REFERENDUM ORDINANCE NO. 5464

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, THE SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED PURSUANT TO THE PROVISIONS OF ARTICLE XI, SECTION OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) AND THE ACTS OF 1915, CHAPTER 408 SO AS TO AUTHORIZE THE LEVY AND COLLECTION OF A ONE CENT GASOLINE TAX AND TO AUTHORIZE THE USE OF REVENUE DERIVED THEREFROM AND FOR BUDGET EXPENDITURES FOR PUBLIC TRANSPORTATION AND TO SUBMIT THIS PROPOSED REFERENDUM ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE FIRST GENERAL STATE ELECTION TO BE HELD NOVEMBER 6, 2012

PREAMBLE

WHEREAS, it is deemed advisable and in the best interest of the citizens of the City of Memphis that the present Charter of said City be amended by ordinance as provided by Article XI, Section 9, of the Constitution of the State of Tennessee (Home Rule Amendment)

NOW, THEREFORE,

SECTION 1. QUESTION FOR VOTERS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, That the present Charter of the City of Memphis, consisting of the provisions of the Acts of the State of Tennessee for the year 1879, as amended, pursuant to Article XI, Section 9 of the Constitution of the State of Tennessee (Home Rule Amendment) the following proposal shall be published and submitted by the City of Memphis to its qualified voters at the first state general election, which shall be held in the City of Memphis on November 6, 2012, and which shall be held at least sixty (60) days after such publication:

QUESTION:

Shall the Home Rule Charter of the City of Memphis, Tennessee, be amended by adding the following provisions to read as follows:

> "The Council of the City of Memphis is authorized by Ordinance to authorize the City of Memphis to levy and collect a one cent gasoline tax on all sales within the city and to authorize the use of revenue derived therefrom for budget expenditures for public transportation."

SECTION 2. PUBLICATION OF HOME RULE AMENDMENT.

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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.

SECTION 3. DELIVERY TO ELECTION COMMISSION.

BE IT FURTHER ORDAINED, That 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 the first general state election of November 6, 2012, and request that this proposed amendment to the Home Rule Charter of the City of Memphis be placed on the ballot.

SECTION 4. PROPOSAL AND PREFERENCE.

BE IT FURTHER ORDAINED, That the Comptroller of the city of Memphis is hereby directed to deliver a copy of this Ordinance to the Shelby County Election Commission, together with a suggested proposal and the following form of preference to be placed on the ballot in an election to be held on the 6th day of November, 2012:

> REFERENDUM ON HOME RULE AMENDMENT TO THE CHARTER OF THE CITY OF MEMPHIS TO AUTHORIZE THE LEVY AND COLLECTION OF A ONE CENT GASOLINE TAX ON ALL SALES WITHIN THE CITY AND TO AUTHORIZE THE USE OF REVENUE DERIVED THEREFROM FOR BUDGET EXPENDITURES FOR PUBLIC TRANSPORTATION.

Said Ordinance of the City of Memphis was adopted on the 7th day of August, 2012, to Provide for referendum vote on a Home Rule Amendment to the Charter of the City of Memphis to read as follows:

> "The Council of the City of Memphis is authorized by Ordinance to authorize the City of Memphis to levy and collect a one cent gasoline tax on all sales within the city and to authorize the use of revenue derived therefrom for budget expenditures for public transportation."

FOR (YES) _____
AGAINST (NO) _____

SECTION 5. EFFECTIVE DATE.

BE IT FURTHER ORDAINED, That this ordinance shall take effect immediately after its approval by a majority of the qualified voters voting thereon in an election to be held on the 6th of November, 2012, the public welfare requiring it.

SECTION 6. 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 7. NONCONFLICTING-CONFLICTING LAWS

BE IT FURTHER ORDAINED, That upon adoption of this Home Rule Amendment, all laws constituting the present Charter of the City of Memphis, not in conflict with this amendatory Home Rule Ordinance, be and the same continued in full force and effect, and all laws in conflict therewith are hereby repealed.

SECTION 8. SEVERABILITY.

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

SECTION 9. PUBLICATION.

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

SECTION 10. ENACTMENT OF CITY ORDINANCE.

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

THE FOREGOING ORDINANCE
5464 PASSED
1st Reading 7-3-12
2nd Reading 7-17-12
3rd Reading 8-7-12
Approved Bill Morris
Chairman of Council
Date Signed: 8-21-12
Approved:
Mayor, City of Memphis
Date Signed: 8-24-12
I hereby certify that the foregoing is a true copy, and said document was adopted by the Council of the City of Memphis as above indicated and approved by the Mayor.
Valerie C. Scipio
Comptroller