



Memphis City Council Summary Sheet

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

Resolution requesting the City Council to approve an amendment to the MLGW Division Pension Plan in order to comply with the amended Tennessee law, as of July 1, 2015, which requires governmental plans to make payments under court order from the Plan to divorcees.

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

Memphis Light, Gas and Water Division

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

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

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

This Resolution does not require a new contract, nor does it amend an existing contract.

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

No expenditure of funds or budget amendments are required.



WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of January 6, 2016, approved the amendments to the Pension Plan Document as required by Tennessee law, effective July 1, 2015, requiring governmental plans to make payments under court order from the Plan to divorcees, as stated in the foregoing preamble:

ARTICLE XIII, Section 13.1, *Nonalienation of Benefits*, shall be amended by deleting the current said Section 13.1(a), General, in its entirety and substituting in place thereof the following Section 13.1(a), and by adding the following new subsection 13.1(d), Qualified Domestic Relations Order:

13.1 Nonalienation of Benefits.

(a) General. Except as provided in subsections (b), (c), and (d) hereof or elsewhere in the Plan, none of the Accrued Benefits, payments, proceeds or distributions under the Plan shall be subject to the claim of any creditor of a Participant or Beneficiary or to any legal process by any creditor of such Participant or Beneficiary; and neither such Participant nor any such Beneficiary shall have any right to alienate, commute, anticipate or assign any of the Accrued Benefits, payments, proceeds or distributions under the Plan except to the extent expressly provided herein.

(d) Qualified Domestic Relations Order. Effective July 1, 2015, notwithstanding anything contained herein to the contrary, the Plan shall honor claims under a "qualified domestic relations order" as defined in Tennessee Public Chapter 440, provided such order relates only to the provision of marital property rights for the benefit of the former spouse of the Participant. The Pension Department shall establish a written procedure to determine the qualified status of domestic relations orders and to administer distributions under such qualified orders. Further, to the extent provided under a "qualified domestic relations order," a former Spouse of a Participant shall be treated as the Participant's Spouse or Surviving Spouse for all purposes under the Plan.

All rights and benefits, including elections, provided to a Participant in this Plan shall be afforded to any "alternate payee" under a "qualified domestic relations order." For purposes of this subsection 13.1(d), "alternate payee" and "qualified domestic relations order" shall have the meaning set forth under Internal Revenue Code Section 414(p), as provided in Tennessee Public Chapter 440.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby approved the amendments to ARTICLE XIII as outlined in the preamble above.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
January 6, 2016

As of July 1, 2015, Tennessee law required governmental plans to make payments under court order from the Plan to divorcees. A section is being amended in the Pension Plan Document to provide for this requirement, as stated in the foregoing preamble:

ARTICLE XIII, Section 13.1, *Nonalienation of Benefits*, shall be amended by deleting the current said Section 13.1(a), General, in its entirety and substituting in place thereof the following Section 13.1(a), and by adding the following new subsection 13.1(d), Qualified Domestic Relations Order:

13.1 Nonalienation of Benefits.

(a) General. Except as provided in subsections (b), (c), and (d) hereof or elsewhere in the Plan, none of the Accrued Benefits, payments, proceeds or distributions under the Plan shall be subject to the claim of any creditor of a Participant or Beneficiary or to any legal process by any creditor of such Participant or Beneficiary; and neither such Participant nor any such Beneficiary shall have any right to alienate, commute, anticipate or assign any of the Accrued Benefits, payments, proceeds or distributions under the Plan except to the extent expressly provided herein.

(d) Qualified Domestic Relations Order. Effective July 1, 2015, notwithstanding anything contained herein to the contrary, the Plan shall honor claims under a "qualified domestic relations order" as defined in Tennessee Public Chapter 440, provided such order relates only to the provision of marital property rights for the benefit of the former spouse of the Participant. The Pension Department shall establish a written procedure to determine the qualified status of domestic relations orders and to administer distributions under such qualified orders. Further, to the extent provided under a "qualified domestic relations order," a former Spouse of a Participant shall be treated as the Participant's Spouse or Surviving Spouse for all purposes under the Plan.

