

Memphis City Council Summary Sheet

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

Resolution to Appropriate \$1,800,000 in CIP allocated in FY24 CIP Budget for Historic Melrose for furniture and collections materials. SAME NIGHT MINUTES REQUESTED

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

HCD

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

N/A

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

City Council District 4 / Super District 8

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

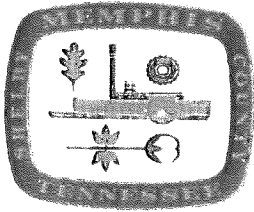
Amend existing contract with APG Furnishings. New contracts/purchase orders may be needed for library's specialty equipment and collections materials

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

Yes, this requires an expenditure of funds. No budget amendment.

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

Furniture is being purchased from APG (certified WBE). Goals have not been established for specialty equipment and library collections materials.



A resolution appropriating the sum of \$1,800,000 funded by G.O. Bonds chargeable to the FY2024 Capital Improvement Program (CIP) Budget for the Historic Melrose School Revitalization.

WHEREAS, the Historic Melrose School Revitalization is an Accelerate Memphis project to preserve and restore said historic school, construct a branch library of Memphis Public Libraries with a genealogy center on the first floor opening this winter, and pursue the construction of residential apartments for senior citizens on the upper two floors through a public-private partnership in a future phase; and

WHEREAS, the condition of the Building which had been vacant and abandoned for over four decades and the continuing rise of construction costs created a shortfall in the current allocations and appropriations for the project; and

WHEREAS, the Memphis City Council has previously approved the FY2024 Capital Improvement Program Budget which included an allocation of ONE MILLION EIGHT HUNDRED THOUSAND DOLLARS AND NO CENTS (\$1,800,000) for the Historic Melrose School Revitalization, project number CD01102, to restore the funds necessary to procure furniture, equipment, and library collections materials; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the sum of ONE MILLION EIGHT HUNDRED THOUSAND DOLLARS AND NO CENTS (\$1,800,000) funded by G.O. Bonds and chargeable to the FY2024 Capital Improvement Program (CIP) Budget is hereby appropriated and credited as follows:

Project Title:	Historic Melrose Rehab
Project Number:	CD01102
FFE:	\$910,000
Other:	\$890,000

DIVISION 4. DISPOSAL AND REMOVAL OF PERSONAL PROPERTY

Sec. 9-56-30. Landlord or property owner's responsibility to notify the city regarding tenant property discarded onto city right-of-ways, easements, or property owned or maintained by the city after an eviction.

Any landlord or property owner that discards personal property belonging to a tenant, including, but not limited to, household furniture, appliances, equipment, clothing, and any other type of personal property onto any city right-of-way, easement, or property owned or maintained by the city after an eviction must notify the division of solid waste by email or fax within 24 hours or the next business day of such eviction, and discard and remove such property in accordance with the provisions set forth in section 9-56-31.

(Ord. No. 5707, § 15-30, 9-25-2018)

Sec. 9-56-31. Disposal and removal of personal property discarded onto city right-of-ways, easements, or property owned or maintained by the city after an eviction.

Any landlord or property owner that discards tenant property onto a city right-of-way, easement, or property owned or maintained by the city after an eviction must discard such property, excluding bulky items, in heavy duty trash bags or cardboard boxes in a neat and organized manner, and remove such property within 72 hours of such eviction as a matter of health and public safety.

(Ord. No. 5707, § 15-31, 9-25-2018)

Sec. 9-56-32. Violations for failure to provide notice to city and to remove and dispose of personal property discarded onto city right-of-way.

- A. *First offense violations.* Any landlord or property owner that commits a first offense violation of sections 9-56-30 or 9-56-31 shall be issued a courtesy citation and assessed the actual costs incurred by the city for the removal and disposal of such property.
- B. *Second and subsequent violations.* Any landlord or property owner that commits a second or subsequent violation of sections 9-56-30 or 9-56-31 shall be issued a misdemeanor citation in accordance with article 2 of this chapter and assessed the actual costs incurred by the city for the removal and disposal of such property. Each day that the discarded property remains in a city right-of-way, easement, or on property owned or maintained by the city in violation of this section shall constitute a separate offense punishable up to \$50.00, plus costs, per offense.
- C. *Disposal and removal costs.* The actual costs of disposal and removal assessed by the city shall not be less than \$50.00 and shall not exceed \$1,000.00.

(Ord. No. 5707, § 15-32, 9-25-2018)

Sec. 9-56-33. Disposal and removal by city.

- A. In addition to the penalties set forth in section 9-56-32, upon failure of any landlord or property owner to discard and remove such property in the manner set forth in section 9-56-31, the solid waste division is hereby authorized and directed to have such property removed and disposed, and to provide a statement of costs to the director of finance or his designee. A lien is hereby declared on such property for all costs and expenses incurred by the city provided that, such costs and expenses shall not exceed the amounts set forth in subsection 9-56-32.C.
- B. Upon receipt of the statement of costs of disposal and removal by the city, the director of finance or his designee may transmit a true copy thereof to the city attorney, who shall forthwith institute suit or take such other action as may be necessary to enforce the lien on such property.
- C. All uncollected costs for the current year shall be certified to the city treasurer on or before December 31 of each year. It shall be the duty of the city treasurer to collect, as a special tax, the amount so certified at the time city taxes levied against the property for which the disposal and removal was performed for the next succeeding year are collected. The cost of disposal and removal pursuant to this section is hereby declared to be a special tax to be collected as general taxes levied by the city.

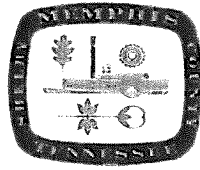
(Ord. No. 5707, § 15-33, 9-25-2018)

Sec. 9-56-34. Responsibility of property owners, tenants, developers, and others that do not pay solid waste disposal fees for discarded items.

- A. The owner, responsible tenant, lessor, lessee, or developer of any commercial or residential property or real estate, including vacant lots and structures, which does not pay a monthly fee for solid waste services for such commercial or residential property or real estate shall be responsible for the removal of any debris, refuse, trash, or any other items placed at the curb, right-of-way or easement of the subject property.
- B. Any debris, refuse, trash or other items discarded onto the curb, right-of-way or easement of the property referenced herein shall be tagged by the division of solid waste, with notice to the owner or responsible person for the property to remove such debris or items of refuse within five days of the tagging. If the debris, refuse, trash and other items are not properly removed within the five-day period, the division of solid waste will remove all discarded items and bill the property owner or responsible party.

(Ord. No. 5707, § 15-34, 9-25-2018)

Secs. 9-56-35—9-5615-40. Reserved.



Memphis City Council Summary Sheet

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

A Resolution to appropriate the sum of \$400,000 in Other Project Cost to implement the FY24 Urban Art Plan, CIP Project Number EN24301.

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

The Engineering Division is the initiating party of this resolution

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

There is no change to an existing ordinance or resolution

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

The FY24 Urban Art Plan specify projects for Lester Community Center (district 5, super district 9) and Historic Melrose Building (district 4).

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

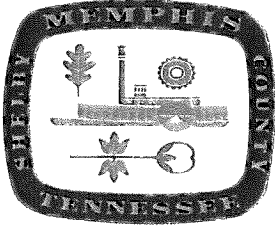
This resolution does not require a new contract or amend an existing contract

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

This resolution requires an appropriation of \$400,000.00 in CIP funds; funded by G.O Bonds chargeable to the FY24 Capital Improvement Budget.

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

MWBE goal is 6% - Same night minutes are requested for this resolution.



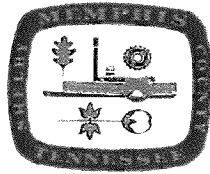
Resolution

WHEREAS, the Council of the City of Memphis did include Urban Art. CIP Number EN24300 as part of the FY 2024 Capital Improvement Budget; and

WHEREAS, it is necessary to transfer funds from EN24300 to EN24301 and appropriate those funds in the amount of \$400,000.00 funded by GO Bonds General in other project cost of EN24301 to continue the implementation of the Urban Art Plan.

NOW, THEREFORE, BE IT FURTHER RESOLVED, By the Council of the City of Memphis that there be and is hereby appropriated the sum of \$400,000.00 in Other Cost funded by GO Bonds General, chargeable to FY 2024 Capital Improvement Budget with said appropriation being Credited as follows:

Project Title:	Urban Art	\$400,000.00
Project Number:	EN24301	G.O. Bonds



Memphis City Council Summary Sheet

- 1. Description of the Item (Resolution, Ordinance, etc.)**
This Resolution amends the Fiscal Year 24 Capital Improvement Budget by transferring and appropriating funds for sidewalk improvements at Northlake Apartments.
- 2. Initiating Party (e.g. Public Works, at request of City Council, etc.)**
The initiating party is the Division of Engineering.
- 3. State whether this is a change to an existing ordinance or resolution, if applicable.**
This project does not involve a change to an existing ordinance or resolution.
- 4. State whether this will impact specific council districts or super districts.**
This project will impact District 1 – Super District 9.
- 5. State whether this requires a new contract, or amends an existing contract, if applicable.**
This request will require a new contract.
- 6. State whether this requires an expenditure of funds/requires a budget amendment.**
An expenditure of funds will be required.
- 7. If applicable, please list the MWBE goal and any additional information needed.**
N/A

Same night minutes are requested.



