



Memphis City Council Summary Sheet Instructions

Please provide a brief summary of the item, in bullet form, not to exceed one page:

1. Describe item (Resolution, Ordinance, etc.)
Resolution to revise the Tuition Reimbursement Program amending the funding level given to employees for fiscal year 2011 from \$5,000.00 per employee up to \$1,400.00 per employee currently enrolled in the program.
2. Identify initiating party (e.g., Public Works; at request of City Council, etc.) Human Resources Divisions
3. State whether this is a change to an existing ordinance or resolution, if applicable. Existing Resolution
4. State whether this requires a new contract, or amends an existing contract, if applicable. NA
5. State whether this requires an expenditure of funds/requires a budget amendment. NA

RESOLUTION

**CITY OF MEMPHIS
TUITION REIMBURSEMENT PROGRAM**

WHEREAS, the Mayor and the Memphis City Council are interested in the continuation of offering opportunities for self-improvement to all employees of the City of Memphis; and

WHEREAS, all employees who are currently enrolled in the Tuition Reimbursement Program beginning July 1, 2009 will be eligible to receive up to \$5,000 for tuition and books for City of Memphis fiscal year ending June 30, 2010; and

WHEREAS, all employees currently enrolled in the Tuition Reimbursement Program during Fiscal Year FY2010 will be eligible to receive up to \$1,400 for tuition and books for City of Memphis fiscal year 2011 beginning July 1, 2010 and ending June 30, 2011; and

WHEREAS, no new employees are eligible to participate in the Tuition Reimbursement program from July 1, 2010 until June 30, 2011; and

WHEREAS, effective July 1, 2011 the original terms and conditions of the Tuition Reimbursement Program are re-instated for City of Memphis fiscal year 2012.

NOW, THEREFORE, BE IT RESOLVED that the Memphis City Council hereby supports the City's Tuition Reimbursement Program and the allowable amount of up to \$1,400 for current employees participating in the program for FY2011 as set forth in HR Policy PM-58-03 and administered by the Human Resources Division.

Resolution adopted on July 6, 2010

Personnel Committee



Memphis City Council Summary Sheet Instructions

Resolution to fund the Contract for A.D.A. Curb Ramps Group 44

1. Resolution funding the A.D.A. Curb Ramp contract for the construction of fifty (50) curb ramps City wide.
2. This Resolution is initiated by Public Works Division in response to City's requirement to fulfill the Federal Settlement Agreement with the U.S. Department of Justice.
3. This project is currently in the CIP 2011 fiscal year listed under project PW04082.
4. This project will require a construction contract with Encor, LLC .
5. This project requires an expenditure of G. O. bonds, in the amount of \$72,978.64.

RESOLUTION

WHEREAS, the Council of the City of Memphis approved ADA Curb Ramp, project number PW04007 as part of the Public Works Fiscal Year 2011 Capital Improvement Budget; and

WHEREAS, bids were taken on August 20, 2010 for the installation of ADA ramps at various locations in the City with the lowest complying bid of four bids being \$72,978.64 submitted by Enscor, LLC; and

WHEREAS, it is necessary to transfer an allocation of \$76,628.00 funded by GO Bonds - General from ADA Curb Ramp, project number PW04007 to ADA Curb Ramps Group 44, project number PW04082, for the installation of ADA ramps at various locations in the City; and

WHEREAS, it is necessary to appropriate \$76,628.00 funded by GO Bonds - General in ADA Curb Ramps Group 44, project number PW04082 as follows:

Contract Amount	\$72,979.00
Project Contingencies	<u>\$3,649.00</u>
Total	\$76,628.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2011 Capital Improvement Budget be and is hereby amended by transferring an allocation of \$76,628.00 funded by GO Bonds – General from ADA Curb Ramp, project number PW04007 to ADA Curb Ramps Group 44, project number PW04082 for the installation of ADA ramps at various locations in the City.

BE IT FURTHER RESOLVED, that there be and is hereby appropriated the sum of \$76,628.00 funded by GO Bonds - General chargeable to the FY 2011 Capital Improvement Budget and credited as follows:

Project Title	ADA Curb Ramps Group 44
Project Number	PW04082
Amount	\$76,628.00



Memphis City Council Summary Sheet

(General Services Division – Appropriation of FY2011 Major Modifications & Improvements CIP Funds)

- This item is a resolution in support of appropriating \$4,965,000 for the Major Modifications and Improvements, CIP Project #GS01007 funded by GO Bonds – General from Major Modifications and Improvements, CIP Project #GS01007.
- The City Council approved the Major Modifications and Improvements, CIP Project #GS01007, as part of the General Services Division Fiscal Year 2011 Capital Improvement Budget.
- The Division of General Services drafted a resolution, public use projects worksheet and Council appropriation request form that provides funding for major modifications, renovations and improvements to City facilities, including security, roofing, electrical, plumbing, painting, construction and HVAC improvements.
- There is no change to an existing ordinance or resolution.
- This resolution does not require a new contract, or amend an existing contract.
- This resolution will require funds being expensed.

