

WHEREAS, on occasion the Memphis City Council has seen fit to honor citizens who have enriched the community, and, as a treasure to his family and friends, **Brian Thomas Clay** is one such citizen whose memory is certainly worthy of honoring; and

WHEREAS, Brian Thomas Clay, born on July 11, 1969, in Cleveland, Ohio, and a resident of Memphis, Tennessee, exemplified unwavering commitment and passion in his endeavors, leaving a permanent mark on the lives he touched; and

WHEREAS, Brian Thomas Clay's educational journey, spanning from Kingsbury High School to LeMoyné-Owen College, Memphis Theological Seminary, and Miles Law School, reflects his lifelong pursuit of knowledge and passion for learning; and

WHEREAS, Brian Thomas Clay, Chief Content Officer at TDS – TV Multimedia Group, Creator/Executive Producer/Host of The Brian Clay Chronicles, and Founder/Executive Director of Greater Memphis Media, Incorporated, leaves behind a legacy of exceptional contributions to journalism, social justice, and education; and

WHEREAS, Brian Thomas Clay's commitment to advancing journalism education at Memphis' only Historically Black College and University, LeMoyné-Owen College, through the establishment of Greater Memphis Media, Incorporated, is a testament to his unwavering dedication to empowering the next generation of journalists and media professionals; and

WHEREAS, through Greater Memphis Media, Inc., **Brian Thomas Clay** tirelessly worked to address social issues relevant to the African American community, amplifying voices that often go unheard and advocating for positive change through impactful storytelling; and

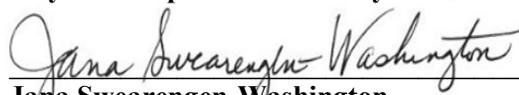
WHEREAS, Brian Thomas Clay's philanthropic endeavors extended beyond journalism education, as evidenced by his establishment of scholarships such as the Lois DeBerry Scholarship and the Jerry C. Johnson Scholarship, recognizing academic excellence and supporting students pursuing careers in journalism and athletics; and

WHEREAS, Brian Thomas Clay's dedication to mental health awareness and literacy initiatives, including the 'I Love Reading Initiative' for elementary students, exemplifies his dedication to fostering holistic well-being and educational enrichment within the Memphis community; and

WHEREAS, we express our deepest condolences to the family, friends, and colleagues of **Brian Thomas Clay**, whose presence will be deeply missed but whose impact will continue to resonate for generations to come.

NOW, THEREFORE, BE IT RESOLVED, the Memphis City Council honors the life and legacy of **Brian Thomas Clay**, recognizing his profound contributions to journalism, education, and social justice in our community.

**Given by my hand and under the great seal of the
City of Memphis this 19th day of March 2024.**



Jana Swearengen-Washington
Memphis City Councilwoman
District 4

WHEREAS, on occasion, the Memphis City Council has seen fit to commemorate occasions that celebrate individuals who have significantly contributed to this community and whose courage has helped our great city become fairer and more just; **Women’s History Month** is one such occasion that is certainly worthy of recognition; and

WHEREAS, the **Women’s History Month** commemoration dates to March 1980; it serves as an annual acknowledgment that the foundation of our Nation and city has been shaped by the indomitable spirit and remarkable achievements of countless extraordinary women; and

WHEREAS, in the City of Memphis, there are many women whose meritorious diligence makes our community better through their remarkable achievements; **Vinessa Brown, Kayla Gore, Amber Huett-Garcia, Norma Lester, Lauren Russell, and Renee Squander** are exceptional women in the City of Memphis who are especially deserving of being honored for representing the most esteemed women and worthy of being presented the **Women’s History Month: One Tough Woman Award**; and

WHEREAS, among these tough women are veterans and nurses, dedicated women who have selflessly served our country and cared for the sick, nonprofit leaders and advocates, tirelessly working towards improving education and finding homes for the homeless; these remarkable women not only encourage people to vote but also provide support to re-entering citizens, helping them stay on the path to success; they have been at the forefront of the fight for women's rights, shedding light on the challenges faced by the elderly, and bravely speaking out for our LGBTQ+ community; and

WHEREAS, the **One Tough Woman Award** seeks to honor trailblazing women whose vision, influence, and triumphs have left an indelible mark, propelling us forward and widening the horizon of possibility for all, and **Vinessa Brown, Kayla Gore, Amber Huett-Garcia, Norma Lester, Lauren Russell, and Renee Squander** are women laudable of praise for their respective contributions and the good works that they have provided to the community.

NOW, THEREFORE, BE IT RESOLVED that Councilwoman Jerri Green and the Memphis City Council stand in solidarity to honor **Vinessa Brown, Kayla Gore, Amber Huett Garcia, Norma Lester, Lauren Russell, and Renee Squander** with the

ONE TOUGH WOMAN AWARD

to celebrate and commend these women during Women’s History Month.

Given by my hand and under the
great seal of the City of Memphis
this 19th day of March 20



Jerri Green
Member, Memphis City Council
District 2

Ordinance No. _____

An Ordinance Renaming S. Hollywood Street between Union Avenue and Southern Avenue as
Glenn Rogers, Sr. Street

WHEREAS, the Memphis City Council possesses naming and renaming powers for public streets, parks, and other public spaces pursuant to Ordinance No. 5759, which amended the City of Memphis Code of Ordinances for this purpose; and

WHEREAS, on occasion, the Memphis City Council sees fit to recognize members of the Memphis community who have had a lasting impact through the renaming of public streets and spaces in their honor; and

WHEREAS, Glenn Rogers, Sr. is certainly worthy of recognition for his historical impact at the University of Memphis, where he was the first African American football player for the university, playing for the team from 1968 to 1971; and

WHEREAS, Glenn Rogers, Sr. was awarded the M Club Hall of Fame Billy J. Murphy Award in 2000 from the University of Memphis for his post-football contributions to the community; and

WHEREAS, the Memphis City Council does wish to honor Glenn Rogers, Sr. by renaming a stretch of S. Hollywood Street adjacent to the Simmons Bank Liberty Stadium, which the Memphis Tigers football team calls home, to commemorate Mr. Roger's historical significance to the university and its football program.

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that the following street shall be renamed, and the administrative street renaming process shall proceed as follows:

- (A) S. Hollywood Street between Union Avenue and Southern Avenue shall be renamed as Glenn Rogers, Sr. Street.
- (B) The Memphis City Council, Division of Planning and Development, Division of Engineering, and any other applicable City of Memphis Divisions shall coordinate to perform the appropriate notifications and administrative protocols necessary to complete this permanent street name change.
- (C) The City Engineer is requested to affix suitable signs denoting the street as Glenn Rogers, Sr. Street.

Sponsors:

Chase Carlisle

Ford Canale

Yolanda Cooper-Sutton

Michalyn Easter-Thomas

Edmund Ford, Sr.

Jerri Green

Rhonda Logan

JB Smiley, Jr.

Philip Spinosa

Jana Swearengen-Washington

JB Smiley, Jr.

Chairman

Pearl Eva Walker
Dr. Jeff Warren
Janika White

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MEMPHIS PERTAINING TO CONTRACTS AND SALARIES OF THE MEMPHIS LIGHT, GAS AND WATER DIVISION TO DECREASE THE PRESENT LIMITS OF CONTRACTS AND SALARIES OR COMPENSATION FOR EMPLOYEES OR OTHERS REQUIRING CITY COUNCIL APPROVAL.

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

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

WHEREAS, by adoption of Ordinance 5819 on March 22, 2022, the Council amended their authority to approve the setting of salaries or other compensation of any officers, executive management employees or other employees for MLGW in excess of \$180,000.00 in advance of employment and to approve all contracts (other than emergency purchases and spot market purchases of natural gas) entailing an obligation or expenditure, including fees or other compensation of any engineers, auditors, attorneys, consultants and others employed to render extraordinary services to MLGW in excess of Five Hundred Thousand Dollars (\$500,000.00) prior to execution; and

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

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

WHEREAS, in recognition of the requests for increased transparency requests from citizens regarding MLGW contracts and salaries, the City Council desires to amend the limits requiring approval by the Council prior to execution.

NOW THEREFORE BE IT ORDAINED THAT,

SECTION 1. Section 1 of Ordinance No. 5819 is amended and restated as follows:

Notwithstanding Ordinance No. 5819 to the contrary, all contracts (other than emergency purchases, purchases of natural gas and other derivative products, and settlements between MLGW and its employees pursuant to the workers' compensation laws of the State of Tennessee, which shall not require City Council approval in advance of execution) entailing an obligation or expenditure, including fees or other compensation of any engineers, auditors, attorneys, consultants and others employed to render extraordinary services to MLGW, in excess of \$100,000.00 shall require City Council approval in advance of execution. Furthermore, all interlocal agreements or contracts between MLGW and any municipality or division of government (other than the City of Memphis and its divisions) that involve the collection of any municipal, county or other government fee, tax or other charge not directly related to utility service (such as electricity, gas, or water utility service) shall require Council approval in advance of execution. In emergencies MLGW may enter into emergency purchases as defined herein, which emergency purchases shall be later ratified by the Council. MLGW may also purchase natural gas and other derivative instruments daily as long as the aggregate annual amount of these purchases are approved by the Council in the annual budget of MLGW.

For the purposes of this Ordinance the term "emergency purchases" shall include, but shall not necessarily be limited to, any purchase orders and contracts in excess of \$100,000.00 needed to: (i) remedy any hazardous, unsafe or environmentally harmful event or condition that has created or may create a harmful situation for the public or MLGW employees, whether or not ordered, directed or requested by a federal or state agency; (ii) ensure continuous and reliable utility service to MLGW customers, or (iii) take whatever steps are reasonably necessary to address problems caused by a catastrophic event.

SECTION 2. Section 2 of Ordinance No. 5819 is amended and restated as follows:

Notwithstanding Ordinance No. 5819 to the contrary, any salaries or other compensation of any officers, executive management employees or other employees for MLGW in excess of One Hundred Eighty Thousand (\$90,000.00) shall require approval in advance of employment.

SECTION 3. Except to the extent inconsistent with the provisions hereof, the provisions of Ordinances Nos. 3509 5046, 5256, 5291, 5383, 5574, and 5819 are hereby ratified and shall remain in full force and effect.

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

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

Sponsors:
JB Smiley, Jr.
Jerri Green
Rhonda Logan
Jana Swearingen-Washington
Pearl Walker

JB Smiley, Jr.,
Chairman



RESOLUTION approving the Engineering plans for:
Memphis Blues Village Phase IV
and accepting Bond as security

WHEREAS, **UMH Properties, Inc.**, is the Developer of a certain property within the present limits of the City of Memphis, and located at 1401 Memphis Blues Avenue, in Memphis, Tennessee.

and

WHEREAS, the developer desires to develop the property reflected on the engineering plans;

and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the engineering plans for **Memphis Blues Village Phase IV** are hereby approved.

BE IT FURTHER RESOLVED, that the proper official be and are hereby authorized to execute the attached standard improvement contract, accepting First Indemnity of America Insurance Co. **Performance Bond No. CT028182** in the amount of **\$120,400.00**, as project security.



RESOLUTION accepting public improvements for:
(CRA) North Front Street Infrastructure Improvements [CR#5381]
and releasing Bond

WHEREAS, **Memphis/Shelby County Community Redevelopment Agency (CRA)**, is the Developer of a certain property in the present limits of the City of Memphis, as shown on the engineering plans, and located located on North Front Street between Henry Avenue and Keel Street, in Memphis, Tennessee.

and

WHEREAS, all of the public improvement, required by the Standard Improvement Contract for the project, are completed;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the engineering plans for **(CRA) North Front Street Infrastructure Improvements [CR#5381]**, and the completion of the public improvements therein, are and the same, are hereby accepted by the City.

BE IT FURTHER RESOLVED, that **\$402,300.00** of **Performance Bond No. 9322945**, held as security, is hereby ordered released.

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution awarding purchase order to WESCO Distribution, Inc., in the amount of \$792,000.00 for electric smart meters.

2. Additional Information

The electric smart meters are designed to measure electricity used in units of kilowatt hours. Kilowatt hours used are visible at the meter and communicated to the MLGW mesh network by the communication board in the meter.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of March 6, 2024, approved the purchase of electric smart meters and is now recommending to the Council of the City of Memphis that it approves said purchase as approved in the 2024 fiscal year budget; and

WHEREAS, the electric smart meters are designed to measure electricity used in units of kilowatt hours. Kilowatt hours used are visible at the meter and communicated to our mesh network by the communication board in the meter; and

WHEREAS, bids were opened on August 9, 2023. Notice to Bidders was advertised. Nineteen bids were solicited, and five bids were received with the lowest and best complying bidder being the firm of WESCO Distribution, Inc. This award complies with all applicable laws and policies; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby approved a purchase order for electric smart meters from WESCO Distribution, Inc. for the sum of \$792,000.00 chargeable to the MLGW 2024 fiscal year budget.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
March 6, 2024

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it award a purchase order to WESCO Distribution, Inc. for electric smart meters in the amount of \$792,000.00.

The electric smart meters are designed to measure electricity used in units of kilowatt hours. Kilowatt hours used are visible at the meter and communicated to our mesh network by the communication board in the meter.

Bids were opened on August 9, 2023. Notice to Bidders was advertised. Nineteen bids were solicited, and five bids were received with the lowest and best complying bidder being the firm of WESCO Distribution, Inc. This award complies with all applicable laws and policies.

The 2024 budgeted amount for Meter Services Manager Office is \$2,641,000.00; the amount spent-to-date is \$66,465.80; leaving a balance available of \$2,574,534.20; of which \$792,000.00 will be spent on this purchase order; leaving a balance of \$1,782,534.20 after award; and

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

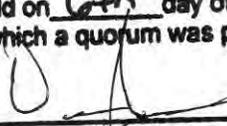
THAT, subject to the consent and approval of the Council of the City of Memphis, award of a purchase order to WESCO Distribution, Inc. is approved for furnishing:

5,280 – Meter electric, Honeywell designation No. ZHCW4A00004, 1PH 240V 3W CL 200 W/AMR 3W1PAMR, form 2S, 240-volt single phase, 3-wire class 200 solid state demand meter REXU with EA-LAN, with no test links; all in accordance with MLGW Specification dated March 24, 2022.

