

WHEREAS, Mr. Leon Lynn is a lifelong builder, community servant, musician, and man of faith whose remarkable life and contributions are being celebrated on the occasion of his 100th birthday; and

WHEREAS, Mr. Leon Lynn was born in 1926 and raised in the historic Black community of Brunswick in Arlington, Tennessee. He was shaped by a family deeply rooted in faith, hard work, and community service. His father worked as a commercial painter, and his mother, Natalie Griffin, was an influential community member who played an important role in helping establish New Wright's African Methodist Episcopal Church, a congregation that would remain central to the Lynn family's legacy for generations; and

WHEREAS, Mr. Leon Lynn began at just six years old, he sang in church and community groups, later performing with a quartet as a young man and developing a lifelong love for music and playing the organ. As a young man, Mr. Lynn learned the trade of brick masonry and dreamed of becoming a farmer. However, the racial barriers and discrimination faced by Black farmers during that era led him to seek opportunities elsewhere. Determined to build a better future for his family, he relocated to Chicago, Illinois, where he spent approximately ten years working on major construction projects, including the historic Cabrini-Green housing development; and

WHEREAS, Mr. Leon Lynn returned to Tennessee, continued a distinguished career as a master brick mason, helping construct homes, schools, churches, and businesses throughout the Memphis area. His craftsmanship helped shape communities across the region, leaving a lasting physical legacy that still stands today. Among his most cherished accomplishments was helping build New Wright's African Methodist Episcopal Church alongside his children, family members, and fellow craftsmen. The church stands not only as a place of worship but also as a testament to the dedication of a family committed to serving its community through faith and hard work; and

WHEREAS, Mr. Leon Lynn's commitment to strengthening future generations extended beyond construction. Together with his son James Lynn and daughter-in-law Dorothy Lynn, he helped establish Little Hands Learning Academy, an institution that has served thousands of children and families throughout the community. Today, Mr. Lynn remains actively involved in New Wright's AME Church and continues to inspire those around him through his faith, wisdom, and vitality; and

NOW, THEREFORE, BE IT RESOLVED, that the Memphis City Council hereby recognizes and honors **Mr. Leon Lynn** for one hundred years of extraordinary contributions to his family, his church, and the communities of Arlington, Memphis, and beyond. His life stands as a testament to the enduring power of faith, hard work, service, and love.

BE IT FURTHER RESOLVED, that on this day, the Memphis City Council extends its sincere appreciation to **Mr. Leon Lynn** for his outstanding contributions and service to the Memphis Community and in honor of his 100th birthday.

Sponsored by Logan

T-042



Memphis City Council Summary Sheet

(Revised January 28, 2026)

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

- A provision to increase the accrued benefit percentage pension multiplier for years of credited service after January 1, 1990, from 2.25% to 2.50% for Police Dispatchers, Fire Alarm Operators, and Paramedics retiring on or after July 1, 2026.
- A provision to remove the Early Retirement Reduction Factor, which imposes a 5% reduction for retirement each year before age 62 for Police Dispatchers, Fire Alarm Operators, and Paramedics.

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

Human Resources

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

Yes, this is a change to the existing Pension Ordinance.

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

This will impact COM employees.

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

Not Applicable

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

These amendments require additional funding for the Actuarial Accrued Liability (AAL) of \$973,000 and an Actuarially Determined Contribution (ADC) for the next 30 years of \$210,000.

7. If same night minutes are requested, state the reason for the urgency.

Not Applicable

Initial
HL

DocuSigned by:
Fonda F Foucha 2026

August 12, 2026

T-042

**AN ORDINANCE TO AMEND
CHAPTER 25—PENSION AND RETIREMENT SYSTEM
OF THE CITY OF MEMPHIS, TENNESSEE**

WHEREAS, the City of Memphis, Tennessee (the “Employer”) has adopted a defined benefit retirement plan known as City of Memphis Retirement System for General Employees, including police officers and firefighters, as subsequently amended and restated from time to time, and consisting of a 1948 plan (that part of the plan benefiting employees participating under the provisions of sections 4-25-60 through 4-25-99) and a 1978 plan (that part of the plan benefiting employees participating under the provisions of sections 4-25-160 through 4-25-199), as amended in 2012, and a 2016 plan (that part of the plan benefiting employees participating under the provisions of sections through 4-25-210 through 4-25-274), currently codified and established under City Ordinance Chapter 25, Articles I through VII, Division 1 and Division 2 and Division 3 (collectively, “the Pension System”); and

WHEREAS, the Employer desires to amend the Pension System as provided herein,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MEMPHIS that the Pension and Retirement System of the City of Memphis be amended as follows:

1. Section 4-25-1 References, construction and definitions, subsection (A) Item (1) Accrued benefit, subsection (a) shall be amended and restated in its entirety to read as follows:

1. Accrued benefit means:

- a. i. As of any date, for each participant hired prior to July 1, 2012, including commissioned police officers, police dispatchers, firefighters, fire dispatchers, fire alarm operators, and paramedics employed in the Fire Department of the City retiring prior to July 1, 2026, a monthly benefit amount payable semi-monthly in the form of a single life annuity, equal to two and one-fourth percent of his or her average monthly compensation multiplied by the number of years of

August 12, 2026

service completed before January 1, 1990, plus two and one-half percent of his or her average monthly compensation multiplied by the number of years of service completed after January 1, 1990; provided, however, that when a participant's years of service equals 25 years, such participant shall accrue an additional one percent of his or her average monthly compensation for each year of service in excess of 25 years for a maximum of ten years; provided, however, if after 35 years of service the total percentage of his or her average monthly compensation is less than 72.5 percent, such participant shall accrue an additional one percent of his or her average monthly compensation for each year of service in excess of 35 years earned after January 1, 1990, until such total percentage shall equal 72.5 percent; or

ii. As of any date, for each participant that is hired on or after July 1, 2012, including commissioned police officers, police dispatchers, firefighters, fire dispatchers, fire alarm operators, and paramedics employed in the Fire Department retiring prior to July 1, 2026, a monthly benefit amount payable semi-monthly in the form of a single life annuity, equal to two and one-fourth percent of his or her average monthly compensation multiplied by the number of years of service completed after July 1, 2012; provided, however, that when such participant's years of service equals 25 years, such participant shall accrue an additional one percent of his or her average monthly compensation for each year of service in excess of 25 years for a maximum of ten years; provided, however, if after 35 years of service the total percentage of his or her average monthly compensation is less than 72.5 percent, such participant shall accrue an additional one percent of his or her average monthly compensation for each year of service in excess of 35 years earned; or

iii. As of any date, for each participant who is a commissioned police officer, police dispatcher, firefighter, fire dispatcher, fire alarm operator, or paramedic employed in the Fire Department of the City retiring on or after July 1, 2026, a monthly benefit amount payable semi-monthly in the form of a single life annuity, equal to two and one-fourth percent of his or her average monthly compensation multiplied by the number of years of service completed before January 1, 1990, plus two and one-half percent of his or her average monthly compensation multiplied by the number of years of service completed after January 1, 1990; provided, however, that when a participant's

August 12, 2026

years of service equals 25 years, such participant shall accrue an additional one percent of his or her average monthly compensation for each year of service in excess of 25 years for a maximum of ten years; provided, however, if after 35 years of service the total percentage of his or her average monthly compensation is less than 72.5 percent, such participant shall accrue an additional one percent of his or her average monthly compensation for each year of service in excess of 35 years earned after January 1, 1990, until such total percentage shall equal 72.5 percent.

As required by T.C.A. §9-3-506(a)(3) and the Comptroller of the State of Tennessee, the increase provided in this subsection (iii) for commissioned police officers, police dispatchers, firefighters, fire dispatchers, fire alarm operators, and paramedics employed in the Fire Department of the City shall be funded by and only to the extent of the available funds allocated for the cost of pension benefits of police officers and firefighters in the Special Revenue Fund created pursuant to the referendum passed October 3, 2019 increasing the sales and use tax in the City of Memphis by 0.5% from 2.25% to 2.75% to restore pension benefits of public safety employees from and after the date of such referendum. In the event the cost of the increase provided in this subsection (iii) exceeds the amount allocated in the Special Revenue Fund for the cost of the pension benefits for public safety employees in the 1978 Plan, then the following steps shall automatically apply in determining the pension benefit of such eligible public safety employees for such Plan Year:

1. The accrual rate of 2.50% provided in this subsection (iii) for the pension benefit of these employees for such Plan Year will be reduced from 2.50% in ten basis point increments, to such lesser accrual rate (but not below the accrual rate provided in subsections (i) and (ii) above, as applicable) as is necessary so that the costs of benefits for these employees does not exceed the amount allocated in the Special Revenue Fund for the cost of the pension benefits for these employees in the 1978 Plan. The adjustment provided above shall be effective as of July 1 next following the determination of the cost of benefits and shall not reduce the accrued pension benefit of any such eligible employee accrued immediately prior to the effective date of the adjustment.

August 12, 2026

2. Section 4-25-1(A)(30) *Normal retirement date*, subsection (c) *1978 Plan for participants hired on or after July 1, 2012*, subsection (i) *General Employees* shall be amended and restated in its entirety to provide as follows:

i. General Employees:

1. Effective for general employees, other than police dispatchers, fire dispatchers, fire alarm operators, and paramedics employed in the Fire Department of the City retiring on or after July 1, 2026, the first day of the month coincident with or next following the earliest date on which the participant

Attains:

(A) Age 65 and completes five years of service; or

(B) Twenty-five years of service and submits a written election designating the date he or she will retire not less than 30 days before such designated date. Said participant shall be entitled to receive a retirement benefit equal to his or her accrued benefit reduced by five percent per year for each year that his or her early retirement date precedes the date the participant will attain age 62.

2. Effective for police dispatchers, fire dispatchers, fire alarm operators, and paramedics employed in the Fire Department retiring on or after July 1, 2026, the first day of the month coincident with or next following earliest date on which the participant:

Attains:

(A) Age 65 and completes five years of service; or

(B) Twenty-five years of service and submits a written election designating the date he or she will retire not less than 30 days before such designated date.

August 12, 2026

The provisions of this Ordinance are hereby declared to be severable. If any of the sections, amendments, provisions, sentences, clauses, phrases, or parts hereof are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

The provisions of this Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the comptroller and become effective as otherwise provided by law.

NOTE: IN THE ADOPTING ORDINANCE ADD THE FOLLOWING PROVISIONS:

The additions and amendment herein repeal and replace the relevant titled, chapters and/or sections of the 2021 Code as so amended, repealed or replaced and the Comptroller is hereby directed to make the appropriate insertions and/or deletions into the official 2021 Code, so that reference to the 2021 Code shall be understood and intended to codify such additions and amendments as part of the 2021 Code.

All ordinances or parts of ordinances in the 2021 Code in conflict herewith are, to the extent of such conflict, hereby repealed.

SPONSOR

CHAIRMAN

City Administration

APPROVED:

Mayor

08.11.2026

SUMMARY OF PROPOSED ORDINANCE AMENDMENT
TO PENSION AND RETIREMENT SYSTEM
OF THE CITY OF MEMPHIS, TENNESSEE

August 2026

1. On July 21, 2026, effective July 1, 2026, an amendment was adopted to Section 4-25-1 of the Pension System for commissioned police officers and firefighters retiring on or after July 1, 2026 to increase the multiplier for years of credited service after January 1, 1990 from 2.25% to 2.50%. The cost of the increase is to be paid from the Special Revenue Fund created pursuant to the October 3, 2019 referendum.

The current proposed amendment extends that increase to police dispatchers, fire dispatchers, fire alarm operators, and paramedics employed in the Fire Department of the City. The cost of the increase is to be paid from the Special Revenue Fund created pursuant to the October 3, 2019 referendum.

2. On July 21, 2026, effective July 1, 2026, an amendment was adopted to Section 4-25-1(30)(c)(ii) to delete the 5% reduction on retirement benefits payable to commissioned police officers and firefighters who retire at twenty-five years of service but prior to age 52.

The current proposed amendment deletes the 5% reduction on retirement benefits payable to police dispatchers, fire dispatchers, fire alarm operators, and paramedics employed in the Fire Department of the City who retire at twenty-five (25) years of service but prior to age 62. The cost of the increase is to be paid from the Special Revenue Fund created pursuant to the October 3, 2019 referendum.

**CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET**

☐ ONE ORIGINAL
☐ ONLY STAPLED
☐ TO DOCUMENTS

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 9/1/2026

DATE

PUBLIC SESSION: 10/6/2026

DATE

ITEM (CHECK ONE)

☒ ORDINANCE ☐ RESOLUTION ☒ REQUEST FOR PUBLIC HEARING

ITEM CAPTION: A joint ordinance amending the Memphis-Shelby County Building Home Program.

CASE NUMBER: n/a

LOCATION: City of Memphis and unincorporated Shelby County

APPLICANT: Memphis and Shelby County Division of Planning and Development

REPRESENTATIVES: Brett Ragsdale, Division Director

REQUEST: Amend joint ordinance.

AREA: This ordinance affects all property within the City of Memphis and unincorporated Shelby County.

RECOMMENDATION: The Division of Planning and Development recommended ***Approval***

RECOMMENDED COUNCIL ACTION: **Public Hearing Required**

First reading – 9/1/2026

Second reading – 9/15/2026

Third reading – 10/6/2026

PRIOR ACTION ON ITEM:

n/a

APPROVAL - (1) APPROVED (2) DENIED

DATE

ORGANIZATION - (1) BOARD / COMMISSION

(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

(2)

\$

\$

SOURCE AND AMOUNT OF FUNDS

\$

\$

\$

REQUIRES CITY EXPENDITURE - (1) YES (2) NO

AMOUNT OF EXPENDITURE

REVENUE TO BE RECEIVED

OPERATING BUDGET

CIP PROJECT #

FEDERAL/STATE/OTHER

ADMINISTRATIVE APPROVAL:

DATE

POSITION

PRINCIPAL PLANNER

DEPUTY ADMINISTRATOR

ADMINISTRATOR

8/24/26

DIRECTOR (JOINT APPROVAL)

COMPTROLLER

FINANCE DIRECTOR

CITY ATTORNEY

CHIEF ADMINISTRATIVE OFFICER

COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

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

A JOINT ORDINANCE OF THE SHELBY COUNTY BOARD OF COMMISSIONERS AND MEMPHIS CITY COUNCIL AMENDING THE MEMPHIS-SHELBY COUNTY BUILDING HOME PROGRAM PURSUANT TO THE TENNESSEE HOMESTEAD ACT WITHIN CHAPTER 281 OF THE PUBLIC ACTS OF 1985.

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

Division of Planning and Development

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

Ordinance authorizing amendments to the BuildingHome Program in concert with Shelby County Government.

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

This ordinance does not require a new contract nor amend an existing contract.

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

This ordinance does not require an expenditure of funds or budget amendment.



JOINT ORDINANCE NO. _____

**JOINT ORDINANCE OF THE SHELBY COUNTY BOARD OF COMMISSIONERS AND
MEMPHIS CITY COUNCIL TO AMEND ORDINANCE NOS. 581 (COUNTY) AND 5946 (CITY)
TO REPEAL AND REPLACE THE EXISTING BUILDING HOME PROGRAM
IMPLEMENTATION PLAN AND TO ESTABLISH A BUILDING HOME PROGRAM
APPLICATION FEE.**

WHEREAS, There exists great need to address disparities in access to safe, quality housing choice and improve access to wealth-building opportunities for residents of Memphis and Shelby County; and

WHEREAS, The Shelby County Board of Commissioners adopted Ordinance 581 on June 23, 2025, and the City of Memphis City Council adopted the same on June 10, 2025, as Ordinance No. 5946 of the City of Memphis; and

WHEREAS, Tennessee Code Annotated § 7-66-105 requires the adoption of a Building Home implementation plan by the mayor, “which shall be subject to two thirds (2/3) approval by the local [governing] body”; and

WHEREAS, The amended Building Home Program Implementation Plan attached hereto as Exhibit A, and incorporated herein by reference, serves as a program component to activate underutilized parcels currently held by Shelby County Government and the City of Memphis and more suitably addresses these needs than does the existing plan; and

WHEREAS, Pursuant to the authority granted by the Charter of Shelby County and the City of Memphis, the Board of Commissioners of Shelby County and Council of the City of Memphis have determined that certain fees should be imposed for program administration expenses; and

WHEREAS, The Board of Commissioners and Council of the City of Memphis find that program administration expenses justify and necessitate establishment of a reasonable administrative fee in the amount of SEVENTY-FIVE DOLLARS AND ZERO CENTS (\$75.00) per application;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE AND THE CITY COUNCIL OF THE CITY OF MEMPHIS, That Ordinance No. 581 (County) and Ordinance No. 5946 (City) are hereby amended by repeal of the Building Home Program Implementation Plan adopted therein. The Ordinances otherwise remain in full effect.

BE IT FURTHER ORDAINED, That the Building Home Program Implementation Plan which is attached hereto and incorporated herein by reference as Exhibit A, is hereby approved and adopted and may be amended by joint ordinance of the Shelby County Board of Commissioners and the Memphis City Council pursuant to the authority of the Tennessee Homestead Act of 1985.

BE IT FURTHER ORDAINED, That the Division of Planning and Development is authorized to collect a fee of SEVENTY-FIVE DOLLARS AND ZERO CENTS (\$75.00) for each application to the Building Home Program.

BE IT FURTHER ORDAINED, That if any clause, section, paragraph, sentence or part of this Joint Ordinance shall be held or declared to be unconstitutional or void, it shall not affect the remaining parts of this ordinance, it being hereby declared to be the legislative intent of the Shelby County Board of Commissioners and the City Council of the City of Memphis to have passed the remainder of this Ordinance notwithstanding the part so held unconstitutional or void, if any.

BE IT FURTHER ORDAINED, That this Joint Ordinance amendment shall take effect according to laws of the County and of the City.

Sponsor(s):

Phillip Spinosa

CHAIRMAN

Building Home Program Structure and Function
Implementation Plan 2026
Shelby County, TN

Background and Context:

Shelby County Delegation introduced HB-410, SB-452 to enact the Tennessee Homestead Act in the 1985 Legislative Session. The Tennessee Homestead Act is outlined in TCA § 7-66-101 and includes details to provide an Implementation Plan that will subsequently be approved by the legislative body. Shelby County Government authorized implementation of the Homestead Program on October 7, 1985. The following Implementation Plan serves as the guiding document to utilize the authorities granted in the Tennessee Homestead Act and reauthorize the program as the Building Home Program of 2025. The Building Home Program helps make recommendations in the Housing Policy Plan actionable and provides opportunities for improved access to quality housing choice.

Implementation Plan Design:

1) Administering Agency:

The Memphis and Shelby County Division of Planning and Development (DPD), Department of Housing shall serve as Administering Agency of the Program. All program information and application materials will be made available on develop901.com/housing.

2) Method of Selecting Properties:

The method of selection of the properties will include review by Division leadership representatives or their designees from the DPD and Shelby County Public Works.

