

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 NO. 5763

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

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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

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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,

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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

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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

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(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 accrued 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

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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

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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 employcc 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

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be withdrawn by or distributed to the participant except as provided in this 2016 Plan.

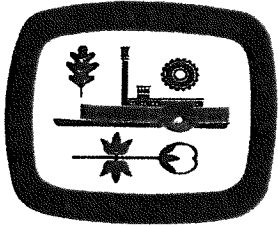
(2) *Distribution of Rollover Account as Part of Accrued Benefit.* At the participant's normal retirement date, or such other date when the participant shall be entitled to receive benefits under Sec. 25-240, Sec. 25-241, or Sec. 25-242, the value of the Rollover Account shall be combined with the participant's 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.



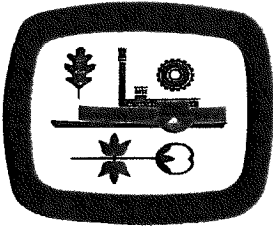
RESOLUTION accepting Kirby Whitten Business Center, Lot 24 (Starbucks) and authorizing release of bond.

WHEREAS, Rudd Seeley Wallis, LLC is the Developer has completed the public improvement with the City of Memphis as shown on the engineering plans of **Kirby Whitten Business Center, Lot 24 (Starbucks)** located on the northwest corner of Whitten Road and Raleigh LaGrange Parkway, in the City of Memphis, Tennessee.

WHEREAS, all of the public improvements required by the standard improvement contract for the project are completed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the engineering plans of **Kirby Whitten Business Center, Lot 24 (Starbucks), CR-5280** and the completion of the public improvements therein, be and the same are hereby accepted by the City.

BE IT FURTHER RESOLVED that the Renasant Bank Letter of Credit No. 3883 in the amount of \$49,000.00 held as security for the standard improvement contract is ordered released.



RESOLUTION approving the final plat entitled **Starbucks #62734**

WHEREAS, **Marketplace Development, LLC.** is the Developer of certain property within the present limits of the City of Memphis, located at 3245 Austin Peay, approximately 157 linear feet north of the Yale Road/Austin Peay Highway inside the City of Memphis, Tennessee as indicated on the engineering plans entitled **Starbucks #62734** and

WHEREAS, the developer desires to develop the property reflected on the final plat; and

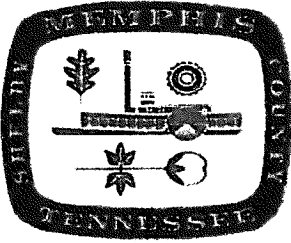
WHEREAS, attached hereto is a standard improvement contract entered into by and between **Marketplace Development, LLC.** and the City of Memphis covering the public improvements as a part of developing the property; and

WHEREAS, the terms and conditions of the contract are in accordance with the policies of the City of Memphis for developing such a project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the final plat for **Starbucks #62734**; be and is hereby approved.

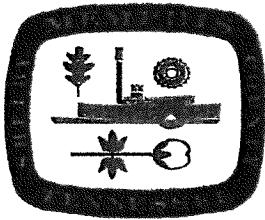
BE IT FURTHER RESOLVED, that the proper officials be and are hereby authorized to execute the attached standard improvement contract and accept Performance Bond No. SU1167426 in the amount of \$56,400.00.

CR-5340



Memphis City Council Summary Sheet

- 1. Description of the Item (Resolution, Ordinance, etc.)** This is a resolution to accept grant funds from the Tennessee Department of Safety and Homeland Security - Tennessee Highway Safety Office (THSO) in the amount of Twenty Thousand Dollars (\$20,000.00).
- 2. Initiating Party (e.g. Public Works, at request of City Council, etc.)** The City of Memphis Division of Police Services is awarded this grant from the Tennessee Department of Safety and Homeland Security-Tennessee Highway Safety Office (THSO).
- 3. State whether this is a change to an existing ordinance or resolution, if applicable.**
This item does not change an existing ordinance or resolution.
- 4. State whether this requires a new contract, or amends an existing contract, if applicable.**
This is a new award pending Council approval.
- 5. State whether this requires an expenditure of funds/requires a budget amendment.**
Acceptance will require an amendment to the FY 2021 Operating Budget to appropriate the funds.



A Resolution to accept grant funds in the amount of Twenty Thousand Dollars (\$20,000.00) from Tennessee Highway Safety Office (THSO) through the Tennessee Department of Safety and Homeland Security.

WHEREAS, The City of Memphis Division of Police Services has been awarded grant funds in the amount of Twenty Thousand Dollars (\$20,000.00) from the Tennessee Safety Highway Office(THSO) through the Tennessee Department of Safety and Homeland Security for the FY 2021 Network Coordinator; and

WHEREAS, this award will be used for the purpose of providing funding for personnel overtime, conference travel, and supplies for the City of Memphis, Division of Police Services; and

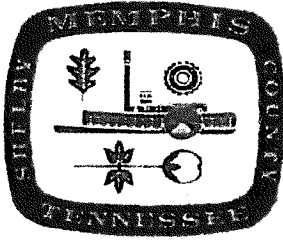
WHEREAS, it is necessary to accept the grant funding and amend FY 2021 Operating Budget to establish funds for the FY 2021 Tennessee Highway Safety Office (THSO) grant project- Network Coordinator; and

WHEREAS, it is necessary to appropriate the FY 2021 grant funds in the amount of Twenty Thousand Dollars (20,000.00) for the FY 2021 Tennessee Highway Safety Office (THSO) grant project Network Coordinator.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the FY 2021 Tennessee Highway Safety Office (THSO) grant project – Network Coordinator funds in the amount of Twenty Thousand Dollars (\$20,000.00) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the Fiscal Year 2021 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the FY 2021 Tennessee Highway Safety Office (THSO) grant project – Network Coordinator in the amount of Twenty Thousand Dollars (\$20,000.00) as follows:

REVENUE	
Department of Safety and Homeland Security	<u>\$20,000.00</u>
Total	<u>\$20,000.00</u>
Expenditures	
Full-Time Salaries	<u>\$12,558.00</u>
Supplies	<u>\$ 1,500.00</u>
Travel	<u>\$ 5,942.00</u>
Total	<u>\$20,000.00</u>



Memphis City Council Summary Sheet

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

This is a resolution to accept grant funds from the Tennessee Department of Safety and Homeland Security in the amount of Three Hundred Thousand Dollars (\$300,000.00) to provide for full-time salaries/overtime, supplies, and travel.

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

The City of Memphis Division of Police Services is awarded this grant from the Tennessee Department of Safety and Homeland Security.

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

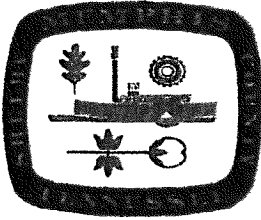
This item does not change an existing ordinance or resolution.

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

This is a new grant award pending Council approval.

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

Acceptance will require an amendment to the FY 2021 Operating Budget to appropriate the funds.



A Resolution to accept grant funds in the amount of Three Hundred Thousand Dollars (\$300,000.00) from Tennessee Highway Safety Office (THSO) through the Tennessee Department of Safety and Homeland Security.

WHEREAS, The City of Memphis Division of Police Services has been awarded grant funds in the amount of Three Hundred Thousand Dollars (\$300,000.00) from the Tennessee Highway Safety office (THSO) through the Tennessee Department of Safety and Homeland Security for the FY 2021 Traffic Safety Enforcement and Education Grant; and

WHEREAS, award will be used for the purpose of funding personnel Overtime, Supplies, and Travel; and

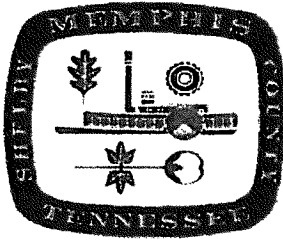
WHEREAS, it is necessary to accept the grant funding and amend FY 2021 Operating Budget to establish funds for the FY 2021 Tennessee Highway Safety Office (THSO) grant project- Traffic Safety Enforcement and Education Grant; and

WHEREAS, it is necessary to appropriate the FY 2021 grant funds in the amount of Three Hundred Thousand Dollars (\$300,000.00) for the FY 2021 Tennessee Highway Safety Office (THSO) grant project – Traffic Safety Enforcement and Education Grant Program.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the FY 2021 Tennessee Highway Safety Office (THSO) grant project – Traffic Safety Enforcement and Education Grant Program funds in the amount of Three Hundred Thousand Dollars (\$300,000.00) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the Fiscal Year 2021 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the FY 2021 Tennessee Highway Safety Office (THSO) grant project – Enforcement of Traffic Safety Enforcement and Education Grant Program in the amount of Three Hundred Thousand Dollars (\$300,000.00) as follows:

REVENUE	
Tennessee Department of Safety and Homeland Security	<u>\$300,000.00</u>
Total	\$300,000.00
EXPENDITURES	
Full-Time Salaries	\$269,862.70
Supplies	\$ 18,895.00
Travel	<u>\$ 11,242.30</u>
Total	\$300,000.00



Memphis City Council Summary Sheet

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

This is a resolution to accept grant funds from the Tennessee Department of Safety and Homeland Security in the amount of One Hundred Thousand Dollars (\$100,000.00) to provide for full-time salaries/overtime.

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

The City of Memphis Division of Police Services is awarded this grant from the Tennessee Department of Safety and Homeland Security.

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

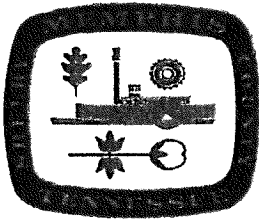
This item does not change an existing ordinance or resolution.

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

This is a new grant award pending Council approval.

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

Acceptance will require an amendment to the FY 2021 Operating Budget to appropriate the funds.



A Resolution to accept grant funds in the amount of One Hundred Thousand Dollars (\$100,000.00) from Tennessee Highway Safety Office (THSO) through the Tennessee Department of Safety and Homeland Security.

WHEREAS, The City of Memphis Division of Police Services has been awarded grant funds in the amount of One Hundred Thousand Dollars (\$100,000.00) from the Tennessee Highway Safety Office (THSO) through the Tennessee Department of Safety and Homeland Security for the FY 2021 Enforcement of Tennessee Driving Under the Influence Laws Grant; and

WHEREAS, this award will be used for the purpose of funding for personnel Overtime; and

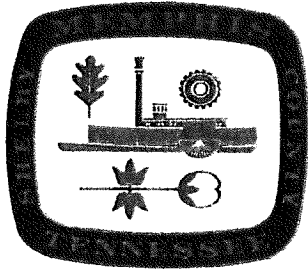
WHEREAS, it is necessary to accept the grant funding and amend FY 2021 Operating Budget to establish funds for the FY 2021 Tennessee Highway Safety Office (THSO) grant project- Enforcement of Tennessee Driving Under the Influence Laws Grant; and

WHEREAS, it is necessary to appropriate the FY 2021 grant funds in the amount of One Hundred Thousand Dollars (\$100,000.00) for the FY 2021 Tennessee Highway Safety Office (THSO) grant project – Enforcement of Tennessee Driving Under the Influence Laws Grant Program.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the FY 2021 Tennessee Highway Safety Office (THSO) grant project – Enforcement of Tennessee Driving Under the Influence Laws Grant Program funds in the amount of One Hundred Thousand Dollars (\$100,000.00) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the Fiscal Year 2021 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the FY 2021 Tennessee Highway Safety Office (THSO) grant project – Enforcement of Tennessee Driving Under the Influence Laws Grant Program in the amount of One Hundred Thousand Dollars (\$100,000.00) as follows:

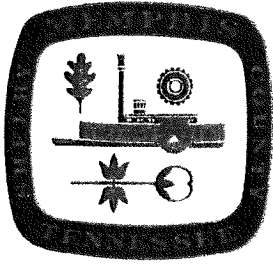
REVENUE	
Tennessee Department of Safety and Homeland Security	<u>\$100,000.00</u>
Total	<u>\$100,000.00</u>
EXPENDITURES	
Full-Time Salaries	<u>\$100,000.00</u>
Total	<u>\$100,000.00</u>



Memphis City Council Summary Sheet

Please provide a brief summary of the item, in bullet form, not to exceed one page:

1. A resolution to amend the FY 2021 Operating Budget by accepting and appropriating the Expenditures and Revenues for the Weatherization Assistance Program (WAP) Grant (\$200,000.00) in the total amount of Two Hundred Thousand Dollars and Zero cents (\$200,000.00) provided to the Weatherization Assistance Program from the Memphis Housing Authority as part of a Buy-Down Agreement to financially contribute to the weatherization of the Montgomery Plaza Multi-family project.
2. Initiating Party is the Division of Housing & Community Development's Weatherization Program (CD90147).
3. Not applicable to a change to an existing ordinance or resolution.
4. A new contract will be required.
5. An expenditure of funds will be required.



A resolution to amend the FY 2021 Operating Budget by accepting and appropriating the Expenditures and Revenues for the Weatherization Assistance Program (WAP) Grant (\$200,000.00) in the total amount of Two Hundred Thousand Dollars and Zero cents (\$200,000.00) provided to the Weatherization Assistance Program from the Memphis Housing Authority as part of a Buy-Down Agreement to financially contribute to the weatherization of the Montgomery Plaza Multi-family project.

WHEREAS, the Memphis MSA was recently ranked as having the highest energy burden for its residents in the ACEEE April 2016 Report, "*Lifting the High Energy Burden in America's Largest Cities: How Energy Efficiency Can Improve Low Income and Underserved Communities*", which indicates the need for programs to reduce utility burden for the citizens of Memphis.

WHEREAS, this program is designed to assist low-income households in reducing their energy costs and to contribute to national energy conservation through increase energy efficiency and consumer education.

WHEREAS, weatherization measures provided by this program will reduce heat loss and energy costs by improving the thermal efficiency of dwelling units occupied by low-income property owners and renters throughout Shelby County.

WHEREAS, the City of Memphis Division of Housing and Community Development (HCD) has received additional Weatherization Assistance Program grant funds in the amount of *Two Hundred Thousand Dollars and Zero Cents (\$200,000.00)* from the Memphis Housing Authority as part of a Buy-Down Agreement to financially contribute to the weatherization of the Montgomery Plaza Multi-family project.