RESOLUTION

WHEREAS, the Council of the City of Memphis approved the Major Modifications and Improvements to Property, CIP Project #GS01007, as part of the General Services Division Fiscal Year 2011 Capital Improvement Budget; and

WHEREAS, most of the work, to include the maintenance, enhancement and preservation of existing City of Memphis facilities will be performed by employees of the General Services Division; and

WHEREAS, it is necessary to appropriate \$4,965,000 funded by GO Bonds - General from Major Modifications, CIP Project # GS01007 for the maintenance and enhancement of City of Memphis facilities;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2011 Capital Improvement Budget be and is hereby amended by appropriating \$4,965,000 funded by GO Bonds – General chargeable to the FY 2011 Capital Improvement Budget and credited as follows:

Project Title: Major Modifications and Improvements to Property
Project Number: Project # GS01007
Amount: \$4,965,000



Memphis City Council Summary Sheet (General Services Division – Appropriation of FY2011 ADA CIP Funds)

- This item is a resolution in support of appropriating \$922,000 for contract construction for the Americans with Disabilities, CIP Project #GS01010 funded by GO Bonds – General from Americans with Disabilities, CIP Project #GS01010.
- The City Council approved the Americans with Disabilities, CIP Project #GS01010, as part of the General Services Division Fiscal Year 2011 Capital Improvement Budget.

A&E Design Work	\$330,000
Contract Construction	<u>\$922,000</u>
Total	\$1,252,000

- The Division of General Services drafted a resolution, public use projects worksheet and Council appropriation request form that provides contract construction funding for the renovation of existing City facilities to comply with the Federal Americans with Disabilities Act.
- There is no change to an existing ordinance or resolution.
- This resolution does not require a new contract, or amend an existing contract.
- This resolution will require funds being expensed.

RESOLUTION

WHEREAS, the Council of the City of Memphis approved \$1,252,000 for the Americans with Disabilities, CIP Project #GS01010, as part of the General Services Division Fiscal Year 2011 Capital Improvement Budget; \$330,000 for A&E Design Work and \$922,000 for Contract Construction and

WHEREAS, most of the contract construction work, to include the renovation of existing City facilities to meet compliance with the Federal Americans with Disabilities Act will be performed by employees of the General Services Division; and

WHEREAS, it is necessary to appropriate \$922,000 for contract construction funded by GO Bonds - General from Americans with Disabilities, CIP Project # GS01010 for the compliance of City of Memphis facilities;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2011 Capital Improvement Budget be and is hereby amended by appropriating \$922,000 funded by GO Bonds – General chargeable to the FY 2011 Capital Improvement Budget and credited as follows:

Project Title:	Americans with Disabilities – Contract Construction
Project Number:	Project # GS01010
Amount:	\$922,000



Memphis City Council Summary Sheet

- This item is a resolution to accept \$224,597.14 from Shelby County for reimbursement of the NICE recorder project.
- The Division of Information Services is requesting this action.
- Amendment to FY 2011 Adopted Budget Ordinance.
- This resolution does not require a new contract or amendment to an existing contract
- This item requires an amendment to FY 2011 Adopted Budget to accept \$224,597.14 in revenue.

WHEREAS, the Information Services Division of the City of Memphis (hereinafter referred to as "CITY") has received funds in the amount of Two Hundred Twenty-Four Thousand, Five Hundred and Ninety-Seven Dollar and Fourteen Cents (\$224,597.14) from Emergency Communications District of Shelby County; and

WHEREAS, these funds will be used as reimbursement for the Nice Recorder project; and

WHEREAS, it is necessary to accept this funding and amend the Fiscal Year 2011 Operating Budget to establish the appropriation for this Unallocated Revenue; and

WHEREAS, it is necessary to appropriate these funds in the amount of Two Hundred Twenty-Four Thousand, Five Hundred and Ninety-Seven Dollar and Fourteen Cents (\$224,597.14) for Nice Recorder project expenses; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Memphis that funds in the amount of Two Hundred Twenty-Four Thousand, Five Hundred and Ninety-Seven Dollar and Fourteen Cents (\$224,597.14) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED that the Fiscal Year 2011 operating Budget be and is hereby amended by appropriating Revenues in the amount of Two Hundred Twenty-Four Thousand, Five Hundred and Ninety-Seven Dollar and Fourteen Cents (\$224,597.14) as follows:

Revenue

Local Other Revenue	\$224,597.14
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Memphis City Council Summary Sheet

- This item is a resolution to accept \$25,000.00 from Shelby County Commission for access to GIS technology tool developed by the City of Memphis.
- The Division of Information Services is requesting this action.
- Amendment to FY 2011 Adopted Budget Ordinance.
- The City of Memphis entered into an agreement with the Shelby County Commission to integrate County relevant data into the web-based citizen servicing GIS tool.
- This item requires an amendment to FY 2011 Adopted Budget to accept and appropriate \$25,000.00 in revenue and expenditures for GIS technology tool.

