shall be calculated based on the reduced monthly benefit resulting from the lump-sum distribution election.

In determining any minimum monthly benefit provided under the plan, the amount of the applicable minimum shall be reduced by the percentage lump sum elected by the participant.

28. Subparagraph (a) and (b) of Sec. 25-242 shall be restated and amended in their entirety to read as follows:

(a) Any participant meeting the requirements of section 25-242(d) may elect to receive a deferred retirement benefit under this 2016 Plan equal to his/her accrued benefit and payable in the form of a single life annuity.

(b) The annuity commencement date of any participant who is to receive his or her benefit pursuant to section 25-242(a) shall be the date s/he reaches age sixty (60).

29. Subparagraph (c) of Sec. 25-242 shall be relettered as subparagraph (d) and the following subparagraph (c) added to Sec. 25-242:

(c) A participant may revoke his/her election under section 25-242 at any time before his/her annuity commencement date. Any participant timely revoking his section 25-242 election shall receive a refund in accordance with section 25-243 of all employee contributions made by him/her or on her/his behalf under this 2016 plan.

30. Subparagraph (a) of Section 25-243 Refund of employee contributions shall be amended and restated in its entirety by substituting the following subparagraph (a) therefor:

(a) Any participant whose employment with the city terminates, for any reason other than death, who is not entitled to any benefits under Sec. 25-240 or 25-241, and who has not elected benefits under Sec. 25-242, shall receive an amount equal to his/her total participant employee cash balance plan contributions plus the interest crediting rate on such contributions as provided herein and defined contribution account balance attributable to the participant's contributions. Such refund of employee contributions shall be paid as soon as administratively feasible following the date the termination of his/her employment occurs (or which is deemed to have occurred under Section 25-243(c)) unless s/he earlier withdraws the participant employee contributions or becomes entitled to receive benefits under any other section of this Plan.

31. Section 25-243 Refund of employee contributions shall be amended by the addition of the following as new subsection (b) and the re-lettering of the current subsection (b) as subsection (c):

(b) Any participant whose employment with the city terminates for any reason other than death but who is entitled to a benefit payable under Sec. 25-240 or 25-241, and who has not elected benefits under Sec. 25-242, may elect to receive in lieu of any other benefit payable under any other section of this Plan an amount equal to his or her total participant employee cash balance plan contributions plus the interest crediting rate on such contributions as provided herein together with his or her defined contribution account balance attributable to such participant's contributions. Such refund of employee contributions shall be paid as soon as administratively feasible following the date the termination of his/her employment occurs (or which is deemed to have occurred under Section 25-243(c)) unless s/he earlier withdraws the participant employee contributions or becomes entitled to

receive benefits under any other section of this Plan. In the event that any participant elects to withdraw his or her participant contributions as provided in this section 25-243(b), such participant shall be deemed to have waived his or her rights to any other benefit payments under any provision of this Retirement System, including the right to payment of any survivor benefits otherwise payable in the event of the participant's death in accordance with section 25-251 or otherwise under the Pension System.

32. Subsection (a) of Sec. 25-250 shall be amended by adding the following sentence as the last sentence of said subsection (a):

Such death benefit shall be paid in accordance with Sec. 25-252.

33. Subsection (b) of Sec. 25-250 shall be amended by adding the following sentence as the last sentence of said subsection (b):

Such death benefit shall be paid in accordance with Sec. 25-252.

34. The first paragraph of Sec. 25-251(a), Other Death Benefit shall be amended and restated to read as follows:

(a) The beneficiaries described in section 25-251(b) of a participant who dies other than as described in Sec. 25-250(a) or Sec. 25-250(b) and who has not elected deferred retirement under section 25-242, shall receive a death benefit in accordance with Sec. 25-252 equal to seventy-five percent (75%) of:

35. The following subsection (c) shall be added to Section 25-251 as follows:

(c) *Death Benefits with Respect to Qualified Military Service.* In the case of a participant who dies on or after January 1, 2007 while performing qualified military service (as defined in Code section 414(u)) with respect to the city, his/her beneficiary shall have a nonforfeitable interest in all city contributions to the participant to the extent that he/she would have had to such city contributions in the event that the participant resumed, and then terminated, employment on account of death.

36. The following Sec. 25-252 shall be added as Sec. 25-252 Distribution as follows.

Sec. 25-252. Distribution.

(a) *Beneficiary priority.* The death benefit of Sec. 25-250 or 25-251 shall be paid to the surviving spouse until the spouse's death. If there is no spouse, or upon the spouse's death, the death benefit shall be made or shall continue to be paid to or on the behalf of the participant's surviving children and handicapped children, for as long as they are children or handicapped children; provided, however, any handicapped child shall be entitled to receive only fifty (50)

percent of the benefit payment any other child of the participant shall be entitled to receive. If payments are made to more than one child, the death benefit shall be payable in equal shares; provided, if any child becomes ineligible to receive benefits because of death or attainment of age, the death benefit shall be divided equally among the remaining eligible children. No surviving spouse of a participant's spouse shall be entitled to any benefits from this 2016 plan as a result of the participant's spouse's interest in a benefit payable under Sec. 25-250 or Sec. 25-251.

- (b) *Payment after refund.* If a participant's employee contributions have been refunded under section 25-243 before the participant's date of death, credits against such refund shall be made in lieu of death benefit payments under section 25-250 or 25-251 until such credits have fully offset such refund amount.

37. The following Sec. 25-253 shall be added as Sec. 25-253 Residual benefits as follows.

Sec. 25-253 Residual benefits.

Notwithstanding any other sections of this 2016 plan, a participant's beneficiaries, in the order of priority as set forth in Sec. 25-254 hereof, shall be paid any excess of the participant's total accumulated employee contributions, minus the aggregate total retirement and death benefit payments under this 2016 plan made to the participant, the participant's spouse, children, or any other designated beneficiary, following the death of all such individuals.

38. The following Sec. 25-254 shall be added as Sec. 25-254 Employee Contribution Refunds Upon Death as follows.

Sec. 25-254 Employee Contribution Refunds Upon Death.

For a participant whose employment terminates due to death, whose beneficiaries are not entitled to any benefit under any other section of this Plan, such participant's beneficiaries, in the order specified below, shall be entitled to receive a refund of the participant's contributions, less any amount of such contributions paid to the participant, the participant's spouse, children or any other designated beneficiary, prior to the participant's death. The beneficiaries of the benefit under this section (or in the case of residual benefits the beneficiaries of any residual benefits under Sec. 25-253 hereof) shall be

- (i) the beneficiary or beneficiaries designated by the participant (in accordance with procedures established by the Board). Notwithstanding the

foregoing to the contrary, if the participant is married at the time of such designation, if the beneficiary or beneficiaries designated by the participant is not the participant's spouse, the participant's spouse's written consent to such specific beneficiary or beneficiaries shall be required for such designation to become effective, and such consent shall be witnessed by a notary public or by the Benefits Manager of the City, the Total Rewards Officer of the City, or such other person representing the Board as duly designated by the Board. A participant's spouse may give a general consent acknowledging the spouse's right to consent to any beneficiary or beneficiaries and relinquishing such right, in which event any future revocation and/or redesignation of beneficiary(ies) by the participant shall not require further spousal consent. The consent of the spouse must acknowledge the effect of such election and, once given, cannot be revoked by such spouse. Any spousal consent shall only be applicable to the spouse granting such consent, or

(ii) the participant's spouse, if married to the participant at the time of his/her death, or

(iii) if no such spouse, the participant's surviving child and handicapped child, as those terms are defined in Section 25-1(6), or

(iv) if no such surviving child and/or handicapped child, to the participant's surviving child as the term "child" is defined in Section 25-1(6) but without regard to the child's age or status in an educational institution, or

(v) if no such surviving child to the alternative beneficiary or beneficiaries designated by the participant (in accordance with procedures established by the Board) or

(vi) if the participant failed to designate an alternate beneficiary or beneficiaries as provided above, to the participant's estate.

If there is more than one eligible beneficiary the benefit shall be divided equally among the eligible beneficiaries unless the beneficiaries are designated beneficiaries by the participant as provided above whereupon the benefit will be divided in accordance with the designation by the participant, or if no such designation then equally. For purposes of this section, the terms "spouse" and "child" shall mean any person who the Board determines in good faith under the Plan is the legally recognized spouse or child of the participant. Each beneficiary, or his/her duly appointed representative, shall be responsible for making application, in accordance with uniform procedures established by the Board, for any benefit due him/her under this section. A beneficiary shall have no claim against the Board, or the pension system, or the city by reason of the failure of such beneficiary to apply properly or timely for benefits under the pension system.

39. Sec. 25-260 City's 457(b) Plan shall be amended in its entirety to read as follows:

Sec. 25-260. City's 457(b) Plan

(1) *Rollover of participant accounts attributable to participant's compensation from the city's 457(b) plan.* To the extent permitted by the Internal Revenue Code, a participant of the 2016 Plan entitled to a benefit under Sec. 25-240, Sec. 25-241, or Sec. 25-242 who also participates in the city's 457(b) plan may, upon such participant's termination of employment with the city but prior to the participant's annuity commencement date, transfer from the participant's 457(b) account by direct rollover to this 2016 Plan any portion or all of the amounts in the participant's 457(b) account attributable to the contributions made by the participant and/or the city with respect to the compensation of the participant from the city, provided such transfer will not jeopardize the tax exempt status of this plan. Any amounts in a participant's account rolled over by the participant from a 457(b) or other employee benefit plan of an employer other than the city (except as provided below with respect to the Memphis and Shelby County Airport Authority) may not be rolled over to this 2016 Plan. The transferred amount shall be set up in a separate account to be known as a "Rollover Account." Such Rollover Account shall be fully vested at all times and shall not be subject to forfeiture. Such Rollover Account shall be held pursuant to the provisions of this 2016 plan and shall not be withdrawn by or distributed to the participant except as provided in this 2016 Plan.

To the extent an employee of the Memphis and Shelby County Airport Authority who participates in the city's 457(b) plan also participates in this 2016 Plan and is entitled to a benefit under Sec. 25-240, Sec. 25-241, or Sec. 25-242 of this 2016 Plan, such participant may from the participant's 457(b) account in the city's 457(b) plan by direct rollover transfer to this 2016 Plan any portion or all of the amounts in the participant's 457(b) account attributable to the contributions made by the participant and/or the Memphis and Shelby County Airport Authority with respect to the compensation of the participant from the Memphis and Shelby County Airport Authority, to the extent the Memphis and Shelby County Airport Authority makes contributions to this 2016 Plan with respect to such participant and provided such transfer will not jeopardize the tax exempt status of this plan. The transferred amount shall be set up in a separate account to be known as a "Rollover Account." Such Rollover Account shall be fully vested at all times and shall not be subject to forfeiture. Such Rollover Account shall be held pursuant to the provisions of this 2016 plan and shall not

be withdrawn by or distributed to the participant except as provided in this 2016 Plan.

(2) *Distribution of Rollover Account as Part of Accrued Benefit.* At the participant's normal retirement date, or such other date when the participant shall be entitled to receive benefits under Sec. 25-240, Sec. 25-241, or Sec. 25-242, the value of the Rollover Account shall be combined with the participant's cash balance account and defined contribution account to provide additional monthly benefits to the participant as provided herein.

40. Sec. 25-273, Prohibition of Assignment shall be amended and restated to read as follows:

Except as otherwise provided by law, no benefit payable under this plan shall be subject to anticipation, alienation, sale, transfer, assignment, pledge, encumbrance, charge, attachment, garnishment, execution, or levy of any kind or any other process of law, voluntary or involuntary. Any attempt to so dispose of any rights to benefits payable hereunder shall be void, unless otherwise authorized by applicable law. Neither the plan nor trust shall be liable for or subject to the debts, contracts, liabilities, engagements or torts of any person entitled to benefits hereunder.

Unless otherwise provided by applicable law, effective July 1, 2015, the restrictions on transfers of benefits as described in this Section shall not apply to the creation, assignment, or recognition of a right to any benefit payable with respect to a participant pursuant to a "qualified domestic relations order" defined in Internal Revenue Code Section 414(p) and as provided in Tenn. Code Ann. 26-2-105, as amended. The Board shall establish a written procedure to determine the qualified status of domestic relations orders and to administer distributions under such qualified orders. For the purposes of this Section "qualified domestic relations order" shall have the meaning set forth under Code Section 414(p).

Where there is a reference in the above Ordinance to the effective date of this Ordinance, such date shall be the date this Ordinance is duly stamped by the Deputy Controller-Council Records or such other City employee authorized to stamp and certify adoption of City Ordinances.

**SUBSTITUTE ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MEMPHIS
CREATING ARTICLE II CHAPTER 2 OF THE MEMPHIS CODE OF ORDINANCES
ENTITLED LOBBYIST REGISTRATION AND DISCLOSURES**

WHEREAS, cities across the country have implemented lobbyist registrations to regulate lobbying activities and to help promote local governmental transparency and thereby fosters public confidence in elected and appointed officers and government employees; and

WHEREAS, the Memphis City Council recognizes that First Amendment Rights must be safeguarded and endeavors to do so in all circumstances, including ensuring city government functions to serve the needs of all citizens; and

WHEREAS, establishing a lobbyist registration that requires lobbyists to register annually and to file their state-mandated disclosure statements with the City of Memphis will enhance a robust, inclusive, and transparent public process; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS that the findings and recitations set out in the preamble to this ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

BE IT FURTHER ORDAINED that the City of Memphis Permits Office will administer the lobby registration to mandate lobbyists to register annually and to file their state-mandated disclosure statements with the City of Memphis to help promote transparency within the City of Memphis.

SECTION 1.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS Article II, Chapter 2 of the Code of Ordinances, City of Memphis is hereby created and entitled “**LOBBYIST REGISTRATION AND DISCLOSURE**” as follows:

Section 2-99-01. Purpose.

The purpose of “Lobbyist Registration and Disclosure” is to

- A. It is the intent of the Memphis City Council to promote, preserve, and advance public trust and confidence in our system of government by holding others and ourselves to ethical and transparent standards.

Section 2-99-02. Definitions.

Administrative action means the taking of any recommendation or report the making of any decision or taking any action to postpone any action or decision, action of the mayor in approving or vetoing any ordinance or resolution, the promulgation of a rule and regulation.

Association means a union, league, chamber of commerce, committee, club, or other

membership organization.

Business day means every day, except Saturday, Sunday, and holidays observed by the City of Memphis.

Candidate for public office means an individual who has made a formal announcement of candidacy or qualified under the law of this state to seek nomination for election or elections to any office, or has received contributions or made expenditures except for incidental expenditures to determine if one shall be a candidate, or has given consent for a campaign committee to receive contributions or make expenditures with a view to bringing about a nomination for election or the election to any governmental office, and any individual who has been nominated for appointment as an official in the legislative or executive branch.

Client means any person or entity that employs, retains, or otherwise arranges for a lobbyist to engage in lobbying on behalf of the person or entity for compensation, sometimes referred to as “employer”.

1. "*Client*" specifically includes any such person or entity notwithstanding the lobbyist's status as an employee, agent, contractor, subcontractor, or other representative lobbying on behalf of such person or entity for compensation.
2. "*Client*" does not include the individual employees, officers, directors, or members of a corporation, labor organization, association, or membership organization other than the chief executive officer and the chief financial officer or comparable individuals within such corporation, labor organization, association, or membership organization.
3. A lobbying firm or law firm is not deemed to be the client of any lobbyist within the firm.

Compensation means any salary received or to be received by anyone acting as a lobbyist, whether in the form of a fee, salary, payment, reimbursement, or other valuable consideration and any combination thereof. Compensation does not include the salary of an individual whose lobbying is incidental to regular employment.

