Ord. # 5574

AN ORDINANCE TO REQUIRE APPROVAL FOR MLG&W CONTRACTS WITH OTHER MUNICIPALITIES INVOLING COLLECTION OF VARIOUS MUNICIPAL CHARGES

WHEREAS, MLGW has private arrangements with several government agencies to collect various fees, including, the City of Arlington Sewer Fee, City of Arlington Solid Waste Fee, City of Lakeland Sewer Fee, City of Lakeland Solid Waste Fee, City of Lakeland Stormwater Fees, City of Millington Sewer Fee, Shelby County Fire Protection Fee, City of Millington EMS Fee, City of Lakeland EMS, Shelby County Vector Fee, Shelby County Sewer Fee, Shelby County Stormwater Fee, and City of Collierville Sewer Fee; and

WHEREAS, MLGW's operations should ordinarily be limited to the provision of electricity, gas, and water; and

WHEREAS, the City Council of the City of Memphis should be consulted prior to the execution of fee arrangements with municipal or county governments outside the City of Memphis.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS that the Code of Ordinances Chapter related to Memphis Light, Gas and Water Division is hereby amended to read as follows:

Chapter 2-20 Memphis Light, Gas and Water Division

Section 2-20-5 Contracts in excess of $25,000.00; council approval required

A. 1. Notwithstanding section 2-20-3 to the contrary, all contracts (other than emergency purchases and purchases of natural gas and other derivative instruments) entailing an obligation or expenditure, including fees or other compensation of any engineers, auditors, attorneys, consultants and others employed to render extraordinary services to MLG&W, in excess of $50,000.00 shall require council approval in advance of execution. Furthermore, all interlocal agreements or contracts between MLG&W and any municipality or division of government (other than the City of Memphis and its divisions) that involve the collection of any municipal, county, or other government fee, tax, or other charge not directly related to utility service (such as electricity, gas, or water utility service) shall require council approval in advance of execution. In emergencies MLG&W may enter into emergency purchases, as defined herein, which emergency purchases shall be later ratified by the council. MLG&W may also purchase natural gas and other derivative instruments as long as the aggregate annual amount of these purchases are approved by the council in the annual budget of MLG&W.

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

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.

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Councilman
Lee Harris

THE FOREGOING ORDINANCE
5574 PASSED
1st Reading 11-04-2014
2nd Reading 11-18-2014
3rd Reading 01-06-2015
Approved Myron Lowery
Chairman of Council
Date Signed: 1-20-2015

Approved:
Mayor, City of Memphis
Date Signed: 1/23/15

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. Snipes
Comptroller