WHEREAS, the Information Services Division of the City of Memphis (hereinafter referred to as "CITY") has received funds in the amount of Twenty-five Thousand Dollars (\$25,000.00) from Shelby County Commission; and

WHEREAS, these funds will be used as payment for access and integration into the web-based citizen servicing GIS tool; and

WHEREAS, it is necessary to accept this funding and amend the Fiscal Year 2011 Operating Budget to establish the appropriation for this Outside Revenue; and

WHEREAS, it is necessary to appropriate these funds in the amount of Twenty-five Thousand Dollars (\$25,000.00) for GIS technology tool expenses; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Memphis that funds in the amount of Twenty-five Thousand Dollars (\$25,000.00) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED that the Fiscal Year 2011 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues in the amount of Twenty-five Thousand Dollars (\$25,000.00) as follows:

Revenue

Outside Revenue	\$25,000.00
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Expenditures

Miscellaneous Professional Services	\$25,000.00
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Memphis City Council Summary Sheet

Resolution to appropriate G. O. Bonds for repairs to Fire Stations 16, 25, 35, and 45 from Capital Project FS02001 Fire Station Repair in the amount of \$397,428.00.

1. This item is a resolution to appropriate G. O. Bonds for repairs to Fire Stations 16, 25, 35 and 45 from Capital Project FS02001 Fire Station Repair.
2. Fire Service is continually making repairs to stations.
3. Seven bids were received on August 13, 2010 with the best complying bid submitted by Wagner General Contractors, Inc.
4. This item requires an expenditure of funds in the amount of \$397,428.00 therefore Fire Services is requesting an appropriation of allocations approved in the FY11 Capital Improvement Budget.



RESOLUTION

WHEREAS, the Council of the City of Memphis did include Fire Station Repair, Project Number FS02001, as part of the FY2011 Capital Improvement Budget; and

WHEREAS, bids were taken on August 13, 2010 for Fire Station Repair, with the best complying bid of seven bids submitted being \$354,100.00 submitted by Wagner General Contractors, Inc., and

WHEREAS, it is necessary to appropriate \$397,428.00 funded by G.O. Bonds General in Fire Station Repair, Project Number FS02001 for construction as follows:

Bid Amount	\$ 354,100.00
Contingency	\$ 28,328.00
Geotechnical & Material testing	\$ <u>15,000.00</u>
Total	\$ 397,428.00

BE IT RESOLVED, by the Council of the City of Memphis that the FY11 Capital Improvement Budget be modified for Fire Station Repair, project number FS02001 Contract Construction.

BE IT FURTHER RESOLVED, that there be and is here by appropriating a sum of \$397,428.00 funded by G.O. Bonds General chargeable to the Fiscal Year 2011 Capital Improvement Budget and credited as follows:

Project Title	Fire Station Repair
Project Number	FS02001
Amount	\$397,428.00



Memphis City Council Summary Sheet

Resolution to appropriate G. O. Bonds for repairs to Fire Station 26 from Capital Project FS02001 Fire Station Repair in the amount of \$245,181.00.

1. This item is a resolution to appropriate G. O. Bonds for repairs to Fire Station 26 from Capital Project FS02001 Fire Station Repair.
2. Fire Service is continually making repairs to stations.
3. The work on this station is to be performed by General Services.



Memphis City Council Summary Sheet

RESOLUTION

WHEREAS, the Administration is requesting that the Council of the City of Memphis modify the FY11 Capital Improvement Budget for Fire Station Repair, project number FS02001; and

WHEREAS, the City of Memphis General Services Division will do renovations to Fire Station 26 for a total cost of \$245,181.00. As a result, no bids were received by Fire Services; and

WHEREAS, it is necessary to appropriate \$245,181.00 in Fire Station Repair, project number FS02001 Contract Construction in order for the General Services Division to renovate Fire Station 26.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the FY11 Capital Improvement Budget be modified for Fire Station Repair, project number FS02001 Contract Construction.

BE IT FURTHER RESOLVED, that there be and is hereby appropriated the sum of \$245,181.00 funded by G.O. Bonds chargeable to the Fiscal Year 2011 Capital Improvement Budget and credited as follows:

Project Title:	Fire Station Repair
Project Number:	FS02001
Project Expense:	Contract Construction
Project Amount:	\$245,181.00



Memphis City Council Summary Sheet

Resolution seeking acceptance of state grant funds in the amount of \$240,000.00 specifically for the 2011 Internet Crimes Against Children (ICAC) Program. The ICAC funds will be used to increase the number of internet crimes against children investigated and to increase the number of internet predators arrested.

