

**OAK RIDGE CITY COUNCIL MEETING**  
Municipal Building Courtroom

June 10, 2013—7:00 p.m.

AGENDA

I. INVOCATION

Father Dustin Collins, St. Mary's Catholic Church

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. APPEARANCE OF CITIZENS

V. PROCLAMATIONS AND PUBLIC RECOGNITIONS

A proclamation proclaiming June 21 and 22, 2013 as *Secret City Festival Time*

VI. SPECIAL REPORTS

VII. CONSENT AGENDA

- a. Approval of the May 28, 2013 City Council Meeting minutes.
- b. Adoption of a resolution extending the current demand-responsive transit system management contract between the City and the East Tennessee Human Resource Agency, INC., (ETHRA) through October 31, 2013 in order to place the contract on the same contract term as the Tennessee Department of Transportation (TDOT) Operating Assistance Grant which provides partial funding of the operating expenses for the City's transit program.
- c. Adoption of a resolution authorizing the City to continue participation in the East Tennessee Economic Development Agency, with annual membership dues in the amount of \$26,116.00 for the 2013 calendar year.
- d. Adoption of a resolution to encumber approximately \$15,000.00 from City Council's FY2013 budget for replacement and/or upgrades to the media equipment for the courtroom.

VIII. RESOLUTIONS

- a. A resolution to amend Resolutions 10-103-10 and 7-66-11, which authorized a professional services agreement with Lamar Dunn & Associates, Inc., Knoxville, Tennessee, for assistance with various tasks required for compliance with the U.S. Environmental Protection Agency (EPA) Administrative Order, with said amendment providing for additional engineering services pertaining to East Plant III, East Plant IV, and the Equalization Basins in the estimated amount of \$944,000.00 and to redirect \$488,000.00 of previously approved funds to these services.
- b. A resolution awarding a contract (COR 13-12) to Seelbach & Company, Inc., Lawrenceville, Georgia, for tree pruning, tree removal, and brush control along power lines in the estimated amount of \$1,385,081.71.
- c. A resolution approving a professional services agreement with the Ferguson Group, LLC, Washington, D.C., for the provision of consulting services to provide grant support and to

develop a comprehensive federal government relations agenda and action plan for agreed upon priorities for the City in the amount of \$30,000.00 at a rate of \$425.00 per hour with an allowance of \$5,000.00 for expenses.

- d. A resolution awarding bids in the grand total estimated amount of \$1,281,620.00 for the furnishing of various materials as required by the City during Fiscal Year 2014.
- e. A resolution waiving competitive bids and making awards in the grand total estimated amount of \$5,490,400.00 based upon written quotations and negotiated agreements with suppliers for the furnishing of routine materials, equipment, and services as required by the City during Fiscal Year 2014.
- f. A resolution of the City Council of the City of Oak Ridge, Tennessee authorizing the extension of its Waterworks Interfund Loan Capital Outlay Note.
- g. Initial resolution authorizing the issuance of not to exceed three million seven hundred thousand and no/100 dollars (\$3,700,000) general obligation bonds of the City of Oak Ridge, Tennessee.
- h. A resolution authorizing the issuance of general obligation bonds, series 2013, in the aggregate principal amount of not to exceed twenty-four million five hundred thousand and no/100 dollars (\$24,500,000) of the City of Oak Ridge, Tennessee; making provision for the issuance, sale and payment of said bonds; establishing the terms thereof and the disposition of proceeds therefrom; and providing for the levy of taxes for the payment of principal of, premium, if any, and interest on the bonds.
- i. A resolution adopting updated City Council Rules and Procedures.

IX. PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

First Reading

AN ORDINANCE TO AMEND TITLE 10, TITLED "ANIMAL CONTROL" OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE," BY CREATING A NEW CHAPTER 4, TITLED "DOG PARKS," TO ESTABLISH PERMISSION FOR DOGS TO BE OFF-LEASH IN CITY-OWNED DOG PARKS AND TO ESTABLISH CERTAIN REQUIREMENTS FOR USE.

X. FINAL ADOPTION OF ORDINANCES

XI. ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

- a. Elections/Appointments
- b. Announcements
- c. Scheduling

XII. COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

- XIII. SUMMARY OF CURRENT EVENTS
  - a. CITY MANAGER'S REPORT
  - b. CITY ATTORNEY'S REPORT
- XIV. ADJOURNMENT

**PROCLAMATIONS  
AND  
PUBLIC RECOGNITIONS**

**CITY CLERK MEMORANDUM**

**13-27**

**DATE:** June 4, 2013

**TO:** Honorable Mayor and Members of City Council

**FROM:** Diana R. Stanley, City Clerk

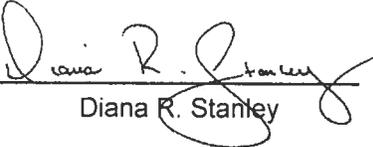
**SUBJECT:** PROCLAMATIONS AND PUBLIC RECOGNITIONS

The following proclamations are presented for the June 10, 2013 City Council meeting:

Secret City Festival Time

A proclamation for City Council's consideration is in response to a request from Jane Gibson, Secret City Festival Coordinator to proclaim June 21 and 22, 2013 as "Secret City Festival Time."

The proclamation will be accepted by Jane Gibson.

  
Diana R. Stanley

Attachments:

Secret City Festival Time Proclamation

# PROCLAMATION

**WHEREAS**, the weekend of June 21 and 22, 2013, has been set aside in Oak Ridge as a time for celebration of Oak Ridge's heritage through the 11<sup>th</sup> Annual Secret City Festival; and

**WHEREAS**, during this two-day event, the public will be invited to participate in a variety of activities intended to provide both entertainment and enhancement of the community's cultural life; and

**WHEREAS**, these activities will be presented by the City of Oak Ridge, the Arts Council of Oak Ridge, and the Oak Ridge Convention and Visitors Bureau with festival sponsors being B&W Y-12 and the City of Oak Ridge, media sponsorship by The Oak Ridger, WBIR -TV, Lamar Outdoor Advertising, and BBB Communications, and will include arts and crafts shows, juried art show, dances, musical groups, athletic events, Oak Ridge Heritage Preservation Association's historical exhibits, community exhibitors, and special children's and youth activities; and

**WHEREAS**, to commemorate Oak Ridge's heritage, the events this year will encompass numerous activities, including two festival concerts, Friday night featuring The Dirty Guv'nahs, with Soul Candy & Traffic Jam opening, and Saturday night featuring Rick Springfield with Casey Abrams opening.

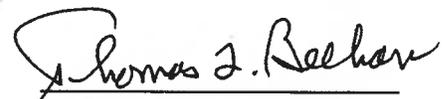
**WHEREAS**, Oak Ridge's heritage and contributions are causes for great celebration to be shared with the community.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE**, that June 21 and 22, 2013, be proclaimed

## **SECRET CITY FESTIVAL TIME**

in the City of Oak Ridge, Tennessee, and that all citizens celebrate the festival's theme of "From the 40's to the Future" showcasing the City's distinct heritage and growth to a dynamic, growing community rich in history and continuing technological advancements, and participate in a fun-filled two-day event.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Great Seal of the City of Oak Ridge to be affixed, this the 10<sup>th</sup> day of June.



**THOMAS L. BEEHAN**  
**MAYOR**

# CONSENT AGENDA

**MINUTES OF THE  
OAK RIDGE CITY COUNCIL MEETING**

May 28, 2013

The regular meeting of the City Council of the City of Oak Ridge, Tennessee convened at 7:00 p.m. on May 28, 2013, in the Courtroom of the Municipal Building with Mayor Thomas L. Beehan presiding.

**INVOCATION**

The Invocation was delivered by the Reverend Sharon Youngs from First Presbyterian Church.

**PLEDGE OF ALLEGIANCE**

Mr. Chuck Spencer, President and General Manager of B&W Y-12, led the Pledge of Allegiance to the Flag of the United States of America.

**ROLL CALL**

Upon roll call the following councilmembers were present: Councilmember Trina Baughn; Mayor Thomas L. Beehan; Councilmember Anne Garcia Garland; Councilmember L. Charles Hensley; Councilmember Charles J. Hope, Jr.; Mayor Pro Tem D. Jane Miller; and Councilmember David N. Mosby.

Also present were Mark S. Watson, City Manager; Janice E. McGinnis, Finance Director; Kenneth R. Krushenski, City Attorney; and Diana R. Stanley, City Clerk.

**APPEARANCE OF CITIZENS**

Mr. Martin McBride, 954 West Outer Drive, suggested that City Council contemplate developing a top 10 list of competitive advantageous of living in the City of Oak Ridge, as well as a separate list of competitive advantageous of the schools.

**PROCLAMATIONS AND PUBLIC RECOGNITIONS**

*A proclamation designating May 2013 as Building and Safety Month*

Mayor Pro Tem Miller moved, seconded by Councilmember Hope that the proclamation be adopted.

The proclamation was accepted by City Manager Mark Watson on behalf of the Codes Enforcement Staff.

The proclamation was approved by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

**SPECIAL REPORTS**

*Secret City Festival Sponsorship Presentation by Chuck Spencer, President and General Manager of B&W Y-12.*

Mr. Spencer presented the City of Oak Ridge with a \$25,000.00 sponsorship donation.