Resolution-Division of Housing and Community Development September 1, 2020

WHEREAS, HCD received these funds through a non-competitive grant process; and

WHEREAS, these funds will be used by HCD to administer the weatherization of low income home energy assistance program activities at the Montgomery and carry out all financial responsibilities in accordance with THDA WAP policies and procedures; the Tennessee Weatherization Field Guide and subsequent technical guidance; all applicable federal regulations, all applicable Office of Management and Budget (OMB) circulars; and all Tennessee Housing Development Agency's program and fiscal policies to educate, train and to help reduce utility burden with energy efficiency mechanisms and address health and safety to all tenants residing in the Montgomery Plaza Apartments.

WHEREAS, it is necessary to accept the additional funding and amend the Fiscal Year 2021 Operating Budget to establish funds for the 2020-2021 Weatherization Assistance Program to assist in weatherizing 94 multi-family units.

WHEREAS, it is necessary to appropriate the additional FY 2021 grant funds in the amount of *Two Hundred Thousand Dollars and Zero cents (\$200,000.00)* for the 2020-2021 Weatherization Assistance Program grant.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the 2020-2021 Weatherization Assistance Program be amended by adding *Two Hundred Thousand Dollars and Zero cents (\$200,000.00)* and be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the Fiscal Year 2021 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the 2020-2021 Weatherization Assistance Program Grant (*\$200,000.00*) in the total amount of *Two Hundred Thousand Dollars and Zero cents (\$200,000.00)* as follows:

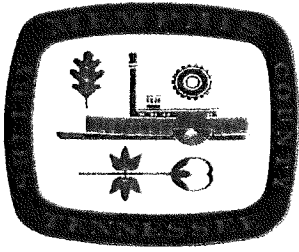
REVENUES

Memphis Housing Authority (Buy Down Agreement Amount) \$200,000.00

EXPENDITURES

Weatherization Assistance Program Grant \$200,000.00

\$200,000.00



Memphis City Council Summary Sheet

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

A Resolution approving the acquisition, by condemnation or by purchase, of vacant land located at 0 Jackson Pit Road for the use and benefit of the Memphis-Shelby County Airport Authority located in Memphis, Tennessee 38118 and further described as Parcel ID # 094400 00020.

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

General Services

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

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

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

City Council Resolution



A Resolution approving the acquisition of property located at 0 Jackson Pit Road for the use and benefit of the Memphis-Shelby County Airport Authority.

Whereas, the City of Memphis desires to acquire the subject property for the use and benefit of Memphis-Shelby County Airport Authority, by condemnation or by purchase, vacant land located on the north side of Jackson Pit Road to the west of Tchulahoma Road and more formally known as Tract 3 of the Andrew Jackson Estate Farm, being more particularly described in the Land Split Declaration found in Book 1174, Page 147, in the Shelby County Register's Office (the "Property") and which is commonly known as Shelby County Tax Parcel ID No. 094-400-00020. A plat marked Exhibit "A" showing the parcel of land owned by the defendants named in the Petition for Condemnation filed by the City of Memphis on August 20, 2020 is attached hereto and made a part hereof.

Whereas, the City of Memphis has the right of condemnation of interests in the Property for public uses in the manner prescribed by §§ 29-16-101 through 29-16-106; §§ 29-17-201 through 29-17-202; and §§ 29-16-101; §§ 29-17-601 through §§ 29-17-605; and through §§ 29-17-801 through §§ 29-17-803 of the Tennessee Code Annotated, and all acts amendatory thereof and supplementary thereto, including the powers authorized under the Charter of the City of Memphis, and, in particular, Section 751.4; Section 660, which specifically authorizes the City of Memphis to acquire real property through condemnation on behalf of an airport authority for purposes of removing any obstruction including, but not limited to, trees; Section 625; Section 525; Section 457; Sections 126 through 136, Charter of the City of Memphis, and pursuant to authority of Code of Ordinances City of Memphis and Chapter 153 of the Public Acts of 1965 of the State of Tennessee.

Whereas, it is necessary to acquire the Property, which is determined as an essential operational need for the Memphis-Shelby County Airport Authority's ability to engage in the removal of obstructions to air navigation and other efforts to ensure that air traffic is flown safely into and out of its facilities in Memphis, Shelby County, Tennessee; this parcel is described in the Deed recorded as Instrument No. FM2248 in the Shelby County Register's Office, and is vested in the heirs of Ruben Jackson, Sr. and is further described as follows:

A part of the South Half (S $\frac{1}{2}$) of the North Half (N $\frac{1}{2}$) of Section Eight (8), Township One (1) North, Range Seven (7) West, Chickasaw Cession, known as Tract No. 3 in a division among the heirs of Andrew Jackson, as shown by joint deed of said heirs of record in Book 1173, Page 147, in the Register's Office of Shelby County, Tennessee, being more particularly described as follows:

Beginning 860 feet east of the west end thereof and meaning the east 430 feet so as to form a rectangular body of land 1320 x 430 feet.

Whereas, it is deemed to be in the best interest of the City of Memphis to acquire the Property hereinabove described which is necessary for the Memphis-Shelby County Airport Authority to meet and to comply with existing and future federal requirements including Federal Aviation Administration requirements related to safe and efficient use and preservation of navigable airspace.

Whereas, the market value of this acquisition has been determined to be Twenty-Seven Thousand and No/100 Dollars (\$27,000.00). That amount is based on the appraisal prepared October 16, 2019 by Valbridge Property Advisors.

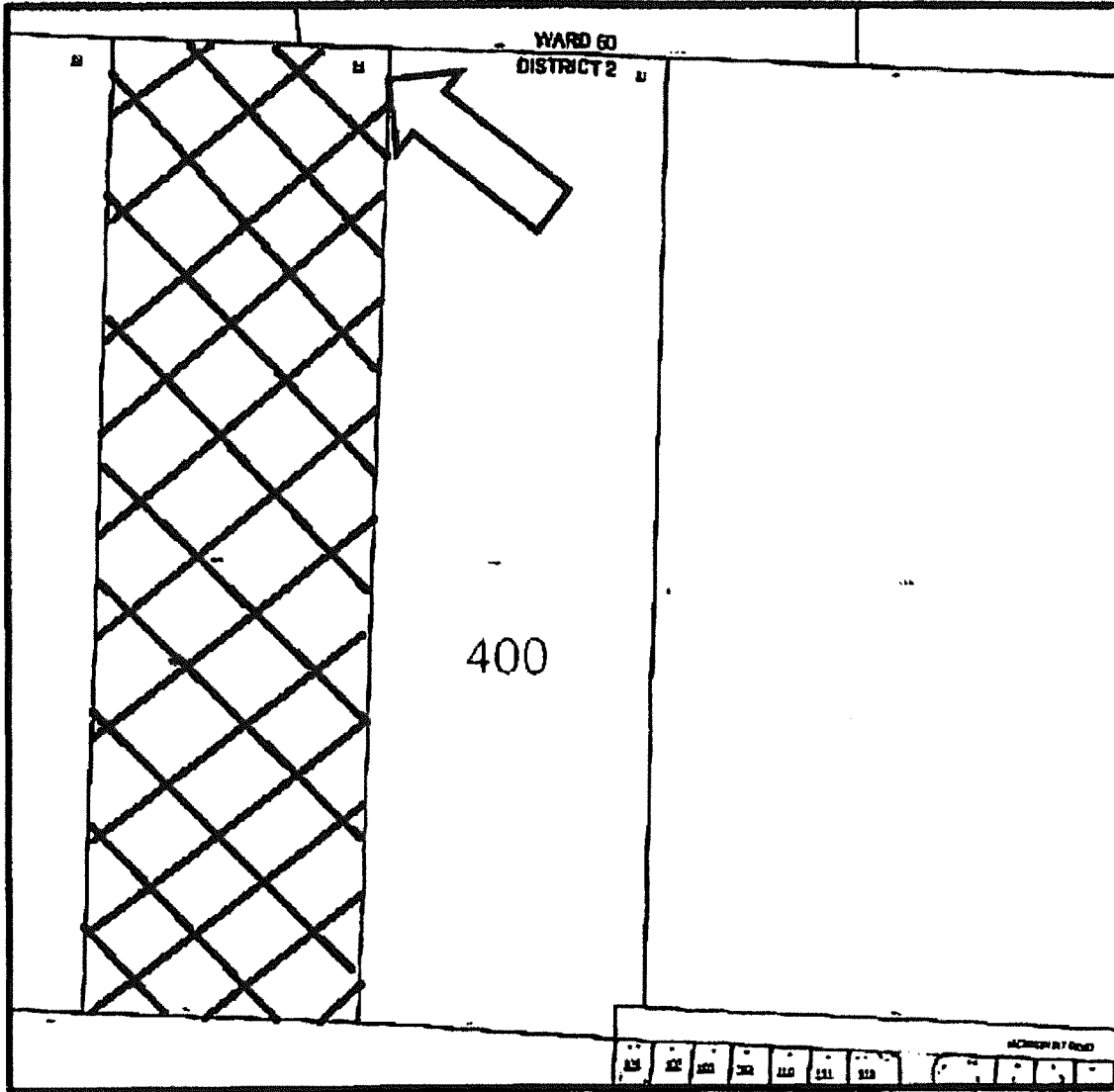
Now, therefore, be it resolved, by the Council of the City of Memphis, that the proper officers, agents, and employees of the City of Memphis are hereby authorized and directed to acquire said Property, as described herein, by condemnation or by purchase, if possible, for the aforementioned purposes.

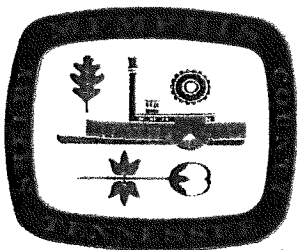
Be it further resolved, that upon payment by the Memphis-Shelby County Airport Authority of the total amount of Twenty-Seven Thousand and No/100 Dollars (\$27,000.00) plus attorney's fees and any other applicable costs to be paid by the Memphis-Shelby County Airport Authority, the Council of the City of Memphis authorizes the deposit of such amount with the Clerk of the Circuit Court of Shelby County.

Be it further resolved, that the City of Memphis authorizes and shall request the Circuit Court of Shelby County to include in its Order of Condemnation a provision that title to the Property shall vest in the Memphis-Shelby County Airport Authority.

Exhibit "A"

TAX/PLAT MAP





Memphis City Council Summary Sheet

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

A Resolution approving the acquisition, by condemnation or by purchase, of vacant land located at 0 Jackson Pit Road for the use and benefit of the Memphis-Shelby County Airport Authority located in Memphis, Tennessee 38118 and further described as Parcel ID # 094400 00021.

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

General Services

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.

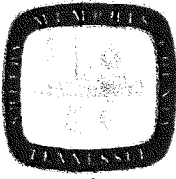
4. State whether this requires a new contract, or amends an existing contract, if applicable.

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

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

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

City Council Resolution



A Resolution approving the acquisition of property located at 0 Jackson Pit Road for the use and benefit of the Memphis-Shelby County Airport Authority.

Whereas, the City of Memphis desires to acquire the subject property for the use and benefit of Memphis-Shelby County Airport Authority, by condemnation or by purchase, vacant land located on the north side of Jackson Pit Road to the west of Tchulahoma Road and more formally known as Tract 4 of the Andrew Jackson Estate Farm (the "Property") and which is commonly known as Shelby County Tax Parcel ID No. 094-400-00021. A plat marked Exhibit "A" showing the parcel of land owned by the defendants named in the Petition for Condemnation filed by the City of Memphis on August 20, 2020 is attached hereto and made a part hereof.

Whereas, the City of Memphis has the right of condemnation of interests in the Property for public uses in the manner prescribed by §§ 29-16-101 through 29-16-106; §§ 29-17-201 through 29-17-202; and §§ 29-16-101; §§ 29-17-601 through §§ 29-17-605; and through §§ 29-17-801 through §§ 29-17-803 of the Tennessee Code Annotated, and all acts amendatory thereof and supplementary thereto, including the powers authorized under the Charter of the City of Memphis, and, in particular, Section 751.4; Section 660, which specifically authorizes the City of Memphis to acquire real property through condemnation on behalf of an airport authority for purposes of removing any obstruction including, but not limited to, trees; Section 625; Section 525; Section 457; Sections 126 through 136, Charter of the City of Memphis, and pursuant to authority of Code of Ordinances City of Memphis and Chapter 153 of the Public Acts of 1965 of the State of Tennessee.

Whereas, it is necessary to acquire the Property, which is determined as an essential operational need for the Memphis-Shelby County Airport Authority's ability to engage in the removal obstructions to air navigation and other efforts to ensure that air traffic is flown safely into and out of its facilities in Memphis, Shelby County, Tennessee; this parcel is described in the Land Split Declaration found in Instrument No. 1174, Page 147, at the Shelby County Register's Office, and is vested in the heirs of Allie Moore Garrett and is further described as follows:

Lot 4, formerly known as Tract 4, of the Andrew Jackson Estate Farm, being more particularly described in the Land Split Declaration found in Instrument No. 1174, Page 147, at the Shelby County Register's Office.

Whereas, it is deemed to be in the best interest of the City of Memphis to acquire the Property hereinabove described which is necessary for the Memphis-Shelby County Airport Authority to meet and to comply with existing and future federal requirements including Federal Aviation Administration requirements related to safe and efficient use and preservation of navigable airspace.

Whereas, the market value of this acquisition has been determined to be Forty-Six Thousand and No/100 Dollars (\$46,000.00). That amount is based on the appraisal prepared October 16, 2019 by Valbridge Property Advisors.