- This item is a resolution to accept state grant funds from the State of Tennessee Office of Justice Programs in the amount of \$240,000.00 specifically for the ICAC Program.
- The City of Memphis Division of Police Services was the applicant for the ICAC award and serves as the fiscal agent for the total project.
- This is a new grant award pending Council acceptance.
- Acceptance and appropriation of the state funds will require a contract with the State of Tennessee Office of Justice Programs.
- Acceptance will require an amendment to the 2011 Operating Budget to appropriate the funds.

RESOLUTION

WHEREAS, the City of Memphis Division of Police Services has been awarded grant funds in the amount of Two Hundred Forty Thousand Dollars (\$240,000.00) from The State of Tennessee, Office of Justice Programs; and

WHEREAS, these funds will be used to support the Memphis Police Department Internet Crime Against Children (ICAC) Project; and

WHEREAS, it is necessary to accept the grant funding and amend the FY2011 Operating Budget to establish funds for the ICAC Project; and

WHEREAS, it is necessary to appropriate the FY2011 grant funds in the amount of Two Hundred Forty Thousand Dollars (\$240,000.00) for the ICAC Program.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the ICAC Program Award in the amount of Two Hundred Forty Thousand Dollars (\$240,000.00) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the Fiscal Year 2011 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the ICAC Program in the amount of Two Hundred Forty Thousand Dollars (\$240,000.00) :

REVENUES

The State of Tennessee	<u>\$240,000.00</u>
Total	\$240,000.00

EXPENDITURES

Full Time Salaries	\$ 90,482.00
Equipment	\$ 24,018.00
Training	\$100,000.00
Misc Materials & Supplies	<u>\$ 25,500.00</u>
Total	\$240,000.00



Memphis City Council Summary Sheet

Resolution seeking acceptance of federal grant funds in the amount of \$200,000.00 specifically for the Urban Area Security Initiative (UASI) Project. The UASI funds originate with the U. S. Department of Homeland Security and are routed through the Shelby County Office of Preparedness. The sub award to the City of Memphis for \$200,000.00 is designated for Memphis Police (\$100,000) and Memphis Fire (\$100,000). The funds will be used for allowable planning, training, exercise and equipment costs.

- This item is a resolution to accept federal grant funds from the U. S. Department of Homeland Security through the Shelby County Office of Preparedness in the amount of \$200,000.00 specifically for UASI.
- The Shelby County Office of Preparedness was the applicant for the UASI project and serves as the fiscal agent for the total project.
- This is a new grant award pending Council acceptance.
- Acceptance and appropriation of the federal funds will require a contract with the Shelby County Office of Preparedness for the sub award.
- Acceptance will require an amendment to the 2011 Operating Budget to appropriate the funds.

RESOLUTION

WHEREAS, the City of Memphis Division of Police Services has been awarded grant funds in the amount of Two Hundred Thousand Dollars (\$200,000.00) from the U.S. Department of Homeland Security through the Shelby County Office of Preparedness; and

WHEREAS, these funds will be used to support the Memphis Police Department and the Memphis Fire Department Homeland Security Projects/Urban Area Security Initiative (UASI) Projects; and

WHEREAS, it is necessary to accept the grant funding and amend the FY2011 Operating Budget to establish funds for the UASI; and

WHEREAS, it is necessary to appropriate the FY2011 grant funds in the amount of Two Hundred Thousand Dollars (\$200,000.00) for the UASI projects.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the UASI projects award in the amount of Two Hundred Thousand Dollars (\$200,000.00) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the Fiscal Year 2011 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the UASI projects in the amount of Two Hundred Thousand Dollars (\$200,000.00) :

REVENUES

Shelby County Government	<u>\$200,000.00</u>
Total	\$200,000.00

EXPENDITURES

MPD Equipment	\$100,000.00
MFD Equipment	<u>\$100,000.00</u>
Total	\$200,000.00

EXECUTIVE SUMMARY

AN ORDINANCE TO AMEND CHAPTER 28, ARTICLE VI, DIVISION 3 OF THE CODE OF ORDINANCES SO AS TO REDUCE THE NUMBER OF ALLOWABLE FALSE ALARMS, INCLUDE CIVIL DAMAGES AND ADD NOTIFICATION PROCESS OF ALARM USERS OPERATING WITHOUT A PERMIT

Purpose: The original ordinance was passed in 1999 to address the 100,000+ false alarms that occurred annually and detracted from MPD's ability to handle real alarms, respond to emergency calls or proactively suppress crime. Since the implementation of the Metro Alarm Office, false alarms have decreased significantly; however, the number is still much higher than it should be. For example, in 2002 there were 115,450 false alarms while in 2008 52,257 false alarms were responded to by MPD.