*FY 2014 Budget Presentation from Mr. Keys Fillauer, Chairman of the Board of Education.*

The Chairman of the Oak Ridge Board of Education, Mr. Keys Fillauer, gave a verbal budget presentation for the Oak Ridge Schools. Mr. Fillauer briefly expressed his appreciation to various school staff and for city resources, reviewed the history of the school's budget, as well as their budget process. Additionally, he noted some of the constricted budget situations that the school is encountering, particularly with staffing and encouraged earlier meetings with the City Council on the topic of budget.

Mr. Bob Eby, Vice-Chairman of the Board of Education, spoke about the benefits of School Resource Officers and requested funding assistance from the City to help with adding two (2) additional officers.

### **CONSENT AGENDA**

The City Clerk noted that two updates needed to occur to the May 13 and May 16 City Council meeting minutes. First, on page four of the May 13, 2013 minutes, the final vote of Councilmember Baughn needed to reflect an "Aye" vote on the fifth proposal/amendment. Second, on page two of the May 16, 2013 minutes, the City Clerk suggested an amendment for clarification pertaining to the motion offered by Councilmember Mosby that would read: "Following the in-depth discussions of Councilmember Hope's motion, Councilmember Mosby moved to make an amendment to the motion. Councilmember Mosby proposed to increase the partnership funding with the Chamber of Commerce for FY 2014 by \$50,000.00 to an amount of \$175,000.00. Funds to be encumbered from FY 2013 sources shall remain in a reserve at \$25,000.00. The proposed increase of this reserve to \$125,000.00 for the FY 2014 budget was eliminated as a contingency per Councilmember Mosby's motion. Councilmember Hope seconded the amendment to the motion for discussion purposes. City Council discussed the proposed amendment to the motion."

Councilmember Garcia Garland moved to accept the corrections and amendments as presented above. The motion was seconded by Councilmember Hensley and approved by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

Councilmember Hensley moved, seconded by Mayor Pro Tem Miller to approve the Consent Agenda as follows:

Approved the corrected May 13, 2013 City Council meeting minutes.

Approved the amended May 16, 2013 City Council special meeting minutes.

Adopted **Resolution No. 05-32-2013** approving a contract with the Tennessee Department of Transportation (TDOT) for maintenance of State highways within the corporate city limits whereby the City is reimbursed by TDOT for said services in the amount of \$141,176.00.

Adopted **Resolution No. 05-33-2013** authorizing the transfer of tax equivalents from the Electric and Waterworks Funds to the General Fund for the fiscal year ending June 30, 2013, and to authorize its distribution between the City of Oak Ridge and Anderson and Roane counties in accordance by State Law.

### **RESOLUTIONS**

#### **Resolution No. 05-34-2013**

**A resolution authorizing a sixteen month extension to the Municipal Services Agreement between the City and the U.S. Department of Energy to provide water and sewer services to the East Tennessee Technology Park.**

Mayor Pro Tem Miller moved, seconded by Councilmember Hope that the resolution be adopted.

Public Works Director Gary Cinder provided a brief overview of the utility services, as well as responded to questions and comments of the Council regarding the agreement.

The resolution was approved by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

**Resolution No. 05-35-2013**

**A resolution authorizing the City Manager and City Attorney to negotiate the transfer of the real property located at 148 Hillside Road to Habitat for Humanity of Anderson County at no cost.**

Councilmember Hensley moved, seconded by Mayor Pro Tem Miller that the resolution be adopted.

Councilmember Mosby indicated that he would not be participating in the discussions or vote due to a possible conflict of interest.

Community Development Director Kathryn Baldwin and the City Manager responded to inquiries of City Council that included the City's total cost of the property, the timeline of transfer, and condition of the property.

City Council continued to discuss the real property transfer in great detail, including discussions on future establishment of policies and guidelines.

Mr. Mike Harvey, 142 Hillside Road, reviewed his history of ownership and condition of the property, and indicated that there were previous purchasing interests from private owners.

Mr. Joe Lee, 99 East Pasadena Road, explained that he thought if City Council were to determine a policy to address blighted houses then it would be advantageous to determine if the properties in question were owner occupied or rentals.

Ms. Jennifer Sheehan, Executive Director for Habitat for Humanity, 111 Randolph Road, provided an overview of the goals of Habitat for this house, residency intent, and the process for residency ownership. Ms. Sheehan also explained that Habitat requests donated properties as part of a grant requirement.

The resolution passed by board vote with Councilmembers Hensley, Hope, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye," and Councilmembers Baughn and Garcia Garland voting "Nay." Councilmember Mosby was not present for the vote.

***A resolution transferring \$35,535.62 from the Special Programs Fund to the Oak Ridge Schools for necessary repairs to the soccer field at the Oak Ridge High School for damage caused by a sinkhole.***

Councilmember Hope moved, seconded by Mayor Pro Tem Miler that the resolution be adopted.

Based on an inquiry from Councilmember Baughn regarding the school's fund balance, Dr. Bob Smallridge, Interim Superintendent, 108 Carnegie Drive, explained that the schools are experiencing a tight budget and have established restrictions on using the fund balance based on emergencies. Dr. Smallridge ended by stating that the Board of Education requested that the Superintendent make this request to the City Council.

Mr. Alan Thacker, Supervisor of Maintenance and Operations at Oak Ridge City Schools, responded to questions of Councilmember Hope regarding the geo-thermal systems located on the soccer field and indicated there was no damage to said system.

Mr. Keys Fillauer, Chairman of the Board of Education, responded to questions of City Council regarding the urgency of the sinkhole given that soccer season was on-going and explained that the timeline of the request was earlier and that with the reduction in the School's Capital Maintenance Budget had affected the School's approach to addressing repairs.

City Council continued to discuss the issue, specifically with regards to use of the Special Programs (traffic camera) Funds and use of city-owned fields.

Mr. Bob Eby, Vice-Chairman of the Board of Education, noted that the Capital Maintenance Budget, at one time, was funded at \$750,000.00, but was reduced to \$250,000.00 and the City explained that if emergencies arise to bring the request to the City Council.

Following additional discussions amongst City Council, the resolution failed by board vote with Councilmembers Baughn, Garcia Garland, Mayor Pro Tem Miller, and Mayor Beehan voting "Nay," and Councilmembers Hensley, Hope, and Mosby voting "Aye."

#### **PUBLIC HEARINGS AND FIRST READING OF ORDINANCES**

(NONE)

#### **FINAL ADOPTION OF ORDINANCES**

##### **Ordinance No. 05-2013**

**AN ORDINANCE TO PROVIDE REVENUE FOR MUNICIPAL PURPOSES FOR THE FISCAL YEAR BEGINNING JULY 1, 2013, BY IMPOSING A TAX ON ALL PROPERTY WITHIN THE CITY, FIXING THE RATE OF THE TAX, ADOPTING A BUDGET, AND ADOPTING APPROPRIATIONS.**

Mayor Pro Tem Miller moved, seconded by Councilmember Hope to approve the ordinance on second reading.

Finance Director Janice McGinnis explained that an amendment needed to occur to the ordinance since the school adopted a lower appropriation for the General Purpose School Fund. The appropriation amendment would decrease the appropriation of the General Purpose School Fund by \$1,050,173 for a total appropriation of \$55,485,152.

Councilmember Hope moved, seconded by Mayor Pro Tem Miller to amend the appropriation ordinance as stated above by staff. The amendment was approved by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

Also, the Finance Director briefly reviewed the amendments to the appropriation ordinance that occurred as a result of the May 16, 2013 special-meeting of City Council which budgeted an additional \$50,000.00 to the Oak Ridge Chamber of Commerce with \$25,000.00 coming from the General Fund and the other \$25,000.00 coming from the Electric Fund with each fund receiving an equal \$25,000.00 to reflect the change.

At the request of Councilmember Hensley, the City Manager reviewed the costs associated with the addition of two (2) School Resource Officers (SROs) for the Oak Ridge Schools, including the resources and equipment needed for the SROs.

Police Chief James Akagi responded to inquiries of Councilmember Hope regarding equipping SROs with police cars and transportation alternatives, as well as explained the benefits of providing vehicles.

Councilmember Baughn moved to reduce property tax rate one-cent to \$2.38 with reduction of \$90,000.00 in the budget. The motion was seconded by Councilmember Garcia Garland for discussion.

The motion failed by board vote with Councilmembers Hensley, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Nay," Councilmembers Baughn and Hope voting "Aye," and Councilmember Garcia Garland abstaining.

The ordinance, as amended, passed by board vote with Councilmembers Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye," and Councilmember Baughn voting "Nay."

## **ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING**

### Elections/Appointments

*Appoint a City Council Representative to the TVA Valley Sustainable Communities Program*

Councilmember Mosby volunteered to serve as the City Council Representative for the TVA Valley Sustainable Communities for approximately a six-week period beginning around June 18, 2013.

Community Development Director Kathryn Baldwin provided an overview of the program.

Councilmember Hensley moved, seconded by Mayor Pro Tem Miller to accept Councilmember Mosby's nomination. The motion was approved by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

*Elect a High School Student Representative on the Environmental Quality Advisory Board for a two-year term of office beginning June 1, 2013.*

Councilmember Hope moved, seconded by Councilmember Baughn to elect Aditya Chourey by acclamation to the Environmental Quality Advisory Board for a two-year term of office beginning June 1, 2013.