This is a resolution to transfer and appropriate construction funds for sidewalk improvements at Northlake Apartments

WHEREAS, the Council of the City of Memphis did include the Traffic Calming Devices Coverline, Project Number EN23200 as part of the Engineering Fiscal Year 2023 Capital Improvement Budget; and

WHEREAS, the Council of the City of Memphis has identified a need for funds to be allocated to other projects that serve the City of Memphis and significantly contribute to its growth and development; and

WHEREAS, this funding was originally adopted in FY23 and was carried forward into FY24; and

WHEREAS, the Council of the City of Memphis approved a Resolution to amend the FY24 Capital Improvement Program Budget to include a transfer of funds from Traffic Calming Devices Coverline, Project Number EN23200 to a new project to be named Northlake Apartments Sidewalks; and

WHEREAS, it is necessary to transfer an allocation of \$150,000.00 funded by Operating Transfer In-Park from the Traffic Calming Devices Coverline, Project Number EN23200 to Northlake Apartments Sidewalks, Project Number EN01116; and

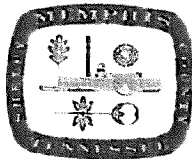
WHEREAS, it is necessary to appropriate \$150,000.00 funded by Operating Transfer In-Park in Northlake Apartments Sidewalks, Project Number EN01116 as follows:

Contract Construction \$150,000.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2024 Capital Improvement Budget be and is hereby amended by transferring a contract construction allocation in the amount of \$150,000.00 funded by Operating Transfer In-Park from Traffic Calming Devices Coverline, Project Number EN23200 to Northlake Apartments Sidewalks, Project Number EN01116; and

BE IT FURTHER RESOLVED, that there be and is hereby appropriated the sum of \$150,000.00 funded by Operating Transfer In-Park chargeable to the FY2024 Capital Improvement Budget and credited as follows:

Project Title	Northlake Apartments Sidewalks
Project Number	EN01116
Total Amount	\$150,000.00



Memphis City Council Summary Sheet

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

Resolution to transfer and appropriate construction funds in the amount of \$92,692.00 to fund installation of stormwater improvements associated the with the Accelerate Memphis project located in Oakhaven.

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

Division of Planning and Development

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

N/A

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

Council District: 3 and 6

Super District: 8

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

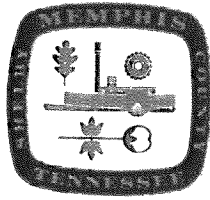
N/A

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

Yes - Expenditure of funds

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

The Accelerate Memphis: Oakhaven project is part of Group D, Contract #40405. Goals include: 44% MBE, 6% WBE



RESOLUTION

This is a resolution to transfer and appropriate construction funds in the amount of \$92,692.00 to fund installation of stormwater improvements associated ~~the~~ with the Accelerate Memphis project located at E Shelby Dr and Tchulahoma Rd in Oakhaven. Accelerate Memphis: Oakhaven (ST AM: Oakhaven), Project Number ST02024. This project is in Council District 3 and 6 and Super District 8. Request same night minutes.

WHEREAS, the Council of the City of Memphis approved Drainage – ST Coverline, Project Number ST03205 as part of the Public Works Fiscal Year 2024 Capital Improvement Budget; and

WHEREAS, modifications of the street will be performed at the intersection of E Shelby Dr and Tchulahoma Rd in Oakhaven, and as part of it the existing stormwater infrastructure will be modified. This will include a mix of grey infrastructure (pipes, inlets, etc.); and

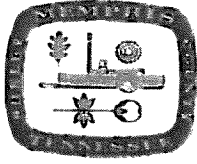
WHEREAS, it is necessary to transfer a construction allocation of \$92,692.00 funded by Storm Water Revenue Bonds in Drainage – ST Coverline, Project Number ST03205 to ST AM: Oakhaven, Project Number TBD for the purpose as stated above; and

WHEREAS, it is necessary to appropriate the construction amount of \$92,692.00 funded by Storm Water Revenue Bonds in ST AM: Oakhaven, Project Number ST02024 for the purpose as stated above.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2024 Capital Improvement Budget be and is hereby amended by transferring a construction allocation amount of \$92,692.00 funded by Storm Water Revenue Bonds in Drainage – ST Coverline, Project Number ST03205 to ST AM: Oakhaven, Project Number for ST0204 purpose as stated above.

BE IT FURTHER RESOLVED, that there be and is hereby appropriated the sum of \$92,692.00 funded by Storm Water Revenue Bonds chargeable to the FY2024 Capital Improvement Budget and credited as follows:

Project Title:	Accelerate Memphis: Oakhaven
Project Number:	TBD
Amount:	\$92,692.00



Memphis City Council Summary Sheet

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

Resolution to transfer and appropriate construction funds in the amount of \$143,432.00 to fund installation of stormwater improvements associated with the Accelerate Memphis project located on Vollintine Avenue in Klondike.

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

Division of Planning and Development

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

N/A

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

Council District: 7

Super District: 8

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

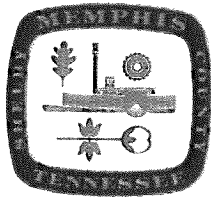
N/A

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

Yes - Expenditure of funds

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

The Accelerate Memphis: Klondike project is part of Group D, Contract #40405. Goals include: 44% MBE, 6% WBE



RESOLUTION

This is a resolution to transfer and appropriate construction funds in the amount of \$143,432.00 to fund installation of stormwater improvements associated with the Accelerate Memphis project located on Vollintine Avenue in Klondike. Accelerate Memphis: Klondike (ST AM: Klondike), Project Number ST02025. This project is in Council District 7 and Super District 8. Request same night minutes.

WHEREAS, the Council of the City of Memphis approved Drainage – ST Coverline, Project Number ST03205 as part of the Public Works Fiscal Year 2024 Capital Improvement Budget; and

WHEREAS, modifications of the street will be performed on Vollintine Ave from N Bellevue St to N Watkins St in Klondike, and as part of it the existing stormwater infrastructure will be modified. This will include a mix of grey infrastructure (pipes, inlets, etc.); and

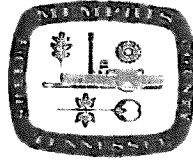
WHEREAS, it is necessary to transfer a construction allocation of \$143,432.00 funded by Storm Water Revenue Bonds in Drainage – ST Coverline, Project Number ST03205 to ST AM: Klondike, Project Number ST02025 for the purpose as stated above; and

WHEREAS, it is necessary to appropriate the construction amount of \$143,432.00 funded by Storm Water Revenue Bonds in ST AM: Klondike, Project Number ST02025 for the purpose as stated above.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2024 Capital Improvement Budget be and is hereby amended by transferring a construction allocation amount of \$143,432.00 funded by Storm Water Revenue Bonds in Drainage – ST Coverline, Project Number ST03205 to ST AM: Klondike, Project Number ST02025 for the purpose as stated above.

BE IT FURTHER RESOLVED, that there be and is hereby appropriated the sum of \$143,432.00 funded by Storm Water Revenue Bonds chargeable to the FY2024 Capital Improvement Budget and credited as follows:

Project Title:	Accelerate Memphis: Klondike
Project Number:	TBD
Amount:	\$143,432.00



Memphis City Council Summary Sheet

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

Resolution to transfer and appropriate construction funds in the amount of \$771,004.86 to fund installation of stormwater improvements associated with the Accelerate Memphis project located on Park Avenue.

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

Division of Planning and Development

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

N/A

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

Council District: 4

Super District: 8

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

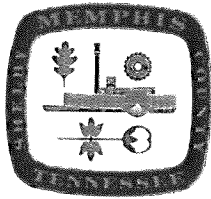
N/A

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

Yes - Expenditure of funds

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

The Accelerate Memphis: Orange Mound project is part of Group D, Contract #40405. Goals include: 44% MBE, 6% WBE



RESOLUTION

This is a resolution to transfer and appropriate construction funds in the amount of \$771,004.86 to fund installation of stormwater improvements associated with the Accelerate Memphis project located on Park Avenue in Orange Mound. Accelerate Memphis: Orange Mound (ST AM: Orange Mound), Project Number ST02023. This project is in Council District 4 and Super District 8. Request same night minutes.

WHEREAS, the Council of the City of Memphis approved Drainage – ST Coverline, Project Number ST03205 as part of the Public Works Fiscal Year 2024 Capital Improvement Budget; and

WHEREAS, modifications of the street will be performed on Park Avenue from Semmes St to Philadelphia St, and as part of it the existing stormwater infrastructure will be modified. This will include a mix of grey infrastructure (pipes, inlets, etc.); and

WHEREAS, it is necessary to transfer a construction allocation of \$771,004.86 funded by Storm Water Revenue Bonds in Drainage – ST Coverline, Project Number ST03205 to ST AM: Orange Mound, Project Number ST02023 for the purpose as stated above; and

WHEREAS, it is necessary to appropriate the construction amount of \$771,004.86 funded by Storm Water Revenue Bonds in ST AM: Orange Mound, Project Number ST02023 for the purpose as stated above.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2024 Capital Improvement Budget be and is hereby amended by transferring a construction allocation amount of \$771,004.86 funded by Storm Water Revenue Bonds in Drainage – ST Coverline, Project Number ST03205 to ST AM: Orange Mound, Project Number ST02023 for the purpose as stated above.

BE IT FURTHER RESOLVED, that there be and is hereby appropriated the sum of \$771,004.86 funded by Storm Water Revenue Bonds chargeable to the FY2024 Capital Improvement Budget and credited as follows:

Project Title:	Accelerate Memphis: Orange Mound
Project Number:	TBD
Amount:	\$771,004.86

City Council Resolution - Appropriating \$2,000,000 in FY24 Funds in GS01049 – Coke – Adaptive Reuse



Memphis City Council Summary Sheet

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

A Resolution appropriating FY24 allocations, in the amount of \$2,000,000, in CIP project number GS01049 – Coke Facility – Adaptive Reuse.

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.

Does not change an existing ordinance.

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

District 4 and Super District 8

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

Requires new contracts.

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

A budget amendment is needed to appropriate FY24 allocations.

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

N/A

City Council Resolution - Appropriating \$2,000,000 in FY24 Funds in GS01049 – Coke – Adaptive Reuse



A Resolution appropriating FY24 allocations, in the amount of \$2,000,000, in CIP project number GS01049 – Coke Facility – Adaptive Reuse.