Now, therefore, be it resolved, by the Council of the City of Memphis, that the proper officers, agents, and employees of the City of Memphis are hereby authorized and directed to acquire said

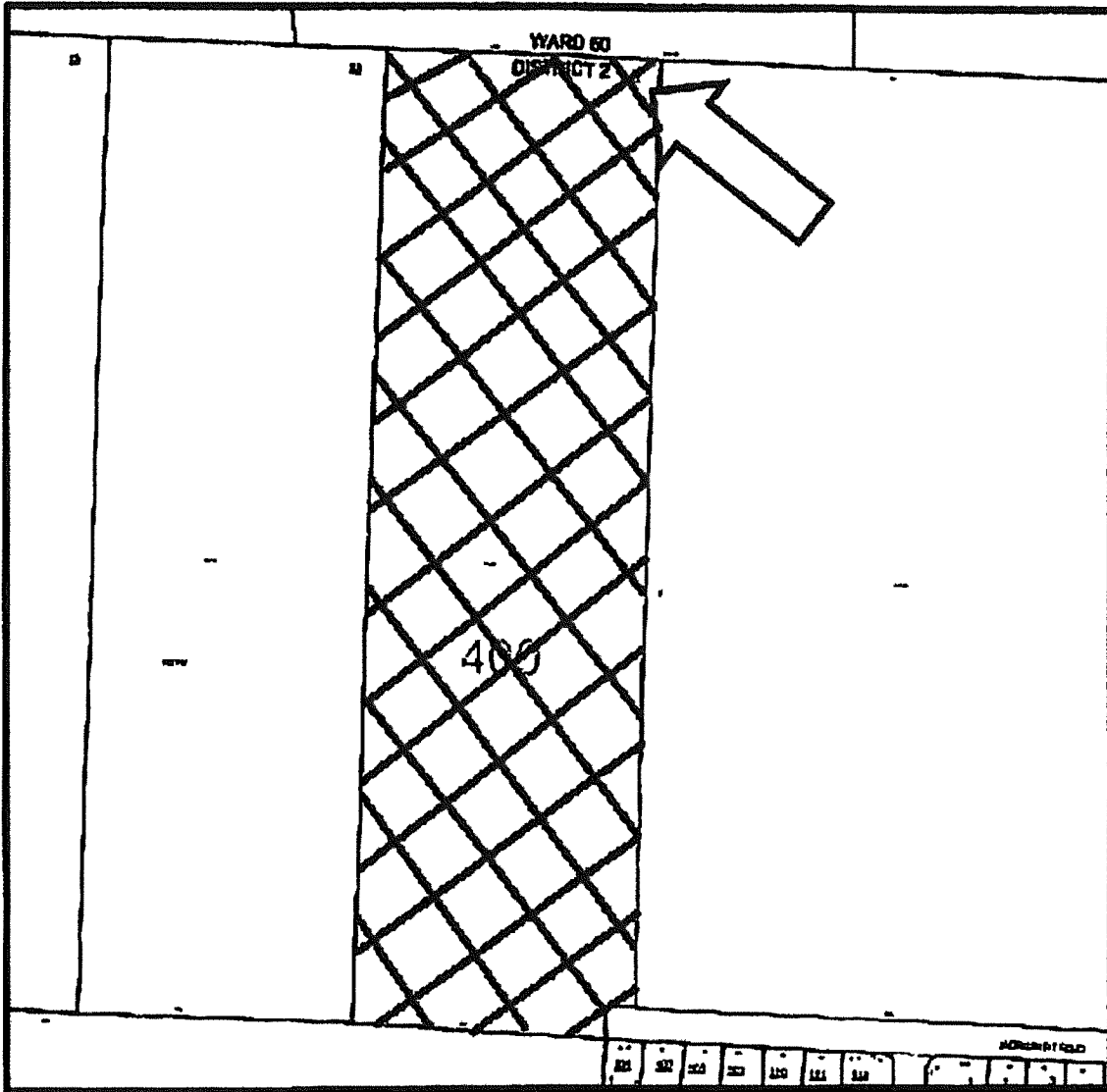
Property, as described herein, by condemnation or by purchase, if possible, for the aforementioned purposes.

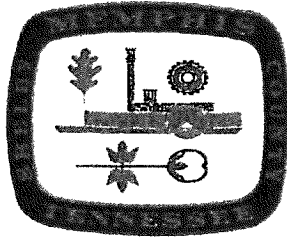
Be it further resolved, that upon payment by the Memphis-Shelby County Airport Authority of the total amount of Forty-Six Thousand and No/100 Dollars (\$46,000.00) plus attorney's fees and any other applicable costs to be paid by the Memphis-Shelby County Airport Authority, the Council of the City of Memphis authorizes the deposit of such amount with the Clerk of the Circuit Court of Shelby County.

Be it further resolved, that the City of Memphis authorizes and shall request the Circuit Court of Shelby County to include in its Order of Condemnation a provision that title to the Property shall vest in the Memphis-Shelby County Airport Authority.

Exhibit "A"

TAX/PLAT MAP





Memphis City Council Summary Sheet

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

A resolution to accept grant funds from FM Global in the amount of Eight Thousand Dollars (\$8,000.00) to purchase tablets and accessories to assist with fire investigations to help fire investigators more efficiently investigate and determine the cause of a fire.

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

The Division of Fire Services is awarded this grant and serves as the fiscal agent for the award.

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

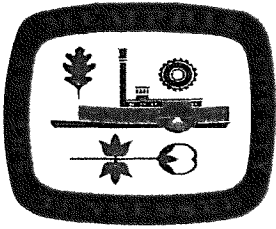
This item does not change an existing ordinance or resolution.

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

This is a new grant award pending Council approval.

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

Acceptance will require an amendment to the FY21 Operating Budget to appropriate funds in the amount of \$8,000.00.



A resolution to accept and appropriate funds from FM Global in the amount of Eight Thousand Dollars (\$8,000.00) to purchase tablets and accessories.

WHEREAS, The City of Memphis Division of Fire Services has been awarded grant funds in the amount of Eight Thousand Dollars (\$8,000.) from FM Global; and

WHEREAS, These funds will be used to purchase tablets and accessories to assist with fire investigations to help fire investigators more efficiently investigate and determine the cause of a fire; and

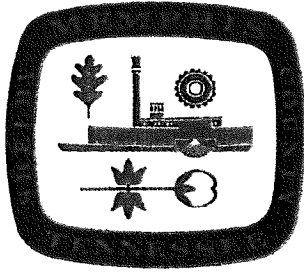
WHEREAS, It is necessary to accept the grant funding and amend the FY21 Operating Budget to establish funds for the FM Global funds; and

WHEREAS, It is necessary to allocate and appropriate Eight Thousand Dollars (\$8,000.00) for the FM Global funds.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that FM Global funds in the amount of Eight Thousand Dollars (\$8,000.) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the FY21 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the FM Global Funds as follows:

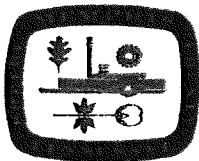
Revenue	
Other Grant Revenue	\$8,000.00
Expenses	
Equipment	\$8,000.00



Memphis City Council Summary Sheet

Please provide a brief summary of the item, in bullet form, not to exceed one page:

1. A resolution to receive and appropriate a CARES Act Funding Allocation from the U.S. Department of Housing and Urban Development in the amount of SIX MILLION, FOUR HUNDRED NINETY-FIVE THOUSAND, THREE HUNDRED SEVENTY-SIX DOLLARS (\$6,495,376.00) to the FY2021 Housing and Community Development's federal budget.
2. City of Memphis Division of Housing and Community Development.
3. Not applicable to an existing ordinance or resolution.
4. New contracts will be required.
5. Expenditure of funds will be required.



A resolution to receive and appropriate a CARES Act Funding Allocation from the U.S. Department of Housing and Urban Development in the amount of SIX MILLION, FOUR HUNDRED NINETY-FIVE THOUSAND, THREE HUNDRED SEVENTY-SIX DOLLARS (\$6,495,376.00) to the FY2021 Housing and Community Development's federal budget.

WHEREAS, the U.S. Department of Housing and Urban Development through the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) has made available Community Development Block Grant Coronavirus (CDBG-CV), Emergency Solutions Grant Coronavirus (ESG-CV), and Housing Opportunities for Persons With AIDS Coronavirus (HOPWA-CV) to states and local governments to meet the urgent and complex challenges caused by the COVID-19 outbreak; and

WHEREAS, The CARES Act requires that the payments from the Coronavirus Relief Fund only be used to cover expenses that prevent, prepare for, and respond to the coronavirus (COVID-19); and

WHEREAS, the City of Memphis has received federal CARES Act funding in the amount of \$6,495,376.00 and has prepared a plan for proposed resource allocation; and

WHEREAS, guidance from the U.S. Department of Housing and Urban Development (HUD) states that local government is authorized to use the funds for eligible CDBG-CV, ESG-CV, and HOPWA-CV activities that assist in the prevention of, preparation for, and response to COVID-19; and

WHEREAS, the funds require that a substantial amendment to the City of Memphis Annual Action Plan be prepared and submitted to HUD for approval; and

WHEREAS, the Consolidated Plan FY 2021 substantial amendment to the Annual Action Plan was developed within a framework of a citizen participation plan, requiring consultation with citizens and other social service and housing agencies; and

WHEREAS, the Division of Housing and Community Development has consulted with local partners to identify housing and community development needs associated with COVID-19 and has established priorities for the funds; and

WHEREAS, these priorities have been shared with community partners and the public in an effort to achieve consensus on the use of funds; and

WHEREAS, the substantial amendment to the Annual Action Plan was available for a 5-day public review and comment period beginning September 11, 2020, and ending September 16, 2020 and a public hearing was held on September 14, 2020, and no comments were received; and

WHEREAS, the CDBG-CV, ESG-CV, and HOPWA-CV grants must be appropriated in the FY 2021 Operating Budget for HCD;

NOW, THEREFORE, BE IT RESOLVED that the Council and the City of Memphis hereby adopts and approves the proposed substantial amendment to the Annual Action Plan.

BE IT FURTHER RESOLVED that there be and is hereby accepted and appropriated the amount of \$6,495,376.00 by federal resources for FY 2021, including Community Development Block Grant Coronavirus (CDBG-CV) funds, Emergency Solutions Grant Coronavirus (ESG-CV) funds, and Housing Opportunities for Persons With AIDS Coronavirus (HOPWA-CV) chargeable to the FY 2021 Operating Budget and credited as follows:

Community Development Block Grant Coronavirus (CDBG-CV)

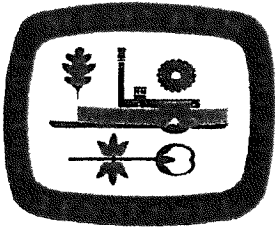
Mortgage and Rental Assistance Fund	\$1,324,725.30
Housing Counseling Services	\$100,000.00
Eviction & Foreclosure Prevention Legal Fund	\$100,000.00
Small Business Loans for COVID-19 Impacted Businesses	\$500,000.00
Streamline Homeless Hotline Program Intake	\$100,000.00
Expand Internet Access for Low-Income Residents	\$750,000.00
Public Service Grants for COVID-19 Response Agencies	\$700,000.00
Grantee Administration (10% of allocation)	<u>\$397,191.70</u>
Total	<u>\$3,971,917.00</u>

Emergency Solutions Grant Coronavirus (ESG-CV)

Homeless Service Providers Grant Program	\$1,007,615.00
Room In the Inn Emergency Shelter	\$350,000.00
Hospitality Hub Emergency Shelter	\$175,000.00
Salvation Army Emergency Shelter	\$280,000.00
Grantee Administration (10% of allocation)	<u>\$201,402.00</u>
Total:	<u>\$2,014,017.00</u>

Housing Opportunities for Persons with AIDS Coronavirus (HOPWA-CV)

Hope House	\$95,775.10
Case Management	\$95,775.10
Friends for Life	\$287,325.28
Grantee Administration (6% of allocation)	<u>\$30,566.52</u>
Total	<u>\$509,442.00</u>



Memphis City Council Summary Sheet

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

Resolution for approval to receive \$20,696.14 in donations from various citizens, organizations and churches through the Office of Youth Services' JOY (Just One Youth) Program.

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

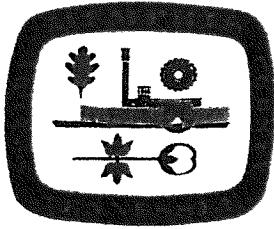
Youth Services – Executive Division.

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 accept donated funds in the amount of \$20,696.14 from various donors.

WHEREAS, The Memphis Office of Youth Services' JOY (Just One Youth) Program was established for the public purpose of providing additional youth participation beyond the set budget, in the MPLOY's six weeks summer program also known as MPLOY Summer Experience; and

WHEREAS, various members of the public have expressed a willingness, and financially contributed to the Memphis Office of Youth Services' JOY Program to provide additional Memphis youth an opportunity to participate in the FY21 summer program for six weeks; and

WHEREAS, in FY 20 the Memphis Office of Youth Services successfully collected \$20,696.14 from various citizens, organizations and churches for the JOY Program and deposited such collection as Memphis Office of Youth Services donated revenue; and

WHEREAS, these funds have been set aside in a reserve account, and

WHEREAS, use of these funds has now been identified and it is therefore necessary to amend the FY21 Memphis Office of Youth Services Operating Budget to authorize spending the total amount collected for JOY to provide additional youth participation in the MPLOY Summer Experience 2021; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the donated funds, held in reserve, in the amount of \$20,696.14 from various donors to the JOY Program be accepted and used to amend the FY21 Memphis Office of Youth Services budget by appropriating the expenditures for twenty (20), if virtual or ten (10) if in-person additional youth in the amount of \$20,696.14.

Revenue

Donated Revenue

Expenditures

Ambassadors Pay line

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of September 16, 2020 approved Change No. 1 to Contract No. 12122, Audit Assurance and Advisory Services with Banks, Finley, White & Company to renew the current contract in the funded amount not-to-exceed \$200,000.00, and is now recommending to the Council of the City of Memphis that it approves said renewal as approved; and

WHEREAS, the project scope is to provide auditing services on an as-needed basis. The initial term of this contract was for a period of one (1) year from the date of the Notice to Proceed with an option of four (4) annual renewals. This change is to renew the current contract for the first of four (4) annual renewal terms for the period covering January 6, 2021 through January 5, 2022 in the funded amount not-to-exceed \$200,000.00, with no increase in rates from the previous year. This renewal complies with all applicable laws and policies. The new contract value is \$400,000.00; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved Change No. 1 to Contract No. 12122, Audit Assurance and Advisory Services with Banks, Finley, White & Company to renew the current contract in the funded amount not-to-exceed \$200,000.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
September 16, 2020

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 1 to Contract No. 12122, Audit Assurance and Advisory Services with Banks, Finley, White & Company to renew the current contract in the funded amount not-to-exceed \$200,000.00.