The motion was approved by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

*Elect a High School Student Representative on the Traffic Safety Advisory Board for a one-year term of office beginning June 1, 2013.*

Councilmember Hope moved, seconded by Mayor Pro Tem Miller to elect Emeline Brown by acclamation to the Traffic Safety Advisory Board for a one-year term of office beginning June 1, 2013.

The motion was approved by unanimous voice vote with Councilmembers Baughn, Garcia Garland, Hensley, Hope, Mosby, Mayor Pro Tem Miller, and Mayor Beehan voting "Aye."

*Elect an applicant to the Oak Ridge Municipal Planning Commission for a balance of an unexpired term ending on December 31, 2015.*

Mr. Sheldon Green was elected by ballot to the Oak Ridge Municipal Planning Commission for a balance of an unexpired term ending on December 31, 2015 receiving the votes of Mayor Beehan, Councilmember Hope, Mayor Pro Tem Miller, and Councilmember Mosby. Councilmember Baughn voted for Mr. Martin McBride, Councilmember Garcia Garland voting for Mr. Andrew Howe, and Councilmember Hensley voting for Councilmember Hensley.

### Announcements

### Scheduling

## **COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS**

Mayor Beehan indicated that he wished to have discussions on housing and would like to develop

processes and procedures regarding the issue.

Councilmember Hope wanted to include the topic of blighted properties, as well as land use to incorporate into City Council policy discussions.

Councilmember Hensley requested consideration to establish a similar committee to the Budget and Finance Committee, and begin meetings on budget in December, particularly with the School Board.

(The City Manager explained that the City will begin to move forward with discussions on land bank and landlord ordinances and potentially begin budget discussions in October.)

Councilmember Mosby expressed that he would like to begin budget discussions sooner rather than later.

Councilmember Garcia Garland expressed that she wished to begin policy discussions soon.

### **SUMMARY OF CURRENT EVENTS**

#### **CITY MANAGER'S REPORT**

(The City Manager's Report was presented as part of the Council Request for New Business)

#### **CITY ATTORNEY'S REPORT**

### **ADJOURNMENT**

The meeting adjourned at 9:36 p.m.

Diana R. Stanley, City Clerk  
CITY OF OAK RIDGE, TENNESSEE

**COMMUNITY DEVELOPMENT MEMORANDUM**

**13-22**

**DATE:** May 31, 2013  
**TO:** Mark S. Watson, City Manager  
**THROUGH:** Kathryn G. Baldwin, Community Development Director *KGB*  
**FROM:** Athanasia Senecal Lewis, Community Development Specialist *ASL*  
**SUBJECT:** ETHRA DEMAND RESPONSIVE SYSTEM CONTRACT EXTENSION

Introduction

An item for City Council's consideration is a resolution authorizing an extension of an existing contract between the City of Oak Ridge and the East Tennessee Human Resources Agency (ETHRA).

Funding

Funds are available in the Street and Public Transportation Fund.

Background

The City of Oak Ridge Public Transportation Program consists of a demand responsive system and a transportation assistance program. The demand responsive system, established in 1993, provides public transportation to all persons within the corporate city limits. The transportation assistance program, established in 1974, serves as a supplemental program that transports senior citizens and persons with disabilities.

By Resolution 6-75-03, City Council awarded a contract to ETHRA to provide demand-responsive public transportation services for the City. ETHRA is responsible for the daily operations and management of the system. The contract was for an initial one-year term, running on the City's fiscal year, and provides up to nine (9) additional one-year terms with the mutual consent of both parties. The contract with ETHRA is set to expire on June 30, 2013. The City desires to extend the contract through October 31, 2013, to coincide with the current term of the Tennessee Department of Transportation (TDOT) Operating Assistance Grant that provides partial funding for this program.

Recommendation

Staff recommends extending the ETHRA contract to October 31, 2013 to coincide with the TDOT Operating Assistance Grant program.

  
Athanasia Senecal Lewis

**City Manager's Comments:**

I have reviewed the above issue and recommend Council action as outlined in this document.

*Mark S. Watson*

Mark S. Watson

6-5-2013

Date

**RESOLUTION**

A RESOLUTION EXTENDING THE CURRENT DEMAND-RESPONSIVE TRANSIT SYSTEM MANAGEMENT CONTRACT BETWEEN THE CITY AND THE EAST TENNESSEE HUMAN RESOURCE AGENCY, INC., (ETHRA) THROUGH OCTOBER 31, 2013 IN ORDER TO PLACE THE CONTRACT ON THE SAME CONTRACT TERM AS THE TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT) OPERATING ASSISTANCE GRANT WHICH PROVIDES PARTIAL FUNDING OF THE OPERATING EXPENSES FOR THE CITY'S TRANSIT PROGRAM.

WHEREAS, the City has implemented a public transportation program including a demand-responsive system and a transportation assistance program; and

WHEREAS, by Resolution 6-75-03, City Council approved a management contract with the East Tennessee Human Resource Agency, Inc., (ETHRA) for the operation of the City's Demand-Responsive Transit System which is funded partly by an Operating Assistance Grant with the Tennessee Department of Transportation (TDOT); and

WHEREAS, the contract with ETHRA is set to expire on June 30, 2013 with no further renewal options, however, the City desires to extend the current contract through October 31, 2013, to coincide with the current term of the TDOT grant; and

WHEREAS, the City Manager recommends an extension of the current contract with ETHRA through October 31, 2013.

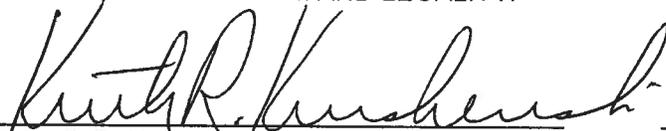
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and the current contract between the City of Oak Ridge, Tennessee, and the East Tennessee Human Resource Agency, Inc., (ETHRA), as approved by Resolution 6-75-03, is hereby extended upon the same terms and conditions through October 31, 2013.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the appropriate instruments to accomplish the same.

This the 10th day of June 2013.

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
Kenneth R. Krushenski, City Attorney

\_\_\_\_\_  
Thomas L. Beehan, Mayor

\_\_\_\_\_  
Diana R. Stanley, City Clerk

## ELECTRIC DEPARTMENT MEMORANDUM

13-11

**DATE:** May 28, 2013  
**TO:** Mark S. Watson, City Manager  
**FROM:** Jack L. Suggs, Electric Director  
**SUBJECT:** MEMBERSHIP AND DUES PAYMENT FOR ETEDA

### Introduction

An item for City Council's consideration is a resolution approving membership in the East Tennessee Economic Development Agency (ETEDA) and authorizing payment of membership dues in the amount of \$26,116.00.

### Funding

The City joined ETEDA through its functioning as a TVA Regional Industrial Development Agency (RIDA). Thus, the funding for the membership is through the Electric Fund and the Electrical Director sits on the ETEDA Board. TVA encourages membership on the Board by reimbursing the City for approximately one half of the membership dues. Therefore, the actual cost of membership will be \$13,058.00. Further, as a member of the Board, the Electrical Director can designate that the local match be used to support specific projects or initiatives by our development parties.

### Background/Analysis/Review/Consideration

ETEDA is a regional marketing and business recruitment organization that promotes our 16 county region through a variety of efforts and provides site location information and assistance to companies interested in locating here.

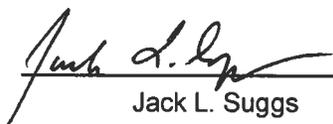
ETEDA is co-located with the Tennessee Valley Authority Economic Development Specialist for our area. This provides a nearly seamless experience for industrial prospects and is frequently sighted as a positive model of cooperation and efficiency.

The full range of services offered to industrial clients can be found on the ETEDA website, but these include providing information such as labor and training statistics, utility service availability and cost of transportation information. ETEDA also provides regional real estate location information, including a complex, well-maintained database of available properties and buildings.

Specific ETEDA programs and accomplishments are detailed in the organization's quarterly newsletter. This newsletter is mailed to the City Manager's Office and members of the Council.

### Recommendation

It is the opinion of staff that ETEDA has been a real and valuable asset to the City and to our region as a whole. As such we recommend approval of the attached resolution.

  
\_\_\_\_\_  
Jack L. Suggs

**City Manager's Comments:**

I have reviewed the above issue and recommend Council action as outlined in this document.

*Mark S. Watson*

Mark S. Watson

6.5.2013

Date

**RESOLUTION**

A RESOLUTION AUTHORIZING THE CITY TO CONTINUE PARTICIPATION IN THE EAST TENNESSEE ECONOMIC DEVELOPMENT AGENCY, WITH ANNUAL MEMBERSHIP DUES IN THE AMOUNT OF \$26,116.00 FOR THE 2013 CALENDAR YEAR.

WHEREAS, the City of Oak Ridge recognizes the value of the East Tennessee Economic Development Agency (ETEDA), an organization operating in East Tennessee to promote retention and expansion of existing industrial business and the development of new business in the East Tennessee area; and

WHEREAS, the City of Oak Ridge is a member of ETEDA and wishes to continue that membership in an effort to promote economic development in the East Tennessee area in general and Oak Ridge in particular; and

WHEREAS, the membership dues for ETEDA for calendar year 2013 are \$26,116.00; and

WHEREAS, \$13,058.00 of the membership dues will be reimbursed to the City by the Tennessee Valley Authority (TVA) under a separate contract termed the Industrial Development Contract (Contract 01BKY-268931), approved by City Council through Resolution 3-46-01; and

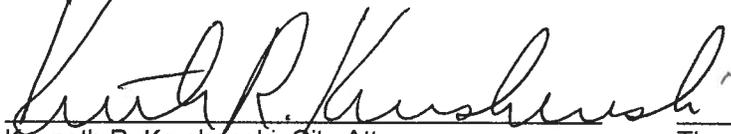
WHEREAS, the City Manager recommends the City's continued participation in ETEDA and payment of the above stated dues.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and the City is hereby authorized to continue participation in the East Tennessee Economic Development Agency, with annual membership dues in the amount of \$26,116.00 for the 2013 calendar year.