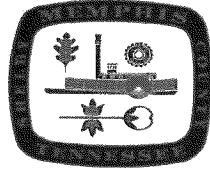
WHEREAS, the Council of the City of Memphis did include allocations for CIP project number GS01049 – Coke Facility – Adaptive Reuse, as part of the FY24 Capital Improvement Program budget; and

WHEREAS, it is necessary to appropriate FY24 allocations in the sum of \$2,000,000 in Contract Construction funded by G O Bonds – General in CIP project number GS01049 – Coke Facility – Adaptive Reuse.

NOW, THEREFORE, BE IT RESOLVED that there be and is hereby appropriated the sum of \$2,000,000 in Contract Construction funded by G O Bonds – General in CIP project number GS01049 – Coke Facility – Adaptive Reuse and credited as follows:

Project Title:	Coke Facility – Adaptive Reuse
Project Number:	GS01049
Amount:	\$2,000,000

City Council Resolution - Appropriating \$2,000,000 in FY24 Funds in GS22202 - City Hall Improvements



Memphis City Council Summary Sheet

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

A Resolution appropriating FY24 allocations, in the amount of \$2,000,000, in CIP project number GS222102 – City Hall Improvements.

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.

Does not change an existing ordinance.

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

District 7 and Super District 8

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

Requires new contracts.

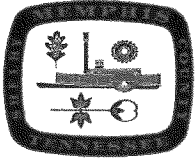
6. State whether this requires an expenditure of funds/requires a budget amendment

A budget amendment is needed to appropriate FY24 allocations.

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

N/A

City Council Resolution - Appropriating \$2,000,000 in FY24 Funds in GS22202 - City Hall Improvements



WHEREAS, the Council of the City of Memphis did include allocations for CIP project number GS22201 - City Hall Exterior Cladding, as part of the FY24 Capital Improvement Program budget; and

WHEREAS, CIP project number GS22201 - City Hall Exterior Cladding is completed and to be closed, funds to complete renovations to City Hall Plaza was moved to GS22202 - City Hall Improvements; and

WHEREAS, it is necessary to appropriate FY24 allocations in the sum of \$2,000,000 in Contract Construction funded by G O Bonds – General in CIP project number GS22202 - City Hall Improvements.

NOW, THEREFORE, BE IT RESOLVED that there be and is hereby appropriated the sum of \$2,000,000 in Contract Construction funded by G O Bonds – General in CIP project number GS22202 - City Hall Improvements and credited as follows:

Project Title:	City Hall Improvements
Project Number:	GS22202
Amount:	\$2,000,000

REFERENDUM ORDINANCE NO. _____

A REFERENDUM ORDINANCE TO AMEND, PURSUANT TO [ARTICLE XI, § 9](#) OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT), PROVISIONS OF THE CHARTER OF THE CITY OF MEMPHIS, THE SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED, RELATIVE TO PARTISAN ELECTIONS FOR THE OFFICES OF MAYOR AND CITY COUNCIL MEMBERS AND TO REPEAL ALL PROVISIONS OF THE CITY’S CHARTER INCONSISTENT WITH THIS AMENDMENT

WHEREAS, the Tennessee Code Annotated § 2-13-208, provides that municipal elections shall be nonpartisan unless the municipality's charter specifically permits partisan elections. When a municipality's charter allows partisan elections, political parties may nominate candidates for municipal office by using the primary election provisions of Title 2 of Tennessee Code Annotated (the “Election Code”) or as otherwise authorized by the rules of the party; and

WHEREAS, it is deemed advisable and in the best interest of the citizens of the City of Memphis that the City of Memphis Charter be amended by ordinance as provided by [Article XI, Section 9](#) of the Constitution of the State of Tennessee (Home Rule Amendment) for the purpose of permitting partisan elections for the Offices of the Mayor and Memphis City Council Members.

[Section 1](#). Proposed Amendment Authorized.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, TENNESEE, That pursuant to Article XI, Section 9 of the Constitution of the State of Tennessee, as amended, a proposal for amending the Charter of the City, as set forth in this ordinance, shall be published and submitted by the City of Memphis to its qualified voters at the first state general election, which shall be held in the City of Memphis on August 1, 2024, and which shall be held at least sixty (60) days after such publication.

[Section 2](#). Publication of Home Rule Amendment as required by Tennessee Constitution.

BE IT FURTHER ORDAINED, That the Comptroller is hereby directed to cause this Ordinance, as finally adopted, to be published pursuant to provisions of Article XI, Section 9 of the Constitution of the State of Tennessee immediately after adoption by the City Council.

[Section 3](#). Certification and Delivery to Election Commission.

BE IT FURTHER ORDAINED, That upon the adoption of this Ordinance becoming effective as required by law, the Comptroller of the City of Memphis shall immediately certify adoption of this Ordinance and deliver a certified copy thereof to the Shelby County Election Commission in charge of holding the general State election on August 1, 2024, and shall request that the proposed amendment to the Home Rule Charter of the City of Memphis, in the preferred form set forth in this Ordinance, be placed on the ballot.

Section 4. Proposal and preference.

BE IT FURTHER ORDAINED, That the City Council does hereby adopt the suggested proposal and form of question to be placed on the ballot for a referendum vote on a Home Rule Amendment to the Charter of the City of Memphis in a State General election to be held on the 1st day of August, 2024, which question shall read as follows:

“ Shall the Charter of the City of Memphis be amended to read:

‘ Elections for the Offices of Mayor and Memphis City Council Members shall be partisan, such that political parties, including but not limited to the Democratic and Republican parties, may nominate candidates for the offices of Mayor and Memphis City Council Members by using the primary election provisions of the Tennessee Election Code or as otherwise authorized by the rules of the party. All provisions of the Charter that are inconsistent with this charter amendment are repealed.’ ?

I, Shirley Ford, Director of Finance for the City of Memphis do hereby certify that the foregoing amendment shall have no impact on the annual revenues and expenditures of the City.

FOR THE AMENDMENT	(YES) _____
AGAINST THE AMENDMENT	(NO) _____

Section 5. Effective Date of Charter Amendment.

BE IT FURTHER ORDAINED, That this Ordinance shall take effect for the purposes set forth herein sixty (60) days after approval by a majority of the qualified voters voting thereon in an election to be held on the 1st day of August, 2024, the public welfare, requiring it.

Section 6. Certification of Results.

BE IT FURTHER ORDAINED, That the Shelby County Election Commission certify the result of said election on the referendum question to the Comptroller of the City of Memphis, who shall see that said result is made a part of the Minutes of the Council of the City of Memphis.

Section 7. **BE IT FURTHER ORDAINED,** That the Mayor be and is hereby authorized to appropriate and expend out of general revenues of the City of Memphis, Tennessee, a sum sufficient to pay a pro-rata cost attributable to the inclusion of the proposed amendment on the ballot for the election to be held on the 1st day of August, 2024, if any.

Section 8. Nonconflicting - Conflicting Laws.

BE IT FURTHER ORDAINED, That from and after the effective date of this Home Rule Amendment, all laws constituting the present Charter of the City of Memphis in conflict with the subject matter of this amendatory Home Rule Ordinance shall be immediately annulled, vacated,

and repealed and all laws constituting the present Charter of the City of Memphis not in conflict with this amendatory Home Rule Ordinance, be and the same are here continued in full force and effect.

Section 9. Severability.

BE IT FURTHER ORDAINED, that if any clause, section, paragraph, sentence or part of this Ordinance shall be held or declared to be unconstitutional and void, it shall not affect the remaining parts of this Ordinance, it being hereby declared to be the legislative intent to have passed the remainder of this Ordinance notwithstanding the parts so held to be invalid, if any.

Section 10. Publication as Required by the City Charter.

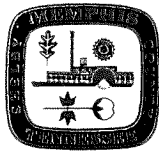
BE IT FURTHER ORDAINED, that this Ordinance shall also be published by the Comptroller at the same time and manner as required by the City's Charter for all ordinances adopted by the City Council.

Section 11. Enactment of Referendum Ordinance.

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

CHAIRMAN:
Martavius Jones

City of Memphis



JIM STRICKLAND
MAYOR

TENNESSEE

August 15, 2023

The Honorable Michalyn Easter-Thomas, Chairman
Personnel, Government Affairs, and Annexation Committee
City Hall - Room 514
Memphis, TN 38103

Dear Chairman Easter-Thomas:

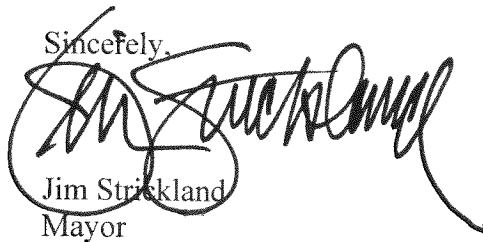
Subject to Council approval, I hereby recommend that:

Cliff Henderson

be reappointed to the Health, Education and Housing Facility Board as a member with a term expiration date of December 31, 2028.

I have attached biographical information.

Sincerely,



Jim Strickland
Mayor

JSS/sss

HEALTH, EDUCATION & HOUSING FACILITY BOARD
9 Member Board
6 Year Term

Purpose:

The Health, Education and Housing Facility Board is a public nonprofit corporation issues tax exempt revenue bonds for the development or rehabilitation of multi-family housing facilities to be occupied, according to the state statute, by persons of low and/or moderated income, and/or elderly and/or handicapped persons.