Contribution shall not be construed to include the following:

1. Services, including expenses provided without compensation by a candidate or individuals volunteering a portion or all of their time, on behalf of a candidate or campaign committee;
2. Any news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned wholly or in part, or controlled by any political party, political committee or candidate;

3. Activity designed to encourage individuals to vote or register to vote;
4. Any written, oral, or electronically transmitted communication by any membership organization or corporation to its members or stockholders, if such membership organization or corporation is not organized primarily for the purpose of influencing the nomination for election, or election, of any person to public office; or

Immediate family means a spouse or minor child living in the household

Influencing means promoting, supporting, modifying, opposing, or delaying any legislative or administrative action by any means, including but not limited to the provision or use of information, statistics, studies, or analyses. "Influencing" does not include the furnishing of information, statistics, studies, or analyses requested by an official of the legislative or executive branch to such official, or the giving of testimony by an individual testifying at an official hearing conducted by officials of the legislative or executive branch.

Legislative action means introduction, sponsorship, debate voting, or any other official action or inaction on any ordinance, resolution, amendment, nomination, appointment, report, or any other matter pending or proposed in a council committee or in the council.

Lobby or *Lobbying* means to communicate, directly or indirectly, with any official in the legislative branch or executive branch, for the purpose of influencing any legislative action or administrative action.

Lobby or *Lobbying* does not mean any of the following communications:

1. with officials of the legislative or executive branches by an elected or appointed public official performing the duties of the office held;
2. from a duly licensed attorney at law acting in a representative capacity on behalf of a client appearing before an official of the executive branch for the purpose of determining or obtaining such person's legal rights or obligations in a contested case action, administrative proceeding, or rule making procedure;
3. from an editor or working member of the press, radio or television who, in the ordinary course of business, disseminates news or editorial comment to the general public;
4. by an incumbent or prospective contractor or vendor, or an employee of the contractor or vendor, while engaged in selling or marketing to the City of Memphis, or any City of Memphis department, board, or commission, by demonstrating or describing goods or services to be provided or by inquiring

about specifications, terms, conditions, timing, or similar commercial information. However, the contractor or vendor, or employee of the contractor or vendor, shall be deemed to be a lobbyist if actively engaged in selling or marketing to an official in the executive branch or an official in the legislative branch whose duty it is to vote for, let out, overlook, or in any manner to superintend any work or any contract so marketed or sold;

5. with officials of the executive branch by any person to promote, oppose, or otherwise influence the outcome of a decision related to the issuance or award of a bond, grant, lease, loan, incentive or any component of an economic development incentive package; provided, that any person who is otherwise required to register as a lobbyist under the provisions of this chapter shall not be deemed to fall within this exception.

Lobbying firm means any firm, corporation, partnership or other business entity that supplies lobbying services to others for compensation. A lobbying firm is not considered an “employer” or “client” of any lobbyist within the firm for purposes of this chapter.

Lobbyist means any person who engages in lobbying for compensation.

Official in the executive branch means any member or employee in the executive branch who takes any administrative action.

Official in the legislative branch means any member, member-elect, any staff or employee of the council.

Person means an individual, business entity, partnership, committee, association, corporation, labor organization, or any other organization or group of persons.

Solicit means to entreat, to implore, to ask, to attempt, or to try to obtain.

Yearly or *Annually* shall mean occurring once a year or every year.

Section 2-99-03. Administration of provisions—Powers and duties.

This chapter shall be administered by the Permits Office. It shall be the duty of the Permits Office:

- (A) To prescribe forms for statements, reports and other information required to be electronically filed by this chapter, and to furnish such forms to persons required to file such statements, reports and information;
- (B) To publish formal written policies, procedures, and additional information online;
- (C) To preserve such statements, reports and other information required to be filed by this chapter for a period of five (5) years from date of receipt;

- (D) To develop a filing, coding and cross-indexing system by lobbyist name, by client, and by subject matter or any other way consistent with the purposes of this chapter;
- (E) To accept and file any information voluntarily supplied that exceeds the requirements for this chapter;
- (F) To make statements and other information filed with the Permits Office available for public records request;
- (G) To develop renewal and reminder letters regarding deadlines to direct to all registered lobbyist;
- (H) To promulgate any rules and regulations developed by the Board of Ethics as may be appropriate for the administration of this chapter;
- (I) To make a list of all registered lobbyists pursuant to this chapter available electronically and update the list quarterly.

Section 2-99-04. Registration—Required when—Term—Fees.

(A)1. Every person qualifying as a lobbyist under this chapter shall register by filing an electronic form prescribed by the Permits Office within five (5) business days after accepting employment as a lobbyist, as defined in Section 2-99-01 to list each client.

2. Each year thereafter, the lobbyist shall register yearly.

3. For the purpose of registration, the lobbyist has been employed once the client and lobbyist have entered into an engagement or contract.

4. The filing shall include each of the following:

- (A) The lobbyist's name, mailing address, telephone number, email address, and date registration submitted.
- (B) The name, mailing address, business address, the name of the client contact or representative, telephone number and email address for each the client of the lobbyist, and in the case of a corporation, and the names of the individuals performing the functions of chief executive officer and chief financial officer.
- (C) The name and title of any member of the lobbyist's immediate family who is an official within the legislative or executive branch.
- (D) At the time of registration, the lobbyist shall pay an annual filing fee of \$50.00.
- (E) All fees collected by the Permits Office under this chapter shall be paid into the general fund.

(F) The annual registration fee is non-refundable and non-transferable.

Section 2-99-05. Amending or Withdrawing a Lobbyist Registration.

(A) A lobbyist shall amend or update their registration statement within five (5) business days of any event or circumstance that renders the registration statement inaccurate or incomplete, which includes updating new clients.

(B) Every person registered under this chapter shall file a written notice of withdrawal with the City of Memphis Permits office within five (5) business days following the termination of a lobbying employment agreement between the lobbyist and a client. Such notice of withdrawal shall be retained by the Permits Office for a period of five (5) years.

Section 2-99-06. Unlawful activities designated.

(A) No lobbyist, lobbyist's client, or anyone acting at the specific direction of a client or lobbyist shall:

1. Offer or attempt to offer anything of value to an official in the legislative or executive branch, or to the official's immediate family, based on any stated or tacit understanding that the official's vote, official action or judgment would be influenced thereby.
2. Knowingly or willfully make or cause to be made any false statement or misrepresentation of the facts concerning any matter for which the lobbyist is registered to lobby to any official in the legislative or executive branch or any matter which the client of a lobbyist or lobbyist is required to disclose to the Permits Office.
3. Pay or agree to pay a candidate for public office or an official in the legislative or executive branch compensation for real or personal property or services substantially in excess of that charged in the ordinary course of business.
4. Pay the lodging expenses of an official in the legislative or executive branch or immediate family of the official.

(B) No lobbyist shall:

1. Instigate the introduction of legislation for the purpose of obtaining employment to lobby of that legislation.
2. While engaging in lobbying on behalf of a client refuse to disclose to a City of Memphis employee or elected official upon request the identity of the client

(C) No official in the legislative or executive branch shall accept a gift, travel expenses, meals or lodging if payment of the travel expenses, meals or lodging.

Section 2-99-07. Cooling Off Period.

(A) An Elected Official shall not be registered as a lobbyist within 6 months following the voluntary termination of office or leaving elected office.

Section 2-99- 08. Complaints Procedures.

(A) Complaint procedures:

1. Any person may submit a complaint alleging that a lobbyist has violated the provisions of this chapter.
2. The complaint must be notarized and filed electronically with the Chief Ethics Officer and must contain the following:
 - (A) Complainant's name, current mailing address, a valid telephone number and email address;
 - (B) Names and contact information of the individuals who committed the alleged violation, if possible;
 - (C) Summary of the facts giving rise to the complaint;
 - (D) Explanation of why those facts constitute a violation of this chapter.;
and
 - (E) Any supporting documentation of the violation.
 - (F) The complainant's signature and date of submission
3. Upon receipt, the Chief Ethics Officer shall:
 - (A) Provide the complainant, the named persons and the Board of Ethics with a copy of the complaint and of this Code by U.S. mail or to hand deliver.
4. The Chief Ethics Officer shall evaluate the complaint, applying the law of the standards of conduct to the facts alleged in the complaint.
5. Within 14 days from the receipt of the complaint, the chief ethics officer shall:
 - (A) Issue a report including a copy of the complaint, concluding whether the facts alleged in the complaint, if true, would give rise to a violation of this chapter, and recommend that a hearing be held on the complaint; or
 - (B) Dismiss the complaint, subject to the approval of the Board of

Ethics.

6. The Chief Ethics Officer shall promptly provide a report or a dismissal of complaint to the chair of the Board of Ethics.
7. If the Chief Ethics Officer dismisses a complaint, the Board of Ethics shall at its next meeting vote on whether to approve the dismissal. If the Board of Ethics, by a majority vote, approves the Chief Ethic Officer's dismissal of the complaint, then the complaining party may, with 30 calendar days, request in writing that the board reconsider its decision. If the Board of Ethics fails to approve the Chief Ethics Officer's dismissal, or if the Board of Ethics, by a majority vote, agrees to reconsider a complaint, then the Chief Ethics Officer shall issue a report on the facts and circumstances of the complaint.
8. After receiving the Chief Ethics Officer's report, the chair of the Board of Ethics shall call a public meeting of the board, including appropriate notice to the public. The Chief Ethics Officer shall also provide notice of the meeting to the complainant and to the person named therein in the complaint.
9. At the Board of Ethics meeting, the board shall evaluate the Chief Ethics Officer's report, and may accept or reject the Chief Ethics Officer's recommendation. The Board may decide to dismiss the complaint or call for a hearing on the complaint.
10. Whether or not the Board of Ethics holds a hearing on the complaint or dismisses the complaint, it shall issue a decision in writing. Any decision shall require the affirmative concurring vote of at least four members of the board. If a hearing is to be held, no final decision shall be made or issued until after the hearing is held. The decision shall be filed with the Chief Ethics Officer, who shall promptly place all such decision on the Board of Ethics website for public access and provide to the complainant.

Section 2-99-09. – Hearing Procedures.

(A) Hearing procedures:

1. The Hearing Procedures shall be pursuant to the Board of Ethics Hearing procedures in Section 2-10-10.

Section 2-99-10. Violation and Penalty

Any violation of this chapter found by the Board of Ethics shall be punished by a fine of fifty dollars, and the Memphis City Council shall have the authority to suspend the

registration of a lobbyist and suspend any person from the privilege of lobbying for a period of suspension not to exceed two years.

SECTION 2. That Section 2.10.10.B of the City of Memphis Code of Ordinance be amended to add the following subsection 9:

9. To conduct an investigation, make recommendations, and conduct a hearing regarding any alleged violation of the lobbyist code as set forth in this chapter.

SECTION 3. Severability. The provision of this ordinance is 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 4. Be it further enacted, that this ordinance shall take effect January 1, 2021.

Sponsors:
Chase Carlisle
Worth Morgan

Patrice Robinson
Memphis City Council Chairwoman



CITY OF MEMPHIS
LOBBYIST REGISTRATION



INITIAL APPLICATION RENEWAL APPLICATION UPDATE/AMENDMENT

LOBBYIST NAME _____ DATE _____

LOBBYIST MAILING ADDRESS _____

PHONE _____ EMAIL ADDRESS _____

CLIENT NAME _____

BUSINESS ADDRESS _____

MAILING ADDRESS _____

NAME OF CLIENT CONTACT/REPRESENTATIVE _____

CLIENT PHONE _____ CLIENT EMAIL _____

CLIENT'S CHIEF EXECUTIVE OFFICER _____

CLIENT'S CHIEF FINANCIAL OFFICER _____

CLIENT NAME _____

BUSINESS ADDRESS _____

MAILING ADDRESS _____

NAME OF CLIENT CONTACT/REPRESENTATIVE _____

CLIENT PHONE _____ CLIENT EMAIL _____

CLIENT'S CHIEF EXECUTIVE OFFICER _____

CLIENT'S CHIEF FINANCIAL OFFICER _____

ADD ATTACHMENT FOR ADDITIONAL CLIENTS

Is a member of your immediate family an official within the legislative or executive branch of the City of Memphis?

YES NO If YES, please provide name and title: _____

I do solemnly affirm that the information contained in this statement is true and that I have complied with all requirements of the Lobbyist Registration and Disclosure Law.

Lobbyist Signature: _____

**Mail or electronically submit completed form and related attachment(s), if applicable, and \$50.00 initial registration fee to: City of Memphis Permits Office
2714 Union Ave Ext., Suite 100
Memphis, TN 38112
901-636-6711**



CITY OF MEMPHIS
Lobbyist Registration Withdrawal Form

LOBBYIST NAME _____ DATE _____

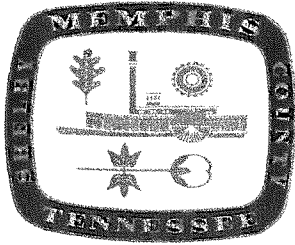
LOBBYIST MAILING ADDRESS _____
PHONE _____ EMAIL ADDRESS _____

CLIENT NAME _____
MAILING ADDRESS _____
NAME OF CLIENT CONTACT/REPRESENTATIVE _____
CLIENT PHONE _____ CLIENT EMAIL _____
DATE REPRESENTATION ENDED _____

I do solemnly affirm that the information contained in this statement is true and that I have complied with all requirements of the Lobbyist Registration and Disclosure Law.

Lobbyist Signature: _____

Mail or electronically submit completed form and related attachment(s), if applicable, to:
City of Memphis Permits Office
2714 Union Ave Ext., Suite 100
Memphis, TN 38112
901-636-6711



City Council Item Routing Sheet

Division Parks

Committee

Hearing Date

Ordinance

Resolution

Grant Acceptance

Budget Amendment

Commendation

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

Item Description : Resolution appropriating the sum of \$350,000.00 in Other Project Cost funded by G.O. Bonds General to continue the implementation of the Urban Art Plan, CIP Project Number EN21301, chargeable to FY 2021 Capital Improvement Budget.

