

Memphis City Council Summary Sheet

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

Resolution to transfer allocated funds of \$1,000,000.00 from FY24 PK01036 Lester Community Center, Contract Construction to Architecture –Engineering.

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

Memphis Parks

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

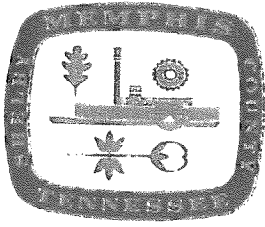
(Not Applicable)

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

These funds will require a construction contract.

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

This will require an expenditure of \$1,000,000.00



***Resolution to transfer construction funds to A/E for the new
Lester Community Center PK01036***

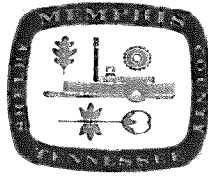
WHEREAS, the Council of the City of Memphis did include Lester Community Center CIP Project Number PK01036, as part of the Fiscal Year 2024 Capital Improvements Budget; and

WHEREAS, the Council of the City of Memphis did provide an additional allocation of \$5,000,000.00 in Fiscal Year 2024 CIP Project Number PK01036, Lester Community Center, for Contract Construction as part of the Fiscal Year 2024 Capital Improvements Budget; and

WHEREAS, the Administration requests that Council approve the transfer of appropriated funds of \$1,000,000 from Contract Construction in Fiscal Year 2024 CIP Project Number PK01036, Lester Community Center, to Architecture/Engineering in Fiscal Year 2024 CIP Project Number PK01036 to fund design, testing and administrative costs associated with the development of the new community center at Howze Park.

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Memphis that it hereby approves the transfer of appropriated funds of \$1,000,000.00 from Contract Construction, Fiscal Year 2024 CIP Project Number PK01036, Lester Community Center, to Architecture/Engineering in Fiscal Year 2024, CIP Project Number PK01036, Lester Community Center, funded by G.O. Bonds General, chargeable to the Fiscal Year 2024 Capital Improvement Budget; with said appropriations being credited as follows:

Project Title:	Lester Community Center
Project Number:	PK01036
Amount:	\$1,000,000.00 in A/E



Memphis City Council Summary Sheet

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

Memphis Parks requests to amend the FY24 operating budget in the amount of \$78,625.93 from Botanic Garden personnel to M&S to compensate the Memphis Botanic Garden Foundation for vacated positions per their contract

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

Memphis Parks

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

This is a change to Budget Ordinance 5872, which approved the FY24 General Fund Operating Budget

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

This resolution affects District 5 and Super District 9

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

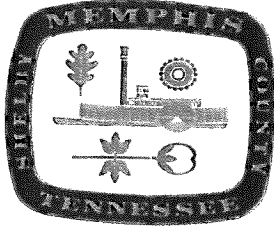
N/A

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

This resolution requires a budget amendment

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

N/A



***Resolution to Amend the Fiscal Year 2024 General Fund
Operating Budget for Memphis Parks Division***

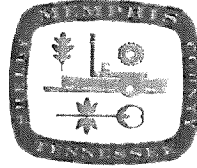
WHEREAS, on June 20, 2023, the Memphis City Council approved Budget Ordinance 5872, which established and appropriated the Fiscal Year 2024 General Fund Operating Budget; and

WHEREAS, two Memphis Botanic Garden City employees have or will vacate their City positions at Memphis Botanic Garden by the end of Fiscal Year 2024; and

WHEREAS, the City Contract with Memphis Botanic Garden Foundation stipulates that should current budgeted City positions assigned to the Botanic Garden be vacated, Memphis Botanic Garden Foundation may receive any unused compensation from the City as identified from the funded Position Control authorized personnel complement; and

WHEREAS, it is necessary to amend the Fiscal Year 2024 General Fund Operating Budget to move \$78,625.93 from the Botanic Garden personnel budget to their materials and supplies budget to compensate the Memphis Botanic Garden Foundation for vacated City positions;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Memphis that the Fiscal Year 2024 General Fund Operating Budget be amended in accordance with Tennessee Constitution Article 2 § 24, TCA § 9-1-116, Municipal Budget Law of 1982 in the amount of \$78,625.93 for the Memphis Parks Division.