Monice Hagler	F/B	Term ends: 12-31-25
Howard Eddings	M/B	12-31-25
Cliff Henderson	M/B	12-31-22
Vacancy	M/AI	12-31-22
James Jalenak	M/W	12-31-22
Daniel T. Reid	M/W	12-31-23
Katie Shotts	F/W	12-31-22
Buckner Wellford	M/W	12-31-23
Vacancy	F/W	12-31-23

Health, Education and Housing Facility Board Attendance
From January 2022 to August 2023 Total No. of Meetings - 20

Member	Present	Absent
Cliff Henderson	20	0
James Jalenak	19	1
Katie Shotts	19	1

Updated 091823

City of Memphis



JIM STRICKLAND
MAYOR

TENNESSEE

August 15, 2023

The Honorable Michalyn Easter-Thomas, Chairman
Personnel, Government Affairs, and Annexation Committee
City Hall - Room 514
Memphis, TN 38103

Dear Chairman Easter-Thomas:

Subject to Council approval, I hereby recommend that:

James Jalenak

be reappointed to the Health, Education and Housing Facility Board as a member with a term expiration date of December 31, 2028.

I have attached biographical information.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Strickland".

Jim Strickland
Mayor

JSS/sss

HEALTH, EDUCATION & HOUSING FACILITY BOARD
9 Member Board
6 Year Term

Purpose:

The Health, Education and Housing Facility Board is a public nonprofit corporation issues tax exempt revenue bonds for the development or rehabilitation of multi-family housing facilities to be occupied, according to the state statute, by persons of low and/or moderated income, and/or elderly and/or handicapped persons.

		Term ends:
Monice Hagler	F/B	12-31-25
Howard Eddings	M/B	12-31-25
Cliff Henderson	M/B	12-31-22
Vacancy	M/AI	12-31-22
James Jalenak	M/W	12-31-22
Daniel T. Reid	M/W	12-31-23
Katie Shotts	F/W	12-31-22
Buckner Wellford	M/W	12-31-23
Vacancy	F/W	12-31-23

Health, Education and Housing Facility Board Attendance
From January 2022 to August 2023 Total No. of Meetings - 20

Member	Present	Absent
Cliff Henderson	20	0
James Jalenak	19	1
Katie Shotts	19	1

Updated 091823

City of Memphis



JIM STRICKLAND
MAYOR

TENNESSEE

August 15, 2023

The Honorable Michalyn Easter-Thomas, Chairman
Personnel, Government Affairs, and Annexation Committee
City Hall - Room 514
Memphis, TN 38103

Dear Chairman Easter-Thomas:

Subject to Council approval, I hereby recommend that:

Katie Shotts

be reappointed to the Health, Education and Housing Facility Board as a member with a term expiration date of December 31, 2028.

I have attached biographical information.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Strickland".

Jim Strickland
Mayor

JSS/sss

HEALTH, EDUCATION & HOUSING FACILITY BOARD
9 Member Board
6 Year Term

Purpose:

The Health, Education and Housing Facility Board is a public nonprofit corporation issues tax exempt revenue bonds for the development or rehabilitation of multi-family housing facilities to be occupied, according to the state statute, by persons of low and/or moderated income, and/or elderly and/or handicapped persons.

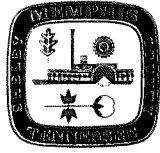
		Term ends:
Monice Hagler	F/B	12-31-25
Howard Eddings	M/B	12-31-25
Cliff Henderson	M/B	12-31-22
Vacancy	M/AI	12-31-22
James Jalenak	M/W	12-31-22
Daniel T. Reid	M/W	12-31-23
Katie Shotts	F/W	12-31-22
Buckner Wellford	M/W	12-31-23
Vacancy	F/W	12-31-23

Health, Education and Housing Facility Board Attendance
From January 2022 to August 2023 Total No. of Meetings - 20

Member	Present	Absent
Cliff Henderson	20	0
James Jalenak	19	1
Katie Shotts	19	1

Updated 091823

City of Memphis



JIM STRICKLAND
MAYOR

TENNESSEE

September 19, 2023

The Honorable Michalyn Easter-Thomas, Chairman
Personnel, Government Affairs, and Annexation Committee
City Hall - Room 514
Memphis, TN 38103

Dear Chairman Easter-Thomas:

Subject to Council approval, I hereby recommend that:

Judge Janice Holder (Retired)

be reappointed to the Memphis Area Transit Authority as a member with a term expiration date of August 31, 2026.

I have attached biographical information.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Strickland".

Jim Strickland
Mayor

JSS/sss

MEMPHIS AREA TRANSIT AUTHORITY
Oath of Office Required
9 Member Board
3 Year Term

Purpose:

The members of the transit authority board shall have authority to supervise the operation of the transit system.

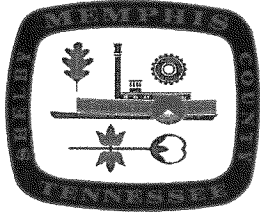
		Term ends:
Sara Burnett	F/W	01-22-26
Michael Fulton	M/B	02-07-25
Angus Blair	M/W	09-30-25
Martin E. Lipinski	M/W	06-30-26
Michelle McKissack	F/B	06-30-24
Anton Mack	M/B	08-24-25
Janice Holder	F/W	08-31-23
Edward Stephens, III	M/B	01-31-26
Shelia Williams	F/B	01-31-25

2023 Council Liaison: Ford Canale

Updated 091823

Memphis Area Transit Authority
From January 2021 to December 2022 Total Meeting: 22

Member	Meetings Attended	Meetings Missed
Judge Janice Holder (Ret.)	21	1



A Resolution to Amend the American Rescue Plan Act (ARPA) Allocation.

WHEREAS, on September 14, 2021, the Memphis City Council allocated \$5,035,980.00 of the City's tranche of American Rescue Plan Act (ARPA) funds to Youth Services Support Initiatives; and

WHEREAS, this funding was allocated over three (3) fiscal years for the MPLOY, I Am Included, and MAP programs through the Office of Youth Services; and

WHEREAS, on June 27, 2023, the Memphis City Council reallocated \$2,432,144.00 of these funds to the Memphis Library and Memphis Aging Commission; and

WHEREAS, a portion of these previously allocated ARPA funds had been committed by the Office of Youth Services for costs related to the fiscal year 2024 summer and fall sessions for:

- **\$345,000** (MPLOY Summer Staff) to 100804-051402- Summer 2023 MPLOY staff payroll-part-time salaries
- **\$310,000** (Community Partners) to 100804-066104- Ambassador's Fellowship Pay
- **\$90,000** (MPLOY Plus) to 100804-066104-Ambassador's Fellowship Stipend Pay
- **\$15,000** (Security for Schools) to 100804-066104- Ambassador's Fellowship Pay

NOW, THEREFORE, BE IT RESOLVED that the Memphis City Council hereby amends ARPA allocations by reallocating and reappropriating \$760,000.00 from the Memphis Library to Youth Services Support Initiatives for the costs of summer programming, internships, and apprenticeships as detailed above.

**RESOLUTION TO AMEND THE AMERICAN RESCUE PLAN ACT (ARPA) TO ALLOCATE \$2.2 MILLION TO
THE CITY OF MEMPHIS ADMINISTRATION FOR THE CREATION OF A PILOT PROGRAM**

WHEREAS, on March 11, 2021, the American Rescue Plan Act (ARPA) was signed into law by the President. Section 9901 of ARPA amended Title VI of the Social Security Act to add section 602, which established the Coronavirus State Fiscal Recovery Fund, and section 603, which established the Coronavirus Local Fiscal Recovery Funds (together, the Fiscal Recovery Funds). The Coronavirus Local Fiscal Recovery Funds was established to provide support to local governments (“recipients”) to respond to the impacts of COVID-19 on communities, residents, and businesses; and

WHEREAS, section 602(c)(1) and 603(c)(2) provides that funds may be used to:

A. To respond to the public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;

B. To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers;

C. For the provision of government services to the extent of the reduction in revenue due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency;

D. To make necessary investment in water, sewer, or broadband infrastructure; and

WHEREAS, it is the intent of the Memphis City Council to ensure that the funds are spent in support of programs that support the vulnerable population, including the youth population of Memphis; the Council recognizes that this group was negatively impacted by the effects of COVID-19, the ramifications of which are still being felt; and

WHEREAS, the Memphis City Council acknowledges that there is an influx of crime, particularly among children and teenagers, causing significant challenges and concerns in the City of Memphis; though the Memphis City Council and City of Memphis do not have direct oversight of the various school systems in the area, we recognize that the wellbeing and positive development of our children and youth are important priorities; and

WHEREAS, we have heard crime presentations from the Memphis Police Department, reporting the young ages of perpetrators, and the expressions of many citizens stating that the City of Memphis lacked positive activities and mentorship programs to keep the youth engaged and ultimately decrease youth crime rates; and

WHEREAS, Memphis has an extensive network of religious institutions located in every neighborhood that all have a common goal of providing help and resources to high-need areas throughout the city and the communities in which they are located, making them accessible to children residing in the local neighborhoods; and

WHEREAS, it is imperative that the Memphis City Council act on this matter and provide the City of Memphis Administration the resources to offer Memphis City youth activities that will deter them from criminal involvement and promote positive decision-making.

NOW THEREFORE BE IT RESOLVED that the Memphis City Council hereby allocates \$2,200,000 in ARPA funding to the City of Memphis Administration for the creation of a two-year pilot program for youth programming for children ages 5-17 to be facilitated by community religious institutions; the guidelines, evaluation tools, and parameters of the program shall be established by the Administration.

BE IT FURTHER RESOLVED that the Memphis City Council requests that the City of Memphis Administration report on the pilot program's outcomes following its two-year completion.