The project scope is to provide auditing services on an as-needed basis. The initial term of this contract was for a period of one (1) year from the date of the Notice to Proceed with an option of four (4) annual renewals. This change is to renew the current contract for the first of four (4) annual renewal terms for the period covering January 6, 2021 through January 5, 2022 in the funded amount not-to-exceed \$200,000.00, with no increase in rates from the previous year. This renewal complies with all applicable laws and policies. The new contract value is \$400,000.00.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of Change No. 1 to Contract No. 12122, Audit Assurance and Advisory Services with Banks, Finley, White & Company to renew the current contract in the funded amount not-to-exceed \$200,000.00 as outlined in the above preamble, is approved; and further

THAT, the President or his designated representative is authorized to execute the Renewal.

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~~ meeting held on 16th day of September 2020, at which a quorum was present.


Secretary-Treasurer

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners at its meeting held September 16, 2020, approved payment of the Invoice from American Public Power Association for the 2020 dues in the amount of \$132,138.37.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that payment to the American Public Power Association as set forth in the foregoing preamble is approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
September 16, 2020

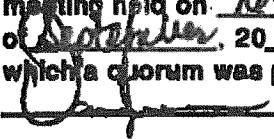
The Vice President of Engineering and Operations presented for consideration of the Board, payment of an invoice from the American Public Power Association for the 2020 Annual Membership dues in the amount of \$132,138.37.

APPA is the premier organization representing municipally owned utilities throughout America. They provide both advocacy on legislative and regulatory affairs, as well as technical and operational forums. MLGW is active in the organization.

NOW THEREFORE BE IT RESOLVED by the Board of Light, Gas and Water Commissioners:

THAT, subject to the consent and approval of the Council of the City of Memphis, the Secretary-Treasurer is hereby authorized and directed to have a check issued in the amount \$132,138.37 payable to the American Public Power Association.

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 16th day of September, 2020, at which a quorum was present.


Secretary-Treasurer

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of September 16, 2020 approved a purchase order for multiprotocol label switching (MPLS) network expansion equipment and is now recommending to the Council of the City of Memphis that it approves said purchase as approved in the MLGW 2020 fiscal year budget; and

WHEREAS, the multiprotocol label switching network expansion equipment covers the growth of communications connectivity networks that direct data from one node to the next; and

WHEREAS, bids were opened on August 12, 2020. Notice to Bidders was advertised. Seven (7) bids were solicited and two (2) bids were received with the lowest and best complying bidder being the firm of LightSpeed Technologies, Inc. This award complies with all applicable laws and policies; and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby approved a purchase order for multiprotocol label switching (MPLS) network expansion equipment from LightSpeed Technologies, Inc. in the sum of \$273,084.00 chargeable to the 2020 fiscal year budget.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
September 16, 2020

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it awards a purchase order to LightSpeed Technologies, Inc. in the amount of \$273,084.00 for multiprotocol label switching (MPLS) network expansion equipment.

The multiprotocol label switching network expansion equipment covers the growth of communications connectivity networks that direct data from one node to the next.

Bids were opened on August 12, 2020. Notice to Bidders was advertised. Seven (7) bids were solicited and two (2) bids were received with the lowest and best complying bidder being the firm of LightSpeed Technologies, Inc. This award complies with all applicable laws and policies.

The 2020 budgeted amount for Telecommunications Networks is \$17,315,924.00; the amount spent-to-date is \$39,915.32; leaving a balance of \$17,276,008.68 available to be spent in 2020; of which \$273,084.00 will be spent on this purchase order in 2020; leaving a balance of \$17,002,924.68 after award; and

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

THAT, subject to the consent and approval of the Council of the City of Memphis, award of purchase order to LightSpeed Technologies, Inc. is approved for furnishing:

45 – SAR-Hc (Nokia Part# 3HE07353AA) with redundant 20-75 VDC power feeds. DIN rail or panel mountable. Node has six 10/100/1000 Mbps Ethernet ports (2 SFP, 2 RJ45, 2 POE RJ45), and two RS232 ports;

45 – 7705 SAR RELEASE 9.0 OS LICENSE (Nokia Part# 3HE02784MA);

45 – SAR-HC DIN Mounting H/W KIT (Nokia Part# 3HE07357AA)- Rear Mount. Kit contains DIN rail bracket and hardware to mount the SAR-Hc to a DIN rail from the rear of the chassis;

10 – 7705 SAR-8 SHELF V2 (Nokia Part# 3HE06791AA) - Shelf accepts redundant DC-power feeds and up to 2 CSMs (V1 or V2) and up to 6 interface cards. Fan Module must be version associated with this V2 shelf. 6 Blank plates included;

20 – CONTROL SWITCH MODULE (CSM) Version 2 (Nokia Part# 3HE02774AB), (2 for redundancy);

10 – FAN MODULE FOR SAR-8 V2 SHELF (Nokia Part# 3HE06792EA), (EXT. TEMP -48VDC);

10 – 7705 SAR RELEASE 9.0 OS LICENSE (Nokia Part# 3HE02784MA);

10 – 7705 SAR-8/18 Multi Drop Data Bridging (MDDDB) RTU License (Nokia Part #3HE07354AH) for Nokia nodes using Integrated Services Card (ISC). One license required for each ICS card in network supporting 16 bridges (max) & 30 branches per bridge;

20 – 8-port GigE SFP Enhanced Performance Ethernet Card v3 w. Large Tables (Nokia Part# 3HE06151AC), supporting Ethernet/VLAN services. Includes 8 SyncE capable GigE ports. This card accepts -48/+24 VDC;

20 – Packet Microwave Card (Nokia Part# 3HE02782AA) has two 10/100/1000 RJ45 ports and six GigE SFP ports. Two RJ45 ports and first two SFP ports can connect to MPR-e radio with microwave awareness capabilities. Card accepts -48/+24 VDC;

6 – 8 port multi-function card (Nokia Part# 3HE06006AA) with 2 x FXS and 2 x FXO ports for analog voice, 2 x G.703 co-directional ports and 2 x C37.94 optical tele-protection ports. Card accepts -48 VDC;

670 – NSP: NFM-P STANDARD LP (Nokia Part# HE11801DA);

Total award is \$273,084.00; f.o.b. Memphis, Tennessee, our company, that the foregoing is a copy of a resolution accepted by the Board of Light, Gas and Water Commissioners at a regular special meeting held on 16th day of September 2020, at which a quorum was present.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of September 16, 2020 approved Change No. 1 to Contract No. 12108, EDI Data Transfer with Energy Services Group, LLC to extend the current contract in the funded not-to-exceed amount of \$79,149.85, and is now recommending to the Council of the City of Memphis that it approves said extension as approved; and

WHEREAS, the project scope is to provide Electronic Data Interchange (EDI) services for the Texas Gas, ANR, and Trunkline pipelines. The initial term of this contract was for one (1) year from the date of the Notice to Proceed with provisions for continuous maintenance. This change is to extend the current maintenance agreement covering the period of November 21, 2020 through December 31, 2024 in the funded amount of \$71,949.85. In addition, this change is to include contingency funds to cover data file overages in the amount of \$7,200.00 for a total not-to-exceed amount of \$79,149.85. This extension is needed to provide software maintenance for the Electronic Data Interchange. This extension complies with all applicable laws and policies. The new contract value is \$113,658.85; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved Change No. 1 to Contract No. 12108, EDI Data Transfer with Energy Services Group, LLC to extend the current contract in the funded not-to-exceed amount of \$79,149.85 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
September 16, 2020

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 1 to Contract No. 12108, EDI Data Transfer with Energy Services Group, LLC to extend the current contract in the funded not-to-exceed amount of \$79,149.85.

The project scope is to provide Electronic Data Interchange (EDI) services for the Texas Gas, ANR, and Trunkline pipelines. The initial term of this contract was for one (1) year from the date of the Notice to Proceed with provisions for continuous maintenance. This change is to extend the current maintenance agreement covering the period of November 21, 2020 through December 31, 2024 in the funded amount of \$71,949.85. In addition, this change is to include contingency funds to cover data file overages in the amount of \$7,200.00 for a total not-to-exceed amount of \$79,149.85. This extension is needed to provide software maintenance for the Electronic Data Interchange. This extension complies with all applicable laws and policies. The new contract value is \$113,658.85.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of Change No. 1 to Contract No. 12108, EDI Data Transfer with Energy Services Group, LLC to extend the current contract in the funded not-to-exceed amount of \$79,149.85 as outlined in the above preamble, is approved; and further

THAT, the President or his designated representative is authorized to execute the Extension.

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 16th day of September, 2020, at which a quorum was present.


Secretary-Treasurer

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of September 16, 2020 approved the purchase of valve actuators and is now recommending to the Council of the City of Memphis that it approves said purchase as approved in the 2020 fiscal year budget; and

WHEREAS, the valve actuators are used to control the flow of gas. The actuators on the valves are remotely controlled by the Supervisory Control and Data Acquisition (SCADA) system to open or close the valves without anyone being on site, which allows for more efficient and safe operations at MLGW's Ridgeway Gate Station; and

WHEREAS, bids were opened on July 22, 2020. Notice to Bidders was advertised. Thirteen (13) bids were solicited and five (5) bids were received with the lowest and best complying bidder in accordance with MLGW's Local Bidding Preference policy being Enfinity Supply, LLC. This award complies with all applicable laws and policies; and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby approved the purchase of valve actuators from Enfinity Supply, LLC in the sum of \$79,539.00 chargeable to the MLGW 2020 fiscal year budget.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
September 16, 2020

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it awards a purchase order to Enfinity Supply, LLC in the amount of \$79,539.00 for valve actuators.

The valve actuators are used to control the flow of gas. The actuators on the valves are remotely controlled by the Supervisory Control and Data Acquisition (SCADA) system to open or close the valves without anyone being on site, which allows for more efficient and safe operations at MLGW's Ridgeway Gate Station.

Bids were opened on July 22, 2020. Notice to Bidders was advertised. Thirteen (13) bids were solicited and five (5) bids were received with the lowest and best complying bidder in accordance with MLGW's Local Bidding Preference policy being Enfinity Supply, LLC. This award complies with all applicable laws and policies.

The 2020 budgeted amount for Gas Engineering is \$307,081.00; the amount spent to date is \$129,768.85; leaving a balance available of \$177,312.15; of which \$79,539.00 will be spent on this purchase order in 2020; leaving a balance of \$97,773.15 after award; and

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

THAT, subject to the consent and approval of the Council of the City of Memphis, award of purchase order to Enfinity Supply, LLC is approved for furnishing:

3 – Valve actuators \$26,513.00 each,

Total award amount \$79,539.00; f.o.b. Memphis, Tennessee, transportation prepaid; our dock; said prices being firm; delivery 10-12 weeks; terms net 30 day.

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 16th day of September 2020, at which a quorum was present.


Secretary-Treasurer

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of September 16, 2020 awarded Contract No. 12143, Nokia/MPLS Maintenance Services to Lightspeed Technologies, Incorporated in the funded amount of \$472,555.00, and is now recommending to the Council of the City of Memphis that it approves said award as proposed; and

WHEREAS, the project scope is to cover technical support/services (24/7) and software (firmware) subscription plans for Nokia 7705 SAR-8 and 7705 SAR-18, and 5620 SAM (NSP) network elements. These elements/nodes supports MLGW's telecommunication fiber transport Multi Protocol Layer Switch (MPLS) routers installed at various substations and facilities supporting backhaul communications. Maintenance is needed to repair any damaged components in the removal of an antiquated system by replacing it with newer technology (MPLS fiber); and

WHEREAS, the Notice to Bidders was advertised using MLGW's On-Line Bid Notification System and the Memphis Daily News on July 23, 2020. MLGW solicited three (3) bids; and received two (2) bids on August 5, 2020 with the lowest and best bid being from Lightspeed Technologies, Incorporated in the amount of \$472,555.00. The term of this contract is for 60 months from the date of the Notice to Proceed. This award complies with all applicable laws and policies; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved an award of Contract No. 12143, Nokia/MPLS Maintenance Services to Lightspeed Technologies, Incorporated in the funded amount of \$472,555.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
September 16, 2020

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it awards Contract No. 12143, Nokia/MPLS Maintenance Services to Lightspeed Technologies, Incorporated in the funded amount of \$472,555.00.

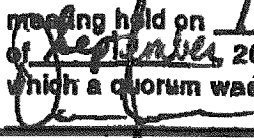
The project scope is to cover technical support/services (24/7) and software (firmware) subscription plans for Nokia 7705 SAR-8 and 7705 SAR-18, and 5620 SAM (NSP) network elements. These elements/nodes supports MLGW's telecommunication fiber transport Multi Protocol Layer Switch (MPLS) routers installed at various substations and facilities supporting backhaul communications. Maintenance is needed to repair any damaged components in the removal of an antiquated system by replacing it with newer technology (MPLS fiber).

The Notice to Bidders was advertised using MLGW's On-Line Bid Notification System and the Memphis Daily News on July 23, 2020. MLGW solicited three (3) bids; and received two (2) bids on August 5, 2020 with the lowest and best bid being from Lightspeed Technologies, Incorporated in the amount of \$472,555.00. The term of this contract is for 60 months from the date of the Notice to Proceed. This award complies with all applicable laws and policies.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the award of Contract No. 12143, Nokia/MPLS Maintenance Services to Lightspeed Technologies, Incorporated in the funded amount of \$472,555.00 as outlined in the above preamble, is approved; and further

THAT, the President or his designated representative is authorized to execute the Award.

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 16th day of September, 2020, at which a quorum was present.

Secretary-Treasurer

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of September 16, 2020 awarded Contract No. 12197, System Furniture to Staples Contract & Commercial LLC in the funded amount of \$1,016,297.00, and is now recommending to the Council of the City of Memphis that it approves said proposed; and

WHEREAS, the project scope is to purchase and install modular furniture and acoustical partition systems. Furniture systems shall include all furniture elements such as workstations for closed and open office layouts, filing systems, chairs and conference tables; and

WHEREAS, Sourcewell (*formerly National Joint Powers Alliance (NJPA)*) issued a Request for Proposal (RFP) for the purchase and installation of furniture systems which resulted in solicitation number 121919 – Furniture Solutions with Related Accessories and Services. The term of the contract covers the period April 10, 2020 through February 18, 2024 including a one (1) year option to extend. The RFP solicitation process met the public bidding requirements of the State of Tennessee and MLGW's Procurement Policy. Therefore, as a member of Sourcewell (*formerly National Joint Powers Alliance (NJPA)*), MLGW requests the approval of Contract No. 12197, System Furniture to Staples Contract & Commercial LLC in the funded amount of \$1,016,297.00 based on rates and projected modular furniture and acoustical partition system needs. The term of MLGW Contract 12197 will be from the date of the Notice to Proceed to February 18, 2024 (including a one (1) year optional extension). This award complies with all applicable laws and policies; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved an award of Contract No. 12197, System Furniture to Staples Contract & Commercial LLC in the funded amount of \$1,016,297.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
September 16, 2020

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it awards Contract No. 12197, System Furniture to Staples Contract & Commercial LLC in the funded amount of \$1,016,297.00.