Recommended Council Action: 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

Source and Amount of Funds

\$350,000.00 Amount

\$ Operating Budget

\$350,000.00 Revenue to be received;

\$ CIP Project # EN21301

\$ Federal/State/Other

Approvals

Director WKS 10/27/22 Date _____

Division Chief _____ Date _____

Budget Manager _____ Date _____

Chief Financial Officer _____ Date _____

City Attorney _____ Date _____

Chief Operating Officer

_____ Date _____

Council Committee Chair

_____ Date _____

RESOLUTION

WHEREAS, the Council of the City of Memphis did include Urban Art, CIP Number EN21300 as part of the FY 2021 Capital Improvement Budget; and

WHEREAS, it is necessary to transfer funds from EN21300 Coverline to EN21301 and appropriate those funds in the amount of \$350,000.00 funded by G. O. Bonds General in other project costs of EN21301 to continue the implementation of the Urban Art Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby appropriated the sum of \$350,000.00 in Other Cost funded by G. O. Bonds General, chargeable to FY 2021 Capital Improvement Budget with said appropriation being credited as follows:

Project Title:	Urban Art	\$350,000.00
Project Number:	EN21301	G. O. Bonds



Memphis City Council Summary Sheet Instructions

1. Resolution appropriates the sum of \$350,000.00 in Other Project Cost to implement the FY21 Urban Art Plan, CIP Project Number EN21301 funded by G. O. Bonds.
2. Division of Engineering
3. There is not a change to an existing ordinance or resolution.
4. Resolution does not require a new or amended contract.
5. This resolution requires an appropriation of \$350,000.00 in CIP funds funded by G. O. Bonds chargeable to FY21 Capital Improvement Budget.
6. Requesting Same Night Minutes

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 accepting the Public Safety Task Force Committee recommendations for recruiting, hiring, training, and retaining Public Safety officers

WHEREAS, on March 3, 2020 the Memphis City Council unanimously approved a resolution to create an ad hoc Public Safety Task Force committee to provide recommendations to the Divisions of Police and Fire for implementation of best practices for recruiting, hiring, training, and retaining public safety officers; and

WHEREAS, committee members of the Public Safety Task Force included members of the Memphis City Council, the Division of Human Resources, Divisions of Police and Fire, representatives from the Police and Fire unions, and community members; and

NOW, THEREFORE, BE IT RESOLVED that the Public Safety Task Force committee members are eager to create positive, proactive methods and approaches for recruiting, hiring, training, and retaining Public Safety officers and propose the following recommendations:

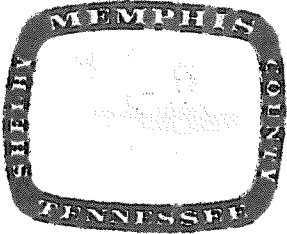
- Reestablish an initial three Memphis Police Department's CO-ACT units by utilizing current COPs and reserve officers
- Establish a partnership between Shelby County Schools and the Divisions of Police and Fire to create a year-round student education and engagement program for K-12
- Create True Blue Tuesdays as an immediate step to educate and engage Memphis youth concerning public safety and public safety career options
- Conduct an assessment of feasibility and utility of a Law Enforcement Basic Training Academy at Lemoyne-Owen College
- Conduct an audit and present the findings in the Council's Public Safety & Homeland Security Committee of the Division of Police Services psychological test
- Increase Public Safety academy training hours from 920 to 960 hours to adequately cover topics relevant to community policing, such as but not limited to; conflict resolution/de-escalation, police ethics, just and fair policing, verbal judo, cultural awareness, gang awareness/social media, community policing, police corruption/civil rights violations, etc
- Create and incorporate community policing education and training modules into weekly roll call
- Conduct an audit of equity in the promotional process, including but not limited to testing, length of service, and merit
- Require PAID time off for mental health therapy – 4 hours per month
- Research the possibility of identifying and transitioning internal positions held by Public Safety officers, such as the Real Time Crime Center, Neighborhood Watch, etc., to civilian positions
- Conduct an additional Independent Financial and Time Allotment Audit of MPD
- Set the Police complement to a minimum of 2500 officers and request a plan from Administration with an estimated fiscal note attached for hiring of the additional net officers needed to meet this complement

BE IT THEREFORE RESOLVED that the Memphis City Council remains committed to addressing Public Safety issues and adopts the foregoing recommendations to better address Public Safety for the health, safety and welfare of all the citizens of Memphis.

Submitted by
Public Safety Task Force Committee

Chairwoman
Patrice Robinson

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City Council Item Routing Sheet

Division: Executive

Committee:

Hearing Date: December 1, 2020

Resolution

Ordinance

Grant Acceptance

Budget Amendment

Other:

Item Description: Resolution seeks the approval of the Memphis City Council to adjust the FY21 operating budget to spend restricted funds, received in FY20, in the amount of \$120,000 for Memphis Animal Services. The funds were provided by donations, in FY20, and will be used to support or offset the cost of animal services during FY21. (e.g. impound animals in medical need or impose a public safety risk, provide a resource to pet owners in the community to ensure legal compliance with animal care laws, etc.)

Describe previous action taken by any other entity (i.e. board, commission, task force, council committee, etc.) and date of any action taken: December 15, ~~2009~~ ²⁰¹⁹ Resolution passed to accept donations.

Recommended Council Action: Approval of this resolution.

<p>Does this item require city expenditure? Yes</p> <p>\$120,000 - Budget Neutral</p>	<p>Source and Amount of Funds:</p> <p>\$183,264.75 of FY20 donated revenues. One Hundred and Twenty Thousand Dollars (\$120,000), of the FY20 donated revenues, received in FY20, is requested for use to cover projected FY21 additional cost.</p>
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Approvals

Director Alexis Pugh Date 11/13/20 Chief Operating Officer _____ Date _____

Division Chief _____ Date _____ Council Committee Chair _____ Date _____

Budget Manager Richard B. Campbell Date 11-16-20

Chief Financial Officer [Signature] Date 11/17/2020

Chief Legal Officer/City Attorney _____ Date _____



Memphis City Council Summary Sheet

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

This resolution is requesting to adjust the FY21 operating budget to spend restricted funds, received in FY20, in the amount of \$120,000 for Memphis Animal Services. The funds, provided by donations in FY20, will be used to support or offset the cost of animal services during FY21. (e.g. impound animals in medical need or impose a public safety risk, provide a resource to pet owners in the community to ensure legal compliance with animal care laws, etc.)

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

Memphis Animal Services – Executive 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



A resolution to adjust the FY21 operating budget to spend restricted funds, received in FY20, in the amount of \$120,000 for Memphis Animal Services.

WHEREAS, the Memphis Animal Services, "MAS", was established for the public purpose of providing, among other things, the impoundment of animals that are medically in need or pose a public safety risk as well as resources to pet owners in the community to ensure legal compliance with animal care laws in Memphis; and

WHEREAS, various members of the public have expressed a willingness to financially contribute to the Memphis Animal Services to support the sustainability of these community programs; and

WHEREAS, in FY20 the City of Memphis' MAS received \$183,264.75 from various citizens and deposited such collections as MAS donated revenue in FY20; and

WHEREAS, MAS was not able to spend this funding in FY20 to support or offset the cost of animal services and therefore all income was returned to the city's fund's balance; and

WHEREAS, the city set aside the \$183,264.75 in a restricted reserve account in fund balance; and

WHEREAS, use of these funds has now been identified and it is now necessary to amend the FY21 MAS Operating Budget to authorize spending a portion of these funds in the amount of One Hundred and Twenty Thousand Dollars (\$120,000) to cover the projected additional cost for MAS to provide services that keep pets in loving homes and out of the shelter; and

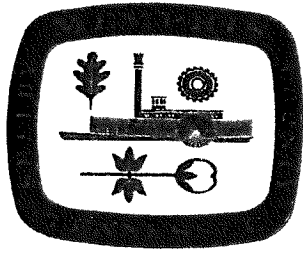
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the donated funds in the amount of One Hundred and Twenty Thousand Dollars (\$120,000) from various donors to be used to amend the FY21 MAS budget by appropriating the Expenditures in the amount of One Hundred and Twenty Thousand Dollars (\$120,000) from the restricted fund balance.

Rev

101302 038487 Reserve Fund Balance	\$120,000.00
------------------------------------	--------------

Expenditures

101302 052320 Medical Supplies	\$30,000.00
101302 052342 Medical and Supplies	\$25,000.00
101302 052506 Medical/Dental/Veterinary	\$50,000.00
101302 052528 Miscellaneous Prof Services	\$15,000.00



City Council Item Routing Sheet

T-099

Received

NOV 05 2020

Chief Administrative Office

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

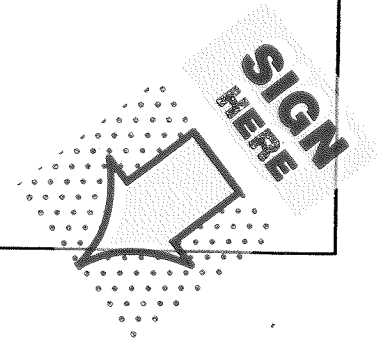
Describe previous action taken by any other entity (i.e. board, commission, task force, council committee, etc.) and date of any action taken: **From Fall 2018-Spring 2020, the City of Memphis Park & Neighborhood Department conducted community outreach and solicited proposals for Rust Hall. The selection 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 LEGAL OFFICER [Signature] Date 11/11/2020

Chief Operating Officer

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.

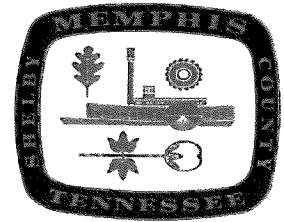
4. State whether this requires a new contract, or amends an existing contract, if applicable.

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.

ORDINANCE NO. _____

ORDINANCE TO AMEND CHAPTER 12 OF THE CITY OF MEMPHIS CODE OF ORDINANCES SO AS TO UPDATE THE CODE OF ORDINANCES RELATED TO SIDEWALKS

WHEREAS, the process for sidewalk construction and maintenance has been established by Chapter 12 of the City of Memphis Code of Ordinances; and

WHEREAS, the Memphis City Council now wishes to further address the state of sidewalks within the City of Memphis, many of which are in need of repair, replacement, or caulking; and

WHEREAS, the Memphis City Council is of the belief that addressing the state of sidewalks, i.e., those in disrepair, will work to gradually improve the physical condition of our neighborhoods, and thus, the City as a whole; and

WHEREAS, Section 12-28-2 (D) of the City of Memphis Code of Ordinances states that “the *lot owner* shall assume the responsibility of installation, maintenance and repair of the required sidewalks along the lot frontage(s) upon occupying the structure on the lot.”; and

WHEREAS, in an effort to prevent current lot owners, who have failed to properly maintain their section of sidewalk, from passing their repair duties to subsequent purchasers, the Memphis City Council now wishes to require the inspection, and if necessary, repair, replacement, or caulking of sidewalks, driveway aprons, or inlets prior to closing on the property; and

WHEREAS, local municipalities have established similar measures, the Memphis City Council wishes to do the same, ultimately for the benefit of our citizens, and the betterment of our City.

NOW THEREFORE BE IT RESOLVED, (Additions underlined in bold italics and deletions identified with strikethrough)

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Section 12-28 of the City of Memphis Code of Ordinances is hereby amended to include Section 12-28-17 (A)-(H), which shall be titled and read as follows:

12-28-17. – Duty of property owners prior to closing.

- (A) It shall be the duty of the property owners of properties within the City of Memphis to keep the sidewalks, driveway aprons, and inlets abutting their property in good repair.**
- (B) Property owners who receive notice from the City Engineer, or his or her lawfully authorized representative, to repair, replace, or caulk sidewalks, driveway aprons, or inlets abutting their property must do so prior to closing on the property.**

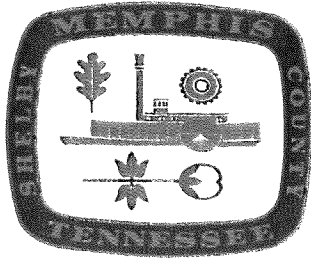
- (C) An arrangement, such as escrowing the bid amount for the required repair is acceptable.
- (D) A permit is required, at no cost, for any repair or replacement of the property owner's sidewalks, driveway aprons, and/or inlets.
- (E) No permit is required if inspection by the City Engineer, or his or her legally authorized representative, determines that only caulking is needed.
- (F) Repair or replacement of sidewalks, driveway aprons, or inlets shall not start without an approved permit.
- (G) A final inspection of the repair, replacement, and/or caulking is required prior to closing on the property.
- (H) Repair, replacement, or caulking of sidewalks, driveway aprons, or inlets should be conducted according to the provisions provided by Chapter 12-12, Chapter 12-24, and Chapter 12-28, except as specifically approved by the City Engineer.

SECTION 2. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Section 12-28 of the City of Memphis Code of Ordinances is hereby amended to include Section 12-28-18, which shall be titled and read as follows:

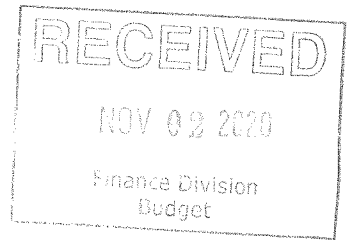
12-28-18. – Transfer of property.

The City Engineer, or his or her lawfully authorized representative, shall provide to the finance department a record of damaged sidewalks, driveway aprons, and inlets as they are inspected. Such notice shall be filed on the tax records for the property and will provide a notification of such to all parties requesting tax data during the sale or transfer of the property.

Sponsor:
Councilwoman Michalyn Easter-Thomas



T076



City Council Item Routing Sheet

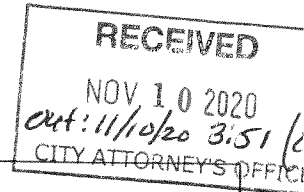
DIVISION: Engineering

COMMITTEE: Public Works

HEARING

DATE: Nov. 17, 2020

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



Item Description (Not the caption, but what does it do):

This is a resolution seeking acceptance and appropriation of \$81,180.80 grant funds from Tennessee Department of Transportation for the Ball Road Sidewalks, project EN01060. These funds are for to repair, replace and construction of sidewalks along Ball Road including ADA ramps, curb and gutter and crosswalks.

Recommended Council Action: Adopt 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: The Memphis City Council previously accepted \$250,000 in grant funds from TDOT in the FY15 Capital Improvement Budget.

Does this item require city expenditure? Yes	Source and Amount of Funds
\$106,234.00 Amount	\$0.00 Operating Budget
\$331,181.00 ✓ Revenue to be received	\$106,234.00 ✓ CIP Project # EN01060
	\$331,181.00 Federal/State/Other

Approvals

Director [Signature] Date 10/30/20

Director _____ Date _____

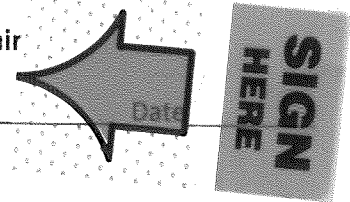
Budget Manager [Signature] Date 11/3/2020

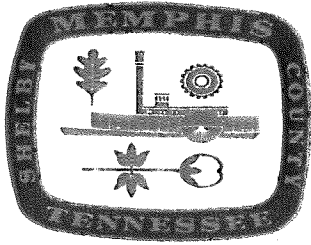
CFO Finance Director [Signature] Date 11/06/2020

Chief Legal Officer [Signature] Date 11/10/20

Chief Operating Officer [Signature] Date 11/10/20

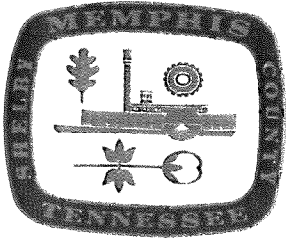
Council Committee Chair _____





Memphis City Council Summary Sheet

1. This is a resolution seeking acceptance and appropriation of \$81,180.80 grant funds from Tennessee Department of Transportation for the Ball Road Sidewalks, project EN01060. These funds are for ^{the} repair, replace ^{ment} and construction of sidewalks along Ball Road including ADA ramps, curb and gutter and crosswalks.
2. The City of Memphis Division of Engineering has drafted this resolution and is recommending City Council approval.
3. This resolution does not change an existing ordinance or resolution.
4. This resolution will require an amendment to an existing contract between the Tennessee Department of Transportation and City of Memphis.
5. This resolution requires an amendment to the FY2021 Engineering Capital Improvement Budget.



This is a resolution to accept and allocate an additional \$81,180.80 in grant funds from the Tennessee Department of Transportation for the Ball Road Sidewalks Project, EN01060.

WHEREAS, the City of Memphis accepted and allocated a Transportation Alternative Grant of \$250,000.00 under Fiscal Year 2015 City Engineer Capital Improvement Program (CIP) for Ball Road Sidewalks, project EN01060, for the repair, replacement and construction of sidewalks along Ball Road; and

WHEREAS, it is necessary to accept the additional grant funds in the amount of \$81,180.80 funded by the Tennessee Department of Transportation (TDOT) to cover construction; and

WHEREAS, the required local GO Bond match of \$106,234.00 was previously allocated and appropriated under Fiscal Year 2021 Public Works CIP budget for Ball Road Sidewalks, EN01060; and

WHEREAS, it is necessary to amend the Fiscal Year 2021 Capital Improvement Budget by allocating and appropriating \$437,414.80 to Ball Road Sidewalks, EN01060.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2021 Capital Improvement Budget is hereby amended by accepting the sum of \$81,180.80 from the Tennessee Department of Transportation (TDOT).