Sponsor:

Patrice J. Robinson

**AN ORDINANCE TO CREATE A POLICE ADVISORY AND
REVIEW COMMITTEE**

WHEREAS, the State of Tennessee has enacted Public Chapter 454, codifying changes to Tenn. Code Ann. §38-8-301, *et. seq.* and requiring modifications to City of Memphis Code of Ordinances Chapter 28, Article VII, pertaining to the Civilian Law Enforcement Review Board; and

WHEREAS, the City Council desires to provide transparency and promote interaction between the citizens and the Memphis Police Department in compliance with Public Chapter 454; and

WHEREAS, in accordance with Public Chapter 454, the City Council desires to repeal Chapter 28, Article VII, pertaining to the Civilian Law Enforcement Review Board and further desires to adopt Public Chapter 454, creating a Police Advisory and Review Committee, effective October 29, 2023;

NOW, THEREFORE,

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Chapter 28, Article VII, Civilian Law Enforcement Review Board is hereby repealed in its entirety and substituted to read as follows:

(a)

(1) The City Council hereby creates a Police Advisory and Review Committee for the City of Memphis.

(2) The purpose of the committee is to strengthen the relationship between citizens and the Memphis Police Department; to ensure the timely, fair, and objective review of citizen complaints while protecting the individual rights of police officers; and to make recommendations concerning citizen complaints to the Chief of Police.

(b)

(1) The committee will consist of seven (7) members, each of whom must:

(A) Possess a reputation for fairness, integrity, and responsibility,

and have demonstrated an active interest in public affairs and public service;

(B) Be a registered voter, as defined by Tenn. Code. Ann. § 2-1-104(a)(24), of the City of Memphis; and

(C) Not be a current employee of the City Council.

(2) The membership on the committee shall not be restricted or otherwise limited based upon demographics, economic status, or employment history.

(c)

(1) Committee members shall be appointed by the Mayor and confirmed by a majority vote of the City Council, with initial appointments to be made for the following terms:

(A) Two (2) members of the committee are appointed for one-year terms;

(B) Two (2) members of the committee are appointed for two-year terms; and

(C) Three (3) members of the committee are appointed for three-year terms.

(2) No more than two (2) persons may be appointed from one (1) City Council district.

(3) Following the initial appointments, all subsequent appointments, except to fill vacancies, are for three-year terms.

(4) Vacancies occurring other than through the expiration of terms are filled for the remainder of the term of the member being replaced.

(5) A committee member appointed pursuant to this subsection (c) shall not serve more than two (2) consecutive

terms.

(6)

(A) Upon making the initial appointments to the committee, the Mayor shall designate one (1) member of the committee to convene the first regular meeting of the committee.

(B) At its first regular meeting, the committee shall elect one (1) of its members to serve as chair, who serves a term of one (1) year or until a successor is elected. The chair may appoint other officers as the chair deems appropriate.

(d)

(1) Upon the recommendation of a majority of the committee members or by a finding of the Mayor, the Mayor, with a majority approval of the City Council, may remove a member of the committee for official misconduct or neglect of duty including neglect of any duty in subsection (g).

(2) Members who are absent from three (3) consecutive regular committee meetings are considered to have vacated their positions on the committee and may be replaced.

(3) Members who cease to possess the qualifications for membership on the committee under subdivision (b)(1) are deemed to have forfeited their position on the committee.

(e) A person shall not receive compensation for services performed as an appointed member of the committee.

(f) Each person appointed to the committee shall complete the citizen's police academy course offered by the Chief of Police to educate citizens on law enforcement operations, practice, and training. The course must be completed within six (6) months of the date of a person's appointment to the committee. Members who fail to

complete required courses are considered to have vacated their positions on the committee and may be replaced. Each member of the committee must also participate in an official ride along and become familiar with police policies and procedures within six (6) months of the date of the person's appointment.

(g) Members of the committee shall:

(1) Respect an individual's, including a police officer's, right to privacy, and maintain confidentiality of records;

(2) Maintain the confidentiality of Internal Affairs Unit files; personnel files; and other files, records, or recordings received pertaining to their membership on the committee;

(3) Excuse themselves from participating in the review of a complaint in which they have a personal, professional, or financial conflict of interest,

(4) Conduct themselves in a manner that ensures public confidence in the fairness, impartiality, and integrity of the committee, and refrain from making inappropriate or prejudicial comments regarding a matter being reviewed by the committee or which may be reasonably expected to be reviewed by the committee; and

(5) Qualify and take an oath to uphold the Constitution of the United States, the laws of the State of Tennessee, and the ordinances of the City of Memphis and to faithfully discharge the duties of such office.

(h) The City Attorney shall investigate any allegation of misconduct by a committee member or their staff and submit a written report of investigative findings to the Mayor and City Council.

(i)

(1) The Mayor may select an executive director of the committee whose appointment is subject to the approval of a majority of the members of the committee.

(2) The executive director must:

(A) Possess a reputation for fairness, integrity, and responsibility and have demonstrated an active interest in public affairs and service;

(B) Be a registered voter of the City of Memphis;

(C) Not be a former employee of a law enforcement agency for the preceding twelve (12) months;

(D) Possess prior investigative experience, such as would be possessed by an attorney or a local law enforcement officer;

(E) Respect an individual's, including police officer's, right to privacy, and maintain confidentiality of records;

(F) Maintain the confidentiality of all law enforcement records and files that the executive director or committee receives as a result of the committee's performance of its official duties;

(G) Not participate in the review of a complaint in which the executive director has a personal, professional, or financial conflict of interest;

(H) Conduct the duties of the office in a manner that maintains public confidence in the fairness, impartiality, and integrity of the committee, and refrain from making inappropriate or prejudicial comments regarding a matter being reviewed by the committee or which may be reasonably expected to be reviewed by the committee; and

(I) Comply with all rules applicable to other employees of the City of Memphis.

(3)

(A) A person shall not be approved as executive director under subdivision (i)(1) until the person has:

(i) Supplied a fingerprint sample for the purpose of a state criminal history background check to be conducted by the

Tennessee Bureau of Investigation, as well as a national criminal history background check to be conducted by the Federal Bureau of Investigation; and

(ii) Submitted to a lawfully administered test designed to detect the presence of a controlled substance or a controlled substance analogue.

(B) The City shall pay the costs incurred to conduct the criminal history background check and to administer the test under subdivision (i)(3)(A).

(C) The Tennessee Bureau of Investigation and the entity conducting the test shall report the results of the criminal history background check and test to the Mayor or the Mayor's designee within five (5) business days of the bureau's receipt of such results.

(D) The results of the criminal history background check and test are deemed to be confidential under Title 10, Chapter 7, Part 5 and are not required to be disclosed or made available under T.C.A. § 10-7-503(a).

(i)

(1) The executive director shall accept written, sworn complaints from members of the public regarding misconduct of City of Memphis police officers and shall forward the complaints to the head of the Internal Affairs Unit of the Memphis Police Department within three (3) business days of their receipt. Upon receipt of a complaint, the unit shall immediately cause an investigation to be conducted of the allegations pursuant to the standard operating procedures of the Memphis Police Department. The executive director may also accept unsworn or anonymous complaints and, if accepted, refer the complaints to the internal

affairs unit for investigation.

(2) Upon notification by the head of the Internal Affairs Unit that an investigation of an allegation of misconduct by a police officer is closed, whether the investigation was prompted by a complaint received by the executive director or otherwise, the executive director may review the unit file or the referral action form and determine if the investigation is complete.

(3)

(A) If the executive director determines that the investigation is complete in accordance with subdivision (j)(2), then the executive director shall file a report with the committee at its next regularly scheduled meeting that contains a copy of the Internal Affairs Unit case, summary, or referral action form, and any documentation of disciplinary action pertaining to the case.

(B) If the executive director determines that the investigation is not complete, then the executive director shall notify the committee, at its next regularly scheduled meeting, that, in the executive director's opinion, additional investigation or additional time may be required for the investigation to be complete.

(k) At each of the regularly scheduled committee meetings, the executive director shall file a report with the committee that details the resolution of unsworn or anonymous complaints the executive director has been able to resolve without an investigation by the internal affairs unit.

(l) The executive director may request legal services and advice from the City Attorney. If the City Attorney determines that the provision of legal services and advice would constitute a conflict of interest, then the City Attorney shall advise the executive director of the conflict and the executive director may request the City Attorney to provide other outside counsel for such legal services and advice.

(m) The executive director shall:

- (1) Ensure the proper recording of the minutes of the committee;
- (2) Maintain proper records and files pertaining to committee business;
- (3) Receive and record all exhibits, petitions, documents, or other materials presented to the committee in support of or in opposition to a question before the committee;
- (4) Comply with state law and local ordinances regarding notice of meetings;
- (5) Provide complainants with information about the complaint process;
- (6) Be a notary public;
- (7) Compile statistical information regarding complaints of misconduct by law enforcement officers as reported to the executive director from a member of the public, reported to the internal affairs unit where the investigation was reviewed by the executive director, or which were initiated by the executive director; and
- (8) Include the information compiled under subdivision (m)(7) in an annual report to the Chief of Police, the Mayor, and the City Council of the committee's activities.
- (9) Complaints will be placed into one of the following categories for administrative purposes:
 - (A) Force: The use or threatened use of improper, unnecessary or excessive force by a member of the Memphis Police Department.
 - (B) Arrest: The restraint of a person's liberty was improper or unjustified.
 - (C) Entry: Entry into a building or onto property was improper, including the use of excessive force against the property to gain entry.
 - (D) Search: The search of a person or their property was improper, in violation of established police procedures or unjustified.

(E) Harassment: The taking of police action which was predicated upon factors which are irrelevant, under the circumstances, to good law enforcement decision-making.

(F) Demeanor: Improper actions regarding an officer's bearing, gestures, language or other action which allegedly is offensive or of doubtful social propriety.

(G) Other Procedures: Allegation of other actions which are in violation of departmental rules, procedures, or policies.

(H) Service: The inadequacy or lack of police service.

(I) Property: Property lost or damaged while in police custody or confiscated through police action.

(n)

(1) The committee shall review all reports submitted by the executive director under subdivision (j)(3)(A).

(2) If the executive director finds that an investigation is not complete under subdivision (j)(3)(B), then the committee may, by a majority vote of its members:

(A) Request the Chief of Police to conduct a further investigation of the incident, specifying that additional information is needed; or

(B) Direct the executive director to return the investigation to the Internal Affairs Unit for additional investigation.