Memphis City Council Summary Sheet

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

A resolution amending and appropriating the sum of \$887,116.34 chargeable to the FY2024 Budget by appropriating funds to the Division of Housing and Community Development Affordable Housing Program and Memphis Housing Authority Low Income Housing Program accounts.

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

The Division of Housing and Community Development

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

Not applicable.

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

Citywide

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

New contracts and contract amendments will be required.

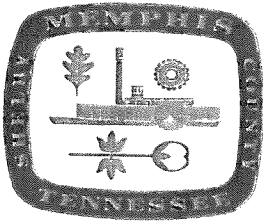
6. State whether this requires an expenditure of funds/requires a budget amendment.

Expenditure of funds will be required.

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

Not applicable to MWBE.

Division of Housing and Community Development-Resolution



A resolution amending and appropriating the sum of \$887,116.34 chargeable to the FY2024 Budget by appropriating funds to the Division of Housing and Community Development Affordable Housing Program account.

WHEREAS, the Division of Housing and Community Development continues in its efforts to assist in the development of affordable housing options within the City of Memphis; and

WHEREAS, the Council of the City of Memphis has declared by resolution dated May 7, 2002, that the Health Educational and Housing Facility Board of the City of Memphis, Tennessee to be performing a public function on behalf of and as a public instrumentality of the City, and recognizes that all property owned by it is exempt from all taxation in the State of Tennessee; and

WHEREAS, the Council of the City of Memphis also delegated to the Health Educational and Housing Facility Board of the City of Memphis, Tennessee by resolution dated May 7, 2002, the authority to negotiate and enter into with a lessee of the Board, payments in lieu of ad valorem taxes, provided that such authorization shall be granted only upon a finding that such payments are deemed to be in furtherance of the public purpose of the Board; and

WHEREAS, the Division of Housing and Community Development has received PILOT proceeds from the Health Educational and Housing Facility Board of the City of Memphis, Tennessee in the amount of EIGHT HUNDRED EIGHTY-SEVEN THOUSAND, ONE HUNDRED SIXTEEN DOLLARS AND 34/100 (\$887,116.34); and

WHEREAS, the Division of Housing and Community Development also desires to enter into a contractual agreement to grant SEVEN HUNDRED FIFTY-NINE THOUSAND, NINE HUNDRED TWENTY-SIX DOLLARS AND 95/100 (\$759,926.95) of the PILOT proceeds to the Affordable Housing Program; and

WHEREAS, the Division of Housing and community Development also desires to enter into a contractual agreement to grant ONE HUNDRED TWENTY-SEVEN THOUSAND, ONE HUNDRED EIGHTY-NINE DOLLARS AND 39/100 (\$127,189.39) of the PILOT proceeds to the Memphis Housing Authority to support the Low-Income Housing Program; and

Division of Housing and Community Development-Resolution

WHEREAS, it is necessary to amend the Fiscal Year 2024 Budget by appropriating SEVEN HUNDRED FIFTY-NINE THOUSAND, NINE HUNDRED TWENTY-SIX DOLLARS AND 95/100 (\$759,926.95) in revenues for the Affordable Housing Program.

WHEREAS, it is necessary to amend the Fiscal Year 2024 Budget by appropriating ONE HUNDRED TWENTY-SEVEN THOUSAND, ONE HUNDRED EIGHTY-NINE DOLLARS AND 39/100 (\$127,189.39) in revenues for Memphis Housing Authority to support the Low-Income Housing Program.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Division of Housing and Community Development be authorized to enter into a contractual agreement to provide a grant in the amount of EIGHT HUNDRED EIGHTY-SEVEN THOUSAND, ONE HUNDRED SIXTEEN DOLLARS AND 34/100 (\$887,116.34) to be set aside to the Division of Housing and Community Development Affordable Housing and Memphis Housing Authority Low Income Housing Program.