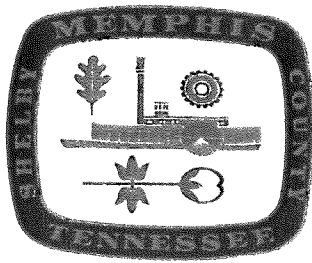
BE IT FURTHER RESOLVED, that the Fiscal Year 2021 Capital Improvement Budget be amended by establishing an allocation and appropriation in the amount of \$437,414.80 as follows:

Revenue

Tennessee Department of Transportation	\$331,180.80
GO Bond Match	<u>\$106,234.00</u>
	\$437,414.80

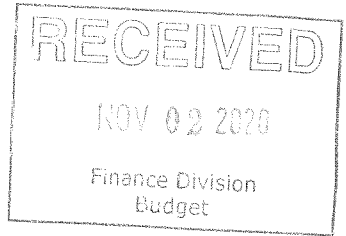
Expenditures

Engineering-Architecture	\$78,438.80
Contract Construction	<u>\$358,976.00</u>
	\$437,414.80



T075

City Council Item Routing Sheet

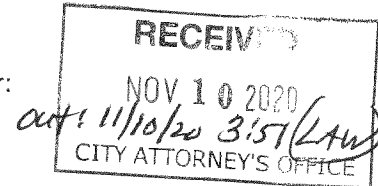


DIVISION: Engineering

COMMITTEE: Public Works

HEARING DATE: NOV/17/2020

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



Item Description (Not the caption, but what does it do):

This is a resolution seeking acceptance and appropriation of \$366,355.00 in grant funds from the Tennessee Department of Transportation for the Dunbar Elementary School Safety Improvements, project EN01061. These funds are for sidewalk improvements, ADA accessibility, and high visibility crosswalks and signage.

Recommended Council Action: Adopt 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: The Memphis City Council previously accepted \$100,000 in grant funds from TDOT in the FY15 Capital Improvement Budget.

Does this item require city expenditure? Yes	Source and Amount of Funds
\$98,271.00 Amount	\$0.00 Operating Budget
\$393,084.00 ✓ Revenue to be received	\$98,271.00 ✓ CIP Project # EN01061
	\$393,084.00 Federal/State/Other

Approvals

Director WZ 10/30/20 Date _____

Director _____ Date _____

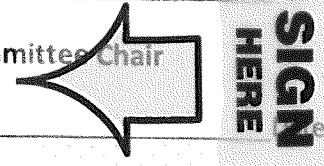
Budget Manager Kamohi Wyatt Date 11/3/2020

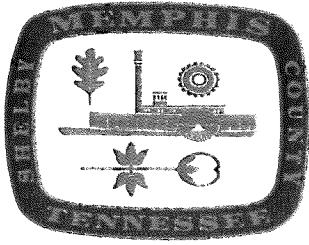
CFO Finance Director S. Ard Date 11/06/2020

Chief Legal Officer Janey Ai Date 11/6/2020

Chief Operating Officer [Signature] Date 11/10/20

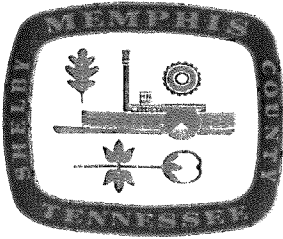
Council Committee Chair _____





Memphis City Council Summary Sheet

1. This is a resolution seeking acceptance and appropriation of \$366,355.00 in grant funds from the Tennessee Department of Transportation for the Dunbar Elementary School Safety Improvements, project EN01061. These funds are for sidewalk improvements, ADA accessibility, and high visibility crosswalks and signage.
2. The City of Memphis Division of Engineering has drafted this resolution and is recommending City Council approval.
3. This resolution does not change an existing ordinance or resolution.
4. This resolution will require an amendment to an existing contract between the Tennessee Department of Transportation and City of Memphis.
5. This resolution requires an amendment to the FY2021 Engineering Capital Improvement Budget.



This is a resolution to accept and allocate an additional \$366,355.00 in grant funds from the Tennessee Department of Transportation for the Dunbar Elementary Safety School Improvements Project, EN01061.

WHEREAS, the City of Memphis accepted a Transportation Alternative Grant of \$100,000.00 under Fiscal Year 2015 City Engineer Capital Improvement Program (CIP) for Dunbar Elementary Safety School Improvements, project EN01061, to improve sidewalks, ADA accessibility, and high visibility crosswalks and signage; and

WHEREAS, it is necessary to accept the additional grant funds in the amount of \$366,355.00 funded by the Tennessee Department of Transportation (TDOT) to cover construction; and

WHEREAS, the required 20% local GO Bond match of \$98,271.00 was previously allocated and appropriated under Fiscal Year 2021 Engineering CIP budget for Dunbar Elementary Safety School Improvements, EN01061; and

WHEREAS, it is necessary to amend the Fiscal Year 2021 Capital Improvement Budget by allocating and appropriating \$491,355.00 to Dunbar Elementary Safety School Improvements, EN01061.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2021 Capital Improvement Budget is hereby amended by accepting the sum of \$366,355.00 from the Tennessee Department of Transportation (TDOT).

BE IT FURTHER RESOLVED, that the Fiscal Year 2021 Capital Improvement Budget be amended by establishing an allocation and appropriation in the amount of \$491,355.00 as follows:

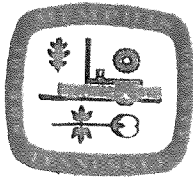
Revenue

Tennessee Department of Transportation	\$393,084.00
GO Bond Match	<u>\$98,271.00</u>
	\$491,355.00

Expenditures

Engineering-Architecture	\$89,500.00
Contract Construction	<u>\$401,855.00</u>
	\$491,355.00

114



City Council Item Routing Sheet

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

- Ordinance Resolution Grant Acceptance
 Budget Amendment Commendation Other:

Item Description (Not the caption, but what does it do): Resolution to provide funding for the Clean Pathways Initiative Program – Contract #35896S-Lifeline to Success and Contract #35897S-Freedom From Unnecessary Negative (FFUN). Extension two (2).

Recommended Council Action: Adopt 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: Resolution approved extension one (1) December 2019.

Does this item require city expenditure? Yes	Source and Amount of Funds
\$ 300,000.00 Amount	\$ 300,000.00 Operating Budget
\$ Revenue to be received	\$ CIP Project #
	\$ Federal/State/Other

Approvals

Director *Re V* Date 11-13-20

Director _____ Date _____

Budget Manager *Richard D. Caplan* Date 11-16-20

Chief Financial Officer *S. Ford* Date 11/17/2020

City Legal Officer _____ Date _____

Chief Administrative Officer

_____ Date _____

Council Committee Chair

_____ Date _____



Memphis City Council Summary Sheet

1. Describe Item (Resolution, Ordinance, etc.).

Resolution for extension two (2) to provide grant funding for Clean Pathways Initiative Program, 501(c)(3) organizations to address issues such as blight, litter and illegal dumping around schools and to reduce poverty and crime within the city limits. Requesting same night minutes.

2. Identify 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.

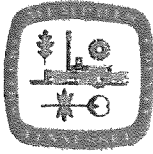
This does not change an existing ordinance or resolution.

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

This resolution does not require a new contract.

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

This requires an expenditure and budget transfer of funds to allow for the disbursement of grant funds.



Resolution to provide grant funding for the Clean Pathways Initiative Program – Lifeline to Success and Freedom from Unnecessary Negatives (FFUN). Contract Extensions 2.

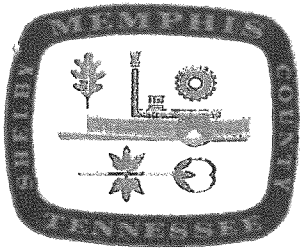
WHEREAS, the Council of the City of Memphis approved Resolutions, dated November 6, 2018, to provide grant funding for the Clean Pathways Initiative Program – Lifeline to Success and Freedom from Unnecessary Negatives (FFUN) for the Division of Public Works in the amount of \$300,000, for 1-year, option to extend for 2 additional 1-year terms; and

WHEREAS, Contracts 35896S and 35897S were established as agreements to provide funding for the Clean Pathways Initiative Program – Lifeline to Success and Freedom from Unnecessary Negatives (FFUN) – from the Division of Public Works' Funds; and

WHEREAS, the Council of the City of Memphis approved Resolutions for Extensions 1, of contracts 35896S and 35897S dated October 8, 2019.

WHEREAS, it is now necessary to extend said contracts for additional funds for the Clean Pathways Initiative Programs, *Lifeline to Success (\$150,000)* and *Freedom from Unnecessary Negatives (\$150,000)*. To be funded by Public Works General Fund 0111 in the amount of \$225,000 and Public Works Storm Water Fund 0671 in the amount of \$75,000; and

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Memphis amends the FY21 Public Works General Fund Budget and the Public Works Storm Water Budget to award grants from the Division of Public Works General Fund – 0111, in the amount of Two-Hundred and Twenty-Five Thousand Dollars (\$225,000); and the Division of Public Works Storm Water Fund – 0671, in the amount of Seventy-Five Thousand (\$75,000); for a combined total of Three Hundred Thousand Dollars (300,000), for the purpose of funding the Clean Pathways Initiative Program addressing blight in the City Of Memphis via contracts with Lifeline to Success (\$150,000), and Freedom From Unnecessary Negatives-FFUN (\$150,000),.



City Council Item Routing Sheet

Division: City Council

Committee: Public Works

Hearing Date: December 1, 2020

Ordinance

Resolution

Grant Acceptance

Budget Amendment

Commendation

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

Item Description: The Memphis Area Transit Authority (MATA) is requesting the City Council to transfer allocations and appropriations totaling \$250,000 funded by G. O. Bonds General in CIP Project #GA03023, Operations/Maintenance Facility to CIP Project #GA03027, Central Station Project, to fund the local share for the development of the Central Station Redevelopment Phase II Project as part of the Fiscal Year 2021 Capital Improvement Budget.

Recommended Council Action: Adopt 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: No previous actions have been taking by any other entity.

Does this item require city expenditure? Yes

\$Amount: \$250,000

[Click here to enter text.](#)

Source and Amount of Funds:

CIP Project #GA03023 being transferred to GA03027

Approvals

Director  Date 11/12/20

Division Chief _____ Date _____

Budget Manager _____ Date _____

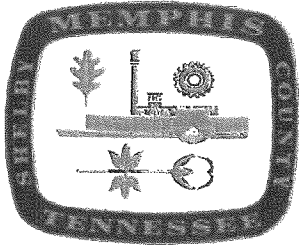
Chief Financial Officer _____ Date _____

Chief Operating Officer

_____ Date _____

Council Committee Chair

_____ Date _____



Memphis City Council Summary Sheet

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

This item is a resolution to transfer allocations and appropriations totaling \$250,000 in FY21 CIP funds from the Memphis Area Transit Authority's CIP Project #GA03023, Operations/Maintenance Facility to CIP Project #GA03027, Central Station Project for costs associated with the Central Station Redevelopment Phase II for the Memphis Area Transit Authority.

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

MATA initiated the request for the City Council to transfer allocations and appropriations totaling \$250,000 in FY20 CIP funds under GA03023, Operations/Maintenance Facility to GA03027, Central Station Project.

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

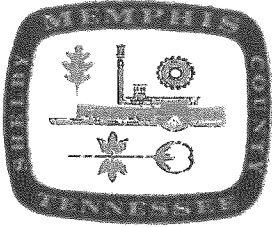
This is not a change to an existing ordinance or resolution.

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

This action will not require MATA to solicit bids and award contracts. MATA has procured the reconstruction services in accordance with its Procurement Manual.

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

Yes, this item requires an expenditure of funds in the amount of \$250,000. The budget of GA03023, Operations/Maintenance Facility, will be reduced by \$250,000 by transferring appropriations totaling \$250,000 to GA03027, Central Station Project.



**A RESOLUTION TO TRANSFER AND APPROPRIATE CIP FUNDS ASSOCIATED WITH
THE MEMPHIS AREA TRANSIT AUTHORITY'S OPERATIONS/MAINTENANCE
FACILITY PROJECT TO CENTRAL STATION PROJECT**

WHEREAS, The Memphis Area Transit Authority (MATA) has requested funding totaling \$4,450,000 from the Federal Transit Administration (FTA) to supplement State and Local funds for the Central Station project; and

WHEREAS, FTA requires that MATA show that the Local funds are available for the project; and

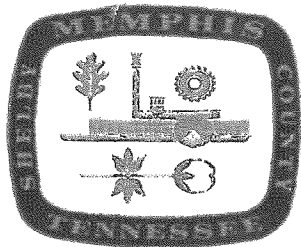
WHEREAS, The Council of the City of Memphis did approve Operations/Maintenance Facility, Project Number GA03023, as part of MATA's FY21 Capital Improvement Program (CIP) budget; and

WHEREAS, The Council of the City of Memphis did approve Central Station Project, Project Number GA03027, as part of MATA's FY21 Capital Improvement Program (CIP) budget; and

WHEREAS, It is necessary to transfer allocations and appropriations from CIP Project Number GA03023 – Operations/Maintenance Facility in the amount of 250,000 for land acquisition to CIP Project Number GA03027 – Central Station Project for Change Orders associated with Central Station Redevelopment Phase II.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MEMPHIS that allocations and appropriations from CIP Project Number GA03023 – Operations/Maintenance Facility in the amount of \$250,000 for land acquisition are hereby transferred to CIP Project Number GA03027 – Central Station Project for Change Orders associated with Central Station Redevelopment Phase II.

Project Title:	Central Station Project
Project Number:	GA03027
Amount:	\$250,000



City Council Item Routing Sheet

Division: City Council Committee: Budget Hearing Date: December 1, 2020

- Ordinance Resolution Grant Acceptance
 Budget Amendment Commendation Other: [Click here to enter text.](#)

Item Description: The Memphis Area Transit Authority (MATA) is requesting the City Council to appropriate \$360,000 funded by G. O. Bonds General in CIP Project #GA03007, Fixed-Route Buses, to fund the purchase of fixed-route buses as part of the Fiscal Year 2021 Capital Improvement Budget.

Recommended Council Action: Adopt 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: No previous actions have been taking by any other entity.

Does this item require city expenditure? Yes
\$Amount: \$360,000
\$Click here to enter text.

Source and Amount of Funds:
CIP Project #GA03007

Approvals

Director  Date 11/12/20

Division Chief _____ Date _____

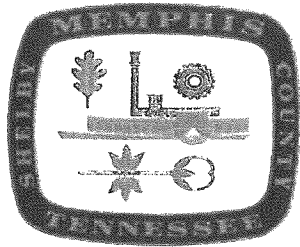
Budget Manager _____ Date _____

Chief Financial Officer _____ Date _____

Chief Operating Officer _____ Date _____

Council Committee Chair _____ Date _____

Memphis City Council Summary Sheet Template 8-28-12



Memphis City Council Summary Sheet

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

This item is a resolution to appropriate FY21 CIP funds for fixed-route buses for the Memphis Area Transit Authority.

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

MATA initiated the request for the City Council to appropriate \$360,000 in FY21 CIP funds under GA03007 Fixed-Route Buses.

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

This is not a change to an existing ordinance or resolution.

