

ADD-ONS

AND

REQUEST FOR SAME NIGHT FISCAL CONSENT AND MINUTES

ITEMS #3, #4 & #7 (FISCAL CONSENT) AND ITEMS #24 - #27

24. RESOLUTION modifying the Fiscal Year 2020 Operating Budget in response to the Declaration of State of Emergency and the Financial Impact of the Coronavirus Disease 2019 (COVID-19). This resolution is sponsored by the Administration. **(Request for same night minutes)**

Jones

Chairman,

Budget

Committee

SNMs

ACTION REQUESTED: Adopt the resolution

25. RESOLUTION on COVID-19 emergency. This resolution is sponsored by the City Council Attorney. **(Request for same night minutes)**

SNMs

ACTION REQUESTED: Adopt the resolution

26. RESOLUTION authorizing the Memphis-Shelby County Airport Authority to issue Airport Revenue Bonds in the total principal amount not to exceed \$320,000,000.00 to finance a portion of the costs of a Consolidated De-Icing Facility and other ancillary improvements and equipment at the Memphis International Airport and refund all or a portion of its Airport Revenue Bonds, Series 20110A and Airport Revenue Refunding. This resolution is sponsored by the Finance Division at the request of the Memphis-Shelby County Airport Authority. **(Request for same night minutes)**

Jones

Chairman,

Budget

Committee

SNMs

ACTION REQUESTED: Adopt the resolution

27. RESOLUTION expressing Memphis City Council support for Tennessee House Bill 1697 (2020) and Tennessee Senate Bill (2020) as they pertain to the Food Tax Holiday Act. This resolution is sponsored by Councilwoman Easter-Thomas. **(Request for same night minutes)**

Easter-Thomas

Chairman,

Public Services,

Neighborhoods,

Youth Initiatives,

& Libraries

Committee

SNMs

ACTION REQUESTED: Adopt the resolution



Memphis City Council Summary Sheet

- 1. Description of the Item (Resolution, Ordinance, etc.)**
Resolution Modifying the Fiscal Year 2020 Operating Budget in Response to the Declaration of State of Emergency and the Financial Impact of the Coronavirus Disease 2019 (COVID-19)
- 2. Initiating Party (e.g. Public Works, at request of City Council, etc.)**
Finance Division
- 3. State whether this is a change to an existing ordinance or resolution, if applicable.**
N/A
- 4. State whether this requires a new contract, or amends an existing contract, if applicable.**
N/A
- 5. State whether this requires an expenditure of funds/requires a budget amendment.**
Will modify the Fiscal Year 2020 Operating Budget in response to financial impact of COVID-19 pandemic.



Resolution Modifying the Fiscal Year 2020 Operating Budget in Response to the Declaration of State of Emergency and the Financial Impact of the Coronavirus Disease 2019 (COVID-19)

WHEREAS, Coronavirus Disease 2019 (“COVID-19”) is a respiratory disease that can lead to serious illness or death, particularly in the case of elderly adults and persons with serious chronic medical conditions; and

WHEREAS, on January 21, 2020, following the guidance of Centers for Disease Control and Prevention (“CDC”), the Tennessee Department of Health designated COVID-19 as a reportable disease in Tennessee; and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a global pandemic; and

WHEREAS, on March 12, 2020, the Governor for the State of Tennessee issued an Executive Order to facilitate the treatment and containment of COVID-19, pursuant to Tennessee Code Annotated § 58-2-107 (e)(1); and

WHEREAS, on March 13, 2020, the President of the United States declared a national state of emergency in response to the COVID-19 pandemic; and

WHEREAS, confirmed cases of COVID-19 are continuing to rise in Shelby County; and

WHEREAS, COVID-19 is a danger to the health, welfare and economic well-being of the citizens of the City of Memphis (“City”) and may interrupt and/or have a detrimental impact on municipal services affecting the public’s health and safety; and

WHEREAS, it is imperative that the City take all necessary measures to contain COVID-19, prevent its spread throughout the City, and prepare and respond to financial pressures and impacts due to this pandemic; and

WHEREAS, effective March 17, 2020, all City libraries and community centers are closed until further notice; and

WHEREAS, Shelby County Schools have closed until at least April 6, 2020; and

WHEREAS, on March 17, 2020, the Mayor of the City of Memphis Declared a State of Emergency related to COVID-19 within the City (“Emergency”), as defined by Tennessee Code Annotated § 38-9-101(2) and §58-2-110, per authority granted by Tennessee Code Annotated §§ 58-2-110, 58-2-104, 38-9-103, and 38-9-104 as well as City of Memphis Code §§ 9-8-4 and 2-