Eligible properties are those owned by Shelby County Government or other participating units of local, state, and federal government pursuant to TCA § 7-66-103. Eligible properties will continue to be owned and maintained by the owner/agency until disposition is completed. Eligible properties owned by Shelby County Government will also remain within the Land Bank Inventory listed for sale until such time as a qualified participant applies for and is approved to move forward with the project. Properties meeting the following criteria will be deemed eligible for the program:

- Properties located in designated priority anchors or anchor neighborhoods identified by the Memphis 3.0 Comprehensive Plan or in approved Tax Increment Financing (TIF) districts shall be included in the Building Home Program following administrative review and approval. Designated priority areas are those identified through the Housing Task Force Land Activation Sub-Committee and approved by the administering agency.
- Properties located in other anchors or anchor neighborhoods identified by the Memphis 3.0 Comprehensive Plan or in approved TIF districts are also eligible for inclusion in the Building Home Program following administrative review and approval.

- Any other properties in residential zoning districts across Shelby County, TN may be moved into the Program following administrative review and approval.

Marketability standards will be incorporated into site selection to ensure project viability. Upon approval by the administering agency, a list of the recommended properties will be designated as “Building Homes Properties” and said properties will be made available to the public via online applications broadly solicited to the public. The administering agency retains and reserves the ability to reject any property deemed not viable for marketability and/or reuse.

Eligible properties may become exclusively owned and maintained under the authority of the administering agency only by resolution of the legislative body. Such a resolution shall identify all excluded properties and provide adequate funding to support a) a small area plan for future development of the excluded area, b) a marketing plan for future development of the excluded area, and c) ongoing maintenance of all properties in the excluded area.

Properties shall be made available with this program for a maximum of four (4) years.

3) Criteria for Property Selection - Multifamily

The conditions and criteria that shall be used to select participants (equivalent to “homesteaders” as defined in TCA § 7-66-102) includes the provision of a complete application and appropriate supporting documentation approved by the administering agency for participation in multi-family housing unit construction or rehabilitation.

Notice of approval or disapproval will be provided by the administering agency to the participant. If approved, Shelby County will execute an Option to Purchase with the participant, which will be valid for a period of 60 days or as determined by the administering agency. During such time, all conditions included in the Option to Purchase must be met. Once conditions of the Option have been met the property will be transferred via quit claim ~~warranty~~ deed and consistent with Section 5 of this Plan. In the event a participant application is disapproved, deficiencies will be provided and an opportunity for technical assistance may be provided if deemed appropriate by the administering agency.

For the purposes of the Building Home Program, multifamily is defined as three or more units per parcel. Applications will be submitted to DPD in a format approved by the administering agency. Application fees are nonrefundable. All properties will be assigned a deposit amount at time of conveyance. If terms and conditions are not met by the approved timeline deposit amounts will be forfeited at the rate established in the executed agreement.

To remain in good standing with the Building Home Program, participants must obtain a certificate of occupancy within two (2) years of acquiring site control and moved into construction within the first 180 days. Participants in possession of partially complete projects, at the discretion of the administering agency, may apply for new projects in this program.

Criteria that render an applicant ineligible to receive assistance includes but is not limited to: history of unsuccessful closings, history of losing properties to tax sale within the past five (5) years, and/or any property tax delinquency on any property owned by the same entity. Applicants must satisfy all required application criteria in order to participate in the program.

4) Criteria for Property Selection – Single Family

The conditions and criteria that shall be used to select participants includes the provision of a complete application and appropriate supporting documentation approved by the administering agency for participation in single-family housing unit construction or rehabilitation.

Notice of approval or disapproval will be provided by the administering agency to the participant. If approved, Shelby County will execute an Option to Purchase with the participant, which will be valid for a period of 60 days or as determined by the administering agency. During such time, all conditions included in the Option to Purchase must be met. Once conditions of the Option have been met, the property will be transferred via quit claim deed ~~warranty deed~~ and consistent with Section 5 of this Plan. In the event a participant application is disapproved, deficiencies will be provided and an opportunity for technical assistance may be provided if deemed appropriate by the administering agency.

For the purposes of the Building Home Program, single family is defined as one (1) to two (2) units as attached or detached structures. Application fees are nonrefundable. All properties will be assigned a deposit amount at time of conveyance. If terms and conditions are not met by the approved timeline deposit amounts will be forfeited at the rate established in the executed agreement.

To remain in good standing with the Building Home Program, participants must obtain a final inspection within one (1) year of acquiring site control and moved into construction within the first 120 days.

Criteria that render an applicant ineligible to receive assistance includes but is not limited to: history of unsuccessful closings, history of losing properties to tax sale within the past five (5) years, and/or any property tax delinquency on any property owned by the same entity. Applicants must satisfy all required application criteria in order to participate in the program.

If program participants include a co-developer applying with an existing homeowner all parties must agree to the terms and conditions of the program.

5) Conveyance of Property

The conditions and criteria that shall be used for conveyance of property to homesteaders include both deed and lease provisions, as deemed appropriate by the administering agency.

Upon submission and subsequent approval of the application, and upon meeting the required conditions, the County will transfer title of the property to the applicant by fee simple title for the predetermined price and/or deposit amount. Upon transfer the property shall be subject to any and all taxes and assessments as prescribed by all other sections of the code. All property transfers from the City or County to approved participants are subject to approval by the appropriate governing body as appropriate including Shelby County Board of Commissioners or Memphis City Council.

Prior to the vesting of such transfer and consistent with TCA § 7-66-108, any material failure by the applicant to carry out the terms of the agreement entered into nullifies such agreement and all rights, title, and interest in the property shall revert to the agency unless the agency deems an extension not to exceed two (2) years is permitted in order to come into compliance with all stated terms and conditions.

There shall be an Escrow Account established at the closing of the sale to hold the predetermined purchase price amount and/or deposit amount. The applicant shall present to the administering agency full payment in the amount established in the contractual agreement. This amount shall be no less than all tax lien and fees assessed on the property, unless otherwise dictated by the administering agency.

The Shelby County Board of Commissioners may waive any and all back taxes, liens, and fees on subject properties consistent with TCA § 7-66-108. The Escrow Account shall be governed by a contract between the applicant and the County which will specify the conditions to be met in order to receive a refund of the Escrow Account in full or in part. If the development is completed in the time specified, the account will be refunded consistent with the terms established in the contractual agreement. In the event that the development is not completed within the time allotted, the Escrow amount will be forfeited by the participant and receipted as revenue to the Building Home Program. Funds collected in this manner will be utilized consistent with the terms outlined in Section 10 of this plan. This contract shall provide for one extension of time which may be requested by the applicant for just cause and evaluated by the administering agency.

Furthermore, consistent with TCA § 7-66-108 in the event of any material failure by the applicant to carry out the terms of the agreement all rights, title and interest in and to the property shall revert to the administering agency, pending any approved extensions to the project.

Any applicant that remains delinquent in developing an awarded property or has past due taxes will be excluded from consideration to move forward on additional properties and no further applications will be deemed approved by the administering agency.

Regardless of completion or failure to complete the development plan, the applicant will hold title to the subject property and shall owe property taxes from the date title is transferred.

6) Building Standards

Building standards and codes that shall apply to the designated properties include those currently adopted by the City of Memphis and Shelby County and administered by the Memphis and Shelby County Division of Planning and Development, including the Unified Development Code (UDC) and all technical building codes. Methods of monitoring these standards shall include monitoring of all permitted work through DPD's Construction Code Enforcement department.

Consistent with Sections 3 and 4 of this plan, multifamily properties shall be given 180 days to move into construction and a maximum of two (2) years to obtain a certificate of occupancy and single-family properties shall be given 120 days to move into construction and a maximum of one (1) year to obtain a final inspection. Extension requests will be evaluated and if approved granted by the administering agency.

7) Coordination Efforts

The Building Home Program shall coordinate with state and federal agencies through existing channels already in place through ongoing outreach efforts to meet community needs. DPD staff may also provide a wide variety of technical assistance services to applicants to support successful applications and project implementation to the greatest extent feasible. DPD shall make best efforts to ensure at least 30% of Building Home Program parcels and financial supports are prioritized for emerging developers and community-based rehabbers with less than five (5) completed projects, with particular emphasis on recruiting and working with developers from historically underrepresented groups.

DPD is authorized to contract with diverse organizations and will make efforts to collaborate with local community partners including but not limited to nonprofit community development corporations (CDCs), certified Community Development Financial Institutions (CDFIs), and workforce training providers to support implementation and outreach efforts.

8) Technical and Financial Assistance and Incentives

The technical assistance and referrals to other relevant and current programs offered by private and public agencies shall be coordinated or supported by the administering agency as appropriate. Ongoing coordination with relevant agencies will continue throughout the administration of this program. Any available incentives as existing or new programs are developed locally shall be included in referral materials provided to program participants.

As funding allows, the Building Home Program shall include a developer capacity-building component, offering technical assistance, training workshops, and mentorships to participating small-scale and community rehabbers to support successful project delivery and sustainability.

DPD shall make best efforts to ensure loan products offered under the Building Home Program shall include whenever feasible alternative underwriting criteria and down payment assistance to improve access for developers and rehabbers with limited credit history or traditional collateral, while maintaining risk mitigation standards.

9) Methods to Acquire and Dispose of Properties

All properties part of the Building Home Program shall be disposed of in the manner prescribed in Sections 5 to eligible and approved participants.

The administering agency shall acquire property through tax lien foreclosure or gift or contract from other private or public entities. When properties are secured, appropriate public notification will occur on the administering agency's website. Disposition of properties under this Program shall include simplified application processes, reduced acquisition costs, and scoring criteria that reward community-based impact, inclusive hiring, and developer equity participation.

10) Other Conditions

Other conditions and criteria that are deemed to be in the public interest include use of program revenue from defaulted escrow or other source as applicable. Such revenue may be utilized to improve or otherwise make more marketable properties held within the program or be utilized for other land

activation strategy consistent with the Joint Memphis and Shelby County Housing Policy Plan or its subsequent updates or successor plans.

The Building Home Program commits to addressing historical inequities in land access and wealth building by centering racial equity, equitable affordability, and anti-displacement principles in program design and implementation. The program prioritizes inclusive participation by historically marginalized developers and intentionally targets neighborhoods impacted by discriminatory policies such as redlining. The success of the program will be measured not only by the number of units developed but by its effectiveness in redressing past harms and building a more just and inclusive housing system for Shelby County.

DPD shall produce, at minimum, an annual report that tracks and evaluates the performance of the Building Home Program with respect to its stated equity and affordability goals. The report shall include the number and type of housing units produced; affordability levels achieved; and demographic, geographic, and ownership profiles of participating developers, with specific attention to race, gender, and place-based representation. This data will be used to assess the program's effectiveness in advancing equitable access to housing, facilitating racial and generational wealth-building opportunities, and reversing patterns of disinvestment linked to historic redlining and exclusion. The annual report shall also provide recommendations for improving the program's ability to promote racial equity, mitigate displacement risk, and expand the affordable housing stock in high-opportunity areas.

The Building Home Program may be amended by approval of the administration through capturing relevant changes in the applicable Policies and Procedures audit log.

DRAFT – PENDING LEGAL AND COUNCIL REVIEW

ORDINANCE NO. _____

AN ORDINANCE TO ESTABLISH A STRATEGIC LARGE-LOAD DEVELOPMENT AND DIGITAL INFRASTRUCTURE DISTRICT PROGRAM; TO REPLACE A BLANKET DATA-CENTER MORATORIUM WITH SOURCE-NEUTRAL, TIERED, AND TIMED REVIEW; TO DEFINE SUBSTANTIAL COMPLIANCE; TO ADOPT A MEMPHIS WATER ASSURANCE STANDARD AND RECURRING FISCAL FLOOR; TO REQUIRE STRATEGIC DEVELOPMENT AGREEMENTS; TO AUTHORIZE MEMPHIS DIGITAL INFRASTRUCTURE DEVELOPMENT DISTRICT NO. 1; AND FOR RELATED PURPOSES

WHEREAS, Memphis seeks to become a preferred location for high-value digital and strategic large-load investment by offering faster certainty, prepared infrastructure, and a durable public bargain rather than either unregulated first-come access or a blanket closure;

WHEREAS, the City already has agencies responsible for land use, utility service, air, water, fire, building, and economic development, but lacks one source-neutral operating system for extraordinary full-campus demand, recurring fiscal return, cumulative resource allocation, and competitive public development packages;

WHEREAS, Public Chapter 961 of the Public Acts of 2026 establishes a statutory cost-responsibility floor for defined electrical infrastructure and permits certain independent-power and behind-the-meter arrangements, making it necessary for local land-use and development rules to measure total site demand rather than utility load alone;

WHEREAS, Tennessee Code Annotated §§ 13-4-310(e) and 13-3-413(e), as applicable, require local governments to specify what constitutes substantial compliance for vested-right purposes, and Tennessee Code Annotated, Title 7, Chapter 51, Part 22, as enacted by Public Chapter 1044 of 2026, imposes development-service deadlines beginning January 1, 2027;

WHEREAS, the Memphis Sand aquifer is a strategic regional asset, and a verifiable low-potable-water development standard can protect that asset while creating a commercially valuable Memphis certification;

WHEREAS, a recurring fiscal floor, competitive site allocation, ground rent, project security, and reinvestment in the next district create greater long-term value than reliance upon announced capital investment or one-time contributions;

WHEREAS, the City intends to launch a prepared digital infrastructure district now through existing City, County, and industrial-development powers, without waiting for later State enabling legislation;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS:

SECTION 1. SHORT TITLE.

This ordinance may be cited as the “Memphis Strategic Large-Load Development and Digital Infrastructure District Ordinance.”

SECTION 2. PURPOSE AND CONSTRUCTION.

(a) The purposes of this ordinance are to:

- (1) keep qualified development applications moving under enforceable, predictable standards;
- (2) protect citizens, neighborhoods, utility reliability, existing customers, public finances, water resources, and future economic options;

- (3) create recurring and competitive economic return from extraordinary public development value;
- (4) establish one source-neutral review record for the full campus, regardless of the project's energy supplier or ownership structure;
- (5) create and market prepared digital infrastructure districts; and
- (6) provide a bankable public bargain that is not reopened after approval except for default, material modification, or lawful amendment.

(b) This ordinance supplements and does not replace the jurisdiction of MLGW, TVA, TDEC, the Shelby County Health Department, DPD, the Fire Department, Public Works, or any State or federal agency. No provision shall be construed to authorize the City to set a utility rate, reserve electric capacity, approve a private power sale, or waive another agency's permit.

SECTION 3. DEFINITIONS.

"Affiliated Facility" means a facility, phase, parcel, project entity, tenant, or power-supply arrangement under common ownership or control, developed pursuant to a common plan, sharing material infrastructure, or located on contiguous or proximate parcels.

"Core Computing Personal Property" means servers; processors; graphics, tensor, or other accelerators; storage devices; network and switching equipment; racks; internal uninterruptible power and distribution systems; and replacement, refresh, leased, affiliate-owned, or functionally equivalent equipment primarily used for computation, artificial intelligence, data storage, or data movement.

"Covered Facility" means a new or expanded facility, campus, or integrated group of facilities primarily used for high-density computation, artificial intelligence, cloud services, data storage, cryptocurrency or blockchain computation, or similar digital processing, with a Maximum Site Electrical Demand of ten megawatts or more. A telecommunications switching or network facility is excluded unless its digital-compute load independently meets the threshold.

"Digital Infrastructure Development District" means a defined development program or area in which public or authority-controlled land, infrastructure planning, utility studies, water solutions, rights-of-way, standard agreements, and coordinated review are assembled and competitively offered. The term does not by itself create a tax district or alter zoning.

"Discretionary Public Development Value" means a PILOT, public land sale or lease, option, grant, public financing, public infrastructure commitment not available as of right, expedited district position, or other discretionary City-controlled economic value. Ordinary permits and utility service available under generally applicable law and rates are not Discretionary Public Development Value.

"Eligible Digital Infrastructure Expenditures" means the purchase or lease price of Core Computing Personal Property, qualified software, cooling equipment, backup or onsite generation equipment, and other capital equipment installed for the Facility, plus facility energy purchases, but excluding payroll, employee benefits, debt service, taxes, land purchase price, and amounts already remitted as the State Digital Infrastructure Growth Surcharge.

"Maximum Site Electrical Demand" or "MSED" means the greatest projected coincident electrical demand of the complete Facility or campus during its first five years after initial operation, whether supplied by MLGW, TVA-connected service, an independent power producer, behind-the-meter generation, onsite generation, storage, or any combination. MSED is measured before subtracting onsite generation or storage.

"Onsite Generation" means electric generation, cogeneration, fuel cells, turbines, engines, solar, storage-discharge systems, or other production located on or directly serving the site. Emergency backup

generation remains Onsite Generation for disclosure and safety purposes even if excluded from ordinary energy-supply calculations.

“Program Administrator” means the DPD official designated to maintain the single application record, coordinate agency review, issue the official completeness and deficiency notices, and publish the Resource and Return Ledger.

“Regional Growth Dividend” means the contractual payment required by Section 16 when a Covered Facility receives Discretionary Public Development Value. It is distinct from the State Digital Infrastructure Growth Surcharge proposed in the Tennessee Enabling Act.

“Strategic Development Agreement” or “SDA” means the integrated, enforceable agreement among the project entity and applicable public parties governing land, infrastructure, fiscal return, development value, performance, security, reporting, transfer, expansion, default, and remedies.

“Utility Requested Load” means the maximum firm or interruptible electric demand the applicant requests from MLGW, excluding generation not supplied by MLGW.

“Gate Viability Finding” means the written determination required by the Master Delivery Compact that a proposed public development package presents a material, evidence-based advantage over lawful private or self-supplied alternatives.

“Interim Program Executive” means the accountable implementation executive designated under the Master Delivery Compact. The Executive controls the integrated critical path and readiness certifications but does not exercise another body’s final statutory or contractual authority.

“Competitive Boundary Model” means the independent twenty-year comparison of a representative 100-MW campus in Memphis, Southaven/DeSoto County, and at least one other relevant market using current taxes, incentives, utility pathways, land, water, infrastructure, schedule, and financing risk.

“Water Usage Effectiveness” or “WUE” means annual site water consumption for data-center operation divided by annual information-technology energy use, expressed in liters per kilowatt-hour or a successor metric approved by DPD and MLGW.

“Water-Assured Facility” means a Facility certified under Section 12 and Appendix B as satisfying the Memphis Water Assurance Standard.

SECTION 4. SOURCE-NEUTRAL TIERS AND AGGREGATION.

(a) A Covered Facility is classified by MSED:

- (1) Tier I: at least 10 MW but less than 25 MW;
- (2) Tier II: at least 25 MW but less than 50 MW; and
- (3) Tier III: 50 MW or more.

(b) Affiliated Facilities shall be aggregated if developed during a five-year period, under common ownership or control, pursuant to a common plan, on contiguous or proximate parcels, or with shared electric, water, generation, fiber, road, or other material infrastructure. The Program Administrator shall look to substance over entity form.

(c) An applicant shall disclose the full planned campus and all phases. Deliberate segmentation or material omission is grounds for rejection, revocation, forfeiture, and referral for enforcement.

SECTION 5. APPLICABILITY, EXISTING RIGHTS, AND MATERIAL EXPANSIONS.

(a) This ordinance applies prospectively to new Covered Facilities and to the unvested portion of an expansion, new phase, increase in MSED or Utility Requested Load, material change in energy source, new nonemergency Onsite Generation, or material increase in potable-water demand.

