



Memphis City Council Summary Sheet

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

This item is a Resolution approving an Option and Land Lease agreement for the construction and operation of a cell tower facility with Tower Venture, (operating as TV6-W). The resolution was approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on June 19, 2013. The Memphis and Shelby County Port Commission has agreed with Tower Venture, an experienced and well known developer of cellular tower facilities, to enter into a joint venture agreement to own, construct and operate a cellphone tower in Pidgeon Industrial Park to service industry in the park. Tower Venture will operate thru its subsidiary, TV6-W. An Option and Land Lease Agreement will be entered into whereby the joint venture will lease from the Port Commission a small tract of land in Pidgeon Industrial Park for the construction and operation of the cellphone tower. The joint venture, upon exercise of the option, will lease the property for a primary term of five (5) years with nine (9) five (5) year renewal options. The Port and Tower Venture will divide evenly the income from the tower which will be derived from renting space on the tower to various cellphone companies.

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

Memphis and Shelby County Port Commission

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 is a new Option and Land Lease Agreement with Tower Venture.

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

This does not require expenditure of city funds nor a budget amendment.



A Resolution to Approve an Option and Land Lease Agreement for the construction and operation of a cell tower facility with Tower Venture (operating as TV6-W), as Approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on June 19, 2013.

WHEREAS, the Memphis and Shelby County Port Commission has agreed with Tower Venture (operating as TV6-W), an experienced and well known developer of cellular tower facilities, to enter into a joint venture agreement to own, construct and operate a cellphone tower in Pidgeon Industrial Park to service industry in the park; and

WHEREAS, in order to fulfill the joint venture agreement, it has been agreed that an Option and Land Lease Agreement will be entered into whereby said joint venture would lease from the Port Commission a small tract of land in Pidgeon Industrial Park for the construction and operation of the cellphone tower; and

WHEREAS, such proposed Option and Land Lease Agreement provides that the joint venture, upon exercise of the option, will lease the property for a primary term of five (5) years with nine (9) five (5) year renewal options.

WHEREAS, such proposed venture and the Option and Land Lease Agreement will provide income for the Port Commission and will provide cellular telephone service for the industry located in Pidgeon Industrial Park and is thus in the best interest of the Memphis and Shelby County Port Commission as well as the City of Memphis and County of Shelby as it promotes the continued occupation and development of the industrial area.

NOW, THEREFORE, BE IT RESOLVED by the City of Memphis, on recommendation of the Memphis and Shelby County Port Commission, that the proposed joint venture agreement with Tower Venture be and hereby is approved.

BE IT FURTHER RESOLVED, By the Council of the City of Memphis that the appropriate officials of the City of Memphis be hereby authorized to execute same.

BE IT FURTHER RESOLVED, That this action is subject to concurrence by Shelby County.

PORT COMMISSION RESOLUTION

WHEREAS, the Memphis and Shelby County Port Commission has agreed with Tower Venture (operating as TV6-W), an experienced and well known developer of cellular tower facilities, to enter into a joint venture agreement to own, construct and operate a cellphone tower in Pidgeon Industrial Park to service industry in the park; and

WHEREAS, in order to fulfill the joint venture agreement, it has been agreed that an Option and Land Lease Agreement will be entered into whereby said joint venture would lease from the Port Commission a small tract of land in Pidgeon Industrial Park for the construction and operation of the cellphone tower; and

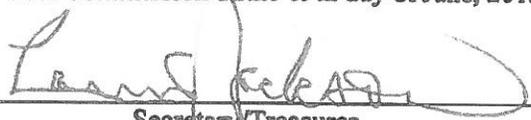
WHEREAS, such proposed Option and Land Lease Agreement provides that the joint venture, upon exercise of the option, will lease the property for a primary term of five (5) years with nine (9) five (5) year renewal options.

WHEREAS, such proposed venture and the Option and Land Lease Agreement will provide income for the Port Commission and will provide cellular telephone service for the industry located in Pidgeon Industrial Park and is thus in the best interest of the Memphis and Shelby County Port Commission as well as the City of Memphis and County of Shelby as it promotes the continued occupation and development of the industrial area

NOW, THEREFORE, BE IT RESOLVED by the Memphis and Shelby County Port Commission that the proposed Option and Land Lease Agreement be approved. The appropriate officials are authorized to execute same.

BE IT FURTHER RESOLVED that the City of Memphis and County of Shelby are respectfully requested to approve said agreement.

I hereby certify that the foregoing is a true copy and said document was adopted/granted by the Memphis and Shelby County Port Commission on the 19th day of June, 2013.


Secretary/Treasurer



Memphis City Council Summary Sheet

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

Public Works Drain Maintenance and Heavy Equipment facility located at 3448 W. Range Hills is undersized and not capable of supporting the increased staffing levels and operations relocated there. It is then imperative that the facility be expanded to create additional work/office space as well as adding equipment maintenance space. This is a stormwater funded operation and capital improvement costs will be paid for using stormwater funds.

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

Public Works

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.

This will eventually require a new construction contract once plans are completed.

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

This will require an expenditure of funds, with a total estimated project budget of \$3,000,000

Resolution for funding the expansion of the Drain Maintenance-Heavy Equipment facility

WHEREAS, the Council of the City of Memphis approved Drainage- ST, project number ST03006, as part of the Public Works Fiscal Year 2014 Capital Improvement Budget; and

WHEREAS, it necessary to transfer a construction allocation of \$3,000,000.00 funded by G.O. Bonds – General (Storm Water) from Drainage- ST, project number ST03006 to Drain Maintenance-Heavy Equipment Facility Expansion, project number ST04047, \$300,000.00 to A&E, \$2,500,000.00 to Construction, \$150,000.00 to Furniture Fixture Equipment and \$50,000.00 to Information Technology to create additional work/office space as well as adding equipment maintenance space to support the increased staffing levels and operations; and

WHEREAS, it is necessary to appropriate \$300,000.00 in A&E funded by G.O. Bonds – General (Storm Water) in Drain Maintenance-Heavy Equipment Facility Expansion, project number ST04047, project number ST04047.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2014 Capital Improvement Budget be and is hereby amended by transferring a construction allocation of \$3,000,000 funded by G.O. Bonds – General (Storm Water) from Drainage- ST, project number ST03006 to Drain Maintenance-Heavy Equipment Facility Expansion, project number ST04047, \$300,000.00 to A&E, \$2,500,000.00 to Construction, \$150,000.00 to Furniture Fixture Equipment and \$50,000.00 to Information Technology to create additional work/office space as well as adding equipment maintenance space to support the increased staffing levels and operations.