(3) The executive director shall report any additional investigative findings made to the committee, and upon completion of its inquiry, the committee shall report its written findings and conclusions to the Chief of Police and the Mayor.

(4)

(A) The committee shall have access to all public records it deems necessary to conduct its affairs in furtherance of its duties under

this section, including law enforcement agency records. Such records include:

(i) Complaints and supporting documents provided by complainants;

(ii) Offense, incident, and arrest reports; and

(iii) Incident-related documents such as schedules, dispatch notes, dispatch tapes and transcriptions, citations, videos, photographs, and records of interviews with complainants, employees, and witnesses.

(B) The committee shall not access nonpublic records, including employee medical records, or records that are otherwise exempt from disclosure under any state or federal law.

(5)

(A) Upon completion of the review of an Internal Affairs investigation, the committee may, subject to its own specific findings and conclusions, make recommendations to the Chief of Police for the improvement of law enforcement policies and activities and to benefit the community.

(B) All meetings must be open to the public and the Chief of Police, or his/her designee, may attend and provide information and advice to, or accept the recommendations, if any, of the committee.

(6)

(A) The committee shall compile a comprehensive report of its activities at least once a year, containing statistics and summaries of citizen complaints, including a comparison of the committee's findings and conclusions with those of the internal affairs unit, along with the actions taken by the Chief of Police.

(B) The report compiled in subdivision (n)(6)(A) must be

submitted to:

(i) The executive director for inclusion in the executive director's annual report to the Chief of Police;

(ii) The Mayor;

(iii) The City Council;

(iv) The chairs of the Civil Justice and Criminal Justice Committees of the Tennessee House of Representatives; and

(v) The chair of the Judiciary Committee of the Tennessee Senate.

(7)

(A) The committee may request legal services and advice from the City Attorney. If the City Attorney determines that the provision of legal services and advice would constitute a conflict of interest, then the City Attorney shall advise the committee of the conflict and the committee may request the City Attorney to provide other outside counsel for such legal services and advice.

(B) If the executive director is prohibited from participating in the review of a complaint pursuant to subdivision (i)(2)(G), then the committee may petition the Mayor to appoint a temporary assistant to perform the duties of the executive director.

(o)

(1) The committee shall adopt rules of procedure for the transaction of committee business not inconsistent with this section.

(2) Four (4) members of the committee constitute a quorum. A meeting of the committee must not commence or continue in the absence of a quorum, and a majority vote of those forming a quorum is required for action to be taken by the committee except where otherwise specified in this section.

(3) Regular meetings of the committee must be held no less than quarterly, on the first Wednesday of January, April, July, and October, or as the committee may otherwise elect. A scheduled meeting may be rescheduled at the preceding regular meeting. The chairman and three (3) members of the committee may call a special meeting of the committee upon at least five (5) days' notice.

(4) Committee meetings and records must be open to the public in accordance with Tennessee law, including Title 8, Chapter 44, Part 1, and Title 10, Chapter 7. The committee shall provide an opportunity for public comment about an investigation being reviewed by the committee pursuant to rules established by the committee.

(5)

(A) The police advisory and review committee does not have the power to issue subpoenas for documents or to compel witness testimony.

(B) This subdivision (o)(5) does not prohibit the issuance of a subpoena by the City Council as otherwise provided by law.

(C) A subpoena issued by the City Council, on behalf of the Police Advisory and Review Committee, must:

(i) Be issued pursuant to majority vote of the City Council;

(ii) Not be issued in the form of a blanket authorization, but must specify each document to be produced; and

(iii) Not be issued for documents that are confidential under state or federal law.

(D) Notwithstanding subdivision (o)(4), any document provided to a committee that is confidential under state or federal law must be treated as confidential and must not be released to the public.

(p)

(1) The committee or its staff shall not review an investigation:

(A) Concerning an incident that occurred prior to January 1, 2023;

(B) Prior to the closure of an investigation by the Internal Affairs Unit or of a criminal investigation;

(C) While the complainant, the officer complained about, or a witness is actively engaged in pursuing a remedy provided by the rules and regulations of the Civil Service Commission or grievance process, including arbitration, as set forth in the memorandum of understanding between law enforcement officers and the City; or

(D) If the complainant has initiated, threatened, or given notice of the intent to initiate litigation against the City or its employees.

(2) The committee shall not direct the Chief of Police to alter or impose disciplinary action against an employee of the Memphis Police Department.

(q) Public meetings will follow a routine agenda which includes the following components:

(1) Call to order, roll call;

(2) Acceptance of agenda;

(3) Approval of previous meeting minutes;

(4) Approval of administrative matters;

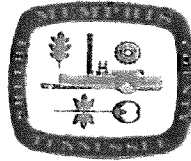
(5) Opportunity for public comment on pending individual cases; and

(6) Deliberation of individual cases.

(r) The committee and the executive director shall be jointly responsible for the creation and maintenance of a mobile-friendly website. The website shall be independent from the main web portal of the City of Memphis. The executive director shall have a budget for the establishment of the website and an annual budget to maintain the website. The website shall be updated

at least monthly and shall include the following:

- (1) An "About Us" page describing the committee's mission. This page shall also contain a link to this ordinance and any other applicable law.
- (2) A "Process" page describing, in detail, the options for filing a complaint with the committee, the process by which complaints are reviewed, all relevant timing requirements and deadlines, and a description of all possible outcomes.
- (3) A "Committee Members and Staff" page listing office location, hours, and phone number as well as the names, photos, and contact information for all committee members and staff.
- (4) A "File a Complaint" page containing an online form which can be used to file a formal complaint.
- (5) A "Complaints Reviewed" page that lists all complaints received, and posts the following information for each complaint:
 - (A) the current stage in proceedings of each complaint and the time and place of any meetings concerning the investigation;
 - (B) no more than 45 days after the complaint is filed, the completed investigation, finding, and recommendation of the committee; and
 - (C) no more than 30 days after receiving a response from the Memphis Police Department as to the committee's recommendation, the finding and explanation of action taken by the Chief of Police.
 - (D) A "Committee Meetings" page that posts all approved minutes from meetings of the committee and lists the time and location of future committee meetings.
 - (E) Any other pages or information the committee deems necessary in carrying out its mission.



Memphis City Council Summary Sheet

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

A resolution appropriating \$153,000.00 for CIP Project Number FS02032, EMA Sirens funded by G.O.Bonds.

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

Fire Services is the initiating party.

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 will impact specific council districts or super districts.

This will impact all council districts and super districts.

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

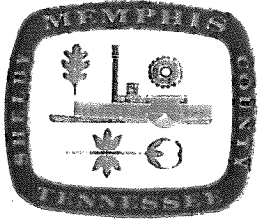
This will require a new contract with Comserv Wireless.

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

This project is part of FY24 Capital Improvement Program Budget funded by G.O. Bonds, CIP Project Number FS02032.

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

N/A



RESOLUTION – Fire Services

A resolution appropriating \$153,000.00 for CIP Project FS02032, EMA Sirens.

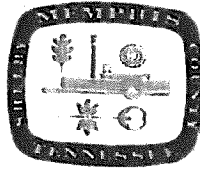
WHEREAS, the Council of the City of Memphis did include EMA Sirens, CIP Project Number FS02032, as part of the Fiscal Year 2024 Capital Improvement Program Budget: and

WHEREAS, Fire Services has a project to replace EMA Sirens and;

WHEREAS, it is necessary to appropriate \$153,000.00, CIP Project Number FS02032, Other Costs funded by G.O. Bonds General for EMA Sirens:

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Memphis there be and is hereby appropriated the amount of \$153,000, CIP Project Number FS02032, Other Costs funded by G.O. Bonds General for EMA Sirens:

Project Title:	EMA Sirens
CIP Project Number:	FS02032
Total Construction Cost:	\$153,000.00



Memphis City Council Summary Sheet

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

A Resolution to Appropriate \$8,000,000 of the City of Memphis Division of Police Services CIP Project PD02016, New Mount Moriah Station. The total amount of \$8,000,000 to Contract Construction.

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

The Divisio of Police Services is the initiating party of this resolution.

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

There are no changes to an exsiting ordanace or resolution.

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

This will impact District 3 and Super District 8

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

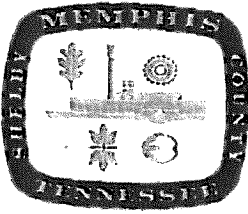
This will require new contract(s)

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

This requires an expenditure of funds.

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

N/A at this time



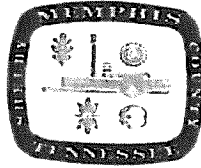
A resolution to appropriate funds for Police Services CIP Project PD02016, New Mount Moriah Station

WHEREAS, A Resolution is needed to appropriate funds for the City of Memphis Division of Police Services CIP Project PD02016, New Mount Moriah Station totaling Eight Million Five Dollars (\$8,000,000.00); and

WHEREAS, The Eight Million Dollars (\$8,000,000) is the total of \$4,000,000 FY2023 Unappropriated Allocations and \$4,000,000 FY2024 Unappropriated Allocations in PD04016 for Contract Construction; and

WHEREAS, It is necessary to appropriate \$8,000,000 for payment for the completion of the project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2024 Capital Improvement Budget be and is hereby amended by appropriating Eight Million Dollars (\$8,000,000) to Contract Construction by General Obligation Bonds for the New Mount Moriah Station, Project PD02016.



Memphis City Council Summary Sheet

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

A Resolution to Appropriate \$1,000,000.00 of the City of Memphis Division of Police Services CIP Project PD04022, In-Car Video. The amount of \$1,000,000 to Information Technology.

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

The Division of Police Services is the initiating party of the resolution.

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

There is no change to an existing ordinance or resolution.

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

This resolution will impact all council districts.