Challenge: In 2008, the Memphis Police Department received 96,949 total alarm calls. Of that number, 899 were good calls reflecting .009% of all calls received. Out of the 96,949 total calls, 52,257 were actual false alarms that were responded to by MPD – thus the 899 “good alarms” represented 2% of the total actual false alarm calls.

Please see the detail below.

Citation issued (false alarm): 14,499 (total included in False alarm category). This is 28% of the actual 51,257 false alarms. MPD has committed to writing citations for every false alarm – this is a must for the system to work.

Cancelled by alarm company: 13,092 (14%). These are false alarms that are correctly cancelled by the alarm company before MPD responds.

Actual False Alarms w MPD Response: 52,257 (54% of all calls). The ordinance is designed to drive this number down.

Good Alarms: 899 (2% of actual alarms when MPD responded were legitimate)

Erroneous disposition code 16,110

Financial Impact of Current Situation: At least two officers are put on a call for at least 20 minutes a piece, which results in 34,838 man hours for false alarms last year. At a cost of \$90 per man hour (Per MPD) false alarms caused approximately \$3.1 MM in wasted resources when officers could have been responding to an actual emergency or crime suppression.

Resource Calculation: (40 minutes is .67 of an hour @ 52,257 false calls = 34,838 hours @ \$90 and hour = \$3.1MM)

After gathering data from the Metro Alarm Office, it became evident that several alarm users are abusing the system. For example during a period of time last year, an alarm at a business on Getwell had false alarms 26 times in January, 22 times in February, 14 times in March, and 13 times in April. In addition for the month of January, 67 locations had six or more false alarms for a total of 561 for the month.

Proposed Changes:

1. The city's current ordinance does not call for a fine, suspension, or removal of the alarm until after the sixth (6th) false alarm in a twelve month period. The proposed amendment reduces the number of allowable false alarms from six (6) to five (5) in a twelve month period. After the fifth false alarm, the user will have to pay a fine and upon the 7th false alarm civil damages will be added. This change will bring Memphis in line with comparable cities.
2. The current ordinance does not allow the city to recoup costs from answering these false alarms. The proposed amendment requires payment of civil damages for actual costs of answering the false alarm call. MPD has calculated that amount to be \$90 per hour.
3. The current ordinance requires users found to be operating an alarm without a permit to be fined and given a citation that can be waived by the Metro Alarm Board. The proposed amendment gives the user 30 days to come into compliance and not receive a fine. If permit is not obtained, then the user will be placed on a "Do Not Respond" list with MPD until obtainment and will be subject to fine and civil damages.
4. The current ordinance does not provide for a "Do Not Respond" list for MPD. The proposed amendment imposes users being placed on the list after the seventh false alarm in a twelve month period for a year.
5. The new ordinance will also accelerate training classes for those that need additional training and this has decreased false alarms in other cities. The current ordinance does not require the training class until after the seventh false alarm. The new ordinance moves it up until after the 4th.

Fiscal Note and Other:

There will be a need to expand the staffing of the Metro Alarm Office to handle the expected increase of fines assessed due to the change in the number of allowable false alarms.

In addition, Information Services will be asked to implement software that will enable the Metro Alarm system, MPD dispatch and Sheriff's Deputy dispatch to "talk" to one another. Director has committed to a 60 day timeline.

MPD must write citations every time an infraction is committed.

The ordinance must pass the County Commission. Mike Carpenter is the Co-sponsor.

**EXECUTIVE SUMMARY
SHELBY COUNTY COMMISSION REVISIONS**

**AN ORDINANCE TO AMEND CHAPTER 28, ARTICLE VI,
DIVISION 3 OF THE CODE OF ORDINANCES SO AS TO REDUCE THE
NUMBER OF ALLOWABLE FALSE ALARMS, INCLUDE CIVIL DAMAGES
AND ADD NOTIFICATION PROCESS OF ALARM USERS OPERATING
WITHOUT A PERMIT**

Language Changes: “fine” and “damages” now called “civil penalty”

Revocation of alarm permit now occurs at the 7th rather than the 8th offense

The County Attorney’s changes are not substantive. The chart outlining the penalty to be associated with each false alarm is the same except the county’s version is a bit more restrictive. However, they have deleted sections of the city ordinance following the offense that detailed how violations were to be treated. These details are encompassed in the County’s use of “civil penalty” which can mean everything contained in the original city ordinance. Maybe they thought our language was redundant or perhaps they thought that we should allow flexibility in sanctioning repeat false alarm offenders. The remedies spelled out in the original ordinance are still available to the city.