The project scope is to purchase and install modular furniture and acoustical partition systems. Furniture systems shall include all furniture elements such as workstations for closed and open office layouts, filing systems, chairs and conference tables.

Sourcewell (*formerly National Joint Powers Alliance (NJPA)*) issued a Request for Proposal (RFP) for the purchase and installation of furniture systems which resulted in solicitation number 121919 – Furniture Solutions with Related Accessories and Services. The term of the contract covers the period April 10, 2020 through February 18, 2024 including a one (1) year option to extend. The RFP solicitation process met the public bidding requirements of the State of Tennessee and MLGW's Procurement Policy. Therefore, as a member of Sourcewell (*formerly National Joint Powers Alliance (NJPA)*), MLGW requests the approval of Contract No. 12197, System Furniture to Staples Contract & Commercial LLC in the funded amount of \$1,016,297.00 based on rates and projected modular furniture and acoustical partition system needs. The term of MLGW Contract 12197 will be from the date of the Notice to Proceed to February 18, 2024 (including a one (1) year optional extension). This award complies with all applicable laws and policies.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the award of Contract No. 12197, System Furniture to Staples Contract & Commercial LLC in the funded amount of \$1,016,297.00 as outlined in the above preamble, is approved; and further

THAT, the President or his designated representative is authorized to execute the Award

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-associat meeting held on 16th day of September, 2020, at which a quorum was present.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of September 16, 2020 approved Change No. 3 to Contract No. 11928, Mobile Document (On-Site) Shredding Services with Vital Records Control, Incorporated to renew the current contract in the funded amount of \$23,953.00, and is now recommending to the Council of the City of Memphis that it approves said renewal as approved; and

WHEREAS, the project scope is to provide mobile document (on-site) shredding services of confidential and sensitive documents relating to MLGW employees and MLGW customers. The initial term of this contract was for one (1) year from the date of the Notice to Proceed with an option of four (4) annual renewal terms. This change is to renew the current contract for the third of four (4) annual renewal terms covering the period January 4, 2021 through January 3, 2022 in the funded amount of \$23,953.00, with no increase in rates from the previous year. This renewal complies with all applicable laws and policies. The new contract value is \$95,812.00; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved Change No. 3 to Contract No. 11928, Mobile Document (On-Site) Shredding Services with Vital Records Control, Incorporated to renew the current contract in the funded amount of \$23,953.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
September 16, 2020

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 3 to Contract No. 11928, Mobile Document (On-Site) Shredding Services with Vital Records Control, Incorporated to renew the current contract in the funded amount of \$23,953.00.

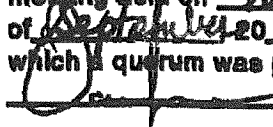
The project scope is to provide mobile document (on-site) shredding services of confidential and sensitive documents relating to MLGW employees and MLGW customers. The initial term of this contract was for one (1) year from the date of the Notice to Proceed with an option of four (4) annual renewal terms. This change is to renew the current contract for the third of four (4) annual renewal terms covering the period January 4, 2021 through January 3, 2022 in the funded amount of \$23,953.00, with no increase in rates from the previous year. This renewal complies with all applicable laws and policies. The new contract value is \$95,812.00.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of Change No. 3 to Contract No. 11928, Mobile Document (On-Site) Shredding Services with Vital Records Control, Incorporated to renew the current contract in the funded amount of \$23,953.00 as outlined in the above preamble, is approved; and further

THAT, the President or his designated representative is authorized to execute the Renewal.

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-s~~pecial~~ meeting held on 16th day of September 2020, at which a quorum was present.


Secretary-Treasurer

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of September 16, 2020 approved the purchase of a truck mounted excavator and is now recommending to the Council of the City of Memphis that it approves said purchase as approved in the 2020 fiscal year budget; and

WHEREAS, the excavator will be used mainly for digging, cutting, breaking and drilling as well as a non-destructive option for removing soil around sensitive structures without the risk of damaging pipes and underground cables for various customer service functions throughout Shelby County; and

WHEREAS, in accordance with *Tennessee Code Annotated §12-3-1205, Cooperative purchasing agreements*; MLGW is allowed to make purchases through cooperative purchasing agreements for the procurement of any goods, supplies, or equipment with one or more governmental entities outside of this state to the extent the laws of the other state permit the joint purchasing authority. Sourcewell Public Utility in conjunction with the Government, Higher Education, K12 Education, Non-Profit, and all other Public Agencies located nationally in all fifty states and potentially internationally, issued this RFP resulting in Sourcewell Public Utility Contract No. 122017-FSC with Environmental Products Group for the procurement of grounds maintenance with related equipment, accessories and supplies. The RFP solicitation process met the public bidding requirements of the State of Tennessee and MLGW's Procurement Policy. This award complies with all applicable laws and policies; and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby approved a purchase order for a truck mounted excavator from Environmental Products Group via Sourcewell Public Utility Contract No. 122017-FSC for the sum of \$440,412.12. Due to the delivery time funds for this item will be requested for carry over to the 2021 budget.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
September 16, 2020

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it awards a purchase order to Environmental Products Group via the Sourcewell Public Utility Contract No. 122017-FSC for the purchase of a truck mounted vacuum excavator in the amount of \$440,412.12. Sourcewell Public Utility is a municipal, national cooperative contracting agency, which leverages the national purchasing power of more than 50,000 member agencies while also streamlining the required purchasing process. Sourcewell Public Utility establishes and provides nationally leveraged and competitively solicited purchasing contracts under the guidance of the Uniform Municipal Contracting Law.

The excavator will be used mainly for digging, cutting, breaking and drilling as well as a non-destructive option for removing soil around sensitive structures without the risk of damaging pipes and underground cables for various customer service functions throughout Shelby County .

In accordance with *Tennessee Code Annotated §12-3-1205, Cooperative purchasing agreements*; MLGW is allowed to make purchases through cooperative purchasing agreements for the procurement of any goods, supplies, or equipment with one or more governmental entities outside of this state to the extent the laws of the other state permit the joint purchasing authority. Sourcewell Public Utility in conjunction with the Government, Higher Education, K12 Education, Non-Profit, and all other Public Agencies located nationally in all fifty states and potentially internationally, issued this RFP resulting in Sourcewell Public Utility Contract No. 122017-FSC with Environmental Products Group for the procurement of grounds

maintenance with related equipment, accessories and supplies. The RFP solicitation process met the public bidding requirements of the State of Tennessee and MLGW's Procurement Policy. This award complies with all applicable laws and policies.

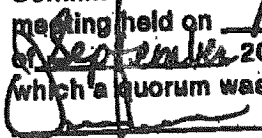
The 2020 budgeted amount for the purchase of Transportation and Fleet Services is \$7,457,045.00; of which \$440,412.12 will be requested for carry over to the 2021 budget due the delivery time of this item; leaving a balance of \$7,016,632.88 after award; and

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

THAT, subject to the consent and approval of the Council of the City of Memphis, award of a purchase order to Environmental Products Group via Sourcewell Public Utility Contract No. 122017-FSC is approved for furnishing:

Truvac HXX excavator mounted on an International HV607 chassis, all in accordance with Division Specification No. T12YVET-20-5221 at \$440,412.12;

Total award amounts to \$440,412.12 f.o.b. Memphis, Tennessee, transportation prepaid; our dock; said prices being firm; delivery 180-240 days after receipt of order, terms net 30 days.

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 16th day of September 2020, at which a quorum was present.

Secretary-Treasurer

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of September 16, 2020 awarded Contract No. 12218, Power Supply Consultant to GDS Associates, Inc. in the funded not-to-exceed amount of \$520,000.00, and is now recommending to the Council of the City of Memphis that it approves said award as proposed; and

WHEREAS, the project scope is to provide consulting services required for MLGW to solicit requests for proposals for the procurement of electric capacity, energy, transmission, renewable energy (e.g. solar and wind), ancillary services and to assist MLGW in the evaluation of responses to portfolios identified in the Integrated Resource Plan (IRP) and feasible alternatives.

WHEREAS, MLGW solicited 11 and received five (5) proposals on September 4, 2020. The three (3) highest scored firms were selected for presentations, with the most responsive proposal from GDS Associates, Inc. in the amount of \$492,500.00. MLGW is also requesting \$27,500.00 for travel contingencies. The total funded amount of this award is not-to-exceed \$520,000.00. The term of this contract is for 24 months from the date of the Notice to Proceed with annual renewal options. This award complies with all applicable laws and policies; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved an award of Contract No. 12218, Power Supply Consultant to GDS Associates, Inc. in the funded not-to-exceed amount of \$520,000.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
September 24, 2020

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it awards Contract No. 12218, Power Supply Consultant to GDS Associates, Inc. in the funded not-to-exceed amount of \$520,000.00.


The project scope is to provide consulting services required for MLGW to solicit requests for proposals for the procurement of electric capacity, energy, transmission, renewable energy (e.g. solar and wind), ancillary services and to assist MLGW in the evaluation of responses to portfolios identified in the Integrated Resource Plan (IRP) and feasible alternatives.

MLGW solicited 11 and received five (5) proposals on September 4, 2020. The three (3) highest scored firms were selected for presentations, with the most responsive proposal from GDS Associates, Inc. in the amount of \$492,500.00. MLGW is also requesting \$27,500.00 for travel contingencies. The total funded amount of this award is not-to-exceed \$520,000.00. The term of this contract is for 24 months from the date of the Notice to Proceed with annual renewal options. This award complies with all applicable laws and policies.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the award of Contract No. 12218, Power Supply Consultant to GDS Associates, Inc. in the funded not-to-exceed amount of \$520,000.00 as outlined in the above preamble, is approved; and further

THAT, the President or his designated representative is authorized to execute the Award.

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 24th day of September, 2020, at which a quorum was present.

Secretary-Treasurer

Same Day Minutes - approved

September 8, 2020

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

Dear Chairman Carlisle:

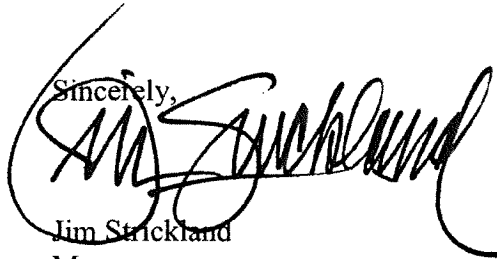
Subject to Council approval, I hereby recommend that:

Greg Glosson

be appointed to the Blight Authority of Memphis with a term expiring December 15, 2023.

I have attached biographical information.

Sincerely,



Jim Strickland
Mayor

JSS/sss

Cc: Council Members

September 8, 2020

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

Dear Chairman Carlisle:

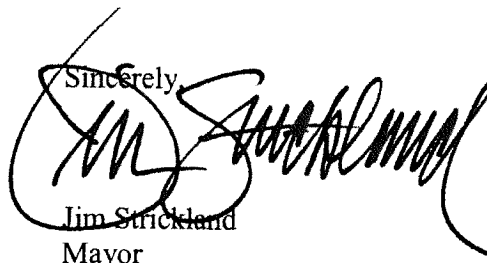
Subject to Council approval, I hereby recommend that:

Shawn Massey

be appointed to the Blight Authority of Memphis with a term expiring December 15, 2021.

I have attached biographical information.

Sincerely,



Jim Strickland
Mayor

JSS/sss

Cc: Council Members

September 8, 2020

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

Dear Chairman Carlisle:

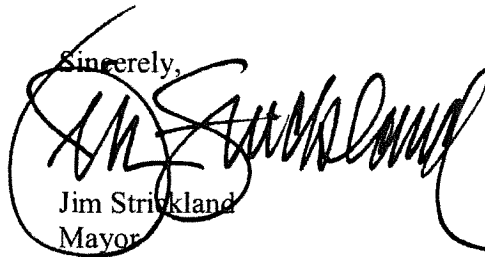
Subject to Council approval, I hereby recommend that:

Jill Steinberg

be appointed to the Blight Authority of Memphis with a term expiring December 15, 2021.

I have attached biographical information.

Sincerely,


Jim Strickland
Mayor

JSS/sss

Cc: Council Members

September 8, 2020

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

Dear Chairman Carlisle:

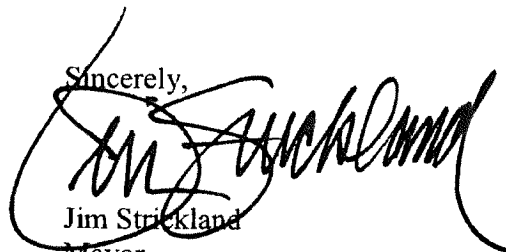
Subject to Council approval, I hereby recommend that:

Louisa Yanes

be appointed to the Blight Authority of Memphis with a term expiring December 15, 2022.

I have attached biographical information.

Sincerely,



Jim Strickland
Mayor

JSS/sss

Cc: Council Members

AN ORDINANCE TO AMEND CHAPTER 2, ARTICLE I, SECTION 2-10-10, SUBSECTION B, TO REQUIRE THE BOARD OF ETHICS TO ESTABLISH AN ONLINE PORTAL TO REQUIRE LOBBYISTS TO REGISTER ANNUALLY AND TO FILE THEIR STATE MANDATED DISCLOSURE STATEMENTS WITH THE CITY OF MEMPHIS

WHEREAS, T.C.A. § 3-6-301(15) and (17), requires persons who communicate, directly or indirectly, with state government officials for the purpose of influencing action by the official for compensation, to register, each calendar year, with the Tennessee Ethics Commission; and

WHEREAS, regulating lobbying activities also helps to ensure local governmental transparency and thereby fosters public confidence in elected and appointed officers and government employees; and

WHEREAS, the possibility of special interests privately influencing decision makers outside of the public purview undermines the people's confidence that their City officials serve the broader public interest; and

WHEREAS, the Memphis City Council recognizes that First Amendment Rights must be safeguarded and endeavors to do so in all circumstances, including ensuring the public is aware of lobbyists; and

WHEREAS, since lobbying is a constitutional right, this ordinance is intended to both promote public confidence through transparency and respect individual rights; and

WHEREAS, establishing an online portal to require 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

WHEREAS, in order to increase transparency regarding lobbyists, it is in the best interests of the City to make the information regarding lobbyists available to the public in more locatable places.