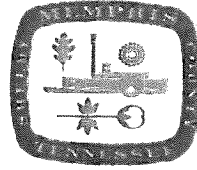
BE IT FURTHER RESOLVED that there be and is hereby appropriated the sum of EIGHT HUNDRED EIGHTY-SEVEN THOUSAND, ONE HUNDRED SIXTEEN DOLLARS AND 34/100 (\$887,116.34), chargeable to and amending the FY2024 Budget by appropriating funds for the HCD's Affordable Housing Program and MHA's Low-Income Housing Program as follows:

REVENUE:

CD90043	Award 12106 HEHFB	\$887,116.34
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EXPENSE:

CD90043	Award 12106 Professional Svcs	\$887,116.34
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Memphis City Council Summary Sheet

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

A resolution to amend the Division of Housing and Community Development's federal budgets by accepting the appropriation and allocation of over collected CDBG and HOME Program Income in the City of Memphis Oracle Financial System-Grants Module for the fiscal years FY2016, FY2017, FY2019, FY2021, FY2022, and FY2023 based on the actual collected, receipted, and reconciled funding per the U.S. Department of Housing and Urban Development (HUD) IDIS Financial System.

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

The Division of Housing and Community Development

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

Not applicable.

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

Citywide

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

New contracts and contract amendments will be required.

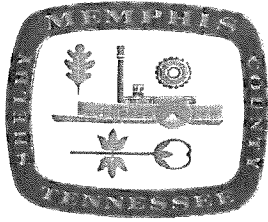
6. State whether this requires an expenditure of funds/requires a budget amendment.

Expenditure of funds will be required.

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

Not applicable to MWBE.

Resolution-Division of Housing and Community Development



Resolution to amend the Division of Housing and Community Development's federal budgets by accepting the appropriation and allocation of over collected CDBG and HOME Program Income in the City of Memphis Oracle Financial System-Grants Module for the fiscal years FY2016, FY2017, FY2019, FY2021, FY2022, and FY2023 based on the actual collected, receipted, and reconciled funding per the U.S. Department of Housing and Urban Development (HUD) IDIS Financial System.

WHEREAS, the Division of Housing and Community Development received allocations of federal funding from the U.S. Department of Housing and Urban Development (HUD) for the fiscal years FY2016, FY2017, FY2019, FY2021, FY2022, and FY2023; and

WHEREAS, the plan for the years contained a description of anticipated federal, state, and local housing resources, including Community Development Block Grant (CDBG) funds received under Title I of the Housing and Community Development Act of 1974, HOME funds received under Title II of the National Affordable Housing Act of 1990, Emergency Solutions Grant (ESG) funds authorized under the HEARTH Act of 2009, Housing Opportunities for Person With AIDS (HOPWA), and **projected CDBG and HOME Program Income funds**; and

WHEREAS, the Division of Housing and Community Development provided an estimate projection of CDBG and HOME Program Income to collect for fiscal years FY2016, FY2017, FY2019, FY2021, FY2022, and FY2023 the actual amounts collected and receipted was over the approved by the City of Memphis Council projected amounts as reflected in the charts below:

HCD's CDBG Program Income Revisions

Program Year	Fiscal Year	Approved by COM Council	Projected Amount Approved	Actual Amount Collected & Receipted	Increase
PY20	FY21	6/2/2022	\$ 603,924.30	\$ 1,088,350.00	\$ 484,425.70
PY21	FY22	4/20/2021	\$ 735,344.00	\$ 737,919.00	\$ 2,575.00
PY22	FY23	9/27/2022	\$ -	\$ 925,851.11	\$ 925,851.11
				Total CDBG PI Request	<u>\$ 1,412,851.81</u>

Resolution-Division of Housing and Community Development

HCD's HOME Program Income Revisions

Program Year	Fiscal Year	Approved by COM Council	Projected Amount Approved	Actual Amount Collected & Received	Increase
PY15	FY16	4/21/2015	\$ 17,100.00	\$ 217,423.56	\$ 200,323.56
PY16	FY17	4/19/2016	\$ 100,000.00	\$ 263,729.04	\$ 163,729.04
PY18	FY19	6/19/2018	\$ 50,000.00	\$ 96,926.34	\$ 46,926.34
PY20	FY21	6/2/2022	\$ 50,000.00	\$ 159,092.08	\$ 109,092.08
PY21	FY22	4/20/2021	\$ 50,000.00	\$ 440,823.00	\$ 390,823.00
PY22	FY23	9/27/2022	\$ 277,880.00	\$ 314,810.40	\$ 36,930.40
				Total HOME PI Request	<u>\$ 947,824.42</u>