This the 10th day of June 2013.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

\_\_\_\_\_  
Thomas L. Beehan, Mayor

\_\_\_\_\_  
Diana R. Stanley, City Clerk

## CITY CLERK MEMORANDUM

13-28

**DATE:** June 5, 2013  
**TO:** Mark S. Watson, City Manager  
**FROM:** Diana R. Stanley, City Clerk  
**SUBJECT:** ENCUMBERING MONIES FROM CITY COUNCIL FOR COURTROOM MEDIA EQUIPMENT

### Introduction

An item for City Council's consideration is a resolution that will encumber any remaining funds (approximately \$15,000.00) from City Council's FY2013 Budget (810) in preparation of replacing and upgrading audio, video, and voting equipment contained in the Municipal Building and primarily used for City Council meetings or other events held in the Courtroom. These encumbered funds will be used for equipment and installation purposes.

### Funding

Given that this project has the potential to cost thousands of dollars to replace and/or upgrade equipment, the encumbrance will allow staff to proceed with planning and purchasing without detracting monies away from other projects and needs of the Municipal Building or the City Departments that will arise throughout the course of FY2014. Currently, there is money available in the FY2013 Budget.

### Background

During FY2014, staff plans to be inventorying, reviewing, and determining what media improvements can and need to be made to the Courtroom and the Media Cabinet (located in the staff break room). In 2005, staff completed the Courtroom's biggest media improvements regarding the audio. After eight (8) years, staff is beginning to experience issues with the audio equipment. Recently, both staff and City Council experienced this deterioration of equipment with the audio problems experienced in the last two (2) Council meetings. Upon troubleshooting the audio, staff learned that the existing soundboard was broken and have had to use a back-up until a determination can be made about the best means to move forward (the replacement of an equivalent soundboard costs approximately \$1,000.00 retail). The City Clerk is concerned that the equipment will continue to deteriorate, and in some cases, beyond repair. Additionally, since the installation of most of the equipment—soundboard, amplifiers, and speakers—appeared to have occurred at the same time or, in some cases, years earlier, there is some additional concern that things will break in succession.

Additionally, staff has noticed areas of potential needed improvement regarding the recording of the meetings to focus more the individual speaking, the audience, and viewing of presentations. Modern cameras will have better potential for enhanced visuals, better angles, and zooms. A good example is the March 7, 2012 City Council Meeting that was filmed using a different production company that used the aforementioned enhancements via their equipment.

### Analysis

A review will allow staff to determine what the City's current and future needs are for the Courtroom and its meetings/events and make adjustments accordingly. Staff has two (2) goals during this project: (1) *simplify* the equipment and process, as well as the resources needed to keep the gear running; (2) advance the City's multi-media capabilities in the Courtroom, such as video and sound playback, computer access, cable accessibility, and more. These goals will not only be advantageous for the City

Council meetings, but also City Court, ceremonious events, and other meetings, such as with the City Boards and Commissions.

Another portion that staff will be reviewing is the City Council Voting Board. The history of the board is that it is from the 1980's or earlier and is a hand-made device. Despite its reliable performance, work on the board is extremely labor intensive when staff assigns new buttons after a City Council election, and its antiquated parts will become more difficult to find and replace over time. An opportunity exists to have a modern board that will reinforce Parliamentary Procedures and techniques, as well as add additional functionality, such as abstention displays and buttons for the Chair.

Lastly, and most importantly, the City's Franchise Agreement with Comcast ends on August 3, 2014 and currently includes a section that outlines that Comcast will produce City Council meetings. Although the franchise agreement has a one (1) five-year option to renew, there is no guarantee the renewal will take place and, at present, no plan for filming the Council meetings once the agreement ends. Also, City staff is not currently equipped nor trained to perform this potential new role; however, it is staff's goal to plan for this situation should it arise to ensure that the equipment will handle whatever is needed to film Council meetings either independently or with a television production company.

Staff will only move forward with the replacement and enhancements once a sound determination has been made on the City's needs.

Recommendation

Staff recommends approval of the attached resolution so that the City has the financial means, without constraints in FY2014, to try and address either part or all of the issues presented.

Attachment(s)

Resolution

  
\_\_\_\_\_  
Diana R. Stanley

**City Manager's Comments:**

I have reviewed the above issue and recommend Council action as outlined in this document.



Mark S. Watson

6.5.2013

\_\_\_\_\_  
Date

NUMBER \_\_\_\_\_

**RESOLUTION**

A RESOLUTION TO ENCUMBER APPROXIMATELY \$15,000.00 FROM CITY COUNCIL'S FY2013 BUDGET FOR REPLACEMENT AND/OR UPGRADES TO THE MEDIA EQUIPMENT FOR THE COURTROOM.

WHEREAS, the media equipment in the Municipal Building Courtroom is in need of improvement in order to provide reliable production of City Council meetings; and

WHEREAS, City Staff desires to evaluate the media equipment needs of the City for City Council meetings, including improvements for parliamentary procedures, as well as needs for court hearings, board meetings, and other events; and

WHEREAS, a balance of approximately \$15,000.00 is anticipated in the City Council FY2013 budget; and

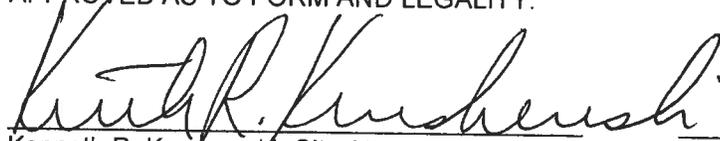
WHEREAS, the City Manager recommends that all remaining funds in the City Council FY2013 budget as of June 30, 2013, which is anticipated to be \$15,000.00, be encumbered for FY2014 for replacement and/or upgrades to the media equipment for the Municipal Building Courtroom.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and all remaining funds in the City Council FY2013 budget, which is anticipated to be \$15,000.00, are hereby encumbered for FY2014 for use in replacement and/or upgrades to the media equipment for the Municipal Building Courtroom.

This the 10th day of June 2013.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

\_\_\_\_\_  
Thomas L. Beehan, Mayor

\_\_\_\_\_  
Diana R. Stanley, City Clerk

# RESOLUTIONS

**PUBLIC WORKS MEMORANDUM  
13-11**

**DATE:** May 15, 2013  
**TO:** Mark S. Watson, City Manager  
**FROM:** Gary M. Cinder, P.E., Director of Public Works  
**SUBJECT:** LDA ENGINEERING AGREEMENT AMENDMENT

Introduction

An item for City Council's consideration is a resolution authorizing the redirection of previously approved funds in the estimated amount of \$488,000 and the expenditure of additional funds in the estimated amount of \$944,000; to LDA Engineering, Knoxville, TN 37920 for engineering services relative to the EPA Administrative Order, specifically the EPA Remediation Plan.

Funding

The remaining engineering services required for the EPA Remediation Plan projects of East Plant III, East Plant IV and the Equalization Basins total an estimated amount of \$1,432,000. LDA Engineering has proposed to provide these services by redirecting \$488,000 of funding approved by City Council Resolution 7-66-11 on July 11, 2011 and by the additional funding of \$944,000. The total estimated amount of \$1,432,000 has been included in the budget of the pending \$14,000,000 SRF loan approved by City Council on February 25, 2013.

Background

The services agreement between the City and LDA Engineering, dated July 2011, was executed prior to the finalization of the EPA Remediation Plan and the development of the rehabilitation funding program. The City originally desired to have multiple construction projects in each sewer shed, which would allow for smaller work zones and hopefully result in less of a disturbance for effected residents. The agreement with LDA dated in July 2011 allowed for as many as fifty (50) construction projects. The EPA Remediation Plan reduced that number to eighteen (18) construction projects. With the delay in securing funding for the rehabilitation projects and the deadline date of September 2015 remaining unchanged, a significant consolidation of the construction contracts became necessary as listed in the table below.

Area of Project	Number of Construction Projects	
	EPA Remediation Plan	As of 5/1/2013
East Plant Sewer Shed	10	4
Y-12 Sewer Shed	2	1
Central City Sewer Shed	2	1
Turtle Park Sewer Shed	2	2
West End Sewer Shed	1	1
Equalization Basins (3)	1	1
<b>Total</b>	<b>18</b>	<b>10</b>

The first two East Plant Sewer Shed projects are nearing completion. East Plant III project (E3) has been designed, originally as three separate projects designed by three different engineering firms. LDA Engineering has combined the separate designs into one construction project and it is pending TDEC approval as soon as the SRF loan is approved. East Plant IV project (E4) is currently under design by Jacobs Engineering. Preliminary design and geotechnical evaluation for the Equalization Basins project is currently underway. The final design of the Equalization Basins project is awaiting funding from the pending SRF loan.