Totaling \$792,000.00; f.o.b. Memphis, Tennessee, transportation prepaid; our dock; said

prices being firm; delivery in 36 weeks; terms net 30 days.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular - ~~special~~ meeting held on 6th day of March 2024, at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution approving Change No. 2 to Contract No. 12333, High-Speed Color Production Digital Printing Press, to Konica Minolta Business Solutions USA, Incorporated, to ratify and extend purchase order #7003484 under Contract No. 12333, in the funded amount of \$81,132.48.

2. Additional Information

The project scope is to provide high-speed color production digital printing press and service maintenance to MLGW's Communications Production and Distribution area.

This change is to ratify and extend purchase order #7003484 under Contract No. 12333 for an additional 12 months covering the period December 6, 2023 through December 5, 2024 in the amount of \$73,756.80. This ratification and extension are needed to pay for anticipated invoices that may occur during the extension period and to allow time for a new contract to be executed. MLGW also requests contingency funds in the amount of \$7,375.68 for any unforeseen printing overage fees. The total amount required for this ratification and extension is \$81,132.48. The new contract value is \$585,267.33.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of March 6, 2024 approved Change No. 2 to Contract No. 12333 (*formerly Purchasing PO# 7003484*), High-Speed Color Production Digital Printing Press with Konica Minolta Business Solutions USA, Incorporated to ratify and extend purchase order #7003484 under Contract No. 12333 in the funded amount of \$81,132.48, and is now recommending to the Council of the City of Memphis that it approves said ratification and extension as approved; and

WHEREAS, the project scope is to provide high-speed color production digital printing press and service maintenance to MLGW's Communications Production and Distribution area which is located at 220 South Main Street/M-Level, Memphis, TN 38103. The contract was originally awarded in the Purchasing Department under purchase order #7003484; and

WHEREAS, this change is to ratify and extend purchase order #7003484 under Contract No. 12333 for an additional 12 months covering the period December 6, 2023 through December 5, 2024 in the amount of \$73,756.80. This ratification and extension are needed to pay for anticipated invoices that may occur during the extension period and to allow time for a new contract to be executed. MLGW also requests contingency funds in the amount of \$7,375.68 for any unforeseen printing overage fees. The total amount required for this ratification and extension is \$81,132.48. This renewal complies with all applicable laws and policies. The new contract value is \$585,267.33; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved Change No. 2 to Contract No. 12333 (*formerly Purchasing PO# 7003484*), High Speed Color Production Digital Printing Press with Konica Minolta Business Solutions USA, Incorporated to ratify and extend purchase order #7003484 under Contract No. 12333 in the funded amount of \$81,132.48 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
March 6, 2024

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 2 to Contract No. 12333 (*formerly Purchasing PO# 7003484*), High-Speed Color Production Digital Printing Press with Konica Minolta Business Solutions USA, Incorporated to ratify and extend purchase order #7003484 under Contract No. 12333 in the funded amount of \$81,132.48.

The project scope is to provide high-speed color production digital printing press and service maintenance to MLGW's Communications Production and Distribution area which is located at 220 South Main Street/M-Level, Memphis, TN 38103. The contract was originally awarded in the Purchasing Department under purchase order #7003484.

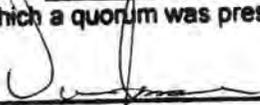
This change is to ratify and extend purchase order #7003484 under Contract No. 12333 for an additional 12 months covering the period December 6, 2023 through December 5, 2024 in the amount of \$73,756.80. This ratification and extension are needed to pay for anticipated invoices that may occur during the extension period and to allow time for a new contract to be executed. MLGW also requests contingency funds in the amount of \$7,375.68 for any unforeseen printing overage fees. The total amount required for this ratification and extension is \$81,132.48. This renewal complies with all applicable laws and policies. The new contract value is \$585,267.33.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of Change No. 2 to Contract No 12333 (*formerly Purchasing PO# 7003484*), High-Speed Color Production Digital Printing Press with Konica Minolta Business Solutions USA, Incorporated to ratify and extend purchase order #7003484 under Contract No. 12333 in the funded amount of \$81,132.48, as outlined in the foregoing preamble, is approved and further,

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

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular - special meeting held on 6th day of March 2024, at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution approving Change No. 2 to Contract No. 12334, high-speed black and white production digital printing press to Konica Minolta Business Solutions INC, Incorporated, to ratify and extend purchase order #7014995 under Contract No. 12334, in the Funded Amount of \$143,075.86.

2. Additional Information

The project scope is to provide two (2) high-speed black and white production digital printing presses and service maintenance to MLGW's Communications Production and Distribution area.

This change is to ratify and extend purchase order #7014995 under Contract No. 12334 for an additional 12 months covering the period December 18, 2023 through December 17, 2024 in the amount of \$130,068.96 which includes payment for the following two (2) outstanding invoices due to excessive printing fees for the Division and requests that were not projected: 1) Invoice #43739460 in the amount of \$10,839.08 and 2) Invoice #43538297 in the amount of \$13,511.29. Additional funding is also being requested to pay for future invoices that will be received for this service until a new contract is executed. MLGW also requests contingency funds in the amount of \$13,006.90 for any unforeseen printing overage costs that may occur. The total amount requested for this ratification and extension is \$143,075.56. The new contract value is \$669,646.42.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of March 6, 2024 approved Change No. 2 to Contract No. 12334 (*formerly Purchasing PO #7014995*), High-Speed Black and White Production Digital Printing Press with Konica Minolta Business Solutions USA, Incorporated to ratify and extend purchase order #7014995 under Contract No. 12334 in the funded amount of \$143,075.86, and is now recommending to the Council of the City of Memphis that it approves said ratification and extension as approved; and

WHEREAS, the project scope is to provide two (2) high-speed black and white production digital printing presses and service maintenance to MLGW's Communications Production and Distribution area located at 220 South Main Street/M-Level, Memphis, TN 38103. The contract was originally awarded in the Purchasing Department under purchase order #7014995; and

WHEREAS, this change is to ratify and extend purchase order #7014995 under Contract No. 12334 for an additional 12 months covering the period December 18, 2023 through December 17, 2024 in the amount of \$130,068.96 which includes payment for the following two (2) outstanding invoices due to excessive printing fees for the Division and requests that were not projected: 1) Invoice #43739460 in the amount of \$10,839.08 and 2) Invoice #43538297 in the amount of \$13,511.29. Additional funding is also being requested to pay for future invoices that will be received for this service until a new contract is executed. MLGW also requests contingency funds in the amount of \$13,006.90 for any unforeseen printing overage costs that may occur. The total amount requested for this ratification and extension is \$143,075.86. This ratification and extension complies with all applicable laws and policies. The new contract value is \$669,646.42; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved Change No. 2 to Contract No. 12334 (*formerly Purchasing PO #7014995*), High-Speed Black and White Production Digital Printing Press with Konica Minolta Business Solutions USA, Incorporated to ratify and extend purchase order #7014995 under Contract No. 12334 in the funded amount of \$143,075.86. as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
March 6, 2024

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 2 to Contract No. 12334 (*formerly Purchasing PO #7014995*), High-Speed Black and White Production Digital Printing Press with Konica Minolta Business Solutions USA, Incorporated to ratify and extend purchase order #7014995 under Contract No. 12334 in the funded amount of \$143,075.86.

The project scope is to provide two (2) high-speed black and white production digital printing presses and service maintenance to MLGW's Communications Production and Distribution area located at 220 South Main Street/M-Level, Memphis, TN 38103. The contract was originally awarded in the Purchasing Department under purchase order #7014995.

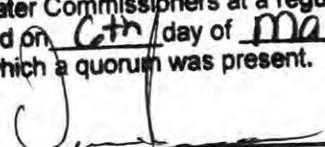
This change is to ratify and extend purchase order #7014995 under Contract No. 12334 for an additional 12 months covering the period December 18, 2023 through December 17, 2024 in the amount of \$130,068.96 which includes payment for the following two (2) outstanding invoices due to excessive printing fees for the Division and requests that were not projected: 1) Invoice #43739460 in the amount of \$10,839.08 and 2) Invoice #43538297 in the amount of \$13,511.29. Additional funding is also being requested to pay for future invoices that will be received for this service until a new contract is executed. MLGW also requests contingency funds in the amount of \$13,006.90 for any unforeseen printing overage costs that may occur. The total amount requested for this ratification and extension is \$143,075.86. This ratification and extension complies with all applicable laws and policies. The new contract value is \$669,646.42.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of Change No. 2 to Contract No. 12334 (*formerly Purchasing PO #7014995*), High-Speed Black and White Production Digital Printing Press with Konica Minolta Business Solutions USA, Incorporated to ratify and extend purchase order #7014995 under Contract No. 12334 in the funded amount of \$143,075.86, as outlined in the foregoing preamble, is approved and further,

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

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular ~~special~~ meeting held on 6th day of March, 2024, at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution approval of Change No. 1 to Contract No. 12389, LED Streetlight Conversion to Ameresco, Inc., in the Funded Amount of \$10,000,000.00.

2. Additional Information

The project scope is to furnish supervision, design services, labor, transportation, equipment and material described in Exhibit A (the "Project"), which includes a description of the conversion of MLGW's streetlights within the City of Memphis, Tennessee ("the City") from existing luminaires of various wattages and styles to light emitting diode ("LED") luminaires of equivalent wattages and styles with a selected lighting management system ("LMS") to be installed and implemented by the Contractor (the "Work").

This change is to expand the scope to include the conversion of all streetlights to LED for the Town of Arlington in the amount of \$1,429,558.74 and the City of Millington in the amount of \$903,788.24, totaling \$2,333,346.98. These funds will be reimbursed to MLGW by the respective municipality. In addition, this change is to increase the current contract value in the amount of \$7,279,188.40 for the addition of streetlights converted to light emitting diodes ("LED") that were not present within MLGW's GIS data, to convert the interstate high mast lights to LED, and to make infrastructure improvements for overhead, underground, and underpass street light facilities in the City of Memphis. MLGW is also requesting contingency funds in the amount of \$387,464.62 to cover any unforeseen work that may be required throughout the project. The total amount of this change is \$10,000,000.00. The contract term will remain through December 15, 2027. This change complies with all applicable laws and policies. The new contract value is \$57,000,000.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of March 6, 2024 approved Change No. 1 to Contract No. 12389, LED Streetlight Conversion with Ameresco, Inc. to expand the scope and increase the current contract value in the funded amount of \$10,000,000.00, and is now recommending to the Council of the City of Memphis that it approves said expansion and increase as approved; and

WHEREAS, the project scope is to furnish supervision, design services, labor, transportation, equipment and material described in Exhibit A (the "Project"), which includes a description of the conversion of MLGW's streetlights within the City of Memphis, Tennessee ("the City") from existing luminaires of various wattages and styles to light emitting diode ("LED") luminaires of equivalent wattages and styles with a selected lighting management system ("LMS") to be installed and implemented by the Contractor (the "Work"). The Work will be of good quality, free from faults and defects, all as called for in strict accordance with the Contract Documents (as defined). The Contractor is to fully understand the facilities, difficulties and restrictions attending and execution of the work required. The Work under this Contract will be performed in its entirety during the allocated time for the Work. MLGW will have the right to specify to the Contractor the sequence of the tasks performed. All Work performed by the Contractor will be subject to the inspection of the MLGW Representative (as defined). The contract award was originally executed through the President's Office; and

WHEREAS, this change is to expand the scope to include the conversion of all streetlights to LED for the Town of Arlington in the amount of \$1,429,558.74 and the City of Millington in the amount of \$903,788.24, totaling \$2,333,346.98. These funds will be reimbursed to MLGW by the respective municipality. In addition, this change is to increase the current contract value in the amount of

\$7,279,188.40 for the addition of streetlights converted to light emitting diodes (“LED”) that were not present within MLGW’s GIS data, to convert the interstate high mast lights to LED, and to make infrastructure improvements for overhead, underground, and underpass street light facilities in the City of Memphis. MLGW is also requesting contingency funds in the amount of \$387,464.62 to cover any unforeseen work that may be required throughout the project. The total amount of this change is \$10,000,000.00. The contract term will remain through December 15, 2027. This change complies with all applicable laws and policies. The new contract value is \$57,000,000; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved Change No. 1 to Contract No. 12389, LED Streetlight Conversion with Ameresco, Inc. to expand the scope and increase the current contract value in the funded amount of \$10,000,000.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
March 6, 2024

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 1 to Contract No. 12389, LED Streetlight Conversion with Ameresco, Inc. to expand the scope and increase the current contract value in the funded amount of \$10,000,000.00.

The project scope is to furnish supervision, design services, labor, transportation, equipment and material described in Exhibit A (the "Project"), which includes a description of the conversion of MLGW's streetlights within the City of Memphis, Tennessee ("the City") from existing luminaires of various wattages and styles to light emitting diode ("LED") luminaires of equivalent wattages and styles with a selected lighting management system ("LMS") to be installed and implemented by the Contractor (the "Work"). The Work will be of good quality, free from faults and defects, all as called for in strict accordance with the Contract Documents (as defined). The Contractor is to fully understand the facilities, difficulties and restrictions attending and execution of the work required. The Work under this Contract will be performed in its entirety during the allocated time for the Work. MLGW will have the right to specify to the Contractor the sequence of the tasks performed. All Work performed by the Contractor will be subject to the inspection of the MLGW Representative (as defined). The contract award was originally executed through the President's Office.

This change is to expand the scope to include the conversion of all streetlights to LED for the Town of Arlington in the amount of \$1,429,558.74 and the City of Millington in the amount of \$903,788.24, totaling \$2,333,346.98. These funds will be reimbursed to MLGW by the respective municipality. In addition, this change is to increase the current contract value in the amount of \$7,279,188.40 for the addition of streetlights converted to light emitting diodes ("LED") that were not present within MLGW's GIS data, to convert the interstate high mast lights to LED, and to make

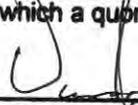
infrastructure improvements for overhead, underground, and underpass street light facilities in the City of Memphis. MLGW is also requesting contingency funds in the amount of \$387,464.62 to cover any unforeseen work that may be required throughout the project. The total amount of this change is \$10,000,000.00. The contract term will remain through December 15, 2027. This change complies with all applicable laws and policies. The new contract value is \$57,000,000.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of Change No. 1 to Contract No. 12389, LED Streetlight Conversion with Ameresco, Inc. to expand the scope and increase the current contract value in the funded amount of \$10,000,000.00, as outlined in the above preamble, is approved; and further

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

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular - ~~special~~ meeting held on 6th day of March 2024 at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution approving Change No. 2 to Contract No. 12358, professional engineering services for Water Engineering, to Barge Design Solutions, Inc., in the Funded Amount of \$260,000.00.