ORDINANCE NO. 5328

**AN ORDINANCE TO AMEND CHAPTER 28, ARTICLE VI,
DIVISION 3 OF THE CODE OF ORDINANCES SO AS TO REDUCE THE
NUMBER OF ALLOWABLE FALSE ALARMS, INCLUDE COSTS AND ADD
NOTIFICATION PROCESS OF ALARM USERS OPERATING WITHOUT A
PERMIT**

WHEREAS, the Memphis City Council recognizes the amount of man hours dedicated by the Memphis Police Department for investigating crimes is significantly impacted by the number of false alarms received daily; and

WHEREAS, the current ordinance is excessively lenient in false alarm allowances and fines compared to that of cities of comparable size and demographics; and

WHEREAS, the Memphis City Council deems it appropriate to amend this ordinance to ensure the health, safety and welfare of the citizens of Memphis are protected by the Memphis Police Department.

SECTION 1. NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS that Chapter 28, Article VI, Division 3, Section 28-130 (b) is hereby amended to delete the current language and insert the following

Sec.28 -130. False alarms fines; dispatch records; appeals.

(b) An alarm user shall be subject to civil penalties, warnings, and suspensions or revocation of the permit after the fifth false alarm dispatch within a twelve-month period based upon the following schedules:

Number of False Alarm Dispatches	Action Taken	Civil Penalties
1	On-site written notice.	No Fine
2	On-site written notice.	No Fine
3	On-site written notice and warning letter #1.	No Fine

4	On-site written notice, warning letter # 2 and mandatory false alarm reduction class.	No Fine
5	On-site written notice, warning letter #3 and mandatory civil penalty.	\$25.00
6	On-site written notice, letter to user requiring alarm inspection from metro alarm review board, certified inspection letter from alarm company to board and mandatory civil penalty.	\$25.00
7	On-site written notice, mandatory civil penalty and revocation of permit.	\$25.00
8 or more	On-site written notice, mandatory civil penalty, revocation of permit and future alarms may be considered false in nature and will require additional confirmation prior to response.	\$25.00

1. The Alarm Office shall collect the civil penalties for false alarms in accordance with this section. Failure to comply with any of the action prescribed by this section within the time period required by the Alarm Office shall be considered an ordinance violation and the alarm user shall be subject to the general penalty provisions of this Code.

2. In the event an alarm user is experiencing maintenance issues with his alarm, the alarm company may contact the Alarm Administrator and inform him that the company is currently working to correct system problems. The Alarm Administrator with notice to the Metro Alarm Review Board and Memphis Police Department shall note on the alarm users file that the system is currently under maintenance and any false alarms incurred during a thirty (30) day period after notification from the alarm company shall not be counted against the alarm user. The alarm company shall have the responsibility of notifying the Alarm Administrator in writing that the problem has been resolved. Should the alarm problem persist for a period longer than thirty (30) days then the Alarm Administrator with approval from the Metro Alarm Review Board shall have the option to remove the exception or extend the maintenance period for an additional period of time up to thirty (30) days.

3. All alarm installation companies providing services in Memphis and Shelby County shall, after the fifth day of the month following installation, send the alarm office all installations for the preceding thirty (30) day period. In addition, alarm monitoring firms shall provide after the fifth day of the end of each month, a list of any and all locations where alarm monitoring services are provided. Such list shall remain confidential to the extent allowed by law.

SECTION 2. BE IT FURTHER ORDAINED that Chapter 28, Article VI, Division 3, Section 28-130 (c) is hereby amended to delete the current language and insert the following

- (c) Any person operating a non-permitted alarm system, whether revoked or Suspended, shall be subject to an ordinance violation citation and a false alarm civil penalty (as defined in section 28-137) in addition to costs. Persons operating an alarm system that was never permitted shall receive a citation and will have ten (10) business days after such violation to apply for a permit. The Metro Alarm Office shall send a certified letter to users that have not applied within the ten (10) day period notifying alarm user that a false alarm civil penalty and costs will be levied if an application is not completed a total of thirty (30) days after the original violation. In addition, alarm user shall further be prohibited from operating the alarm system at issue in such a manner as to be the sole basis for a request by law enforcement personnel until application has been submitted and all civil penalties and costs have been paid.

SECTION 3. BE IT FURTHER ORDAINED, that the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

SECTION 4. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that this ordinance shall take effect on July 01, 2010 after is has 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.

KEMP CONRAD
Council Member

HAROLD COLLINS
Council Chairman

Attest:
Patrice Thomas, Comptroller

Memphis City Council
Summary Sheet

Ordinance increasing the dollar amount of Memphis Light, Gas & Water contracts requiring the prior approval of the Memphis City Council.