Utilizing services included in the agreement dated July 2011, LDA proposes to provide the following services, in the estimated amount of \$488,000, by redirecting previously approved funding to other activities.

Contract Administration – East Plant III (E3)	\$ 75,000
Contract Administration – East Plant IV (E4)	\$102,750
Resident Project Representation – EQ Basins	\$281,250
Resident Project Representation – East Plant III (E3) (partial)	\$ 29,000
	<u>\$488,000</u>

The agreement dated July 2011 between the City and LDA Engineering requires City Council approval of engineering final design services performed by LDA. By utilizing Program Management Services (Section 1) of the current agreement, LDA has provided preliminary design including site selection for geotechnical services, which has allowed the Equalization Basins project to remain somewhat on schedule. LDA proposes to provide the following services, in the estimated amount of \$944,000 to complete the three projects.

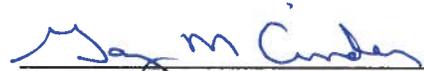
Engineering Final Design – Equalization Basins	\$168,000
Resident Project Representation – East Plant III (E3) (remainder)	\$321,000
Resident Project Representation – East Plant IV (E4)	<u>\$455,000</u>
	<u>\$944,000</u>

#### Recommendation

Staff recommends amending the LDA Engineering agreement dated July 2011 to allow for the redirection of \$488,000 and the additional funding of \$944,000 to provide engineering services related to the EPA Remediation Plan, specifically the East Plant III, East Plant IV and Equalization Basins projects. Funding for the amendment has been budgeted in the pending \$14,000,000 SRF loan.

#### Attachments

Letter from LDA Engineering

  
\_\_\_\_\_  
Gary M. Cinder

#### **City Manager's Comments:**

I have reviewed the above issue and recommend Council action as outlined in this document.



\_\_\_\_\_  
Mark S. Watson

6-5-2013

\_\_\_\_\_  
Date



WATER  
WASTEWATER  
STORMWATER

Mr. Gary Cinder, P.E.  
Director of Public Works  
City of Oak Ridge  
P.O Box 1  
Oak Ridge, TN 37831

Reference: City of Oak Ridge

Dear Gary:

As we have discussed recently, there will be unspent funds relative to our Contract Amendment, dated July 2011, for services between the City and LDA relative to the EPA AO. When the Amendment was executed, the Remediation Plan had not been finalized nor was the rehabilitation funding program developed. Due to delays in funding and the completion date remaining unchanged, there will be significant consolidation of construction contracts. The original desire of the City was to have multiple construction contracts to allow for smaller work areas.

Projects included in the pending SRF loan of \$14,000,000 are E3, E4 and the Equalization Basins (EQ). Project E3 has been designed utilizing the resources of three (3) design firms (each a minisystem). Those three (3) projects have now been combined into a single construction contract for bidding. Project E4 is currently being designed by one of the design firms and includes mini systems E1, E2, E3, E4, E7, E8, E13B, E22, E23, E26, E27, E28, E30 and E31. Projects E3 and E4 when constructed will complete all of East Plant sewer shed remediation. The final design for the EQ project is awaiting funding from the pending SRF loan.

Based on current projections, LDA proposes that an estimated \$488,000 be redirected from the Contract Amendment, with \$180,000 available from Section III, Services for Projects Designed by Others and \$308,000 available from Section V, Bidding Services. These amounts are available since the projects will be larger than previously planned, therefore resulting in a reduction of the number of projects.

It is proposed that LDA provide the following services utilizing the redirected amount from the Contract Amendment dated July 2011.

Contract Administration – Project E3	\$ 75,000
Contract Administration – Project E4	\$102,750
Resident Project Representation – EQ Basins	\$281,250
Resident Project Representation – Project E3 (partial)	<u>\$ 29,000</u>
	\$488,000

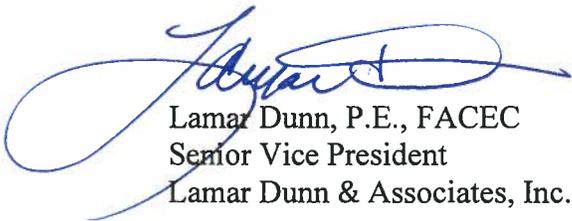
Mr. Gary Cinder, P.E.  
Director of Public Works  
City of Oak Ridge  
May 7, 2013  
Page 2

The Contract Amendment dated July 2011 requires City Council approval of engineering design services performed by LDA. To allow the EQ project to remain somewhat on schedule, the preliminary design including site selection for geotechnical services has been performed by LDA utilizing Program Management Services, Section 1 of the Contract Amendment. LDA proposes to provide the engineering services to complete the final design of the EQ Basins. It is further proposed that LDA provide the required services for the remainder of the Resident Project Representation (RPR) for Project E3 (see above) and the RPR for Project E4. These services will be added to the amount of the Contract Amendment dated July 2011 and are listed below.

Engineering Final Design – EQ Basins	\$168,000
Resident Project Representation – Project E3 (remainder)	\$321,000
Resident Project Representation – Project E4	<u>\$455,000</u>
	\$944,000

In conclusion, LDA proposes to redirect \$488,000 of services previously approved in July 2011 and additional services in the amount of \$944,000. Funding for the proposed services is included in the pending SRF loan. We have the resources to provide these services. If you have questions concerning this proposal, please feel free to call.

Sincerely,



Lamar Dunn, P.E., FACEC  
Senior Vice President  
Lamar Dunn & Associates, Inc.

CLD:cr

**RESOLUTION**

A RESOLUTION TO AMEND RESOLUTIONS 10-103-10 AND 7-66-11, WHICH AUTHORIZED A PROFESSIONAL SERVICES AGREEMENT WITH LAMAR DUNN & ASSOCIATES, INC., KNOXVILLE, TENNESSEE, FOR ASSISTANCE WITH VARIOUS TASKS REQUIRED FOR COMPLIANCE WITH THE U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) ADMINISTRATIVE ORDER, WITH SAID AMENDMENT PROVIDING FOR ADDITIONAL ENGINEERING SERVICES PERTAINING TO EAST PLANT III, EAST PLANT IV, AND THE EQUALIZATION BASINS IN THE ESTIMATED AMOUNT OF \$944,000.00 AND TO REDIRECT \$488,000.00 OF PREVIOUSLY APPROVED FUNDS TO THESE SERVICES.

WHEREAS, at the September 27, 2010 work session, City Council was briefed by the City Manager and Public Works Director on an Administrative Order with the United States Environmental Protection Agency (EPA) outlining the various studies, plans, and corrective actions to be taken by the City related to the violations determined by the EPA regarding periodic overflows from the sanitary sewer collection system; and

WHEREAS, by Resolutions 10-103-10 and 7-66-11, City Council awarded and amended a professional services agreement with Lamar Dunn & Associates, Inc., (LD&A), Knoxville, Tennessee, for assistance with various tasks required by the Administrative Order; and

WHEREAS, the remaining engineering services required for the EPA Remediation Plant projects of East Plant III, East Plant IV, and the Equalization Basins is estimated to cost \$1,432,000; and

WHEREAS, the City and LD&A propose to pay for these services by adding \$944,000.00 in additional funding and redirecting \$488,000.00 of previously approved funds to these services; and

WHEREAS, the City Manager recommends approval of an amendment to the professional services agreement for redirection of approved funding and to provide for additional funds for these services.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved, and Resolution 10-103-10 and Resolution 7-66-11 are hereby amended to add \$944,000.00 to provide for additional services pertaining to the EPA Remediation Plan, specifically the East Plant III, East Plant IV, and Equalization Basins, and to redirect \$488,000.00 of previously approved funds to these services.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the appropriate legal instruments to accomplish the same.

This the 10th day of June 2013.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushewski, City Attorney

Thomas L. Beehan, Mayor

\_\_\_\_\_  
Diana R. Stanley, City Clerk

## ELECTRIC DEPARTMENT MEMORANDUM

13-13

**DATE:** May 31, 2013  
**TO:** Mark S. Watson, City Manager  
**FROM:** Jack L. Suggs, Electric Director  
**SUBJECT:** AWARD OF CONTRACT FOR TREE PRUNING, TREE REMOVAL AND BRUSH CONTROL ALONG POWER LINES

### Introduction

An item for City Council's consideration is a resolution awarding a bid to Seelbach and Company, Inc., Lawrenceville, Georgia, in the amount of \$1,385,081.71 for tree pruning, tree removal and brush control for a two-year period. The contract contains provisions that allow it to be renewed up to an additional four years.

### Funding

Funding is through the Electric Fund.

### Background/Analysis/Review/Consideration

The City of Oak Ridge has used contractors for its electric system right of way vegetation management needs for many years. The selection of these contractors is based on two criteria; first the demonstrated ability of the contractor to accomplish the work in a safe and workmanlike manner and second the low cost of the bid.

In preparing for this year's bid, staff consulted with a nationally known specialist in the area, Environmental Consultants, Inc. This company has no affiliation with any tree trimming contractor, but only works as a third party for tasks such as specification design, right of way inspection and similar activities.

To establish a pool of potential bidders, the project was advertised and interested parties provided a pre-qualification package. The package contained a variety of questions and requirements concerning experience, safety and training programs, safety experience and other items. Five bidders received this package and submitted information. Four of the potential bidders submitted sufficient information to be considered qualified to place bids. These companies were provided with bid packages and invited to participate in the bid process.

