

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

WHEREAS, the City of Memphis, Tennessee (the "Employer") has adopted a defined benefit retirement plan known as City of Memphis Retirement System for General Employees, including police officers and firefighters, as subsequently amended and restated from time to time, and consisting of a 1948 plan (that part of the plan benefiting employees participating under the provisions of sections 25-60 through 25-99), a 1978 plan (that part of the plan benefiting employees participating under the provisions of sections 25-160 through 25-199), as amended in 2012, a 2016 plan (that part of the plan benefiting employees participating under the provisions of sections 25-210 to 25-272 currently codified and established under City Ordinance Chapter 25, Articles I through VII, Division 1, Division 2 and Division 3 (collectively, "the Pension System"); and

WHEREAS, in order to protect and enhance the Pension System's actuarial soundness and ensure the long-term financial viability of the Pension System it is necessary that the Pension System be further amended as set forth herein; and

NOW, THEREFORE,

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

1. Section 25-1(44) *Year of Service* subparagraph c. *Service attributable to lump sum* shall be amended by adding the following to said subparagraph c as follows:

If a participant who is a Transferred Participant terminated employment at any time prior to July 1, 2016 and received a lump sum withdrawal or refund of employee contributions pursuant to section 25-85 or 25-185, such Transferred Participant's years of service prior to such termination shall be disregarded; provided if such Transferred Participant is subsequently reemployed by the city on or prior to June 30, 2016, he may repay into the trust fund within no later than the ninetieth (90th) day following the effective date of his reemployment a single lump sum amount equal to the withdrawal or refunded amount with compounded interest from the date of withdrawal or refund to the date of repayment, at the rate established by the board, whereupon such disregarded years of service shall be restored and notwithstanding anything in Section 25-1(42) or 25-160(a) to the contrary such participant shall no longer be a Transferred Participant but shall be restored as 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, Division 1 or Division 2.



Memphis City Council Summary Sheet

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

This item is a resolution to accept grant funds from the State of Tennessee Department of Labor and Workforce Development in the amount of \$75,000.00. These funds will be used for the WIA Incumbent Worker Program.

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

The State of Tennessee Department of Labor and Workforce Development which acts as a pass-through for the U.S. Department of Labor, allocated these grant funds to the Workforce Investment Network.

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

This is a new grant award, pending council acceptance.

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

Acceptance of these funds will require a new contract between the State of Tennessee and the City of Memphis, which acts as the administrative entity for the Workforce Investment Network.

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

Acceptance of these grant funds will require an amendment to the FY2016 operating budget to appropriate the funds.



A Resolution to accept WIA Incumbent Worker funds from the State of Tennessee Department of Labor and Workforce Development.

WHEREAS, the City of Memphis Workforce Investment Network has received grant funds in the amount Seventy Five Thousand Dollars, (\$75,000.00) from the State of Tennessee Department of Labor and Workforce Development; and

WHEREAS, these funds will be used to provide a contingency fund for the WIA Incumbent Worker Program; and

WHEREAS, it is necessary to accept the grant funding and amend the Fiscal Year 2016 Operating Budget to establish funds for the WIA Incumbent Worker Program; and

WHEREAS, it is necessary to appropriate the grant funds in the amount of Seventy Five Thousand Dollars, (\$75,000.00) for the WIA Incumbent Worker Program;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the WIA Incumbent Worker Program in the amount of Seventy Five Thousand Dollars, (\$75,000.00) be accepted by the City of Memphis

BE IT FURTHER RESOLVED, that the Fiscal Year 2016 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the WIA Incumbent Worker Program in the amount of Seventy Five Thousand Dollars, (\$75,000.00).



Memphis City Council Summary Sheet

1. Description of the Item

This is a resolution to accept donated funds from the 100 Club of Memphis in the amount of \$2,640.00 for equipment.

2. Initiating Party

City of Memphis Division of Police Services

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

N/A

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

This does not require a new contract.

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

Acceptance will require an amendment to the FY 2016 Operating Budget to appropriate the funds.



A resolution to accept and appropriate donated funds from the 100 Club of Memphis:

WHEREAS, The City of Memphis Division of Police Services received donated funds in the amount of Two Thousand Six Hundred Forty Dollars (\$2,640.00) from 100 Club of Memphis; and

WHEREAS, these funds will be used for equipment; and

WHEREAS, it is necessary to accept the donated funds and amend the FY 2016 Operating Budget to establish funds for the 100 Club of Memphis; and

WHEREAS, it is necessary to appropriate Two Thousand Six Hundred Forty Dollars (\$2,640.00) for the 100 Club of Memphis donated funds.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the 100 Club donated funds in the amount of Two Thousand Six Hundred Forty Dollars (\$2,640.00) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the FY 2016 Operating Budget and is hereby amended by appropriating the Expenditures and Revenues for the 100 Club of Memphis donated funds as follows:

REVENUE

100 Club of Memphis	<u>\$2,640.00</u>
Total	\$2,640.00

EXPENDITURES

Equipment	<u>\$2,640.00</u>
Total	\$2,640.00



Memphis City Council Summary Sheet

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

Resolution seeking to accept sub-award grant funds in the amount of \$379,738.00 from Shelby County Government through the U.S. Department of Justice for the FY2015 Local Edward Byrne Justice Assistance Grant (JAG).

