

Memphis City Council Summary Sheet

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

Resolution to appropriate \$2,420,000 of allocated funding in Project LI01030 – New Frayser Library, Council District 7, Super District 8.

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

Library Services

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

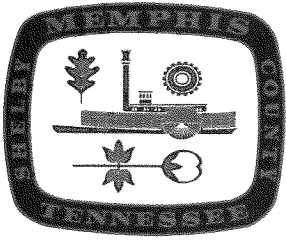
Does not change an existing ordinance or resolution

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

N/A

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

This Resolution authorizes the expenditure for Contract Construction and Other Cost funds for the New Frayser Library in District 7 (Super District 8)..



A Resolution to allocate and appropriate FY 2022 funds for the New Frayser Library, for the Library Services Division.

WHEREAS, the Council of the City of Memphis did include Project LI01030 – New Frayser Library, as part of the FY 2022 Capital Improvement Program budget; and

WHEREAS, the purpose of this project is to replace the current Frayser Branch Library; and

WHEREAS, bids will be solicited and evaluated for this project; and

WHEREAS, it is necessary to appropriate a sum of \$2,420,000 of allocated funding in Project LI01030 – New Frayser Library

BE IT RESOLVED by the Council of the City of Memphis that the sum of two million, four hundred twenty dollars (\$2,420,000) funded by General Obligation Bonds be appropriated to the above named project as follows:

Project Title:	New Frayser Library
Project Number:	LI01030
Amount:	\$2,420,000

A resolution to amend the Council FY 22 grant allocations

WHEREAS, the FY 22 Operating Budget included \$2.6 million in funding for the Council's Grants Program with an equal apportionment to the 13 members in the amount of \$200,000; and

WHEREAS, the Memphis City Council reviewed the applications and allowed presentations by prospective organizations wherein members were able to select individual grant award amounts to the organizations that successfully completed the application process; and

WHEREAS, members of the Council were afforded the opportunity to designate their full FY 22 \$200,000 allotment during the passage of the budget or to hold a portion of their allotment in abeyance with further consideration and distribution of their remaining funds to be decided by resolution at a later date; and

NOW, THEREFORE, BE IT RESOLVED BY THE MEMPHIS CITY COUNCIL that the following request for disbursement(s) of remaining funds be approved as follows:

ORGANIZATION NAME	AMOUNT
Feed the Needy	\$5,000.00
TOTAL	\$5,000.00

Sponsor:
Edmund Ford, Sr.

**A RESOLUTION OF THE MEMPHIS CITY COUNCIL ESTABLISHING THE
2022 REDISTRICTING AD HOC COMMITTEE**

WHEREAS, the Memphis City Council believes free and equal representation is the best, if not the only, foundation upon which a free government can be built; and

WHEREAS, the framers of the United States Constitution chose to use population, by way of the United States Census, as the basis for said free and equal representation; and

WHEREAS, for this reason, the United States Census exists as a cornerstone of our democracy, used – among other purposes – to apportion representatives in Congress, to allocate electoral votes among the States, and to draw Congressional, State, and Municipal districts – like those used by this legislative body; and

WHEREAS, *Tennessee Code Annotated*, Section 6-54-102 provides that municipalities may redistrict into new wards whenever, for proper reasons, they deem expedient so to do; the newly released 2020 United States Census data providing proper reasons; and

WHEREAS, with that in mind, the Memphis City Council now seeks to move forward with the work of reapportioning districts to ensure that members represent substantially equal populations based upon the 2020 United States Census data.

NOW, THEREFORE, BE IT RESOLVED that the Memphis City Council hereby establishes the 2022 Redistricting Ad Hoc Committee; that:

SECTION 1. The 2022 Redistricting Ad Hoc Committee is a Committee of the Whole composed of the thirteen present Memphis City Council members to ensure representation from all council members regarding the reapportionment of the 13-member districts based upon the 2020 United States Census data.

SECTION 2. The 2022 Redistricting Ad Hoc Committee shall elect a Chair and Vice Chair at its first meeting, with the current Council Chairman leading the Ad Hoc Committee until said time.

SECTION 3. Council Attorney Allan Wade, the Election Commission Administrator, or the Election Commission Deputy Administrator, are designated as non-voting members of this Ad Hoc Committee.