All rights and benefits, including elections, provided to a Participant in this

Plan shall be afforded to any "alternate payee" under a "qualified domestic relations order." For purposes of this subsection 13.1(d), "alternate payee" and "qualified domestic relations order" shall have the meaning set forth under Internal Revenue Code Section 414(p), as provided in Tennessee Public Chapter 440.

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 revisions to ARTICLE XIII, Section 13.1, *Nonalienation of Benefits*, shall be amended by deleting the current said Section 13.1(a), General, in its entirety and substituting in place thereof the following Section 13.1(a), and by adding the new subsection 13.1(d), Qualified Domestic Relations Order, as outlined in the preamble above, is approved.

I hereby certify that the foregoing is a true copy of a resolution accepted by the Board of Light, Gas and Water Commissioners at a ~~regular~~-special meeting held on 6th day of January, 20 16, at which a quorum was present.
[Signature] Secretary-Treasurer



Memphis City Council Summary Sheet

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

Resolution requesting the City Council to approve an amendment to the MLGW Division Pension Plan in order to comply with the U.S. Supreme Court's ruling of June 26, 2015, Obergefell v. Hodges, requiring MLGW to extend spousal benefits under the Pension System to same-sex spouses identical to benefits available under the Plan to opposite-sex spouses.

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

Memphis Light, Gas and Water Division

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

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

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

This Resolution does not require a new contract, nor does it amend an existing contract.

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

No expenditure of funds or budget amendments are required.



WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of January 6, 2016, approved a Resolution in order to comply with the U.S. Supreme Court's ruling of June 26, 2015, *Obergefell v. Hodges* requirement to spousal benefits under the Pension System to same-sex spouses identical to benefits available under the Plan to opposite-sex spouses, as stated in the foregoing preamble:

ARTICLE I, Section 1.57(c), *Spouse or Surviving Spouse*, shall be amended by deleting the current said Section 1.57(c) in its entirety and substituting in place thereof the following Section 1.57(c):

(c) has been living together with the Participant continuously for the respective time periods of one (1) year or three (3) years, as applicable, preceding the death of the Participant, or who was not voluntarily living apart from the Participant. For purposes of the Plan, no person shall be considered a Spouse unless such person is legally married to the Participant or Retired Participant. "Legal marriage" shall mean a wedding performed under a license issued by the State of Tennessee or any other state or jurisdiction, and by a priest, minister or rabbi, or any person who has the power to conduct a marriage ceremony under the laws of the state or jurisdiction where the marriage took place. A common-law marriage between a Participant and a person shall not be considered a legal marriage for the purpose of the Plan regardless of whether such marriage may be considered legal in that state or jurisdiction where the couple resides or formerly resided.

NOW THEREFORE BE IT RESOLVED BY the Council of the City of Memphis that there be and is hereby approved the amendments as outlined in the preamble above.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
January 6, 2016

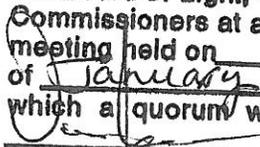
In order to comply with the U.S. Supreme Court's ruling of June 26, 2015, Obergefell v. Hodges, MLGW is required to extend spousal benefits under the Pension System to same-sex spouses identical to benefits available under the Plan to opposite-sex spouses, as stated in the foregoing preamble:

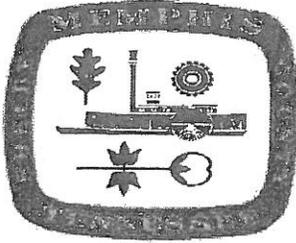
ARTICLE I, Section 1.57(c), *Spouse or Surviving Spouse*, shall be amended by deleting the current said Section 1.57(c) in its entirety and substituting in place thereof the following Section 1.57(c):

(c) has been living together with the Participant continuously for the respective time periods of one (1) year or three (3) years, as applicable, preceding the death of the Participant, or who was not voluntarily living apart from the Participant. For purposes of the Plan, no person shall be considered a Spouse unless such person is legally married to the Participant or Retired Participant. "Legal marriage" shall mean a wedding performed under a license issued by the State of Tennessee or any other state or jurisdiction, and by a priest, minister or rabbi, or any person who has the power to conduct a marriage ceremony under the laws of the state or jurisdiction where the marriage took place. A common-law marriage between a Participant and a person shall not be considered a legal marriage for the purpose of the Plan regardless of whether such marriage may be considered legal in that state or jurisdiction where the couple resides or formerly resided.