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

The City of Memphis Division of Police Services at the request of Shelby County Government through the U.S. Department of Justice.

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 resolution requires a contract between Shelby County Government and the City Of Memphis

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

This resolution requires an expenditure of funds and it also requires a budget amendment.



A resolution to accept and appropriate grant funds in the amount of Three Hundred and Seventy Nine Thousand, Seven Hundred Thirty Eight Dollars (\$379,738.00) from Shelby County Government through the U.S. Department of Justice.

WHEREAS, The City of Memphis Division of Police Services has been awarded grant funds in the amount of Three Hundred and Seventy Nine Thousand, Seven Hundred Thirty Eight Dollars (\$379,738.00) from Shelby County Government through the U.S. Department of Justice for the FY2015 Local Edward Byrne Justice Assistance Grant Program (JAG); and

WHEREAS, these funds will provide funds for Training, CrimeStoppers, Equipment and Overtime ; and

WHEREAS, it is necessary to accept the grant funding and amend the FY2016 Operating Budget to establish funds for the FY2015 Local Edward Bryne Justice Assistance Grant Program; and

WHEREAS, it is necessary to appropriate the 2015 grant funds in the amount of Three Hundred and Seventy Nine Thousand, Seven Hundred Thirty Eight Dollars (\$379,738.00) for the FY15 Local Edward Byrne Justice Assistance Grant Program.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the FY15 Local Edward Bryne Justice Assistance Grant Program in the amount of Three Hundred and Seventy Nine Thousand, Seven Hundred Thirty Eight Dollars (\$379,738.00) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the FY2016 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the FY2015 Local Edward Byrne Justice Grant Program in the amount of Three Hundred and Seventy Nine Thousand, Seven Hundred Thirty Eight Dollars (\$379,738.00) as follows:

REVENUE

Shelby County Government	<u>\$379,738.00</u>
Total	\$379,738.00

EXPENDITURES

Payment to Sub-grantee	\$150,000.00
Equipment	\$ 50,000.00
Training	\$129,738.00
Full-Time Salaries	<u>\$ 50,000.00</u>
Total	\$379,738.00



Memphis City Council Summary Sheet

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

A Resolution seeking acceptance of grant funds in the amount of Nineteen Thousand, five Hundred Dollars (19,500.00) for the 2016 Alert Training Videos Grant.

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 Finance and Administration, Office of Criminal Justice Programs and will serve as the fiscal agent for this project.

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

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

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

Acceptance of this award will require a new contract between the City of Memphis and the Tennessee Department of Finance and Administration, Office of Criminal Justice Programs.

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

Acceptance will require an amendment to the FY 2016 Operating Budget.



A Resolution to accept grant funds in the amount of Nineteen Thousand, Five Hundred Dollars (\$19,500.00) from the Tennessee Department of Finance and Administration, Office of Criminal Justice Programs.

WHEREAS, the City of Memphis Division of Police Services has been awarded grant funds in the amount of Nineteen Thousand, Five Hundred Dollars (\$19,500.00) from the Tennessee Department of Finance and Administration, Office of Criminal Justice Programs for FY 2016 Alert Training Videos Grant; and

WHEREAS, these funds will be used by the Memphis Police Department to create five (5) domestic violence “Alert” videos designed for use to train all MPD officers on procedures in assisting victims of domestic violence and the handling of domestic violence offenders; and

WHEREAS, it is necessary to accept the grant funding and amend the FY 2016 Operating Budget to establish funds for the FY 2016 Alert Training Videos Grant; and

WHEREAS, it is necessary to appropriate the grant funds in the amount of Nineteen Thousand, Five Hundred Dollars (\$19,500.00) for the FY 2016 Alert Training Videos Grant Program.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the FY 2016 Alert Training Videos Grant Program in the amount of Nineteen Thousand, Five Hundred Dollars (\$19,500.00) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the Fiscal Year 2016 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the FY 2016 Alert Training Videos Grant Program in the amount of Nineteen Thousand, Five Hundred Dollars (\$19,500.00) as follows:

REVENUES

TN Department of Finance and Administration \$19,500.00
Office of Criminal Justice Programs

Total **\$19,500.00**

EXPENDITURES

Professional Services \$19,500.00

Total **\$19,500.00**



Memphis City Council Summary Sheet

1. Resolution seeking acceptance of:

- The Council of the City of Memphis did include In-Car Video/GPS/Body Cameras, CIP Project Number PD04022 as part of the Police Division Fiscal Year 2016 Capital Improvement Program
- The City Of Memphis has entered into an agreement with Insight Public Sector, Inc. and with Taser International, Inc. to provide equipment, software, warranty, support, training, PSA and cloud storage
- It is necessary to appropriate \$3,380,000 funded by G.O. Bonds General and \$1,500,000 in Capital Pay Go funding, in Information Technology expense category, CIP Project PD04022
- The sum of \$3,380,000 and \$1,500,000 be appropriated in Information Technology expense category for CIP Project PD04022, funded by G.O. Bonds General and Capital Pay Go respectively, chargeable to the Fiscal Year 2016 Capital Improvement Budget; with said appropriations being credited as follows:

Project Title: In-Car Video/GPS/Body Cameras

Project Number: PD04022

Amount: \$3,380,000 G.O. Bonds

\$1,500,000 Capital Pay Go



Resolution to appropriate funds for CIP Project PD04022, In-Car Video/GPS/Body Cameras.