SECTION 4. The 2022 Redistricting Ad Hoc Committee shall submit its final suggested redistricting plans to the Memphis City Council no later than the 22nd day of January 2022; this resolution shall take effect from and after its passage, the welfare of the City requiring it.

Sponsor:
Councilwoman Michalyn Easter-Thomas

RESOLUTION to amend the Council Rules of Procedure to Rename the Division of Parks and Neighborhoods to Memphis Parks

WHEREAS, the Memphis City Council’s Rules of Procedure dictates both the organization of the council and preparation of the council agenda; and

WHEREAS, the Division of Parks and Neighborhoods has recently undergone a rebranding and is now named “Memphis Parks”; and

WHEREAS, in order to eliminate any confusion and match the divisions other materials, the Council Rules of Procedure should be updated to reflect this change.

NOW, THEREFORE, BE IT RESOLVED, that the Memphis City Council Rules of Procedure is hereby amended by the following provisions:

Sec. B-17. Resolutions presented by Division in the following order:

h. Memphis Parks.

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

f. ~~Parks and Environment~~ Memphis Parks and Environment

BE IT FURTHER RESOLVED, the City Council Records office and City Council staff shall amend the Council and Committee agendas to reflect this change with the passing of this resolution.

Sponsor:

Rhonda Logan

Chair:

Jamita Swearengen

MEMPHIS CITY COUNCIL
RULES OF PROCEDURE
CITY OF MEMPHIS, TENNESSEE

INCLUDING AMENDMENTS OF:

January 10, 1984
January 17, 1984
March 20, 1984
January 2, 1985
January 21, 1986
January 6, 1987
February 17, 1987
December 8, 1987
January 26, 1988
January 10, 1989
October 6, 1998
May 15, 2001
October 21, 2003
December 2, 2003
October 3, 2006
February 6, 2007
February 20, 2007
September 18, 2007
September 9, 2008
September 23, 2008
April 5, 2011
August 2, 2011
December 20, 2011
December 16, 2014
June 7, 2016
December 20, 2016
December 5, 2017
February 19, 2019
December 1, 2020
January 5, 2021

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

A. DUTIES OF THE CHAIRPERSON (1 through 6)

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

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

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

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

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

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

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

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

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

B. ORDER OF BUSINESS (7 through 21)

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

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

C. PROCEEDINGS IN COUNCIL MEETINGS (22 through 34)

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

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

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

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

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

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

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

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

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

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

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

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

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

D. DECORUM IN COUNCIL MEETINGS (35 through 36)

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

decorum to be orderly and silent through a verbal warning.

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

E. ORGANIZATION OF COUNCIL (37 and 38)

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

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

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

F. AGENDA (39 through 45)

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

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

Example:

Flinn Chairperson, Personnel Committee	7. Ordinance to amend Chapter 25 of the City of Memphis Code of Ordinances, governing the City Pension System to provide a 2016 Cash Balance Plan and a 2016 Defined Contribution Plan (Non-vested employees) Ordinance No. 5572 Sponsored by Administration
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- b. Any matter which has appeared on the agenda and has been acted upon by either a majority vote for approval or rejection, may be brought before the Council for reconsideration upon proper motion of a Council Member and seconding motion by another Council Member.

The only requirements for this action are:

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

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

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

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

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

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

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

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

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

G. CODE OF ETHICS (46 through 49)

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

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

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

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

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

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

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

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

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

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

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

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

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

I. TRAVEL POLICY (54 through 55)

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

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

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

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

J. VACANCIES (56)

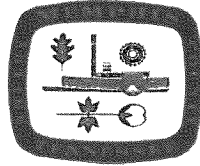
56. Upon notification of a vacancy on the Council, the Chairperson shall request written nominations from Council members of a qualified individual(s) they would like considered for the position. Additionally, the public may nominate candidates and interested candidates shall personally submit a resume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

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

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

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

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



Memphis City Council Summary Sheet

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

This is a resolution to transfer and appropriate construction funds to repair/rehab existing damaged sanitary sewer pipes using CIPP process at various locations. Project number SW22201-Install CIPP Annual 2022.

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

Public Works - Environmental Engineering

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

This resolution does not change any existing ordinance or resolution.

4. State whether this will impact specific council districts or super districts.

The project is a work order based contract for installation of CIPP at various locations throughout the City.