(b) A lawfully vested right is respected only to the extent and scope established by Tennessee law and the approved or substantially compliant submission creating the right. A vested site does not create a vested right to undisclosed future phases, increased load, a different energy system, a new PILOT, public land, or other Discretionary Public Development Value.

(c) A transfer of ownership or operator does not extinguish obligations that run with an SDA, land instrument, utility agreement, permit, or other binding approval.

SECTION 6. IMPLEMENTATION EXECUTIVE, SINGLE INTAKE, AND PROGRAM ADMINISTRATOR.

(a) Within five business days after adoption, the Mayor shall designate the Interim Program Executive and activate the Master Delivery Compact, subject to lawful appointment, procurement, employment, and funding requirements.

(b) The Interim Program Executive shall maintain the integrated critical path, common data room, authority matrix, readiness certifications, and public escalation protocol. The Executive shall not exercise a permit, utility, tax, land, appropriation, or elected decision reserved to another body.

(c) Within five business days after the operative date, the DPD Director shall designate one Program Administrator and one electronic application record for each Tier II and Tier III Facility.

(d) MLGW, DPD, Public Works, Fire, the Shelby County Health Department, EDGE, and other participating agencies shall transmit comments to the Program Administrator. The Program Administrator shall issue the City's consolidated completeness or deficiency notice. Nothing in this subsection transfers a final agency decision.

(e) The City shall conduct one mandatory pre-submittal conference before accepting a Tier II or Tier III development application as substantially compliant.

SECTION 7. SUBSTANTIAL COMPLIANCE CHECKLIST.

(a) Pursuant to Tennessee Code Annotated §§ 13-4-310(e) and 13-3-413(e), as applicable, a Tier II or Tier III application is not substantially compliant unless it includes each item in Appendix E, including at minimum:

- (1) legal site control and parcel identification;
- (2) ownership, control, end-user, and affiliate disclosure;
- (3) a full-campus conceptual plan and phase schedule;
- (4) MSED, Utility Requested Load, annual ramp, and interconnection assumptions;
- (5) an Energy Supply and Operations Plan disclosing all utility, independent-power, onsite, backup, storage, fuel, and hybrid components;
- (6) potable, nonpotable, reclaimed, process, peak, drought-stage, and wastewater projections, cooling technology, and proposed WUE;
- (7) noise, air, fuel, battery, fire, emergency, traffic, stormwater, and decommissioning concepts;
- (8) evidence of financial capacity and payment of published study deposits;
- (9) a complete list of requested Discretionary Public Development Value; and
- (10) certification under penalty of applicable law that no Affiliated Facility or material phase has been omitted.

(b) DPD shall publish the checklist before this ordinance becomes operative and may add only objective, publicly posted technical items. No unpublished or open-ended standard may determine substantial compliance.

(c) If an applicant declines a lawful extension needed to complete independent technical review, the City shall act within applicable deadlines on the record then available and may issue a deficiency or denial when required evidence is absent. The City shall not create an accidental approval by failing to act.

SECTION 8. TIERED AND TIMED REVIEW.

(a) Tier I. Registration, full-campus disclosure, ordinary permits, applicable operating standards, and annual energy/water reporting. DPD shall target an initial coordinated determination within thirty business days after a substantially compliant submission.

(b) Tier II. Applicant-funded technical review; energy-track determination; Water Assurance review; Resource and Return Ledger; and Strategic Infrastructure Readiness Determination before final discretionary City action. DPD shall target sixty business days after a complete technical record.

(c) Tier III. All Tier II requirements; independent infrastructure and fiscal underwriting; public presentation of the Resource and Return Ledger; and Council ratification of any SDA or extraordinary allocation. DPD shall target ninety business days after a complete technical record, excluding applicant-caused delay and mandatory external process.

(d) These targets are operating commitments, not guarantees of approval or waivers of State law. The Program Administrator shall maintain a deadline ledger under Tennessee Code Annotated § 7-51-2204 and shall issue no more deficiency reports than permitted by law.

SECTION 9. TWO ENERGY PATHS; ONE FULL-SITE RECORD.

(a) Utility-served and hybrid path. An applicant seeking any MLGW electric service shall obtain the applicable MLGW study or readiness statement and comply with the MLGW Large-Load Service and Capacity Policy. No City approval creates a Capacity Reservation.

(b) Self-supplied or behind-the-meter path. An applicant proposing no MLGW electric service, or proposing Onsite Generation or an independent power producer, shall submit an Energy Supply and Operations Plan addressing full MSED, generation technology, fuel supply, expected operating hours, air emissions, noise, cooling and water, electrical safety, islanding, interconnection if any, emergency operation, fire protection, fuel storage, decommissioning, and construction phasing.

(c) MLGW approval is required only to the extent required by law, contract, utility service, interconnection, backup service, or safety. Absence of MLGW jurisdiction over a private power purchase does not exempt the Facility from land-use, air, water, fire, building, noise, traffic, fiscal, SDA, or other lawful local requirements.

(d) A hybrid Facility shall disclose both MSED and Utility Requested Load. The Resource and Return Ledger shall never treat a self-supplied campus as consuming zero resources merely because Utility Requested Load is zero.

SECTION 10. STRATEGIC INFRASTRUCTURE READINESS DETERMINATION.

(a) The Program Administrator shall issue a written determination stating whether the application presents a credible path to satisfy land use, energy supply, water, wastewater, roads, fiber, emergency response, fire, air, noise, lighting, stormwater, fuel, security, and decommissioning requirements.

(b) The determination incorporates, but does not duplicate or supersede, the written findings and permits of agencies with independent jurisdiction.

(c) A favorable determination requires findings that:

- (1) the project has a technically credible energy path without representing that utility capacity is reserved;

- (2) statutory electrical infrastructure costs and contractual incremental public costs are allocated to the project and secured;
- (3) the project can satisfy the Memphis Water Assurance Standard or has obtained the limited waiver authorized by Section 12;
- (4) the project will not materially impair critical public service or an adopted resource budget;
- (5) land-use, air, noise, fire, emergency, fuel, and operating requirements can be satisfied; and
- (6) all material phases, affiliates, energy sources, and public requests have been disclosed.

SECTION 11. PROJECT COST RESPONSIBILITY AND SECURITY.

- (a) “Statutory Electrical Infrastructure Costs” means the capitalizable costs governed by Public Chapter 961 and successor law. Those costs shall be assigned and recovered as required by law and neutral utility policy.
- (b) “Contractual Incremental Public Costs” means additional but-for costs reasonably attributable to the Facility, including water, wastewater, road, emergency-service, public-safety, monitoring, land, operating, maintenance, and decommissioning exposure. Such costs may be imposed only through an SDA, utility agreement, land instrument, incentive agreement, lawful fee supported by required cost documentation, or other valid contract or authority.
- (c) Tier II and Tier III Facilities shall provide deposits, letters of credit, guarantees, bonds, take-or-pay obligations, completion security, decommissioning security, or other protection proportionate to public exposure before a public entity constructs ahead of the project.
- (d) Construction of the project’s required infrastructure, payment of ordinary taxes, and compliance with law are not community benefits and shall not be counted as negotiated value.

SECTION 12. MEMPHIS WATER ASSURANCE STANDARD.

- (a) A Tier II or Tier III Facility shall be designed and operated as a Water-Assured Facility.
- (b) After a commissioning period not exceeding ninety days, potable water shall not be used for routine heat rejection or evaporative cooling at a Tier II or Tier III Facility. Permitted approaches include dry cooling, closed-loop systems with de minimis make-up demand, reclaimed or treated wastewater, captured stormwater, direct-to-chip or immersion systems, or another independently verified technology meeting equal or better performance.
- (c) Each Facility shall install separate meters for potable, nonpotable, reclaimed, and process water; report monthly use and annual/peak WUE; maintain a drought-stage reduction and curtailment plan; and fund annual independent verification.
- (d) Each Tier II and Tier III application shall quantify, under published Memphis design-day assumptions, the cooling design’s expected PUE, cooling-related peak megawatts, annual megawatt-hours, potable and total water demand, and onsite-emissions effect relative to feasible alternatives. The Resource and Return Ledger shall display the water savings and energy penalty or benefit together. No cooling technology is presumed costless.
- (e) As a condition of an SDA, District participation, City-controlled Discretionary Public Development Value, MLGW water service, and City land-use approval to the extent authorized by law, a Tier II or Tier III Facility shall not rely on a new direct withdrawal from the Memphis Sand aquifer for routine process or cooling use unless: (1) every permit and approval required from the Shelby County Health Department, the Groundwater Quality Control Board, TDEC, and any other competent authority has been obtained; and (2) the Council approves a time-limited SDA exception by a two-thirds vote after public hearing and written findings of necessity, monitoring, capacity, and no superior alternative. The

Council does not issue or substitute for a well permit, and this subsection does not displace another agency's jurisdiction.

(f) The Council may grant a time-limited potable-water waiver for no more than three years by a two-thirds vote only upon findings that:

- (1) no technically and commercially reasonable nonpotable or dry alternative can be available on the required schedule;
- (2) MLGW confirms sufficient capacity without impairing critical or ordinary customer needs;
- (3) the SDA establishes a binding WUE ceiling, separate metering, drought curtailment, and a funded conversion plan;
- (4) the applicant finances or provides an equivalent nonpotable-water, conservation, or system-capacity improvement; and
- (5) the waiver is necessary to secure demonstrably superior long-term regional value.

(g) DPD and MLGW shall publish the technical schedule in Appendix B, update measurement protocols administratively, and issue a public "Memphis Water-Assured" certification only after independent verification. Confidential infrastructure-security details may be protected as allowed by law, but aggregate use, PUE, and performance shall be public.

SECTION 13. RECURRING FISCAL FLOOR.

(a) No City-approved or City-recommended PILOT, lease, incentive, or other discretionary arrangement for a Covered Facility shall reduce the annual City payment attributable to Core Computing Personal Property below one hundred percent of the ad valorem tax that would be due if the property were privately owned and fully taxable.

(b) The annual City payment attributable to land shall be one hundred percent of the ordinary City ad valorem tax equivalent. The annual City payment attributable to cooling, backup or nonemergency generation, storage, and other support personal property shall be at least fifty percent of the ordinary City ad valorem tax equivalent. The annual payment attributable to other real-property improvements shall be at least twenty-five percent of the ordinary City ad valorem tax equivalent.

(c) Core Computing Personal Property includes every replacement, refresh, upgrade, leased asset, affiliate-owned asset, and functionally equivalent item placed in service during the term. A change in owner, lessor, affiliate, assessment classification, or equipment cycle does not reset or evade the floor.

(d) The minimum is a floor, not an entitlement. A competitive award may require higher payments. The City shall evaluate twenty-year net present value and recurring annual yield, but no year may fall below the applicable floor.

(e) Ordinary taxes and minimum PILOT payments shall not be represented as community benefits. A reduction from a requested abatement is not a negotiated contribution.

(f) The City shall not recommend a joint City-County PILOT inconsistent with this Section. County participation and the County share are governed by the Shelby County Companion Measure.

SECTION 14. REGIONAL RESOURCE AND RETURN LEDGER.

(a) The Program Administrator shall publish a project ledger for each Tier II and Tier III Facility, using assumptions certified by the applicant and reviewed by an independent underwriter for Tier III.

(b) The Ledger shall separately disclose at least:

- (1) twenty-year net public fiscal value and recurring annual public revenue;
- (2) Utility Requested Load, MSED, load ramp, cooling-related peak megawatts and annual megawatt-hours under Memphis design conditions, and flexibility or curtailment value;

- (3) potable, nonpotable, reclaimed, peak, and drought-stage water demand, WUE, and the paired energy-water tradeoff of the selected cooling design;
 - (4) acreage, land-control structure, public infrastructure exposure, and useful infrastructure retained for future users;
 - (5) Onsite Generation, expected operating hours, fuel source, air/noise burden, storage, and resilience;
 - (6) ground rent, option fees, reservation deposits, bid premium, Growth Dividend, and other direct consideration;
 - (7) permanent payroll, local procurement, workforce, public-compute, research, and supplier-ecosystem value;
 - (8) financial strength, construction certainty, default security, and stranded-asset risk; and
 - (9) the opportunity and option value surrendered by committing land, capacity, water, infrastructure, or public credit.
- (c) No single score is dispositive. A project must first satisfy hard floors; it must fit within adopted resource budgets; and only then may it compete on return, performance, speed, and strategic value.

SECTION 15. STRATEGIC DEVELOPMENT AGREEMENT.

- (a) A Tier III Facility, and a Tier II Facility receiving material Discretionary Public Development Value, shall execute an SDA before receiving the value or final extraordinary City approval.
- (b) The SDA shall include, as applicable:
- (1) site, option, lease, ground-rent, and public-infrastructure terms;
 - (2) MSED, Utility Requested Load, energy source, water envelope, expansion, and transfer restrictions;
 - (3) statutory and contractual cost responsibility;
 - (4) recurring fiscal floor and Growth Dividend;
 - (5) construction, financing, procurement, energization, employment, and operational milestones;
 - (6) deposits, guarantees, letters of credit, take-or-pay, forfeiture, reversion, clawback, and liquidated-damages terms;
 - (7) water, air, noise, fire, emergency, security, monitoring, and decommissioning obligations;
 - (8) local procurement, workforce, supplier, public-compute, research, or host-area commitments included in the competitive award;
 - (9) public reporting, audit rights, change control, and remedies; and
 - (10) a project-certainty covenant that the public parties will not reopen the ratified economic terms absent default, material modification, fraud, or lawful amendment.
- (c) Professional staff may negotiate. The Council shall ratify an SDA after public presentation of material economic terms. County ratification is required when County taxes, property, infrastructure, or discretionary value are involved.

SECTION 16. CONTRACTUAL REGIONAL GROWTH DIVIDEND.

- (a) A Tier II or Tier III Facility receiving Discretionary Public Development Value shall pay a Regional Growth Dividend equal to one-half of one percent of Eligible Digital Infrastructure Expenditures, unless the competitive award requires a higher payment.
- (b) The payment is contractual consideration for discretionary value and is not imposed solely as a condition of an ordinary permit available as of right.

(c) The Dividend shall be calculated and paid quarterly, with officer certification, related-party rules, audit rights, and record retention. Payroll is excluded. Ordinary taxes, statutory infrastructure costs, contractual incremental public costs, and legal compliance are not credits.

(d) When the State Digital Infrastructure Growth Surcharge becomes effective on the same base, the contractual payment is reduced dollar-for-dollar only to prevent duplicate payment, unless the bidder expressly offered an additional amount above the required floor.

(e) City receipts shall be deposited in a restricted Strategic Digital Infrastructure Fund and used for prepared districts, shared infrastructure, water alternatives, fiber, resilience, public compute, workforce, and other capacity-building purposes. General-fund transfer is prohibited except by later ordinance stating the specific emergency and amount.

SECTION 17. MEMPHIS DIGITAL INFRASTRUCTURE DEVELOPMENT DISTRICT NO. 1.

(a) The City hereby authorizes the creation and immediate development of Memphis Digital Infrastructure Development District No. 1 through EDGE/IDB or another lawful City-County vehicle using existing powers.

(b) Within fifteen days, the Mayor shall transmit to the Council and EDGE/IDB:

- (1) a site-selection protocol emphasizing industrial compatibility, separation from residential uses, electric and gas pathways, reclaimed-water potential, fiber, roads, emergency access, environmental baseline, and expansion;
- (2) an initial predevelopment budget and funding resolution;
- (3) an independent underwriting and engineering procurement plan; and
- (4) a proposed City-County participation agreement.

(c) Within fifteen business days, MLGW shall provide the preliminary District Deliverability Inventory required by the Master Delivery Compact. The inventory is not a reservation or service commitment.

(d) Within forty-five days, EDGE/IDB shall shortlist candidate sites through an open RFQ or comparable public process. Within seventy-five days, it shall seek option, ground-lease, or other control over one preferred site, subject to due diligence and public approval where required.

(e) No competitive solicitation may be released until the Interim Program Executive issues a positive Gate Viability Finding and the independent underwriter completes the Competitive Boundary Model. If those prerequisites are satisfied, EDGE/IDB shall publish the development package and competitive solicitation no later than Day 120.

(f) No City, EDGE/IDB, or project representative may describe District No. 1 service as accelerated, priority, firm, or faster, or state an energization date, without a written MLGW basis and the Interim Program Executive's certification that the public statement is supported by the current record.

(g) "Build ahead" during the interim means site control, surveys, baseline studies, preliminary engineering, utility studies, water strategy, rights-of-way, permits capable of being obtained before tenant selection, standard agreements, and long-lead procurement rights. No general-obligation debt or full speculative infrastructure construction is authorized without a separate public financing decision.

(h) Public or authority ownership with long-term ground leasing is preferred. A sale requires written findings that it produces greater risk-adjusted value and preserves performance and reversion rights.

(i) The district solicitation shall publish the hard floors, verified resource envelope, water standard, fiscal floor, standard SDA, bid security, evaluation method, and decision schedule. Qualified bidders compete for a finite position; no unsolicited announcement creates priority.

SECTION 18. INDEPENDENT UNDERWRITING AND CONFLICT FIREWALL.

- (a) Recruitment and advocacy staff may develop prospects but shall not make the sole fiscal, resource, or risk determination.
- (b) A Tier III SDA or district award requires an independent fiscal and infrastructure underwriting report and written conflict disclosures from decision participants.
- (c) Material contacts, bid criteria, evaluated terms, and final rationale shall be documented. Bona fide trade secrets and infrastructure-security information may be protected only as allowed by law.

SECTION 19. MILESTONES, WAREHOUSING, AND FORFEITURE.

- (a) No land option, district position, public commitment, or utility reservation may be held indefinitely. Each agreement shall contain financing, construction, procurement, and operation milestones.
- (b) Missed milestones cause automatic reduction, release, forfeiture, or reversion unless the responsible body grants a written, time-limited extension based on circumstances beyond the applicant's control and continued superior public value.
- (c) A district or capacity position is nontransferable without written approval and updated underwriting. The public parties may capture transfer value and may reject a transfer that weakens security, performance, or strategic return.

SECTION 20. OPERATING, REPORTING, AND ENFORCEMENT.

- (a) Tier II and Tier III Facilities shall provide annual reports on energy source and demand, water and WUE, equipment value and refresh, employment and procurement commitments, public payments, emissions and generator operation where lawfully reportable, incidents, and material changes.
- (b) The City may inspect, audit, require corrective action, suspend discretionary benefits, draw security, impose contract remedies, or seek injunctive relief for material noncompliance. Permit enforcement remains with the responsible agency.
- (c) The Program Administrator shall publish an annual regional dashboard showing aggregate committed MSED, Utility Requested Load, water demand, recurring revenue, district positions, useful infrastructure, and remaining adopted resource budgets, with lawful security redactions.

SECTION 21. PROJECT CERTAINTY.

Once a Facility has received final approvals and executed all required agreements, the City shall administer those approvals according to their terms. Political reconsideration alone is not grounds to reopen a lawful agreement. Material expansion, default, misrepresentation, ownership transfer where approval is required, or changed operations remains subject to review.