BE IT FURTHER RESOLVED, that there be and is hereby appropriated the sum of \$300,000.00 funded by G.O. Bonds – General (Storm Water) chargeable to the FY 2014 Capital Improvement Budget and credited as follows:

Project Title	DM-HE Facility Expansion
Project Number	ST04047
Amount	\$300,000.00



Memphis City Council Summary Sheet

Resolution accepts and appropriates Federal Transportation Planning Grant funds passed through Shelby County Government for transportation planning activities.

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

This item is a resolution that accepts and appropriates \$25,048.50 in Federal grant funds for City of Memphis transportation planning activities.

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

The City of Memphis Division of Engineering has drafted this resolution and is recommending City Council approval.

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

These funds must be accepted on an annual basis per the guidelines set forth in the contract between Shelby County Government and the City of Memphis.

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

The additional funds were approved by the Memphis Urban Area Metropolitan Planning Organization and amends existing contract #N16133 between Shelby County Government and the City of Memphis.

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

The City of Memphis is required to provide a 50% match totaling \$25,048.50, already accounted for in the FY14 Operating Budget. No amendment is necessary.



WHEREAS, the City of Memphis Division of Engineering has received Federal funds in the amount of Twenty-Five Thousand Forty-Eight Dollars and Fifty Cents (\$25,048.50) through Shelby County Government; and

WHEREAS, these funds will be used to pay for personnel services for transportation planning for the Metropolitan Planning Organization; and

WHEREAS, these funds will be matched with a 50% match from the Engineering Division; and

WHEREAS, it is necessary to accept the grant funding and amend the Fiscal Year 2014 Operating Budget to establish funds for the Transportation Planning Grant; and

WHEREAS, it is necessary to appropriate the grant funds in the amount of Twenty-Five Thousand Forty-Eight Dollars and Fifty Cents (\$25,048.50) for the Transportation Planning Grant.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Transportation Planning Grant funds in the amount of Twenty-Five Thousand Forty-Eight Dollars and Fifty Cents (\$25,048.50) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the Fiscal Year 2014 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the Transportation Planning Grant as follows:

<u>Revenue</u>	
Shelby County Government	\$25,048.50
<u>Expenditures</u>	
Full Time Salaries	\$25,048.50



Memphis City Council Summary Sheet

Resolution for the GAYOSO BAYOU DRAINAGE REPAIR ST03119:

1. Project to repair sections of the GAYOSO BAYOU underground drainage system in various locations in downtown Memphis
2. This project is initiated by the Public Works Division in response to the recommendation of the City Engineer.
3. This project is part of the Storm Water Enterprise fund and is funded as ST03119 GAYOSO BAYOU DRAINAGE REPAIRS for the existing storm water infrastructure.
4. A contract with BARNES and BROWER, INC. in the amount of \$573,287.00 is recommended.

This is a resolution appropriating Construction Funds for ST03119 Gayoso Bayou Inspection

WHEREAS, the Council of the City of Memphis approved Drainage-ST, project number ST03006, as part of the Public Works Fiscal Year 2014 Capital Improvement Budget; and

WHEREAS, bids were taken on June 14, 2013 for Drainage Repair at Gayoso Bayou Inspection with the lowest complying bid of one bid being \$573,287.00 submitted by Barnes & Brower Inc; and

WHEREAS, it is necessary to transfer a construction allocation of \$619,150.00 funded by G O Bonds – General (Storm Water) from Drainage-ST, project number ST03006, to Gayoso Bayou Inspection, project number ST03119, for Gayoso Bayou drainage repairs; and

WHEREAS, it is necessary to appropriate \$619,150.00 funded by G O Bonds – General (Storm Water) in Gayoso Bayou Inspection, project number ST03119 as follows:

Contract Amount	\$573,287.00
Project Contingencies	<u>45,863.00</u>
Total Amount	\$619,150.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2014 Capital Improvement Budget be and is hereby amended by transferring an allocation of \$619,150.00 funded by G O Bonds – General (Storm Water) from Drainage-ST, project number ST03006, to Gayoso Bayou Inspection, project number ST03119, for Gayoso Bayou drainage repairs.

BE IT FURTHER RESOLVED, that there be and is hereby appropriated the sum of \$619,150.00 funded by G O Bonds – General (Storm Water) chargeable to the FY 2014 Capital Improvement Budget and credited as follows:

Project Title	Gayoso Bayou Inspection
Project Number	ST03119
Total Amount	\$619,150.00

A resolution to extend a construction contract with Acuff Enterprises for sewer line replacement at various locations within the city.

WHEREAS, the Council of the City of Memphis approved Rehab Existing Sewers, project number SW02001 as part of the Public Works Fiscal Year 2014 Capital Improvement Budget; and

WHEREAS, in the fiscal year 2012 the Public Works Division accepted bids for Sewer Line Replacement FY 12, project SW02092, from Acuff Enterprises with the option of extending the contract; and

WHEREAS, it is in the best interest of the City to extend the Acuff Enterprises contract in the fiscal year 2014 Capital Improvement Budget; and

WHEREAS, it is necessary to reduce Sewer Revenue Bonds in Rehab Existing Sewers, project number SW02001 and establish an allocation funded by Sewer Operating-CIP in Sewer Line Replacement FY 12, project number SW02092 in the amount of \$2,192,102.00; and

WHEREAS, it is necessary to appropriate \$2,192,102.00 funded by Sewer Operating-CIP in Sewer Line Replacement FY 12, project number SW02092 for sewer line replacement at various locations within the wastewater collection system:

Contract Amount	\$ 1,992,820.00
Project Contingencies	<u>\$ 199,282.00</u>
Total	\$ 2,192,102.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2014 Capital Improvement Budget be and is hereby amended by reducing Sewer Revenue Bonds in Rehab Existing Sewers, project number SW02001 and establish an allocation funded by Sewer Operating-CIP in Sewer Line Replacement FY 12, project number SW02092 in the amount \$2,192,102.00 for sewer line replacement at various locations within the wastewater collection system.