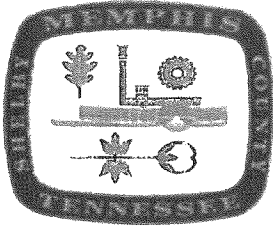
4. State whether this requires a new contract, or amends an existing contract, if applicable.

This project will require MATA to solicit bids and award contracts. MATA will procure the buses in accordance with its Procurement Manual.

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

Yes, this item requires an expenditure of funds in the amount of \$360,000; however, no budget amendments are required.

City Council Resolution Template – 8-28-12



A RESOLUTION TO APPROPRIATE FY21 CIP FUNDS FOR FIXED-ROUTE BUSES FOR THE MEMPHIS AREA TRANSIT AUTHORITY

WHEREAS, The Council of the City of Memphis did approve Fixed-Route Buses, Project Number GA03007, as part of the Memphis Area Transit Authority’s (MATA) FY21 Capital Improvement Program (CIP) budget; and

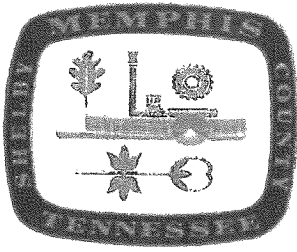
WHEREAS, MATA periodically has to replace buses that have met their useful service life; and

WHEREAS, Bids will be solicited and evaluated according to MATA's adopted procurement procedures; and

WHEREAS, It is necessary to appropriate \$360,000 funded by G.O. Bonds – General in Fixed-Route Buses, CIP Project Number GA03007 to fund the purchase of fixed-route buses.

NOW, THEREFORE, BE IT RESOLVED By the Council of the City of Memphis that there be and is hereby appropriated the sum of \$360,000 funded by G. O. Bonds – General chargeable to the Fiscal Year 2021 Capital Improvement Budget and credited as follows:

Project Title:	Fixed-Route Buses
Project Number:	GA03007
Amount:	\$360,000



City Council Item Routing Sheet

Division: City Council **Committee:** Budget **Hearing Date:** December 1, 2020

Ordinance

Resolution

Grant Acceptance

Budget Amendment

Commendation

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

Item Description: The Memphis Area Transit Authority (MATA) is requesting the City Council to appropriate \$50,000 funded by G. O. Bonds General in CIP Project #GA03011, Paratransit Buses, to fund the local share for purchasing paratransit buses as part of the Fiscal Year 2021 Capital Improvement Budget.

Recommended Council Action: Adopt 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: No previous actions have been taking by any other entity.

Does this item require city expenditure? Yes

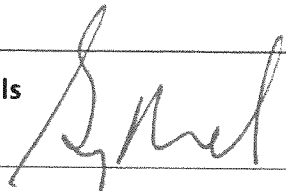
\$Amount: \$50,000

[Click here to enter text.](#)

Source and Amount of Funds:

CIP Project #GA03011

Approvals

Director  Date 11/012/20

Division Chief _____ Date _____

Budget Manager _____ Date _____

Chief Financial Officer _____ Date _____

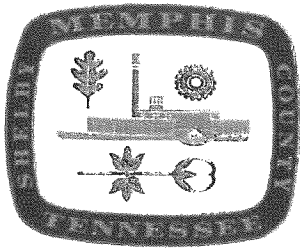
Chief Operating Officer

_____ Date _____

Council Committee Chair

_____ Date _____

Memphis City Council Summary Sheet Template 8-28-12



Memphis City Council Summary Sheet

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

This item is a resolution to appropriate FY21 CIP funds for paratransit vehicles for the Memphis Area Transit Authority.

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

MATA initiated the request for the City Council to appropriate \$50,000 in FY21 CIP funds under GA03011 Paratransit Vehicles.

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

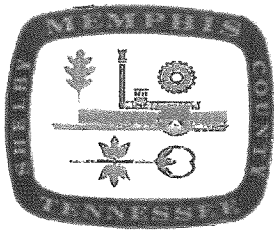
This is not a change to an existing ordinance or resolution.

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

This project will require MATA to solicit bids and award contracts. MATA will procure the vehicles in accordance with its Procurement Manual.

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

Yes, this item requires an expenditure of funds in the amount of \$50,000; however, no budget amendments are required.



**A RESOLUTION TO APPROPRIATE FY21 CIP FUNDS FOR PARATRANSIT VEHICLES
FOR THE MEMPHIS AREA TRANSIT AUTHORITY**

WHEREAS, The Council of the City of Memphis did approve Paratransit Vehicles, Project Number GA03011, as part of the Memphis Area Transit Authority's (MATA) FY21 Capital Improvement Program (CIP) budget; and

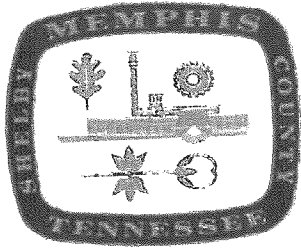
WHEREAS, The Memphis Area Transit Authority (MATA) periodically has to replace vehicles that have met their useful service life; and

WHEREAS, Bids will be solicited and evaluated according to MATA's adopted procurement procedures; and

WHEREAS, It is necessary to appropriate \$50,000 funded by G.O. Bonds – General in Paratransit Vehicles, CIP Project Number GA03011 to fund the local share for purchasing the vehicles.

NOW, THEREFORE, BE IT RESOLVED By the Council of the City of Memphis that there be and is hereby appropriated the sum of \$50,000 funded by G. O. Bonds – General chargeable to the Fiscal Year 2020 Capital Improvement Budget and credited as follows:

Project Title:	Paratransit Vehicles
Project Number:	GA03011
Amount:	\$50,000



City Council Item Routing Sheet

Division MATA Committee Transportation Hearing Date Committee – December 1, 2020

- Ordinance Resolution Grant Acceptance
 Budget Amendment Commendation Other: [Click here to enter text.](#)

Item Description : The Memphis Area Transit Authority (MATA) is requesting the City Council to appropriate \$50,000 funded by G. O. Bonds General in CIP Project #GA03022, Advanced Public Transportation Systems, to fund the local share for purchasing advanced public transportation systems as part of the Fiscal Year 2021 Capital Improvement Budget.

Recommended Council Action: Adopt 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:

Does this item require city expenditure? Yes	Source and Amount of Funds
\$ Amount \$50,000	\$ Operating Budget
\$ Revenue to be received; \$0	\$ CIP Project #GA03022
	\$ Federal/State/Other

Approvals

Director *[Signature]* Date 11/12/20
 Chief _____ Date _____

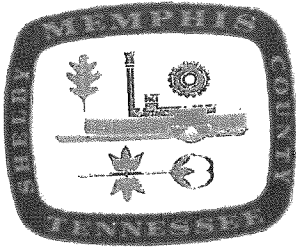
Chief Administrative Officer _____ Date _____

Budget Manager _____ Date _____

Council Committee Chair _____ Date _____

Finance Director _____ Date _____

City Attorney _____ Date _____



Memphis City Council Summary Sheet

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

This item is a resolution to appropriate FY21 CIP funds for Advanced Public Transportation Systems/ITS equipment for the Memphis Area Transit Authority.

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

MATA initiated the request for the City Council to appropriate \$50,000 in FY21 CIP funds under GA03022 Advanced Public Transportation Systems.

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

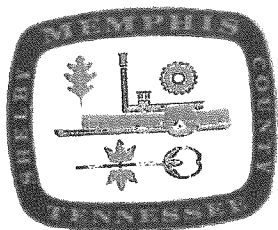
This is not a change to an existing ordinance or resolution.

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

This project will require MATA to solicit bids and award contracts. MATA will procure the Advanced Public Transportation Systems/ITS equipment in accordance with its Procurement Manual.

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

Yes, this item requires an expenditure of funds in the amount of \$50,000; however, no budget amendments are required.



A RESOLUTION TO APPROPRIATE FY21 CIP FUNDS FOR ADVANCED PUBLIC TRANSPORTATION SYSTEMS FOR THE MEMPHIS AREA TRANSIT AUTHORITY

WHEREAS, The Council of the City of Memphis did approve Advanced Public Transportation Systems, Project Number GA03022, as part of the Memphis Area Transit Authority's (MATA) FY21 Capital Improvement Program (CIP) budget; and

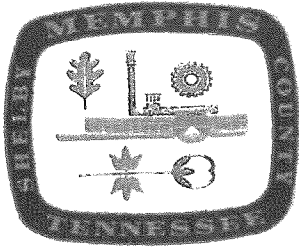
WHEREAS, The Memphis Area Transit Authority (MATA) periodically has to replace Advanced Public Transportation Systems/ITS equipment that have met their useful service life; and

WHEREAS, Bids will be solicited and evaluated according to MATA's adopted procurement procedures; and

WHEREAS, It is necessary to appropriate \$50,000 funded by G.O. Bonds – General in Advanced Public Transportation Systems, CIP Project Number GA03022 to fund the local share for purchasing the Advanced Public Transportation Systems/ITS equipment.

NOW, THEREFORE, BE IT RESOLVED By the Council of the City of Memphis that there be and is hereby appropriated the sum of \$50,000 funded by G. O. Bonds – General chargeable to the Fiscal Year 2021 Capital Improvement Budget and credited as follows:

Project Title:	Advanced Public Transportation Systems
Project Number:	GA03022
Amount:	\$50,000



City Council Item Routing Sheet

Division: City Council Committee: Budget Hearing Date: December 1, 2020

- Ordinance Resolution Grant Acceptance
 Budget Amendment Commendation Other: [Click here to enter text.](#)

Item Description: The Memphis Area Transit Authority (MATA) is requesting the City Council to appropriate \$73,660 funded by G. O. Bonds General in CIP Project #GA03023, Operations and Maintenance Facility, to fund the local share for architectural/engineering costs for a new operations and maintenance facility for MATA as part of the Fiscal Year 2021 Capital Improvement Budget.

Recommended Council Action: Adopt 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: No previous actions have been taking by any other entity.

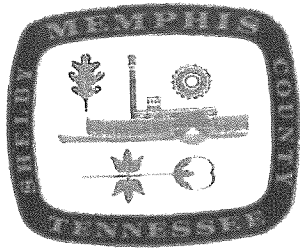
<p>Does this item require city expenditure? Yes</p> <p>\$Amount: \$73,660</p> <p>\$Click here to enter text.</p>	<p>Source and Amount of Funds:</p> <p>CIP Project #GA03023</p>
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Approvals

Director *[Signature]* Date 11/12/20
 Division Chief _____ Date _____
 Budget Manager _____ Date _____
 Chief Financial Officer _____ Date _____

Chief Operating Officer
 _____ Date _____
Council Committee Chair
 _____ Date _____

Memphis City Council Summary Sheet Template 8-28-12



Memphis City Council Summary Sheet

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

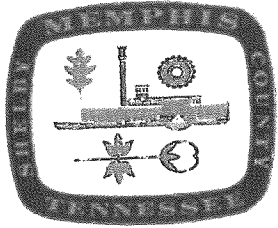
This item is a resolution to appropriate FY21 CIP funds for architectural/engineering costs associated with a new Operations & Maintenance Facility for the Memphis Area Transit Authority.
- 2. Initiating Party (e.g. Public Works, at request of City Council, etc.)**

MATA initiated the request for the City Council to appropriate \$73,660 in FY21 CIP funds under GA03023 Operations and Maintenance Facility.
- 3. State whether this is a change to an existing ordinance or resolution, if applicable.**

This is not a change to an existing ordinance or resolution.
- 4. State whether this requires a new contract, or amends an existing contract, if applicable.**

This project will require MATA to solicit bids and award contracts. MATA will procure the architectural/engineering services in accordance with its Procurement Manual.
- 5. State whether this requires an expenditure of funds/requires a budget amendment.**

Yes, this item requires an expenditure of funds in the amount of \$73,660; however, no budget amendments are required.



**A RESOLUTION TO APPROPRIATE FY21 CIP FUNDS FOR THE MEMPHIS AREA
TRANSIT AUTHORITY'S NEW OPERATIONS AND MAINTENANCE FACILITY**

WHEREAS, The Council of the City of Memphis did approve Operations and Maintenance Facility, Project Number GA03023, as part of the Memphis Area Transit Authority's (MATA) FY21 Capital Improvement Program (CIP) budget; and

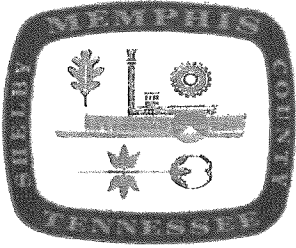
WHEREAS, The Memphis Area Transit Authority (MATA) plans to conduct architectural/engineering services for a new Operations and Maintenance Facility; and

WHEREAS, Proposals will be solicited and evaluated for the architectural/engineering services according to MATA's adopted procurement procedures; and

WHEREAS, It is necessary to appropriate \$73,660 funded by G.O. Bonds – General in Operations and Maintenance Facility, CIP Project Number GA03023 to fund the local share for architectural/engineering services associated with a new Operations and Maintenance Facility.

NOW, THEREFORE, BE IT RESOLVED By the Council of the City of Memphis that there be and is hereby appropriated the sum of \$73,660 funded by G. O. Bonds – General chargeable to the Fiscal Year 2021 Capital Improvement Budget and credited as follows:

Project Title:	Operations and Maintenance Facility
Project Number:	GA03023
Amount:	\$73,660



City Council Item Routing Sheet

Division: City Council Committee: Budget Hearing Date: December 1, 2020

Ordinance

Resolution

Grant Acceptance

Budget Amendment

Commendation

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

Item Description: The Memphis Area Transit Authority (MATA) is requesting the City Council to appropriate \$50,000 funded by G. O. Bonds General in CIP Project #GA03024, Rail Facility Improvements, to fund the local share for rail facility improvements as part of the Fiscal Year 2021 Capital Improvement Budget.

Recommended Council Action: Adopt 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: No previous actions have been taking by any other entity.

Does this item require city expenditure? Yes

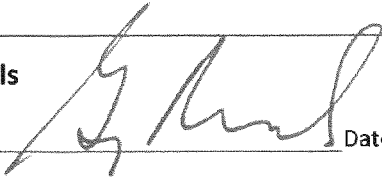
\$Amount: \$50,000

[Click here to enter text.](#)

Source and Amount of Funds:

CIP Project #GA03024

Approvals

Director  Date 11/12/20

Division Chief _____ Date _____

Budget Manager _____ Date _____

Chief Financial Officer _____ Date _____

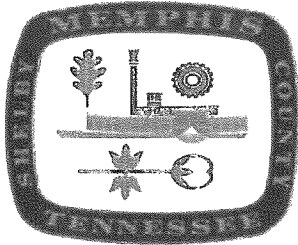
Chief Operating Officer

_____ Date _____

Council Committee Chair

_____ Date _____

Memphis City Council Summary Sheet Template 8-28-12



Memphis City Council Summary Sheet

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

This item is a resolution to appropriate FY21 CIP funds for rail facility improvements for the Memphis Area Transit Authority.

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

MATA initiated the request for the City Council to appropriate \$50,000 in FY20 CIP funds under GA03024 Rail Facility Improvements.

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

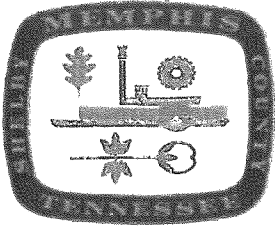
This is not a change to an existing ordinance or resolution.

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

This project will require MATA to solicit bids and award contracts. MATA will procure the rail facility improvements in accordance with its Procurement Manual.

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

Yes, this item requires an expenditure of funds in the amount of \$50,000; however, no budget amendments are required.