SECTION 22. PERMANENT SYSTEM DELIVERABLES.

Within one hundred eighty days, the Mayor, DPD, MLGW, EDGE/IDB, and participating County officials shall submit: (1) permanent UDC text; (2) the first regional resource budget; (3) District No. 1 status and financing plan; (4) the permanent Authority transition plan; (5) the State legislative package; and (6) an audit of every serious Tier II or Tier III inquiry and the status of any claimed vested right.

SECTION 23. EFFECTIVE DATE; MORATORIUM REPLACEMENT; NO GAP.

- (a) This ordinance becomes operative only when:
 - (1) the City has activated the Master Delivery Compact, designated the Interim Program Executive, and opened the common implementation record;
 - (2) DPD has published the Section 7 checklist and designated the Program Administrator;

- (3) the MLGW Large-Load Service and Capacity Policy, or an interim equivalent approved by the proper authority, is effective; and
- (4) the Council Attorney certifies the coordinated effective date and procedural route.
- (b) At the exact time this ordinance becomes operative, the pending data-center moratorium is withdrawn, repealed, superseded, or terminated through the procedurally appropriate action. There shall be no interval in which the moratorium is absent and the replacement standards are not operative.
- (c) If a severable provision is enjoined or invalidated, remaining provisions continue. If a core no-gap provision cannot legally become operative, the Council shall use the narrow sixty-day Tier III fallback described in the Action Plan until corrected.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MEMPHIS, TENNESSEE, AMENDING ORDINANCE NO. 5367, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO ESTABLISH REGULATIONS FOR THE SITING, INITIAL DEVELOPMENT, CONSTRUCTION, EXPANSION, ALTERATION, AND OPERATION OF LARGE-SCALE DATA CENTERS; ESTABLISHING DATA CENTER DEVELOPMENT STANDARDS; PROHIBITING ROUTINE EVAPORATIVE AND ONCE-THROUGH COOLING; REQUIRING CLOSED-LOOP WATER-CIRCULATION SYSTEMS; PROHIBITING MAJOR WITHDRAWALS OF LOCAL WATER RESOURCES FOR DATA CENTER COOLING; REQUIRING WATER CONSERVATION AND MONITORING; REQUIRING PROGRESSIVE USE OF RENEWABLE AND NON-CARBON ELECTRICITY; ESTABLISHING A SCHEDULE FOR THE PHASE-OUT OF CARBON-BASED ELECTRICITY; ESTABLISHING REQUIREMENTS FOR EXPANSION OF EXISTING DATA CENTERS; PROVIDING FOR PUBLIC DISCLOSURE, REPORTING, ENFORCEMENT, PENALTIES, AND OTHER MATTERS RELATED THERETO.

WHEREAS, the City Council of Memphis recognizes that large-scale data centers can require substantial amounts of electricity, water, land, electrical infrastructure, cooling infrastructure, and other public resources; and

WHEREAS, the City Council recognizes its responsibility to protect the health, safety, welfare, environmental quality, water resources, neighborhoods, infrastructure, and long-term economic interests of the residents of Memphis; and

WHEREAS, the Tennessee Department of Environment and Conservation recognizes that local governments may address data center siting, zoning, land-use compatibility, noise, and local infrastructure matters through local governmental processes; and

WHEREAS, the City of Memphis possesses authority to regulate land uses and zoning within the City pursuant to applicable Tennessee law and the Memphis and Shelby County Unified Development Code; and

WHEREAS, the Memphis and Shelby County Unified Development Code was adopted by Ordinance No. 5367 and has been amended from time to time by the City Council; and

WHEREAS, the Memphis City Council has determined that data center development should be subject to standards appropriate to the scale and intensity of the use; and

WHEREAS, the City Council finds that the protection of water resources is a legitimate public purpose and that cooling technologies that continuously circulate water in closed systems can substantially reduce water consumption; and

WHEREAS, the City Council finds that routine evaporative cooling can result in continuing consumption of water through evaporation and can place unnecessary demands upon municipal and regional water resources; and

WHEREAS, the City Council finds that data center electricity demand can be substantial and that increasing reliance upon renewable and non-carbon energy sources is in the public interest; and

WHEREAS, the City Council further finds that the costs of electrical infrastructure required solely or primarily because of data center development should not be shifted to residential customers or unrelated commercial customers to the extent prohibited or regulated by Tennessee law; and

WHEREAS, the City Council enacted Ordinance No. 5982 establishing a temporary moratorium on certain data center permits in order to provide time for the City to study and establish appropriate permanent development standards; and

WHEREAS, the City Council now determines that permanent standards governing water, energy, environmental sustainability, development, expansion, and infrastructure are necessary;

NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, TENNESSEE:

SECTION 1.

DATA CENTER DEFINED.

The Memphis and Shelby County Unified Development Code shall be amended to establish the following definition:

“DATA CENTER” means a building, structure, campus, or collection of buildings and associated infrastructure principally used for the housing, operation, storage, processing, management, transmission, or distribution of digital information through electronic computing equipment, including servers, computer systems, artificial-intelligence computing equipment, telecommunications equipment, network equipment, data-storage equipment, environmental control systems, electrical systems, substations, backup power systems, cooling systems, and related infrastructure.

A facility shall be considered a Data Center regardless of whether its computing equipment is operated by the owner of the real property, a tenant, contractor, affiliate, subsidiary, or other entity.

SECTION 2.

LARGE DATA CENTER.

A “LARGE DATA CENTER” means a Data Center that:

A. has a projected electrical demand of twenty (20) megawatts or greater; or

B. is designed or intended to increase electrical demand to twenty (20) megawatts or greater within ten (10) years of initial occupancy.

The City Council may establish a lower threshold by subsequent amendment to the Unified Development Code.

SECTION 3.

APPLICABILITY.

The requirements of this Ordinance shall apply to:

- A. every new Large Data Center;
- B. every new Data Center proposed after the effective date of this Ordinance;
- C. every expansion of an existing Data Center that increases electrical demand, computing capacity, building area, cooling capacity, or water demand;
- D. every conversion of an existing building or property to Data Center use;
- E. every new Data Center campus or expansion of an existing Data Center campus; and
- F. any phased development where multiple buildings or facilities are operated under common ownership, control, management, or utility service.

SECTION 4.

DATA CENTER DEVELOPMENT APPROVAL REQUIRED.

No person shall establish, construct, expand, enlarge, or materially modify a Data Center unless the applicant has obtained all applicable zoning, land-use, site-plan, building, utility, environmental, and other approvals required by the City and applicable law.

No Data Center development shall be approved unless the applicant demonstrates compliance with this Ordinance.

SECTION 5.

DISCLOSURE OF ULTIMATE DEVELOPMENT.

Every application for a new Data Center shall disclose the maximum reasonably anticipated development of the property, including:

- A. ultimate building area;
- B. ultimate electrical demand;
- C. anticipated computing capacity;
- D. number and capacity of cooling systems;
- E. maximum anticipated water demand;
- F. proposed water sources;
- G. proposed wastewater discharge;
- H. backup-generation capacity;
- I. battery-storage capacity;

- J. renewable-energy generation or procurement;
- K. anticipated carbon-based electricity consumption; and
- L. all known phases of future development.

No applicant shall avoid the requirements of this Ordinance by dividing a single Data Center campus into separate buildings, ownership entities, applications, phases, or permits.

SECTION 6.

CLOSED-LOOP COOLING REQUIRED.

- A. All new Data Centers shall use closed-loop cooling systems.
- B. Cooling water shall be continuously circulated and reused within the cooling system.
- C. The cooling system shall be designed so that water is not routinely consumed through evaporation.
- D. Once-through cooling systems are prohibited.
- E. Open-loop cooling systems are prohibited.
- F. Routine evaporative cooling towers are prohibited.
- G. Routine cooling-water blowdown, bleed-off, or discharge is prohibited except where specifically approved by the City Engineer as necessary for system safety or maintenance and where the discharge complies with all applicable law.
- H. Acceptable cooling technologies may include:
 - 1. air cooling;
 - 2. dry cooling;
 - 3. direct-to-chip cooling;
 - 4. rear-door heat exchangers;
 - 5. immersion cooling;
 - 6. closed-circuit cooling;
 - 7. other non-evaporative technologies approved by the City Engineer.

SECTION 7.

PROHIBITION ON MAJOR LOCAL WATER WITHDRAWALS.

A. No Data Center shall use groundwater, surface water, municipal drinking water, aquifer water, river water, lake water, reservoir water, or other Local Water Resources for routine cooling operations if the withdrawal constitutes a Major Water Withdrawal.

B. No new private well shall be constructed for the primary purpose of supplying routine Data Center cooling.

C. No Data Center shall divert water from the Mississippi River, Wolf River, Nonconnah Creek, groundwater aquifers, reservoirs, lakes, or other local water resources for routine cooling operations unless expressly authorized by applicable law and separately approved by the City following a public review.

D. The City shall favor reclaimed, recycled, captured, non-potable, or otherwise non-freshwater sources where water is permitted for an authorized use.

E. No approval shall be granted where the proposed cooling-water demand would materially impair the City's ability to provide water for residential, public health, fire protection, environmental, agricultural, or other essential purposes.

SECTION 8. POTABLE WATER.

Routine Data Center cooling shall not use treated potable drinking water supplied through the City's public water system except for:

A. initial filling of an approved closed-loop cooling system;

B. replacement of unavoidable system losses;

C. emergency conditions;

D. maintenance necessary to protect equipment or public safety; or

E. another use expressly approved by the City.

No potable water shall be used for intentional evaporative cooling.

SECTION 9. INITIAL COOLING SYSTEM FILL.

The applicant shall disclose the volume of water required to initially fill the cooling system.

The City Engineer shall determine whether the proposed initial fill can be supplied without adversely affecting public water supply, fire protection capacity, wastewater capacity, or other essential municipal services.

The City may require phased filling or alternative water sources when necessary to protect municipal water capacity.

SECTION 10.

WATER CONSERVATION PLAN.

Every applicant shall submit a Water Conservation and Resource Protection Plan containing:

- A. cooling-system specifications;
- B. initial water-fill requirements;
- C. anticipated annual water consumption;
- D. anticipated maximum daily water consumption;
- E. water-source identification;
- F. anticipated makeup-water requirements;
- G. procedures preventing evaporation;
- H. procedures preventing routine discharge;
- I. leak-detection procedures;
- J. water-metering procedures;
- K. water-recycling procedures;
- L. emergency-water procedures;
- M. wastewater-management procedures; and
- N. certification by a Tennessee-licensed professional engineer.

SECTION 11.

SEPARATE WATER METERING.

Every Data Center shall install meters capable of separately measuring:

- A. total water entering the facility;
- B. cooling-system water;
- C. makeup water;
- D. water used for non-cooling purposes; and
- E. wastewater discharge where technically feasible.

The City shall have the right to inspect and verify such meters.

SECTION 12.

WATER REPORTING.

Every Data Center shall submit an annual report to the City containing:

- A. total water consumption;
- B. total cooling-water consumption;
- C. makeup-water consumption;
- D. water source;
- E. initial cooling-system fill;
- F. water lost through leakage;
- G. any authorized discharge;
- H. any emergency withdrawal; and
- I. certification by the facility owner or authorized representative.

The City may make such information available to the public subject to applicable trade-secret and public-records law.

SECTION 13.

RENEWABLE ENERGY REQUIREMENT.

Every new Data Center shall obtain electricity from qualifying renewable or other non-carbon energy resources according to the following schedule:

- A. Beginning upon commencement of commercial operation:

Not less than sixty percent (60%) of annual electricity consumption shall be matched by qualifying renewable or non-carbon electricity.

- B. Beginning three (3) years after commencement of commercial operation:

Not less than seventy-five percent (75%) shall be matched by qualifying renewable or non-carbon electricity.

- C. Beginning six (6) years after commencement of commercial operation:

Not less than ninety percent (90%) shall be matched by qualifying renewable or non-carbon electricity.

- D. Beginning ten (10) years after commencement of commercial operation:

One hundred percent (100%) shall be matched by qualifying renewable or non-carbon electricity.

SECTION 14.

QUALIFYING RENEWABLE ENERGY.

Qualifying renewable electricity may include electricity generated from:

- A. solar;
- B. wind;
- C. geothermal;
- D. qualifying hydroelectric resources;
- E. onsite renewable generation;
- F. qualifying utility renewable-energy programs;
- G. long-term renewable power-purchase agreements;
- H. community renewable-energy programs; or
- I. other renewable-energy procurement mechanisms approved by the City Attorney.

Renewable Energy Certificates may be used for compliance only where legally recognized and where the certificates are retired for the benefit of the Data Center.

SECTION 15.

CARBON-BASED ELECTRICITY PHASE-OUT.

A. Routine electricity consumption from coal, petroleum, natural gas, diesel, gasoline, fuel oil, or other fossil-fuel generation shall be progressively reduced.

B. No new Data Center shall exceed the following annual carbon-based electricity limits:

- 1.
Years 1-3: forty percent (40%);
- 2.
Years 4-6: twenty-five percent (25%);
- 3.
Years 7-9: ten percent (10%);
- 4.
Year 10 and thereafter: zero percent (0%).

C. Carbon-based backup generators shall not be considered routine electricity sources when operated solely for emergency response, legally required testing, maintenance, or grid emergency purposes.

SECTION 16.

FOSSIL-FUEL BACKUP GENERATORS.

A. New Data Centers shall minimize reliance upon fossil-fuel emergency generation.

B. Fossil-fuel generators may operate only:

1.
during electrical outages;
2.
during declared emergencies;
3.
during required testing;
4.
during maintenance;
5.
to protect life or critical equipment; or
6.
when required by the applicable electric utility or governmental emergency authority.

C. No fossil-fuel generator may serve as the routine primary electrical supply for a Data Center.

D. New Data Centers shall evaluate battery storage and renewable backup generation as alternatives to fossil-fuel generation.

SECTION 17.

EXPANSION OF EXISTING DATA CENTERS.

A. No expansion may proceed without demonstrating compliance with this Ordinance.

B. An expansion that increases the facility's electrical demand by twenty percent (20%) or more shall be reviewed as a new Large Data Center.

C. An expansion that increases water demand shall demonstrate that the increased demand complies with Sections 6 through 12.

D. Replacement of cooling equipment shall comply with the closed-loop, non-evaporative requirements of this Ordinance.

E. A facility shall not avoid these requirements through phased expansion.

SECTION 18.

EXISTING DATA CENTERS.

Existing Data Centers lawfully operating before the effective date of this Ordinance may continue their lawful operations, subject to applicable existing law.

However, existing Data Centers shall submit to the City, within twelve (12) months of the effective date of this Ordinance:

- A. a water-use report;
- B. a cooling-system description;

- C. electrical consumption data;
- D. renewable-energy procurement information;
- E. fossil-fuel generator information;
- F. maximum electrical demand;
- G. maximum water demand; and
- H. an expansion plan, if applicable.

No major expansion shall be approved unless the facility complies with this Ordinance.

SECTION 19.

ELECTRICAL INFRASTRUCTURE COSTS.

Nothing in this Ordinance shall authorize the City or any municipal utility to violate Tennessee law.

To the extent permitted by law, a Data Center applicant shall identify and be responsible for incremental electrical infrastructure costs attributable to its proposed development.

The City shall not voluntarily absorb Data Center-specific infrastructure costs where such absorption is prohibited by Tennessee law.

The applicant shall provide documentation demonstrating the anticipated electrical infrastructure requirements associated with the project.

SECTION 20.

GRID AND ENERGY IMPACT STATEMENT.

Before approval of a Large Data Center, the applicant shall provide:

- A. projected electrical demand;
- B. expected annual electricity consumption;
- C. expected peak demand;
- D. anticipated interconnection requirements;
- E. proposed renewable-energy procurement;
- F. proposed energy-storage capacity;
- G. expected carbon-based electricity consumption;
- H. anticipated electrical infrastructure requirements; and

I. documentation from the serving electric utility concerning available service and anticipated infrastructure requirements, to the extent such documentation may lawfully be obtained.

SECTION 21.

PUBLIC DISCLOSURE.

Except for information protected by applicable trade-secret law, proprietary information law, cybersecurity requirements, or other applicable law, the City shall maintain a publicly accessible Data Center Development Register containing:

- A. approved Data Centers;
- B. pending applications;
- C. electrical demand;
- D. projected water demand;
- E. water-source information;
- F. cooling technology;
- G. renewable-energy percentage;
- H. carbon-based electricity percentage;
- I. backup-generation capacity;
- J. major expansion applications; and
- K. annual compliance reports.

SECTION 22.

ANNUAL COMPLIANCE CERTIFICATION.

Each Data Center shall annually certify compliance with this Ordinance.

The certification shall be signed by an authorized officer, manager, or responsible engineer of the facility.

Knowingly submitting false information shall constitute a violation of the Memphis Code of Ordinances.

SECTION 23.

ENFORCEMENT.

The City may enforce this Ordinance through all remedies available under the Memphis Code of Ordinances and applicable Tennessee law.

Available remedies may include:

- A. notices of violation;
- B. civil penalties;
- C. suspension of permits;
- D. denial of expansion applications;
- E. revocation of approvals where legally authorized;
- F. injunctive relief;
- G. recovery of enforcement costs where authorized by law; and
- H. any other remedy authorized by law.

Each day of continuing violation may constitute a separate violation where permitted by law.

SECTION 24. PERMIT CONDITION.

Compliance with this Ordinance shall be a condition of:

- A. zoning approval;
- B. site-plan approval;
- C. special-use approval;
- D. building-permit approval;
- E. certificate of occupancy;
- F. approval of a material expansion; and
- G. other applicable development approvals.

SECTION 25. NO PREEMPTION OF STATE OR FEDERAL AUTHORITY.

Nothing in this Ordinance shall be construed to regulate matters exclusively reserved to the State of Tennessee, the Tennessee Valley Authority, the Tennessee Public Utility Commission, the Federal Energy Regulatory Commission, or the federal government.

Where state or federal law regulates electricity generation, transmission, utility rates, or environmental permitting, this Ordinance shall operate through the City's lawful zoning, land-use, development, building, water, infrastructure, and permitting authority.

SECTION 26.

IMPLEMENTATION THROUGH THE UNIFIED DEVELOPMENT CODE.

The Memphis and Shelby County Unified Development Code, Ordinance No. 5367, shall be amended as necessary to incorporate the provisions of this Ordinance into the applicable use, development, site-plan, special-use, performance-standard, and permitting sections of the Code.

The Division of Planning and Development, in consultation with the City Attorney, Memphis Light, Gas and Water Division, Memphis Department of Public Works, Memphis Department of Engineering, and other appropriate agencies, shall prepare conforming amendments necessary to implement this Ordinance.

SECTION 27. ADMINISTRATIVE RULES.

The Director of Planning and Development, City Engineer, Water Services Director, Sustainability Officer, or their designees may promulgate reasonable administrative rules necessary to administer this Ordinance.

Such rules shall not exceed the authority granted by this Ordinance or applicable law.

SECTION 28. REVIEW OF ORDINANCE.

The City Council shall receive an annual report concerning Data Center compliance, including:

- A. water consumption;
- B. water-source impacts;
- C. electrical demand;
- D. renewable-energy use;
- E. carbon-based electricity use;
- F. infrastructure costs;
- G. emergency-generator operation;
- H. violations;
- I. enforcement actions; and
- J. recommended amendments.