WHEREAS, the Council of the City of Memphis did include In-Car Video/GPS/Body Cameras, CIP Project Number PD04022 as part of the Police Division Fiscal Year 2016 Capital Improvement Program; and

WHEREAS, the City Of Memphis has entered into an agreement with Insight Public Sector, Inc. and with Taser International, Inc. to provide equipment, software, warranty, support, training, PSA and cloud storage; and

WHEREAS, it is necessary to appropriated \$3,380,000 funded by G.O. Bonds General and \$1,500,000 funded by Capital Pay Go, in Information Technology expense category, CIP Project PD04022

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that sum of \$3,380,000 and \$1,500,000 to be appropriated in Information Technology expense category for CIP Project PD04022, funded by G.O. Bonds General and Capital Pay Go respectively, chargeable to the Fiscal Year 2016 Capital Improvement Budget; with said appropriations being credited as follows:

Project Title:	In-Car Video/GPS/Body Cameras	
Project Number:	PD04022	
Amount:	\$3,380,000	G.O. Bonds
	\$1,500,000	Capital Pay Go



Memphis City Council Summary Sheet

1. Resolution seeking acceptance of donations for:

- It is the intent of the residents of Hedgemoor Neighborhood to make a cash donation to the Memphis & Shelby County Law Enforcement Foundation earmarked for the purchase and subsequent donation of the SkyCop Camera Solution, compatible with existing MPD equipment, to be installed at (1) Eastland & Minden Road, (2) Walnut Grove & Saint Andrews Fairway and (3) Goodlett/Graham & Minden Road. Through the agreement with SkyCop, Inc., we will purchase the security surveillance system with a one-year warranty. We will donate all three camera systems to the City of Memphis. All camera signals and video data will be provided directly to MPD for its monitoring and use.
 - (3) SkyCop® Pro Enclosure System w/ (2) flashing blue lights, MPD /Skycop Logos
 - (2) Fixed 6MP bullet cameras, NVR w/6TB storage, Power & Surge Protection, 4G LTE Wireless Broadband Router for communication (*Cellular Service provided by MPD or others)
 - (1) SkyCop® Pro Enclosure System w/ (2) flashing blue lights, MPD /Skycop Logos
 - (4) Fixed 3MP bullet cameras, NVR w/4TB storage, Power & Surge Protection, 4G LTE Wireless Broadband Router for communication
 - (3) MLGW Fee (MLGW make ready cost & permit fee (Per Approved Pole)
 - (3) Verizon Wireless Cellular Service (12 months of Verizon Wireless Service (MPD Data Plan))
 - The cumulative total of the complete donation has an estimated value of Twenty Three Thousand Five-Hundred Nine Dollars and 14/100 (\$23,509.14) after installation.
 - The donor is residents of Hedgemoor Neighborhood.
2. The City of Memphis Division of Police Services is awarded the equipment valued at Twenty Three Thousand Five-Hundred Nine Dollars and 14/100 (\$23,509.14) and will serve as the fiscal agent.
3. Resolution will not change an existing ordinance or resolution.
4. Resolution will not require a new contract or amendment to an existing contract.
5. Resolution will not require an expenditure of funds or a budget amendment.



RESOLUTION

WHEREAS, It is the intent of the residents of Hedgemoor Neighborhood to make a cash donation to the Memphis & Shelby County Law Enforcement Foundation earmarked for the purchase and subsequent donation of the SkyCop Camera Solution, compatible with existing MPD equipment, to be installed at (1) Eastland & Minden Road,(2) Walnut Grove & Saint Andrews Fairway and (3) Goodlett/Graham & Minden Road. Through the agreement with SkyCop, Inc., we will purchase the security surveillance system with a one-year warranty. We will donate all three camera systems to the City of Memphis. All camera signals and video data will be provided directly to MPD for its monitoring and use.

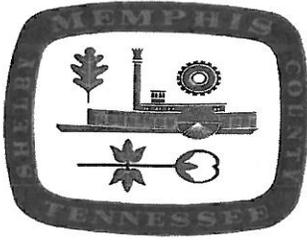
WHEREAS, the City of Memphis Division of Police Services Real Time Crime Center has been awarded (3) SkyCop® Pro Enclosure System w/ (2) flashing blue lights, MPD /Skycop Logos (2) Fixed 6MP bullet cameras, NVR w/4TB storage, Power & Surge Protection, 4G LTE Wireless Broadband Router for communication (3) Verizon Wireless Cellular Service (12 months of Verizon Wireless Service (MPD Data Plan)) (3) MLGW Fee (MLGW make ready cost & permit fee(Per approved pole)) The cumulative total of the complete donation has an estimated value of Twenty Three Thousand Five-Hundred Nine Dollars and 14/100 (\$23,509.14) after installation. The donor is the residents of Hedgemoor Neighborhood.