BE IT FURTHER RESOLVED, that there be and is hereby appropriated the sum of \$2,192,102.00 funded by Sewer Operating-CIP chargeable to the Fiscal Year 2014 Capital Improvement Budget and credited as follows:

Project Title:	Sewer Line Replacement FY 12
Project Number	SW02092
Amounts:	\$2,192,102.00



Memphis City Council Summary Sheet Sewer Line Replacement at Various Locations

1. This is a construction project to repair existing damaged sanitary sewer pipe at various locations.
2. This item is being submitted by Public Works (Environmental Engineering)
3. This item does not change an existing ordinance or resolution.
4. This item requires an extension to an existing contract.
5. This item requires an expenditure of funds.
6. The MWBE Goal for this project was 18%.



Memphis City Council Summary Sheet

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

This item is a resolution to appropriate FY14 CIP funds for bus facility improvements for the Memphis Area Transit Authority.

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

MATA initiated the request for the City Council to appropriate \$50,000 in FY14 CIP funds under GA03025 Bus Facility Improvements.

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 project will require MATA to solicit bids and award contracts. MATA will procure the bus facility improvements 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 \$50,000; however, no budget amendments are required.



A RESOLUTION TO APPROPRIATE FY14 CIP FUNDS FOR BUS FACILITY IMPROVEMENTS FOR THE MEMPHIS AREA TRANSIT AUTHORITY

WHEREAS, The Council of the City of Memphis did approve Bus Facility Improvements, Project Number GA03025, as part of the Memphis Area Transit Authority’s (MATA) FY14 Capital Improvement Program (CIP) budget; and

WHEREAS, The Memphis Area Transit Authority (MATA) periodically has to make periodic repairs or improvements to its bus facilities and infrastructure; and

WHEREAS, Bids will be solicited and evaluated according to MATA's adopted procurement procedures; and

WHEREAS, It is necessary to appropriate \$50,000 funded by G.O. Bonds – General in Bus Facility Improvements, CIP Project Number GA03025 to fund the local share for the bus facility improvements.

NOW, THEREFORE, BE IT RESOLVED By the Council of the City of Memphis that there be and is hereby appropriated the sum of \$50,000 funded by G. O. Bonds – General chargeable to the Fiscal Year 2014 Capital Improvement Budget and credited as follows:

Project Title:	Bus Facility Improvements
Project Number:	GA03025
Amount:	\$50,000



Memphis City Council Summary Sheet

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

This item is a resolution to appropriate FY14 CIP funds for the purchase of 30 replacement fixed-route buses for the Memphis Area Transit Authority and for the Federally-required bus line inspection.

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

MATA initiated the request for the City Council to appropriate \$1,800,000 in FY14 CIP funds under GA03007 Bus Replacement.

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.

MATA has awarded a contract to Gillig Corporation for the purchase of 15 hybrid-electric and 15 diesel replacement fixed-route buses, and a purchase order will be issued for the bus line inspection.

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 \$1,800,000; however, no budget amendments are required.



A RESOLUTION TO APPROPRIATE FY14 CIP FUNDS FOR 30 REPLACEMENT BUSES AND THE BUS LINE INSPECTION FOR THE MEMPHIS AREA TRANSIT AUTHORITY

WHEREAS, The Council of the City of Memphis did approve Bus Replacement, Project Number GA03007, as part of the Memphis Area Transit Authority's (MATA) FY14 Capital Improvement Program (CIP) budget; and

WHEREAS, It is necessary for the Memphis Area Transit Authority (MATA) to purchase 30 40' fixed-route buses to replace 30 40' buses that have met their useful service life; and

WHEREAS, Proposals have been solicited and evaluated according to MATA's adopted procurement procedures; and

WHEREAS, The Federally-required bus line inspection must be conducted for this procurement, and MATA will solicit quotes for this service and issue a purchase order once the production schedule is finalized; and

WHEREAS, It is necessary to appropriate \$1,800,000 funded by G.O. Bonds – General in Bus Replacement, CIP Project Number GA03007 to fund the local share for the purchase of the buses and the Federally-required bus line inspection.

NOW, THEREFORE, BE IT RESOLVED By the Council of the City of Memphis that there be and is hereby appropriated the sum of \$1,800,000 funded by G. O. Bonds – General chargeable to the Fiscal Year 2014 Capital Improvement Budget and credited as follows:

Project Title:	Bus Replacement
Project Number:	GA03007
Amount:	\$1,800,000



Memphis City Council Summary Sheet

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

This item is a resolution to appropriate FY14 CIP funds for rail facility improvements for the Memphis Area Transit Authority.

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

MATA initiated the request for the City Council to appropriate \$300,000 in FY14 CIP funds under GA03024 Rail Facility Improvements.

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 project will require MATA to solicit bids and award contracts. MATA will procure the rail facility improvements 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 \$300,000; however, no budget amendments are required.



A RESOLUTION TO APPROPRIATE FY14 CIP FUNDS FOR RAIL FACILITY IMPROVEMENTS FOR THE MEMPHIS AREA TRANSIT AUTHORITY

WHEREAS, The Council of the City of Memphis did approve Rail Facility Improvements, Project Number GA03024, as part of the Memphis Area Transit Authority's (MATA) FY14 Capital Improvement Program (CIP) budget; and

WHEREAS, The Memphis Area Transit Authority (MATA) periodically has to make periodic repairs or improvements to its rail facilities and infrastructure; and

WHEREAS, Bids will be solicited and evaluated according to MATA's adopted procurement procedures; and

WHEREAS, It is necessary to appropriate \$300,000 funded by G.O. Bonds – General in Rail Facility Improvements, CIP Project Number GA03024 to fund the local share for the rail facility improvements.