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

This request will require a new construction contract.

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

Yes, this requires an expenditure of funds.

7. If applicable, please list the MWBE goal and any additional information needed

The MBE goal is 4% and the WBE goal is 1%. The MBE goal will be met by Southland Enterprises. The WBE goal will be met by H&K Plumbing & Heating.



This is a resolution to transfer and appropriate construction funds to repair/rehab existing damaged sanitary sewer pipes using CIPP process at various locations. Project number SW22201-Install CIPP Annual 2022.

WHEREAS, the Council of the City of Memphis approved FY'22 Rehab Existing Coverline, project number SW22200, as part of the Public Works Fiscal Year 2022 Capital Improvement Budget; and

WHEREAS, bids were received to repair and rehab existing damaged sanitary sewer pipe using CIPP process at various locations with the lowest complying bid being \$2,500,000.00 submitted November 17, 2021 by Moore Construction Company, Inc.; and

WHEREAS, it is necessary to transfer a construction allocation of \$2,750,000.00 funded by Capital Pay Go-Sewer in FY'22 Rehab Existing Coverline, project number SW22200 to Install CIPP Annual 2022, project number SW22201; and

WHEREAS, it is necessary to appropriate \$2,750,000.00 funded by Capital Pay Go-Sewer in Install CIPP Annual 2022, project number SW22201 as follows:

Contract Amount	\$2,500,000.00
Project Contingencies	<u>\$250,000.00</u>
Total Amount	\$2,750,000.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2022 Capital Improvement Budget be and is hereby amended by transferring a construction allocation of \$2,750,000.00 funded by Capital Pay Go-Sewer in FY'22 Rehab Existing Coverline, project number SW22200 to Install CIPP Annual 2022, project number SW22201 to repair and rehab existing damaged sanitary sewer pipe using CIPP process at various locations.

BE IT FURTHER RESOLVED, that there be and is hereby appropriated the sum of \$2,750,000.00 funded by Capital Pay Go-Sewer chargeable to the FY 2022 Capital Improvement Budget and credited as follows:

Project Title	Install CIPP Annual 2022
Project Number	SW22201
Total Amount	\$2,750,000.00



This is a resolution to transfer and appropriate construction funds to repair/rehab existing damaged storm drain pipes using CIPP process at various locations. Project number ST03222-Storm Water CIPP 2022.

WHEREAS, the Council of the City of Memphis approved Drainage – ST Coverline, project number ST03205, as part of the Public Works Fiscal Year 2022 Capital Improvement Budget; and

WHEREAS, bids were received to repair and rehab existing damaged storm drain pipe using CIPP process at various locations with the lowest complying bid being \$500,000.00 submitted November 17, 2021 by Moore Construction Company, Inc.; and

WHEREAS, it is necessary to transfer a construction allocation of \$550,000.00 funded by Storm Water Revenue Bonds in Drainage – ST Coverline, project number ST03205 to Storm Water CIPP 2022, project number ST03222 for repair and rehab of existing damaged storm drain pipe using CIPP process at various locations; and

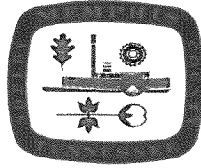
WHEREAS, it is necessary to appropriate \$550,000.00 funded by Storm Water Revenue Bonds in Storm Water CIPP 2022, project number ST03222 as follows:

Contract Amount	\$500,000.00
Project Contingencies	<u>\$50,000.00</u>
Total Amount	\$550,000.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2022 Capital Improvement Budget be and is hereby amended by transferring a construction allocation of \$550,000.00 funded by Storm Water Revenue Bonds in Drainage – ST Coverline, project number ST03205 to Storm Water CIPP 2022, project number ST03222 for repair and rehab of existing damaged storm drain pipe using CIPP process at various locations.

BE IT FURTHER RESOLVED, that there be and is hereby appropriated the sum of \$550,000.00 funded by Storm Water Revenue Bonds chargeable to the FY 2022 Capital Improvement Budget and credited as follows:

Project Title	Storm Water CIPP 2022
Project Number	ST03222
Total Amount	\$550,000.00



Memphis City Council Summary Sheet

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

This is a resolution to transfer and appropriate construction funds to repair/rehab existing damaged storm drain pipes using CIPP process at various locations. Project number ST03222-Storm Water CIPP 2022.