WHEREAS, the equipment becomes the property of MPD after one year warranty period; and

WHEREAS, the donations are designated for use at (1) Eastland & Minden Road, (2) Walnut Grove & Saint Andrews Fairway and (3) Goodlett/Graham & Minden Road; and

WHEREAS, it is necessary to accept the donation; and

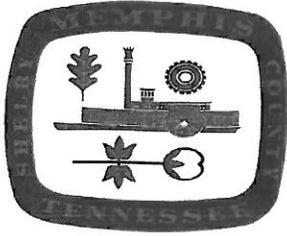
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the donation of SkyCop® cameras; be accepted by the City Of Memphis.



Memphis City Council Summary Sheet

1. Resolution seeking acceptance of donations for:

- It is the intent of the River Oaks Security Action, a small group of neighbors within the River Oaks community to purchase a SkyCop Camera Solution, compatible with existing MPD equipment, to be installed at Oak River & Massey, Ripplebrook & East Shady Grove and River View & East Shady Grove. Through the agreement with SkyCop, Inc., we will purchase the security surveillance system with a one-year warranty. We will donate all three camera systems to the City of Memphis. All camera signals and video data will be provided directly to MPD for its monitoring and use.
 - (2) SkyCop® Pro Enclosure System w/ (2) flashing blue lights, MPD /Skycop Logos
 - (2) Fixed 6MP bullet cameras, NVR w/6TB storage, Power & Surge Protection, 4G LTE Wireless Broadband Router for communication (*Cellular Service provided by MPD or others)
 - (1) SkyCop® Pro Enclosure System w/ (2) flashing blue lights, MPD /Skycop Logos
 - (4) Fixed 3MP bullet cameras, NVR w/6TB storage, Power & Surge Protection, 4G LTE Wireless Broadband Router for communication (*Cellular Service provided by MPD or others)
 - (3) MLGW Fee (MLGW make ready cost & permit fee)
 - (3) Verizon Wireless Cellular Service (12 months of Verizon Wireless Service (MPD Data Plan))
 - The cumulative total of the complete donation has an estimated value of Twenty Five Thousand Four-Hundred Seven Dollars and 16/100 (\$25,407.16) after installation.
 - The donor is River Oaks Security Action (ROSA).
2. The City of Memphis Division of Police Services is awarded the equipment valued at Twenty Five Thousand Four-Hundred Seven Dollars and 16/100 (\$25,407.16) and will serve as the fiscal agent.
3. Resolution will not change an existing ordinance or resolution.
4. Resolution will not require a new contract or amendment to an existing contract.
5. Resolution will not require an expenditure of funds or a budget amendment.



RESOLUTION

WHEREAS, It is the intent of the River Oaks Security Action, a small group of neighbors within the River Oaks community to purchase a SkyCop Camera Solution, compatible with existing MPD equipment, to be installed at (1) Oak River & Massey, (2) Ripplebrook & East Shady Grove and (3) River View & East Shady Grove. Through the agreement with SkyCop, Inc., we will purchase the security surveillance system with a one-year warranty. We will donate all three camera systems to the City of Memphis. All camera signals and video data will be provided directly to MPD for its monitoring and use.

WHEREAS, the City of Memphis Division of Police Services Real Time Crime Center has been awarded ((2) SkyCop® Pro Enclosure System w/ (2) flashing blue lights, MPD /Skycop Logos (2) Fixed 6MP bullet cameras, NVR w/6TB storage, Power & Surge Protection, 4G LTE Wireless Broadband Router for communication (*Cellular Service provided by MPD or others) (1) SkyCop® Pro Enclosure System w/ (2) flashing blue lights, MPD /Skycop Logos (4) Fixed 3MP bullet cameras, NVR w/6TB storage, Power & Surge Protection, 4G LTE Wireless Broadband Router for communication (*Cellular Service provided by MPD or others) (3) MLGW Fee (MLGW make ready cost & permit fee) (3) Verizon Wireless Cellular Service (12 months of Verizon Wireless Service (MPD Data Plan)) The cumulative total of the complete donation has an estimated value of Twenty Five Thousand Four-Hundred Seven Dollars and 16/100 (\$25,407.16) after installation. The donor is River Oaks Security Action (ROSA).

WHEREAS, the equipment becomes the property of MPD after one year warranty period; and

WHEREAS, the donations are designated for use at (1) Oak River & Massey, (2) Ripplebrook & East Shady Grove and (3) River View & East Shady Grove; and

WHEREAS, it is necessary to accept the donation; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the donation of SkyCop® cameras; be accepted by the City Of Memphis.