; and

WHEREAS, the Division of Housing and Community Development is underway with reconciling and cleaning up prior year grants, it is necessary to reconcile the City of Memphis Oracle Financial System - Grants Module for HCD to record and reflect the actual collected CDBG and HOME program income related to fiscal years FY2016, FY2017, FY2019, FY2021, FY2022, and FY2023; and

NOW, THEREFORE, BE IT RESOLVED that the Council and the City of Memphis hereby approves to amend the Division of Housing and Community Development's federal budgets by accepting the appropriation and allocation of over collected CDBG and HOME Program Income in the City of Memphis Oracle Financial System-Grants Module for the fiscal years FY2016, FY2017, FY2019, FY2021, FY2022, and FY2023 based on the actuals collected, received, and reconciled per the U.S. Department of Housing and Urban Development (HUD) IDIS Financial System.

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

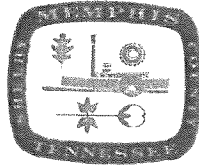
In any controversy or dispute under this ordinance, Ordinance 5551, or Ordinance 5734, the law of the State of Tennessee, including its choice of law provisions, shall apply to the extent such law has not been superseded or preempted.

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.



Memphis City Council Summary Sheet

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

Resolution appropriates \$250,000 for Renasant Convention Center and Cannon Center for the Performing Arts capital improvements.

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

Memphis Management Group, LLC., managers of the Renasant Convention Center and Cannon Center for the Performing Arts

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

No change

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

Benefits the entire city.

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

It does not.

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

Requires an appropriation of \$250,000 of budgeted allocated funds.

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

Goal is 20% of the above total.



Resolution appropriating funds for GS24301 Convention Center Coverline

WHEREAS, the Council of the City of Memphis did include Convention Center Coverline, CIP Project Number GS24301, as part of the Fiscal Year 2024 Capital Improvement Program Budget; and

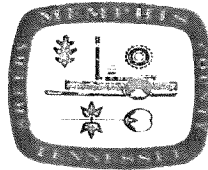
WHEREAS, the Council of the City Of Memphis did provide an allocation of \$250,000 for additional necessary capital projects to maintain and further position the Renasant Convention Center and The Cannon Center for the Performing Arts as world class facilities; and

WHEREAS, Memphis Management Group, LLC., managers of the Renasant Convention Center and The Cannon Center for the Performing Arts, will use these funds primarily to replace a defective expansion joint on the Center's second level; and

WHEREAS, Memphis Convention Center Commission reviewed and approved this capital improvement Item.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that it hereby approves the appropriation in the amount of \$250,000 funded by G.O. Bonds and chargeable to the Fiscal Year 2024 Capital Improvement Budget and credited as follows:

Project Title	Convention Center Coverline
Project Number	GS24301
Appropriation	\$250,000



Memphis City Council Summary Sheet

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

This is a resolution to appropriate funds for construction of the T.E. Maxson WWTF Primary Clarifier Pump Station in South Plant Expansion, project Number SW02033.

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

Public Works

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

This resolution does not change any existing ordinance or resolution.

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

The project is located in Council District 6 and Super District 8. The project provides services to Districts or portions of Districts 2, 3, 4, 5, 6, 8 and 9.

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

This request will require a new construction contract.

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

Yes, this requires an expenditure of funds.

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

The MBE goal is 24% and the WBE goal is 2%. The MBE goal will be met by W&T Contracting Corp. and Enfinity Supply, LLC. The WBE goal will be met by A&B Construction Co.



RESOLUTION

This is a resolution to appropriate funds for the construction of the T.E. Maxson WWTF Primary Clarifier Pump Station in South Plant Expansion, Project Number SW02033. This project is in Council District 6 and Super District 8.