2. Additional Information

The project scope is to provide professional engineering services including design and construction administration for various projects at MLGW's Water Pumping Stations, Water Booster Stations, and Overhead Storage Tanks on an as-needed basis. The contract award was based on the Request for Qualifications (RFQ) selection process.

This change is to renew the current contract for the second of four (4) annual renewal terms for the period covering September 28, 2024 through September 27, 2025, with a 2% average increase in a few salary rates; however, most of the rates remain the same from the previous term. MLGW's Water Engineering and Operations department is requesting an increase in contract value to account for capital improvement projects that are planned to be designed. New categories and rates were added to account for these new projects. This renewal complies with all applicable laws and policies. The new contract value is \$500,000.00.

RESOLUTION

WHEREAS, the board of Light, Gas and Water Commissioners in their meeting of March 6, 2024 approved Change No. 2 to Contract No. 12358 (*solicited under Contract No. 12292*), Professional Engineering Services for Water Engineering with Barge Design Solutions, Inc. to renew the current contract in the funded amount of \$260,000.00, and is now recommending to the Council of the City of Memphis that it approves said renewal as approved; and

WHEREAS, the project scope is to provide professional engineering services including design and construction administration for various projects at MLGW's Water Pumping Stations, Water Booster Stations, and Overhead Storage Tanks on an as-needed basis. The contract award was based on the Request for Qualifications (RFQ) selection process; and

WHEREAS, this change is to renew the current contract for the second of four (4) annual renewal terms for the period covering September 28, 2024 through September 27, 2025, with a 2% average increase in a few salary rates; however, most of the rates remain the same from the previous term. MLGW's Water Engineering and Operations department is requesting an increase in contract value to account for capital improvement projects that are planned to be designed. New categories and rates were added to account for these new projects. This renewal complies with all applicable laws and policies. The new contract value is \$500,000.00; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved Change No. 2 to Contract No. 12358 (*solicited under Contract No. 12292*), Professional Engineering Services for Water Engineering with Barge Design Solutions, Inc. to renew the current contract in the funded amount of \$260,000.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
March 6, 2024

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 2 to Contract No. 12358 (*solicited under Contract No. 12292*), Professional Engineering Services for Water Engineering with Barge Design Solutions, Inc. to renew the current contract in the funded amount of \$260,000.00.

The project scope is to provide professional engineering services including design and construction administration for various projects at MLGW's Water Pumping Stations, Water Booster Stations, and Overhead Storage Tanks on an as-needed basis. The contract award was based on the Request for Qualifications (RFQ) selection process.

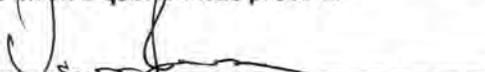
This change is to renew the current contract for the second of four (4) annual renewal terms for the period covering September 28, 2024 through September 27, 2025, with a 2% average increase in a few salary rates; however, most of the rates remain the same from the previous term. MLGW's Water Engineering and Operations department is requesting an increase in contract value to account for capital improvement projects that are planned to be designed. New categories and rates were added to account for these new projects. This renewal complies with all applicable laws and policies. The new contract value is \$500,000.00.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of Change No. 2 to Contract No. 12358 (*solicited under Contract No. 12292*), Professional Engineering Services for Water Engineering with Barge Design Solutions, Inc. to renew the current contract in the funded amount of \$260,000.00, as outlined in the above preamble, is approved; and further,

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

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular - ~~special~~ meeting held on 6th day of March 2024, at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution awarding Contract No.12473. Wireless FirstNet Services, to AT&T Mobility, in the Funded Amount of \$2,317,939.14.

2. Additional Information

The project scope is to allow AT&T Mobility, as a sole source provider, to provide data services for Panasonic Toughbooks, electric/gas meters, laptops/tablets/iPad devices, and various miscellaneous equipment, including, but not limited to meter hotspots, poll recorders, gas leak handheld devices, etc. The term of the contract is 60 months from the date of the Notice to Proceed.

RESOLUTION

WHEREAS, the Board of Light, Gas, and Water Commissioners in their meeting of March 6, 2024 awarded Contract No. 12473, Wireless FirstNet Services to AT&T Mobility in the funded not-to-exceed amount of \$2,317,939.14, and is now recommending to the Council of the City of Memphis that it approves said award as approved; and

WHEREAS, the project scope is to allow AT&T Mobility, as a sole source provider, to provide data services for Panasonic Toughbooks, electric/gas meters, laptops/tablets/iPad devices, and various miscellaneous equipment, including, but not limited to meter hotspots, poll recorders, gas leak handheld devices, etc.; and

WHEREAS, FirstNet is a network designed to maximize the utility and dependability of wireless communications by and between first responders and supporting entities. The network will allow MLGW field personnel to communicate with First Respondents by utilizing priority bandwidths during any disaster. MLGW's existing equipment will only work on AT&T's network. The term of this contract is 60 months from the date of the Notice to Proceed in the amount of \$2,107,217.40. MLGW is also requesting the approval of contingency funds in the amount of \$210,721.74 for future growth and new services required for the equipment. The total contract award amount is not-to-exceed \$2,317,939.14. In addition, MLGW is requesting approval of this sole source award, which can only be provided by AT&T Mobility, currently the only cellular provider offering FirstNet features. This sole source award complies with all applicable laws and policies; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved an award of Contract No. 12473, Wireless FirstNet Services to AT&T Mobility in the funded not-to-exceed amount of \$2,317,939.14 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
March 6, 2024

The Manager of Procurement and Contracts recommends to the Board of Light, Gas, and Water Commissioners the award of Contract No. 12473, Wireless FirstNet Services to AT&T Mobility in the funded not-to-exceed amount of \$2,317,939.14.

The project scope is to allow AT&T Mobility, as a sole source provider, to provide data services for Panasonic Toughbooks, electric/gas meters, laptops/tablets/iPad devices, and various miscellaneous equipment, including, but not limited to meter hotspots, poll recorders, gas leak handheld devices, etc.

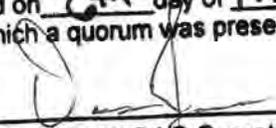
FirstNet is a network designed to maximize the utility and dependability of wireless communications by and between first responders and supporting entities. The network will allow MLGW field personnel to communicate with First Respondents by utilizing priority bandwidths during any disaster. MLGW's existing equipment will only work on AT&T's network. The term of this contract is 60 months from the date of the Notice to Proceed in the amount of \$2,107,217.40. MLGW is also requesting the approval of contingency funds in the amount of \$210,721.74 for future growth and new services required for the equipment. The total contract award amount is not-to-exceed \$2,317,939.14. In addition, MLGW is requesting approval of this sole source award, which can only be provided by AT&T Mobility, currently the only cellular provider offering FirstNet features. This sole source award complies with all applicable laws and policies.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the award of Contract No. 12473, Wireless FirstNet Services to AT&T Mobility in the funded not-to-exceed amount of \$2,317,939.14, as outlined in the above preamble, is approved; and further

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

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular - special meeting held on 6th day of March, 2024 at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution awarding Contract No. 12449, On-Call Boring to Memphis Road Boring Company, Inc., in the funded amount of \$5,853,000.00.

2. Additional Information

The project scope is to provide all supervision, labor, technical skills, tools, and equipment to make directional bores for the installation of steel, PE, and ductile iron pipe and dry bores for the installation of steel pipes for MLGW's Water Utility System on an as-needed basis throughout Memphis and Shelby County, Tennessee in accordance as outlined in the Contract Documents and Specifications. The term of the contract is for a period of one year from the date of Notice to Proceed, with an option of four annual renewals.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of March 6, 2024 awarded Contract No. 12449, On-Call Boring to Memphis Road Boring Company, Inc. in the funded amount of \$5,853,000.00, and is now recommending to the Council of the City of Memphis that it approves said award as approved; and

WHEREAS, the project scope is to provide all supervision, labor, technical skills, tools, and equipment to make directional bores for the installation of steel, PE, and ductile iron pipe and dry bores for the installation of steel pipes for MLGW's Water Utility System on an as-needed basis throughout Memphis and Shelby County, Tennessee in accordance as outlined in the Contract Documents and Specifications; and

WHEREAS, the Notice to Bidders was advertised using MLGW's Online Bid Notification System and the Memphis Daily News on September 21, 2023. MLGW solicited 10 bidders and received two (2) bids on November 7, 2023. The lowest and best bid was received from Memphis Road Boring Company, Inc. in the amount of \$5,853,000.00. The term of this contract is for a period of one (1) year from the date of the Notice to Proceed with an option of four (4) annual renewal terms. This award complies with all applicable laws and policies; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved an award of Contract No. 12449, On-Call Boring to Memphis Road Boring Company, Inc. in the funded amount of \$5,853,000.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
March 6, 2024

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it awards Contract No. 12449, On-Call Boring to Memphis Road Boring Company, Inc. in the funded amount of \$5,853,000.00.

The project scope is to provide all supervision, labor, technical skills, tools, and equipment to make directional bores for the installation of steel, PE, and ductile iron pipe and dry bores for the installation of steel pipes for MLGW's Water Utility System on an as-needed basis throughout Memphis and Shelby County, Tennessee in accordance as outlined in the Contract Documents and Specifications.

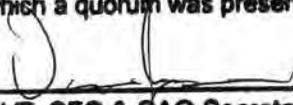
The Notice to Bidders was advertised using MLGW's Online Bid Notification System and the Memphis Daily News on September 21, 2023. MLGW solicited 10 bidders and received two (2) bids on November 7, 2023. The lowest and best bid was received from Memphis Road Boring Company, Inc. in the amount of \$5,853,000.00. The term of this contract is for a period of one (1) year from the date of the Notice to Proceed with an option of four (4) annual renewal terms. This award complies with all applicable laws and policies.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the award of Contract No. 12449, On-Call Boring to Memphis Road Boring Company, Inc. in the funded amount of \$5,853,000.00, as outlined in the foregoing preamble, is approved and further,

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

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular - special meeting held on 6th /day of March 2024, at which a quorum was present.



SVP, CFO & GAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution approving Change No. 2 to Contract No. 12286, MLGW Utility Payment Centers, to FirsTech, Incorporated, in the Funded Amount of \$211,520.00.

2. Additional Information

The project scope is to provide authorized pay agents in Memphis and Shelby County, Tennessee to accept, process, and transmit MLGW customers' utility bill payments for credit to customer accounts and deposit to banks (cash, check, or money order). The contract award was based on the Request for Proposals (RFP) selection process.

This change is to renew the current contract for the second of four (4) annual renewal terms for the period covering May 15, 2024 through May 14, 2025 in the amount of \$211,520.00, with no increase in rates from the previous term. The new contract value is \$818,529.00.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of March 6, 2024 approved Change No. 2 to Contract No. 12286, MLGW Utility Payment Centers with FirsTech, Incorporated to renew the current contract in the funded amount of \$211,520.00, and is now recommending to the Council of the City of Memphis that it approves said renewal as approved; and

WHEREAS, the project scope is to provide authorized pay agents in Memphis and Shelby County, Tennessee to accept, process, and transmit MLGW customers' utility bill payments for credit to customer accounts and deposit to banks (cash, check, or money order). The contract award was based on the Request for Proposals (RFP) selection process; and

WHEREAS, this change is to renew the current contract for the second of four (4) annual renewal terms for the period covering May 15, 2024 through May 14, 2025 in the amount of \$211,520.00, with no increase in rates from the previous term. This renewal complies with all applicable laws and policies. The new contract value is \$818,529.00; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved Change No. 2 to Contract No. 12286, MLGW Utility Payment Centers with FirsTech, Incorporated to renew the current contract in the funded amount of \$211,520.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
March 6, 2024

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 2 to Contract No. 12286, MLGW Utility Payment Centers with FirsTech, Incorporated to renew the current contract in the funded amount of \$211,520.00.

The project scope is to provide authorized pay agents in Memphis and Shelby County, Tennessee to accept, process, and transmit MLGW customers' utility bill payments for credit to customer accounts and deposit to banks (cash, check, or money order). The contract award was based on the Request for Proposals (RFP) selection process.

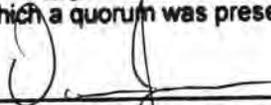
This change is to renew the current contract for the second of four (4) annual renewal terms for the period covering May 15, 2024 through May 14, 2025 in the amount of \$211,520.00, with no increase in rates from the previous term. This renewal complies with all applicable laws and policies. The new contract value is \$818,529.00.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of Change No. 2 to Contract No. 12286, MLGW Utility Payment Centers with FirsTech, Incorporated to renew the current contract in the funded amount of \$211,520.00, as outlined in the above preamble, is approved; and further,

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

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular - special meeting held on 6th day of March, 2024, at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution awarding a thirty-six month purchase order for ductile iron pipe to Enfinity Supply, LLC in the amount of \$901,598.19.

2. Additional Information

The various sizes of ductile iron pipe are needed to replenish inventory to ensure that MLGW has adequate material to meet demand for upcoming jobs. The ductile iron pipe will be used by Distribution Support to maintain the water system.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of March 6, 2024 approved a thirty-six-month purchase order for ductile iron pipe and is now recommending to the Council of the City of Memphis that it approves said purchase as approved in the 2024 fiscal year budget and subsequent budget years as approved; and

WHEREAS, the various sizes of ductile iron pipe are needed to replenish inventory to ensure we have adequate material to meet demand for upcoming jobs. The ductile iron pipe will be used by Distribution Support to maintain the water system; and

WHEREAS, bids were opened on January 10, 2024. Notice to Bidders was advertised. Ten bids were solicited, and four bids were received with the lowest and best complying bidder being the firm of Enfinity Supply LLC. This award complies with all applicable laws and policies; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby approved the purchase of ductile iron pipe from Enfinity Supply LLC for the amount of \$300,532.73 chargeable to the MLGW 2024 fiscal year budget and the remaining balance of \$601,065.46 chargeable to subsequent budget years as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
March 6, 2024

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it award a thirty-six-month purchase order for ductile iron pipe to Enfinity Supply LLC. in the amount of \$901,598.19.

The various sizes of ductile iron pipe are needed to replenish inventory to ensure we have adequate material to meet demand for upcoming jobs. The ductile iron pipe will be used by Distribution Support to maintain the water system.