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

Public Works - Environmental Engineering

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

This resolution does not change any existing ordinance or resolution.

4. State whether this will impact specific council districts or super districts.

The project is a work order based contract for installation of CIPP at various locations throughout the City.

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

This request will require a new construction contract.

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

Yes, this requires an expenditure of funds.

7. If applicable, please list the MWBE goal and any additional information needed

The MBE goal is 4% and the WBE goal is 1%. The MBE goal will be met by Southland Enterprises. The WBE goal will be met by H&K Plumbing & Heating.



City Council Item Routing Sheet

Division: MLGW

Committee: MLGW

Hearing Date: January 18, 2022

Ordinance

Resolution

Grant Acceptance

Budget Amendment

Commendation

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

Item Description: An ordinance to amend section 2-20-5 of the code of ordinances of the City of Memphis pertaining to contracts and salaries of the Memphis Light, Gas and Water Division to raise the amount of contracts and salaries or compensation for employees or others requiring City Council approval to \$500,000.00 and \$180,000.00, respectively, to amend the language permitting the purchase of natural gas in accordance with MLGW's large customer prepay program and gas rate schedule G-13 previously approved by this Council, and to ratify and approve the execution of workers compensation settlement agreements between MLGW and its employees.

Recommended Council Action: Approval of Amendment to Ordinances

Describe previous action taken by any other entity (i.e. board, commission, task force, council committee, etc.) and date of any action taken: MLGW Board of Commissioners approved on January 5, 2022.

Does this item require city expenditure? No

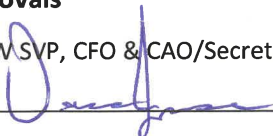
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Source and Amount of Funds:

Approvals

MLGW SVP, CFO & CAO/Secretary-Treasurer

 Date 1/6/22

Division Chief _____ Date _____

Budget Manager _____ Date _____

Chief Financial Officer _____ Date _____

City Attorney _____ Date _____

Chief Operating Officer

_____ Date _____

Council Committee Chair

_____ Date _____



Memphis City Council Summary Sheet

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

An ordinance to amend section 2-20-5 of the code of ordinances of the City of Memphis pertaining to contracts and salaries of the Memphis Light, Gas and Water Division to raise the amount of contracts and salaries or compensation for employees or others requiring City Council approval to \$500,000.00 and \$180,000.00, respectively, to amend the language permitting the purchase of natural gas in accordance with MLGW's large customer prepay program and gas rate schedule G-13 previously approved by this Council, and to ratify and approve the execution of workers compensation settlement agreements between MLGW and its employees.

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

Memphis Light, Gas and Water Division

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

Section 2-20-5 of the Code of Ordinances; Section 681 of the City's Charter; Section 675 of the Memphis City Charter, as amended by Ordinance 3509; provisions of Ordinance No. 3054; Ordinance 5291; Section 2-20-5 A.1. of the Code of Ordinances, Section 2-20-3; Ordinances 5046, 5256, 5383, and 5574.

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

Not applicable.

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

Not applicable.



An ordinance to amend section 2-20-5 of the code of ordinances of the City of Memphis pertaining to contracts and salaries of the Memphis Light, Gas and Water Division to raise the amount of contracts and salaries or compensation for employees or others requiring City Council approval to \$500,000.00 and \$180,000.00, respectively, to amend the language permitting the purchase of natural gas in accordance with MLGW’s large customer prepay program and gas rate schedule G-13 previously approved by this Council, and to ratify and approve the execution of workers compensation settlement agreements between MLGW and its employees.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTION 2-20-5 OF THE CODE OF ORDINANCES OF THE CITY OF MEMPHIS PERTAINING TO CONTRACTS AND SALARIES OF THE MEMPHIS LIGHT, GAS AND WATER DIVISION TO RAISE THE AMOUNT OF CONTRACTS AND SALARIES OR COMPENSATION FOR EMPLOYEES OR OTHERS REQUIRING CITY COUNCIL APPROVAL TO \$500,000.00 AND \$180,000.00, RESPECTIVELY, TO AMEND THE LANGUAGE PERMITTING THE PURCHASE OF NATURAL GAS IN ACCORDANCE WITH MLGW’S LARGE CUSTOMER PREPAY PROGRAM AND GAS RATE SCHEDULE G-13 PREVIOUSLY APPROVED BY THIS COUNCIL, AND TO RATIFY AND APPROVE THE EXECUTION OF WORKERS COMPENSATION SETTLEMENT AGREEMENTS BETWEEN MLGW AND ITS EMPLOYEES.