58-7, Memphis City Charter Home Rule Amendments No. 3231 and 1852, and all other applicable law. This order provides for the following:

1. The City and its Departments and Agencies are authorized to seek any and all necessary federal and state funding to facilitate the response to the Emergency; and
2. All required procedures and formalities as to procurements on behalf of the City are hereby suspended for purchases of equipment, materials, supplies, and services needed for Emergency management purposes; and
3. The Emergency Management Agency is hereby authorized to exercise all powers and authority granted to it pursuant to City Code § 2-58-3 and all other applicable law; and

WHEREAS, on March 17, 2020, the Mayor of Memphis also made Proclamation for City of Memphis Employees Regarding Implementation of Measures to Facilitate Containment of COVID-19 and Maintain Operations of Services by Memphis City Government; and

WHEREAS, on March 19, 2020, the Mayor of Memphis issued a Civil Emergency Proclamation and Executive Order, following an announcement, for the first time, from the Shelby County Health Department that community transmission may be occurring; and

WHEREAS, the Finance Division and Executive Division are continually monitoring expenditures and have implemented a tracking system for personnel, materials and supplies related to COVID-19 while responding to the challenge to sustain necessary supplies and readiness of personnel for internal operations as well as those that extend to component units and other community agencies in response to the impact of the Emergency; and

WHEREAS, it is imperative to protect and maintain the General Fund Unassigned Fund Balance in light of pending pandemic-triggered revenue downturns and potential further downside scenarios that are too difficult to currently assess because of dependencies on science, vaccine development and deployment, length of social disruption, and possible future rounds of stimulus beyond those already proposed; and

WHEREAS, in Fiscal Year 2019 the Assigned Fund Balance includes amounts the City Administration intends to use for a particular purpose, and such designation authority was delegated to the City's Finance Director (Chief Financial Officer); and

WHEREAS, an amount was assigned for intergovernmental transactions, and it has been determined that such intergovernmental transactions are not likely to occur in Fiscal Year 2020, and as such it would be appropriate to amend the Fiscal Year 2020 Operating Budget to reassign up to Two Million Dollars (\$2,000,000) from the Assigned Fund Balance; and

WHEREAS, based on current development of community needs assistance, it is necessary to amend the Fiscal Year 2020 budget as follows:

1. Funding for free or reduced fee/fare mobility options to assist in the accommodation of Memphis citizens' accessibility to transportation for doctor visits, food distributions, or other extraordinary travel necessary adaptations; and
2. Funding to Mid-South Food Bank to assist low-income and food-insecure people in the region to prepare for the possibility of spending weeks in near isolation by compiling boxes of nonperishable foods that can be picked up at local food pantries; and
3. Other such needs as determined by priority by the Mayor of the City of Memphis under the Emergency; and

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MEMPHIS that the Fiscal Year 2020 Operating Budget be amended up to the authorized amount of Two Million Dollars (\$2,000,000) from the Assigned Fund Balance in order to provide funding for certain initiatives as a result of the impact of COVID-19 and to maintain financial and operational efficiency under the Declaration of State of Emergency by the Mayor of the City of Memphis.

BE IT FURTHER RESOLVED that the Council does hereby find and declare that the allocation and appropriation of funds herein is necessary and appropriate to provide emergency assistance to citizens of the City impacted by the COVID-19 emergency and, therefore is in the public's interest.

BE IT FURTHER RESOLVED that this Resolution will take effect from and after the date it shall have been passed by the City Council, the welfare of the City requiring it.

Sponsor: City Administration

**PATRICE ROBINSON
CHAIRPERSON**

COVID-19 EMERGENCY RESOLUTION

WHEREAS, as a disease outbreak and epidemic, Covid-19 is considered under state law a major disaster and emergency that may result in substantial injury or harm to the population of Tennessee. As a result the president of the United States, the governor of Tennessee and the Mayor of the City have declared a state of emergency for mitigation and response to Covid-19.

WHEREAS, mitigation of the disaster and management of the emergency by state agencies and local governments will likely exceed local capabilities and require a broad range of state and federal assistance.

WHEREAS, pending authorization of state and federal assistance, the City of Memphis must prepare and implement immediately steps to reduce the vulnerability of its people and communities to injury and/or loss of life from the Covid-19 virus.