SECTION 29. SEVERABILITY.

If any section, subsection, paragraph, sentence, clause, phrase, or provision of this Ordinance is determined to be invalid or unconstitutional, such determination shall not affect the validity of the remaining portions.

**SECTION 30.
EFFECTIVE DATE.**

This Ordinance shall take effect upon passage according to the procedures prescribed by the Charter of the City of Memphis and applicable Tennessee law.

**SECTION 31.
CODIFICATION.**

The City Clerk is directed to cause this Ordinance to be incorporated into the Code of Ordinances of the City of Memphis and the applicable portions of the Memphis and Shelby County Unified Development Code.

PASSED AND ADOPTED this ____ day of _____, 2026.

**CHAIRWOMAN / CHAIRMAN
MEMPHIS CITY COUNCIL**

ATTEST:

CITY COMPTROLLER / CITY CLERK

APPROVED:

**MAYOR
CITY OF MEMPHIS**



RESOLUTION approving the final plat for:
The Woodlands P. D. Phase 2 (PD 2021-010)
and accepting Bond as security

WHEREAS, **Woodlands Properties, LLC.**, is the Developer of a certain property within the present limits of the Shelby County, as indicated on the final plat, located approximately 1,850 LF east of the Shelby Drive and Meadow Vale Drive intersection, in Shelby County, Tennessee.

and

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

and

WHEREAS, attached hereto is a standard improvement contract entered into by and between **Woodlands Properties, LLC.**, 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 final plat for **The Woodlands P. D. Phase 2 (PD 2021-010)** and is hereby approved.

BE IT FURTHER RESOLVED, that the proper official be and are hereby authorized to execute the attached standard improvement contract and accept the **Merchants Bonding Company (Mutual)** Performance Bond No. **101322730** in the amount of **\$317,100.00** as project security.



RESOLUTION approving the engineering plans for:

The One

and accepting Bond as security

WHEREAS, **Blooming Ventures, LLC.**, is the Developer of a certain property within the present limits of the City of Memphis, as shown on the plans and located at 5133 Park Avenue, in Memphis, Tennessee.

and

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

and

WHEREAS, attached hereto is a standard improvement contract entered into by and between **Blooming Ventures, LLC.**, 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 **The One** and is hereby approved.

BE IT FURTHER RESOLVED, that the proper official be and are hereby authorized to execute the attached improvement contract and accept the **Travelers Casualty and Surety Company of America** Performance Bond No. **108435636** in the amount of **\$56,200.00** as project security.



RESOLUTION accepting public improvements for
Northside High School Development [CR#5458]
and releasing Bond

WHEREAS, NR, LLC., is the Developer of a certain property in the present limits of the City of Memphis as reflected on the plat, and located at 1212 Vollentine Avenue, in Memphis, Tennessee.

and

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

and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MEMPHIS, TENNESSEE, that the engineering plans for **Northside High School Development [CR#5458]** , and the completion of the public improvements therein, are and the same, are hereby accepted by the City.

BE IT FURTHER RESOLVED, that the **Pinnacle Bank Certificate of Deposit No. NAA5987**, in the amount of **\$115,600.00**, currently held as project security, is hereby ordered released.



RESOLUTION accepting cancellation of
Dexter Grove Subdivision (S 2024-001) [CR#5485]
and releasing Bond

WHEREAS, WHT Properties, LLC., is the Developer of a certain property in the present limits of the City of Memphis, as indicated on the plat, and located at the intersection of Dexter Lane and Dexter Grove Cove (*proposed*), in Memphis, Tennessee.

and

WHEREAS, all of the public improvements required under the terms of the Standard Improvement Contract for the **Dexter Grove Subdivision (S 2024-001) [CR#5485]** project have been officially cancelled, and construction activities for said improvements were never commenced;

and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MEMPHIS, TENNESSEE, that the engineering plans for **Dexter Grove Subdivision (S 2024-001) [CR#5485]**, and cancellation of the public improvements therein, are and the same, are hereby accepted by the City.

BE IT FURTHER RESOLVED, that the **Guaranty Bank Letter-of-Credit No.473** in the amount of **\$320,800.00**, currently held as project security, is hereby ordered released.



Memphis City Council Summary Sheet

(Revised January 28, 2026)

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

A resolution to accept and appropriate grant funding in the amount of Eighty-Eight thousand Eight Hundred Dollars and No cents (\$88,800.00) from the State of Tennessee for In-Service EMS Training.

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

Fire Services is the initiating party.

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

There is no change to an existing ordinance or resolution.

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

All council and super districts.

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

This will not require a new contract or amends an existing contract.

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

This requires an expenditure of funds and budget adjustment.

7. If same night minutes are requested, state the reason for the urgency.

Grant funds are expected to be fully expended within 60 days of receipt.

Grant funds disbursement is scheduled for the pay period 20, payday

September 25, 2026.

Initial
BH



G012

Resolution – Fire Services

A resolution to accept and appropriate grant funding in the amount of Eighty-Eight Thousand Eight Hundred Dollars and No Cents (\$88,800.00) from the State of Tennessee for In-Service EMS Training.

WHEREAS, the City of Memphis Division of Fire Services will receive funds in the amount of Eighty-Eight thousand Eight Hundred Dollars and No Cents (\$88,800.00) from the State of Tennessee; and

WHEREAS, these funds will be used for In-Service EMS Training for One Hundred Eleven (111) Fire Service personnel who have met the Forty (40)-hour minimum in-service training requirement; and

WHEREAS, it is necessary to accept the grant funding and amend the Fiscal Year 2027 Misc Grant Budget to establish funds for the In-Service Training Grant; and

WHEREAS, it is necessary to accept, allocate and appropriate the grant funds in the amount of Eighty-Eight Thousand Eight Hundred Dollars and No Cents (\$88,800.00) for the In-Service EMS Training Grant.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the In-Service EMS Training Grant funds in the amount of Eighty- Eight Thousand Eight Hundred Dollars and No Cents (\$88,800.00) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED that the Fiscal Year 2027 Misc Grant Fund budget be and is hereby amended by allocating and appropriating the expenditures and revenues for the In-Service EMS Training Grant in the amount of Eighty-Eight Thousand Eight Hundred Dollars and No Cents (\$88,00.00) as follows:

Revenue

In-Service State Grant	\$88,800.00
------------------------	-------------

Expenses

Full Time Salaries	\$88,800.00
--------------------	-------------

Initial
BH



Memphis City Council Summary Sheet

(Revised January 28, 2026)

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

A resolution to accept and appropriate grant funding in the amount of One Million Twenty-Three Thousand Two Hundred Dollars and No Cents (\$1,023,200.00) from the State of Tennessee for In-Service Training.

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

Fire Services is the initiating party.

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

There is no change to an existing ordinance or resolution.

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

All council and super districts.

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

This will not require a new contract or amends an existing contract.

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

This requires an expenditure of funds and budget adjustment.

7. If same night minutes are requested, state the reason for the urgency.

Grant funds are expected to be fully expended within 60 days of receipt.

Grant funds disbursement is scheduled for the pay period 20, payday

September 25, 2026.

Initial
BH



G011

Resolution – Fire Services

A resolution to accept and appropriate grant funding in the amount of One Million Twenty-Three Thousand Two Hundred Dollars and No Cents (\$1,023,200.00) from the State of Tennessee for In-Service Training.

WHEREAS, the City of Memphis Division of Fire Services has received funds in the amount of One Million Twenty-Three Thousand Two Hundred Dollars and No Cents (\$1,023,200.00) from the State of Tennessee; and

WHEREAS, these funds will be used for In-Service Training for One Thousand Two Hundred Seventy-Nine (1,279) Fire Service personnel who have met the Forty (40)-hour minimum in-service training requirement: and

WHEREAS, it is necessary to accept the grant funding and amend the Fiscal Year 2027 Misc Grant Budget to establish funds for the In-Service Training Grant; and

WHEREAS, it is necessary to accept, allocate and appropriate the grant funds in the amount of One Million Twenty-Three Thousand Two Hundred Dollars and No Cents (\$1,023,200.00) for the In-Service Training Grant.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the In-Service Training Grant funds in the amount of One Million Twenty-Three Thousand Two Hundred Dollars and No Cents (\$1,023,200.00) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED that the Fiscal Year 2027 Misc Grant Fund budget be and is hereby amended by allocating and appropriating the Expenditures and Revenues for the In-Service Training Grant in the amount of One Million Twenty-Three Thousand Two Hundred Dollars and No Cents (\$1,023,200.00) as follows:

Revenue

In-Service State Grant	\$1,023,200.00
------------------------	----------------

Expenses

Full-Time Salaries	\$1,023,200.00
--------------------	----------------

RESOLUTION SUMMARY

- 1. Short Title Description – Contract No. 12302 - Substation Engineering Services (Protection)**
- 2. Requested Funding - \$1,000,000.00**
- 3. Award Duration – Increase and Fourth and Final renewal (November 21, 2026 through November 20, 2027)**
- 4. Type of Bid – RFQ**
- 5. Awarded to – Fisher & Arnold, Inc.**
- 6. Plain Language Description – This contract is to provide Protection Engineering services including, but not limited to, creating and/or updating protection one lines, schematics, and wiring drawings; installation and replacement of protective relays, remote terminal units, fault recorders, control board panels, and equipment wiring; developing relay settings for electromechanical and digital relays.**
- 7. Impact - The need exists to supplement existing resources to assist in completing projects to support the Distribution Automation (DA) program and support the renewal and replacement of infrastructure program goals for the replacement of substation switches, circuit breakers, and power transformers.**

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of September 2, 2026 approved Renewal and Increase (*Change No. 4*) to Contract No. 12302, Substation Engineering Services (Protection) with Fisher & Arnold, Inc. to renew and increase the current contract in the funded not-to-exceed amount of \$1,000,000.00; and

WHEREAS, the project scope is to provide Protection Engineering services including, but not limited to, creating/updating protection one lines, schematics, and wiring drawings; installation and replacement of Protective Relays, Remote Terminal Units, Fault Recorders, Control Board Panels, equipment wiring and developing relay settings for Electromechanical and Digital Relays. The contract award was based on the Request for Qualifications (“RFQ”) evaluation process.

WHEREAS, this change is to renew the current contract for the fourth and final renewal term for the period covering November 21, 2026 through November 20, 2027 in the funded not-to-exceed amount of \$1,000,000.00 with no increase in rates. In addition, MLGW is requesting funding to supplement existing resources to assist in completing projects to support the Distribution Automation (DA) program for the conversion of electromechanical relays to microprocessor digital relays for all non-network substation feeders, as well as, support the renewal and replacement of infrastructure program goals for the replacement of substation switches, circuit breakers, and power transformers. This renewal and increase complies with all applicable laws and policies. The new contract value is \$3,900,000.00; and

NOW THEREFORE BE IT RESOLVED BY THE Board of Light, Gas and Water Commissioners, that there be and is hereby approved the Renewal and Increase (*Change No. 4*) to Contract No. 12302, Fisher Arnold Engineering Services (Protection) with Fisher & Arnold, Inc. to renew and increase the current contract in the funded not-to-exceed amount of \$1,000,000.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
September 2, 2026

The Director of Procurement, Contracts and Strategic Sourcing recommends to the Board of Light, Gas and Water Commissioners the approval of the Renewal and Increase (*Change No. 4*) Contract No. 12302, Substation Engineering Services (Protection) with Fisher & Arnold, Inc. to renew and increase the current contract in the funded not-to-exceed amount of \$1,000,000.00.

The project scope is to provide Protection Engineering services including, but not limited to, creating/updating protection one lines, schematics, and wiring drawings; installation and replacement of Protective Relays, Remote Terminal Units, Fault Recorders, Control Board Panels, equipment wiring and developing relay settings for Electromechanical and Digital Relays. The contract award was based on the Request for Qualifications ("RFQ") evaluation process.

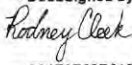
This change is to renew the current contract for the fourth and final renewal term for the period covering November 21, 2026 through November 20, 2027 in the funded not-to-exceed amount of \$1,000,000.00 with no increase in rates. In addition, MLGW is requesting funding to supplement existing resources to assist in completing projects to support the Distribution Automation (DA) program for the conversion of electromechanical relays to microprocessor digital relays for all non-network substation feeders, as well as, support the renewal and replacement of infrastructure program goals for the replacement of substation switches, circuit breakers, and power transformers. This renewal and increase complies with all applicable laws and policies. The new contract value is \$3,900,000.00.

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 the Renewal and Increase (*Change No. 4*) to Contract No. 12302, Substation Engineering Services (Protection) with Fisher & Arnold, Inc. to renew and increase the current contract in the funded not-to-exceed amount of \$1,000,000.00, as outlined in the above preamble, is approved; and further

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

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 meeting held on 2nd day of September, 2026, at which a quorum was present.

DocuSigned by:


C84E2E63D610415

VP, CFO & Secretary - Treasurer

RESOLUTION SUMMARY

1. Short Title Description - ELECTRIC

TDOT Utility Relocation Contract (Chapter 86)

Project: SR-4 (US-78), Raines Rd/Perkins Rd. interchange to AR-176 (Getwell)

TDOT Pin#: 100340.00, TDOT Contract #: 9650

2. Requested Funding - \$3,831,452.63

3. Award Duration - One-time deposit

4. Type of Bid - N/A

5. Awarded To - Department of Transportation (TDOT)

6. Plain Language Description - State contract for which the utility is responsible for and is obligated to pay the State the estimated deposit amount.

7. Impact - The utility has furnished TDOT with an estimate, plans, and specifications showing the cost and manner of relocating these facilities, which estimate is in the amount of \$6,145,715.56.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of September 2, 2026, approved the invoice payment for construction services with the Tennessee Department of Transportation (TDOT) for the Lamar Avenue Phase 3 Street Improvement Project (SP 03.08) in the amount of \$3,831,452.63 , and is now recommending to the Council of the City of Memphis that it approve said invoice payment as approved; and

WHEREAS, MLGW entered into a contract with TDOT, which allows TDOT to relocate MLGW Electric distribution infrastructure including material, labor and equipment, as part of their roadway construction to accommodate this project, and

WHEREAS, this request is for payment made to TDOT in the funded amount of \$3,831,452.63 .

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby approved the recommendation of the payment made to TDOT in the funded amount of \$3,831,452.63 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
September 2, 2026

The Vice President , Electric Engineering and Operations presented for consideration of the Board , deposit payment of an invoice to Tennessee Department of Transportation (TDOT) for the Lamar Avenue Phase 3 Street Improvement Project (SP 03.08) in the amount of \$3,831,452.63

MLGW entered into a contract with TDOT, which allows TDOT to relocate MLGW Electric distribution infrastructure including material, labor and equipment, as part of their roadway construction to accommodate this project.

TDOT submitted their request for payment on July 16, 2026, with payment due by August 19, 2026, and payment had to be submitted before the requisite Board and Council approvals. This request is for payment made to TDOT in the funded amount of \$3,831,452.63 .

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 deposit payment of invoice submitted from TDOT for Construction Services in the funded amount of \$3,831,452.63 , as outlined in the foregoing preamble, is approved.

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 meeting held on 2nd day of September, 2026, at which a quorum was present.

DocuSigned by:

Rodney Clerk

C84E2E63D610415...

VP, CFO & Secretary - Treasurer

SAME DAY MINUTES APPROVED

RESOLUTION SUMMARY

- 1. Short Title Description – Contract No. 12621 (*formerly Contract No. C2805*) – BESS Strategic Placement**
- 2. Requested Funding – \$420,000.00 (\$370,000.00 proposal amount plus \$50,000.00 in contingency funds)**
- 3. Award Duration – Scope Expansion, Increase and Extension (December 2, 2026 through December 31, 2027)**
- 4. Type of Bid – Professional Services**
- 5. Awarded To – GDS Associates, Inc.**
- 6. Plain Language Description – This change will expand the scope of work to support MLGW's Battery and Energy Storage Systems RFP initiatives.**
- 7. Impact – The professional services will support MLGW's BESS efforts to improve the reliability and resiliency of the electric grid and ensure the continued availability of affordable power for MLGW's customers for decades to come.**

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of September 2, 2026 approved the Scope Expansion, Increase and Extension (*Change No. 2*) to Contract No. 12621 (*formerly Contract No. C2805*) BESS Strategic Placement with GDS Associates, Inc. to expand the scope, increase and extend the current contract in the funded amount of \$420,000.00; and is now recommending to the Council of the City of Memphis that it approves said scope expansion, increase and extension as approved; and

WHEREAS, the project scope is to furnish consulting services to assist with the evaluation of Battery Energy Storage Systems (BESS) deployment on MLGW's Bulk Electric System (BES) portion. This contract will allow MLGW to 1) Perform an MLGW Transmission Screening Study to identify the BESS reliability impact on the MLGW Bulk Electric System; 2) Execute A Bess Performance Evaluation to ensure the best technology and sites are utilized; and 3) Evaluate current MLGW Substations to identify upgrades needed to accommodate the BESS. The contract award was based on the Professional Services evaluation process; and

WHEREAS, this change is to expand the scope of work and increase the current contract value to include:

1) System Impact Study – Workplan: to evaluate two sets of Battery Energy Storage Systems (BESS) interconnections at multiple locations on the MLGW transmission system (\$340,000.00);

2) Supplemental Request for Contract Negotiation Support: concluding ongoing contract negotiations (\$20,000.00); and

3) Refreshed Economic Analysis: to ensure the facility still represents positive economic value to MLGW (\$10,000.00).

In addition, this change is to extend the current contract for one (1) year covering the period December 2, 2026 through December 31, 2027. MLGW is requesting contingency funds in the amount of \$50,000.00 due to the dynamic and complex nature of the BESS projects. This will ensure flexibility to address critical needs without delays in project execution. The total amount of this scope expansion, increase and extension is \$420,000.00. This scope expansion, increase and extension complies with all applicable laws and policies. The new contract value will be \$757,870.00.

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved the Scope Expansion, Increase and Extension (*Change No. 2*) to Contract No. 12621 (*formerly Contract No. C2805*) BESS Strategic Placement with GDS Associates, Inc. to expand the scope, increase and extend the current contract in the funded amount of \$420,000.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
September 2, 2026

The Director of Procurement and Contracts & Strategic Sourcing recommends to the Board of Light, Gas and Water Commissioners the approval of the Scope Expansion, Increase and Extension (*Change No. 2*) to Contract No. 12621 (*formerly Contract No. C2805*) BESS Strategic Placement with GDS Associates, Inc., to expand the scope, increase and extend the current contract in the funded amount of \$420,000.00.

The project scope is to furnish consulting services to assist with the evaluation of Battery Energy Storage Systems (BESS) deployment on MLGW's Bulk Electric System (BES) portion. This contract will allow MLGW to 1) Perform an MLGW Transmission Screening Study to identify the BESS reliability impact on the MLGW Bulk Electric System; 2) Execute A Bess Performance Evaluation to ensure the best technology and sites are utilized; and 3) Evaluate current MLGW Substations to identify upgrades needed to accommodate the BESS. The contract award was based on the Professional Services evaluation process.