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

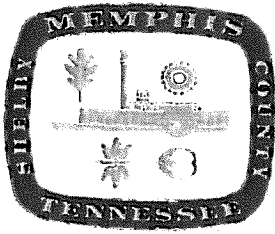
The resolution does not require a new contract or amendments to an existing contract.

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

The resolution requires an expenditure of funds.

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

N/A

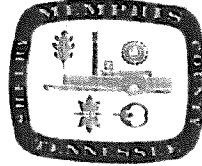


RESOLUTION

WHEREAS, A Resolution is needed to Appropriate funds for the City of Memphis Division of Police Services CIP Project PD04022, In-Car Video totaling One Million Dollars (\$1,000,000.00); and

WHEREAS, The One Million Dollars is the remainder of FY2023 Unappropriated Allocations in PD04022 for In-Car Video, with allocations to Information Technology of Division of Police;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2024 Capital Improvement Budget be and is hereby amended by Appropriating One Million Dollars to Information Technology by General Obligation Bonds In-Car Video, Project PD04022.



Memphis City Council Summary Sheet

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

A resolution to Appropriate \$1,500,000 of the City of Memphis Police Services CIP Project PD02013, FY18 Police Academy Renovation. The total amount includes \$1,375,000 to Contract Construction and \$125,000 to FFE.

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

The Division of Police Services is the initiating party of this resolution.

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

There is no change to an existing ordinance or resolution.

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

This will impact all districts.

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

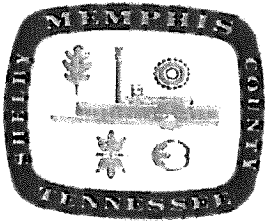
The resolution does not require a new contract, or amendments to existing contract(s).

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

The resolution does require an expenditure of funds.

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

N/A



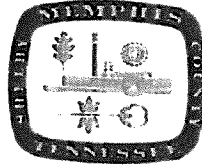
A resolution to appropriate funds for payments of Police Services CIP Project PD02013, Police Academy Renovation

WHEREAS, A Resolution is needed to appropriate funds for the city of Memphis Division of Police Services CIP Project PD02013, Police Academy Renovation totaling One Million Five Hundred Thousand Dollars (\$1,500,000.00); and

WHEREAS, One Million Three Hundred Seventy-Five Thousand Dollars (\$1,375,000) is the total of \$625,000 FY2023 Unappropriated Allocations and \$750,000 FY24 Unappropriated Allocations in PD04013 for Contract Construction and One Hundred Twenty Five Thousand Dollars (\$125,000.00) is FY2023 Unappropriated Allocations for Furniture Fixture and Equipment; and

WHEREAS, It is necessary to appropriate \$1,500,000 for payment for the completion of the project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2024 Capital Improvement Budget be and is hereby amended by appropriating One Million Three Hundred Seventy-Five Thousand Dollars (\$1,375,000) to Contract Construction and One Hundred Twenty Five Thousand Dollars (\$125,000.00) to Furniture Fixture and Equipment by General Obligation Bonds for the Police Academy Renovation, Project PD02013.



Memphis City Council Summary Sheet

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

A resolution to Appropriate \$8,000,000 of the City of Memphis Division Police Services CIP Project PD04031, Axon Enterprise Solution. The total amount of \$8,000,000 to Information Technology.

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

The Division of Police Services is the initiating party of this resolution.

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

There is no change to an existing ordinance or resolution.

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

This will impact all districts.

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

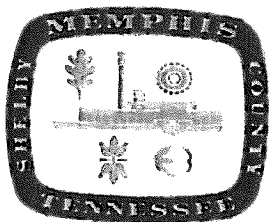
This resolution will require a new contract, or amendments to existing contract (s).

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

The resolution does require an expenditure of funds.

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

N/A



A resolution to appropriate funds Police Services CIP Project PD04031, Axon Enterprise Solution

WHEREAS, A Resolution is needed to Appropriate funds for the City of Memphis Division of Police Services CIP Project PD04031, Axon Enterprise Solution totaling Eight Million Dollars (\$8,00,000.00); and

WHEREAS, Eight Million Dollars (\$8,000,000) is the total of Unappropriated PD04031 for Information Technology; and

WHEREAS, It is necessary to appropriate \$8,000,000 for payment for the project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2024 Capital Improvement Budget be and is hereby amended by appropriating Eight Million Dollars (\$8,000,000) to Information Technology by General Obligation Bonds for the Axon Enterprise Solution, Project PD04031.

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE 5551 AND ORDINANCE 5734 RELATIVE TO SMART CITY FIBER ACCESS SYSTEMS, ESTABLISHING CRITERIA FOR QUALIFICATION AS SMART CITY FIBER ACCESS SYSTEMS, DEFINING SMART CITY FIBER ACCESS SYSTEMS, AND AUTHORIZING FOR QUALIFYING SMART CITY FIBER ACCESS SYSTEMS ALTERNATIVE REQUIREMENTS, TERMS, CONDITIONS, LIMITATIONS, AND PROVISIONS FOR RECOVERY OF THE CITY'S COSTS INCURRED FOR THE CONSTRUCTION, MAINTENANCE, POLICING, MANAGEMENT OR REPAIR OF THE STREETS, ALLEYS, THOROUGHFARES AND RIGHTS-OF-WAY OF THE CITY

WHEREAS, the Council adopted Ordinance No. 5551 that addresses and complies with federal decisions construing the Telecommunication Act of 1996 and Tennessee statutes pertaining to the use and occupation of the City's streets and public rights of way by public and private utilities and telecommunications providers;

WHEREAS, the Council adopted Ordinance No. 5734 that establishes standard compensation rates for recovery of the City's costs incurred for the construction, maintenance, policing, management or repair of the City's streets, alleys, thoroughfares and rights-of-way from persons and entities using and occupying the streets, alleys, thoroughfares and rights-of-way of the City for economic gain or benefit;

WHEREAS, the Council recognizes the importance to the City of broad access by the City to fiber optics communications facilities to support the delivery of efficient, high-quality City services, including existing and emerging Smart City applications;

WHEREAS, the Council recognizes the importance to the City that its residents in all neighborhoods have access to high-speed broadband services;

WHEREAS, the Council recognizes the importance to the City that its low-income residents have access to affordable high-speed broadband services;

WHEREAS, the Council finds that it is necessary and appropriate to establish a new Telecommunication Company classification that makes available different permitting and fee

requirements for Telecommunication Companies that enter into binding commitments with the City to develop Smart City Fiber Access Systems that will provide the City with dedicated fiber communications resources, will ensure availability of high-speed broadband services in all of the City's neighborhoods, and will ensure that low-income residents have access to affordable high-speed broadband services;

WHEREAS, the Council desires to define the minimum requirements for Smart City Fiber Access Systems; and

WHEREAS, the Council desires to specify the permitting and fee requirements for qualifying Smart City Fiber Access Systems.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, AS FOLLOWS:

SECTION 1. FINDINGS.

The City finds as follows:

A. High-speed, reliable communications facilities are essential to permit the use of digital technology and data to improve how the City functions and serves the residents, businesses, and institutions of the City.

B. High-speed, reliable communications facilities are also essential to make available broadband services in all neighborhoods of the City, including low-income and other underserved areas.

C. It is necessary and appropriate to define the minimum requirements for a Smart City Fiber Access System that will provide these facilities and services to the City and its residents, businesses, and institutions.

D. It is necessary and appropriate to specify the permitting and fee requirements that will apply to Telecommunications Companies that commit to the establishment of Smart City Fiber Access Systems.

SECTION 2. DEFINITIONS.

“Commencement Date” means the date specified in the Development Commitment by which the Telecommunications Company will begin construction of the fiber optics system.

“Development Commitment” means a binding written agreement between the City and a Telecommunications Company approved by the Chief Administrative Officer pursuant to authority granted by this Ordinance. In addition to other requirements, the Development Commitment will contain a Commencement Date, a date for completion, and requirements to submit periodic status reports to the City.

“Physical Connection Point” means a physical connection point that is located on the Telecommunications Company network reserved and made available by the Telecommunications Company to enable the City or a related agency or entity to implement a private network which exclusively supports the delivery of City-related uses by connecting a City-provided optical network terminal (ONT) to the Telecommunications Company’s network. The Telecommunications Company will be responsible for managing the ONT.

“Low-Income Premises” means all premises within the Census Tracts in the City of Memphis with median household income less than the City of Memphis median household income.

“Minimum Service” means one (1) gigabit per second (Gbps) symmetrical broadband service through June 30, 2028.

“Premises” means any parcel of land with one or more permanent structures used for residential or business purposes that is accessible from the City’s public right-of-way.

“Revised Minimum Service” means the revised broadband speed that is established by resolution of the Council on or after July 1, 2028, applicable to Smart City Fiber Access Systems. The Revised Minimum Service shall not exceed the greater of (i) One Hundred Fifty Percent (150%) of the then-effective Minimum Service or, if available, (ii) the average of the highest tier of broadband download speeds offered by fixed broadband providers as reported in the most recently published report of the Federal Communications Commission. The Revised Minimum Service shall become applicable to Smart City Access Systems following one (1) year’s written notice. Thereafter, the City may establish a new Revised Minimum Service standard for Smart City Fiber Access Systems every four (4) years after July 1, 2028, to be effective for Smart City Fiber Access Systems in each case upon one (1) year’s written notice to the Smart City Fiber Access Systems.

SECTION 3. MINIMUM REQUIREMENTS FOR SMART CITY FIBER ACCESS SYSTEM.