- This item is a proposed Ordinance to increase the dollar amount of Memphis Light, Gas & Water contracts entailing expenditures and obligations which must be submitted to the City Council for prior approval.
- The proposed Ordinance is submitted by Memphis Light, Gas & Water to the City Council or the MLGW Committee for consideration. The Board of the Memphis Light, Gas & Water Division of the City of Memphis has approved the submittal of this proposed Ordinance by resolution adopted on May 6, 2010.
- This Ordinance would increase the dollar amount of Memphis Light, Gas & Water contracts that require the prior approval of the Memphis City Council to \$500,000 from the current limit of \$25,000 and provide for the subsequent reporting in writing to the City Council of contracts entailing expenditures and obligations of between \$25,000 and \$500,000. The Ordinance is an amendment to Substitute Ordinance 5046 adopted by the City Council on April 13, 2004 on third reading. Prior to Ordinance 5046 only unbudgeted expenditures were required to be approved in advance by the City Council pursuant to the provisions of Ordinance 3509 adopted by the City Council on November 5, 1985.
- No contracts, expenditures of funds or budget amendments are required.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MEMPHIS PERTAINING TO THE BUDGET, SALARIES, AND CONTRACTS OF THE MEMPHIS LIGHT, GAS AND WATER DIVISION TO INCREASE THE AMOUNT OF CONTRACTS REQUIRING APPROVAL OF THE CITY COUNCIL TO \$500,000.

Whereas, Section 681 of the City's Charter requires Council approval of any MLGW contracts entailing an obligation or expenditure in excess of Five Thousand Dollars; and

Whereas, Section 675 of the Charter requires Council approval of any salaries, fees or other compensation in excess of \$4,000 per annum of any engineers, subordinate officers, employees, auditors, attorneys, consultants and others employed to render extraordinary services to MLGW; and

Whereas, by Home Rule Amendment No. 3054 to the City's Charter, the Council was authorized to increase by ordinance the amount of contracts, salaries and compensation for employees and others that require Council approval; and

Whereas, the Council has by Substitute Ordinance No. 5046 required Council approval prior to execution of all contracts (other than emergency purchases and spot market purchases of natural gas) entailing an obligation or expenditure, including fees or other compensation of any engineers, auditors, attorneys, consultants and others employed to render extraordinary services to MLGW in excess of Twenty Five Thousand Dollars (\$25,000); and

Whereas, the Council has amended Substitute Ordinance 5046 by the adoption of Ordinances No. 5256 dated April 24, 2008 (relating to purchases of natural gas) and No. 5291 dated February 17, 2009 (relating to settlements between MLGW and its employees pursuant to the workers' compensation laws of the State of Tennessee).

Whereas, in order to improve the efficiency of the process for placing contracts, securing necessary goods and non-professional services, the Council desires to further amend the requirements under Substitute Ordinance 5046 to raise the amount of contracts requiring City Council approval from \$25,000 to \$500,000.

NOW THEREFORE BE IT ORDAINED THAT, The present Code of Ordinances of the City of Memphis is amended by deleting the numerical amount "\$25,000" and inserting in its place the numerical amount "\$500,000" in Section 1 of Substitute Ordinance 5046, such that Section 1 shall read as follows:

SECTION 1. Notwithstanding Ordinance No. 5046 to the contrary, all contracts (other than emergency purchases, purchases of natural gas and other derivative products, and settlements between MLGW and its employees pursuant to the

workers' compensation laws of the State of Tennessee, the latter of which shall not require City Council approval in advance of execution) entailing an obligation or expenditure, including fees or other compensation of any engineers, auditors, attorneys, consultants and others employed to render extraordinary services to MLGW, in excess of Five Hundred Thousand Dollars (\$500,000) shall require City Council approval in advance of execution. In emergencies MLGW may enter into emergency purchases as defined herein, which emergency purchases shall be later ratified by the Council. MLGW may also purchase natural gas and other derivative instruments daily as long as the aggregate annual amount of these purchases are approved by the Council in the annual budget of MLGW.

For the purposes of this Ordinance the term "emergency purchases" shall include, but shall not necessarily be limited to, any purchase orders and contracts in excess of Five Hundred Thousand Dollars (\$500,000) needed to: (i) remedy any hazardous, unsafe or environmentally harmful event or condition that has created or may create a harmful situation for the public or MLGW employees, whether or not ordered, directed or requested by a federal or state agency; (ii) insure continuous and reliable utility service to MLGW customers; and (iii) take whatever steps are reasonably necessary to address problems caused by a catastrophic event.

Any contracts entailing an obligation or expenditure of \$500,000 or less but greater than \$25,000 shall not require prior approval but shall be reported to the Council of the City in writing at each of the City Council's meetings for information purposes only.

SECTION 2. BE IT FURTHER ORDAINED That the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

SECTION 3. BE IT FURTHER ORDAINED That this Ordinance shall take effect from and after the date it shall have been passed by the City Council, signed by the Chairman of the Council, certified and delivered to the office of the Mayor in writing by the comptroller, and become effective as otherwise provided by law.