MEMPHIS CITY COUNCIL RESOLUTION

WHEREAS, the Memphis City Council approved a \$240,000,000 Smart Meter installation contract proposed by Memphis Light, Gas and Water to be implemented over the next five years; and

WHEREAS, the Council believes that before MLGW installs a smart meter MLGW should provide prior written notice to the customer advising that the meter will use radio or wireless two-way communication between the device and MLGW and give the customer the opportunity to decline the meter;

WHEREAS, if an individual MLGW customer elects to decline the installation of a Smart Meter in his or her property, the Council believes that such declination should be permitted without the assessment by MLGW of any fee or other charges for declining this equipment; and

WHEREAS, any customer who has already had a smart meter device installed should be given the choice to request removal of the smart meter at an agreed-upon time, without incurring any charge for removal.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMPHIS CITY COUNCIL that prior to the installation of Smart Meters the Council recommends to the MLGW Board of Commissioners that the following policies be adopted:

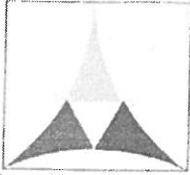
- 1) Customers can opt-out via phone, on-line, at any community office, or by U.S. mail from having a smart meter installed on their premises without incurring a fee or any charges for declining the equipment;
- 2) MLGW should provide an awareness campaign through monthly advertisements, utility bill, and public service announcements to ensure that customers are fully aware of the Smart Meter program, their rights and their ability to decline participation through the methods outlined above;
- 3) MLGW should provide written notice advising the customer that there is no fee for opting out and inform them of the use of radio or wireless two-way communication between the device and the company; and
- 4) Customers who have had a smart meter device installed can request removal of the smart meter at an agreed-upon time, without incurring any charge for removal.

BE IT FURTHER RESOLVED that the MLGW Board of Commissioners is requested to report to the Council within sixty (60) days from the adoption of this Resolution, which if any of the forgoing policies it has adopted.

SPONSORS:

Berlin Boyd
Dr. Edmund Ford, Jr.
Janis Fullilove

KEMP CONRAD
CHAIRMAN



MEMPHIS LIGHT, GAS AND WATER DIVISION

February 5, 2016

Councilman Kemp Conrad, Chairman
Memphis City Council
125 N. Main, Room 514
Memphis, TN 38103

Councilwoman Patrice Robinson
MLGW Committee Chair
Memphis City Council
125 N. Main, Room 514
Memphis, TN 38103

Dear Chairman Conrad & Committee Chair Robinson:

On Wednesday, February 3, 2016 the Memphis Light, Gas and Water Board of Commissioners reviewed and discussed the resolution passed by City Council on January 5, 2016 (minutes approved January 19, 2016) which recommended a smart meter opt out policy. The Board of Commissioners also heard comments from the general public on this topic.

The MLGW Board of Commissioners and the MLGW Administrative staff appreciate City Council's interest in this issue. The Board used the City Council recommendations as a model. Although the final policy as passed by the MLGW Board of Commissioners is very similar to the City Council recommended version, there are a few changes. The policy as adopted by the Board is attached.

During the public comment period Ms. Donna Bohannon, a concerned citizen, pointed out that the version of the policy recommended by City Council would allow any customer to represent the Customer of Record in the opt out process. The MLGW Board felt like this was clearly not the intent of the opt out policy. Therefore, the word "customers" was changed to "customers of record".

The Board deleted phone and email from the list of avenues through which a customer can opt out due to the fact that by either of these methods it is difficult to verify that you are dealing with the customer of record.

In paragraph #2 of the recommended policy the MLGW Board strengthened the first sentence by changing the word "should" to "will". The methods by which MLGW will make the public aware of smart meters and the opt out process was slightly modified and significantly expanded.

Kemp Conrad, City Council Chairman
Patrice Robinson, MLGW Committee Chair
February 5, 2016
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In paragraph #3 the Board provided more details on the written notification process in order to give this section greater clarity. The Board also removed the phrase involving "radio or wireless two-way communication" since this phrase suggests there is something to fear when in fact there is nothing to fear.

Paragraph #4 is worded slightly different than the recommended version, but the meaning is essentially the same.

The MLGW Board of Commissioners approved the opt out policy by a 5-0 vote. Again, the Board of Commissioners thanks City Council for their initiative in recommending an opt out policy. Even though MLGW received no complaints from any of the neighborhoods where the initial 60,000 smart meters were installed in regard to the opt out process, this approved formal policy will serve as a strong signal that MLGW is committed to allow customers to opt out at no charge.

We look forward to a successful smart meter implementation program and to all of the advantages and cost savings that this automated system will provide.

Sincerely,



Derwin Sisnett, Chairman
MLGW Board of Commissioners

Attachment

c: MLGW Board of Commissioners
Mayor Jim Strickland
City Council Members
MLGW Executive Staff

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
February 3, 2016

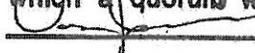
WHEREAS, funding for a contract to fully implement smart meters throughout the MLGW service territory has been approved; and

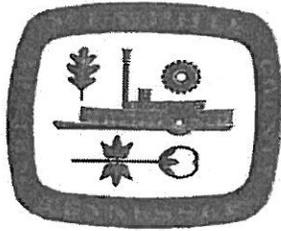
WHEREAS, smart meters will provide numerous advantages to MLGW and its customers; and

WHEREAS, if an individual customer may desire to decline the installation of a smart meter on their property;

NOW, THEREFORE, be it resolved by the Memphis Light Gas and Water Board of Commissioners that the following opt-out policy be adopted:

1. Customers of record can request to opt-out from having a smart meter at any community office or by U.S. mail without incurring a fee or charges for declining the equipment.
2. MLGW will provide an awareness campaign through the Memphis Energized TV program, utility bills, periodic advertisements, the Public Library, community meetings, community office videos, and the MLGW web site to insure that customers are fully aware of the Smart Meter Program. Information provided through these venues will include information on how to opt-out from having a Smart Meter.
3. At least 30 days prior to planned installation of smart meters on a home, a customer of record will receive written notice of plans to install the smart meters, associated opportunities for customers to take advantage of, and instructions on how customers of record can opt-out without incurring a fee.
4. Customers of record who initially had a smart meter device installed can request removal of the smart meter without incurring any charge for removal.