This change is to expand the scope of work and increase the current contract value to include:

- 1) System Impact Study – Workplan: to evaluate two sets of Battery Energy Storage Systems (BESS) interconnections at multiple locations on the MLGW transmission system (\$340,000.00);
- 2) Supplemental Request for Contract Negotiation Support: concluding ongoing contract negotiations (\$20,000.00); and
- 3) Refreshed Economic Analysis: to ensure the facility still represents positive economic value to MLGW (\$10,000.00).

In addition, this change is to extend the current contract for one (1) year covering the period December 2, 2026 through December 31, 2027. MLGW is requesting contingency funds in the amount of \$50,000.00

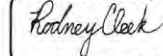
due to the dynamic and complex nature of the BESS projects. This will ensure flexibility to address critical needs without delays in project execution. The total amount of this scope expansion, increase and extension is \$420,000.00. This scope expansion, increase and extension complies with all applicable laws and policies. The new contract value will be \$757,870.00.

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of the Scope Expansion, Increase and Extend (*Change No. 2*) to Contract No. 12621 (*formerly Contract No. C2805*) BESS Strategic Placement with GDS Associates, Inc. to expand the scope, increase and extend the current contract in the funded amount of \$420,000.00 as outlined in the above preamble, is approved; and further

THAT, the President, or his designated representative is authorized to execute the Scope Expansion, Increase 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 meeting held on 2nd day of September, 2026, at which a quorum was present.

DocuSigned by:



CB4E2E63D610415...

VP, CFO & Secretary - Treasurer

RESOLUTION SUMMARY

1. Short Title Description - GAS

TDOT Utility Relocation Contract (Chapter 86)

Project: SR-4 (US-78), Raines Rd/Perkins Rd. interchange to AR-176 (Getwell)

TDOT Pin#: 100340.00, TDOT Contract #: 9649

2. Requested Funding - \$716,454.00

3. Award Duration - One-time deposit

4. Type of Bid - N/A

5. Awarded To - Department of Transportation (TDOT)

6. Plain Language Description - State contract for which the utility is responsible for and is obligated to pay the State the estimated deposit amount.

7. Impact - The utility has furnished TDOT with an estimate, plans, and specifications showing the cost and manner of relocating these facilities, which estimate is in the amount of \$2,736,750.00.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of September 2, 2026, approved the invoice payment for construction services with the Tennessee Department of Transportation (TDOT) for the Lamar Avenue Phase 3 Street Improvement Project (SP 03.08) in the amount of \$716,454.00, and is now recommending to the Council of the City of Memphis that it approve said invoice payment as approved; and

WHEREAS, MLGW entered into a contract with TDOT, which allows TDOT to relocate MLGW Gas distribution infrastructure including material, labor and equipment, as part of their roadway construction to accommodate this project, and

WHEREAS, this request is for payment made to TDOT in the funded amount of \$716,454.00 .

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby approved the recommendation of the payment made to TDOT in the funded amount of \$716,454.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
September 2, 2026

The Vice President , Electric Engineering and Operations presented for consideration of the Board , deposit payment of an invoice to Tennessee Department of Transportation (TDOT) for the Lamar Avenue Phase 3 Street Improvement Project (SP 03.08) in the amount of \$716,454.00

MLGW entered into a contract with TDOT, which allows TDOT to relocate MLGW Gas distribution infrastructure including material, labor and equipment, as part of their roadway construction to accommodate this project.

TDOT submitted their request for payment on July 30, 2026, with payment due by August 14, 2026, and payment had to be submitted before the requisite Board and Council approvals. This request is for payment made to TDOT in the funded amount of \$716,454.00.

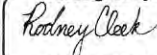
NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, Subject to the consent and approval of the Council of the City of Memphis, the deposit payment of invoice submitted from TDOT for Construction Services in the funded amount of \$716,454.00, as outlined in the foregoing preamble, is approved.

SAME DAY MINUTES APPROVED

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 meeting held on 2nd day of September, 2026, at which a quorum was present.

DocuSigned by:



CB4E2E63D610415...

VP, CFO & Secretary - Treasurer

RESOLUTION SUMMARY

- 1. Short Title Description – Contract No. 10927 – Perpetual Licensing Agreement EngageOne Vault**
- 2. Requested Funding – \$118,358.00 (\$102,920.00 quote amount plus \$15,438.00 in contingency funds)**
- 3. Award Duration – Scope Expansion and Increase (September 1, 2026, through December 28, 2030)**
- 4. Type of Bid – Single Source**
- 5. Awarded To – Precisely Software, Inc.**
- 6. Plain Language Description – The purpose of this project is to implement the Precisely EngageOne Vault platform at Memphis Light, Gas and Water (MLGW) to modernize and streamline the organization's customer communication, management and secure document viewing and archival capabilities. EngageOne Vault will provide MLGW with a centralized, highly scalable, and compliant repository to store, manage, and retrieve customer letters and bills, notices, and regulatory correspondence.**
- 7. Impact – Without the EngageOne Vault application, MLGW would continue to rely on outdated manual and fragmented processes and applications to archive and view printed letters, billing statements and customer notices.**

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of September 2, 2026 approved the Scope Expansion and Increase (*Change No. 12*) to Contract No. 10927, Perpetual Licensing Agreement with Precisely Software, Incorporated (*previously Pitney Bowes Software, Incorporated*) to expand the scope and increase the contract in the funded amount of \$118,358.00, and is now recommending to the Council of the City of Memphis that it approves said scope expansion and increase approved; and

WHEREAS, the project scope is to provide software maintenance, license, and support services for the EngageOne Application and Composition Engine. The purpose of this software is to create or change bills and letters. The initial contract was for annual software maintenance, license, and support services. The contract award was selected based on the Single Source procurement process; and

WHEREAS, this change is to expand the scope and increase the contract value to implement the Precisely EngageOne Vault platform, which will modernize and streamline MLGW's customer communication management, secure document viewing, and archival capabilities. By reducing the scope of work and providing components in house, a 24% discount was obtained bringing the quote amount to \$102,920.00. In addition, MLGW is requesting contingency funds in the amount of \$15,438.00 to address any unforeseen requirements that may arise throughout the implementation. The total funded amount of this scope expansion and increase is \$118,358.00. The term of the contract will remain through December 28, 2030. This single source scope expansion and increase complies with all applicable laws and policies. The new contract value is \$1,611,407.79; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved the Scope Expansion and Increase (*Change No. 12*) to Contract No. 10927, Perpetual Licensing Agreement with Precisely Software, Incorporated (*previously Pitney Bowes Software, Incorporated*) to expand the scope and increase the contract in the funded amount of \$118,358.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
September 2, 2026

The Director of Procurement and Contracts & Strategic Sourcing recommends to the Board of Light, Gas and Water Commissioners the approval of the Scope Expansion and Increase (*Change No. 12*) to Contract No. 10927, Perpetual Licensing Agreement with Precisely Software, Incorporated (*previously Pitney Bowes Software, Incorporated*) to expand the scope and increase the contract value in the funded amount of \$118,358.00.

The project scope is to provide software maintenance, license and support services for the EngageOne Application and Composition Engine. The purpose of this software is to create or change bills and letters. The initial contract was for annual software maintenance, license and support services. The contract award was selected based on the Single Source procurement process.

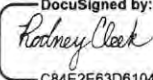
This change is to expand the scope and increase the contract value to implement the Precisely EngageOne Vault platform, which will modernize and streamline MLGW's customer communication management, secure document viewing, and archival capabilities. By reducing the scope of work and providing components in house, a 24% discount was obtained bringing the quote amount to \$102,920.00. In addition, MLGW is requesting contingency funds in the amount of \$15,438.00 to address any unforeseen requirements that may arise throughout the implementation. The total funded amount of this scope expansion and increase is \$118,358.00. The term of the contract will remain through December 28, 2030. This single source scope expansion and increase complies with all applicable laws and policies. The new contract value is \$1,611,407.79.

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 the Scope Expansion and Increase (*Change No. 12*) to Contract No. 10927, Perpetual Licensing Agreement with Precisely Software, Incorporated (*previously Pitney Bowes Software, Incorporated*) to expand the scope and increase the current contract in the funded amount of \$118,358.00 as outlined in the foregoing preamble, is approved and further,

THAT, the President or his designated representative is authorized to execute the Scope Expansion and Increase.

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 meeting held on 2nd day of September, 2026, at which a quorum was present.

DocuSigned by:

C84E2E63D610415...
VP, CFO & Secretary - Treasurer

RESOLUTION SUMMARY

- 1. Short Title Description – Gartner Advisory Services**
- 2. Requested Funding – \$233,740.00**
- 3. Award Duration – Extension and Increase (November 1, 2026 through October 31, 2027)**
- 4. Type of Bid – Cooperative Purchasing Contract - using State of Tennessee contract**
- 5. Awarded To – Gartner, Inc.**
- 6. Plain Language Description – Gartner provides MLGW with unbiased research and consulting services with an emphasis on technology, cybersecurity, utility benchmarking, and other key areas within the industry. The research tool is used by Performance Engineering and Information Technology for comparative analysis of vendors and technical solutions, along with personalized consultations with industry experts.**
- 7. Impact – Gartner Advisory Services delivers invaluable insights that empower organizations within the technology sector to benchmark their performance and integrate industry standards, particularly from the utility and energy domains.**

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of September 2, 2026 approved the Extension and Increase (*Change No. 3*) to Contract No. 12552 (*formerly Contract No. C2673*), Gartner Advisory Services with Gartner, Inc. to extend and increase the contract in the funded amount of \$233,740.00, and is now recommending to the Council of the City of Memphis that it approves said extension and increase as approved; and

WHEREAS, the project scope is to obtain industry research and advisory services that deliver actionable, objective insight across the utility and energy industry that will assist in decision making and stronger performance. MLGW will be able to request comparative analytical data and benchmarking data from other utility companies. This contract award was obtained under the State of Michigan as a Cooperative Purchasing Contract and extended under the State of Tennessee Cooperative Purchasing Contract; and

WHEREAS, this change is to extend the current contract for one (1) year covering the period November 1, 2026 through October 31, 2027 and increase the contract value in the amount of \$233,740.00 with a 3.7% increase in rates from the previous term. The increase reflects Gartner's ongoing commitment to delivering increasing value to utility companies by providing critical insights, expert guidance, and industry best practices needed to thrive in a dynamic utilities environment. This extension and increase complies with all applicable laws and policies. The new contract value is \$830,674.32; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved the Extension and Increase (*Change No. 3*) to Contract No. 12552 (*formerly Contract No. C2673*), Gartner Advisory Services with Gartner, Inc. to extend and increase the contract in the funded amount of \$233,740.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
September 2, 2026

The Director of Procurement and Contracts & Strategic Sourcing recommends to the Board of Light, Gas and Water Commissioners the approval of the Extension and Increase (*Change No. 3*) to Contract No. 12552 (*formerly Contract No. C2673*), Gartner Advisory Services with Gartner, Inc., to extend and increase the contract in the funded amount of \$233,740.00.

The project scope is to obtain industry research and advisory services that deliver actionable, objective insight across the utility and energy industry that will assist in decision making and stronger performance. MLGW will be able to request comparative analytical data and benchmarking data from other utility companies. This contract award was obtained under the State of Michigan as a Cooperative Purchasing Contract and extended under the State of Tennessee Cooperative Purchasing Contract.

This change is to extend the current contract for one (1) year covering the period November 1, 2026 through October 31, 2027 and increase the contract value in the amount of \$233,740.00 with a 3.7% increase in rates from the previous term. The increase reflects Gartner's ongoing commitment to delivering increasing value to utility companies by providing critical insights, expert guidance, and industry best practices needed to thrive in a dynamic utilities environment. This extension and increase complies with all applicable laws and policies. The new contract value is \$830,674.32.

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 the Extension and Increase (*Change No. 3*) to Contract No. 12552 (*formerly Contract No. C2673*), Gartner Advisory Services with Gartner, Inc. to extend and increase the contract in the funded amount of \$233,740.00, as outlined in the above preamble, is approved; and further

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

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 meeting held on 2nd day of September, 2026, at which a quorum was present.

DocuSigned by:



C84E2E63D610415

VP, CFO & Secretary - Treasurer

RESOLUTION SUMMARY

1. **Short Title Description** – CN-7500 KVA Transformers
2. **Requested Funding** – \$740,600.00
3. **Award Duration** – One-Time Purchase
4. **Type of Bid** – Sealed
5. **Awarded To** – Nexgen Power Inc.
6. **Plain Language Description** – To purchase two CN-7500 KVA transformers to support a reliable distribution system and ensure the continued delivery of dependable electric services to our customers.
7. **Impact** – The transformers are being acquired to support infrastructure improvements and for new construction.



RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of September 2, 2026 approved the purchase of CN-7500 KVA transformers and is now recommending to the Council of the City of Memphis that it approves said purchase; and

WHEREAS, the CN-7500 KVA transformers are used to maintain a reliable distribution system and ensure the continued delivery of dependable electric service. The transformers are being acquired to support infrastructure improvements and for new construction; and

WHEREAS, bids were opened on June 3, 2026. Notice to Bidders was advertised. Thirteen bids were solicited, and six bids were received with lowest and best complying bidder being the firm of Nexgen Power 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 the purchase of CN-7500 KVA transformers from Nexgen Power Inc in the amount of \$740,600.00 chargeable to subsequent budget year as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
September 2, 2026

The Director of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it awards a purchase order for CN-7500 KVA transformers to Nexgen Power Inc. in the amount of \$740,600.00.

The CN-7500 KVA transformers are used to maintain a reliable distribution system and ensure the continued delivery of dependable electric service. The transformers are being acquired to support infrastructure improvements and for new construction.

Bids were opened on June 3, 2026. Notice to Bidders was advertised. Thirteen bids were solicited, and six bids were received with the lowest and best complying bidder being the firm of Nexgen Power Inc. This award complies with all applicable laws and policies.

The 2026 budgeted amount for New Circuits is \$11,700,000.00; the amount spent year-to-date is \$237,525.01; leaving a balance available of \$11,462,474.99; of which \$740,600.00 will be spent in subsequent budget year as approved; and

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

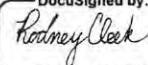
THAT, subject to the consent and approval of the Council of the City of Memphis, awards a purchase order to Nexgen Power Inc. is approved for

furnishing:

2 – Transformers CN-7500 KVA OH 3PH STP DN;

Totaling \$740,600.00; f.o.b. Memphis, Tennessee, our dock; transportation prepaid; said price firm; the quantity is for estimation purposes only and does not create a commitment for MLGW to purchase any specific minimum or maximum quantity, with actual purchases to be made according to operational needs, not to exceed the approved total expenditure; delivery in 28 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 meeting held on 2nd day of September, 2026, at which a quorum was present.

DocuSigned by:


C84E2E63D610415...

VP, CFO & Secretary - Treasurer

RESOLUTION SUMMARY

- 1. Short Title Description – Contract No. 12103 – Workers' Compensation Stop Loss Brokering**
- 2. Requested Funding – \$418,066.00**
- 3. Award Duration – Increase and one (1) year extension (October 1, 2026 through October 1, 2027)**
- 4. Type of Bid – RFP**
- 5. Awarded To – Willis Towers Watson of Tennessee, Inc.**
- 6. Plain Language Description – A broker is needed as part of the requirements for soliciting, implementing and maintaining a Workers Compensation Stop Loss insurance policy.**
- 7. Impact – This contract will keep MLGW in compliance with the State mandated requirement for supporting our Workers' Compensation Stop Loss policy.**

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of September 2, 2026 approved the Increase and Extension (*Change No. 6*) to Contract No. 12103, Workers' Compensation Stop Loss Brokering with Willis Towers Watson of Tennessee, Inc. to increase and extend the current contract in the funded amount of \$418,066.00, and is now recommending to the Council of the City of Memphis that it approves said increase and extension as approved; and

WHEREAS, the project scope is to obtain an experienced Broker to secure State mandated stop loss coverage for MLGW's Workers' Compensation Program. The contract award was based on the Request for Proposal ("RFP") evaluation process; and

WHEREAS, this change is to increase and extend the current contract for one (1) additional year for the period covering October 1, 2026 through October 1, 2027 in the amount of \$418,066.00 (Broker's Fee included in cost). There is no increase in rates from the previous term; however, the covered payroll has increased from \$229,164,283.00 to \$247,654,466.00. This increase and extension complies with all applicable laws and policies. The new contract value is \$2,457,473.00; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved the Increase and Extension (*Change No. 6*) to Contract No. 12103, Workers' Compensation Stop Loss Brokering with Willis Towers Watson of Tennessee, Inc. to increase and extend the current contract in the funded amount of \$418,066.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
September 2, 2026

The Director of Procurement and Contracts & Strategic Sourcing recommends to the Board of Light, Gas and Water Commissioners the approval of the Increase and Extension (*Change No. 6*) to Contract No. 12103, Workers' Compensation Stop Loss Brokering with Willis Towers Watson of Tennessee, Inc. to increase and extend the current contract in the funded amount of \$418,066.00.

The project scope is to obtain an experienced Broker to secure State mandated stop loss coverage for MLGW's Workers' Compensation Program. The contract award was based on the Request for Proposals ("RFP") evaluation process.

This change is to increase and extend the current contract for one (1) additional year for the period covering October 1, 2026 through October 1, 2027 in the amount of \$418,066.00 (Broker's Fee included in cost). There is no increase in rates from the previous term; however, the covered payroll has increased from \$229,164,283.00 to \$247,654,466.00. This increase and extension complies with all applicable laws and policies. The new contract value is \$2,457,473.00.

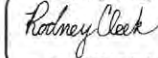
NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of the Increase and Extension (*Change No. 6*) to Contract No. 12103, Workers' Compensation Stop Loss Brokering with Willis Towers Watson of Tennessee, Inc. to increase and extend the current contract in the funded amount of \$418,066.00, as outlined in the above preamble, is approved; and further

THAT, the President, or his designated representative is authorized to execute the Increase 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 meeting held on 2nd day of September, 2026, at which a quorum was present.

DocuSigned by:



CB4E2E63D610415...