Two contractors actually placed bids that were then evaluated based on cost. The other two bidders submitted "no bid" documents. The bid documents divide the work into two components- "zone work" and "hourly work." Zone work is work performed for a fixed price that consists primarily of pruning all trees along electric circuits in one or the other of the two halves of the City. Hourly work is work performed at set rates for labor and equipment. It consists mainly of emergency work, danger tree removal, trimming trees for other departments, spraying rights of way and other specialty work such as ground cutting.

As indicated on the bid abstract, the total bid price is determined by adding up the costs of the zone work and an estimate of the cost of the hourly work based on values provided in the bid. Seelbach and Company was the low bidder in any reasonable interpretation of the data.

Pruning trees around electric lines is a difficult and dangerous undertaking. The City's specifications have been developed around an industry standard, ANSI-300. As Council is no doubt aware, these

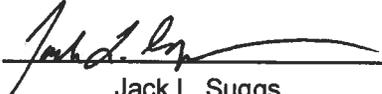
techniques, although supported by arborists as the healthiest for the tree, create trees of unusual shape- particularly during the first trimming cycle. As we continue this technique, however, trees require less trimming and our efforts will have less impact on a particular neighborhood. That said, there will always be trees that grow toward the lines and must be trimmed for the first time. For some trees that are placed in inopportune locations, the work will be drastic.

Seelbach has been the City's tree contractor since 1999. During that time, they have performed admirably, working with the Department's employees to ensure that trees are trimmed properly for their location, species and physical condition. They have also responded to emergency conditions with extra crews and have worked long hours to help us restore power when heavy tree damage has occurred.

Staff is confident that our pre-qualification program and bidding process were fair in that all bidders were given an opportunity to show themselves capable of meeting the needs of the City. Seelbach and Company fully qualified for the work and was the low bidder.

Recommendation

Staff recommends approval of the attached resolution.

  
\_\_\_\_\_  
Jack L. Suggs

cc: Lyn Majeski, Accounting Division Manager  
Jerry Dover, Electric Operations Manager

**City Manager's Comments:**

I have reviewed the above issue and recommend Council action as outlined in this document.

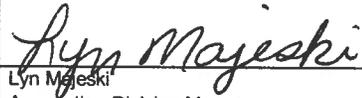
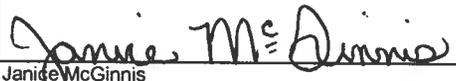
  
\_\_\_\_\_  
Mark S. Watson

6.5.2013  
\_\_\_\_\_  
Date

**CITY OF OAK RIDGE, TENNESSEE  
Abstract of Bids**

COR 13-12

OPENING DATE: May 21, 2013 2:00 P.M.

DESCRIPTION			ITEM	UNIT	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL
FURNISH ALL LABOR, MATERIALS, TOOLS, AND EQUIPMENT NECESSARY TO PERFORM ALL WORK AND SERVICES FOR TREE PRUNING, TREE REMOVAL, AND BRUSH CONTROL ALONG POWER LINES PER THE SPECIFICATIONS PROVIDED BY THE CITY OF OAK RIDGE ELECTRIC DEPARTMENT												
ITEM 100 - ZONE BASIS - LUMP SUM												
TOTAL for Item 101 ( FY14)			1	1	\$ 294,753.40	\$ 294,753.40	\$ 728,360.00	\$ 728,360.00				
				JOB								
TOTAL for Item 102 (FY15)			2	1	\$ 334,474.35	\$ 334,474.35	\$ 859,360.00	\$ 859,360.00				
				JOB								
ITEM 200 - HOURLY RATE WORK ESTIMATED FOR FY14 AND FY15			3	1	\$ 755,853.96	\$ 755,853.96	\$ 1,191,923.93	\$ 1,191,923.93				
TOTAL PRICE for Two Year Contract						\$ 1,385,081.71		\$ 2,779,643.93		\$ -		\$ -
TERMS						NET 30		NET 30				
DELIVERY						PER CONTRACT		PER CONTRACT				
F.O.B.						JOBSITE		JOBSITE				
VIA						CONTRACTOR		CONTRACTOR				
OTHER BIDDERS CONTACTED: Wolf Tree Service - Knoxville, TN - No Bid Townsend Tree Service - Parker City, IN - No Bid Trees Inc. - Houston, TX - Did Not Pre-Qualify									BIDS OPENED AND RECORDED BY—  Lyn Majeski Accounting Division Manager			
REASON FOR AWARD					RECOMMEND AWARD BE MADE TO:					BIDS REVIEWED BY—  Janice McGinnis Finance Director		
ONLY BID RECEIVED <input type="checkbox"/>					Seelbach and Company							
LOW PRICE <input type="checkbox"/>					400 Farmer Court							
BETTER OR REQUIRED DESIGN <input type="checkbox"/>					Lawrenceville, GA 30045							
EARLY DELIVERY <input type="checkbox"/>												
LOWEST TOTAL COST <input checked="" type="checkbox"/>												

**RESOLUTION**

A RESOLUTION AWARDING A CONTRACT (COR 13-12) TO SEELBACH & COMPANY, INC., LAWRENCEVILLE, GEORGIA, FOR TREE PRUNING, TREE REMOVAL, AND BRUSH CONTROL ALONG POWER LINES IN THE ESTIMATED AMOUNT OF \$1,385,081.71.

WHEREAS, the City of Oak Ridge entered into a contract with ECI, a consulting company, to provide services related to the City's right-of-way tree trimming project, including the production of pre-qualification criteria for contractors, pre-bid meeting attendance, bid evaluation, and bidder/contractor recommendation services; and

WHEREAS, the City conducted the pre-qualification process recommended by ECI and ECI determined which bidders met the specified qualifications; and

WHEREAS, the City issued invitations to bid to the qualified bidders for the furnishing of all labor, tools, materials, equipment and supplies necessary for tree pruning, tree removal and brush control along electric power lines; and

WHEREAS, per the bid documents, the contract is for an initial two-year term and is renewable for up to two (2) additional two-year terms at the City's option, with the compensation to be adjusted upon each renewal based on the Consumer Price Index; and

WHEREAS, bids were received and publicly opened on May 21, 2013, with Seelbach & Company, Inc., Lawrenceville, Georgia, submitting the lowest and best bid, which bid the City Manager recommends be accepted.

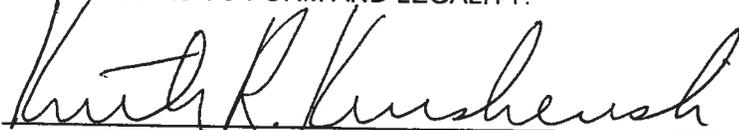
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and award is hereby made to Seelbach & Company, Inc., 400 Farmer Court, Lawrenceville, Georgia 30045, for the furnishing of all labor, tools, materials, equipment and supplies necessary for tree pruning, tree removal, and brush control along power lines; said award in strict accordance with COR 13-12, the required specifications, and the bid as publicly opened on May 21, 2013, and in the estimated amount of \$1,385,081.71.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the appropriate legal instruments to accomplish the same.

This the 10th day of June 2013.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

\_\_\_\_\_  
Thomas L. Beehan, Mayor

\_\_\_\_\_  
Diana R. Stanley, City Clerk

**LEGAL DEPARTMENT MEMORANDUM**  
**13-20**

DATE: May 31, 2013

TO: Mark S. Watson, City Manager

FROM: Kenneth R. Krushenski, City Attorney

SUBJECT: PROFESSIONAL SERVICES AGREEMENT WITH THE FERGUSON GROUP, LLC FOR FISCAL YEAR 2014

Introduction

An item for City Council's consideration is a resolution to approving a professional services agreement with The Ferguson Group, LLC, for Fiscal Year 2014.

Funding

Funds were approved by City Council in the budget to continue this agreement for Fiscal Year 2014.

Background/Analysis/Review/Consideration

For several years, the City has been utilizing the services of The Ferguson Group, LLC, for consulting services to support and approve a federal government relations agenda and action plan. The professional services agreement is attached, which contains the same terms and conditions as were approved by City Council for Fiscal Year 2013. The services will be provided on an hourly basis at the rate of \$425.00 per hour with an initial amount established at \$30,000.00 plus \$5,000.00 for expenses. Any additional hours over the \$30,000.00 must be approved by the City Manager.

Recommendation

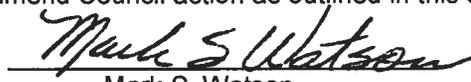
Staff recommends approval of the attached resolution.

Attachments: Resolution  
Professional Services Agreement

  
Kenneth R. Krushenski

**City Manager's Comments:**

I have reviewed the above issue and recommend Council action as outlined in this document.

  
Mark S. Watson      5-31-2013  
Date

**RESOLUTION**

A RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH THE FERGUSON GROUP, LLC, WASHINGTON, D.C., FOR THE PROVISION OF CONSULTING SERVICES TO PROVIDE GRANT SUPPORT AND TO DEVELOP A COMPREHENSIVE FEDERAL GOVERNMENT RELATIONS AGENDA AND ACTION PLAN FOR AGREED UPON PRIORITIES FOR THE CITY IN THE AMOUNT OF \$30,000.00 AT A RATE OF \$425.00 PER HOUR WITH AN ALLOWANCE OF \$5,000.00 FOR EXPENSES.