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 3RD day of February, 20 16, at which a quorum was present.

Secretary-Treasurer



Memphis City Council Summary Sheet

Resolution accepts and appropriates National Recreation and Parks Association (NRPA) grant funds for piloting the Active Living Every Day (ALED) program within the City's senior/community centers.

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

This item is a resolution that accepts and appropriates \$8,000.00 in grant funds from NRPA to pilot Active Living Every Day (ALED), a nutrition, physical activity, and well-being program, engaging at least 60 seniors within the City's senior/community centers. Grant period ending 11/30/2016.

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

Division of Parks and Neighborhoods – Recreation Services has drafted this resolution and is recommending City Council approval.

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

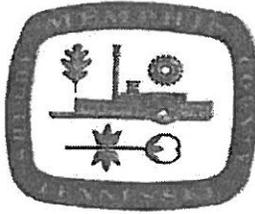
This is a new grant award pending Council acceptance.

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

The City of Memphis will be required to sign an MOU with the grant funder NRPA.

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

No City funds are required. Funds will be provided by NRPA.



A Resolution to accept grant funds in the amount of Eight Thousand Dollars (\$8,000.00) from the National Recreation and Parks Association (NRPA) to pilot, Active Living Every Day (ALED), a physical activity, nutrition, and well-being program for seniors.

WHEREAS, the City of Memphis is one of four grantees selected by NRPA to receive grant funds in the amount of Eight Thousand Dollars (\$8,000.00) as a result of a partnership between NRPA, the National Association of Chronic Disease Directors (NACDD) and the Centers for Disease Control and Prevention (CDC); and

WHEREAS, these funds will be used to fund the ALED pilot program, such as training of at least two (2) Recreation Services personnel as ALED instructors, purchasing at least sixty (60) ALED participant books, as well as other expenses to engage at least sixty (60) senior participants over the grant period, which ends November 30, 2016; and

WHEREAS, it is necessary to accept the grant funding and amend the FY 2016 Operating Budget to establish funds for the Active Living Every Day (ALED) pilot program; and

WHEREAS, it is necessary to appropriate the FY 2016 grant funds in the amount of Eight Thousand Dollars (\$8,000.00) for the ALED pilot program.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Active Living Every Day (ALED) pilot program grant funds in the amount of Eight Thousand Dollars (\$8,000.00) be accepted by the City Of Memphis.

BE IT FURTHER RESOLVED, that the Fiscal Year 2016 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the ALED grant in the amount of Eight Thousand Dollars (\$8,000.00) as follows:

Revenue

National Recreation and Park Association (NRPA)	\$8,000.00
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Expenditures

Seminars Training Education	\$2,110.00
Athletic Rec Supplies	2,190.00
Misc Professional Fees	2,000.00
Hospitality	1,000.00
Printing Outside	200.00
Misc Materials and Supplies	<u>500.00</u>
Total	\$8,000.00



Memphis City Council Summary Sheet

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

This a Resolution requesting the approval of the sale of City owned surplus property acquired for the use and benefit of the Division of Housing and Community Development by the City of Memphis by Warranty Deed recorded as instrument #KL1911, located at 2479 Brooklyn in Memphis, Shelby County, Tennessee and further described as Parcel 061014 00016.

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 sale of 2479 Brooklyn,
Memphis, Tennessee 38114**

WHEREAS, the City of Memphis is the owner of the subject property acquired for the use and benefit of the Division of Housing and Community Development located at 2479 Brooklyn, Memphis, Tennessee 38114 in Memphis, Shelby County, Tennessee and further described as Parcel 061014 00016, and recorded in the Shelby County Registers Office as Instrument #KL1911. The City no longer has a need for the parcel and has declared it surplus; and

WHEREAS, Orange Mound Outreach Ministries desires to purchase 2479 Brooklyn, and has submitted an offer for the full amount of \$3,000.00 in the form of a Cashier's Check; and

WHEREAS, the sale of 2479 Brooklyn will increase the City's General Fund, generate tax revenue, and eliminate blight and maintenance cost for the City of Memphis; and

WHEREAS, it is deemed to be in the best interest of the Citizens of the City of Memphis and County of Shelby that said sale be accepted subject to City Ordinance 2-291 as well as the terms and conditions in the Offer to Purchase.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the offer made by Orange Mound Outreach Ministries on the above described property is hereby accepted subject to the City Ordinance 2-291 which states in part, "properties receiving an initial bid offer of twenty thousand dollars (\$20,000) or less shall be submitted for approval to the City Council for first reading, which is final.

BE IT FURTHER RESOLVED, that subject to the ordinance, the City of Memphis Real Estate Department shall prepare and arrange for the execution of the quit claim deed, and any other documents incidental to the completion of the transfer, and the Mayor of the City of Memphis is hereby authorized to execute said deeds or any other documents necessary to complete the sale and conveyance.