NOW, THEREFORE, BE IT RESOLVED By the Council of the City of Memphis that there be and is hereby appropriated the sum of \$300,000 funded by G. O. Bonds – General chargeable to the Fiscal Year 2014 Capital Improvement Budget and credited as follows:

Project Title:	Rail Facility Improvements
Project Number:	GA03024
Amount:	\$300,000



Memphis City Council Summary Sheet

Resolution to transfer an allocation funded by G.O. Bonds from Emergency Warning Sirens Capital Project GA01010 in the amount of \$171,322.00 and appropriate G. O. Bonds to remount emergency sirens from Capital Project FS02027 EMA Sirens in the amount of \$181,967.00.

1. This item is a resolution to transfer an allocation funded by G.O. Bonds from Emergency Warning Sirens Capital Project GA01010 in the amount of \$171,322.00 and appropriate G.O. Bonds to remount emergency sirens from Capital Project FS02027 EMA Sirens in the amount of \$181,967.00.
2. Fire Service is initiating this resolution.
3. This project does not involve a change to an existing ordinance or resolution.
4. This siren project will require a new contract.
5. This item requires a new contract and expenditure of funds.

RESOLUTION

WHEREAS, Project Number FS02027, EMA Sirens, siren remount is included in the FY14 Capital Improvement Budget; and

WHEREAS, a total of one (1) bid was received June 28, 2013 from American Signal Corporation; 8600 West Bradley Road, Milwaukee, WI 53224 at a total contract cost of \$181,967,.00; and

WHEREAS, it is necessary to transfer an allocation of \$171,322 funded by G.O. Bonds from Emergency Warning Sirens, Project GA01010 to EMA Sirens, Project FS02027;

WHEREAS, it is necessary to appropriate \$181,967.00 in General Obligation Bonds for siren remounts from American Signal Corporation at a cost of \$181,967.00; and;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby transferring an allocation of \$171,322 funded by G.O. Bonds from Emergency Warning Sirens, Project GA01010 and appropriated the sum of \$181,967.00 in General Obligation Bonds chargeable to the FY 2014 Capital Improvement Budget and credited as follows:

EMA Sirens

Project Number FS02027

\$181,967.00

General Obligation Bonds



Memphis City Council Summary Sheet

Resolution to accept and appropriate funds from the State of Tennessee for 2012 Fire In-Service Training in the amount of \$888,000.00.

1. This item is a resolution to accept and appropriate funds from the State of Tennessee for 2012 Fire In-Service Training in the amount of \$888,000.00.
2. Fire Service participates in the In-Service Training program annually.
3. This requires an expenditure of funds in the Misc Grants Fund which is 100% reimbursed by the State of Tennessee Department of Commerce and Insurance.



Memphis City Council Summary Sheet

RESOLUTION

WHEREAS, the City of Memphis Division of Fire Services has received funds in the amount of Eight Hundred Eighty-Eight Thousand Dollars (\$888,000.00) from the State of Tennessee; and

WHEREAS, these funds will be used for In-Service Training for 1,480 Fire Service personnel who have met the 40-hour minimum in-service training requirement; and

WHEREAS, it is necessary to accept the grant funding and amend the Fiscal Year 2014 Operating Budget to establish funds for the In-Service Training Grant; and

WHEREAS, it is necessary to appropriate the grant funds in the amount of Eight Hundred Eighty-Eight Thousand Dollars (\$888,000.00) 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 Eight Hundred Eighty-Eight Thousand Dollars (\$888,000.00) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the Fiscal Year 2014 Operating budget be and is hereby amended by appropriating the Expenditures and Revenues for the In-Service Training Grant in the amount of Eight Hundred Eighty-Eight Thousand Dollars (\$888,000.00) as follows:

Revenue

In-Service State Grant	\$888,000.00
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Expenses

Full Time Salaries	\$888,000.00
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Memphis City Council Summary Sheet

Resolution seeking to accept sub-award grant funds in the amount of \$433,924.00 from Shelby County Government through the U. S. Department of Justice for the F Y 2012 Local Edward Byrne Justice Assistance Grant (JAG).

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

The City of Memphis Police Department at the request of Shelby County Government through the U. S. Department of Justice.

2. 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.

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

This resolution requires a new contract between Shelby County Government and the City of Memphis.

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

This Resolution requires an expenditure of funds and it also requires a budget amendment.



A Resolution to accept grant funds in the amount of Four Hundred, Thirty Three Thousand, Nine Hundred and Twenty Four Dollars (\$433,924.00) from Shelby County Government through the U. S. Department of Justice.

WHEREAS, the City of Memphis Division of Police Services has been awarded grant funds in the amount of Four Hundred, Thirty Three thousand, Nine Hundred and Twenty Four Dollars (\$433,924.00) from Shelby County Government through the U. S. Department of Justice for the FY 12 Local Edward Byrne Justice Assistance Grant Program (JAG); and

WHEREAS, these funds will be used to support and equip the Memphis Police Department in areas of law enforcement, prosecution, education, crime prevention, technology improvements and crime victims/witness initiatives; and

WHEREAS, it is necessary to accept the grant funding and amend the FY 2014 Operating Budget to establish funds for the FY 12 Local Edward Byrne Justice Assistance Grant Program; and

WHEREAS, it is necessary to appropriate the 2012 grant funds in the amount of Four Hundred and Thirty Three Thousand, Nine Hundred and Twenty Four Dollars (\$433,924.00) for the FY 12 Local Edward Byrne Justice Assistance Grant Program.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the FY 12 Local Edward Byrne Justice Assistance Grant Program in the amount of Four Hundred and Thirty Three Thousand, Nine Hundred and Twenty Four Dollars (\$433,924.00) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED that the Fiscal Year 2014 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the Local Edward Byrne Justice Assistance Grant Program in the amount of Four Hundred and Thirty Three Thousand, Nine Hundred and Twenty Four Dollars (\$433,924.00) as follows:

REVENUES

Shelby County Government	<u>\$433,924.00</u>
TOTAL	\$433,924.00

EXPENDITURES

Personnel Costs	\$100,000.00
Training	\$100,000.00
Equipment	\$133,924.00
Contractual Support	<u>\$100,000.00</u>
TOTAL	\$433,924.00