Bids were opened on January 10, 2024. Notice to Bidders was advertised. Ten bids were solicited, and four bids were received with the lowest and best complying bidder being the firm of Enfinity Supply LLC. This award complies with all applicable laws and policies.

The 2024 budgeted amount for Water – Planned Maintenance is \$3,000,000.00; the amount spent-to-date is \$110,786.75; leaving a balance available of \$2,889,213.25; of which \$300,532.73 will be spent on this purchase order in 2024; leaving a balance of \$2,588,680.52 available after award; the remaining balance of \$601,065.46 to be spent in subsequent budget years as approved; and

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

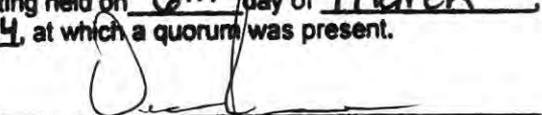
THAT, subject to the consent and approval of the Council of the City of Memphis, award a thirty-six-month purchase order to Enfinity Supply LLC is approved for furnishing:

1,200 ft., approximately - 4" ductile iron slip joint pipe;
14,000 ft., approximately - 6" ductile iron slip joint pipe;
1,600 ft., approximately - 8" ductile iron slip joint pipe;

1,200 ft., approximately - 10" ductile iron slip joint pipe;
2,400 ft., approximately - 12" ductile iron slip joint pipe;
600 ft., approximately - 16" ductile iron slip joint pipe;
400 ft., approximately - 20" ductile iron slip joint pipe;
200 ft., approximately - 24" ductile iron slip joint pipe;
200 ft., approximately - 30" ductile iron slip joint pipe;

Totaling \$901,598.19; f.o.b. Memphis, Tennessee, our dock, transportation prepaid;
delivery upon request; terms net 15 days.

I hereby certify that the foregoing is a true
copy of a resolution adopted by the Board of Light,
Gas and Water Commissioners at a regular - special
meeting held on 6th day of March
2024, at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution approving Change No. 1 to Contract No. 12411 for on-call consulting services, to Barge Design Solutions, Inc., in the Funded Amount of \$300,000.00.

2. Additional Information

The project scope is to provide engineering consulting services on an as-needed basis for various projects for MLGW's Facilities Department. The contract award was based on the Request for Qualifications (RFQ) selection process.

This change is to ratify, renew, and increase the current contract for the first of four (4) annual renewal terms covering the period March 15, 2024 through March 14, 2025 for \$300,000.00, which includes a 2% negotiated average hourly rate increase; however, most of the positions' hourly rate remained the same. The increase in contract value is necessary to complete existing projects and proposed new projects for the 2024 renewal term for MLGW's Facilities Department. New projects include, but are not limited to, the design for American Disabilities Act (ADA) accommodations needed at MLGW's Sheahan Pumping Station and design work needed for renovations at MLGW's Work Services Centers, including Hickory Hill Service Center, North Service Center, Brunswick Service Center, and Choctaw Service Center. The new contract value is \$450,000.00.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of March 6, 2024 approved Change No. 1 a Change No. 1 to Contract No. 12411 (*solicited under Contract No. 12253*), On Call Consulting Services with Barge Design Solutions, Inc., to ratify, renew, and increase the current contract in the funded amount of \$300,000.00, and is now recommending to the Council of the City of Memphis that it approves said ratification, renewal, and increase as approved; and

WHEREAS, the project scope is to provide engineering consulting services on an as-needed basis for various projects for MLGW's Facilities Department. The contract award was based on the Request for Qualifications (RFQ) selection process; and

WHEREAS, this change is to ratify, renew, and increase the current contract for the first of four (4) annual renewal terms covering the period March 15, 2024 through March 14, 2025 for \$300,000.00, which includes a 2% negotiated average hourly rate increase; however, most of the positions' hourly rate remained the same. The increase in contract value is necessary to complete existing projects and proposed new projects for the 2024 renewal term for MLGW's Facilities Department. New projects include, but are not limited to, the design for American Disabilities Act (ADA) accommodations needed at MLGW's Sheahan Pumping Station and design work needed for renovations at MLGW's Work Services Centers, including Hickory Hill Service Center, North Service Center, Brunswick Service Center, and Choctaw Service Center. This ratification, renewal, and increase complies with all applicable laws and policies. The new contract value is \$450,000.00; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved Change No. 1 a Change No. 1 to Contract No. 12411 (*solicited under Contract No. 12253*), On Call Consulting Services with Barge Design Solutions, Inc., to ratify, renew, and increase the current contract in the funded amount of \$300,000.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
March 6, 2024

The Manager of Procurement and Contracts recommends to the Board of Light, Gas, and Water Commissioners the approval of Change No. 1 to Contract No. 12411 (*solicited under Contract No. 12253*), On-Call Consulting Services with Barge Design Solutions, Inc., to ratify, renew, and increase the current contract in the funded amount of \$300,000.00.

The project scope is to provide engineering consulting services on an as-needed basis for various projects for MLGW's Facilities Department. The contract award was based on the Request for Qualifications (RFQ) selection process.

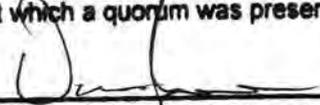
This change is to ratify, renew, and increase the current contract for the first of four (4) annual renewal terms covering the period March 15, 2024 through March 14, 2025 for \$300,000.00, which includes a 2% negotiated average hourly rate increase; however, most of the positions' hourly rate remained the same. The increase in contract value is necessary to complete existing projects and proposed new projects for the 2024 renewal term for MLGW's Facilities Department. New projects include, but are not limited to, the design for American Disabilities Act (ADA) accommodations needed at MLGW's Sheahan Pumping Station and design work needed for renovations at MLGW's Work Services Centers, including Hickory Hill Service Center, North Service Center, Brunswick Service Center, and Choctaw Service Center. This ratification, renewal, and increase complies with all applicable laws and policies. The new contract value is \$450,000.00.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of Change No. 1 to Contract No. 12411 (*solicited under Contract No. 12253*), On-Call Consulting Services with Barge Design Solutions, Inc., to ratify, renew, and increase the current contract in the funded amount of \$300,000.00, as outlined in the foregoing preamble, is approved and further,

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

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular - ~~special~~ meeting held on 6th day of March, 2021, at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution awarding Contract No.12483, Survey Administration Solutions, to Korn Ferry, in the Funded Amount not-to-exceed \$395,189.

2. Additional Information

The project scope is to allow Korn Ferry, as a single source provider, to assist with the implementation of engagement, exit, and stay interview surveys over the next five years (2024-2028). Approximately 2,500 MLGW employees will be eligible to participate in engagement surveys each year. It is assumed that approximately 300 MLGW employees will be eligible to participate in exit and stay interview surveys each year.

MLGW purchased a license through Korn Ferry and Qualtrics to administer, capture results, and create and monitor action plans through an on-line dashboard for our Engagement Survey in 2023. Korn Ferry and Qualtrics have successfully integrated MLGW's manual process through a Service as a Software agreement, which is the Internet (cloud-based application - Qualtrics) used to deliver the subscription services managed by Korn Ferry. MLGW is seeking to expand our current partnership with Korn Ferry and is requesting implementation and advisory services in the amount not-to-exceed \$223,850.00; a 14% assessed administrative charge in the amount of \$31,339.00 and fees for the Qualtrics Platform in the amount of \$140,000.00. The term of this contract is 60 months from the date of the Notice to Proceed. The total contract award amount is not-to-exceed \$395,189.00. MLGW is requesting approval of this single source award, which can only be provided by Korn Ferry.

RESOLUTION

WHEREAS, the Board of Light, Gas, and Water Commissioners in their meeting of March 6, 2024 awarded Contract No. 12483, Survey Administration Solutions to Korn Ferry in the funded not-to-exceed amount of \$395,189.00, and is now recommending to the Council of the City of Memphis that it approves said award as approved; and

WHEREAS, the project scope is to allow Korn Ferry, as a single source provider, to assist with the implementation of engagement, exit, and stay interview surveys over the next five years (2024-2028). Approximately 2,500 MLGW employees will be eligible to participate in engagement surveys each year. It is assumed that approximately 300 MLGW employees will be eligible to participate in exit and stay interview surveys each year; and

WHEREAS, MLGW purchased a license through Korn Ferry and Qualtrics to administer, capture results, and create and monitor action plans through an on-line dashboard for our Engagement Survey in 2023. Korn Ferry and Qualtrics have successfully integrated MLGW's manual process through a Service as a Software agreement, which is the Internet (cloud based application - Qualtrics) used to deliver the subscription services managed by Korn Ferry. MLGW is seeking to expand our current partnership with Korn Ferry and is requesting implementation and advisory services in the amount not-to-exceed \$223,850.00; a 14% assessed administrative charge in the amount of \$31,339.00 and fees for the Qualtrics Platform in the amount of \$140,000.00. The term of this contract is 60 months from the date of the Notice to Proceed. The total contract award amount is not-to-exceed \$395,189.00. MLGW is requesting approval of this single source award, which can only be provided by Korn Ferry. This single source award complies with all applicable laws and policies; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved an award of Contract No. 12483, Survey Administration Solutions to Korn Ferry in the funded not-to-exceed amount of \$395,189.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
March 6, 2024

The Manager of Procurement and Contracts recommends to the Board of Light, Gas, and Water Commissioners the award of Contract No. 12483, Survey Administration Solutions to Korn Ferry in the funded not-to-exceed amount of \$395,189.00.

The project scope is to allow Korn Ferry, as a single source provider, to assist with the implementation of engagement, exit, and stay interview surveys over the next five years (2024-2028). Approximately 2,500 MLGW employees will be eligible to participate in engagement surveys each year. It is assumed that approximately 300 MLGW employees will be eligible to participate in exit and stay interview surveys each year.

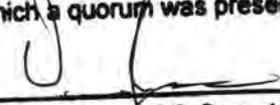
MLGW purchased a license through Korn Ferry and Qualtrics to administer, capture results, and create and monitor action plans through an on-line dashboard for our Engagement Survey in 2023. Korn Ferry and Qualtrics have successfully integrated MLGW's manual process through a Service as a Software agreement, which is the Internet (cloud based application - Qualtrics) used to deliver the subscription services managed by Korn Ferry. MLGW is seeking to expand our current partnership with Korn Ferry and is requesting implementation and advisory services in the amount not-to-exceed \$223,850.00; a 14% assessed administrative charge in the amount of \$31,339.00 and fees for the Qualtrics Platform in the amount of \$140,000.00. The term of this contract is 60 months from the date of the Notice to Proceed. The total contract award amount is not-to-exceed \$395,189.00. MLGW is requesting approval of this single source award, which can only be provided by Korn Ferry. This single source award complies with all applicable laws and policies.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the award of Contract No. 12483, Survey Administration Solutions to Korn Ferry in the funded not-to-exceed amount of \$395,189.00, as outlined in the above preamble, is approved; and further

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

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular - ~~special~~ meeting held on 6th day of March, 2024, at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

SUBSTITUTE ORDINANCE NO. __

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF MEMPHIS, TENNESSEE, CHAPTER 6 -BUSINESS LICENSES AND REGULATIONS -TO DEFINE ENTERTAINMENT TRANSPORTATION VEHICLES, AND TO PROVIDE FOR THE LICENSING AND REGULATION OF THE SAME

WHEREAS, in recent years a new type of transportation business has emerged in various cities within the United States in which the passengers hire a motor vehicle not only as a means of transportation but also for some entertainment or social purpose; and

WHEREAS, the General Assembly of the State of Tennessee did in its recent session amend Tennessee Code Annotated, Section 7-51-1007, to recognize Entertainment Transportation Vehicles as a category separate from other types of vehicles already included in said law, and to allow municipalities within Tennessee to regulate the operation of Entertainment Transportation Vehicles; and

WHEREAS, in other cities in which such vehicles operate, governments have encountered various problems caused by the vehicles in the area of public safety and welfare, including accidents resulting in damage and injury, the commission of crimes related to the operation of the vehicles, and complaints from businesses and citizens about noise and offensive behavior by patrons; and

WHEREAS, the Memphis City Council deems it necessary for the health, safety, and welfare of citizens to amend the code of ordinances to regulate the operation of Entertainment Transportation Vehicles in the City of Memphis.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF MEMPHIS
that Chapter 39 – Vehicles for Hire – of the City of Memphis Code of Ordinances, also referenced
in Chapter 6-44, is hereby amended to create a new Article V, which shall read as follows:

Section 1. **Sec. 39-256. Definitions.**

For purposes of this chapter:

"Certificate" means a certificate of public convenience and necessity, a license granted, upon application and approval, by the Memphis Transportation Commission (MTC) for the sole purpose of authorizing the certificate holder to provide entertainment transportation through an Entertainment Transportation Vehicle.

"Certificate holder" means a person, company, corporation or association which has applied for, and been granted, a certificate of public necessity and convenience.

"Customer" means any person on an Entertainment Transportation Vehicle other than the driver or other employee of the entertainment transportation business, who has paid money for the services of the business or is attached to a party that has done so.

"Driver" means any individual who physically operates an Entertainment Transportation Vehicle as a for-hire vehicle under this chapter. This person may share additional, company-related titles, such as owner, employee of the owner, holder or independent contractor.

"Driver permit" means a permit issued by the MTC to drive and operate an Entertainment Transportation Vehicle.

"Entertainment Transportation Vehicle" means any motor vehicle that is designed or constructed to accommodate and transport more than one passenger for hire, the principal operation of which is confined to the area within the Memphis City Limits, whether it is operated on a fixed

route or schedule, and where the passengers hire the motor vehicle not only as a means of transportation but also for some entertainment or social purpose. "Entertainment transportation" includes, but is not limited to, trucks, buses, and wagons/trailers pulled by a motor vehicle. "Entertainment transportation" does not include a limousine, sedan, shuttle, taxicab, horse-drawn carriage, or electric-assist pedal carriage.

"For hire" means a transaction whereby any money, thing of value, charge tickets, surcharge, payment, pecuniary consideration or compensation, reward, donation, tip, or any other remuneration or profit is paid to, accepted by, or received by a driver, employee, agent, owner, or any other representative of an Entertainment Transportation Vehicle in exchange for the temporary use by or for the transportation of a passenger, whether such is paid voluntarily or upon solicitation, demand, request, contract, agreement, or as a surcharge; or otherwise in conjunction with the purchase of any other services wherein the entertainment transportation is part of the services provided.