Memphis City Council Summary Sheet

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

This resolution is for execution, delivery, and performance schedule to the Banc of America Public Capital Corp master lease agreement for \$2M to fund the purchase and delivery of 96-gallon recycle carts. These carts further the expansion of the curbside recycling program.

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

Public Works Division in coordination with Finance Division

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

This is not a change to an existing ordinance. It provides the means to expand the Solid Waste Management Department's curbside recycling program using 96-gallon recycling carts.

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

This resolution requires amendment of the Banc of America Public Capital Corp master lease agreement.

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

This requires making available funds from Banc of America Public Capital Corp to the FY16 Solid Waste Operating Budget to purchase 96-gallon recycling carts and expand the curbside recycling program. Repayment schedule will be budgeted through

Operation Transfer Out Debt Service in FY17 and future Solid Waste Operating Budgets, up to five years.

RESOLUTION AUTHORIZING THE EXECUTION, DELIVERY AND PERFORMANCE OF A SCHEDULE TO THE MASTER LEASE BETWEEN BANC OF AMERICA PUBLIC CAPITAL CORP AND THE CITY OF MEMPHIS, TENNESSEE, IN AN AMOUNT NOT EXCEEDING \$2,000,000, RELATING TO THE ACQUISITION OF 96-GALLON CARTS TO SUPPORT THE EXPANSION OF THE CURBSIDE RECYCLING PROGRAM

WHEREAS, the Public Works Division, Solid Waste Management Department, provides residential collection of curbside garbage, recyclables, and trash through its integrated solid waste management system; and

WHEREAS, the Public Works Division, Solid Waste Management Department, believes single stream recycling is a strong component of its integrated solid waste management system as a means to increase diversion of materials from landfill and enable those materials to be reused and/or repurposed; and

WHEREAS, the Public Works Division, Solid Waste Management Department, currently provides 18-gallon bins for recyclables collection to approximately one hundred and twenty thousand (120,000) residential customers; and

WHEREAS, the Public Works Division, Solid Waste Management Department, is transitioning over one hundred and twenty thousand (120,000) customers from recycle collection using 18-gallon bins to collection using 96-gallon carts to increase customer participation and recycling volumes, as well as improve collection efficiency; and

WHEREAS, this lease will enable the Public Works Division, Solid Waste Management Department, to purchase and deliver approximately forty thousand (40,000) 96-gallon recycle carts to residential customers throughout the City; and

WHEREAS, this lease is a component of a larger project to deploy up to one hundred five thousand (105,000) 96-gallon recycle carts;

WHEREAS, the projected increase in recycling volume upon full project implementation is expected to save the Public Works Division, Solid Waste Management Department, Four Hundred Thousand (\$400,000) per year in landfill disposal fees; and

WHEREAS, on December 30, 2010, the City entered into a Master Equipment Lease with Banc of America Public Capital Corp (the "Master Equipment Lease") relating to the acquisition of red light camera equipment; and

WHEREAS, the proposed lease of 96-gallon recycle carts (the "Lease Documents") can be added as a schedule to the Master Equipment Lease; and

WHEREAS, the Master Equipment Lease is subject to termination for non-appropriation, without cause, in any year; and

WHEREAS, Council approval is required prior to the Mayor's execution of the Lease Documents.

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

Section 1. Authorization of Lease Documents. The Mayor of the City or his designee and other authorized officers are hereby authorized, empowered and directed to execute, acknowledge and deliver the Lease Documents. The Lease Documents shall be in substantially the forms as previously approved by Council, with such changes, insertions or omissions as may be deemed reasonably necessary by the persons executing the same, upon advice of counsel, to accomplish the purposes of the transaction contemplated therein and in this Resolution and as shall not be inconsistent with or contrary to such purposes. The execution of the Lease Documents shall constitute conclusive evidence that the Lease Documents and any and all changes thereto have been approved by the persons executing the Lease Documents.

Section 2. Information Reporting. Any officer of the City is hereby authorized to sign and file or cause to be filed a completed I.R.S. Form 8038-G, "Information Return for Tax-Exempt Governmental Obligations," as required by Section 149(e) of the Internal Revenue Code of 1986, as amended (the "Code").

Section 3. Non-Arbitrage Certificate. Any officer of the City is hereby authorized to execute a non-arbitrage certificate in order to comply with Section 148 of the Code, and the applicable income tax regulations thereunder.

Section 4. No Personal Liability. No stipulation, obligation or agreement herein contained or contained in the Lease Documents shall be deemed to be a stipulation, obligation or agreement of any commissioner, officer, agent or employee of the City in his individual capacity.

Section 5. General Authority. From and after the execution and delivery of the documents hereinabove authorized and consented to, the Mayor of the City, his designee, and the proper officers, agents and employees of the City are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of said documents as executed and are further authorized to take any and all further actions and execute and deliver any and all other documents and certificates as may be necessary or desirable in connection with the execution and delivery of the Lease Documents and to document compliance with the Code.

Section 6. Actions Ratified, Approved and Confirmed. All acts and doings of the officers of the City which are in conformity with the purposes and intents of this Resolution and the execution, delivery and performance of the Lease Documents shall be, and the same hereby are, in all respects ratified, approved and confirmed.