WHEREAS, by Resolution 6-52-2012, City Council approved a Professional Services Agreement between the City of Oak Ridge and The Ferguson Group, LLC, Washington, D.C., to provide consulting services to develop a comprehensive federal government relations agenda and action plan for agreed upon priorities for the City for Fiscal Year 2013 in the amount of \$30,000.00 at a rate of \$425.00 per hour with an allowance of \$5,000.00 for expenses; and

WHEREAS, the current agreement expires on June 30, 2013; and

WHEREAS, the City Manager recommends approval of a Professional Services Agreement with The Ferguson Group, LLC, for Fiscal Year 2014 upon the same terms and conditions and at the same rate as the current agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and the attached Professional Services Agreement between the City of Oak Ridge and The Ferguson Group, LLC, 1130 Connecticut Avenue, Suite 300, Washington, D.C. 20036, for the provision of consulting services to provide grant support and to develop a comprehensive federal government relations agenda and action plan for agreed upon priorities for the City, in the amount of \$30,000.00 at the rate of \$425.00 per hour with an allowance of \$5,000.00 for expenses.

BE IT FURTHER RESOLVED that any additional hours over the \$30,000.00 cap must be approved by the City Manager.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the appropriate legal instruments to accomplish the same.

This the 10th of June 2013.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

\_\_\_\_\_  
Thomas L. Beehan, Mayor

\_\_\_\_\_  
Diana R. Stanley, City Clerk

## PROFESSIONAL SERVICES AGREEMENT

This Professional Services Agreement is entered into as of the day of the 10th day of June 2013 by and between the City of Oak Ridge, Tennessee, hereinafter referred to as the City, and The Ferguson Group, LLC, 1130 Connecticut Avenue, Suite 300, Washington, D.C. 20036, hereinafter referred to as TFG.

WHEREAS, the City desires to engage a professional consulting firm to develop a comprehensive federal government relations agenda and action plan for agreed upon priorities; and

WHEREAS, TFG has provided such services in the past and is willing to provide such services again on behalf of City under the terms and conditions set forth below.

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants and agreements hereinafter set forth, the parties do hereby agree as follows:

### 1. ENGAGEMENT OF TFG

The City hereby engages TFG to perform the services hereinafter set forth, and TFG hereby accepts such engagement.

### 2. SCOPE OF SERVICES

The City desires to engage TFG to develop a comprehensive federal government relations agenda and action plan for agreed upon priorities. TFG shall perform the following services for the City:

- A. Monitor in general terms developments in Washington, D.C. that may influence the City's interests and report such developments that come to the attention of TFG. Counsel with the City and recommend appropriate response to such developments.
- B. Track the introduction and movement through committees of legislation of interest to the City.
- C. Undertake specific assignments as requested by the City from time to time.
- D. Attend City Council meetings with the purpose of reporting on legislative matters.
- E. Provide grant support to the City.

TFG agrees to keep detailed records of activities conducted on behalf of the City and expenses related to the business of the City. TFG agrees to report to the City regularly on the status of the agenda and to advise the City on additional steps to be taken in order to achieve the City's goals and objectives. In addition, TFG agrees to file all required documentation according to the Lobbying Disclosure Act to represent the City before Congress and federal agencies.

### 3. TERM

This Agreement shall commence on July 1, 2013 and terminate of June 30, 2014, unless terminated earlier as specified in Section 6.

4. COMPENSATION AND EXPENSES

A. Compensation

For the services to be provided under this Agreement, the City shall pay TFG an amount not to exceed \$30,000.00 based upon the rate of \$425.00 per hour and additional hours over the \$30,000.00 cap must be approved by the City Manager.

B. Reimbursable Expenses

TFG shall be entitled to reimbursement of certain expenses which shall not exceed \$5,000.00 during the full term of this Agreement. Reimbursable expenses shall be invoiced separately to the City along with a detailed list of expenses. Reimbursable expenses shall include long distance telephone calls, faxes, document production, overnight delivery, courier services, business meals, out-of-town travel that has been pre-approved by the City, and in-town taxicab transportation within D.C. Similar expenses not specified above may be reimbursable by the City upon approval of the City.

5. ASSISTANCE FROM THE CITY

To assist TFG in performing legal representation, the City shall furnish to TFG, without charge, copies of all available agreements, reports, memoranda, correspondence, ordinances, legislation, rules and regulations, technical data and other information reasonable request by TFG relevant to the services to be provided by TFG.

6. TERMINATION

Either party may terminate this Agreement at any time upon thirty (30) days' written notice to the other party without penalty.

7. ENTIRE AGREEMENT

This Agreement constitutes the entire agreement among the parties with respect to the transactions contemplated by this Agreement, and it supersedes all prior oral or written agreements, commitments or understandings with respect to the matters provided for in this Agreement. No amendment, modification or discharge of this Agreement shall be valid or binding unless set forth in writing and duly executed by the party against whom enforcement of the amendment, modification or discharge is sought.

8. INDEPENDENT CONTRACTORS

The parties acknowledge that the relationship created under this Agreement is that of independent contracting parties and this Agreement does not create a general agency, joint venture, partnership, employment relationship or franchise between the parties. Neither party shall represent itself to be an agent of the other, nor shall it execute any documents or make any commitments to any contractual or other obligations with third parties.

9. GOVERNING LAW

This Agreement, the rights and obligations of the parties, and any claims or disputes relating thereto shall be governed and construed in accordance with the laws of the State of Tennessee.

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed on their behalf, as of the day and year first written above.

APPROVED AS TO FORM AND LEGALITY:

CITY OF OAK RIDGE, TENNESSEE

  
City Attorney

\_\_\_\_\_  
Mayor

THE FERGUSON GROUP, LLC

\_\_\_\_\_  
William Ferguson, Jr.  
Chief Executive Officer

\_\_\_\_\_  
Tax ID Number

Approved by Resolution \_\_\_\_\_

**FINANCE DEPARTMENT MEMORANDUM**  
**13-11**

DATE: May 30, 2013  
TO: Mark S. Watson, City Manager  
THROUGH: Janice E. McGinnis, Finance Director   
FROM: Lyn Majeski, Accounting Division Manager

**SUBJECT: COMPETITIVELY BID COMMODITY REQUIREMENTS FOR FISCAL YEAR 2014**

The accompanying resolution provides for the approval of the City's routine commodity requirements that are competitively bid in the total estimated amount of **\$1,281,620**.

Annual contract orders effectively commit the City's full requirements for a specific commodity with the supplier for a specified period. The supplier agrees to meet the City's service requirements at the agreed upon price, generally fixed for the contract term. The supplier is ensured of a certain level of business activity at an estimated quantity and can adjust their inventory and service level accordingly. Delivery lead times are reduced and additional savings are achieved through paperwork and inventory reduction. The accompanying bid abstracts provide the bid quotation detail and explain the award recommendation. The following information is provided to further explain the evaluation and recommendation process.

**WAREHOUSE STOCK STONE – REQUEST #133809**

The recommended supplier for this product is Rogers Group, Inc. which provided the lowest bid received. This product is delivered to the stockpile located at the Central Service Complex. The FY14 estimated cost for this product is **\$188,400**.

**STONE PRODUCTS – REQUEST #133811**

The recommended supplier for these items is Rogers Group, Inc., which provided the lowest total bid received. The FY14 estimated cost for these products total **\$139,425**.

**HOT MIX ASPHALT – REQUEST #133813**

The recommended supplier for this product is Rogers Group, Inc., which provided the only bid. Staff believes this to be a fair bid for the City's annual requirement after a review of current State pricing received for construction contracts this year. When Rogers Group, Inc. cannot meet the City's requirement on any given day, staff will utilize secondary suppliers such as Duracap Asphalt Materials, LLC or APAC, Inc. to fill those immediate needs. The FY14 estimated cost for this product is **\$311,295**.

The following items are warehouse stock. These items will be competitively bid and purchased on an as needed basis during the fiscal year.

**FIRE HYDRANTS**

Hydrants are included in warehouse stock. The value of hydrants has increased due to manufacturing costs. The Public Works Department purchases each year approximately 54 four foot bury hydrants for the City's hydrant replacement program and emergency use. The delivery for this item can be 4-6 weeks. The City staff has standardized hydrants used throughout the City, which are purchased directly from the manufacturer through G & C Supply Company, Piping Supply, Consolidated Pipe & Supply Co., and HD Water Supply. These items will be competitively bid as needed. The estimated amount is **\$67,500**.

POLES

These items are warehouse stock and include all sizes of wood and metal poles for use by the Electric Department. This item varies by the size and quantity required for certain jobs. Staff will attempt to order by the full truckload so that freight charges will be less than with partial loads. The poles will be procured through competitive bids from companies such as Thomasson Company, Baldwin Pole Company and Cox Industries, Inc. The estimated amount is **\$75,000**.

CABLES

This item includes OH (overhead) and URD (underground) cables in warehouse stock for use by the Electric Department. The increasing cost of metals has directly influenced the price of these items. These items will be procured through competitive bids from suppliers such as Stuart C. Irby Company, Wesco Distribution, Inc. and Power Supply Company. The estimated amount is **\$150,000**.

FAULT INDICATORS

This item includes OH (overhead) and URD (underground) fault indicators in warehouse stock for use by the Electric Department. These items will be procured through competitive bids from suppliers such as Wesco Distribution, Inc. and Power Supply Company. The estimated amount is **\$150,000**.