WHEREAS, Section 681 of the City’s Charter, adopted by Private Act of the Tennessee Legislature in 1939 (the “Memphis City Charter”), reserved to the City Council authority to approve, in advance of execution, contracts entailing an obligation or expenditure in excess of Five Thousand Dollars to be executed by the Board of Light, Gas & Water Commissioners of the City of Memphis (“MLGW Board”); and

WHEREAS, Section 675 of the Memphis City Charter, as amended by Ordinance 3509, adopted on November 5, 1985, also reserved to the City Council authority to approve the setting of salaries or other compensation of any officers, executive management employees or other employees for MLGW in excess of \$90,000.00 in advance of employment.

WHEREAS, under the provisions of Ordinance No. 3054, dated September 2, 1980, to the City’s Charter (the “Home Rule Amendment”), the City Council is authorized, by ordinance, to increase the amount of contracts and salaries or compensation for employees or others requiring City Council approval; and

WHEREAS, from time to time, the City Council has amended its Code of Ordinances to adjust the limits of authority granted to the MLGW Board for the execution of contracts and the setting of salaries for employees hired as it deemed appropriate; and

WHEREAS, in recognition of the impediment to responsiveness and additional cost to MLGW's customers caused by the requirement for approval of individual contracts and to improve MLGW's fiscal and operational efficiency in completing work, the City Council desires to raise the limits requiring approval by the Council prior to execution; and

WHEREAS, the City Council also desires to continue to permit the purchase of natural gas, including gas purchased in accordance with MLGW's Large Customer Prepay Program and Gas Rate Schedule G-13 previously approved by this Council, without prior approval of the Council; and

WHEREAS, this Council by Ordinance 5291, adopted on February 17, 2009, this Council authorized the execution by MLGW of settlement agreements with its employees under the Workers' Compensation laws of the State of Tennessee and the provisions of that authorization were unintentionally omitted in the most recent subsequent ordinance revising section 2-20-5 A.1. of the Code of Ordinances and the Council wishes to reinstate those provisions.

NOW THEREFORE BE IT ORDAINED THAT,

SECTION 1. Section 2-20-5 of the Code of Ordinances of the City of Memphis shall be amended and restated as follows:

- A. 1. Notwithstanding Section 2-20-3 to the contrary, all contracts (other than emergency purchases, purchases of natural gas and other derivative instruments, and settlement agreements between MLGW and its employees pursuant to the workers' compensation laws of the State of Tennessee) entailing an obligation or expenditure, including fees or other compensation of any engineers, auditors, attorneys, consultants and other employed to render extraordinary services to MLGW, in excess of \$500,000.00 shall require City Council approval in advance of execution. Furthermore, all interlocal agreements or contracts between MLGW and any municipality or division of government (other than the City of Memphis and its divisions) that involve the collection of any municipal, county or other government fee, tax or other charge not directly related to utility service (such as electricity, gas, or water utility service) shall require Council approval in advance of execution. MLGW may make "emergency purchases" as defined herein, which emergency purchases shall be later ratified by the City Council. MLGW may purchase natural gas and other derivative instruments so long as the term of any such contract is no longer than

five years and (1) the cost of such purchases together with other similar purchases are in the aggregate within budgeted amounts for natural gas, or (2) the quantities purchased are being acquired in connection with MLGW's Large Customer Prepay Program and Gas Rate Schedule G-13. Workers' Compensation settlement agreements shall not be required to be submitted to the Council for approval.

2. For the purposes of this section the term "emergency purchases" shall include, but shall not necessarily be limited to, any purchase orders and contracts in excess of \$500,000.00 needed to (i) remedy any hazardous, unsafe or environmentally harmful event or condition that has created or may create a harmful situation for the public or MLGW employees, whether or not ordered, directed or requested by a federal or state agency; (ii) ensure continuous and reliable utility service to MLGW customers, or (iii) take whatever steps are reasonably necessary to address problems caused by a catastrophic event.

B. Notwithstanding section 2-20-3 to the contrary, any salaries or other compensation of any officers, executive management employees or other employees for MLGW in excess of \$180,000.00 shall require approval in advance of employment.