Chairman of the Council

Attest:

_____, Comptroller

E X C E R P T
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
May 6, 2010

The President recommended to the Board of Light, Gas and Water Commissioners approval of an "Ordinance To Amend the Code of Ordinances of the City of Memphis Pertaining to the Budget, Salaries and Contracts of the Memphis Light, Gas and Water Division to Increase the Amount of Contracts Requiring Approval of the City Council to \$500,000" to be submitted to the Council of the City of Memphis for its consideration and adoption.

The proposed Ordinance is an amendment to the existing Code of Ordinances of the City of Memphis and will provide for the increase in the amount of contracts of the Memphis Light, Gas and Water Division requiring approval by the City Council to Five Hundred Thousand Dollars (\$500,000).

The Board acknowledged that the Council of the City of Memphis may support an increase in the contract approval limit but to an amount less than \$500,000 but greater than \$25,000, and amended this resolution to support an increase in the contract approval limits to an amount less than \$500,000 but greater than \$25,000.

NOW, THEREFORE, BE IT RESOLVED, THAT "An Ordinance To Amend the Code of Ordinances of the City of Memphis Pertaining to the Budget, Salaries and Contracts of the Memphis Light, Gas and Water Division to Increase the Amount of Contracts Requiring Approval of the City Council to \$500,000" or to an amount up to \$500,000 (attached herewith) is approved for submittal to the Council of the City of Memphis for its consideration; and

THAT, The Council of the City of Memphis is requested to support adoption of the proposed Ordinance.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular - special meeting held on 6th day of May, 2010, at which a quorum was present.


Secretary-Treasurer

Approved, As Amended

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of August 19, 2010, awarded Contract No. 11406, Managed Prescription Drug Program, to Medco Health, in the funded amount of \$53,869,000.00, and is now recommending to the Council of the City of Memphis that it approve said award as approved in the MLGW 2010 fiscal year budget as approved and subsequent years budget as proposed; and

WHEREAS, the project scope is to provide pharmacy benefit management for Preferred Provider Organization (PPO) Program and retiree drug subsidy; and

WHEREAS, twenty-two proposals were solicited; MLGW received seven (7) proposals on May 7, 2010, with one of the most responsive proposals being from Medco Health. The Division will pay 75% of the employee's annual premium in the estimated funded amount of \$40,401,750.00 and the MLGW employees will be responsible for 25% of the annual premiums through payroll deduction in the estimated amount of \$13,467,250.00. The projected amount to be funded by MLGW is \$40,401,750.00, the actual payments from January 1, 2011 to December 31, 2013 will be reconciled to the projected amount and the results reported to the Board of Commissioners at the end of each term. The term of this contract is for a 36-month period from the date of the Notice to Proceed; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved an award of Contract No. 11406, Managed Prescription Drug Program, to Medco Health, in the funded amount of \$53,869,000.00, chargeable to the MLGW fiscal year 2010 as approved and subsequent years budget as proposed.

E X C E R P T
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS

held
August 19, 2010

Commissioner Steve Wishnia moved to award Contract No. 11406, Managed Prescription Drug Program, to Medco Health, in the funded amount of \$53,869,000.00.

The project scope is to provide pharmacy benefit management for Preferred Provider Organization (PPO) Program and retiree drug subsidy.

Twenty-two proposals were solicited; MLGW received seven (7) proposals on May 7, 2010, with one of the most responsive proposals being from Medco Health. The Division will pay 75% of the employee's annual premium in the estimated funded amount of \$40,401,750.00 and the MLGW employees will be responsible for 25% of the annual premiums through payroll deduction in the estimated amount of \$13,467,250.00. The projected amount to be funded by MLGW is \$40,401,750.00, the actual payments from January 1, 2011 to December 31, 2013 will be reconciled to the projected amount and the results reported to the Board of Commissioners at the end of each term. The term of this contract is for a 36-month period from the date of the Notice to Proceed.

The 2011 budgeted amount for Self-Funded Retirees and Active Employees is \$41,822,250.00; of which \$12,317,250.00 will be spent in 2011 for this contract; and the remaining \$28,084,500.00 will be spent in subsequent budget years as approved.

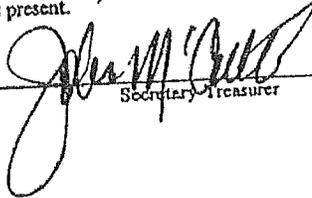
NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water

Commissioners:

THAT, Subject to the consent and approval of the Council of the City of Memphis, award of Contract No. 11406, Managed Prescription Drug Program, to Medco Health, in the funded amount of \$53,869,000.00, as outlined in the foregoing preamble, is approved; and further,

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

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a ~~regular~~ ^{special} meeting held on 14th day of August, 2010, at which a quorum was present.


Secretary, Treasurer