WHEREAS, the General Assembly has declared that safeguarding the life and property of its citizens is an innate responsibility of the governing body of each political subdivision of the State.

WHEREAS, to provide maximum flexibility to local governments to mitigate and respond to emergencies caused by disasters like Covid-19, the Tennessee General Assembly has granted political subdivisions of the State emergency management powers, including the power and authority to waive the procedures and formalities otherwise required of the political subdivision by law pertaining to:

- (a) Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;
- (b) Entering into contracts;
- (c) Incurring obligations;
- (d) Employment of permanent and temporary workers;
- (e) Utilization of volunteer workers;
- (f) Rental of equipment;
- (g) Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and
- (h) Appropriation and expenditure of public funds.

WHEREAS, the Charter of the City grants the Council full power and authority to adopt rules and regulations pertaining to the conduct of the Council's proceedings and affairs;

WHEREAS, the Charter of the City requires the Council to conduct regular meetings not less often than two (2) Tuesdays each month, which Tuesdays shall be

designated by ordinance, but the time and place of such meetings may be changed by resolution;

WHEREAS, the Council has by ordinance designated the Tuesdays of each month in 2020 for Council meetings and the time and place for such meetings;

WHEREAS, any meetings other than designated by ordinance, as amended from time to time, must be preceded by fourteen (14) days public notice.

WHEREAS, the Council shall require a majority of its members to form a quorum for the transaction of business, but a smaller number may adjourn from day to day, and can adopt such measures as are necessary to compel the attendance of absent members.

WHEREAS, pursuant to Rules of Procedure adopted by the Council, the Chairman shall preside at all meetings of the Council, shall have general direction of the Council Chamber and shall decide questions of order, subject to appeal of the Council by any member.

WHEREAS, during the pendency of the declared emergency, the Council desires to authorize the Chairman with the assistance of the Council's attorney to develop procedures for the Council to conduct its meetings publicly, but remotely, consistent with national health guidelines, including restricting access to its meetings only to those persons essential for the adoption of ordinances and resolutions; provided such persons are not infected with the Covid-19 virus or exhibiting symptoms thereof.

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

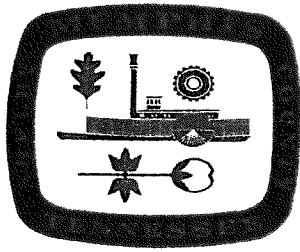
That the Council does hereby authorize the Chairman with the assistance of the Council's attorney to develop procedures for the Council to conduct its meetings during the pendency of the Covid-19 emergency in such a manner that will safeguard the health, safety and welfare of citizens, staff and city personnel, which may include waiving the procedures and formalities otherwise required by the City's Charter and ordinances for the conduct of its meetings during the pendency of the Covid-19 emergency. These procedures may include but are not limited to the following issues:

- 1) Developing a procedure for Council members to participate in Council meetings remotely by telephone or other technology
- 2) Developing a procedure for broadcasting meetings to the public whether conducted in person or remotely by telephone or other technology
- 3) Developing a procedure for streamlining and managing the Council agenda to prioritize only essential matters and to defer non-essential matters when possible;

- 4) Developing a procedure for the proponents of any item to provide Council members with proposed resolutions and ordinances together with detailed explanations and information about a matter well in advance of the date it is to be considered by the Council so as to allow written comment from the public
- 5) Developing a procedure for members of the public to provide written comment about any resolution or ordinance to be considered by the Council;
- 6) Developing a procedure for scheduling Council meetings and meetings of committees if necessary;

Sponsor: Council Chairman

**PATRICE ROBINSON
CHAIRMAN**



Memphis City Council Summary Sheet

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

Resolution authorizing the Memphis-Shelby County Airport Authority to issue its Airport Revenue Bonds in the total principal amount not to exceed \$320,000,000 to (i) finance a portion of the costs of a Consolidated De-Icing Facility and other ancillary improvements and equipment at the Memphis International Airport and (ii) refund all or a portion of its Airport Revenue Bonds, Series 2010A and Airport Revenue Refunding Revenue Bonds, Series 2010B for cost savings.

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

The Finance Division at the request of the Memphis-Shelby County Airport Authority.

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

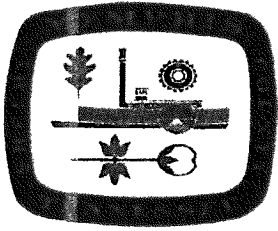
There is no change to an existing ordinance or resolution.

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

This does not require a new contract or amendment to an existing contract.