"Inspector(s)" means the inspector(s) for the Commission.

"Memphis Transportation Commission," hereinafter referred to as "MTC" or "the Commission," means the Memphis Transportation Commission as established by the City of Memphis Code of Ordinances, Chapter 39, Article V, the same being identified as Chapter 6-46 of the Code of Ordinances of the City of Memphis.

"MTC Director" means the Executive Secretary of the MTC, as employed by the City of Memphis on behalf of the MTC.

"Owner" means the person who holds the legal title of the Entertainment Transportation Vehicle.

"Passenger" means any person on an Entertainment Transportation Vehicle other than the

driver.

"Person" means any individual, partnership, corporation, association or public or private organization of any character.

"Permittee" means a holder of any permit issued under this chapter.

"Solicit" means the distribution of flyers or other material, or an appeal by bell, horn, whistle, words, or gestures by a driver or his or her agent directed at individuals or groups for the purpose of attracting passengers for immediate hire.

"Vehicle permit" means a permit issued by the MTC for an Entertainment Transportation Vehicle to carry passengers.

Section 2. Certificate of Public Convenience and Necessity

Sec. 39-257. Required Certificate and Effective Term.

A. No Entertainment Transportation Vehicle shall be used or operated on a for hire basis by any person in the territorial jurisdiction of the Memphis City government without an owner or operator having first obtained a certificate of public convenience and necessity. Each certificate shall be valid for one year and shall be subject to renewal pursuant to the provisions set forth in this article. Applications will be reviewed and considered as they come in to the MTC.

B. Certificates shall not be transferred, sold or given from one owner to another, including the sale of one Entertainment Transportation Vehicle company in its entirety to another, without approval of the MTC upon the filing of an application for such transfer.

C. The MTC shall track all certificates, and after the renewal period, if the certificate has not been renewed it shall be determined to be void.

Sec. 39-258. Application - Information and fees required.

- A. An application shall be filed with the MTC for each certificate of public convenience and necessity sought. Forms will be provided by the MTC and payment of a nonrefundable fee of \$200 will be charged.
- B. The application shall require the following information:
1. Name and address of applicant;
 - a. Sole-proprietor: Name and address of the owner.
 - b. Partnership: Names and addresses of all partners.
 - c. Corporation or association: Names and addresses of all the officers, directors, and members.
 2. Business name (d/b/a), business address, and telephone number if different from above;
 3. A background check of each person;
 4. Proof of U.S. citizenship or legal residency;
 5. Names and addresses of two references as to the applicant's financial responsibility;
 6. Prior experience of applicant in transport of passengers;
 7. Number of Entertainment Transportation Vehicle permits requested, and copy of proof of ownership or other evidence of lawful control, as determined by the MTC, for each vehicle to be operated under the certificate;
 8. Applicant's Procedures for training drivers;
 9. Applicant's Rules and regulations governing driver appearance and conduct;
 10. Disclosure of prior state law or City of Memphis Code of Ordinances violations pertaining to noise from motor vehicles, lewd conduct as part of a commercial business, or alcoholic beverage open container laws; any disclosures shall be verified by the MTC;
 11. The financial status of the applicant, including the amounts of all unpaid judgments against the applicant or if a corporation, against any officer, director or shareholder as listed above or, if a partnership, any partner or limited partner, or any other person who is

interested directly in the ownership or operation of the business.

12. Any additional information the applicant desires to include to aid in the determination of whether the requested certificate should be issued; and

13. Such further information as the MTC may require.

C. An applicant will be ineligible for consideration if:

1. Any of the owners, partners, officers, directors, or members are under twenty-one (21) years of age and/or the Entertainment Transportation Vehicle business has no separate legal existence beyond a shareholder, owner, or partner who is under the age of twenty-one years of age;

2. Any of the owners, partners, officers, directors, or members has violated any portion of this chapter of the City of Memphis Code of Ordinances within five years immediately preceding the date of application;

3. Any of the owners, partners, officers, directors, or members have any outstanding unpaid final judgment; or

4. Any portion of the application is incomplete or contains incorrect or untruthful information.

D. An applicant will be ineligible for consideration for a one-year period if any owner, partner, officer, director, or member has been found guilty by a court of competent jurisdiction of violating state law or City of Memphis Code provisions three or more times within the past three hundred sixty-five days pertaining to noise from motor vehicles and/ or lewd conduct as part of a commercial business.

Sec. 39-259. Findings - Issuance of additional certificates.

A. If the MTC finds that further or additional Entertainment Transportation Vehicle service within the Memphis City Limits is warranted for the public convenience and necessity and that the applicant is fit, willing, and able to provide such service and to conform to the provisions of this chapter and the rules promulgated by the MTC, the MTC may issue a certificate of public convenience and necessity. The certificate shall state the name, business address and telephone number of the applicant, the number of vehicles authorized upon such certificate, the date of issuance and the date of expiration.

B. In making the above findings, the MTC shall, at a minimum, take into consideration the number of Entertainment Transportation Vehicles already in operation, whether existing service is adequate to meet the public need; the experience, financial condition and responsibility of the applicant, and such criteria as may be adopted by the MTC in its rules.

C. No more than (25) Entertainment Transportation Vehicles may be permitted to operate upon the streets of Memphis, and the MTC shall accept no applications for additional vehicles once this maximum has been permitted. Applications shall be evaluated in the order in which they are received; and upon issuance of a 25th permit, any other pending applications shall be set aside. Should the number of permitted vehicles drop below the maximum allowed, those applications will be considered in the order in which they were filed with the MTC, beginning with those pending applications that were previously set aside.

D. The MTC may, by rule, establish any further criteria for determining the necessity for additional Entertainment Transportation Vehicle certificates.

E. Any person whose application for a certificate is denied by the MTC may file a written appeal with the MTC within thirty days of denial and request an appearance before the MTC and

appear in-person for consideration of the certificate application.

Section 39-260. Renewal of the Certificate of Public Convenience and Necessity.

A. All certificates issued under the provisions of this chapter shall expire one (1) year from the date on which the certificate was issued. All certificates may be renewed by the MTC director up to 30 days before their expiration date. A renewal fee of \$125 for each approved certificate and other licensing fees shall be charged at the annual renewal of the certificate.

B. All applicants for renewal must be current with all assessments and taxes due to the City of Memphis.

C. If a licensed Entertainment Transportation Vehicle company or individual fails to renew their certificate within thirty (30) days from the expiration date, such company shall be treated as a new applicant upon renewal application.

Section 39-261. Insurance required.

A. Before any certificate shall be issued by the Commission Director, or before the renewal of such certificate shall be granted, the applicant or association shall be required to file an insurance policy and/or certificate of insurance with the MTC director evidencing insurance coverage as required in this section.

B. Insurance coverage as provided in subsection (A) of this section means a policy of public liability insurance issued by an insurance company qualified to do business in the State of Tennessee and naming the City of Memphis as an additional insured. Any policy of public liability insurance issued in compliance with this article shall be for a term of not less than one year, and for any Entertainment Transportation Vehicle insured thereunder shall afford protection to any third party sustaining injury or damage as a result of the negligent operation of any Entertainment

Transportation Vehicle, with the minimum amount of insurance to be determined by the City Risk Management Department, known as combined single limit insurance coverage. Such policy shall expressly provide that it may not be canceled, except after thirty (30) days' written notice to the Commission Director.

C. Such certificate will certify that the policy provides for a minimum coverage per the requirements of the Risk Management Department of the City of Memphis, which may be amended from time to time to remain current with the current risk factors, per Entertainment Transportation Vehicle for liability imposed by law for damages on account of bodily injuries, death or personal damages, other than injuries, death or property damages of the company or driver, in any one accident resulting from the ownership, maintenance or use of such Entertainment Transportation Vehicle. The certificate of insurance shall also list the serial number or identification number of each Entertainment Transportation Vehicle that is insured.

D. The operation of any Entertainment Transportation Vehicle within the Memphis City Limits without having in force the public liability insurance policy as outlined in this section is hereby declared to be a violation of this Article, subjecting the owner and/or certificate holder to all applicable penalties provided in this Article and this Chapter.

E. Any changes in insurance must be reported to the Commission immediately.

Section 39-262. Suspension and revocation.

A. A certificate issued under the provisions of this chapter may be revoked, suspended, placed on probation, otherwise restricted, or not renewed by the MTC if the holder thereof has:

1. Violated any of the provisions of this chapter or failed to comply with any rule or regulation established by the MTC;
2. Violated any other provision of the Code of Ordinances of the City of Memphis or laws of the United States or the State of Tennessee, the violation of which reflects unfavorably

on the fitness of the holder to offer transportation services, including but not limited to, violations for excessive noise;

3. Failed to pay assessments or taxes due to the City of Memphis;

4. Attempted to transfer a certificate or permit; or

5. Made a misrepresentation or false statement when obtaining a certificate or additional permits or transferring a certificate.

B. Prior to any action to revoke, suspend, place on probation, otherwise restrict, or not renew a certificate, the holder shall be given notice to the address listed on their certificate of the proposed action to be taken and shall have an opportunity to be heard by the MTC.

C. If the holder commits an act in violation of the criminal laws of the United States of America or State of Tennessee, and the MTC director determines that holder poses a threat to the public safety, the MTC director may enact an emergency suspension of the holder's certificate to remain in effect until the holder has the opportunity to be heard by the MTC at the next available meeting, but in no circumstance later than sixty (60) days from the date of the emergency suspension.

Section 3. Driver Permits

Section 39-263. Driver Permit required- Violations and term.

A. No person shall drive or otherwise operate an Entertainment Transportation Vehicle engaged in the transportation of passengers unless he or she has a driver permit from the MTC and a currently effective Tennessee commercial driver's license.

B. A person commits an offense if he or she operates an Entertainment Transportation Vehicle in the Memphis City Limits without a driver permit issued by the MTC.

C. A business commits an offense if it employs or otherwise allows a person to operate an

Entertainment Transportation Vehicle owned, controlled, or operated by the permittee without a driver permit issued by the MTC.

D. Each driver permit shall be valid for one (1) year and shall be subject to renewal pursuant to the provisions set forth in this Article.

Section 39-264. Application-Information and fees required.

A. An application for an Entertainment Transportation Vehicle driver permit shall be filed with the MTC on forms provided by the MTC.

B. Such application shall be certified under oath and shall at a minimum contain the following information:

1. The name, residential address, telephone number and date of birth of the applicant.

No applicant under twenty-one (21) years of age will be accepted.

2. The type(s) of vehicle(s) which the applicant will drive under the certificate.

3. The years of experience of the applicant in the transportation industry.

4. A concise history of the applicant's employment.

C. The applicant shall provide copies of the following documents in order to submit his or her application:

1. A valid driver's license issued by one of the fifty states within the United States of America for the issuance or renewal of an Entertainment Transportation Vehicle driver permit corresponding with the type/classification of Entertainment Transportation Vehicle to be operated (i.e., commercial driver license, for-hire endorsement, etc.).

2. If a resident alien, a current work permit or other valid United States Immigration

and Customs Enforcement document.

3. A copy of a currently effective Tennessee commercial driver's license.

D. Each application shall be accompanied by an official driver record obtained no longer than thirty (30) days previous to the date of application. All applicants are required to meet the following standards:

1. No convictions in the last five (5) years for any of the following offenses involving bodily injury or death and no convictions in the last three (3) years for any of the following offenses not involving injury or death:

- Hit and run;
- Driving under the influence of an alcoholic beverage or drug;
- Reckless or careless driving.

2. For an initial driver permit, no more than three moving violations within the last three (3) years and no more than two (2) moving violations in the last year.

3. For a renewal driver permit, no more than four (4) moving violations within the last three (3) years and no more than two (2) moving violations in the last year.

Section 39-265. Fingerprint-based criminal background investigation.

A. All applicants for an Entertainment Transportation Vehicle driver permit must undergo a fingerprint-based identification and background check. The MTC shall provide instructions to applicants on obtaining such background checks. A background check report and a copy of the Motor Vehicle Record (MVR), generated by the Department of Motor Vehicles, of the applicant, if any, shall be attached to the application and forwarded for consideration by the MTC.

B. Any applicant shall, in addition to any disqualifications listed elsewhere in this Chapter, be

disqualified if the applicant:

1. Has been convicted, pleaded guilty, placed on probation or parole, pleaded nolo contendere, or been released from incarceration within a period of five (5) years prior to the date of application for violation of any of the following criminal offenses under the laws of Tennessee, any other state or of the United States:

- Homicide,
- Rape,
- Aggravated assault,
- Kidnapping,
- Robbery,
- Child sexual abuse,
- Domestic violence,
- Any sex-related offense,
- Leaving the scene of an accident,
- Criminal solicitation, or criminal attempt to commit any of above,
- Perjury or false swearing in making any statement under oath in connection with the application for a driver permit, or
- The felony possession, sale or distribution of narcotic drugs or controlled substances.

2. If, at the time of application, the applicant is charged with any offenses in subsection (1) of this section, consideration of the application shall be deferred until the applicant's entry of a plea, conviction, acquittal, dismissal, or other final disposition of the charges.

3. Has been convicted of or released from incarceration due to two (2) or more felony offenses within the past seven (7) years.

4. Has been convicted for a period of two (2) years prior to the date of application for violation of two or more sections of this Code or other ordinances governing the operation of Entertainment Transportation Vehicles.

If the applicant fails to disclose any criminal conviction, except traffic citations, on the application for a driver permit, the application may be referred to the MTC for consideration.

Section 39-266. Application - Approval or disapproval.

The MTC or its staff shall, upon the consideration of the application and any reports and certificates required to be attached thereto, approve or reject the application. Any applicant rejected by the MTC staff may file an appeal within thirty (30) days of denial and request an appearance before the MTC. The appeal shall be heard by the MTC at the next available MTC meeting with the appellant appearing in-person for consideration of the application.

Section 39-267. Issuance – Driver Permit contents and display.

A. Upon approval of an application for an Entertainment Transportation Vehicle driver permit, the MTC director shall issue a permit to the applicant, which shall bear the applicant's name, driver permit number, height, date of birth, a photograph of the applicant, and other information deemed appropriate by the MTC.

B. Every driver shall at all times conspicuously display a driver permit within the Entertainment Transportation Vehicle, where it is visible to passengers. A driver shall allow the MTC director, MTC inspector, or a police officer to examine the permit upon request.