WHEREAS, the Council of the City of Memphis approved South Plant Expansion, Project Number SW02033, as part of the Fiscal Year 2024 Capital Improvement Budget; and

WHEREAS, bids were received on August 9, 2023, for the construction of Maxson WWTP Primary Clarifier Pump Station with the lowest complying bid being \$5,366,540.00 submitted by Chris-Hill Construction Co., Inc.; and

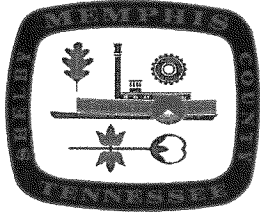
WHEREAS, this project will be funded by both Sewer Capital PAY GO in the amount of \$2,903,194.00 and Federal Grants CIP (WIFIA Loan) in the amount of \$3,000,000.00 for the construction of the T.E. Maxson WWTF Primary Clarifier Pump Station; and

WHEREAS, it is necessary to appropriate \$2,903,194.00 funded by Capital Pay GO and Federal Grants CIP in the amount of \$3,000,000.00 in South Plant Expansion, Project Number SW02033 as follows:

Contract Amount	\$5,366,540.00
Project Contingencies	\$ <u>536,654.00</u>
Total Amount	\$5,903,194.00

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 appropriating the amount of \$5,903,194.00 to South Plant Expansion, Project Number SW02033, for the construction of the T.E. Maxson WWTF Primary Clarifier Pump Station chargeable to the FY2024 Capital Improvement Budget and credited as follows:

Project Title:	South Plant Expansion
Project Number:	SW02033
Amount:	\$5,903,194.00



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

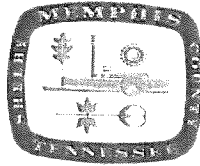
WHEREAS, this funding was allocated over three (3) fiscal years for the MPLOY, I Am Included, and MAP programs through the Office of Youth Services; and

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.



Memphis City Council Summary Sheet

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

This is a resolution to move appropriated funds from completed projects to the IT Project IT01003.

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

Information Technology Division.

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.

N/A

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

This requires appropriation of \$200,300.00. Budget amendment is required.

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

N/A



Resolution to Transfer Allocated and Appropriated Funding Between Information Technology CIP Projects

WHEREAS, the Finance Division monitors the City's actual spend performance relative to its budget for Capital Improvement Program (CIP) spending and execution; and

WHEREAS, in collaboration with the Finance Division, each Division of City Government reviews its current spend performance and projected anticipated outcomes for their respective CIP projects; and

WHEREAS, in Fiscal Year 2021, the Information Technology Division was approved for additional funding for CIP Project IS01062 Telephone System Upgrade, bringing the total project allocation to \$8,100,000; and

WHEREAS, the Information Technology Division through the progression of the project has identified cost saving measures and implemented such measures to ensure the most efficient upgrades to the City's telephone systems; and

WHEREAS, as of September 2023, the Information Technology Division has determined that the project is complete, and as such has identified a cost savings of \$200,300.00 in CIP Project IS01062 Telephone Systems Upgrade and as such the project currently retains unencumbered appropriations sufficiently available for other uses; and

WHEREAS, It would be beneficial for the City to reallocate cost savings from CIP Project IS01062 to CIP Project IT01003, specifically for the repair, and replacement of the City's damaged Fiber Optics and Cabling Infrastructure; and

WHEREAS, it is desired and necessary to amend the Fiscal Year 2024 (FY24) CIP budget by the transfer and allocation and appropriation of identified funds to match program spend different than the FY24 adopted CIP budget.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Memphis that the Fiscal Year 2024 Capital Improvement Program Budget be amended in accordance with Tennessee Constitution Article 2 § 24, TCA § 9-1-116, Municipal Budget Law of 1982 in the amount \$200,300.00 by the approved transfer from CIP Project IS01062 and the approved allocation and appropriation of such funds to CIP Project IT01003, the benefit of the City, its employees, and its Citizens requiring it.

**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.