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 Board of Ethics is required to establish an online portal to mandate paid 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.

BE IT FURTHER ORDAINED that CHAPTER 2, ARTICLE I, SECTION 2-10-10, SUBSECTION B shall be amended by adding the following language:

Chapter 2, Article I, Section 2-10-10, subsection B (9):

9. To establish an online portal to require lobbyists to register annually and to file their state mandated disclosure statements with the City of Memphis.

Section 1. Short Title

This Ordinance shall be known as "Regulating Lobbying"

Sections 2. Purpose

The purpose of "Regulating Lobbying" is to

- A. Effectuate the people's right to monitor their government's work and thereby ensure that it functions to promote the general welfare;
- B. Preserve the right of individuals, groups and entities to petition and influence their government and thereby advance their own interests.

Sections 3. Definitions

For purposes of this chapter, the following definitions shall apply.

- (a) City Official means all full-time and part-time elected or appointed officers and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the city.
- (b) Client means any person, entity, organization or group that compensates a lobbyist for lobbying or on whose behalf compensated lobbying occurs.
- (c) Contact or Contacting means any direct or indirect communication with a City Official, undertaken by any means, oral, written or electronic, including, but not limited to, through an agent, associate or employee and undertaken in any context, including at a public meeting.
- (d) Compensation or Compensated means any salary, fee, payment, reimbursement or other valuable consideration, or any combination thereof, whether received or to be received; however, "compensation" does not include the salary or reimbursement of an individual whose lobbying is incidental to that person's regular employment.
- (e) Lobbying or Lobbying Activity means influencing or attempting to influence a City Official with regard to a legislative or administrative action of the City.
- (f) Lobbyist means any person who engages in lobbying for compensation.

Section 4. Exemptions

The following are exempt from the requirements of this chapter:

- (a) Public official acting in their official capacities;
- (b) Persons engaged in creating, publishing or broadcasting news items, editorials, commentaries and similar communications;
- (c) Those whose attempts to influence government action are limited to appearing at public meetings or preparing, processing, or submitting writings for consideration or use at public meetings if their communications are part of the public record;
- (d) City employees and contractors providing reports or recommendations to City Officials as part of their work for the City;
- (e) Persons representing themselves attempting to obtain decisions relating to their own properties or businesses;
- (f) Anyone submitting a bid or proposal for a City contract or negotiating the terms of a City contract for goods or services;
- (g) Persons lodging "whistleblower" complaints with the City;

- (h) Persons who meet with the City Attorney or City Clerk regarding any claim or litigation matter;
- (i) Persons whose communications relate solely to a memorandum of understanding or collective bargaining agreement between the City and an employee organization;
- (j) Communications about solely ministerial actions of the City or City enforcement actions;

Section 5. Registration Requirement

A lobbyist shall register online annually with the Board of Ethics within five (5) business days of becoming a lobbyist by filing the lobbyist registration form. The lobbyist shall include in the registration the names of all clients for whom he is lobbying the city and the specific issues about which he is lobbying, and shall thereon disclose:

- (a) name;
- (b) business street and mailing address;
- (c) e-mail address;
- (d) telephone number;
- (e) the names of all owners of the lobbyist's business if the business is a sole proprietorship or partnership of less than 5 members;
- (f) a description of the nature of the business entity or organization;
- (g) the name, business address and phone number of each client receiving lobbying services;
- (h) the nature of each client's business;
- (i) a brief description of the governmental decision that the lobbyist seeks to influence on each client's behalf;
- (j) the name of each person employed or retained by the lobbyist to engage in lobbying activities on each client's behalf.

Section 6. File State Mandated Disclosure Statements

A. A lobbyist shall file and attach state mandated disclosure statements to registration annually or at any time a lobbyists' state mandated disclosure statements are updated with the Tennessee Ethics Commission.

B. Records pertaining to the registration and annual reports must be preserved by the lobbyist for inspection and audit by the City for a period of five years from the date of production.

Section 7. Prohibitions

A lobbyist shall not do any of the following:

- (a) Intentionally deceive or attempt to deceive a City Official as to any material fact pertinent to any proposed or pending Governmental Decision;
- (b) Act or refrain from acting with the purpose and intent of placing any City Official under personal obligation to the lobbyist;

- (c) Cause or influence the introduction of any ordinance, resolution, appeal, application, petition or amendment thereto for the purpose of thereafter being employed as a lobbyist to secure its granting denial confirmation, rejection, passage or defeat;
- (d) Cause any communication to be sent to a City Official in the name of a fictitious person, group or entity or in the name of a real person, group or entity without their consent;
- (e) Represent directly or indirectly that the lobbyist can control or obtain a vote or action of any City Official.

Section 8. Lobbyist Registration Fees

A lobbyist's annual registration fee is hereby established to be set and periodically adjusted by City Council resolution in an amount sufficient to cover the costs of administering this Chapter.

Section 9. Fine and Penalties.

- (a) 1st Violation – \$
- (b) 2nd Violation – \$
- (c) 3rd Violation - \$... and censure from the Council with a ban from Lobbying Activities for a period not to exceed one (1) year.

SECTION 1: The City of Memphis Board of Ethics is hereby directed to take the necessary action to provide an online portal to require lobbyists to register annually and file their state mandated disclosure statements with the City of Memphis.

SECTION 2. 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 3. Effective date. This Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the comptroller and become effective as otherwise provided by law.

Sponsors: Chase Carlisle
Worth Morgan

Patrice Robinson
Memphis City Council Chairwoman

ORDINANCE FOR CREATION OF THE WALK TOURISM DEVELOPMENT ZONE TOURISM SURCHARGE 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

WHEREAS, Union Row LB, LLC (the “Developer”) owns or has under contract the approximately 21.5 acre tract of land generally on or about Union Avenue, Fourth Street, Beale Street, Lauderdale Street, Gayoso Avenue and Danny Thomas Boulevard in Downtown Memphis, Shelby County, Tennessee show on Exhibit A hereto, the addresses of such property being set out on Exhibit B hereto, and which property is located within the Downtown Memphis Tourism Development Zone; and

WHEREAS, such property currently contains improved and unimproved properties, many of which are vacant, and the Developer proposes, itself or through affiliates thereof, to redevelop the property as a mixed use development including residential, office, hotel, retail and parking uses, for a total estimated project cost of approximately Seven Hundred Forty One Million Dollars (\$741,000,000) (collectively, the “The Walk”); and

WHEREAS, the development of The Walk into a mixed use development including residential, office, hotel, retail and parking, would remedy blight, create jobs, increase surrounding property values, provide needed housing in the core of the city, and help attract tourist and new citizens to Memphis; and

WHEREAS, TCA §67-4-3001 et. seq. (the “Surcharge Act”) authorizes the City to charge up to a five percent (5%) Tourist Surcharge on the sale of certain goods and services within all or a portion of the Downtown Tourism Development Zone (the “Tourism Surcharge”) and the Surcharge Act permits the City to assign such revenues to CCRFC to pay debt service on indebtedness incurred pursuant to the Surcharge Act to finance or refinance cost incurred in connection with the development of certain qualified public use facilities; and

WHEREAS, TCA §67-4-3003 defines a qualified public use facility to include (i) a full service hotels of two hundred fifty (250) or more rooms and related retail, commercial, and parking spaces or (ii) a mixed-use development including a full-service hotel with not less than one hundred fifty (150) rooms and including any retail, office, apartment, condominium, or other commercial or residential uses (the “Eligible Qualified Public Use Facilities”) located within a Tourism Development Zone; and

WHEREAS, The Walk shall include one or more of (i) a full service hotels of two hundred fifty (250) or more rooms and related retail, commercial, and parking spaces or

(ii) a mixed-use development, including a full-service hotel with not less than one hundred fifty (150) rooms and including any retail, office, apartment, condominium, or other commercial or residential uses; and

WHEREAS, it is proposed that the City of Memphis impose a Tourist Surcharge of five percent (5%) on the sale of certain goods and services within The Walk (“The Walk Tourism Surcharge”) and that the City assign such revenues to CCRFC to pay debt service on indebtedness incurred pursuant to the Surcharge Act to finance or refinance cost incurred in connection with the development of Eligible Qualified Public Use Facilities within The Walk; and

WHEREAS, the success of The Walk will have a significant positive impact on the tourism industry and other related industries in the City of Memphis; and

WHEREAS, the City of Memphis administration finds that it is wise, necessary, and advisable to seek authorization from this Council to impose the Tourism Surcharge with respect to The Walk and to use the proceeds of such The Walk Tourism Surcharge to pay debt service on indebtedness incurred pursuant to the Surcharge Act to finance or refinance cost incurred in connection with the development of Eligible Qualified Public Use Facilities within The Walk; and

WHEREAS, to enact The Walk Tourism Surcharge, the City of Memphis administration has proposed the ordinance set forth below (the “The Walk Tourism Surcharge Ordinance”); and

WHEREAS, the City administration desires that this Council (i) approve The Walk Tourism Surcharge Ordinance, and (ii) otherwise provide with respect to the foregoing.

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

1. Sec. ___ - ___ -1. **Created**

There is created The Walk Tourism Surcharge District (the “District”) in accordance with T.C.A. title 67, chapter 4, part 30 (as amended from time to time, hereinafter in this chapter called the “Act”).

Sec. ___ - ___ -2. **District Boundaries**

The District created by this chapter shall be comprised of the area located in the city within the following boundaries:

Parcel 1:

Parcel 2:

Parcel 3:

Parcel 4:

Parcel 5:

Parcel 6:

Parcel 7:

Parcel 8:

Parcel 9:

Sec. ___ - ___-3 **Surcharge Assessment**

The making of Sales (as such term is defined in the Act) by engaging in any Business (as such term is defined in the Act), except for those businesses exempt under T.C.A. title 67, chapter 4, part 712, in the District is declared to be a privilege. All such Sales shall be subject to the surcharge assessment provided in this Chapter and the City hereby levies such surcharge on all Sales.

Sec. ___ - ___-4 **Surcharge Assessment Rate**

The surcharge levied by this section shall be equal to five percent (5%) of the Sales Price (as such term is defined in the Act).

Sec. ___ - ___-5 **Mandatory Registration, Filing of Returns, Payment of Surcharge and Licensing**

All persons carrying on Business (as such term is defined by the Act) in the District, and all person who may hereafter carry on Business in the District, shall register with the City Treasurer for the purpose of assessment and collection of the surcharge. All persons so registered shall file a return detailing Sales for the prior month and surcharge collected on account of such Sales on or before the twentieth (20th) day of each calendar month and shall remit all surcharge collected during such month, together with any delinquent payments of surcharge, with such return. Each person who files a return and remits the appropriate amount of surcharge shall be granted a license which such person shall display within their place of Business. The City Treasurer is hereby authorized and directed to develop the forms for registration and filing monthly returns, as well as rules and regulations regarding the filing of the same.

Sec. ___ - ___-6 **Delinquent Payments**

Any nonpayment or delinquent payment of any surcharge shall be subject to the rights and remedies described in Chapter 5-24 of the Memphis City Code.

Sec. ___ - ___-7 **Allocation and Use of Revenues**

All revenues received by the city as a result of the surcharge, except for the reasonable expenses of the City Treasurer incurred as a result of its administrative duties under this chapter which shall not exceed one percent (1%) of the revenues, shall be

designated for, and allocated to the payment of, the cost of one or more Qualified Public Use Facilities located in the District, including without limitation all debt issued or incurred in the acquisition, construction, leasing, renovation and equipping by CCRFC or any other similar instrumentality of the City of Memphis, including principal, interest and other fees and charges.

Sec. __ - ____-8 **Remittance of Revenues**

On or before the fifteenth (15th) day of each month, the City Treasurer shall remit all revenues received during the prior month, less the aforescribed administrative fee, to CCRFC or its assignee. CCRFC, or its assignee, are hereby directed to deposit such revenues in accordance with the Act and any agreements governing the debt issued or incurred by CCRFC to finance or refinance cost incurred in connection with the development of Qualified Public Use Facilities within the District.

Sec. __ - ____-9 **Termination of Surcharge**

The surcharge shall continue until terminated as provided in T.C.A. title 7, chapter 88, part 103.

2. 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.

3. 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 Ordinance.