**RESOLUTION TO PROVIDE PUBLIC NOTICE PERIOD PRIOR TO
SIGNIFICANT CHANGES IN PUBLIC SAFETY LEVELS DURING FY2014**

WHEREAS, members of the public and members of the City Council have recently learned through media reports that at least one fire station, Fire Station No. 6 in North Memphis, will be closing; and

WHEREAS, Fire Station 6 receives more than 100 calls per month; and

WHEREAS, the closure of Fire Station 6 will directly impact safety levels of several neighborhoods throughout North Memphis, Uptown, Mud Island, and Downtown Memphis; and

WHEREAS, this is the first time a fire station has closed in decades; and

WHEREAS, according to media reports the fire station will be closed in two weeks and no public input process is currently planned with respect to the closure of Fire Station No. 6; and

WHEREAS, according to statements by the Fire Director several other fire stations may be permanently closed; and

WHEREAS, according to statements by the Police Director, several police precincts may also be permanently closed; and

WHEREAS, no public input or public notification process is currently planned with respect to the closure of these potential fire stations and/or police stations; and

WHEREAS, the closure of the fire station will negatively affect levels of public safety in the immediate neighborhoods and could potentially have domino effects on other neighborhoods.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Memphis that there should be a process of public notification and input prior to significant changes in levels of public safety during fiscal year 2014.

BE IT FURTHER RESOLVED that changes in levels of public safety and is limited to the permanent closure of police and fire stations during fiscal year 2014.

BE IT FURTHER RESOLVED that, while the Mayor is the ultimate decision maker of the content, timing, duration and location of public input sessions, the Council respectfully requests that the process of public input should include, but not necessarily be limited, to the following three steps:

1. Two public meetings prior to permanent closure of any fire station or police station. The Council requests that the mayor (or the mayor's designee) organize two public meetings prior to permanent closure of any fire station or police station. The content, timing, duration and location of the meetings shall be at the mayor's discretion. In addition, the mayor shall be responsible, in his discretion, for giving due notice of public meeting to affected neighborhoods.

2. Notification of closure to the City Council not less than 30 days prior to permanent closure of any fire station or police station. Secondly, in addition to the two public meetings, the Council requests that, not less than 30 days prior to closure, the mayor (or the mayor's designee) also notify members of the City Council and present information regarding what fire stations and police stations will be permanently closed.

3. Notification of plan for disposition of vacated property not less than 30 days prior to permanent closure of any fire station or police station. Thirdly, in addition to two public meeting and notification of closure to the Council, the Council respectfully requests that the mayor (or his designee) present information about what is expected to become of the fire station or police station property, after the fire station or police station is closed.

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

BE IT FURTHER RESOLVED that this Resolution 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.

Lee Harris
Council Member

RESOLUTION TO AMEND THE FY2014 BUDGET TO TRANSFER AND APPROPRIATE \$5,260,000 TO (1) INCREASE LEVELS OF CITY RESERVES AND (2) MAINTAIN PUBLIC SAFETY LEVELS IN NORTH MEMPHIS AND AVOID PERMENANT CLOSURE OF FIRE STATION NO. 6

WHEREAS, the budget approved by the Memphis City Council set a tax rate of \$3.40;

WHEREAS, the Memphis City Council voted and approved a list of specific expenditures and reserve payments to be made out of the revenue generated from the \$3.40 tax rate;

WHEREAS, the list of expenditures and reserve payments was drafted, circulated, and presented by Councilman Collins' immediately prior to the final vote and approval on the FY2014 budget;

WHEREAS, out of that \$3.40 tax rate, the Council specifically voted and approved Councilman Collins' recommendation that almost eight million dollars (\$0.07 of tax rate that generates \$7,952,000) be set aside for city reserves;

WHEREAS, after the budget was voted on and approved, the Memphis City Council was informed that (1) Fire Station No. 6 would immediately be closed;

WHEREAS, this closure is an unplanned for closure and one that, absent the FY2014 budget, would not have been recommended by Fire Services;

WHEREAS, Fire Station 6 receives more than 100 calls per month;

WHEREAS, the closure of Fire Station 6 will directly impacts safety levels of several neighborhoods throughout North Memphis, Uptown, Mud Island, and Downtown Memphis.

WHEREAS, the closure of the fire station will negatively affect levels of public safety in these immediate neighborhoods and could potentially have domino effects on other neighborhoods.

WHEREAS, this is the first time a fire station has been closed in decades and this appears to be the first time any Memphis City Council has closed a fire station;

WHEREAS, the community's affected by this closure have a high number of historic homes that can create a real fire hazard in the case of an emergency;

WHEREAS, these communities are denser with homes built closer together, which means that a fire can spread quickly from home to home;

WHEREAS, these communities also have a high number of elderly residents who rely on fire services and will have special challenges in escaping in the event of a fire or other danger;

WHEREAS, after the budget was voted on and approved, the Memphis City Council was informed that the \$3.40 tax rate would generate more than five million (\$5,260,000) in additional operations revenue.

WHEREAS, the Memphis City Council has not voted on how to use this additional operations revenue;

WHEREAS, After the budget was voted on and approved, several Memphis City Council members expressed an interested in setting aside additional money for city reserves; and

WHEREAS, After the budget was voted on an approved, several Memphis City Council members expressed an interest in maintaining public safety levels in North Memphis and keeping Fire Station No. 6 opened.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Memphis that the FY2014 budget be amended to transfer and appropriate \$5,260,000 as follows: (1) up to \$1,100,000 million to Fire Services for purposes of maintaining public safety levels in North Memphis and avoiding permanent closure of Fire Station No. 6; and (2) the balance or up to \$4,160,000 to city reserves.

IN ADDITION, BE IT RESOLVED that the provisions of this Resolution are hereby severable. If any of these sections, provisions, sentences, clauses, phrases or parts are held unconstitutional or void, the remainder of this Resolution shall continue in full force and effect.

FINALLY, BE IT RESOLVED that this Resolution 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.