A RESOLUTION TO APPROPRIATE FY21 CIP FUNDS FOR RAIL FACILITY IMPROVEMENTS FOR THE MEMPHIS AREA TRANSIT AUTHORITY

WHEREAS, The Council of the City of Memphis did approve Rail Facility Improvements, Project Number GA03024, as part of the Memphis Area Transit Authority's (MATA) FY21 Capital Improvement Program (CIP) budget; and

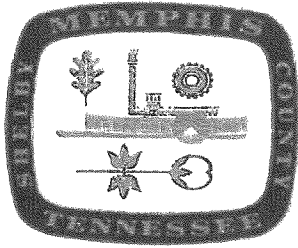
WHEREAS, The Memphis Area Transit Authority (MATA) periodically has to make periodic repairs or improvements to its rail facilities and infrastructure; and

WHEREAS, Bids will be solicited and evaluated according to MATA's adopted procurement procedures; and

WHEREAS, It is necessary to appropriate \$50,000 funded by G.O. Bonds – General in Rail Facility Improvements, CIP Project Number GA03024 to fund the local share for the rail facility improvements.

NOW, THEREFORE, BE IT RESOLVED By the Council of the City of Memphis that there be and is hereby appropriated the sum of \$50,000 funded by G. O. Bonds – General chargeable to the Fiscal Year 2021 Capital Improvement Budget and credited as follows:

Project Title:	Rail Facility Improvements
Project Number:	GA03024
Amount:	\$50,000



City Council Item Routing Sheet

Division: City Council Committee: Budget Hearing Date: December 1, 2020

Ordinance

Resolution

Grant Acceptance

Budget Amendment

Commendation

Other:

Item Description: The Memphis Area Transit Authority (MATA) is requesting the City Council to appropriate \$50,000 funded by G. O. Bonds General in CIP Project #GA03025, Bus Facility Improvements, to fund the local share for bus facility improvements as part of the Fiscal Year 2021 Capital Improvement Budget.

Recommended Council Action: Adopt 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: No previous actions have been taking by any other entity.

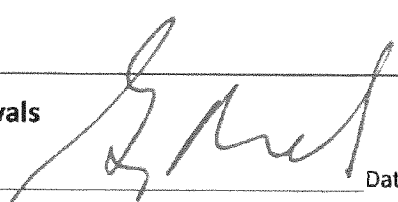
Does this item require city expenditure? Yes

\$Amount: \$50,000

Source and Amount of Funds:

CIP Project #GA03025

Approvals

Director  Date 11/12/20

Division Chief _____ Date _____

Budget Manager _____ Date _____

Chief Financial Officer _____ Date _____

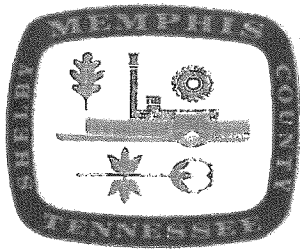
Chief Operating Officer

_____ Date _____

Council Committee Chair

_____ Date _____

Memphis City Council Summary Sheet Template 8-28-12



Memphis City Council Summary Sheet

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

This item is a resolution to appropriate FY21 CIP funds for bus facility improvements for the Memphis Area Transit Authority.

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

MATA initiated the request for the City Council to appropriate \$50,000 in FY21 CIP funds under GA03025 Bus Facility Improvements.

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

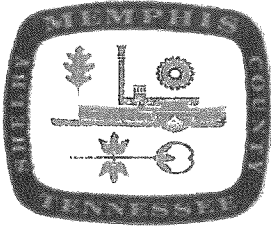
This is not a change to an existing ordinance or resolution.

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

This project will require MATA to solicit bids and award contracts. MATA will procure the bus facility improvements in accordance with its Procurement Manual.

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

Yes, this item requires an expenditure of funds in the amount of \$50,000; however, no budget amendments are required.



A RESOLUTION TO APPROPRIATE FY21 CIP FUNDS FOR BUS FACILITY IMPROVEMENTS FOR THE MEMPHIS AREA TRANSIT AUTHORITY

WHEREAS, The Council of the City of Memphis did approve Bus Facility Improvements, Project Number GA03025, as part of the Memphis Area Transit Authority's (MATA) FY21 Capital Improvement Program (CIP) budget; and

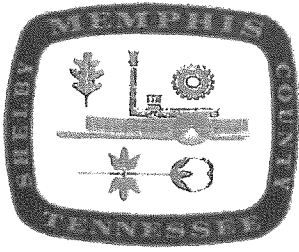
WHEREAS, The Memphis Area Transit Authority (MATA) periodically has to make periodic repairs or improvements to its bus facilities and infrastructure; and

WHEREAS, Bids will be solicited and evaluated according to MATA's adopted procurement procedures; and

WHEREAS, It is necessary to appropriate \$50,000 funded by G.O. Bonds – General in Bus Facility Improvements, CIP Project Number GA03025 to fund the local share for the bus facility improvements.

NOW, THEREFORE, BE IT RESOLVED By the Council of the City of Memphis that there be and is hereby appropriated the sum of \$50,000 funded by G. O. Bonds – General chargeable to the Fiscal Year 2021 Capital Improvement Budget and credited as follows:

Project Title:	Bus Facility Improvements
Project Number:	GA03025
Amount:	\$50,000



City Council Item Routing Sheet

Division: City Council Committee: Budget Hearing Date: December 1, 2020

Ordinance

Resolution

Grant Acceptance

Budget Amendment

Commendation

Other:

Item Description: The Memphis Area Transit Authority (MATA) is requesting the City Council to appropriate \$165,000 funded by G. O. Bonds General in CIP Project #GA03026, Rail Vehicles, to fund the local share for purchasing rail vehicles as part of the Fiscal Year 2021 Capital Improvement Budget.

Recommended Council Action: Adopt 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: No previous actions have been taking by any other entity.

Does this item require city expenditure? Yes

\$Amount: \$165,000

\$Click here to enter text.

Source and Amount of Funds:

CIP Project #GA03026

Approvals

Director  Date 11/12/20

Division Chief _____ Date _____

Budget Manager _____ Date _____

Chief Financial Officer _____ Date _____

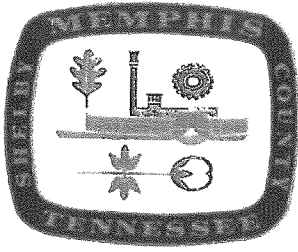
Chief Operating Officer

_____ Date _____

Council Committee Chair

_____ Date _____

Memphis City Council Summary Sheet Template 8-28-12



Memphis City Council Summary Sheet

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

This item is a resolution to appropriate FY21 CIP funds for rail vehicles for the Memphis Area Transit Authority.

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

MATA initiated the request for the City Council to appropriate \$165,000 in FY21 CIP funds under GA03026 Rail Vehicles.

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

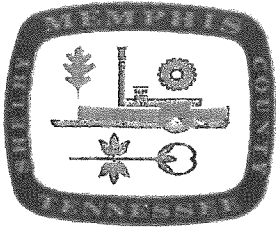
This is not a change to an existing ordinance or resolution.

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

This project will require MATA to solicit bids and award contracts. MATA will procure the vehicles in accordance with its Procurement Manual.

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

Yes, this item requires an expenditure of funds in the amount of \$165,000; however, no budget amendments are required.



**A RESOLUTION TO APPROPRIATE FY21 CIP FUNDS FOR RAIL VEHICLES FOR THE
MEMPHIS AREA TRANSIT AUTHORITY**

WHEREAS, The Council of the City of Memphis did approve Rail Vehicles, Project Number GA03026, as part of the Memphis Area Transit Authority's (MATA) FY21 Capital Improvement Program (CIP) budget; and

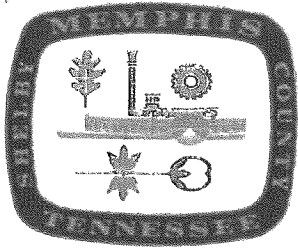
WHEREAS, The Memphis Area Transit Authority (MATA) periodically has to replace vehicles that have met their useful service life; and

WHEREAS, Bids will be solicited and evaluated according to MATA's adopted procurement procedures; and

WHEREAS, It is necessary to appropriate \$165,000 funded by G.O. Bonds – General in Rail Vehicles, CIP Project Number GA03026 to fund the local share for purchasing the vehicles.

NOW, THEREFORE, BE IT RESOLVED By the Council of the City of Memphis that there be and is hereby appropriated the sum of \$165,000 funded by G. O. Bonds – General chargeable to the Fiscal Year 2021 Capital Improvement Budget and credited as follows:

Project Title:	Rail Vehicles
Project Number:	GA03026
Amount:	\$165,000



City Council Item Routing Sheet

Division: City Council

Committee: Public Works

Hearing Date: December 1, 2020

Ordinance

Resolution

Grant Acceptance

Budget Amendment

Commendation

Other:

Item Description: The Memphis Area Transit Authority (MATA) is requesting the City Council to appropriate \$1,159,840 funded by G. O. Bonds General in CIP Project #GA03028, Midtown Area Connector, to fund the local share for the development of a new Bus Rapid Transit line connecting downtown with the University of Memphis as part of the Fiscal Year 2021 Capital Improvement Budget.

Recommended Council Action: Adopt 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: No previous actions have been taking by any other entity.

Does this item require city expenditure? Yes

\$Amount: \$1,159,840

\$Click here to enter text.

Source and Amount of Funds:

CIP Project #GA03028

Approvals

Director  Date 11/12/20

Division Chief _____ Date _____

Budget Manager _____ Date _____

Chief Financial Officer _____ Date _____

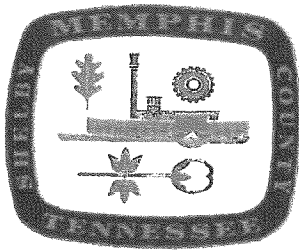
Chief Operating Officer

_____ Date _____

Council Committee Chair

_____ Date _____

Memphis City Council Summary Sheet Template 8-28-12



Memphis City Council Summary Sheet

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

This item is a resolution to appropriate FY21 CIP funds for Memphis Area Connector for a new Bus Rapid Transit line connecting downtown with the University of Memphis for the Memphis Area Transit Authority.

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

MATA initiated the request for the City Council to appropriate \$1,159,840 in FY21 CIP funds under GA03028 Midtown Area Connector.

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

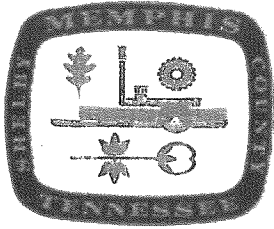
This is not a change to an existing ordinance or resolution.

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

This project will require MATA to solicit bids and award contracts. MATA has procured the architectural/engineering services in accordance with its Procurement Manual.

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

Yes, this item requires an expenditure of funds in the amount of \$1,159,840; however, no budget amendments are required.



A RESOLUTION TO APPROPRIATE FY21 CIP FUNDS FOR MIDTOWN AREA CONNECTOR BRT PROJECT FOR THE MEMPHIS AREA TRANSIT AUTHORITY

WHEREAS, The Council of the City of Memphis did approve Midtown Area Connector Bus Rapid Transit (BRT) project, Project Number GA03028, as part of The Memphis Area Transit Authority (MATA) FY21 Capital Improvement Program (CIP) budget; and

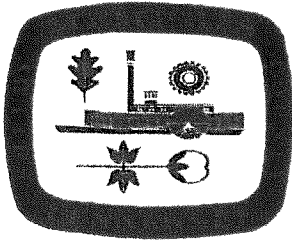
WHEREAS, FTA requires that MATA show that the Local funds are available for the project in order to receive the BUILD grant; and

WHEREAS, The Council of the City of Memphis did approve Midtown Area Connector BRT, Project Number GA03028, as part of MATA's FY21 Capital Improvement Program (CIP) budget; and

WHEREAS, It is necessary to appropriate \$1,159,840 funded by G.O Bonds – General, CIP Project Number GA03028 – Memphis Innovation Corridor BRT for Engineering and Architectural services associated with a new Bus Rapid Transit line connecting downtown with the University of Memphis.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MEMPHIS that there be and is hereby appropriated the sum of \$1,159,840 funded by G.O Bonds – General chargeable to the Fiscal Year 2021 Capital Improvement Budget and credited as follows:

Project Title:	Midtown Area Connector BRT
Project Number:	GA03028
Amount:	\$1,159,840



City Council Item Routing Sheet

Division: City Council Committee: Budget Hearing Date: December 15, 2020

Ordinance

Resolution

Grant Acceptance

Budget Amendment

Commendation

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

Item Description: **Resolution accepting funds from the Downtown Memphis Commission to reimburse construction funds to CIP Project EN01004.**

Recommended Council Action: **Approve the resolution – Engineering requests SAME NIGHT MINUTES**

Describe previous action taken by any other entity (i.e. board, commission, task force, council committee, etc.) and date of any action taken: **No previous actions have been taking by any other entity.**

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

Source and Amount of Funds:

Approvals

Director WES 4/17/20 Date _____

Division Chief _____ Date _____

Budget Manager _____ Date _____

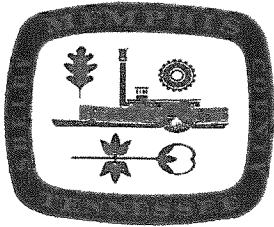
Chief Financial Officer _____ Date _____

Chief Operating Officer

_____ Date _____

Council Committee Chair

_____ Date _____



**RESOLUTION Accepting Funds from the Downtown Memphis
Commission to Reimburse Construction Funding to CIP Project EN01004**

WHEREAS, the City of Memphis Division of Engineering has received funds in the amount of \$36,500 from the Downtown Memphis Commission; and

WHEREAS, these funds will be used to reimburse \$36,500 in CIP project number EN01004 (Traffic Signals) contract construction funds currently being utilized by the Division of Engineering to fund emergency repairs to stabilize the bluffs below Butler Street Overlook which were in danger of failure; and

WHEREAS, it is necessary to accept the funds for the restoration of Fiscal Year 2021 EN01004 construction funding and amend the Fiscal Year 2021 CIP Budget to establish construction funds for project number EN01004; and

WHEREAS, it is necessary to appropriate the construction funds in the amount of Thirty-Six Thousand Five Hundred Dollars (\$36,500.00) for CIP project number EN01004.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that funds in the amount of Thirty-Six Thousand Five Hundred Dollars (\$36,500.00) be accepted from the Downtown Memphis Commission by the City of Memphis.

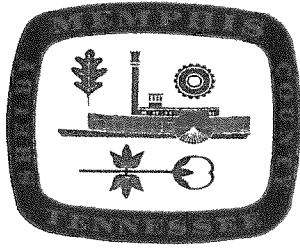
BE IT FURTHER RESOLVED that the Fiscal Year 2021 CIP Budget be and is hereby amended by appropriating the Expenditures and Revenues for CIP project number EN01004 in the amount of Thirty-Six Thousand Five Hundred Dollars (\$36,500.00) as follows:

Revenue

Downtown Memphis Commission	\$36,500.00
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Expense

EN01004 Contract Construction	\$36,500.00
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Memphis City Council Summary Sheet

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

Resolution accepting funds from the Downtown Memphis Commission to reimburse construction funds to CIP Project EN01004.

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

Division of Engineering

Engineering requests SAME NIGHT MINUTES on this item.

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.

Council District 6

Resolution to Amend City Council Rules of Procedure related to decorum.

WHEREAS, the City of Memphis Charter authorizes the Council to create rules, policies and procedures for it to carry out the duties and responsibilities outlined therein; and

WHEREAS, from time-to time, the Council deems it necessary to submit changes to of its Rules to ensure the legislative branch of government operates smoothly, efficiently and effectively.