Section 39-268. New application after denial.

Upon denial of an application for a driver permit, no new application shall be considered for a period of three (3) months.

Section 39-269. Expiration - Issuance and renewal fee.

A. A driver permit may be issued to qualified applicants upon the payment of a \$35 fee plus the costs of investigation. If the permit for the preceding year has been revoked, no new permit shall be issued without prior MTC approval.

B. Each Entertainment Transportation Vehicle driver permit shall be issued for a period of one year. The fee to renew a driver permit shall be \$17.50. Such fees shall be in addition to the cost of any investigation.

Section 39-270. Unpermitted drivers.

A. If any person is found operating an Entertainment Transportation Vehicle within the Memphis City Limits without a valid Entertainment Transportation Vehicle driver permit on behalf of any holder of a certificate of necessity and public convenience, the MTC director may immediately take action to suspend or revoke the certificate.

B. A person whose Entertainment Transportation Vehicle driver permit is suspended shall not drive an Entertainment Transportation Vehicle within the Memphis City Limits during the period of suspension.

Section 39-271. Suspension, revocation, and appeal.

A. The MTC director is hereby given authority to suspend any Entertainment Transportation Vehicle driver permit issued under this Article for a driver's failure or refusal to comply with the

provisions of this Article. Such suspensions may not last for a period of more than thirty (30) days. The MTC director is also given authority to revoke any driver permit for failure to comply with the provisions of this Article.

B. If a driver is charged in any court with a misdemeanor involving moral turpitude, or with any felony, or with driving while intoxicated or under the influence of drugs, or with violations of this Article, the MTC director is hereby given authority to suspend the driver's permit pending final disposition of the charges against them, and to revoke such permit upon conviction thereof.

C. The MTC director may revoke an Entertainment Transportation Vehicle driver permit if the director determines that the permittee has engaged in conduct detrimental to the public safety.

D. The MTC director may not suspend or revoke any driver permit unless the driver has received notice of the charges against them and has had the opportunity to present evidence on their behalf.

E. Any permittee whose driver permit has been suspended or revoked by the MTC director may file a written appeal with the MTC within ten (10) business days. If an appeal is not made to the MTC within ten (10) business days of the MTC director's decision, the MTC director's decision shall be final. A letter addressed to the MTC and delivered to the MTC office stating that an appeal from the decision of the MTC director is desired shall perfect such appeal. The MTC, as soon as practicable after receiving such notice of appeal, shall notify the permittee of the date and time of the hearing which shall be not less than five (5) business days after the mailing of such notice. After the hearing of the appeal, the MTC shall sustain, modify or reverse the findings of the MTC director, and shall notify the MTC director and the permittee of its findings. The findings of the MTC shall be final, subject to any applicable legal processes.

F. A driver whose permit is revoked may not reapply for ninety (90) days from the date of

revocation and will be treated as a new applicant.

Section 39-272. Revocation of a valid driver's license.

An Entertainment Transportation Vehicle driver permit issued under this Chapter shall be valid for one (1) year so long as the permittee's valid driver's license, issued by one of the fifty states in the United States of America for the type/classification of Entertainment Transportation Vehicle to be operated, remains valid for the duration of the permit. Any time that a permittee's driver's license is suspended, revoked, or cancelled, their Entertainment Transportation Vehicle driver permit shall likewise be immediately suspended, revoked, or cancelled. The Entertainment Transportation Vehicle driver permit shall immediately be surrendered to the MTC until such time as their driver's license is reinstated.

Section 39-273. Conduct of drivers.

A. A driver shall at all times:

1. Act in a reasonable, prudent, safe, and courteous manner;
2. Take the necessary measures to prevent and prohibit a person not possessing an Entertainment Transportation Vehicle driver permit from operating the Entertainment Transportation Vehicle;
3. Refrain from allowing more passengers to be carried in an Entertainment Transportation Vehicle than for which there is proper seating, and at no time shall the driver allow any passenger to ride in any area of the Entertainment Transportation Vehicle not specifically designed or designated as a seat;
4. Prohibit any passenger eighteen (18) years of age or younger from riding in an

Entertainment Transportation Vehicle unaccompanied by an adult;

5. Not operate an Entertainment Transportation Vehicle while under the influence of intoxicating beverages or drugs;

6. Not operate an Entertainment Transportation Vehicle while possessing a lighted cigarette, cigar, or pipe at any time;

7. Observe and obey all state and local noise and traffic laws and regulations;

8. Not permit a customer to stand or ride on any part of the Entertainment Transportation Vehicle other than the designated seating area while the Entertainment Transportation Vehicle is in motion and require that passengers must be seated except when loading or unloading.

Section 39-274. Drivers not to work more than 12 hours out of 24.

No driver shall work more than a maximum of twelve (12) driving hours in the aggregate of any twenty-four-hour period, and such driver shall not begin to drive until he has had at least eight (8) consecutive hours of rest.

Section 39-275. Consumption of Alcoholic Beverages

The consumption of an alcoholic beverage by an individual, over the age of twenty-one (21), who is strictly a passenger in the passenger area of an Entertainment Transportation Vehicle is permitted. Sales of alcohol by the operator, driver, or riders of the vehicle are prohibited.

A. If alcoholic beverages are allowed to be consumed on an Entertainment Transportation Vehicle, the vehicle operator shall apply for a permit to allow such consumption from the Permits Office. The application fee for such permit is \$25 and the operator of an Entertainment Transportation Vehicle company shall pay an additional \$25 for each Entertainment Transportation

Vehicle on which alcohol is being consumed. The driver or operator of an Entertainment Transportation Vehicle shall be in possession of the permit referenced in this subsection at all times alcohol is being consumed on the Entertainment Transportation Vehicle. Additionally, the registration number issued by the Permits Office shall be conspicuously displayed on the rear of the Entertainment Transportation Vehicle.

B. If an alcohol consumption permit is granted to the Entertainment Transportation Vehicle operator, the following notice shall be on full display on the Entertainment Transportation Vehicle:

1. Each passenger is asked to drink responsibly; and
2. No passengers are permitted to take any opened alcoholic beverage container with them when they exit the Entertainment Transportation Vehicle, except in the Beale Street Historic District.

C. An Entertainment Transportation Vehicle driver shall not operate an Entertainment Transportation Vehicle while under the influence of alcoholic beverages, nor shall the driver consume alcoholic beverages while operating the vehicle.

D. The Entertainment Transportation Vehicle operator and driver may not allow consumption of alcoholic beverages by persons under the age of twenty-one (21).

E. Any violations of this Section may be enforced under the applicable laws of the City of Memphis and the State of Tennessee, as contemplated by §§ 39-291 and 39-293, which may result in revocation or suspension of the operator's certificate of public convenience and necessity.

Section 39-276. Return of passengers' property.

A driver of an Entertainment Transportation Vehicle shall immediately attempt to return to a passenger any property left by the passenger in the vehicle. If unable to locate the passenger, the

driver shall turn the property in to the certificate holder's company office at the end of the driver's shift or at the first available opportunity. In such cases, the certificate holder shall make a good faith effort to locate the passenger, and, if not successful, hold the property in storage at its location for at least thirty (30) days.

Section 39-277. Compliance with provisions.

Every driver granted a driver permit under this Article shall comply with all City of Memphis, state, and federal laws. Failure to do so may result in disciplinary actions including suspension and up to revocation of the Entertainment Transportation Vehicle driver permit.

Section 4. Equipment and Operation

Section 39-278. Entertainment Vehicle permit required.

A. Each Entertainment Transportation Vehicle must have a vehicle permit issued by the MTC in the vehicle. The permit will identify each vehicle by a unique number in accordance with rules and procedures established by the MTC and will be associated with the certificate holder. Entertainment Transportation Vehicle permits are not transferable to other entertainment transportation vehicles or other certificate holders. B. To qualify for a vehicle permit, an applicant must have obtained a Certificate of Public Convenience and Necessity pursuant to § 39-257 of this Article and comply with all of the requirements and stipulations of this Chapter and any rules and regulations adopted by the MTC.

C. A \$125 fee will be charged for the issuance of each approved Entertainment Transportation Vehicle permit associated with the certificate.

D. It shall be unlawful for any person to transport or offer to transport passengers in any

Entertainment Transportation Vehicle which does not have affixed to the vehicle a valid permit issued through the MTC.

Section 39-279. Application for additional vehicle permits.

An application for additional Entertainment Transportation Vehicle permits under the certificate of public convenience and necessity issued pursuant to this Article must be filed with the MTC director. The requirements stipulated in this Chapter shall apply and must be satisfied in order for the application to be considered. If approved, the established permit fee will be applied.

Section 39-280. Ownership and control of vehicles.

All Entertainment Transportation Vehicles permitted under this Chapter must be under the lawful control of a certificate holder demonstrated either by proof of ownership or a copy of a valid lease agreement and must be under the direct control of a permitted driver while in operation or use.

Section 39-281. Vehicle to display identification.

All Entertainment Transportation Vehicles operated under the authority of this Chapter shall be equipped with identification as prescribed by the MTC in rules and regulations.

Section 39-282. Vehicle requirements; safety standards.

A. To the fullest extent permitted by Tennessee and federal law, prior to the issuance of a permit, or the use and operation of any vehicle under the provisions of this Chapter, the vehicle shall be thoroughly examined and inspected by the certificate holder or a designated third party in accordance with rules and regulations prescribed by the MTC. When a certificate holder finds that a vehicle has met all the terms established by the MTC, the holder shall certify this to the MTC

director, who shall authorize an Entertainment Transportation Vehicle permit to be issued.

B. To the fullest extent permitted by Tennessee and federal law, every vehicle operating under this Chapter is subject to random and periodic inspections to ensure the continued maintenance of safe operating conditions. A certificate holder shall make an Entertainment Transportation Vehicle available for inspection in accordance with the rules and regulations adopted by the MTC. If, upon inspection, it is determined that an Entertainment Transportation Vehicle for hire is not in compliance with this Chapter or MTC rules, the MTC staff shall order the vehicle to be removed from service or brought into compliance within two (2) weeks and require it to be reinspected prior to resuming operation.

C. Every vehicle operating under this Chapter shall be kept in a clean and satisfactory condition, according to rules and regulations promulgated by the MTC.

D. Every vehicle operating under this Chapter must be equipped with seats for each passenger.

E. To the fullest extent permitted by Tennessee and federal law, every vehicle operating under this Chapter shall undergo an annual detailed mechanical inspection conducted by an approved mechanic pursuant to the requirements of rules and regulations adopted by the MTC. The records of these inspections must be maintained and made available to MTC staff as provided by the rules and regulations adopted by the MTC. The certificate holder shall certify its compliance with this subsection to the MTC director.

F. The MTC may, by rule, establish additional inspection requirements for Entertainment Transportation Vehicles and other equipment used in the Entertainment Transportation Vehicle service.

Section 39-283. Operating area.

Entertainment Transportation Vehicles shall operate upon the streets in the Memphis City Limits on routes or zones delineated by the Memphis Transportation Commission, within the selected portion of the Central Business Improvement District (CBID - Core District, Edge/Medical District, and South District - see Exhibit A). In addition, Entertainment Transportation Vehicles may operate in the area commonly known as Overton Square, and along Union Avenue between the CBID and Overton Square. Any deviation or amendments to routes or zones must be reviewed by the MTC or its staff and receive approval from the Memphis City Council by Resolution. Any approved deviation must be reported to the MTC or its staff prior to beginning of operations.

Section 39-284. Operating hours.

Entertainment Transportation Vehicles shall operate between the hours of 11 AM to 1 AM local time. Any deviation from these hours must be reviewed by the MTC or its staff and receive approval from the Memphis City Council by Resolution. Any approved deviation must be reported to the MTC or the MTC director staff prior to beginning of operations.

Section 39-285. Records and reports.

A. Each holder shall maintain at a single location business records of its Entertainment Transportation Vehicle business. The records must be maintained in a manner approved by the MTC director and contain the following information:

1. An identification of the Entertainment Transportation Vehicle(s) operating each day;
2. An identification of the drivers operating the Entertainment Transportation Vehicles each day and a statement of the hours each driver operated the vehicle each day; and
3. Any other information the MTC director determines necessary for monitoring the

activities, operations, service, and safety record of the licensee.

B. A certificate holder shall make its records available for inspection by the MTC director, inspector, law enforcement officer or designated officials.

Section 39-286. Accidents

A. All accidents arising from or in connection with the operation of an Entertainment Transportation Vehicle shall be reported within seventy-two (72) hours from the time of occurrence to the MTC director if the accident results in:

1. Death or bodily injury to any person; or

2. Damage to any vehicle, or to any property in an amount exceeding the sum of four hundred dollars (\$400).

B. An Entertainment Transportation Vehicle damaged in an accident, but still operable without placing the driver or passengers at risk, must be repaired within two (2) weeks of the accident, or removed from operation until repaired, and inspected prior to resuming operations.

Section 39-287. Passengers-Receiving and discharging by drivers.

A. Drivers shall only receive and discharge passengers at designated staging areas/locations approved by the MTC.

B. Drivers shall not allow additional passengers to board the Entertainment Transportation Vehicle after the vehicle has left its fixed starting point.

Section 39-288. Disposition of disorderly passengers.

Drivers shall act in a reasonable and professional manner in dealing with disorderly passengers.

Section 39-289. Soliciting business.

No certificate holder or driver of an Entertainment Transportation Vehicle shall offer any compensation of whatever form to any person or entity in exchange for the direction or recommendation of passengers to that Entertainment Transportation Vehicle. This section shall not be construed to prohibit certificate holders from advertising their entertainment transportation business by other reasonable means.

Section 39-290. Compliance with other laws.

It shall be a violation of this Chapter for a certificate holder or driver to violate any other applicable federal, state or local law or regulation in offering or providing Entertainment Transportation Vehicle services.

Section 39-291. Enforcement of this Article.

A. The MTC shall promulgate rules and regulations, consistent with applicable state and federal law, relative to the operation and use of Entertainment Transportation Vehicles. These rules and regulations shall be promulgated to provide safe transportation and specify such safety equipment and regulatory devices as the MTC shall deem necessary.

B. Enforcement of any power or authority granted the MTC under this Chapter or any rules or regulations issued by the MTC pursuant to such authority shall be delegated by the Commission to any employee of the Commission staff, who may issue a citation for violations of this Ordinance, pursuant to Tenn. Code Ann. §§ 7-56-101 and 7-63-101.