Last update: July 31, 2013

Lee Harris
Council Member

Joe Brown
Council Member

Janis Fullilove
Council Member

A RESOLUTION TO AMEND THE FY2014 BUDGET ALLOCATION OF \$2.1 MILLION TO EDGE (GRANTS & AGENCIES) BY (1) APPROPRIATING AND TRANSFERRING \$379,040 TO MATA FOR BUS ROUTES; (2) APPROPRIATING AND TRANSFERRING \$90,000 TO MATA FOR TROLLEY SERVICE; AND (3) APPROPRIATING AND TRANSFERRING \$1,630,960 TO EDGE

WHEREAS, the City Council approved a budget that would cut millions of dollars from MATA's budget; and

WHEREAS, this cut would lead to the reductions in 27 bus routes as well as reduction in trolley services and service on MATA Plus; and

WHEREAS, of the bus routes affected, at least five will be cut completely, including, Northaven, Watkins, Presidents Island, Crosstown, and Fox Meadows Express; and

WHEREAS, due to the closing of these routes, up to fifty people who work as drivers, maintenance and trolley workers will be laid off; and

WHEREAS, the loss of these routes are also costly in immeasurable ways to other employed citizens of Memphis as many do not have access to other forms of transportation that would help them get to work on time; and

WHEREAS, for the last four years MATA's budget has been cut 4½% each year and stands to be cut 17% this year.

NOW, THEREFORE, BE RESOLVED that the MEMPHIS CITY COUNCIL does hereby:

1. Appropriate and transfer \$379,040 to MATA to be used to help restore and/or create the following bus routes: Northhaven, Bellevue, South Third, Crosstown, and Summer;
2. Appropriate and transfer \$90,000 to be used to help partially restore Trolley services; and
3. Appropriate and transfer \$1,630,960 to EDGE.

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

BE IT FURTHER RESOLVED that this Resolution 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 the law.

LEE HARRIS
COUNCIL MEMBER

JANIS FULLILOVE
COUNCIL MEMBER

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of April 18, 2013, awarded Contract No. 11618, Smart Meter Solution to Elster Solutions, LLC in the funded amount of \$10,150,000.00, and is now recommending to the Council of the City of Memphis that it approve said award in the MLGW 2013 year budget as approved and the 2014 budget as proposed; and

WHEREAS, the project scope is to purchase and implement a Smart Meter Solution, to include a combined 60,000 residential electric, gas and water smart meters, plus associated telecommunications infrastructure and systems for remotely communicating with meters; and

WHEREAS, Notice to Bidders was advertised on February 4, 2013; MLGW solicited 30 proposals; received seven (7) proposals on March 12, 2013, with the most responsive proposal being from Elster Solutions, LLC in the amount of \$9,648,964.21. In addition, MLGW is requesting the approval of contingency funds in the amount of \$501,035.79 for unforeseen conditions to include, but not limited to, additional prepay fees, variation of electric, gas and water meter needs and prepay enrollment. Further, any use of contingency funds will require adherence of the change order process as outlined in the contract documents. This award complies with all applicable laws and policies. The term of this contract is from the date of Notice to Proceed through December 31, 2014; 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. 11618, Smart Meter Solution to Elster Solutions, LLC in the funded amount of \$10,150,000.00, chargeable to the MLGW year 2013 budget as approved and 2014 budget as proposed.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
April 18, 2013

The Manager of Procurement and Contracts has recommended to the Board of Light, Gas and Water Commissioners that it award Contract No. 11618, Smart Meter Solution to Elster Solutions, LLC in the funded amount of \$10,150,000.00.

The project scope is to purchase and implement a Smart Meter Solution, to include a combined 60,000 residential electric, gas and water smart meters, plus associated telecommunications infrastructure and systems for remotely communicating with meters.

The Notice to Bidders was advertised on February 4, 2013; MLGW solicited 30 proposals; received seven (7) proposals on March 12, 2013, with the most responsive proposal being from Elster Solutions, LLC in the amount of \$9,648,964.21. In addition, MLGW is requesting the approval of contingency funds in the amount of \$501,035.79 for unforeseen conditions to include, but not limited to, additional prepay fees, variation of electric, gas and water meter needs and prepay enrollment. Further, any use of contingency funds will require adherence of the change order process as outlined in the contract documents. This award complies with all applicable laws and policies. The term of this contract is from the date of Notice to Proceed through December 31, 2014.

The 2013 budgeted amount for Customer Metering & Billing Department Smart Meters is \$26,433,000.00; the amount spent to date is \$274,806.00; leaving a balance of \$26,158,194.00 of which \$9,648,964.21 will be spent on this contract in 2013 as approved and the remaining \$501,035.79 will be spend in 2014 as proposed.

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 Smart Meter Solution to Elster Solutions, LLC in the funded amount of \$10,150,000.00, 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 18th day of April, 2013, at which a quorum was present.


Secretary - Treasurer



Memphis City Council Summary Sheet

Resolution approving a Time-of-Use Residential Rate and requesting the Memphis City Council to convene as a ratemaking body for the purpose of approving the Time-of-Use Residential Rate.

1. Describe item (Resolution, Ordinance, etc.)

This is a time-of-use residential rate that requires rate making action by the City Council.

2. Identify initiating party (e.g., Public Works; at request of City Council, etc.)

MLGW requests the ratemaking authority of the City Council to enact this rate action.

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

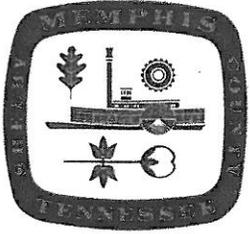
No change.

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

Not applicable.

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

None.