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

Sponsor: _____

EXHIBIT A

THE WALK PROPERTY

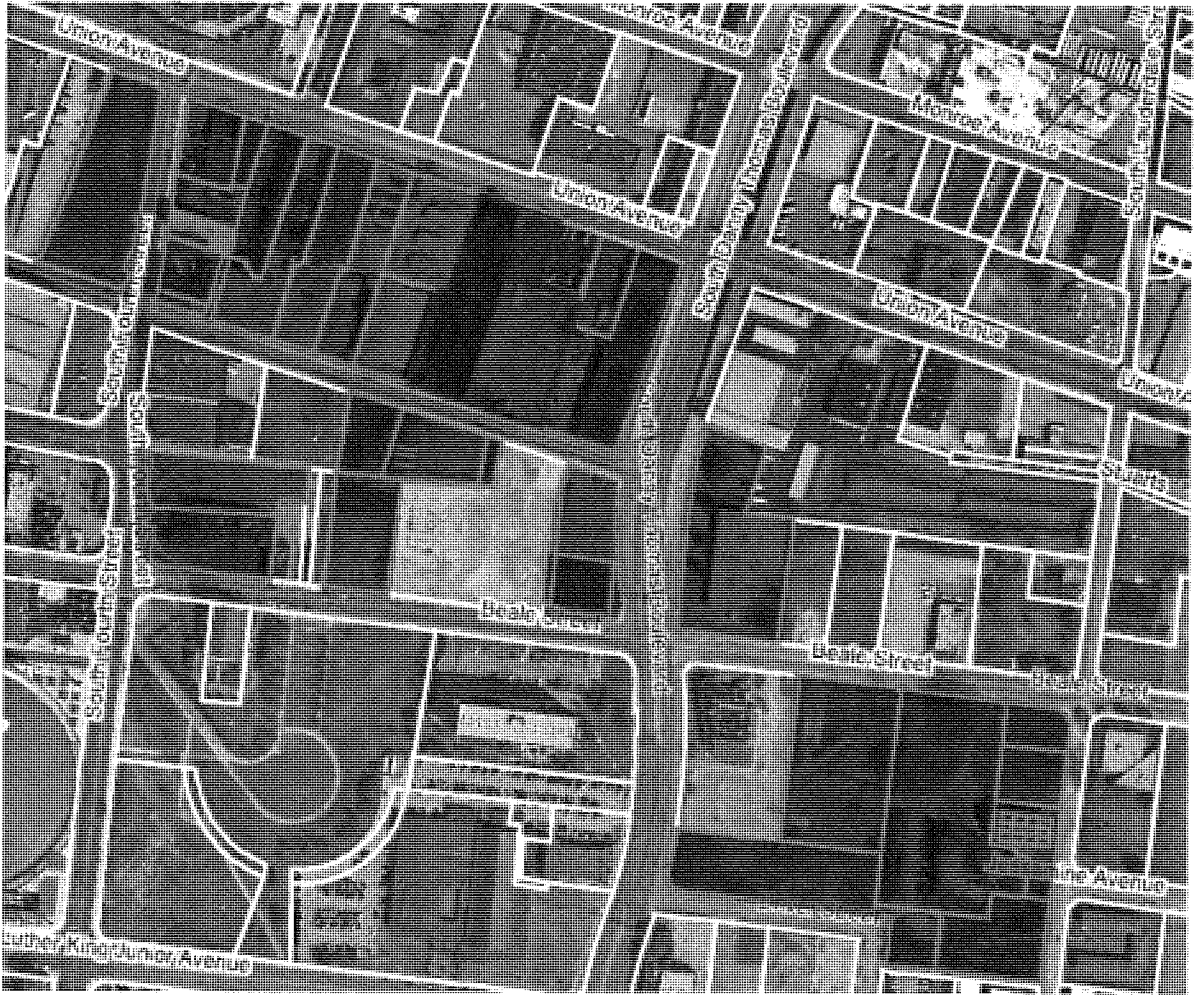


EXHIBIT B**PARCEL ADDRESSES AND IDENTIFICATION NUMBERS**

Address	Acreage	Tax Parcel Number
325 Union Avenue	0.269	005003 00022
333 Union Avenue	0.346	005003 00023
341 Union Avenue	1.108	005003 00008C
267 Union Avenue	0.776	005003 00002C
285 Union Avenue	0.633	005003 00004
285 Union Avenue	0.701	005003 00021
283 Gayoso Avenue	0.75	005003 00014C
0 Gayoso Avenue	0.46	005003 00013
309 Union Avenue	1.854	005003 00005C
255 Union Avenue	0.115	002064 00002
251 Union Avenue	0.362	002064 00001
265 Union Avenue	0.696	005003 00001
0 North 4th Street	0.206	002064 00003
116 South 4th Street	0.051	005003 00019
100 South Fourth Street	0.179	002064 00004
404 Beale Street	0.703	005006 00021
0 Gayoso Avenue	0.313	005006 00004
0 Gayoso Avenue	0.43	005006 00005
533 Beale Street	2.1	007010 00027
0 Driver	0.261	007010 00032
231 Lauderdale	0.682	007010 00017C
0 South 4th Avenue	0.799	005006 00032
380 Beale Street	0.665	005006 00029
448 Beale Street	0.309	005006 00031
0 Beale Street	0.037	005006 00012
341 Gayoso Avenue	0.414	005006 00010C
480 Beale Street	1.54	007005 00023C
0 Danny Thomas	1.12	007011 00014C

0 Beale Street	1.489	007011 00039C
0 Beale Street	0.24	007010 00028
553 Beale St	0.3754	007010 A00013
0 Lauderdale	0.35	007010 00029
235 Union Avenue	1.212	002065 00007
	21.5454	

MINUTES

**TELEPHONIC MEETING OF SEPTEMBER 1, 2020 RECESSED MEETING TO
AUGUST 18, 2020 MEETING OF THE CITY COUNCIL CITY OF MEMPHIS**

SEPTEMBER 1, 2020

3:30 P.M. MEETING RECONVENED

(After the meeting was re-opened for the transaction of business and a quorum was declared present, Vice Chairman Colvett made a motion to adjourn the September 1, 2020 City Council Meeting; this was seconded by Councilman Carlisle, without objection.)

(Chairwoman Robinson adjourned the September 1, 2020 City Council Meeting being that there wasn't any unfinished business, without objection.)

**CITY OF MEMPHIS
NOTICE OF REGULAR MEETING
OF
THE MEMPHIS CITY COUNCIL
Tuesday, September 1, 2020, 3:30 p.m.**

Due to the declarations of a State of Emergency by the President of the United States, the Governor of Tennessee and the Mayor of Memphis relating to Covid-19 Epidemic the Council has determined that is necessary that the meeting be conducted by electronic or other means of communication in order to protect the health, safety and welfare of the public, City employees, Council staff and Members of the Council.

THERE WILL BE NO PHYSICAL MEETING

Attached to this Notice of Meeting are instructions on how members of the public may electronically access the meeting and/or a recording of the meeting and how the public may provide written comments concerning any agenda item or any other matter prior to the meeting.

ADJOURNED MEETING AT 3:31 P.M.

.....
Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.

CHAIRMAN

Attest:

Deputy Comptroller/Council Records

MINUTES
TELEPHONIC MEETING OF THE CITY COUNCIL
CITY OF MEMPHIS

September 15, 2020

3:30 P.M. SCHEDULED SESSION

3:31 P.M. MEETING COMMENCED

ROLL CALL: J. Ford Canale, Chase Carlisle, Frank Colvett, Jr., Michalyn Easter-Thomas, Edmund Ford, Sr., Cheyenne Johnson, Martavius Jones, Rhonda Logan, Worth Morgan, JB Smiley, Jr., Jamita Swearingen, Jeff Warren and Chairwoman Patrice Robinson.

**THE MEETING WAS CALLED TO ORDER
BY SERGEANT-AT-ARMS**

INVOCATION

The meeting was opened with telephonic prayer by Dr. Reginald Boyce of Riverside Missionary Baptist Church. Councilman Ford thanked Dr. Boyce for being the Chaplain of the Day.

Chairwoman Robinson asked Councilman Smiley to lead the Pledge of Allegiance.

These minutes record the agenda items and the action taken by the Council on such items. The full text of the original of the ordinances, resolutions and supporting documents, including an audio recording of Council’s deliberations are filed and maintained in the office of Council Records/Records Management, Room 2B-08. The original ordinances and/or resolutions adopted by the Council shall control in the event of any conflict between the description in these minutes and the original documents, ordinances and/or resolutions.

Approval of the Minutes of the regular meeting of September 1, 2020 with the following motion:

MOTION: Colvett
SECOND: Carlisle
AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Jones, Logan, Morgan, Smiley, Swearingen, Warren and Chairwoman Robinson

APPROVED

- 1. **RESOLUTION APPEALING A PLANNED DEVELOPMENT LOCATED AT THE SOUTHWEST CORNER OF QUINCE ROAD AND LYNNFIELD ROAD, CONTAINING 4.20 ACRES CURRENTLY GOVERNED BY QUINCE/LYNNFIELD PLANNED DEVELOPMENT (PD 99-362). THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT. (HELD FROM 7/21; 8/4; 9/1)**

Case No. PD 99-362

Held until October 6, 2020

- 24. **ORDINANCE AMENDING CHAPTER 2, ARTICLE I, SECTION 2-10-10, SUBSECTION B, TO REQUIRE THE BOARD OF ETHICS TO ESTABLISH AN ONLINE PORTAL TO REQUIRE LOBBYISTS TO REGISTER ANNUALLY AND TO FILE THEIR STATE MANDATED DISCLOSURE STATEMENTS MEMPHIS, UP FOR T H I R D AND F I N A L READING. ORDINANCE NO. 5752 IS SPONSORED BY COUNCILMAN MORGAN AND COUNCILMAN CARLISLE. (HELD FROM 6/16;7/7;7/21;9/1)**

Held until October 6, 2020

- 2. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED AT 0, 674, AND 680 STRATFORD ROAD, CONTAINING +/-1.36 ACRES IN THE RESIDENTIAL URBAN – 1 (RU-1) DISTRICT. THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT.**

Case No. PD 20-07

Applicant: Jim Reedy – Memphis Investment Properties, LLC.
Arthur Nave (Representative)

Request: Commercial Planned Development

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Colvett

SECOND: Carlisle

AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Jones, Logan, Morgan, Smiley, Swearingen, Warren and Chairwoman Robinson

APPROVED

CONSENT AGENDA – Items #3 - #10 may be acted upon by one motion: See Page 5682 for Roll Call Consent Items.

- 3. **ORDINANCE AMENDING AND RESTATING CHAPTER 25 OF THE CITY OF MEMPHIS, CODE OF ORDINANCES GOVERNING THE CITY PENSION SYSTEM, UP FOR F I R S T READING. ORDINANCE 5763 IS SPONSORED BY THE ADMINISTRATION.**

APPROVED, on First reading

4. **ORDINANCE CREATING THE WALK TOURISM DEVELOPMENT ZONE TOURISM SURCHARGE AND OTHERWISE PROVIDING WITH RESPECT TO THE FOREGOING, UP FOR S E C O N D READING. ORDINANCE NO. 5761 IS SPONSORED BY THE ADMINISTRATION.**

APPROVED, on Second reading

5. **ORDINANCE REZONING 580 AND 584 BELT LINE STREET, CONTAINING 0.2 ACRES LOCATED IN THE RESIDENTIAL URBAN – 1 DISTRICT, UP FOR S E C O N D READING. THIS ORDINANCE IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT.**

Case No. Z 20-8

Ordinance No. 5762

APPROVED, on Second reading

6. **RESOLUTION APPROVING THE FINAL PLAT FOR SINGLETON-AUSTIN PEAY COMMERCIAL PD (PD 17-02). (HELD FROM 9/1)**

Contract No. CR-5336

Resolution approves the final plat located approximately 892 linear feet Northeast of Singleton Parkway and Austin Peay Highway intersection in the City of Memphis, Tennessee. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract and accept the First Horizon Bank Letter of Credit No. 7441 in the amount of \$230,200.00 in lieu of bond on behalf of the City of Memphis.

City Engineer recommends approval

APPROVED

7. **RESOLUTION APPROVING THE FINAL PLAT FOR CORDOVA RIDGE PD, PH. 12/SHELBY COUNTY, TN (09-302CC). (HELD FROM 9/1)**

Contract No. CR-5338

Resolution approves the final plat located approximately 810 linear feet east of the N. Houston Levee Road and Macon Road intersection on the South side of Macon Road in the City of Memphis, Tennessee. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract and accept the Bank of Fayette County Certificate of Deposit in the amount of \$5,000.00 in lieu of bond on behalf of the City of Memphis.

APPROVED

8. **RESOLUTION ACCEPTING SOUTH SHELBY RNG, LLC AND AUTHORIZING RELEASE OF THE BOND.**

(Contract No. CR-5295)

Resolution accepting the public improvements located 1,950 feet east of Holmes Road and Malone Road intersection in the City of Memphis, Tennessee. Resolution also authorizes the release of Performance Bond No. 2285209 in the amount of \$284,700.00 held as security for the standard improvement contract.

City Engineer recommends approval

APPROVED

9. **RESOLUTION ACCEPTING WOODLAND HILLS II PLANNED DEVELOPMENT, PH 3, SEWER IMPROVEMENTS (PD 08-324CO) AND AUTHORIZING THE RELEASE OF THE BOND.**

(Contract No. CR-5292)

Resolution accepting the public improvements located north of Walnut Grove Road, west of Woodland Trace, outside the City of Memphis, Tennessee. Resolution also authorizes the release of Federal Bank Letter of Credit No. 192A in the amount of \$420,000.00 held as security for the standard improvement contract.

APPROVED

10. **RESOLUTION APPROVING AN HONORARY STREET NAME CHANGE OF MCEWEN PLACE BETWEEN WILLOUGHBY STREET AND SOUTH WELLINGTON STREET FOR REV. JOSEPH H. MCGHEE, JR. THIS RESOLUTION IS SPONSORED BY COUNCILMAN SMILEY.**

APPROVED

ROLL CALL CONSENT ITEMS

MOTION: Smiley
 SECOND: Warren
 AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Jones, Logan, Morgan, Smiley, Swearngen, Warren and Chairwoman Robinson

APPROVED

FISCAL CONSENT AGENDA – Items #11 - #19 may be acted upon by one motion:

11. **RESOLUTION SEEKING ACCEPTANCE OF GRANT FUNDS FROM THE STATE OF TENNESSEE IN THE AMOUNT OF \$1,528,800.00 SPECIFICALLY FOR THE IN-SERVICE TRAINING PROGRAM FOR TRAINING OF 1,911 COMMISSIONED**

**OFFICERS. THIS RESOLUTION IS SPONSORED BY POLICE SERVICES.
(REQUEST FOR SAME NIGHT MINUTES)**

APPROVED

12. **RESOLUTION SEEKING ACCEPTANCE OF A DONATION IN THE AMOUNT OF \$500.00 FROM LARRY SHELTON TO BE USED TO FUND POLICE OPERATIONAL ACTIVITIES. THIS RESOLUTION IS SPONSORED BY POLICE SERVICES.
(REQUEST FOR SAME NIGHT MINUTES)**

APPROVED

13. **RESOLUTION SEEKING ACCEPTANCE OF A DONATION IN THE AMOUNT OF \$500.00 FROM MICHAEL E. BLAKELY TO BE USED TO FUND POLICE OPERATIONAL ACTIVITIES. THIS RESOLUTION IS SPONSORED BY POLICE SERVICES. (REQUEST FOR SAME NIGHT MINUTES)**

APPROVED

14. **RESOLUTION SEEKING ACCEPTANCE OF A DONATION OF A 48-FOOT ALUMINUM SHIPPING CONTAINER WITH AN ESTIMATED MONETARY VALUE OF \$2500.00 FROM TENNESSEE TASK FORCE ONE TO BE USED FOR POLICE OPERATIONAL ACTIVITIES. THIS RESOLUTION IS SPONSORED BY POLICE SERVICES. (REQUEST FOR SAME NIGHT MINUTES)**