C. The inspectors of the Memphis Transportation Commission are authorized and instructed

to observe the conduct of holders of certificates and permits operating under this Chapter. Upon discovering a violation of any of the provisions of this Chapter, the inspector may either report the violation to the MTC, which will order or take appropriate action, or issue a citation as authorized under this section.

D. The inspectors of the Memphis Transportation Commission shall conduct random and periodic inspections of the operations of holders of certificates and permits operating under this chapter, to ensure compliance with the provisions of this Chapter and the Rules and Regulations of the MTC.

E. In addition to the enforcement authority provided to MTC inspectors in this section, officers of the Memphis Police Department shall have the authority to enforce this Chapter in performance of their duty to protect and serve and enforce the laws of the City of Memphis and the State of Tennessee; such enforcement includes, but is not limited to the authority of the police officer to issue a summons or misdemeanor citation or effect a physical arrest for violations. A police officer, upon observing a violation of this Chapter or of any regulation or rule established by the MTC or the MTC director pursuant to this Chapter, may take necessary enforcement action to ensure effective regulation of Entertainment Transportation Vehicles.

Section 39-292. Limitation of service due to weather conditions.

Entertainment Transportation Vehicles shall not receive passengers when weather conditions are sufficiently adverse or inclement so as to endanger passengers or the public. The MTC, by rule, may adopt specific guidelines for the operation of Entertainment Transportation Vehicles in inclement weather conditions.

Section 5. Violations – Civil Penalty Schedules

Section 39-293. Violations-Penalties-Additional regulations.

A. All provisions of this Chapter shall be governed by the penalties and procedures for general ordinance violations set forth in Tennessee Code Annotated § 6-54-306, the Charter of the City of Memphis Article 40, Section 355, and the Code of Ordinances of Memphis, Tennessee, Section 1-24-1.

B. Notwithstanding any provision contained herein, the MTC shall have the authority to enforce the provisions of this Chapter.

C. The MTC shall have the authority to promulgate, implement, and enforce additional rules and regulations pertaining to entertainment transportation vehicles, provided such rules and regulations are consistent with the provisions of this Chapter and state and federal laws, and prior approval is obtained from the Memphis City Council.

Section 6. Severability

BE IT FURTHER ORDAINED, That the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

Section 7. Intent on Legal Effect

BE IT FURTHER ORDAINED, That as amended hereby the remaining provisions of CHAPTER 6 – BUSINESS LICENSES AND REGULATIONS remains in full force and effect.

Section 8. Codification

BE IT FURTHER ORDAINED, That this ordinance amends Chapter 39 of the official City Code. The City has authorized the Municipal Code Corporation to provide a republication of the City's Ordinances in the official City Code, as amended from time to time, for the convenience of the public. The official City Code and the official version of all new, amending, repealing and clarifying ordinances adopted by the City Council are maintained by the City's Comptroller in the Office of Council Records.

Section 9. Effective Date Clause

BE IT FURTHER ORDAINED, That this Ordinance shall take effect after having been passed by City Council, signed by the Chair of Council, certified and delivered to the office of the Mayor in writing by the Comptroller, and becomes effective as otherwise provided by law and shall remain effective and operative unless and until the City Council alters, amends, clarifies or repeals it by a superseding, amending, clarifying or codifying ordinance.

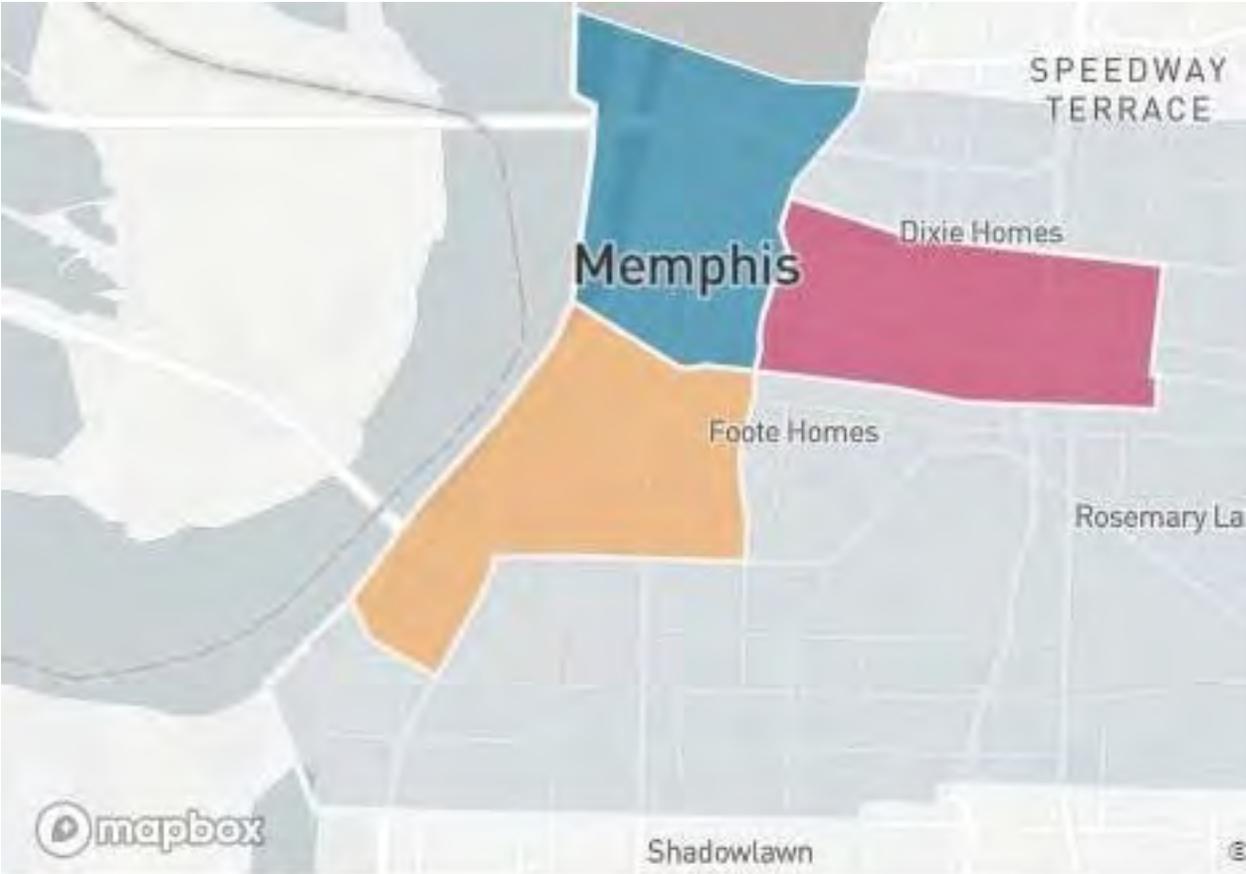
SPONSOR

Ford Canale

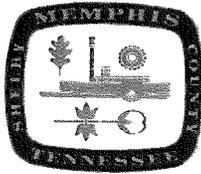
CHAIRMAN

JB Smiley, Jr.

Exhibit A



- South District
- North District
- Core District
- Edge/Medical District
- Core City District



Memphis City Council Summary Sheet

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

A resolution to amend the FY2024 Operating Budget by accepting and appropriating the Expenditures and Revenues for the Lead Hazard Reduction Demonstration 2023 Grant (\$5,000,000.00) that includes funding for the Health Homes Initiative (\$700,000.00) in the total amount of Five Million, Seven Hundred Thousand Dollars (\$5,700,000.00).

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

The Division of Housing and Community Development Lead Program

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.

City Wide

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 8-Jan-2024



A resolution to amend the FY2024 Operating Budget by accepting and appropriating the Expenditures and Revenues for the Lead Hazard Reduction Demonstration 2023 Grant (\$5,000,000.00) that includes funding for the Health Homes Initiative (\$700,000.00) in the total amount of Five Million, Seven Hundred Thousand Dollars (\$5,700,000.00).

WHEREAS, the City of Memphis Division of Housing and Community Development (HCD) has received Lead Hazard Reduction Demonstration grant funds in the amount of Five Million Dollars (\$5,000,000.00) and funding for the Health Homes Initiative in the amount of Seven Hundred Thousand Dollars (\$700,000.00) from the U.S. Department of Housing and Urban Development; and

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

WHEREAS, these funds will be used by HCD for lead hazard reduction activities and to coordinate with community partners to educate, train and mitigate lead issues in housing units.

WHEREAS, it is necessary to accept the grant funding and amend the Fiscal Year 2024 Operating Budget to establish funds for the 2023 Lead Hazard Reduction Demonstration grant; and

WHEREAS, it is necessary to appropriate the FY2024 grant funds in the amount of Five Million, Seven Hundred Thousand Dollars (\$5,700,000.00) for the Lead Hazard Reduction Demonstration grant and the Health Homes Initiative.

Resolution-Division of Housing and Community Development 8-Jan-2024

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the 2023 Lead Hazard Reduction Demonstration Grant funds and the Health Homes Initiative grant funds in the amount of Five Million, Seven Hundred Thousand Dollars (\$5,700,000.00) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED that the Fiscal Year 2024 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the 2023 Lead Hazard Reduction Demonstration Grant (\$5,000,000.00) that includes funding for the Health Homes Initiative (\$700,000.00) in the total amount of Five Million, Seven Hundred Thousand Dollars (\$5,700,000.00) as follows:

REVENUES

U.S. Department of Housing and Urban Development	<u>\$5,700,000.00</u>
Total	\$5,700,000.00

EXPENDITURES

Lead Hazard Reduction Demonstration Grant	\$5,000,000.00
Health Homes Initiative	<u>\$ 700,000.00</u>
Total	\$5,700,000.00

GRANT AWARD NOTIFICATION

**AWARD INFORMATION*****Please Attach Copy of Award Letter****Division Information**

Division: HOUSING & COMMUNITY DEVELOPMENT Program Area: 0221 HCD
 Division Contact: LATONYA T ALEXANDER Phone: 901.636.7306

Funding Source

Grantor: HUD, OFFICE OF LEAD HAZARD CONTROL & HEALTHY HOMES
 Address: 451 SEVENTH STREET, SW WASHINGTON, DC 20410
 Grantor Contact Name/ Email: BRUCE BAILEY BRUCE.E.BAILEY@HUD.GOV
 Grantor Award Number: TNLHD0511-23 CFDA Number: 14.905
 Full Name of Program: LEAD HAZARD
 Start Date: 11/15/2023 End Date: 11/15/2027 Budget Source: Operating CIP
 Award Type: Federal Grants other
 Award Amount: 5,700,000.00

Will matching funds be provided? Yes No

Amount of Matching Funds: _____ Source of Matching Funds: _____

To be completed by Accounting Department

Award Number: _____ Purpose Area: _____

PROJECT INFORMATION

Amount	Project Name (30 characters or less including spaces)	Project Number
5,700,000.00	LEAD	CD0050

Check here if the grant requires splitting funds into multiple projects.

If yes, please provide the specific amounts and project names in the box above.

If no, list the entire award amount and project name in the first row in the box above.

Check here if this award being applied to an existing project(s).

If yes, please identify the specific amounts, projects and project numbers in the box above.

If no, the Accounting Department will assign new project numbers.

Reviewed by Grants Compliance Office _____ Date: _____

Reviewed by Accounting/Entered in Oracle: _____ Date: _____

Please complete and return with a copy of the Grant Award Letter or other Official Notification
 to the Grants Compliance Office • 170 N Main St. 6th floor • comgrantscompliance@memphistn.gov

CITY COUNCIL RESOLUTION

WHEREAS, the Board of Memphis Light, Gas and Water Commissioners at their meeting of February 7, 2024, approved an annual salary in the amount of \$200,000.00 for the employment of Ursula Madden as the Vice President of Corporate Communications; and

WHEREAS, Section 2-20-5(B) of the Memphis Code of Ordinances provides that the salary of executive management employees over \$180,000.00 be approved by the City Council in advance of employment.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that the above identified salary is hereby approved.

VICE PRESIDENT OF CORPORATE COMMUNICATIONS - BB010 COPY

Function Leader | Corporate Affairs | Public Relations and Communications

JOB PURPOSE

VP of Corporate Communications reports to President and CEO. The VP of Corporate Communications is responsible for developing and overseeing the implementation of enterprise-level communications strategies. They direct and monitor the performance of the external communications team, perform proactive business media outreach, create annual media relations plans, and act as a spokesperson for the company. Apart from developing strategies for public relations, they also manage advertising campaigns and marketing deliverables to ensure consistent messaging across all platforms. They lead crisis communication, assist in writing speeches for senior management, and devise strategies around corporate and customer interests. The VP of Corporate Communications is also responsible for developing and implementing a cohesive marketing plan to increase brand awareness, set current and long-term goals for internal teams, build relationships with media and stakeholders through creative PR strategies, monitor all marketing campaigns and improve them when necessary. The VP of Corporate Communications is responsible for delivering strategies that build trust between MLGW and the community, our board, city council and other business partners. Prepare regular reports and presentations on metrics for the CEO. ESSENTIAL FUNCTIONS: Plan, organize and administer an effective public relations program through functions to include Corporate Communications, Community Relations, local government affairs and advertising; maintain good media relations by handling media inquiries, press releases, public service announcements, and scheduling media interviews with the appropriate Division employees; serve as Division spokesperson. Responsible for communicating and advising Division employees concerning policies and procedures through employee/management communication programs; providing photographic/audio visual/writing/printing and artistic production and mail distribution services support to meet Division needs; performing special projects; and publishing all Division publications. Conduct briefing/planning sections and meetings with departmental personnel; attend

Executive Staff meetings and planning sessions/conferences. Provide assistance to/consultation with the Board of commissioners, management personnel, social agencies and customers; resolve problems and make recommendations as required. Stay abreast of up-to-date developments in advertising. Perform other duties as directed.

EDUCATION

Bachelor's degree in Journalism or Communication or related field.

EXPERIENCE

Must have 8 years of professional level experience in communications/public relations.

ADDITIONAL INFORMATION

Must have knowledge of publication practices involving artwork/photography and printing, media relations and communication strategies/tactics. Must successfully complete NIMS Training within 1 year of entering job. Must have a significant combination of: excellent organizational ability to plan, formulate/execute policies and programs; excellent oral/written communication skills to deal effectively with a diverse population. Must have a valid driver's license from state of residence. Physical Demands: Requires sedentary work involving standing or walking for brief periods, exerting up to 20 pounds of force on a regular basis; and some dexterity in operating office equipment. The position requires normal visual acuity and field of vision, hearing and speaking abilities.