WHEREAS, pursuant to Section 7 of Chapter 381 of the Private Acts of 1939, which amended the Charter of the City of Memphis, and which section was codified as City of Memphis Charter Section 680 ("Ratemaking Charter Provisions"), authority is granted to the governing body of the City of Memphis to convene as a Ratemaking Board to finally approve the Time-of-Use Residential Rate for Memphis Light, Gas and Water Division ("MLGW"); and

WHEREAS, the Board of Commissioners of MLGW has made application under said Ratemaking Charter Provisions and the City Charter for the Council to hold a public hearing at which time the Council will convene as a Ratemaking Board to consider approval by the Council of the Time-of-Use Residential Rate recommended by MLGW;

WHEREAS, the City Council, as authorized by the Ratemaking Charter Provisions, convened a public hearing as a Ratemaking Board for the purpose of considering approval of the Time-of-Use Residential Rate as proposed by MLGW;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis, properly convened and sitting as a Ratemaking Board pursuant to Ratemaking Charter Provisions and the Charter as a whole, that the rate application of the Memphis Light, Gas and Water Division consisting of correspondence, written statements and exhibits filed herewith and the resolution of the Board of Light, Gas and Water Commissioners recommending said rates ("MLGW Rate Application") is hereby approved and the Time-of-Use Residential Rate is hereby approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
April 18, 2013

The President submitted for consideration of the Board a Time-of-Use Residential Rate beginning 10/1/2013. The Time-of-Use Residential Rate will be available to those residential customers who have a smart meter and have elected the voluntary rate. The Time-of-Use Residential Rate features "on-peak" and "off-peak" hours during the Summer and Winter billing months. Electricity prices are higher during on-peak hours and lower during off-peak hours as well as during Transition billing months. Saturdays and Sundays, as well as six designated Federal holidays, are considered off-peak during all billing months.

The Time-of-Use Residential Rate uses price signals to encourage conservation and load shifting from high-cost/high-demand periods to low-cost/low-demand periods. The customer's ability to respond determines the electricity cost savings.

NOW, THEREFORE, BE IT RESOLVED THAT:

The Time-of-Use Residential Rate as outlined in the foregoing preamble, is hereby approved in substantially the form attached as Exhibit A hereto.

BE IT FURTHER RESOLVED THAT the Time-of-Use Residential Rate is recommended for approval by the Memphis City Council and the President is directed to submit the Time-of-Use Residential Rate to the Memphis City Council for approval.

BE IT FURTHER RESOLVED THAT the Memphis City Council is hereby requested to convene as a ratemaking body for the purpose of approving the Time-of-Use Residential Rate.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of April 18, 2013 approved Change No. 11 to Contract No. 10765, Private Label Service Agreement, with Aclara Software, in the funded amount of \$100,750.00, and is now recommending to the Council of the City of Memphis that it approve said Change as approved in the MLGW 2013 fiscal year budget and the subsequent year budget as proposed; and

WHEREAS, the project scope is to provide Bill Prism applications which will enable MLGW to provide comprehensive, consistent and authoritative responses to customer inquiries regarding changes in billing amounts; hereby, improving customer communications, customer trust and customer satisfaction. This change is to add the Goals and Alerts functionality with email notification to My Account in the funded amount of \$100,750.00. This change will allow MLGW residential customers with smart meters to utilize this tool. The term will remain through December 31, 2014. This change complies with all applicable laws and policies. The new contract value is \$3,402,085.50; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby approved Change No. 10 to Contract No. 10765, Private Label Service Agreement, with Aclara Software, in the funded amount of \$100,750.00, chargeable to the approved MLGW 2013 year budget and 2014 budget as proposed.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
April 18, 2013

The Manager of Procurement and Contracts has recommended to the Board of Light, Gas and Water Commissioners, Change No. 11 to Contract No. 10765, Private Label Service Agreement, with Aclara Software to change the current contract in the funded amount of \$100,750.00.

The project scope is to provide Bill Prism applications which will enable MLGW to provide comprehensive, consistent and authoritative responses to customer inquires regarding changes in billing amounts; hereby, improving customer communications, customer trust and customer satisfaction. This change is to add the Goals and Alerts functionality with email notification to My Account in the funded amount of \$100,750.00. This change will allow MLGW residential customers with smart meters to utilize this tool. The term will remain through December 31, 2014. This change complies with all applicable laws and policies. The new contract value is \$3,402,085.50.

The 2013 budgeted amount for Customer Metering & Billing Department Smart Meters is \$2,000,000.00; of which, \$55,750.00 will be spent in 2013 for this contract as approved. The remaining \$45,000.00 will be spent in 2014 for this contract as proposed.

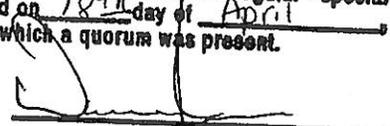
NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas

and Water Commissioners:

THAT, Subject to the consent and approval of the Council of the City of Memphis, Change No. 11 to Contract No. 10765, Private Label Service Agreement, with Aclara Software, to change the current contract in the funded amount of \$100,750.00 as outlined in the above preamble is approved; and further,

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

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular ~~regular~~ meeting held on 18th day of April 2013, at which a quorum was present.


Secretary - Treasurer

SUBSTITUTE REFERENDUM ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NO. 5460 TO ALLOW THE MAXIMUM LOCAL OPTION SALES TAX BE LEVIED IN THE CITY OF MEMPHIS AND TO SUBMIT THIS PROPOSED REFERENDUM ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT A SPECIAL ELECTION TO BE HELD BY NOVEMBER 7, 2013

WHEREAS, the Council adopted Referendum Ordinance 5460 to allow the maximum local option sales tax be levied in the City of Memphis on July 17, 2012, which ordinance was suspended by a subsequent referendum by Shelby County for a county wide local option sales tax;

WHEREAS, Shelby County's Referendum failed thereby reinstating the City's referendum ordinance;

WHEREAS, the Council desires to present its referendum ordinance on the question to the qualified voters of the City, with the modifications set forth below in this substitute ordinance;

WHEREAS, according to research done by the Urban Child Institute in Memphis, Pre-Kindergarten programs in other states have resulted in significant improvements in cognitive and language skills, test scores, and motor skills in children as compared to children who do not attend Pre-K. Pre-K children also have better attendance, fewer behavior problems, and increased chances of reading at grade level in 4th grade; and

WHEREAS, the Urban Child Institute has also found that children in Pre-K programs in Tennessee develop literacy, language and math skills faster than non-participating children; these gains are 37-176% greater than those non-Pre-K children and continue into the elementary grades; and

WHEREAS, considering the number of children who receive care at home or in private centers, if Pre-K were offered to every 4-year-old child in Memphis, there would be approximately 4,500 additional children who need to be served at a cost of \$27 million; and

WHEREAS, the combined property tax rate for Memphis and Shelby County results in Memphians paying the highest tax rate in Tennessee, by far, and the local rate clearly puts Memphis at a competitive disadvantage in the recruitment and retention of people and job producing businesses.