APPROVED

15. **RESOLUTION SEEKING ACCEPTANCE OF A DONATION OF 20 BARRICADES WITH AN ESTIMATED MONETARY VALUE OF \$2,000.00 FROM BLUFF CITY LAW TO BE USED FOR POLICE ACTIVITIES. THIS RESOLUTION IS SPONSORED BY POLICE SERVICES. (REQUEST FOR SAME NIGHT MINUTES)**

APPROVED

16. **RESOLUTION FOR MEMPHIS PUBLIC LIBRARY & INFORMATION CENTER ACCEPTING A DONATION IN THE AMOUNT OF \$10,000.00 FROM MELLON/ACLS SCHOLARS AND SOCIETY FELLOWSHIPS. THE DONATION WILL BENEFIT THE COSSITT BRANCH LIBRARY WHICH WILL HOST AND ACLS SCHOLAR FROM**

THE UNIVERSITY OF MEMPHIS IN FY21. THIS RESOLUTION IS SPONSORED BY LIBRARY SERVICES. (REQUEST FOR SAME NIGHT MINUTES)

APPROVED

17. **RESOLUTION RECEIVING AND APPROPRIATING THE FY2021 FUNDING FOR THE CITY OF MEMPHIS WEATHERIZATION ASSISTANCE PROGRAM (WAP) GRANT IN THE AMOUNT OF \$2,677,721.00 TO THE FY2021 HOUSING AND COMMUNITY DEVELOPMENT'S FEDERAL BUDGET. THIS RESOLUTION IS SPONSORED BY HOUSING & COMMUNITY DEVELOPMENT. (REQUEST FOR SAME NIGHT MINUTES)**

APPROVED

18. **RESOLUTION ACCEPTING AND APPROPRIATING GRANT FUNDS IN THE AMOUNT OF \$10,000.00 FROM THE HUMANE SOCIETY OF THE UNITED STATES AND MARS PETCARE COVID-19 EMERGENCY GRANT FOR MEMPHIS ANIMAL SERVICE TO ASSIST PET PARENTS. THIS RESOLUTION IS SPONSORED BY MAS. (REQUEST FOR SAME NIGHT MINUTES)**

APPROVED

19. **RESOLUTION REQUESTING ACCEPTANCE AND APPROPRIATION OF GRANT FUNDS FROM THE DEPARTMENT OF HOMELAND SECURITY-FEMA IN THE AMOUNT OF \$1,180,631.00 FOR TENNESSEE TASK FORCE 1 READINESS COOPERATIVE AGREEMENT. THIS RESOLUTION IS SPONSORED BY FIRE SERVICES. (REQUEST FOR SAME NIGHT MINUTES)**

APPROVED

ROLL CALL FISCAL CONSENT ITEMS

MOTION: Colvett
 SECOND: Ford
 AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Jones, Logan, Smiley, Swearngen, Warren and Chairwoman Robinson
 Morgan did not cast a vote

APPROVED

MLGW FISCAL CONSENT AGENDA – Items #20 - #23 may be acted upon by one motion:

- 20. **RESOLUTION AWARDDING A PURCHASE ORDER TO ELGIN POWER SOLUTIONS FOR A MOBILE SUBSTATION, IN THE AMOUNT OF \$3,054,805.00.**

APPROVED

- 21. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 11982, RENTAL EQUIPMENT INSURANCE COVERAGE WITH CLAY AND LAND INSURANCE, INCORPORATED, IN THE FUNDED AMOUNT OF \$23,000.00. (THIS CHANGE IS TO RATIFY AND RENEW THE CURRENT CONTRACT FOR THE THIRD OF FOUR ANNUAL RENEWAL TERMS FOR THE PERIOD COVERING AUGUST 24, 2020 THROUGH AUGUST 23, 2021, WITH NO INCREASE IN RATES FROM THE PREVIOUS RENEWAL.)**

APPROVED

- 22. **RESOLUTION AWARDDING CONTRACT NO. 12171, PAVING IMPROVEMENTS, NEW STORAGE CANOPY, NEW GUARD HOUSE AND FENCING TO A & B CONSTRUCTION COMPANY, INC., IN THE FUNDED NOT-TO-EXCEED AMOUNT OF \$893,801.00.**

APPROVED

- 23. **RESOLUTION AWARDDING A PURCHASE ORDER TO METAL SUPPLY COMPANY, INC. FOR BUS COPPER TUBULAR MATERIAL, IN THE AMOUNT OF \$92,955.50.**

APPROVED

ROLL CALL MLGW FISCAL CONSENT ITEMS

MOTION: Carlisle
 SECOND: Warren
 AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Jones, Logan, Swearengen, Warren and Chairwoman Robinson
 Morgan and Smiley did not cast a vote

APPROVED

- 31. **RESOLUTION AMENDING THE FY21 OPERATING BUDGET BY ACCEPTING, ALLOCATING, AND APPROPRIATING CARES GRANTS FUNDS IN THE AMOUNT OF \$15,022.00 FROM THE TENNESSEE STATE LIBRARY AND ARCHIVES FOR VIDEOCONFERENCING EQUIPMENT FOR THE MEMPHIS PUBLIC LIBRARY**

AND INFORMATION CENTER. (ALL COUNCIL DISTRICTS). THIS RESOLUTION IS SPONSORED BY MEMPHIS PUBLIC LIBRARY AND INFORMATION CENTER. (REQUEST FOR SAME NIGHT MINUTES)

MOTION: Easter-Thomas
 SECOND: Canale
 AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Jones, Logan, Smiley, Swearingen, Warren and Chairwoman Robinson
 Morgan did not cast a vote

APPROVED

32. **RESOLUTION RECOGNIZING THE IMPORTANCE OF THE 2020 CENSUS AND ENCOURAGING PARTICIPATION TOWARDS A COMPLETE COUNT OF ALL MEMPHIANS. THIS RESOLUTION IS SPONSORED BY COUNCILMAN CANALE, COUNCILMAN COLVETT, COUNCILWOMAN EASTER-THOMAS, COUNCILWOMAN LOGAN AND COUNCILMAN WARREN. (REQUEST FOR SAME NIGHT MINUTES)**

MOTION: Canale
 SECOND: Warren
 AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Jones, Logan, Smiley, Swearingen, Warren and Chairwoman Robinson
 Morgan did not cast a vote

APPROVED

25. **RESOLUTION ALLOCATING AND APPROPRIATING THE FY2020 COMMUNITY CATALYST FUND BALANCE IN THE FY2021 BUDGET IN THE AMOUNT OF \$721,225.44. THIS RESOLUTION IS SPONSORED BY THE FINANCE DIVISION AND THE OFFICE OF PLANNING AND DEVELOPMENT.**

MOTION: Jones
 SECOND: Carlisle
 AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Jones, Logan, Morgan, Smiley, Swearingen, Warren and Chairwoman Robinson

APPROVED

26. **RESOLUTION ALLOCATING AND APPROPRIATING FUNDS IN THE AMOUNT OF \$200,000.00 FOR PROJECT NUMBER FS02034, SECURITY CAMERAS. (ALL COUNCIL DISTRICTS). THIS RESOLUTION IS SPONSORED BY FIRE SERVICES.**

MOTION: Swearingen
 SECOND: Warren

AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Jones, Logan, Morgan, Smiley, Swearengen, Warren and Chairwoman Robinson

APPROVED

27. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$37,500.00 WITH A CITY MATCH OF 25% IN THE AMOUNT OF \$12,500.00 FROM THE US DEPARTMENT OF HOMELAND SECURITY FOR THE FY20 PORT SECURITY GRANT PROGRAM. (ALL COUNCIL DISTRICTS). THIS RESOLUTION IS SPONSORED BY FIRE SERVICES.**

MOTION: Swearengen

SECOND: Warren

AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Jones, Logan, Morgan, Smiley, Swearengen, Warren and Chairwoman Robinson

APPROVED

28. **RESOLUTION REQUESTING TO RE-PURPOSE RESIDUAL FUNDS FROM VARIOUS CIP PROJECTS TO PROVIDE ADDITIONAL FUNDING TO COVER UNEXPECTED NEEDS IN GS18202-FY18 CITY HALL REHAB/MODERNIZATION AND GS19106-FY19 MAJOR MOD CONTINGENCY. (ALL COUNCIL DISTRICTS). THIS RESOLUTION IS SPONSORED BY GENERAL SERVICES.**

MOTION: Smiley

SECOND: Warren

AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Jones, Logan, Morgan, Smiley, Swearengen, Warren and Chairwoman Robinson

APPROVED

29. **RESOLUTION TRANSFERRING ALLOCATED AND APPROPRIATED FUNDS FROM CIP PROJECT NUMBER CD01101 RALEIGH VEHICLE REPAIR TO CIP PROJECT NUMBER CD01100 COSSITT LIBRARY/4TH BLUFF IN THE AMOUNT OF \$345,000.00. (DISTRICT 6, SUPER DISTRICT 8). THIS RESOLUTION IS SPONSORED BY HOUSING AND COMMUNITY DEVELOPMENT.**

MOTION: Johnson

SECOND: Carlisle

AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Jones, Logan, Morgan, Smiley, Swearengen, Warren and Chairwoman Robinson

APPROVED

30. RESOLUTION URGING STATE LEGISLATORS TO REVOKE AND BAN BUSINESS LICENSES FOR PAYDAY LENDERS. THIS RESOLUTION IS SPONSORED BY COUNCILMAN CARLISLE, COUNCILMAN COLVETT, COUNCILWOMAN EASTER-THOMAS, COUNCILWOMAN LOGAN AND COUNCILMAN WARREN.

MOTION: Canale
SECOND: Carlisle
AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Jones, Logan, Morgan, Smiley, Swearingen, Warren and Chairwoman Robinson

APPROVED

(Special Item #1 – Vice Chairman Colvett made a motion to approve same night minutes for Items #11 - #19, #31 & #32 from tonight’s meeting.)

MOTION: Colvett
SECOND: Canale
AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Jones, Logan, Morgan, Smiley, Swearingen, Warren and Chairwoman Robinson

APPROVED

Vice Chairman Colvett read the comment cards from the following people:

- Katrina Balough, 1757 Evelyn Avenue, Memphis, Tennessee, 38114
- Joy Brooke Fairfield, 2095 Poplar Avenue, Memphis, Tennessee, 38104
- Kylie Jackson, 4778 Marline Avenue, Memphis, Tennessee, 38117
- Carolyn Burr, 2973 Millers Pond Drive, Memphis, Tennessee, 38119
- Sara Cameron Oaks, 73 Viking Cove, Cordova, Tennessee, 38018
- Danetria James, 3979 Mickey Drive, Memphis, Tennessee, 38116

(Councilman Carlisle made a motion to recess the September 15, 2020 meeting. This was seconded by Vice Chairman Colvett.)

RECESSED MEETING AT 4:38 P.M.

.....
Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.

CHAIRMAN

Attest:

Deputy Comptroller/Council Records

**CITY OF MEMPHIS
NOTICE OF REGULAR MEETING
OF
THE MEMPHIS CITY COUNCIL
Tuesday, September 15, 2020, 3:30 p.m.**

Due to the declarations of a State of Emergency by the President of the United States, the Governor of Tennessee and the Mayor of Memphis relating to Covid-19 Epidemic the Council has determined that is necessary that the meeting be conducted by electronic or other means of communication in order to protect the health, safety and welfare of the public, City employees, Council staff and Members of the Council.

THERE WILL BE NO PHYSICAL MEETING

Attached to this Notice of Meeting are instructions on how members of the public may electronically access the meeting and/or a recording of the meeting and how the public may provide written comments concerning any agenda item or any other matter prior to the meeting.

INSTRUCTIONS OF STEPS TO VIEW THE September 1, 2020 MEMPHIS CITY COUNCIL MEETING

Take notice, the Memphis City Council will meet on **Tuesday, September 15, 2020 at 8:00 a.m.** However, due to Coronavirus disease (COVID-19) health and safety concerns, the public is not permitted to attend the meeting in-person. Instead, the public is permitted to participate in the meeting in the following manner: (I) Electronically, via live-stream, (II) Radio, via 88.5 FM (WQOX), and (III) Electronically, via digital archive.

A. Electronically, via live-stream

To view the Tuesday, September 15, 2020 Memphis City Council meeting electronically, via live-stream, follow the steps below:

- (1) Access the internet,
- (2) Go to the Memphis City Council's "Watch Meetings Online" page at <https://www.memphistn.gov/cms/One.aspx?portalID=11150816&pageID=15334953>
- (3) At 8:00 a.m., click on the September 15, 2020 Memphis City Council meeting
- (4) Begin viewing the September 15, 2020 Memphis City Council meeting electronically via live-stream
- (5) Click on the September 15, 2020 "Agenda" tab to view the agenda documents

B. Radio, via 88.5 FM (WQOX)

To listen to the Tuesday, September 15, 2020 Memphis City Council meeting by radio, via 88.5 FM (WQOX), follow the steps below:

- (1) Access a radio with FM-capabilities,
- (2) At 3:30 p.m., turn the radio dial to 88.5 FM (WQOX),
- (3) Begin listening to the September 15, 2020 Memphis City Council meeting by radio via 88.5 FM (WQOX)

C. Electronically, via digital archive

To listen to the Tuesday, September 15, 2020 Memphis City Council meeting electronically, via digital archive, follow the steps below:

- (1) Access the internet **after** the September 15, 2020 Memphis City Council meeting,
- (2) Go to the Memphis City Council's "Archived Videos" page at https://www.memphistn.gov/government/city_council/watch_public_meetings_online/city_council_archived_videos
- (3) Press play on the September 15, 2020 "City Council Full Meeting" tab
- (4) Begin viewing the September 15, 2020 Memphis City Council meeting electronically via digital archive
- (5) Click on the September 15, 2020 "Agenda" tab to view the agenda documents
- (6) Click on the September 15, 2020 "Minutes" tab to view the meeting minutes

Note: Public comments may be submitted to the Memphis City Council twenty-four (24) hours prior to the September 15, 2020 meeting. To submit your public comment, please email Patrice.robinson@memphistn.gov with your (a) full name, (b) full street address, (c) phone number, (d) agenda item, if applicable, and (e) comment. For more information, please call (901) 636-6786.

Thank you for your patience during this time. We look forward to continuing our work on your behalf as a thirteen-member council working to make Memphis a safe, healthy, and prosperous city for all!

With earnest appreciation,



Patrice Jordan Robinson
Chairwoman, Memphis City Council