THIS LIST OF ESSENTIAL FUNCTIONS IS NOT EXHAUSTIVE AND MAY BE SUPPLEMENTED AS NECESSARY.

JOB DESCRIPTION

TITLE: Vice President of Community & External Affairs

FLSA: Exempt

JOB CODE: BB010

JD EFFECTIVE DATE: 12/12/18

RESPONSIBLE TO: President and CEO

PURPOSE: Plan, organize, direct and control the overall operation of Corporate Communications, Community Relations, Economic & Community Development/Education, Regional External Affairs, local government affairs and advertising; maintain good media relations by handling media inquiries, press releases, public service announcements, and scheduling media interviews with the appropriate Division employees; serve as Division spokesperson.

DUTIES AND RESPONSIBILITIES:

1. Plan, organize and administer an effective public relations program through functions to include Corporate Communications, Community Relations, Economic & Community Development/Education, Regional External Affairs, local government affairs, and advertising; maintain good media relations by handling media inquiries, press releases, public service announcements, and scheduling media interviews with the appropriate Division employees; serve as Division spokesperson.
2. Responsible for communicating and advising Division employees concerning policies and procedures through employee/management communication programs; providing photographic/audio visual/writing/printing and artistic production and mail distribution services support to meet Division needs; performing special projects; and publishing all Division publications.
3. Direct, coordinate and control activities of employees within the department; provide guidance and resolve problems.
4. Coordinate the work of the department with other departments in the Division, advertising agencies, news media, and other external entities.
5. Plan, schedule, coordinate, direct and control activities of supervisory employees; ensure adherence to work standards/time schedules; review/approve reports, recommendations, expenditures and other pertinent documents; prepare/monitor responsibility budgets.
6. Provide for and be administratively responsible for a capable professional staff to meet current commitments and future performance standards through proper selection/development and motivation of qualified personnel.
7. Conduct briefing/planning sections and meetings with departmental personnel; attend Executive Staff meetings and planning sessions/conferences.
8. Provide assistance to/consultation with the Board of Commissioners, management personnel, social agencies and customers; resolve problems and make recommendations as required; provide information as requested.
9. Write/deliver and assist with speeches/programs for the President/CEO, management personnel, local community leaders and other interested parties.
10. Stay abreast of up-to-date developments in advertising, public relations, production and distribution techniques that relate to Corporate Communications.
11. Perform other duties as directed.

SUPERVISORY RESPONSIBILITIES: Assigned departments

JOB SPECIFICATIONS:

EDUCATION: Bachelor's degree, with major in Journalism or Communication.

OTHER: Must have 8 years of professional level experience in communications/public relations. Must have knowledge of publication practices involving artwork/photography and printing, media relations and communication strategies/tactics. Must successfully complete NIMS Training within 1 year of entering job. Must have an occupationally significant combination of: excellent organizational ability to plan, formulate and execute policies and programs; excellent oral/written communication skills to deal effectively with a diverse population; mathematical ability to prepare/review various financial/statistical reports; ability to relate to people in a manner to win their confidence and establish rapport; flexibility to adjust to changing conditions; and proven analytical ability to solve complex problems. Must have a valid driver's license from state of residence.

WORKING ENVIRONMENT: Works in office majority of time.

URSULA MADDEN

COMMUNICATIONS/GOVERNMENT

OBJECTIVE

To use my expertise to effectively communicate with people by meeting them where they are to increase their knowledge and improve company brand.

SKILLS & ABILITIES

Strong written and verbal communications skills. Thoughtful leadership, collaborative problem solving, and decision making. Experienced broadcaster and public speaker.

EXPERIENCE

2022 – Present

BlueOval SK

External Affairs Director

Lead government relations to advocate on behalf BlueOval SK at the local, state, and federal levels, and with international liaisons. Accountable for community engagement efforts to build relationships with various stakeholders including residents, business leaders, and nonprofit organizations. Charged with increasing brand awareness through all strategic mediums and marketing for employee recruitment and communications specific to the CEO. Responsible for media relations and engagement. Oversight of internal communications for a rapidly growing workforce.

2016 – 2022

City of Memphis

Chief Communications Officer/Government Affairs Lead

Advisor to the mayor on policy, programming, and communications as part of a senior level cabinet. Led government relations team at the local, state, federal levels as an advocate for the city. Increased public engagement of residents through communications by diversifying the use of platforms, deploying strategic marketing, and increasing public relations for all divisions. Oversight of media engagement and open records. Accountable for internal communications for 8,000 employees.

Notable Actions

- Communications Lead, Memphis and Shelby County Covid-19 Joint Task Force, Mar. 2020 - Dec. 2021
- Communications Lead, 2020 Census, Jun. 2019 - Oct. 2020
- Communications Lead, City of Memphis Bicentennial May 2018 - May 2019
- Communications Lead, MLK50 Commemoration Feb. 2016 – April 2018

***Appointed as the first CCO for the City of Memphis. The department is now part of the executive division and grew from a compliment of four to thirty.**

1998 – 2016

WMC Action News 5 - Memphis, TN

Main Anchor/Reporter

Cohost live broadcast of the 5, 6, and 10 p.m. newscasts. Responsible for editing content to ensure accuracy, clarity, and consistency. Part of the editorial board to determine which long-form stories made it into newscasts. Used journalist ethics, gathered information, and generated sources to develop general assignment reports, long-form specials, and live coverage meeting extremely tight deadlines. Community engagement through public appearances, acted as an emcee for several charitable events, and moderated political debates.

1996 – 1998

KMTR - Eugene, OR

Weekend Anchor/Reporter

1996 – 1998

KKNU – Eugene, OR

Radio News Reporter/Co-Host

1994 – 1996

KMTR, Eugene, OR

Reporter

Other positions held include master-control operator, chyron operator, technical director, floor director and video tape editor.

EDUCATION/DEVELOPMENT

Spring 1994

Bachelor of Arts, Journalism

University of Oregon

Emphasis on broadcast journalism with a minor in English literature.

Summer 2022

City Leadership Initiative

Bloomberg - Harvard

Part of a large cohort of government leaders who went through four days of intensive study to learn the skill of negotiation.

2022 – 2023

Leadership Tennessee

Class IX

A year-long course to create a better understanding of the various regions of Tennessee including government, socioeconomic differences, needs and attributes to better inform policy, programs, and solutions.

SERVICE

2016 – 2022	United Way Mid-South Served on the marketing committee and twice as campaign chair for the City of Memphis.
2016 – 2022	Memphis Brand Represented the City of Memphis giving guidance to the initiative to market and generate positive news content and publicity for the city.
2000 – 2023	Women’s Foundation for a Greater Memphis Volunteer and contributor.
2017 – 2019	Streets Ministries Mentored two young ladies through their sophomore and junior years meetings with them weekly.
2008 – 2016	Church Health Served as a board member on various committees and supported the development of Crosstown and the relocations of Church Health facilities.
1999 – 2004	Metropolitan Inter-Faith Association (MIFA) Delivered meals weekly to food insecure seniors in Memphis by covering routes that were missing a regular delivery team.

AWARDS

2020	Telly Award City of Memphis PSA for the US Census
2020	Luminary Award Award given by Mayor Jim Strickland for service to the City of Memphis
2020	Telly Award City of Memphis PSA anti-littering “Keep it Clean” campaign.
2018	Telly Award City of Memphis PSA anti-crime “Fed Up” campaign. This PSA was also nominated for regional Emmy in the same year.
2011	Emmy Award Regional Emmy awarded for “Undercover Bootcamp” in the category of specialty assignment report.

RESOLUTION TO ESTABLISH THE MEMPHIS CITY COUNCIL COMMUNITY GRANT PROGRAM FOR FY25

WHEREAS, the Memphis City Council desires to promote community programming and improve neighborhoods; and

WHEREAS, Tenn. Code Annotated § 6-64-111, empowers the Memphis City Council to appropriate funds for the financial aid of nonprofit organizations working to promote the general welfare of Memphis residents; and

WHEREAS, nonprofit organizations and citizens work together to meet the needs of Memphians in need by extending the reach of City of Memphis Services; and

WHEREAS, The Memphis City Council recognizes nonprofit agencies as valued partners in the continuing efforts to improve the lives of Memphians; and

WHEREAS, it is important to the members of the Memphis City Council to prioritize funding specialized programs congruent with the needs of the City, the Memphis City Council will be cognizant of financial requests that exceed more than thirty percent of their total operating budget; and

WHEREAS, the Memphis City Council seeks to create a transparent process for the publication, application, and selection process for deserving nonprofit organizations within our City; and

WHEREAS, government grants are funded by tax dollars, so stringent compliance and reporting measures will be in place to ensure the money is well-spent.

NOW, THEREFORE BE IT RESOLVED, that the Memphis City Council does hereby create the Memphis City Council Community Grant Program for Fiscal Year 2025 (“FY25”) (July 1, 2024 – June 30, 2025), establishing a policy for meeting the needs of citizens and nonprofit requests for financial assistance as set forth below:

Nonprofit Organizations and Agencies working to improve the general welfare of citizens will have the opportunity to apply to the Memphis City Council Community Grant Program. The funding decisions of the Memphis City Council are final and subject to the availability of funds.

Eligibility

All applicants shall be a tax-exempt 501(c)(3) organization, with an official address listed within the City of Memphis, that has been in operation under its tax-exempt status for two years prior to the application. The organization must provide proof of current programming and successful track record in providing the services for which they are requesting funding within the City of Memphis. The nonprofit organization’s program should address one of the following City of Memphis priorities: Crime and Drug Prevention, Youth Empowerment, Economic Development, and Poverty. The organizations must be in compliance with State requirements and show proof of current certification status. The funds shall only be used for public use and cannot be used for political activities, to support any election or campaign or political party; or to support any group or activity that discriminates based on race, color, religion, sex, national origin, disability, or age. The Memphis City Council will not award funding in an amount that exceeds more than thirty (30%) percent of an organization’s expenses or revenues, whichever amount is higher, as reported on the most recently filed and accepted IRS form 990EZ, 990-N, and 990.

Application

All agencies requesting funding shall submit a complete application and presentation. Proof of nonprofit status and financial information must be submitted with an application along with a presentation that further clarifies the goals the organization intends to accomplish with their requested funds.

Only applications submitted during the application period will be considered for a Memphis City Council Community Grant for FY25.

Applications and presentations shall be submitted online using a link on the Memphis City Council website.

Applications will be available July 15-August 19, 2024. All completed applications must be submitted and received by Monday, August 19, 2024, at 11:59 p.m.

Late or incomplete applications will not be submitted to Council Members for consideration for an FY25 grant. Organizations that submit a late or incomplete application must wait until the start of the FY26 Memphis City Council Community Grant Program to submit a new application to receive funding.

Application Review

All applications will be reviewed by the Memphis City Council staff following the application deadline. The staff will review applications to ensure all eligibility criteria are met. The staff shall then submit the list of qualified agencies for City Council Review for grants during FY25. All applicants must submit **either** an IRS 501(c)(3) Determination Letter **or** a Certificate of Existence from the Tennessee Secretary of State, the organization's most recently filed and accepted IRS Form 990EZ, 990-N, or 990, the IRS Form W-9, and a complete presentation, using the template provided by the City Council at the time of application submission. The IRS filing submitted must be from tax year(s) 2021 to the most recent tax year in order to be accepted.

The name of the organization listed on all documents and IRS filings must match the applicant's name. **If the applicant's name does not match the organization identified on the Charitable Organizations filing, including all IRS documentation and/or any documentation from the Secretary of State, the application will not be considered.** The staff will evaluate applications and presentations to ensure all applications are complete, address a public need, show proof of current nonprofit status, and a demonstrated history of community involvement. Priority will be given to first-time applicants.

All documentation will be reviewed and verified through the IRS website <https://www.irs.gov/charities-non-profits/annual-filing-and-forms>

If any information contained in the application does not match the information provided to the IRS, the application will be null and void, and the applicant may not re-apply until the next fiscal year (FY2026). If any application information is found to be fraudulent or inaccurate, the organization will be ineligible to receive funding.

Budget Presentation

Upon request, applicants may be asked to present before Council Members. First-time applicants are required to conduct a presentation before the Memphis City Council upon request by a Council Member in order to be eligible for a grant award.

All agencies presenting before the Budget & Audit Committee during FY25 will have an allotted time to make a budget presentation. The completed presentation template, submitted with the application, shall be used during the presentation. The template will include space to provide current contact information, how the requested funds will be used to enhance the quality of life for citizens, and financial reporting documents.

Grant Disbursement

All grant award recipients must submit a final grant report to the Memphis City Council and City of Memphis Finance Division by **May 1, 2025**. This report shall include an accounting of funds spent, proof of public use, and current nonprofit status.

Failure to submit a final grant report that is approved by the City of Memphis Finance Division will disqualify an organization from submitting an application for a City Council grant for the next 3 fiscal years (FY26, FY27, and FY28). The City of Memphis Finance Division may also request that the funds awarded to the recipient be returned to the City of Memphis.

Any approved applications for grant funds will be included in the FY25 Budget. All grant recipients are required to comply with the guidelines set forth by the City of Memphis Finance Office. **Failure to comply with the guidelines required by the Finance Division may result in forfeiture of the grant award.** Every grant recipient must accept the funds and complete an agreement with the City of Memphis Finance Division.

THEREFORE, BE IT FURTHER RESOLVED that the Memphis City Council, as a whole, will distribute the \$3,250,000 in grant funding during FY25 from the Community Initiatives Grants line item included in the Administration FY25 Budget Proposal, and each Council Member shall allocate at least seventy-five (75%) percent of his or her allotted funds by September 10th, 2024; the remaining twenty-five (25%) percent must be allocated by November 12, 2024, to ensure adequate time for disbursement before the end of the calendar year and submission of the final grant report before the end of the fiscal year.

BE IT FURTHER RESOLVED that all allocations must take place by resolution on the following meeting dates: September 10th, October 15th, and November 12th of 2024, to reduce the quantity of resolutions over the course of the year.

BE IT FURTHER RESOLVED that, in the event there is a City Council vacancy, the interim Council Member may only allocate one-twelfth (1/12) per month of the funding balance that is available for that specific district, to be allocated based upon the time the individual will be filling the vacancy.

Sponsors:
JB Smiley, Jr.
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