VP, CFO & Secretary - Treasurer

RESOLUTION SUMMARY

- 1. Short Title Description – Contract No. 12314 (*formerly C2372*) - Broker of Record for Cyber Security**
- 2. Requested Funding – \$252,000.00**
- 3. Award Duration – Increase and Extension (October 1, 2026 through September 30, 2027)**
- 4. Type of Bid – RFP**
- 5. Awarded To – Willis Towers Watson Southeast, Incorporated**
- 6. Plain Language Description – To acquire and secure Broker of Record for Cyber Insurance to mitigate liability risk.**
- 7. Impact – Cyber insurance covers financial losses from cyber attacks like data breaches, ransomware and business interruption.**

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of September 2, 2026 approved the Increase and Extension (*Change No. 4*) to Contract No. 12314 (*formerly C2372*), Broker of Record for Cyber Insurance and Other Insurance Coverages with Willis Towers Watson Southeast, Incorporated, to extend the current contract in the funded amount of \$252,000.00, and is now recommending to the Council of the City of Memphis that it approves said increase and extension as approved; and

WHEREAS, the project scope is to represent MLGW as its agent to provide consulting support regarding insurance questions and considerations. In addition, the Broker is to advise and provide assistance concerning insurance exposures and coverage acquisition. The contract award was selected based on the Request for Proposal (“RFP”) evaluation process; and

WHEREAS, this change is to increase and extend the current contract for an additional one (1) year term for the period covering October 1, 2026 through September 30, 2027 in the amount of \$252,000.00 which reflects an increase in rates from the previous term. The increase is due to the addition of Excess Cyber Liability layers, which expand the total coverage available. The extension is needed to satisfy the request for the Broker of Record to secure Cyber Insurance and Other Insurance coverage needs. This increase and extension complies with all applicable laws and policies. The new contract value is \$998,138.00; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved the Increase and Extension (*Change No. 4*) to Contract No. 12314 (*formerly C2372*), Broker of Record for Cyber Insurance and Other Insurance Coverages with Willis Towers Watson Southeast, Incorporated, to increase and extend the current contract in the funded amount of \$252,000.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
September 2, 2026

The Director of Procurement and Contracts & Strategic Sourcing recommends to the Board of Light, Gas and Water Commissioners the approval of the Increase and Extension (*Change No. 4*) to Contract No. 12314 (*formerly C2372*), Broker of Record for Cyber Insurance and Other Insurance Coverages with Willis Towers Watson Southeast, Incorporated, to increase and extend the current contract in the funded amount of \$252,000.00.

The project scope is to represent MLGW as its agent to provide consulting support regarding insurance questions and considerations. In addition, the Broker is to advise and provide assistance concerning insurance exposures and coverage acquisition. The contract award was selected based on the Request for Proposal (“RFP”) evaluation process.

This change is to increase and extend the current contract for an additional one (1) year term for the period covering October 1, 2026 through September 30, 2027 in the amount of \$252,000.00 which reflects an increase in rates from the previous term. The increase is due to the addition of Excess Cyber Liability layers, which expand the total coverage available. The extension is needed to satisfy the request for the Broker of Record to secure Cyber Insurance and Other Insurance coverage needs. This increase and extension complies with all applicable laws and policies. The new contract value is \$998,138.00.

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 Increase and Extension (*Change No. 4*) to Contract No. 12314 (*formerly C2372*), Broker of Record for Cyber Insurance and Other Insurance Coverages with Willis Towers Watson Southeast, Incorporated, to increase and extend the current contract in the funded amount of \$252,000.00, as outlined in the foregoing preamble, is approved and further,

THAT, the President, or his designated representative is authorized to execute the Increase 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 meeting held on 2nd day of September, 2026, at which a quorum was present.

DocuSigned by:



C84E2E63D610415

VP, CFO & Secretary - Treasurer

ORDINANCE NO. _____

AN ORDINANCE DECLARING A TEMPORARY MORATORIUM ON THE ACCEPTANCE, PROCESSING, APPROVAL, AND ISSUANCE OF ZONING, LAND USE, BUILDING, AND OTHER ASSOCIATED INFRASTRUCTURE PERMITS FOR DATA CENTER DEVELOPMENTS WITHIN THE CITY OF MEMPHIS

WHEREAS, pursuant to Tennessee Code Annotated § 13-7-201, the Memphis City Council possesses the authority to regulate land use, zoning, and development to protect the public health, safety, and welfare of its citizens; and

WHEREAS, there has been substantial growth nationwide and throughout Tennessee in the development of large-scale data centers and high-density computing facilities supporting cloud computing, artificial intelligence, digital storage, cryptocurrency operations, and other advanced computing technologies; and

WHEREAS, modern data centers differ significantly from traditional commercial and industrial developments because they require exceptionally high electrical loads, extensive backup generation systems, electrical substations, battery storage systems, mechanical cooling equipment, water resources, telecommunications infrastructure, and continuous twenty-four-hour operations; and

WHEREAS, these facilities may generate impacts relating to electrical infrastructure capacity, water consumption, wastewater management, stormwater runoff, emergency services, traffic, lighting, vibration, noise, air quality, fuel storage, public utilities, and surrounding neighborhoods; and

WHEREAS, the Memphis and Shelby County Unified Development Code's current zoning regulations do not specifically classify or comprehensively regulate data center developments as a distinct land use and therefore do not adequately address their unique operational characteristics or community impacts; and

WHEREAS, the Memphis City Council finds that additional study is necessary before permitting additional data center developments to ensure that appropriate zoning classifications, siting standards, buffering requirements, operational standards, utility protections, and environmental safeguards are established; and

WHEREAS, the Memphis City Council further finds that a temporary moratorium is necessary to prevent applications from vesting under existing regulations while permanent zoning amendments are developed.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MEMPHIS:

SECTION 1. DEFINITIONS

Data Center means any building, structure, campus, or facility primarily designed for housing, operating, or maintaining computer servers, data storage equipment, networking equipment, telecommunications infrastructure, or other electronic systems used for processing, transmitting, or storing digital information, together with all associated cooling systems, backup generators, substations, battery storage, mechanical equipment, and supporting infrastructure.

High-Density Computing Facility means any facility engaged primarily in artificial intelligence processing, cryptocurrency mining, commercial server farming, or other computing activities requiring substantial electrical demand or specialized computing equipment.

SECTION 2. TEMPORARY MORATORIUM

Beginning on the effective date of this Ordinance, the City of Memphis shall continue to accept applications for the limited purpose of docketing and completeness review, but shall not process, schedule, hear, approve, or issue any approval identified below during the moratorium. All review deadlines otherwise applicable under state law, the Memphis and Shelby County Unified Development Code, or administrative rule are tolled for the duration of this moratorium. The Memphis and Shelby County Division of Planning and Development shall not process the following for any new Data Center or High-Density Computing Facility located within the city limits of the City of Memphis for the duration of the temporary moratorium:

- Rezoning applications;
- Planned development applications;
- Special use permits;
- Conditional use permits;
- Site plan approvals;
- Building permits;
- Grading permits;
- Land disturbance permits; or
- Any other discretionary land use approval

No City department, board, commission, agency, or official shall accept or approve such applications during the duration of this moratorium.

SECTION 3. EXEMPTIONS

This Ordinance shall not apply to:

1. Existing lawfully operating data centers that do not expand their building footprint, electrical demand, utility capacity, or operational intensity; and
2. Applications that were legally vested pursuant to applicable local and state laws prior to the introduction of this Ordinance;
3. Routine maintenance, repair, replacement, or modernization of existing facilities that does not materially increase operational impacts.
4. Accessory Computing Use Exclusion: A data center or high-density computing facility does not include computer servers, data storage equipment, networking equipment, telecommunications equipment, or related computing infrastructure that is accessory or incidental to another lawful principal use of the property and primarily serves the operational needs of that principal use. This exclusion includes, without limitation, computing infrastructure accessory to hospitals and healthcare facilities, financial institutions, educational institutions, governmental facilities, offices, retail establishments, manufacturing facilities, telecommunications facilities, and similar principal uses.
5. The Memphis City Council may grant a waiver upon written findings that strict application would deny the applicant of all economically viable uses of the property. The applicant may initiate the waiver process through the Memphis and Shelby County Division of Planning and Development by utilizing the case appeal process to the Council.

SECTION 4. STUDY

During the moratorium period, the Memphis and Shelby County Division of Planning and Development, working in conjunction with a study committee consisting of a Chair and Vice Chair who are members of the Memphis City Council, Memphis Light, Gas and Water (MLGW), and other industry experts, shall prepare recommendations regarding permanent zoning regulations governing Data Centers and High-Density Computing Facilities.

The study committee should evaluate, at minimum:

1. Appropriate zoning districts and permitted locations;
2. Classification of data centers by size, electrical demand, and operational intensity;
3. Minimum separation distances and buffering from residential neighborhoods, schools, parks, hospitals, greenways, and other sensitive land uses;
4. Noise mitigation standards, including operational sound limits and acoustic studies;
5. Water consumption, cooling technologies, and conservation measures;
6. Wastewater discharge requirements;

7. Stormwater management standards;
8. Lighting and visual screening requirements;
9. Emergency access and fire protection requirements;
10. Backup generator operations and fuel storage;
11. Electrical infrastructure impacts, including substations and transmission improvements;
12. Allocation of infrastructure costs to developers to ensure public utility customers are not responsible for costs attributable to new high-demand facilities;
13. Traffic impacts during construction and operation;
14. Environmental sustainability measures;
15. Public notification and community engagement requirements;
16. Potential capital expenditure fund for the benefit of the City of Memphis;
17. Any additional development standards necessary to ensure compatibility with surrounding land uses;
18. Guidelines for required Community Benefits Agreements.

SECTION 5. DURATION

This moratorium shall remain in effect until the earlier of:

- A. Twelve (12) months following the effective date of this Ordinance;
- B. Adoption of comprehensive zoning regulations governing Data Centers and High-Density Computing Facilities by the Memphis City Council; or
- C. Repeal or amendment by subsequent ordinance of the Memphis City Council.

The City Council may extend the moratorium if additional time is reasonably necessary to complete the study and adopt permanent regulations in the Memphis and Shelby County Unified Development Code. The Memphis City Council requests a progress report from the Division of Planning and Development on the proposed permanent zoning regulations within six months of the passage of this ordinance.

SECTION 6. SEVERABILITY

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. EFFECTIVE DATE

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

Sponsors:

JB Smiley, Jr.

Jana Swearengen-Washington

Jerri Green

Dr. Michalyn Easter-Thomas

Chairwoman

Jana Swearengen-Washington

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NO. 5856 THAT ESTABLISHED RULES AND REGULATIONS RELATING TO THE OPERATION AND REGULATION OF SHORT-TERM RENTALS IN MEMPHIS BY AMENDING SECTION 8 “COMPLIANCE” TO DETAIL ENFORCEMENT OF SHORT-TERM RENTALS REPORTED AS A “PUBLIC NUISANCE”

WHEREAS, Ordinance No. 5856 was approved by the Memphis City Council on July 1, 2023, to establish rules and regulations relating to the operation and regulation of short-term rentals in Memphis; and

WHEREAS, it is deemed advisable and in the best interest of the citizens of the City of Memphis that the City of Memphis Charter be amended by ordinance as provided by Article XI, Section 9 of the Constitution of the State of Tennessee (Home Rule Amendment) for the purpose of continued operation and regulation and subsequent compliance of Short-Term Rentals in Memphis; and

WHEREAS, the current regulations pertaining to Short-Term Rentals provides a framework for general compliance that has allowed the City of Memphis to effectively enforce the established rules and regulations of Ordinance No. 5856; however, this amendment to include TN HB 1050, which clarifies the enforcement of “public nuisance” short-term rentals that have been operating since 2023 and will enable the City to expand its compliance and increase its accountability of short-term rental operators; and

WHEREAS, the Memphis City Council finds it is necessary to amend Ordinance No. 5856 by incorporating and codifying TN House Bill No. 1050, approved and signed into law on May 21st, 2025, to provide clarity for short-term rental operators of the regulations they are expected to adhere to and the resulting outcomes if the short-term rental is reported as a “public nuisance” and to inform neighbors of the enforcement parameters for short-term rentals to ensure community concerns continue to be effectively addressed.

NOW, THEREFORE, BE IT ORDAINED by the Memphis City Council that Section 8 of Ordinance No. 5856 be amended by adding a new subsection (8-1) as follows:

Section 8-1 COMPLIANCE OF SHORT-TERM RENTALS REPORTED AS A “PUBLIC NUISANCE”

It is the intent of the Council of the City of Memphis that “public nuisance” complaints for short-term rentals are submitted to the Division of Planning and Development and subjected to revoked permits or prohibited use of the site as a short-term rental according to TN House Bill No. 1050 when the following circumstances are reported:

“(A) Three (3) or more unrelated incidents occurring within a period of twenty-four (24) months on the same parcel of real property that result in sexually related charges and, after the receipt of such notice and within twenty-four (24) months of the first of the incidents resulting in a sexually related charge that is the subject of such notice, another additional unrelated incident occurs that results in a sexually related charge;

(B) Three (3) or more unrelated incidents occurring within a period of twenty-four (24) months on the same parcel of real property that result in drug-related charges and, after the receipt of such notice and within twenty-four (24) months of the first of the incidents resulting in a drug-related charge that is the subject of such notice, another additional unrelated incident occurs that results in a drug-related charge;

(C) Three (3) or more unrelated incidents occurring within a period of twenty-four (24) months on the same parcel of real property that result in assaultive charges and, after the receipt of such notice and within twenty-four (24) months of the first of the incidents resulting in an assaultive charge that is the subject of such notice, another additional unrelated incident occurs that results in an assaultive charge;

(D) Three (3) or more unrelated incidents occurring within a period of twenty-four (24) months on the same parcel of real property that result in firearm-related charges and, after the receipt of such notice and within twenty-four (24) months of the first of the incidents resulting in a firearm-related charge that is the subject of such notice, another additional unrelated incident occurs that results in a firearm-related charge; or

(E) Three (3) or more unrelated incidents occurring within a period of thirty-six (36) months on the same parcel of real property that HB1050 result in property-related or juvenile-related charges and, after the receipt of such notice and within thirty-six (36) months of the first of the incidents resulting in a property-related or juvenile-related charge that is the subject of such notice, another additional unrelated incident occurs that results in a property-related or juvenile-related charge.

If, upon the trial, the existence of a nuisance is established under § 29-3-101 (f) and, following an order of abatement, an additional incident occurs on the same parcel of real property that results in the type of charges that resulted in the original nuisance finding, then one (1) additional incident is prima facie evidence

of a nuisance per se and the existence thereof for which any of the respective officers or persons named in § 29-3-102 in the name of the state may avail themselves of any remedies available at law or in equity.

If the court finds a nuisance as described in subdivision (f)(1) and the person or entity keeping, maintaining, or carrying on such nuisance is the person or entity who was subject to the previous order of abatement, then, in addition to the remedies available at law or in equity, the court may require the person or entity keeping, maintaining, or carrying on such nuisance to pay statutory damages in an amount not less than one thousand dollars (\$1,000) and not more than fifty thousand dollars (\$50,000) to any person who owns real property within the zip code in which the nuisance exists and who files a claim with the court alleging that the person's property value was damaged by the continued existence of the nuisance.”

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

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

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

Sponsor:

Philip Spinoso, Jr.

ORDINANCE TO AMEND THE MEMPHIS CODE OF ORDINANCES
TO AMEND, CONSOLIDATE AND ADOPT ORDINANCES RELATIVE
TO BLIGHT REMEDIATION AND NEIGHBORHOOD
IMPROVEMENT

WHEREAS, the City Council has the power, by ordinance, to define, prevent and remove nuisances within the City; and

WHEREAS, the City Council has the power, and duty, to condemn as nuisances all buildings and other erections in the City, which, on inspection, shall be found to be unhealthy, unsanitary, or dangerous to persons or property, and cause the same to be abated or removed, unless the owners thereof, at their own expense, upon notice, shall reconstruct the same in such manner as shall be prescribed by the Ordinances of the City; and

WHEREAS, the Memphis City Council has the power by proper ordinance to require all rank weeds and grasses to be kept cut or otherwise destroyed, and shall have the authority to compel the owner, occupant or tenant of any property to cut or destroy such weeds or grasses; they shall also have power upon the refusal of the owner to cut or destroy such weeds or grasses, or in case the owner of the property is a nonresident or unknown, to cut or destroy such weeds or grasses, and shall have a lien upon the property on which said weeds or grasses are cut or destroyed for the cost of such removal, which lien can be enforced by attachment suit in any court of competent jurisdiction; they shall also have the power to make the refusal to cut or destroy such weeds or grasses a misdemeanor, punishable as other City offenses are punishable; and

WHEREAS, the City Council desires to establish an ordinance that establishes a comprehensive City program for eliminating or remediating blight within the City of Memphis; and

WHEREAS, the Council also desires to authorize the City Administration to establish programs for funding and incentivizing the construction of new affordable housing and for rehabilitation and/or

demolition of substandard and blighted properties within disadvantaged neighborhoods within the City; and

WHEREAS, the Council desires to centralize the administration and enforcement of all City ordinances and programs addressing blighted properties and neighborhoods within the City; and

WHEREAS, it is the intent of the Council to employ its plenary power to preserve the health and safety of residents of the City by eradicating nuisances, unhealthy, unsanitary vacant, abandoned, and/or dangerous properties and other private improvements, rank weeds, grasses and noxious growths, personal property abandoned in City rights-of-way and sidewalks, breeding grounds for mosquitoes and other insects, conditions which favor the multiplication and continued existence of rats and other vermin.

NOW, THEREFORE, BE IT ORDAINED BY THE MEMPHIS CITY COUNCIL as follows:

Section 1. Intent and Scope of Ordinance. This Ordinance is intended to amend, consolidate and supplement certain provisions of the 1985 Memphis City Code of Ordinances, namely, Chapter 15 (Garbage, Trash, Refuse and Solid Waste) and Chapter 16 (Health and Sanitation—Weeds/Grass/Refuse Removal, Litter Control and Enforcement, Urban Blight Nuisances). In addition, this ordinance will provide procedures for more robust enforcement of blight remediation violations, including the increased use of civil actions to remove blighted properties and other conditions that may be injurious to human health or constitute a public nuisance.

Section 2. Consistent with the Titles and Chapters adopted by the Council for the 2021 Memphis Code of Ordinances, the Council hereby adopts the following Chapters and Sections for Title 9 of the 2021 Code of Ordinances as set forth in Section 3 of this Ordinance.

Section 3. TITLE 9- HEALTH AND SAFETY

CHAPTER 1.

BLIGHT REMEDIATION

Section 9-1-1. Definitions.

The following definitions shall apply to the interpretation and enforcement of this chapter:

Abandoned is any tangible personalty or property left unclaimed for a period of 30 days or more without any identifiable ownership and its presence raises a presumption of abandonment by owner of property upon which the personalty is found, left unattended in an obvious state of disrepair or declared by owner of property as worthless or not under his or her ownership.

Bulky refuse means discarded appliances such as stoves, refrigerators, water tanks, washing machines, discarded furniture, and inoperable motor vehicles, or similar bulky materials having a weight greater than 75 pounds and/or volume greater than 35 gallons.

Business building means any structure, whether public or private, that is adapted for occupancy for transaction of business, for rendering of professional service, for amusement, for the display, sale or storage of goods, wares, or merchandise, or for the performance of work or labor, including hotels, rooming houses, office buildings, public buildings, stores, theaters, markets, restaurants, grain elevators, abattoirs, warehouses, workshops, factories, and all outhouses, sheds, barns and other structures on premises used for business purposes.

Cut and clean means cutting and removal of grass and/or rank grass and the clearing of the area from which such cuttings were made, the removal of all substances found upon the ground, the removal of noxious growth, tree branches, saplings, bushes, vines, undergrowth, abandoned foundations, abandoned piles of trash or any abandoned material, or tangible personalty which causes an obstruction to view of premises from the street, thoroughfare, or alleyway.

Garbage includes putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Hazardous substances and conditions means any element, chemical compound or otherwise which is a physical or health hazard as defined in the OSHA standard in 29 CFR, No. 1910-120(c) or a hazardous substance as defined in the OSHA standards in 29 CFR No. 1901-120(d), or any county health department regulation, which provides the

opportunity to expose unsuspecting city grounds maintenance employees, grass cutter personnel, and other humans, particularly children, and animals.