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

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



RESOLUTION AUTHORIZING THE MEMPHIS-SHELBY COUNTY AIRPORT AUTHORITY TO ISSUE ITS AIRPORT REVENUE BONDS IN THE TOTAL PRINCIPAL AMOUNT NOT TO EXCEED \$320,000,000 TO FINANCE A PORTION OF THE COSTS OF A CONSOLIDATED DE-ICING FACILITY AND OTHER ANCILLARY IMPROVEMENTS AND EQUIPMENT AT THE MEMPHIS INTERNATIONAL AIRPORT AND TO REFUND ALL OR A PORTION OF THE AUTHORITY'S AIRPORT REVENUE BONDS, SERIES 2010A AND AIRPORT REFUNDING REVENUE BONDS, SERIES 2010B FOR COST SAVINGS

WHEREAS, the Memphis-Shelby County Airport Authority (the "Authority") has determined to issue its Airport Revenue Bonds in the total principal amount of not to exceed \$320,000,000 (the "Bonds") to finance a portion of the costs of a consolidated de-icing facility and other ancillary improvements and equipment at the Memphis International Airport; to refund all or a portion of the Authority's Airport Revenue Bonds, Series 2010A and its Airport Revenue Refunding Bonds, Series 2010B for cost savings; to fund debt services reserve funds for the Bonds; to pay capitalized interest on the Bonds; and to pay costs of issuance of the Bonds;

WHEREAS, the Bonds are being issued pursuant to Tennessee Code Annotated §42-4-109 and are payable exclusively from certain Revenues as defined in Resolution No. 88-3227 adopted by the Board of Commissioners of the Authority on January 29, 1988, as amended; and

WHEREAS, the Bonds will not be obligations of the City of Memphis, Tennessee, or Shelby County, Tennessee.

BE IT RESOLVED, that approval be, and it is hereby, granted for the issuance by the Authority of the Bonds in the total principal amount not to exceed \$320,000,000.

**A RESOLUTION EXPRESSING MEMPHIS CITY COUNCIL SUPPORT FOR
TENNESSEE HOUSE BILL 1697 (2020) AND TENNESSEE SENATE BILL 2683 (2020)
AS THEY PERTAIN TO THE FOOD TAX HOLIDAY ACT**

WHEREAS, sustenance is necessary to maintaining life, life is necessary to maintaining community, and both are necessary to ensuring a healthy, functioning City of Memphis; and

WHEREAS, not only our city, but also our state, nation, and world are currently experiencing the effects of Coronavirus disease 2019 (COVID-19), a respiratory illness that has had a swift impact upon residents of every race, creed, color, ethnicity, national origin, religion, and socioeconomic background due to its far-reaching health and economic ramifications; and

WHEREAS, local, state, and federal legislative measures must be taken when worthy circumstances arise, to directly address the personal and financial well-being of the populace at-large; and

WHEREAS, Tennessee House Bill 1697 (2020) sponsored by Tennessee State Representative Patsy Hazlewood, as well as Tennessee Senate Bill 2683 (2020) sponsored by Tennessee State Senator Bo Watson, have been introduced to amend present State law to establish a Food Tax Holiday Act; and

WHEREAS, the Food Tax Holiday Act is a Tennessee legislative measure relative to the sales tax on food, which exempts the retail sale of food and food ingredients from sales tax for the months of June and July 2020; and

WHEREAS, the Memphis City Council also encourages Tennessee State Representative Patsy Hazlewood, and Tennessee State Senator Bo Watson, to include the purchase of child care products, and feminine care products, within the sales tax exemptions provided by the Food Tax Holiday Act, proposed by Tennessee House Bill 1697 (2020) and Tennessee Senate Bill 2683 (2020), respectively; and

WHEREAS, the Memphis City Council is of the opinion that the proposed revision of State law via Tennessee House Bill 1697 (2020) and Tennessee Senate Bill 2683 (2020) to exempt the retail sale of food and food ingredients from sales tax for the months of June and July 2020 are acceptable.

NOW THEREFORE BE IT RESOLVED, by the Memphis City Council that it hereby supports the passage of Tennessee House Bill 1697 (2020) and Tennessee Senate Bill 2683 (2020) to amend the Tennessee Code Annotated Title 67, Chapter 6, and that this resolution shall take effect from and after its passage, the welfare of the City requiring it.

Sponsored by Councilwoman Michalyn Easter-Thomas
Memphis City Council

Patrice Jordan Robinson, Chairwoman
Memphis City Council