SECTION 2. Except to the extent inconsistent with the provisions hereof, the provisions of Ordinance No. 3509 shall remain in full force and effect.

SECTION 3. The provisions of Ordinances Nos. 5046, 5256, 5291, 5383 and 5574 are hereby repealed as unnecessary or in conflict with the provisions of this Ordinance.

SECTION 4. The provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

SECTION 5. This Ordinance shall take effect from and after the date it shall have been passed by the City Council, signed by the Chairman of the Council, certified and delivered to the office of the Mayor in writing by the comptroller, and become effective as otherwise provided by law.

Chairman of the Council

Attest:

_____, Comptroller

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
January 5, 2022

.....

In accordance with the recommendations contained in the 2019 Baker Tilly Efficiency Study, the President and CEO recommends to the Board of Light, Gas and Water Commissioners that this Board (i) approve the execution and delivery by the President and CEO or his designee of contracts entailing obligations or expenditures of \$500,000.00 or less without the prior approval of this Board, and (ii) approve an “ORDINANCE TO AMEND SECTION 2-20-5 OF THE CODE OF ORDINANCES OF THE CITY OF MEMPHIS PERTAINING TO CONTRACTS AND SALARIES, TO AMEND THE LANGUAGE PERMITTING THE PURCHASE OF NATURAL GAS IN ACCORDANCE WITH MLGW’S LARGE CUSTOMER PREPAY PROGRAM AND GAS RATE SCHEDULE G-13 PREVIOUSLY APPROVED BY THIS BOARD AND THE CITY COUNCIL, AND TO RATIFY AND APPROVE THE EXECUTION OF WORKERS COMPENSATION SETTLEMENT AGREEMENTS BETWEEN MLGW AND ITS EMPLOYEES” to be submitted to the Memphis City Council for its consideration and adoption.

The proposed Ordinance is an amendment to the existing Code of Ordinances of the City of Memphis and will grant authority to the MLGW Board of Commissioners to (i) enter into contracts entailing amounts and obligations or expenditures of \$500,000.00 or less without the consent and approval of the Memphis City Council, (ii) to set the salaries of employees as determined to be reasonable by the Board of Light, Gas

& Water Commissioners as long as such salaries do not exceed \$180,000.00 per year, and (iii) to update and correct language in the Code of Ordinances relating to purchases of natural gas and workers' compensation settlement agreements.

NOW, THEREFORE, BE IT RESOLVED, THAT, the Ordinance captioned "AN ORDINANCE TO AMEND SECTION 2-20-5 OF THE CODE OF ORDINANCES OF THE CITY OF MEMPHIS PERTAINING TO CONTRACTS AND SALARIES OF THE MEMPHIS LIGHT, GAS AND WATER DIVISION TO RAISE THE AMOUNT OF CONTRACTS AND SALARIES OF THE MEMPHIS LIGHT, GAS AND WATER DIVISION TO RAISE THE AMOUNT OF CONTRACTS AND SALARIES OR COMPENSATION FOR EMPLOYEES OR OTHERS REQUIRING CITY COUNCIL APPROVAL TO \$500,000.00 AND \$180,000.00, RESPECTIVELY, TO AMEND THE LANGUAGE PERMITTING THE PURCHASE OF NATURAL GAS IN ACCORDANCE WITH MLGW'S LARGE CUSTOMER PREPAY PROGRAM AND GAS RATE SCHEDULE G-13 PREVIOUSLY APPROVED BY THIS BOARD AND THE CITY COUNCIL, AND TO RATIFY AND APPROVE THE EXECUTION OF WORKERS COMPENSATION SETTLEMENT AGREEMENTS BETWEEN MLGW AND ITS EMPLOYEES", is approved for submittal to the Memphis City Council for its consideration; and

FURTHER THAT, the Memphis City Council is requested to support adoption of the proposed Ordinance; and

THAT, upon approval of the Ordinance by the Memphis City Council, the President and CEO is hereby authorized to execute and deliver contracts entailing obligations or expenditures of \$500,000.00 or less without the prior approval of this Board or the City Council; and

THAT, upon approval of the Ordinance by the Memphis City Council, the President and CEO is hereby further authorized to hire employees at salaries not exceeding \$180,000.00 without the prior approval of this Board or the City Council in advance of employment.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular - special meeting held on 24 day of January, 2022, at which a quorum was present.