WHEREAS, the 1963 Local Option Sales Tax Act under Tennessee Code Annotated §67-6-701 et seq., permits counties, cities, and towns to levy a tax not to exceed two and three fourths percent (2.75%) on all privileges exercised therein, subject to approval by a majority vote of those citizens voting

in an election on all privileges exercised therein, subject to approval by a majority vote of those citizens voting in an election on the question pursuant to Tenn. Code Ann. §2-3-204; and

WHEREAS, there presently exists in Shelby County local sales tax of two and one fourth percent (2.25%), leaving a margin of one half percent (0.5%) for additional tax to be levied either by the municipality or the county which the City of Memphis can levy and dedicate to pre-kindergarten education and to reduce the property tax rate.

NOW, THEREFORE,

SECTION 1. LEVY OF TAX BY CITY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that there is hereby levied, subject to the approval of the legally qualified voters of the City of Memphis, an increase of one half percent (0.5%) in the local sales tax in the same privileges as are subject to the 1963 Local Option Sales Tax Act under Tennessee Code Annotated §67-6-701 et.seq., which are exercised within the City of Memphis, which tax is hereby levied and shall be collected in the same manner as all such privileges.

SECTION 2. DELIVERY TO ELECTION COMMISSION

BE IT FURTHER ORDAINED, That, upon passage of this Ordinance as authorized by the 1963 Local Option Sales Tax Act, the Comptroller of the City of Memphis shall certify the adoption of this Ordinance to the Shelby County Election Commission in charge of the holding of a special election by November 7, 2013, and request that this proposal be placed on the ballot.

SECTION 3. PUBLICATION OF HOME RULE AMENDMENT

BE IT FURTHER ORDAINED, That the Comptroller be and is hereby directed to cause this Proposal (Ordinance) to be published pursuant to the provisions of Article XI, Section 9 of the Constitution of the State of Tennessee and submitted by the City of Memphis to its qualified voters at a special election , which shall be held in the City of Memphis by November 7, 2013, and which shall be held at least sixty (60) days after such publication:

QUESTION:

Local Option Sales Tax

Shall there be levied a City of Memphis local option sales tax in the amount of one half percent (0.5%) with the proceeds of such levy being dedicated only to the establishment of a Pre-Kindergarten program and a reduction in property taxes?

SECTION 4. OPERATIVE DATE

BE IT FURTHER ORDAINED, That, if the majority vote is for the Ordinance, it shall be deemed to be operative on the date the Shelby County Election Commission makes its official canvass of the election returns and no tax shall be collected under this Ordinance until the first day of a month occurring at least thirty (30) days after the operative date.

SECTION 5. COLLECTION OF TAX BY STATE

BE IT FURTHER ORDAINED, That, in the vent the electorate votes to impose the increased local sales tax, then the tax shall be collected by the Tennessee Department of Revenue concurrent with the collection of the State Tax, in the same manner the State Tax is collected, provided that no tax shall be collected under such authorization until the first day of a month occurring at least thirty (30) days after the operative date. The Department of Revenue shall remit the proceeds of the tax to the City of Memphis, less a reasonable amount of percentage as determined by the Department of Revenue, to cover the expense of administration and collection.

BE IT FURTHER ORDAINED, That the Comptroller of the City of Memphis is hereby directed to deliver a copy of this Ordinance, adopted by the Memphis City Council on August 6, 2013, to the Shelby County Election Commission, together with a suggest proposal and the following form of preference to be placed on the ballot in an election to be held by November 7, 2013:

AN ORDINANCE TO ALLOW THE MAXIMUM LOCAL OPTION SALES TAX TO BE LEVIED IN THE CITY OF MEMPHIS

Local Option Sales Tax

Shall there be levied a City of Memphis local option sales tax in the amount of one half percent (0.5%) with the proceeds of such levy being dedicated only to the establishment of a Pre-Kindergarten program and a reduction in property taxes?

I, Brian Collins, Director of Finance for the City of Memphis do hereby certify that the net revenue increase to the City if this Amendment is adopted is estimated to be \$47,000,000 annually.

FOR (YES) _____

AGAINST (no) _____

SECTION 7. CERTIFICATION OF RESULTS

BE IT FURTHER ORDAINED, That the Shelby County Election Commission certify the result of said election to the Comptroller of the City of Memphis, who shall see that said result is made a part of the Minutes of the Council of the City of Memphis.

SECTION 8. NOTIFICATION TO STATE

BE IT FURTHER ORDAINED, That a certified copy of the Ordinance be transmitted to the Tennessee Department of Revenue immediately upon adoption by the Council of the City of Memphis in order that the State may begin preparation and subsequent promulgation of rules and regulations governing such collections; and in addition to the foregoing, a certified copy of the receipt of the official canvass of the Shelby County Election Commission following such election held, in order that the State may implement

the rules and regulations so prescribed by the Department of Revenue for collections, which rules and regulations are hereby adopted by reference into this Ordinance.

SECTION 9. EFFECTIVE DATE OF AMENDMENT

BE IT FURTHER ORDAINED, That the effectiveness of this Ordinance shall be suspended for forty (40) days.

SECTION 10. LITIGATION, IF ANY

BE IT FURTHER ORDAINED, That in the event the tax collected by the Tennessee Department of Revenue is challenged, suits for recovery of any tax illegally assessed or collected shall be brought against the City Treasurer of the City of Memphis.

SECTION 11. SEVERABILITY

BE IT FURTHER ORDAINED, That is any clause, section, paragraph, sentence or part of this Ordinance shall be held or declared to be unconstitutional and void, it shall not effect 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.

SECTION 12. PUBLICATION

BE IT FURTHER ORDAINED, That this Ordinance shall be published immediately after the adoption hereof.

SECTION 13. ENACTMENT OF CITY ORDINANCE

BE IT FURTHER ORDAINED, That this 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 bylaw.

SHEA FLINN
Memphis City Council

JIM STRICKLAND
Memphis City Council