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 Memphis Light, Gas and Water Division Retirement and Pension System is hereby amended as outlined in the preamble above.

I hereby certify that the foregoing is a true copy of a resolution accepted by the Board of Light, Gas and Water Commissioners at a regular-special meeting held on 6th day of January, 2016, at which a quorum was present.

Secretary-Treasurer



Memphis City Council Summary Sheet

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

This item is a resolution to authorize the Memphis Area Transit Authority (MATA) to use appropriated FY16 CIP funds under GA03026 Rail Vehicles to cover 100% of the cost of purchasing a trolley for the trolley system. The cost of the trolley is \$950,000.

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

MATA initiated the request for the City Council to allow MATA to use appropriated funds under GA03026 Rail Vehicles to cover 100% of the cost of a trolley.

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

This is a change to MATA's resolution to appropriate FY16 CIP funds for Rail Vehicles for MATA. The original appropriation appropriated \$2,250,000 funded by G. O. Bonds – General to cover the local share for the purchase of Rail Vehicles. The \$2,250,000 represented 20% of \$11,250,000 with the Federal Transit Administration funding the remaining 80%. MATA is requesting approval from the City Council to use \$950,000 of the \$2,250,000 to fund 100% of the cost of purchasing a trolley. The remainder of the appropriated funds would still be used as local match (20%) of future trolley procurements.

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

This project will require MATA to solicit bids and award contracts. MATA will procure the vehicles in accordance with its Procurement Manual.

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

Yes, this item requires an expenditure of funds in the amount of \$950,000 at 100% City funding, and a budget amendment is required to reflect that change.



**A RESOLUTION TO AUTHORIZE THE MEMPHIS AREA TRANSIT AUTHORITY TO
USE FY16 APPROPRIATIONS UNDER CIP PROJECT GA03026 RAIL VEHICLES AT
100% FOR THE PURCHASE OF ONE TROLLEY**

WHEREAS, The Memphis Area Transit Authority (MATA) has a fleet of 17 trolleys and currently needs to replace or refurbish up to 10 of the trolleys to be able to adequately provide trolley service for the next two years and additional trolleys as funds are available; and

WHEREAS, The Council of the City of Memphis did appropriate \$2,250,000 in G. O. Bonds – General under Capital Improvement Program Project Number GA03026, Rail Vehicles as part of the MATA’s FY16 Capital Improvement Program (CIP) budget; and

WHEREAS, The funds were appropriated as 20% local match for the purchase of trolley vehicles totaling \$11,250,000 with the remaining 80% being funded by the Federal Transit Administration; and

WHEREAS, MATA is requesting the City Council to authorize MATA to use FY16 appropriations under GA03026 Rail Vehicles to purchase one trolley at a cost of \$950,000 with the local share being 100%; and

WHEREAS, After this local match is used to purchase one trolley, \$1,300,000 will be available as a 20% match to the purchase or refurbishment of up to six trolleys with a total cost of \$6,500,000. Future years’ appropriations allowing MATA to purchase or refurbish additional trolleys to restore trolley service at a proper level to meet the system’s demand.

NOW, THEREFORE, BE IT RESOLVED By the Council of the City of Memphis that MATA is authorized reduce its current appropriation for its 20% local match by \$950,000 and reassign such appropriation to purchase one trolley at \$950,000.