A. APPLICATION FOR DESIGNATION AS A SMART CITY FIBER ACCESS SYSTEM.

A Telecommunications Company that desires that its fiber optics system be designated as a Smart City Fiber Access System shall complete an application provided by the City that will include at least the following information:

1. High-level design showing:
 - (a) Overall network footprint;

- (b) Number and locations of all Premises passed by the fiber optics system;
 - (c) Number and locations of all Low-Income Premises passed by the fiber optics system;
- 2. Construction schedule showing, at a minimum, Commencement Date and date for completion;
- 3. Commitment to meet each of the requirements for qualification as a Smart City Fiber Access System as set forth in Section 3.B.;
- 4. Signed Development Commitment in form and substance approved by the Chief Administrative Officer.

B. INITIAL QUALIFICATION AS SMART CITY FIBER ACCESS SYSTEM.

In order to initially qualify for the designation as a Smart City Fiber Access System, a Telecommunications Company must include in the Development Commitment a commitment to complete, within a specified period of time approved by the Chief Administrative Officer and specified in the Development Commitment, a fiber optics system in the City of Memphis with the following characteristics and service opportunities:

- 1. During the period until June 30, 2028, the fiber optics system must initially support the Minimum Service to all residences served and must support any Revised Minimum Service standard adopted thereafter; and

2. The fiber optics system must be available to provide the Minimum Service to the following percentages of the total business and residential Premises within the City:
 - (a) The fiber optics system must be available to at least sixty percent (60%) of the residential and business Premises within the City; and
 - (b) The fiber optics system must be available to at least sixty percent (60%) of the Low-Income Premises within the City; and
3. The Development Commitment must include a commitment approved by the Chief Administrative Officer to improve the opportunities for broadband access by low-income residents; and
4. The fiber optics system must provide to the City an indefeasible right to use at least twelve (12) dark fiber strands in every fiber cable comprising a part of the fiber optics system for a minimum period of forty (40) years; and
5. The fiber optics system must construct at least six thousand (6,000) Physical Connection Points at locations throughout the City, of which at least one-third (1/3) shall be located within Census Tracts with median household income less than the City of Memphis median household income; and
6. The fiber optics system must provide to the City Internet access at at least one hundred (100) locations as approved by the Chief Administrative Officer and specified in the Development Commitment.

7. Upon finding that the Telecommunications Company has demonstrated that its fiber optics system has satisfactorily met the requirements for qualification as a Smart City Fiber Access System, the Chief Administrative Officer will provide the Telecommunications Company written notice that the fiber optics system is qualified as a Smart City Fiber Access System, and is eligible to enter into a Smart City Fiber Access Right-of-Way Agreement. The effective date of the Smart City Fiber Access Right-of-Way Agreement will be the date of notice of qualification as a Smart City Fiber Access Agreement or such later date agreed to by the City and the Telecommunications Company.

C. CONTINUED QUALIFICATION AS SMART CITY FIBER ACCESS SYSTEM

A fiber optics system that has initially qualified as a Smart City Fiber Access System pursuant to Section 3.B. must meet the following requirements by the dates specified to continue its designation as a Smart City Fiber Access System:

1. By the date two (2) years after the Commencement Date, the fiber optics system must be available to at least twenty percent (20%) of the residential and business Premises within the City and at least ten percent (10%) of the Low-Income Premises within the City; and
2. By the date three (3) years after the Commencement Date, the fiber optics system must be available to at least forty percent (40%) of the residential and business Premises within the City and at least thirty percent (30%) of the Low-Income Premises within the City; and
3. By the date four (4) years after the Commencement Date, the fiber optics system must be available to at least sixty percent (60%) of the residential and business Premises within the City and at least sixty percent (60%) of the Low-Income Premises within the City; and

4. By the date four (4) years after the Commencement Date, the fiber optics system must provide to the City Internet access at no fewer than one hundred (100) Internet Access Points designated by the City; and

5. By the date four (4) years after the Commencement Date, the fiber optics system must have delivered to the City at least twelve (12) strands of fiber within each cable along every construction route; and

6. By the date four (4) years after the Commencement Date, the fiber optics system must have delivered to the City at least six thousand (6,000) Physical Connection Points, of which at least one-third (1/3) shall be located within Census Tracts with median household income less than the City of Memphis median household income.

7. The fiber optics system must meet Revised Minimum Service standards one (1) year after receipt of written notice of the City's adoption of each Revised Minimum Service standard.

D. EFFECT OF FAILURE TO CONTINUE TO QUALIFY AS A SMART CITY FIBER ACCESS SYSTEM

1. If a fiber optics system that has previously qualified as a Smart City Fiber Access System does not meet one or more of the requirements to continue its designation as a Smart City Fiber Access System, the City may, by written notice to the Telecommunications Company withdraw the designation as a Smart City Fiber Access System. The City's notice will specify the basis for the City's action and the date, no earlier than thirty (30) days after the notice, when the designation will be withdrawn. The City's notice will notify the Telecommunications

Company of its right to a hearing if the Telecommunications Company disputes the City's conclusion and action, and will specify the procedure to be used to request a hearing, including the deadline for requesting a hearing. The hearing will be held before an official designated by the Chief Administrative Officer. If dissatisfied with the results of the hearing, the Telecommunications Company may appeal the decision to the Chief Administrative Officer, whose decision will be final.

2. As of the date specified in the City's notice, or at such later date upon which the hearing procedure has been completed, if requested, the fiber optic system's Smart Fiber Access Right-of-Way Agreement will terminate and the fiber optics system will be subject to all requirements of Ordinance 5551, including, without limitation, the fees and charges specified in Ordinance 5734 or any later-enacted ordinance establishing fees and charges applicable to fiber optic systems utilizing the City's public rights-of-way.

E. RE-APPLICATION AFTER WITHDRAWAL OF DESIGNATION AS SMART CITY FIBER ACCESS SYSTEM

1. Should the designation of a fiber optics system as a Smart City Fiber Access System be lost as specified in Section 3.D., the Telecommunications Company may re-apply one (1) time for re-designation of its fiber optic system as a Smart City Fiber Access System. The Telecommunications Company submitting such a re-application will have the burden of demonstrating that its fiber optics system meets all of the requirements for designation as a Smart City Fiber Access System in effect on the date that the re-application is submitted.

2. Upon finding that the Telecommunications Company has carried its burden of demonstrating that its fiber optics system has satisfactorily met the requirements for re-

qualification as a Smart City Fiber Access System, the Chief Administrative Officer will provide the Telecommunications Company written notice that the fiber optics system is qualified as a Smart City Fiber Access System, and is eligible to enter into a Smart City Fiber Access Right-of-Way Agreement. Provided, however, that the Chief Administrative Office may condition the re-designation of the fiber optics system as a Smart City Fiber Access System upon inclusion in the Smart City Fiber Access Right-of-Way Agreement of reasonable reporting requirements and other reasonable conditions that the Chief Administrative Officer deems appropriate to ensure continued compliance with the requirements for a Smart City Fiber Access System. The effective date of the Smart City Fiber Access Right-of-Way Agreement will be the date of notice of re-qualification as a Smart City Fiber Access Right-of-Way Agreement or such later date agreed to by the City and the Telecommunications Company. If the Chief Administrative Officer finds that the Telecommunication Company has not met its burden, the fiber optic system will be denied re-designation as a Smart City Fiber Access System.

SECTION 4. FEE AND OTHER REQUIREMENTS APPLICABLE TO SMART CITY FIBER ACCESS SYSTEM

A. SMART CITY FIBER ACCESS RIGHT-OF-WAY AGREEMENTS

The Smart Fiber Access Right-of-Way Agreements shall include such standard and other terms as the Chief Administrative Officer deems appropriate, including the following provisions applicable only to Smart City Fiber Access Systems:

1. Exemption from paying annual right-of-way access fees during the initial and any renewal term of the Smart Fiber Access Right-of-Way Agreement.

2. A reduction in permitting and inspection fees normally charged pursuant to applicable ordinances, the amount of which shall be determined by the Director of Engineering and subject to a written agreement.

3. A term of up to twenty (20) years, subject to earlier termination for reasons described in the Smart City Fiber Access Right-of-Way Agreement, including the failure of the fiber optics system to continue to qualify as a Smart City Fiber Access System.

4. The opportunity to renew the Smart City Fiber Access Right-of-Way Agreement for an additional term of up to twenty (20) years, upon a determination by the Chief Administrative Officer that the fiber optics system continues to qualify as a Smart City Fiber Access System, and subject to approval by resolution adopted by Council.

5. Reporting requirements to enable the City to monitor the Smart City Fiber Access System's compliance with the requirements of Section 3.

B. APPLICATION OF STANDARD RIGHT-OF-WAY AGREEMENT TERMS FOLLOWING TERMINATION OR EXPIRATION OF SMART CITY FIBER ACCESS AGREEMENT

If a Telecommunication Company's fiber optics system continues to occupy any of the rights-of-way of the City following the termination or expiration of a Smart City Fiber Access Agreement, the Telecommunications Company will be required to enter into a standard City right-of-way agreement and will be subject to the fees and other requirements applicable to those using the City right-of-way, including those contained in Ordinance 5551 and Ordinance 5734, as those ordinances may be amended in the future.

SECTION 5. MISCELLANEOUS PROVISIONS

A. TENNESSEE LAW GOVERNS

In any controversy or dispute under this ordinance, Ordinance 5551, or Ordinance 5734, the law of the State of Tennessee, including its choice of law provisions, shall apply to the extent such law has not been superseded or preempted.

B. SEVERABILITY

If any section, subsection, sentence, clause, phrase, term, provision, condition, covenant or portion of this Authorization ordinance is for any reason held invalid or unenforceable by any court of competent jurisdiction, the remainder of this Authorization ordinance shall not be affected thereby, but shall be deemed as a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof, and each remaining section, subsection, sentence, clause, phrase, term, provision, condition, covenant and portion of this Authorization ordinance shall be valid and enforceable to the fullest extent permitted by law.

C. ENACTMENT CLAUSE

Be it further ordained, that this ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the chairman of the council, certified and delivered to the office of the Mayor in writing by the comptroller, and become effective as otherwise provided by law.