WHEREAS, the rules require decorum for the orderly transaction of business and outline prohibited and disruptive behavior; and

WHEREAS, these amendments seek to clarify existing requirements for Councilmember civility and ensure that Councilmembers are held to the same standard as the public; and

WHEREAS, these amendments also provide for immediate action to prevent meeting disruption and maintain order.

NOW, THEREFORE, BE IT RESOLVED that the Council Rules of Procedure shall be amended to replace as follows:

D. DECORUM IN COUNCIL MEETINGS (35 through 36)

35. Meetings of the Council shall be conducted in an orderly manner to ensure the public has a full opportunity to be heard and the deliberative process of the Council is retained at all times. The Presiding Officer shall be responsible for maintaining decorum throughout the meeting. If a Councilmember feels that the Presiding Officer has failed to address a breach of decorum, the Councilmember may by motion appeal to the Chairperson to preserve decorum.

- a. Councilmembers. The members of the City Council shall preserve order and decorum, and a member shall not by conversation or other means delay or interrupt the Council proceedings or disturb any other member while speaking and obey the orders of the Presiding Officer. Councilmembers addressing the public, Administrative Staff, Council Staff or other Councilmembers shall do so in an orderly manner and shall not make personal, impertinent, slanderous or profane remarks to any member of the Council, staff or general public. Any Councilmember who makes such remarks, or who utters loud, threatening, personal or abusive language, or engages in any other disorderly conduct which disrupts, disturbs or otherwise impedes the orderly conduct of any Council meeting shall, at the discretion of the presiding officer, be asked to refrain from such behavior. If the behavior persists, the Chairperson with the approval or majority vote of the body shall determine how to proceed with the meeting.
- b. Employees. Employees of the City or City shall observe the same rules of order and decorum as those which apply to the members of Council.

- c. Persons Addressing the Council. Any person who addresses the Council shall do so in an orderly manner and shall not make personal, impertinent, slanderous or profane remarks to any member of the Council, staff or general public. Any person who makes such remarks, or who utters loud, threatening, personal or abusive language, or engages in any other disorderly conduct which disrupts, disturbs or otherwise impedes the orderly conduct of any Council meeting shall, at the discretion of the presiding officer, be barred from further audience before the Council during that meeting.

- d. Members of the Audience. No person in the audience at a Council meeting shall engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, whistling, stamping of feet or other acts which disturb, disrupt or otherwise impede the orderly conduct of any Council meeting. Any person who conducts himself in the aforementioned manner shall, at the discretion of the presiding officer, be barred from further audience before the Council during that meeting.

Sponsor:

Patrice Robinson, Chairwoman

JB Smiley, Jr.

MEMPHIS CITY COUNCIL

RULES OF PROCEDURE

CITY OF MEMPHIS, TENNESSEE

INCLUDING AMENDMENTS OF:

January 10, 1984
January 17, 1984
March 20, 1984
January 2, 1985
January 21, 1986
January 6, 1987
February 17, 1987
December 8, 1987
January 26, 1988
January 10, 1989
October 6, 1998
May 15, 2001
October 21, 2003
December 2, 2003
October 3, 2006
February 6, 2007
February 20, 2007
September 18, 2007
September 9, 2008
September 23, 2008
April 5, 2011
August 2, 2011
December 20, 2011
December 16, 2014
June 7, 2016
December 20, 2016
December 5, 2017
February 19, 2019

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RULES OF PROCEDURE - COUNCIL OF THE CITY OF MEMPHIS, TENNESSEE

A. DUTIES OF THE CHAIRPERSON (1 through 6)

1. The Chairperson shall preside at all meetings of the Council.
2. The Chairperson shall have general direction of the Council Chamber and shall preserve order. The Sergeant at Arms of the Council shall be under the direct supervision of the Chairperson.
3. The Chairperson, in consultation with the Parliamentarian, shall decide questions of order, subject to appeal of the council by any member, and shall put each question. The Chairperson shall have a vote on all matters.
4. The Chairperson shall appoint all committees, unless otherwise directed by the Council, and shall have other powers granted to him/her hereunder. The Chairperson may also appoint a Parliamentarian; in default of such appointment the Council's Legal Counsel shall serve as Parliamentarian. The Chairperson shall establish the order of business for any special meeting of the Council. It shall be the responsibility of the Chairperson-elect to distribute and collect staff performance reviews in December of each year.
5. The Chairperson shall be elected by a majority vote of the duly sworn Council Members during the second meeting of November preceding the year he/she shall serve.

The Vice Chairperson shall be elected by a majority vote of the Council Members during the second meeting of the November preceding the year he/she shall serve. In the event the Chairperson of the Council becomes incapacitated, the Vice Chairperson shall serve as Chairperson of the Council and a new member shall be voted in as Vice Chairperson for the remainder of the year.

6. The Chairperson, through the Council Office Administrator, shall be in charge of the office staff, shall schedule the workload and assume the responsibility of office routing. The Chairperson shall be in charge of employment, with notification to Council Members of job openings. Dismissal of Council staff is subject to the approval of the Council in executive session. Members of the Council shall not request personal secretarial work of staff members for other than strictly Council business.

The Chairperson will be in charge of and accountable for the Council budget that has been approved by the Council during the budget process.

The Chairperson will authorize and/or approve all expenditures requested by the Council Members and the staff, including, but not limited to, travel and supplies. The party seeking

authorization or approval shall, at the request of the Chairperson, submit written substantiation that the expenditure requested is for City business. If the Chairperson determines that the expenditure is not for City business, the Chairperson will return the request without authorization or approval for payment to the Council Member or staff member.

If the involved Council or staff member disagrees with the Chairperson's decision, said Council Member or staff member may appeal to the Council's Personnel Committee, which will make a recommendation to the entire Council, action of the entire Council shall be conclusive.

If it is determined that an expenditure properly authorized was not for City business, the Chairperson and the Council Member who initiated the expenditure will both be equally responsible to make restitution; provided, however, if the substantiating evidence upon which the Chairperson relied was incorrect, then the Chairperson shall not be liable to make restitution.

If the involved Council or staff member disagrees with the findings, such person may appeal to the Council's Personnel, Committee, which will make a recommendation to the entire Council, and action of the entire Council shall be conclusive.

B. ORDER OF BUSINESS (7 through 21)

7. The meeting shall be called to order.
8. Invocation.
9. Roll Call.
10. Recognition of Visitors, including presentations of Resolutions and Certificates (presentations limited to 10 minutes).
11. Minutes of previous meeting approved.
12. Comptroller shall call agenda.
13. Recommendations and Communications from Mayor and others received and considered.
14. Nominations and/or appointments made.
15. Passage of ordinances considered in the following manner:
(Rezoning ordinances excluded)
 - a. First Reading
 - b. Second Reading.
 - c. Third and Final Reading.
16. Public hearings required by law (including consideration of ordinances on Third and Final Reading on Zonings).
17. Resolutions presented by Divisions in the following order:
 - a. Executive Office.
 - b. Finance and Administration.
 - c. Fire Services.
 - d. General Services.
 - e. Housing and Community Development.
 - f. Human Services.
 - g. Human Resources.
 - h. Planning and Development.
 - I. Police Services.
 - j. Public Service
 - k. Public Works and Solid Waste.
 - l. Sanitation Services.

18. Committee reports shall be given consideration and action in the order listed hereinafter (See E. Organization of Council).
19. Recommendations of the Council:
 - a. General Items.
 - b. Discussion Items.
20. Introduction of items on matters by the General Public.
21. Adjournment.

C. PROCEEDINGS IN COUNCIL MEETINGS (22 through 34)

22. Council Members shall have a regularly assigned seat in the Council Chamber. The Chairperson will assign the seating at the beginning of each year. Each Council Member shall address the Chairperson from his/her appropriate seat, and no Council Member shall be recognized by the Chairperson unless he/she be in his/her proper place. Talking on a Cell phone is not permitted at the Council member's assigned seat. If a call must be made or taken, members are asked to use the ante rooms located on either side of Council Chambers. The Chairperson may request a member to step away from the dais if he/she is causing a major distraction.
23. Every motion, resolution, or ordinance, must be introduced by a Council Member and seconded by another Council Member. The fact that any Council Member introduces a resolution or ordinance shall not prevent the Council Member from casting a negative vote on said resolution or ordinance. Upon failure of a second, the Chairperson shall declare the motion failed for lack of a second and the motion shall not be considered further.
24. All motions shall be subject to debate except the following motions:
- a. To Adjourn
 - b. To Lay on the Table
 - c. For the Previous Question

provided, however, the proponent of any measure sought to be tabled shall have the right to be heard after the motion To Table is made and before said motion is put to vote. Furthermore, any lights registered and duly acknowledged by the Chairperson, after a motion for the previous question has been made, those persons will be allowed to speak but no new lights will be accepted.

25. When any question or motion is under debate in the Council, the following motions only shall be in order and may be entertained by the Chairperson.
- a. To Adjourn.
 - b. To Lay on the Table.
 - c. To the Previous Question.
 - d. To Limit or Extend Limits of Debate
 - d. To Postpone to a Day Certain.
 - e. To Commit.
 - f. To Amend.
 - g. To Postpone Indefinitely.

Each of said motions shall take precedence in the order set out herein.

26. A roll call vote shall be taken by the Chairperson on all ordinances and on all resolutions involving appropriations, real property or funding. All ordinances shall be passed on consecutive, regular meetings; provided, however, that on Third and Final Reading, an ordinance may be postponed by affirmative action of Council from week-to-week or to a day certain. After the Chairperson has put a question, or after there has been a roll call vote of the Council, the Chairperson shall not entertain a motion until a decision of the Council has been declared by the Chairperson.

The chair may call for any other method of voting allowed by Roberts Rules of Order such as voice vote, show of hands or by unanimous consent. In each case, the Comptroller shall reveal how each member voted to the Chairperson either verbally or electronically. The result of the vote shall not be final until announced by the Chairperson. Any member whose vote was not called may request his or her vote to be recorded at any time prior to the Chairperson's announcement of the vote. Any member may change his or her vote at any time prior to the announcement of the vote as long as such change does not change the outcome of the vote.

27. Any Council Member may appeal to the Council from any ruling of the Chairperson, and a majority vote of the Council Members present shall decide the appeal.
28. No one other than a Council Member may address the Council, except with the permission of the Chairperson, or as otherwise permitted under these Rules of Procedure. The Chairperson's ruling under this Rule 28 may be appealed to Council in the same manner as any other ruling. Members of the public wishing to address the Council on an agenda item shall sign in with the Sergeant At Arms and will be recognized by the Chairperson at the appropriate time. When recognized, this person shall state his or her name and address and shall limit remarks to the specific question under debate. Comment shall be limited to two (2) minutes. Persons may speak on no more than two (2) agenda items. No citizen may yield any allotted time to any other person or speaker. There shall be no debate by Council on the Consent Agenda, unless a matter is removed from the Consent Agenda by proper vote of the Council. Members of the public may not speak to the Consent Agenda except during the portion of the Agenda reserved for Discussion of matters presented by the General Public.
29. In the case of any disturbance or disorderly conduct in the Council Chamber, the Chairperson shall have the power to order same to be cleared.
30. The Council may change the order of business upon majority vote of those Council Members present or at the discretion of the Chairperson or Councilmember presiding over the meeting.
31. In the case of public hearings which debate the passage of an ordinance, the Chairperson may set time limitations in advance of the hearings; provided, however, that equal time be

afforded to those who support such proposals and those who are in opposition. In the case of group opposition or group support, the Chairperson may request agreement on a single spokesman for each group.

32. In the case of final readings on Zoning Ordinances, the following procedures shall be followed:
 - a. Office of Planning and Development will provide the Chairperson and the committee Chairperson of Planning and Zoning a list of cases on the agenda that are non-contested which may be heard prior to any contested cases that may require a lengthy debate and discussion. Each case shall be presented by a member of the staff of the Office of Planning and Development.
 - b. The applicant shall be granted a maximum of fifteen (15) minutes for oral presentation. This time limitation may be divided between initial presentation and rebuttal, as long as the total does not exceed the fifteen minutes allotted.
 - c. Spokesman for the opposition shall be granted equal time.
 - d. Discussion between Council Members shall not be interrupted by either the applicants or the opponents, nor by any other members of the public present in the Council Chamber. **The Chairperson shall strictly enforce these rules.**
33. Persons seeking to speak during the section reserved for Discussion of matters presented by the General Public shall sign in with the Sergeant At Arms, listing name and subject matter. At the conclusion of the regular business on the agenda, the Chairperson recognizes those persons who have registered to speak with the Sergeant At Arms, the Chairperson shall make the following statement:

As a reminder, these meetings are for the official business of the council and are held in public, not as a meeting with the public. Citizens may address the Council as a matter of legislative grace and not as a matter of right. Any person wishing to speak is expected to reflect a total sense of respect for the office held by those assembled to conduct business. Speakers shall be courteous to one another, to any member of the administrative staff, as well as persons who may address the Council. Each speaker must state their name and home address for the record. Speakers are respectfully asked to refrain from using names of city personnel or elected officials, particularly when lodging a complaint. Speakers will not be permitted to engage in gossip, make defamatory comments, or use abusive or vulgar language. The Chairperson shall have the authority to revoke the permission granted to any individual to speak if any such individual is disruptive or does not

adhere to Council rules. A continued disturbance may result in removal from Council Meeting or possible removal from the Council Meeting. Each Speaker will have no more than two minutes to speak.

After making the forgoing announcement, the Chairperson shall recognize persons who have registered to speak with the Sergeant At Arms in the proper order of signatures as handed to him by the Sergeant At Arms. Recognition of any person who failed to sign-in will be discouraged, but final decision shall rest with the Chairperson. No citizen may yield any allotted time to any other person or speaker.

34. If any question shall arise which is not provided for in these Rules, the same shall be governed by Roberts Rules of Order, which is hereby adopted. The Council Rules of Procedure as adopted shall supersede Robert's Rules of Order for items addressed within.

D. DECORUM IN COUNCIL MEETINGS (35 through 36)

35. Meetings of the Council shall be conducted in an orderly manner to ensure the public has a full opportunity to be heard and the deliberative process of the Council is retained at all times. The Presiding Officer shall be responsible for maintaining decorum throughout the meeting. If a Councilmember feels that the Presiding Officer has failed to address a breach of decorum, the Councilmember may by motion appeal to the Chairperson to preserve decorum.
- a. Councilmembers. The members of the City Council shall preserve order and decorum, and a member shall not by conversation or other means delay or interrupt the Council proceedings or disturb any other member while speaking and obey the orders of the Presiding Officer. Councilmembers addressing the public, Administrative Staff, Council Staff or other Councilmembers shall do so in an orderly manner and shall not make personal, impertinent, slanderous or profane remarks to any member of the Council, staff or general public. Any Councilmember who makes such remarks, or who utters loud, threatening, personal or abusive language, or engages in any other disorderly conduct which disrupts, disturbs or otherwise impedes the orderly conduct of any Council meeting shall, at the discretion of the presiding officer, be asked to refrain from such behavior. If the behavior persists, the Chairperson with the approval or majority vote of the body shall determine how to proceed with the meeting.
 - b. Employees. Employees of the City or City shall observe the same rules of order and decorum as those which apply to the members of Council.
 - c. Persons Addressing the Council. Any person who addresses the Council shall do so in an orderly manner and shall not make personal, impertinent, slanderous or profane remarks to any member of the Council, staff or general public. Any person who makes such remarks, or who utters loud, threatening, personal or abusive language, or engages in any other disorderly conduct which disrupts, disturbs or otherwise impedes the orderly conduct of any Council meeting shall, at the discretion of the presiding officer, be barred from further audience before the Council during that meeting.
 - d. Members of the Audience. No person in the audience at a Council meeting shall engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, whistling, stamping of feet or other acts which disturb, disrupt or otherwise impede the orderly conduct of any Council meeting. Any person who conducts himself in the aforementioned manner shall, at the discretion of the presiding officer, be barred from further audience before the Council during that meeting.
36. Rules of Enforcement
- a. Warning. The presiding officer shall request that a person who is breaching the rules of

decorum to be orderly and silent through a verbal warning.