Project Title:	Rail Vehicles
Project Number:	GA03026
Amount:	\$950,000



Memphis City Council Summary Sheet

- 1. Description of the Item (Resolution, Ordinance, etc.)**
Inter-category funds transfer
- 2. Initiating Party (e.g. Public Works, at request of City Council, etc.)**
Public Works' Environmental Engineering Department 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 requires a new contract, or amends an existing contract, if applicable.**
The resolution does not require a new contract, or amends an existing contract.
- 5. State whether this requires an expenditure of funds/requires a budget amendment.**
The resolution does require an expenditure of funds.



Resolution to adjust expenses to cover contract for sewer cleaning.

WHEREAS, the FY2016 Sewer Fund budget in the Environment Inspections legal level included funding for sewer cleaning and,

WHEREAS, the contract was more than budget due to an increase in preventative maintenance work done on the sewer lines because of the Consent Decree which has caused the Materials and Supplies category to have a negative balance, and

WHEREAS, the Sewer Fund budget in the Environment Inspections legal level has sufficient funds to transfer from Capital Outlay Vehicles account to Materials and Supplies Professional Services account, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2016 Sewer Fund budget, Environment Inspections legal level be and is hereby amended by transferring \$650,000 from the "Capital Outlay-Vehicle" budget line to the "Material and Supplies-Professional Services" budget line for the purpose of removing the negative balance in the Materials and Supplies category.

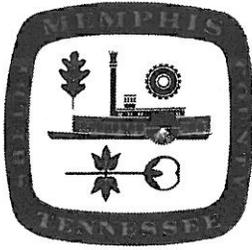
BE IT FURTHER RESOLVED THAT THE TRANSFER SHOULD BE CREDITED AS FOLLOWS:

Transfer Funds from:

0601-170901-053103 (Capital Outlay-Vehicles)	\$650,000.00
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Transfer Funds to:

0601-170901-052528 (Materials and Supplies-Prof. Svc)	\$650,000.00
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Memphis City Council Summary Sheet

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

Resolution to accept \$3,174,414 grant funds from the Tennessee Department of Transportation for redesign and reconstruct the existing Plough Boulevard Interchange making connections along Plough Boulevard, Winchester Road, and Airways Boulevard.

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

Public Works Division

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

NA

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

This requires a new contract.

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

This resolution amends the FY16 Public Works Capital Improvement Budget.

RESOLUTION

This is a resolution to accept \$3,174,414 in grant funds from the Tennessee Department of Transportation for the Memphis Airport Plough Boulevard Access Road, project PW01109.

WHEREAS, the Council of the City of Memphis approved Plough/Winchester, project number PW01109 as part of the Fiscal Year 2016 Capital Improvement Budget; and

WHEREAS, the City of Memphis has applied for and received a Surface Transportation Program (STP) Grant to redesign and reconstruct the existing Plough Boulevard Interchange making connections along Plough Boulevard, Winchester Road, and Airways Boulevard in all directions in the City of Memphis, Shelby County; and

WHEREAS, it is necessary to accept the grant funding in the amount of \$3,174,414 funded by the Tennessee Department of Transportation; and

WHEREAS, the City of Memphis will entered into a contract with the State of Tennessee Department of Transportation; and

WHEREAS, under the contract, the State Department of Tennessee of Transportation (TDOT) has agreed to fund 100% of the project design cost through the STP DEMO funds redesign and reconstruct the existing Plough Boulevard Interchange making connections along Plough Boulevard, Winchester Road, and Airways Boulevard in all directions in the City of Memphis, Shelby County; and

WHEREAS, it is necessary to amend the Fiscal Year 2016 Capital Improvement Budget by establishing an allocation in the amount of \$3,174,414 in Architecture and Engineering for Plough/Winchester, project number PW01109; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Memphis that the Fiscal Year 2016 Capital Improvement Budget is hereby amended by accepting the sum of \$3,174,414 from the State of Tennessee Department of Transportation.

BE IT FURTHER RESOLVED, that the Fiscal Year 2016 Capital Improvement Budget be amended by establishing an allocation in the amount of \$3,174,414 in Architecture and Engineering for Plough/Winchester, project number PW01109 funded by the State Tennessee Department of Transportation.