Section 7. Severability of Invalid Provisions. If any one or more of the agreements or provisions herein contained shall be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall

for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separable from the remaining agreements and provisions and shall in no way affect the validity of any of the other agreements and provisions hereof.

Section 8. Repealing Clause. All resolutions or parts thereof of the City in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.



Memphis City Council Summary Sheet: *A resolution re-allocating FY 2016 Capital Acquisition surpluses to aid in the purchase of additional equipment and replacement vehicles.*

Memphis City Council Summary Sheet

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

A resolution re-allocating FY 2016 Capital Acquisition surpluses to aid in the purchase of additional equipment and replacement vehicles.

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.

Yes, the 2016 CIP Budget ordinance

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

No

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

Yes, but additional funding will not be needed.



City Council Resolution - A resolution re-allocating Capital Acquisition surpluses to aid in the purchase of additional equipment and replacement vehicles.

WHEREAS, the Council of the City of Memphis approved the following CIP projects, GS0216C – Police Capital Acquisition, GS0216E – Fire Capital Acquisition, GS0216F – General Services(Park Operations) Capital Acquisition and GS0216F – General Services(Fleet) Capital Acquisition, GS0216D – Public Works Acquisition, GS0216A – Engineering Acquisition and GS0216B – Parks & Neighborhood Acquisition as part of the General Services Division Fiscal Year 2016 Capital Improvement Budget; and

WHEREAS, these Capital Acquisition projects have produced the following surpluses:

DESCRIPTION	BUDGET	AWARDED BID	VARIANCE (net)
GS0216A - ENGINEERING	\$ 115,000.00	\$ 102,633.72	\$ 12,366.28
GS0216B - PARKS & NEIGHBORHOODS	\$ 708,068.95	\$ 656,816.41	\$ 51,252.54
GS0216C - POLICE	\$ 4,520,239.40	\$ 3,901,098.85	\$ 619,140.55
GS0216D - PUBLIC WORKS	\$ 433,000.00	\$ 399,991.72	\$ 33,008.28
GS0216E - FIRE	\$ 3,357,000.00	\$ 3,270,989.00	\$ 86,011.00
GS0216F&G - GENERAL SERVICES	\$ 471,840.48	\$ 425,790.69	\$ 46,049.79
TOTAL	\$ 9,605,148.83	\$ 8,757,320.39	\$ 847,828.44

WHEREAS, Fire Division would like to use the 2016 surplus to replace 17 vehicles for investigation and if salvageable, the replaced vehicles will be reassigned, or designated as surplus equipment for auction; and

WHEREAS, Police Services would like to use the 2016 surplus to replace 30 unmarked vehicles and if salvageable, the replaced vehicles will be reassigned, or designated as surplus equipment to be sold at auction; and

WHEREAS, it is now necessary to amend the FY2016 Capital Improvements Budget to re-allocate surpluses within the following:

DESCRIPTION	BUDGET	AWARDED BID	VARIANCE (net)
GS0216A - ENGINEERING	\$ 115,000.00	\$ 102,633.72	\$ 12,366.28
GS0216B - PARKS & NEIGHBORHOODS	\$ 708,068.95	\$ 656,816.41	\$ 51,252.54
GS0216C - POLICE	\$ 4,520,239.40	\$ 3,901,098.85	\$ 619,140.55
GS0216D - PUBLIC WORKS	\$ 433,000.00	\$ 399,991.72	\$ 33,008.28
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GS0216F&G - GENERAL SERVICES	\$ 471,840.48	\$ 425,790.69	\$ 46,049.79
TOTAL	\$ 9,605,148.83	\$ 8,757,320.39	\$ 847,828.44

to purchase:

GS0216C - POLICE	26 unmarked cars	\$ 553,436.00
GS0216E - Fire	17 vehicles	\$ 289,000.00
		<u>\$ 842,436.00</u>

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that the Fiscal Year 2016 Capital Improvements Budget be and hereby is amended by re-allocating the following surplus allocations and appropriations:

DESCRIPTION	BUDGET	AWARDED BID	VARIANCE (net)
GS0216A - ENGINEERING	\$ 115,000.00	\$ 102,633.72	\$ 12,366.28
GS0216B - PARKS & NEIGHBORHOODS	\$ 708,068.95	\$ 656,816.41	\$ 51,252.54
GS0216C - POLICE	\$ 4,520,239.40	\$ 3,901,098.85	\$ 619,140.55
GS0216D - PUBLIC WORKS	\$ 433,000.00	\$ 399,991.72	\$ 33,008.28
GS0216E - FIRE	\$ 3,357,000.00	\$ 3,270,989.00	\$ 86,011.00
GS0216F&G - GENERAL SERVICES	\$ 471,840.48	\$ 425,790.69	\$ 46,049.79
TOTAL	\$ 9,605,148.83	\$ 8,757,320.39	\$ 847,828.44

funded by G O Bonds General to purchase:

GS0216C - POLICE	26 unmarked cars	\$ 553,436.00
GS0216E - Fire	17 vehicles	\$ 289,000.00
		<u>\$ 842,436.00</u>