- b. Order to Leave. If, after receiving a warning from the presiding officer, a person persists in disturbing the meeting, the presiding officer shall order him or her, to leave the Council meeting to prevent any further disruption of the meeting.
- c. Removal. If such person does not remove himself or herself, the presiding officer may order any law enforcement officer who is on duty at the meeting as sergeant-at-arms of the Council to remove that person from the Council chambers to prevent further disruption of the meeting.

E. ORGANIZATION OF COUNCIL (37 and 38)

37. There shall be the following standing committees which shall be appointed annually by the Chairperson:

- a. Audit Committee
- b. Budget
- c. Economic Development, Tourism and Technology
- d. Government Affairs & Annexations
- e. Housing and Community Development
- f. MLGW
- g. Parks and Environment
- h. Personnel
- i. Planning and Zoning
- j. Public Safety and Homeland Security
- k. Public Services, Arts, Youth Initiatives, Libraries and Neighborhoods
- l. Public Works, Solid Waste, Transportation and General Services

38. a. Any proposal or ordinance, other than routine personal resolutions, must be referred by the originator to an appropriate committee for consideration and recommendation. If the originator has an item and he is not sure to which committee it should be referred, he will give it to the Chairperson of the Council for assignment. This committee may, if it desires, hold public hearings thereon. In such public hearings, all speakers shall be limited to five minutes, except by special permission of the committee Chairperson. Equal time shall be afforded to the proponents and opponents of any ordinance or resolution under consideration.
- b. Any proposal or resolution presented in committee must contain the name of the originator and co-sponsor (if applicable) in the lower right-hand portion of the document immediately following the body of the legislation. Any ordinance presented must contain the name of the originator, co-sponsor (if applicable) and Council Chairperson.
- c. On occasion should an emergency arise or a quantifiable benefit to the City of Memphis or another party will be lost as a result of the delay of action by the Memphis City Council, meeting minutes for an agenda item may be approved at the same meeting. In order to approve an agenda item and minutes for that item the same evening, a Councilmember shall request in Executive Session by motion and approval of two-thirds (2/3) of Councilmembers present and voting in Executive Session on that day that those minutes be approved the same evening.

F. AGENDA (39 through 45)

39. The agenda of the Council shall be prepared under the direction of the Council Records, with administrative items to be submitted no later than 10:00 a.m. on Thursday, preceding the Council meeting, to the Council Office.

- a. Resolutions or Ordinances placed on the agenda shall indicate the sponsor of the item as well as the Chairperson of the committee.

Example:

Flinn
Chairperson, Personnel
Committee

7. Ordinance to amend Chapter 25 of the City of Memphis Code of Ordinances, governing the City Pension System to provide a 2016 Cash Balance Plan and a 2016 Defined Contribution Plan (Non-vested employees) Ordinance No. 5572 Sponsored by Administration

- b. Any matter which has appeared on the agenda and has been acted upon by either a majority vote for approval or rejection, may be brought before the Council for reconsideration upon proper motion of a Council Member and seconding motion by another Council Member.

The only requirements for this action are:

- (1) The Member making the Motion to Reconsider must have voted on the prevailing side of the initial vote. A Member, regardless of how he voted on the Motion to be Reconsidered, may Second the Motion.
- (2) Such Motion to Reconsider must be made prior to approval of the minutes in which the first vote was cast.
- (3) The Motion to Reconsider is not amendable.
- (4) No question can be reconsidered twice unless it was materially amended during its first reconsideration.

Once a matter, either ordinance, resolution, or special permit, has been finally approved or rejected at one meeting, any such item may not be placed on the agenda by either a Member of the Council or the Administration for further consideration until SIX MONTHS (minimum of twelve (12) official weekly meetings) following original consideration of the matter.

- c. All items that have been referred to committee and have been acted upon by that committee shall appear on the agenda with the appropriate committee Chairperson's name alongside. All items not referred to committee shall appear with the Council Member's name who is the sponsor of that item.

Before any item is put on the Council Agenda, with the exception of subdivision approval and acceptance, Fiscal Consent Agenda items, personal resolutions, i.e., acknowledgment, condolence, commendation, the originator of such item must present it promptly to the appropriate committee. In addition, only four honorary street name changes per council member per four year term will be considered by a Council Committee or placed on a Council agenda. Additionally, not more than 2 name changes are permitted in a year and no name changes will be carried over from term to term. A regular street name change may occur only if a person is deceased.

40. All proposed ordinances, resolutions, motions, and other matters submitted by Council Members shall be submitted in writing to the Council Office by 10:00 a.m. THURSDAY, except that a Council Member may give notice of an ordinance or resolution and the same shall be considered at TUESDAY meetings if, in fact, the Council Member presents it in writing by the Tuesday meeting. Only items involving extreme emergencies may be added to the agenda after the Thursday, 10:00 a.m. deadline; provided, also, that two or more Members of the Council may voice their objections thereto and said items shall be added to the next regular agenda.
41. All proposals, recommendations and communications submitted by the Mayor or his designated officer shall be in the Council Office by 10:00 a.m., THURSDAY, preceding the Council meeting. All recommendations and proposals not involving resolutions or ordinances shall also be placed on the agenda.

The Council, Mayor and Administrative Staff will review the agenda and discuss any policy questions that are pending or anticipated during Council Executive Session held each Tuesday. During this session, each agenda Item should be discussed; Council Committee and administrative reports shall be received and **appointments to citizen boards shall be interviewed**. If additional time is needed to gather information or study an agenda item, it may be deferred or dropped from the agenda by a majority of the Council present.

42. All other communications required by law to be presented to the Council shall be placed on the agenda.
43. The Council Records staff shall mail to all Council Members and the administration a copy of the agenda before 5:00 p.m., THURSDAY preceding each Council Meeting. A copy of any resolutions or ordinances on the agenda for consideration shall be sent to the Council Office and mailed to each member of the appropriate committee, along with the agenda. Any Council Member may request the Council Office to allow him to pick up a copy of the agenda, resolutions, and ordinances in lieu of mailing same to him/her.
44. The Council staff shall make such agenda available to the public and to the press by mailing time each Thursday.

45. a. Resolutions and ordinances on first and second reading, which appear to be noncontroversial, may be placed on a Consent Agenda. All items on the Consent Agenda may be read cumulatively and adopted by one vote, provided, however, an objection by any one Member of the Council will cause an item to be removed from the Consent Agenda and handled in the normal manner. The Consent agenda is to be made and distributed at the same time as the regular weekly agenda.
- b. Resolutions on first and second reading, prepared for fiscal matters and routine appropriation of funds on items previously budgeted or allocated for specific projects, up to amounts of \$25,000, may be placed under a caption Fiscal Consent Agenda, be read cumulatively and adopted by one roll call vote, provided, however, any objection by any one Member of the Council will cause an item to be removed from the Fiscal Consent Agenda and handled in the normal manner. Items above \$25,000, where no objection is voiced, may be added at Executive Sessions and be considered with other Fiscal Consent items. The Fiscal Consent Agenda is to be made a part of and distributed at the same time as the regular weekly agenda.

There shall be a permanent Fiscal Consent Agenda for the acceptance of grant funds and donations across all city divisions. Items shall appear in the appropriate committee and on the Fiscal Agenda simultaneously. Items appearing on the Fiscal Consent Agenda will be approved with same night minutes. Any item requiring a city match will be added on the Fiscal Consent Agenda only after it has received approval in the appropriate committee and a motion has been made to add the item. Council members shall be able to pull items from the Fiscal Agenda with an objection.

G. CODE OF ETHICS (46 through 49)

46. Meetings of the Council; Members of the Council are expected to be prompt in their attendance of official meetings, including those held in joint session with the Shelby County Commission. Such meetings shall be conducted in an orderly manner and according to the Rules of Procedure as adopted by this Council pursuant to Article 7, Section 44, of the Charter of the City of Memphis, as quoted below:

It shall require a majority of the duly sworn Members of the Council to form a quorum for the transaction of business, but a smaller number may adjourn from day to day, and can adopt such measures as are necessary to compel the attendance of absent Members. The Council may determine the rules for its procedure and may prescribe the punishment for its Members for non-attendance or disorderly conduct, and shall have the power to enforce same.

47. Conduct of individual Members during meetings of the Council is expected to reflect a total sense of respect for the office held by those assembled to conduct business. Members shall be courteous to one another, to any member of the administrative staff, as well as persons who may address the Council. The length of time to speak for each Council member is limited to not more than five (5) minutes, per motion, to be used in sum or in part when first recognized to speak on a matter or the remaining time may be used when recognition is sought the second time. A Member may not speak until recognized by the Chairperson and **shall not be recognized the second time on the same subject** until all members who wish to speak have had an opportunity to do so. Any disorderly conduct shall be noted by the Chairperson.

48. General Conduct: Members of the Council are advised of the following provision of the Home Rule Amendment:

Neither the Council nor any Member thereof shall give orders directly to the Mayor's subordinates or otherwise interfere with the operation of the administrative departments through such means as directing or requesting the appointment or removal of any of the Mayor's subordinates, or by suggesting or promoting the making of particular purchases from, or contract with, any specific organization, or by applying for special services not available to all citizens. The office of any Council Member violating any provision of this section shall immediately become vacant upon his conviction of such type of misconduct in a court of competent jurisdiction.

The Council shall have full power and authority to adopt the rules and regulations pertaining to the conduct of the Council, including the power to issue subpoenas and administer oaths, as now provided for the Board of Commissioners.

49. In order to implement these procedures, the Chairperson shall appoint a special three-member committee designated as a COMMITTEE OF ETHICS. Its function shall be to receive, consider and investigate any written charges presented by a Council Member preferred against any Member of the Council wherein said Member of the Council is alleged to have been guilty of misfeasance, malfeasance, or any felony or misdemeanor involving moral turpitude. This shall include written complaints that may be filed concerning ethical conduct of any Member of

the Council, such as conduct alleged to be in violation of the Oath of Office as sworn to by each Member of the Council, including the specific Charter references cited above. The Committee shall report to the full Council as to its findings and recommendations in any such case filed.

Censure of any Member of the Council would require nine (9) votes. Recommendations of this Committee may include referral to the Shelby County Attorney General and/or U.S. Attorney General, and findings deemed appropriate for further investigation by proper offices.

H. OTHER MEETINGS OF THE COUNCIL (50 through 53)

50. The Council meets in official session at 3:30 p.m. the first and third Tuesday of each month unless otherwise notified, in the Council Chamber, with an Executive Session beginning 30 minutes prior to the official session.
51. Special called meetings must follow official procedures as directed by the Chairperson.
52. The Chairperson of the Council may call a meeting of the Council, upon reasonable notice, for discussion purposes or consideration of any item the Chairperson deems pertinent, but such meeting shall not be considered official, nor can any official or binding action be taken by the Council at any such meeting. As many as seven (7) Members of the Council may petition the Chairperson to call such a meeting of the Council, provided, however, that the same restrictions as the official action shall apply.
53. No rule(s) of the Council's Rules of Procedure may be changed without receiving an affirmative constitutional majority. A constitutional majority is defined to be a majority of the number of Members to which the Council is entitled; currently seven (7).

Notice of a proposed rule change must be communicated in writing, to each Council Member at least seven days prior to consideration by the Council. Said notice shall state the general nature of the proposed rule and the date on which the sponsor intends to present the proposal to the Council.

These Rules may be amended at any time by a constitutional majority vote of the Council.

I. TRAVEL POLICY (54 through 55)

54. The City Council hereby adopts the official City of Memphis Travel Policy as a guideline for definition of allowable travel expense and limitation, and for the Chairperson's use in considering approval or disapproval of the type and amount of travel expenditure requests for which individual Members seek advance payment of post-travel reimbursement. Said Travel Policy as it relates to Council Members may be amended by majority vote of Council.

All Members of the City Council shall request out-of-city travel and/or reimbursement from the Chairperson of the Council, who will approve or disapprove said request after expeditious review, and said review and determination shall be based on whether or not said travel is judged to be in the best interest of the City of Memphis. Any travel approved by the Chairperson of the City Council, for either himself or another council member, is only valid during the calendar year of the Chairperson's tenure. All persons seeking approval for travel must receive authorization in writing from the Chairperson of the Council prior to the initiation of travel plans by the City Council staff. In the event the Council Chairperson disapproves a Member's travel request, said Member may appeal the Chairperson's decision to the Council's Personnel Committee which may, by majority vote of the Committee's membership, recommend to the full Council to uphold the Chairperson's decision or approve the travel requested.

55. Council Members shall be responsible for prompt notification of their inability to attend a conference or a meeting which requires pre-registration. In the event a registration fee has been made which is not refundable, Council Members shall be required to reimburse the City for that portion of the fee which is non-refundable.

The Council Chairperson shall have the ability to waive this requirement upon justification of the circumstances which require cancellation. In the event the Council Chairperson disapproves a Member's waiver request, said Member may appeal the Chairperson's decision to the Council's Personnel, Intergovernmental and Annexation Committee's membership and recommend to the full Council, either to uphold the Chairperson's decision or to waive the reimbursement.

J. VACANCIES (56)

56. Upon notification of a vacancy on the Council, the Chairperson shall request written nominations from Council members of a qualified individual(s) they would like considered for the position. Additionally, the public may nominate candidates and interested candidates shall personally submit a resume and letter indicating their interest in the vacant seat. The name, address and birthdate of all candidates should be included in the nominating letter. Interested candidates will also be asked to provide proof of residency as described by the City of Memphis Human Resources Division. Required documents for Proof of Residency shall be at least one (1) of the following: valid Tennessee driver's license or state identification; Tennessee vehicle registration; current Memphis Light Gas & Water bill (within previous 30 days), and at least two (2) of the following: mortgage papers or lease agreement in candidate's or spouse's name; address section of federal tax return or tax bill for residence; recent bank or credit union statement in candidate's or spouse's name (within previous 30 days); voter registration card. The candidate's eligibility and residency will be certified by the Shelby County Election Commission.

Signatures of twenty-five (25) registered voters residing in the Council district in which the vacancy exists shall be obtained. Said signatures and proof of residency shall be submitted to the Shelby County Election Commission on a form which includes a sworn, affirmative statement regarding the residency of the candidate by noon on the Thursday preceding the Tuesday meeting when the Council shall fill the vacancy.

During the Regular Meeting of the Council or Executive Session, all nominees will be given an opportunity to deliver a speech, may be questioned by the Council, and will be voted on at the same time. A roll call vote shall be taken with each Council member indicating the name of their choice to fill the vacant seat. Voting will begin with the Council person whose name appears first on the voting board. With each successive round of voting, the person who voted first in the previous round will vote last.

The Deputy Comptroller will tabulate the votes and inform the Chairperson of the vote count for each nominee at the conclusion of each round of voting. The procedures in the initial round will be repeated as many times as necessary until a nominee receives a majority vote of the duly sworn Council Members. Beginning at the second round of voting, a nominee receiving less than two (2) votes will be dropped from the list of nominees. After three (3) rounds of voting, the Chairperson may accept a motion to consider the top two (2) vote-getters.

The Chairperson will have the discretion to establish time limits for voting when an impasse seems likely and to table voting to the next meeting so as to not disrupt and delay normal Council business.

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