Litter includes garbage, refuse, rubbish and all other waste materials.

Low-Income Resident means Residents of the City who are 65 or older, disabled homeowners or 100 % disabled veteran homeowners or their surviving spouses and who meet annual income requirements certified each year by the City Treasurer, except for 100% disabled veterans or their widows/widowers, for example the 2024 Maximum household income is \$37,530.

Multifamily dwelling/apartment house means any building or portion thereof used as a multiple dwelling for the purpose of providing two or more separate dwelling units which may share means of egress and other essential facilities.

Nuisance means a structure, building, portion of building, foundations, in such a state of deterioration or abandonment or vacant lot(s) that is a blighting influence on neighboring properties. The fact that such buildings or structures on neighboring properties are abandoned or deteriorated is not a defense.

Occupant means the individual, partnership or corporation that owns or has the use of or occupies any business building or multifamily dwelling or part or fraction thereof, whether the actual owner or tenant. In the case of vacant business buildings or any vacant portion of a business building or multifamily dwelling, the owner, agent or other person having custody of the building shall have the responsibilities of an occupant of a building.

Owner means the actual owner of a business building, multifamily dwelling/apartment house, single-family dwelling/dwelling unit, or townhouse, whether individual, partnership or corporation, or the agent

of the building or other person having custody of the building or to whom rent is paid.

Person means every natural person, firm, partnership, association, corporation, municipal corporation or public authority.

Refuse is a comprehensive term meaning any worthless property or items left to be discarded, on protected or unprotected lots, vacant or structured, including, but not limited to, garbage, all putrescible substances, bulky refuse, rubbish, undergrowth, (to include bushes, vines, saplings), household fixtures, furniture, cartons, boxes, excelsior, rags, building/construction materials, abandoned materials (in bulk) such as residue from burning of wood, coal, coke, ashes, firewood, tree trunk/hazardous limbs/branches, gravel, tar, macadam, concrete, plaster, glass, plasterboard, tiles, and industrial or hazardous waste, are left by benign neglect for a period of 30 days or more.

Rubbish includes all combustible and noncombustible waste materials, except garbage. The term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust and other similar materials.

Single-family dwelling/dwelling unit means a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Tangible personalty includes personal property such as goods, chattels and other articles which are capable of manual or physical possession, machinery and equipment detachable from real property, growing crops, pastures, orchards, plants, trees, timber, poles conduits, asphalt, macadam, rock, stone, and brick products.

Townhouse is a single-family dwelling unit constructed in a series or group of attached units with property lines separating such units.

Urban blight means a condition existing on property without apparent or patent supervision by an owner or tenant so that the

exterior of property is in disrepair, or contains unduly amounts of high weeds, tall grass, unkept greenery and undergrowth (to include trees, saplings, vines, bushes), about the premises creating an invitation to dust, obstructions to view, harboring of unauthorized persons or animals, vermin, health problems, promotes vandalism, danger to innocent passerby, illicit drug traffic or illegal activity, and is detrimental to the immediate neighborhood.

Weeds, grass and noxious growth shall not be interpreted to require the property owner to dispose of, or cut down growing trees, shrubs, or crops on his or her property. Weeds and noxious growth shall, however, include: (1) trees, shrubbery and rank grasses, due to neglect, that overhang either the city streets or walkways abutting the city streets; or (2) weeds and rank grass, left unattended for a period of time creating urban blight and a nuisance.

Section 9-1-2 VIOLATIONS

(A) Generally. No owner or owners of any dwellings in the City shall allow any such dwellings to be or become unfit for human habitation due to dilapidation, defects increasing the hazards of loitering, illegal activities, fire, accidents or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions, including, but not those conditions set forth in subsection (B) hereof, rendering such dwellings unsafe or insanitary, or dangerous or detrimental to the health, safety or morale, or otherwise inimical to the general welfare of the residents of the City.

(B) Prohibited Blight Conditions

1) No person shall throw, dump, deposit, or cause to be thrown, dumped, or deposited, litter or maintain a nuisance on property, improved or vacant or on any public parkway, pathway, street, or road, upon public parks, or recreation areas, or upon any other public property, except that property designated for that use.

2) No owner or owners of all lands or lots in the city shall allow high weeds, rank grass and noxious growth of any kind to exist upon such property which will constitute a public nuisance and urban blight.

- 3) No person shall allow conditions giving rise to the breeding or proliferation of mosquitoes on his or her property.
- 4) No person shall place, leave, dump or permit to accumulate any old appliances, demolition materials, garbage, rubbish or trash in any building or premises, improved or vacant, in the city which may afford food or harborage for rats or other vermin.
- 5) No owner or person in possession of a dwelling, business or multifamily dwelling shall fail to exterminate insects, rodents, vermin, or other pests in all areas of the premises that may be injurious to human health or constitute a public nuisance.
- 6) No owner or person in possession, charge of or control of any dwelling, business or premises shall keep, cause to be kept, or allow the keeping on any premises within the corporate limits of the city any solid waste in such manner that it will become offensive or deleterious to health or likely to cause disease, and the same is declared a public nuisance.

CHAPTER 2.

BLIGHT REMEDIATION ENFORCEMENT

Section 9-2-1. ENFORCEMENT.

(A) The Mayor is authorized to assign one or more City Divisions to enforce the provisions of this Chapter or alternatively, the Mayor may create a separate City Division, with the concurrence of the Council as provided in the City's Charter, to exercise the powers granted by this Chapter and to enforce the provisions of this Chapter for eliminating blight in the City. In either case, the Mayor may designate and appoint one or more Public Property Inspectors ("Public Officers") to make such unannounced inspections of the interior and exterior of dwellings, business, buildings, multifamily dwellings or properties when any such investigator has or is presented with evidence that establishes reasonable cause that violations of this Chapter have occurred and are continuing.

(B) A petition may be filed with the Mayor or with the director of the duly established City Division for eliminating blight by at least five (5) residents of a City Council District charging that any building, dwelling, vacant lot, business or property is unfit for human habitation or that conditions exist on or about any building, dwelling, business or property within the City that creates or constitutes a public nuisance or blight.

(C) That whenever a petition is filed with the Mayor or a duly appointed Public Officer by at least five residents of a City Council District charging that any building, dwelling, vacant lot or business or property is unfit for human habitation or constitutes a public nuisance or whenever it appears to the public officer (on his or her own motion) that any dwelling, building or property is unfit for human habitation or constitutes a public nuisance, such officer, in consultation with the City Attorney, shall, if his or her preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner, every mortgagee of record and all parties in interest in such building, dwelling, business or property (including persons in possession) a complaint stating the charges and violations of this Chapter in that respect. Such complaint shall contain a notice that an administrative hearing will be held before the public officer or his designated agent at a

place therein fixed not less than ten (10) days nor more than thirty (30) days after the serving of said complaint; that the owner, mortgagee and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer.

(D) A Public Officer may also determine that a dwelling, building or property is unfit for human habitation or constitutes a public nuisance if such officer finds that conditions exist in such dwelling which are dangerous or injurious to the health, safety or morale of the occupants of such dwelling, the occupants of neighboring dwellings or other residents of such municipality, or which have a blighting influence on properties in the area. Such conditions may include the following, without limitations: Defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light or sanitary facilities; dilapidation; disrepair; structural defects; uncleanness; rat harborage, overcrowding; inadequate ingress and egress; inadequate drainage; or any violation of health, fire, building or zoning regulations, or any other laws or regulations relating to the use of land and the use and occupancy of buildings and improvements.

(E) That if, after such notice and hearing, the public officer determines that the dwelling or business under consideration is unfit for human habitation or constitutes a public nuisance or blight he or she shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order which provides that:

- 1) If the repair, alteration or improvement of the said dwelling or building can be made at a reasonable cost in relation to the value of the dwelling (the ordinance of the municipality shall fix a certain percentage of such cost as being reasonable for such purpose), requires the owner, within the time specified in the order, to repair, alter, or improve such dwelling to render it fit for human habitation or to vacate and close the dwelling as a human habitation; or

2) If the repair, alteration or improvement of the said dwelling cannot be made at a reasonable cost in relation to the value of the dwelling (the ordinance of the municipality shall fix a certain percentage of such cost as being reasonable for such purpose), requires the owner, within the time specified in the order, to remove or demolish such dwellings or buildings.

(F) That, if the owner fails to comply with an order to repair, alter or improve or to vacate and close the dwelling, the public officer may cause such dwelling to be repaired, altered or improved, or to be vacated and closed.

(G) That, if the owner fails to comply with an order to remove or demolish the dwelling, the public officer may cause such dwelling to be removed or demolished.

(H) That the amount of the cost of such repairs, alteration or improvements, or vacating and closing, or removal or demolition by the City shall be a lien against the real property upon which such cost was incurred, which may be filed with the Register's Office of Shelby County. If the dwelling is removed or demolished by the public officer, such officer or his or her designee shall sell the materials of such dwelling or building, if any, and shall credit the proceeds of such sale against the cost of the removal or demolition and any balance remaining shall be deposited in the Chancery Court of Shelby County by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the persons found to be entitled thereto by final order or decree of such court. The City shall be entitled to recover all costs of collection, including a reasonable attorney's fee and interest as provided by law.

(I) Complaints or orders issued by a public officer pursuant to this Chapter shall be served upon persons either personally, by registered mail or on the next business day after the same is deposited with a nationally recognized overnight delivery service that guarantees overnight delivery, but if the whereabouts of such persons is unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two consecutive weeks in a newspaper printed and published in the City, or, in the absence of such

newspaper, in one printed and published in the County and circulating in the City in which the dwellings, buildings of properties are located. A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A certified copy of such complaint or order shall also be filed with the Register's Office of Shelby County and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law.

(J) Within sixty days after the posting and service of the order of the public officer any person aggrieved by an order issued by a public officer of the City may petition the Chancery Court of Shelby County for an injunction restraining the public officer from carrying out the provisions of the order, and the court may, upon such petition and proper bond, issue a temporary injunction restraining the public officer pending the final disposition of the cause; **provided, however, that, such person shall petition the court.** Hearings shall be had by the court on such petitions within twenty (20) days, or as soon thereafter as possible, and shall be given preference over other matters on the court's calendar. The court shall hear and determine the issues raised and shall enter a final order or decree in the proceedings. In all such proceedings the findings of the public officer as to fact, if supported by evidence, shall be conclusive. Costs shall be in the discretion of the court. The remedies herein provided shall be exclusive remedies and no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant to any order of the public officer, or because of compliance by such person with any order of the public officer.

(K) Any duly authorized public officer of the City may exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this Chapter, including the following powers in addition to others herein granted:

- (1) To investigate the dwelling, buildings and property conditions in the City in order to determine which dwellings therein are unfit for human habitation;
- (2) To administer oaths, affirmations, examine witnesses and receive evidence;
- (3) To enter upon premises for the purpose of making examinations, provided that such entries shall be made in such manner as to

cause the least possible inconvenience to the persons in possession, and to obtain a subpoena from the City Council or an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted;

(4) To appoint and fix the duties of such officers, agent and employees as he deems necessary to carry out the purposes of such ordinance; and

(5) To delegate any of his functions and powers under the Chapter to such officers, agents and employees of the City as he may designate.

(L) Nothing in this section shall be construed to abrogate or impair the powers of the courts or of any Division of the City appointed by the Mayor to enforce any provisions of its charter or its ordinances or regulations, nor to prevent or punish violations thereof; and the powers conferred by this Chapter shall be in addition and supplemental to the powers conferred by any other law.

(M) Nothing in this section shall be construed to impair or limit in any way the power of the City to define and declare nuisances and to cause their removal or abatement, by summary proceedings administratively or by law or equity or otherwise.

Section 9-2-2 Alternate or Cumulative Remedies for City Removal of Weeds, Noxious Growths and Refuse

(A) If a Public Officer determines that an owner or person in possession of property within the city has failed to cut, or have cut, weeds, rank grass or noxious growths or to remove refuse from his or her property and dispose of it in accordance with the law such public officer shall issue and cause to be served upon the owner, every mortgagee of record and all parties in interest in such building, dwelling, business or property (including persons in possession) a notice on such persons to cut or to have cut, within five days of the service of such notice, all weeds, grass, or noxious growth upon such property or to remove refuse from such property and dispose of it in accordance with the law . Such notice may be served by any method authorized in Section 9-2-1(I).

(B) Service of notice under this section with regard to weeds and similar noxious growths only, shall be required to be made by the city only one time during a growth season and shall be deemed to be sufficient, satisfactory and legal notice to the property owner for any further violations during the balance of that growth season. "Growth season" is defined to be that period of time between May 1 and September 30 of each calendar year.

(C) Should the owner or responsible tenant in charge fail to cut and clean the property following notice as set out in this Chapter, The City or a private contractor hired by the City under supervision of director of general services reserves the right to enter the premises for the purpose of removing abandoned tangible personal property and trash, weeds, rank grass and noxious growths to prevent hazard conditions, nuisances, and urban blight.

(D) In addition to or in lieu of any other remedy available to the City under this Chapter, the City is authorized and directed to have a statement of the cost thereof served on the owner or person in possession of property with a copy filed with the director of finance or his or her designee and with the City Attorney. The amount of the cost of removal of such abandoned tangible personal property and trash, weeds, rank grass and noxious growths shall be a lien against the real property upon which such cost was incurred, which may be filed with the Register's Office of Shelby County. Any un recovered costs shall be collected as provided in this Chapter.

CHAPTER 3.

BLIGHT REMEDIATION ENFORCEMENT AND LOW INCOME ACCESS FUND

Section 9-3-1 – Estimates of the City's Cost of Blight Remediation

(A) The City Administration shall as soon as possible thereafter prepare an estimate of the annual expenses or costs to provide the equipment, personnel and supplies necessary for periodic examinations and investigations of the dwellings, buildings and properties for the purpose of determining the fitness of such dwellings for human habitation, and for the enforcement and

administration of any ordinance or ordinances adopted under this Chapter or otherwise for blight remediation in the City.

- (B) The Division of Finance shall prepare a cost study of the City's estimated annual costs and revenues associated with the administration of the Blight Remediation programs authorized by this ordinance and propose an annual Blight Remediation Administration fee to be assessed against habitual offenders, who have failed to remediate Urban Blighted conditions on their properties, which methodology for calculating and assessment of the annual Blight Remediation Administration fee shall be adopted by the Council from time to time as a supplemental amending ordinance to this master ordinance.

Section 9-3-2 – Blight Remediation Administration and Low-Income Remediation Access Fund

- (A) **Purpose.** There is hereby created a Blight Remediation Administration and Low-Income Remediation Access Fund to help defray or subsidize the City's costs of administration of the Blight Remediation programs authorized by this ordinance and to assist low-income persons in remediating blighted conditions on their properties costs on a first-come first served basis.
- (B) **Administration of Fund and Accounting.** The Blight Remediation Administration and Low-Income Remediation Access Fund shall be maintained and accounted for by the City as a separate discrete fund to be used until all monies therein are exhausted and only for the purposes specified in this Chapter, unless otherwise provided by the Council by resolution, in accordance with procedures and rules promulgated by the City Administration.

Section 4 Severability Clause.

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

Section 5 Codification Clause.

BE IT FURTHER ORDAINED that this Ordinance amends Title 9, Chapter 16 of the Official 2021 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 2021 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 6 Effective Date. 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(S): Council Members

White
Green
Spinoso

J. FORD CANALE
CHAIRMAN

A RESOLUTION ACCEPTING PROOF OF PUBLICATION OF REFERENDUM ORDINANCE NOS. 5966, 5977, AND 5978

WHEREAS, pursuant to Article XI, Section 9 of the Constitution of the State of Tennessee (the Home Rule Amendment), any proposed amendment to the Charter of the City of Memphis must be published prior to submission of the proposal to the qualified voters of the City of Memphis; and

WHEREAS, the Memphis City Council has heretofore adopted Referendum Ordinance No. 5966, Referendum Ordinance No. 5977, and Referendum Ordinance No. 5978, each proposing an amendment to the Home Rule Charter of the City of Memphis to be submitted to the qualified voters of the City of Memphis at the State General Election to be held on November 3, 2026; and

WHEREAS, Referendum Ordinance No. 5966 proposes to amend Article 34, Section 250 of the Home Rule Charter of the City of Memphis, relative to the classification of officers and positions and exemptions therefrom, so as to amend the classification of employees of the Memphis and Shelby County Public Library to allow civil service status; and

WHEREAS, Referendum Ordinance No. 5977 proposes to amend the Charter of the City of Memphis to establish lobbyist registration and disclosure requirements; and

WHEREAS, Referendum Ordinance No. 5978 proposes to amend the Charter of the City of Memphis to authorize the creation by ordinance of uniform administrative procedures and systems for disposition of appeals that may affect the employment status of civil service employees; and

WHEREAS, The Daily News Publishing Company, publisher of The Daily News, a daily newspaper of general circulation printed in the City of Memphis, County of Shelby and State of Tennessee, has submitted to the Council a Proof of Publication attesting that Referendum Ordinance No. 5966 was published in The Daily News on August 28, 2026, and online at www.memphisdailynews.com and www.tnpublicnotice.com, said Proof of Publication having been sworn to before a Notary Public for the State of Tennessee on August 28, 2026; and

WHEREAS, The Daily News Publishing Company has submitted to the Council a Proof of Publication attesting that Referendum Ordinance No. 5977 was published in The Daily News on August 28, 2026, and online at www.memphisdailynews.com and www.tnpublicnotice.com, said Proof of Publication having been sworn to before a Notary Public for the State of Tennessee on August 28, 2026; and

WHEREAS, The Daily News Publishing Company has submitted to the Council a Proof of Publication attesting that Referendum Ordinance No. 5978 was published in The Daily News on August 28, 2026, and online at www.tnledger.com and www.publicnoticeads.com/tn, said Proof of Publication having been sworn to before a Notary Public for the State of Tennessee on August 28, 2026; and

WHEREAS, the Memphis City Council desires to formally accept said Proofs of Publication and to cause the same to be spread upon the Minutes of the Council as evidence of compliance with Article XI, Section 9 of the Constitution of the State of Tennessee;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Memphis, that the Proofs of Publication for Referendum Ordinance No. 5966, Referendum Ordinance No. 5977, and Referendum Ordinance No. 5978, attached hereto and incorporated herein by reference, are hereby accepted and approved as satisfying the publication requirement of Article XI, Section 9 of the Constitution of the State of Tennessee.

BE IT FURTHER RESOLVED, that the Comptroller is hereby directed to spread said Proofs of Publication upon the Minutes of the Council of the City of Memphis as a permanent record of compliance with the publication requirements applicable to Referendum Ordinance No. 5966, Referendum Ordinance No. 5977, and Referendum Ordinance No. 5978.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution, together with the accepted Proofs of Publication, shall be transmitted to the Shelby County Election Commission in connection with the placement of said Referendum Ordinances on the ballot for the State General Election to be held on November 3, 2026.

Sponsor:

I hereby certify that the foregoing is a true copy and document was adopted, approved by the Council of the City of Memphis in regular session on

Adopted: _____

Date _____

Chairperson, Memphis City Council

Deputy Comptroller – Council Records