Secretary - Treasurer

Summary of Limit Change Impacts

Item Count:	2021						2020						2019					
	Contracts	Purchases	Total	% Reduction from Current Level	Contracts	Purchases	Total	% Reduction from Current Level	Contracts	Purchases	Total	% Reduction from Current Level	Contracts	Purchases	Total	% Reduction from Current Level		
\$ 50,000.00	176	63	239	0%	163	67	230	0%	122	53	175	0%						
\$ 100,000.00	167	53	220	8%	144	47	191	17%	110	41	151	14%						
\$ 200,000.00	127	42	169	29%	120	35	155	33%	88	32	120	31%						
\$ 300,000.00	112	35	147	38%	107	32	139	40%	76	27	103	41%						
\$ 400,000.00	95	28	123	49%	92	26	118	49%	72	25	97	45%						
\$ 500,000.00	90	24	114	52%	84	22	106	54%	69	24	93	47%						
\$ 750,000.00	73	14	87	64%	70	18	88	62%	57	16	73	58%						
\$ 1,000,000.00	65	11	76	68%	61	15	76	67%	45	14	59	66%						
Item \$:	2021						2020						2019					
If limit =	Contracts	Purchases	Total	% Reduction from Current Level	Contracts	Purchases	Total	% Reduction from Current Level	Contracts	Purchases	Total	% Reduction from Current Level	Contracts	Purchases	Total	% Reduction from Current Level		
\$ 50,000.00	\$ 335,303,848.06	\$ 47,849,023.81	\$ 383,152,871.87	0%	\$ 170,956,947.42	\$ 40,658,062.04	\$ 211,615,009.46	0%	\$ 224,484,761.53	\$ 63,482,267.71	\$ 287,967,029.24	0%						
\$ 100,000.00	\$ 334,841,470.71	\$ 47,103,339.21	\$ 381,944,809.92	0%	\$ 169,966,019.86	\$ 39,146,808.63	\$ 209,112,828.49	1%	\$ 224,025,982.09	\$ 62,565,396.94	\$ 286,591,379.03	0%						
\$ 200,000.00	\$ 331,574,463.06	\$ 45,684,964.37	\$ 377,259,427.43	2%	\$ 167,981,598.16	\$ 37,577,881.23	\$ 205,559,479.39	3%	\$ 222,489,163.79	\$ 61,335,956.15	\$ 283,825,119.94	1%						
\$ 300,000.00	\$ 329,699,043.38	\$ 43,880,545.72	\$ 373,579,589.10	3%	\$ 166,827,369.26	\$ 36,865,120.23	\$ 203,692,489.49	4%	\$ 221,220,129.20	\$ 60,043,949.40	\$ 281,264,078.60	2%						
\$ 400,000.00	\$ 326,093,855.70	\$ 41,751,497.66	\$ 367,845,353.36	4%	\$ 164,292,367.93	\$ 35,262,166.37	\$ 199,554,534.30	6%	\$ 220,721,909.20	\$ 59,598,828.71	\$ 280,320,737.91	3%						
\$ 500,000.00	\$ 325,187,044.08	\$ 40,024,843.66	\$ 365,211,887.74	5%	\$ 162,237,619.93	\$ 33,549,800.75	\$ 195,787,420.68	7%	\$ 219,862,580.00	\$ 59,196,628.71	\$ 279,059,208.71	3%						
\$ 750,000.00	\$ 319,377,644.40	\$ 35,401,922.35	\$ 354,779,566.75	7%	\$ 159,050,249.30	\$ 30,974,832.40	\$ 190,025,081.70	10%	\$ 216,818,671.18	\$ 54,828,882.59	\$ 271,647,553.77	6%						
\$ 1,000,000.00	\$ 316,692,454.02	\$ 32,656,464.58	\$ 349,348,918.60	9%	\$ 155,979,798.85	\$ 28,336,775.57	\$ 184,316,574.42	13%	\$ 214,884,454.43	\$ 53,136,210.82	\$ 268,020,665.25	7%						

Moving the Limit to \$500,000 would reduce the number of items going to the Board/Council by approximately 50%, while reducing the dollars subject to review by only about 5% on average.