The following items are routinely used by all City departments. These items will be competitively bid and purchased on an as needed basis during the fiscal year.

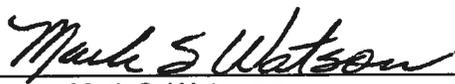
COMPUTERS, PRINTERS, SERVERS AND OTHER COMPUTER RELATED EQUIPMENT

Staff is requesting that Council authorize an expenditure of \$200,000 for the purchase of computers and computer related items for City departments in FY14 that are routinely replaced as needed. The estimated life of a computer is four years. These items will be competitively bid as the need arises. The estimated amount for FY14 is **\$200,000**.

Staff recommends approval of the attached resolution as submitted. Funds are budgeted and available in fiscal year 2014 and included in the existing property tax and utility rates.

  
Lyn Majeski

**City Manager's Comments:**  
I have reviewed the above issue and recommend council action as outlined in this document.

  
Mark S. Watson

6-5-2013  
Date

**CITY OF OAK RIDGE, TENNESSEE**  
**Abstract of Bids**

REQUEST NUMBER: 133809

OPENING DATE: MAY 14, 2013 2:00 P.M.

FOR — WAREHOUSE STOCK STONE			BIDDER: Rogers Group, Inc. 250 Union Valley Rd Oak Ridge, TN 37830		BIDDER: Aggregates USA LLC P.O. 15005 Knoxville, TN 37901		BIDDER: Vulcan Materials Company 3001 Alcoa Hwy Knoxville, TN 37920		BIDDER:		
DESCRIPTION	ITEM	UNIT	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL	
ANNUAL CONTRACT ORDER FOR THE PERIOD JULY 1, 2013 THROUGH JUNE 30, 2014 FOR STOCK STONE FOR USE BY VARIOUS CITY OF OAK RIDGE DEPARTMENTS.											
BASE STONE	1	12,000 TONS	\$ 15.70	\$ 188,400.00	\$ 17.15	\$ 205,800.00	\$ 18.45	\$ 221,400.00			
<b>TOTAL PRICE</b>			\$ 188,400.00		\$ 205,800.00		\$ 221,400.00				
<b>TERMS</b>			NET 30 DAYS		15th OF THE FOLLOWING MONTH		NET 15 DAYS				
<b>DELIVERY</b>			AS REQUESTED		AS SCHEDULED		1 DAY FROM ORDER				
<b>F.O.B.</b>			DELIVERED		DELIVERED		DELIVERED				
<b>VIA</b>			TRUCK		TANDEM TRUCK		TRUCK				
OTHER BIDDERS CONTACTED							BIDS OPENED AND RECORDED BY— <i>Lyn Majeski</i> Lyn Majeski Accounting Division Manager				
REASON FOR AWARD			RECOMMEND AWARD BE MADE TO:				BIDS REVIEWED BY— <i>Janice McGinnis</i> Janice McGinnis Finance Director				
ONLY AVAILABLE SOURCE <input type="checkbox"/>			Rogers Group, Inc.								
LOW PRICE <input type="checkbox"/>			250 Union Valley Rd								
BETTER OR REQUIRED DESIGN <input type="checkbox"/>			Oak Ridge, TN 37830								
EARLY DELIVERY <input type="checkbox"/>											
LOWEST TOTAL COST <input checked="" type="checkbox"/>											

**CITY OF OAK RIDGE, TENNESSEE**  
**Abstract of Bids**

REQUEST NUMBER: 133811

OPENING DATE: MAY 14, 2013 2:00 P.M.

FOR ---			BIDDER:		BIDDER:		BIDDER:		BIDDER:	
NON-STOCK STONE PRODUCTS			Rogers Group, Inc. 250 Union Valley Rd. Oak Ridge, TN 37830		Aggregates USA LLC PO Box 15005 Knoxville, TN 37921		Vulcan Materials Company 3001 Alcoa Hwy Knoxville, TN 37920			
DESCRIPTION	ITEM	UNIT	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL
ANNUAL CONTRACT ORDER FOR THE PERIOD JULY 1, 2013 THROUGH JUNE 30, 2014 FOR CRUSHED AND GRADED STONE FOR THE CITY OF OAK RIDGE.										
BASE STONE - REQUIRED TO MEET TDOT BASE STONE REQUIREMENTS	1	7,000 TONS	\$ 12.30	\$ 86,100.00	\$ 13.25	\$ 92,750.00	\$ 13.45	\$ 94,150.00		
#4 STONE - REQUIRED TO MEET TDOT FOR #2 GRADATION	2	300 TONS	\$ 13.25	\$ 3,975.00	\$ 14.85	\$ 4,455.00	\$ 15.90	\$ 4,770.00		
#57 OR 1" STONE REQUIRED TO MEET TDOT #57 GRADATION	3	3,000 TONS	\$ 13.50	\$ 40,500.00	\$ 14.85	\$ 44,550.00	\$ 15.90	\$ 47,700.00		
GRADED RIP RAP	4	400 TONS	\$ 15.25	\$ 6,100.00	\$ 16.25	\$ 6,500.00	\$ 19.25	\$ 7,700.00		
SURGE RIP RAP	5	200 TONS	\$ 13.75	\$ 2,750.00	\$ 14.60	\$ 2,920.00	\$ 17.70	\$ 3,540.00		
<b>TOTAL PRICE</b>			\$ 139,425.00		\$ 151,175.00		\$ 157,860.00			
<b>TERMS</b>			NET 30 DAYS		15th OF THE FOLLOWING MONTH		NET 15 DAYS			
<b>DELIVERY</b>			AS REQUESTED		AS SCHEDULED		1 DAY FROM ORDER			
<b>F.O.B.</b>			OAK RIDGE QUARRY		KNOXVILLE QUARRY		THEIR PLANT			
<b>VIA</b>			TRUCK		TANDEM TRUCK		TRUCK			
OTHER BIDDERS CONTACTED							BIDS OPENED AND RECORDED BY---			
							<i>Lyn Majeski</i>			
							Lyn Majeski Accounting Division Manager			
REASON FOR AWARD							RECOMMEND AWARD BE MADE TO:			
ONLY AVAILABLE SOURCE <input type="checkbox"/>							Rogers Group, Inc.			
LOW PRICE <input type="checkbox"/>							250 Union Valley Rd.			
BETTER OR REQUIRED DESIGN <input type="checkbox"/>							Oak Ridge, TN 37830			
EARLY DELIVERY <input type="checkbox"/>										
LOWEST TOTAL COST <input checked="" type="checkbox"/>										
							BIDS REVIEWED BY---			
							<i>Janice McGinnis</i>			
							Janice McGinnis Finance Director			

**CITY OF OAK RIDGE, TENNESSEE**  
**Abstract of Bids**

REQUEST NUMBER: 133813  
OPENING DATE: MAY 14, 2013 2:00 P.M.

FOR — HOT MIX ASPHALT			BIDDER: Rogers Group, Inc. 250 Union Valley Rd Oak Ridge, TN 37830		BIDDER:		BIDDER:		BIDDER:		
DESCRIPTION	ITEM	UNIT	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL	
ANNUAL CONTRACT ORDER FOR THE PERIOD JULY 1, 2013 THROUGH JUNE 30, 2014 FOR HOT MIX ASPHALT FOR THE CITY OF OAK RIDGE											
HOT MIX ASPHALTIC CONCRETE TDOT SECTION 411, GRADE E, PICKED UP BY CITY TRUCKS	1	2,200 TONS	\$ 80.25	\$ 176,550.00							
HOT MIX BITUMINOUS CONCRETE BASE MATERIAL TDOT SECTION 307, GRADE B, PICKED UP BY CITY TRUCKS	2	1,200 TONS	\$ 71.00	\$ 85,200.00							
GRADE C HOT MIX, TDOT SECTION 411 AND 307, PICKED UP BY CITY TRUCKS	3	300 TONS	\$ 74.15	\$ 22,245.00							
GRADE D HOT MIX, TDOT SECTION 411 AND 307, PICKED UP BY CITY TRUCKS	4	300 TONS	\$ 91.00	\$ 27,300.00							
DELIVERY CHARGE PER TON OF ITEM 1, 2, AND 3. MINIMUM 20 TON LOAD NOTE: ALL QUANTITIES ARE ESTIMATED	5		\$ 3.60	\$ -							
<b>TOTAL PRICE</b>			\$ 311,295.00								
<b>TERMS</b>			NET 30 DAYS								
<b>DELIVERY</b>			AS REQUESTED								
<b>F.O.B.</b>			ASPHALT PLANT - 8 MILES								
<b>VIA</b>			COR TRUCK								
OTHER BIDDERS CONTACTED Vulcan Materials Company – Knoxville, TN Aggregates USA LLC – Knoxville, TN Duracap Asphalt Materials LLC – Knoxville, TN							BIDS OPENED AND RECORDED BY-- <i>Lyn Majeski</i> Lyn Majeski Accounting Division Manager				
REASON FOR AWARD			RECOMMEND AWARD BE MADE TO:								
ONLY BID RECEIVED	<input checked="" type="checkbox"/>		Rogers Group, Inc. 250 Union Valley Rd Oak Ridge, TN 37830								
LOW PRICE	<input type="checkbox"/>										
BETTER OR REQUIRED DESIGN	<input type="checkbox"/>										
EARLY DELIVERY	<input type="checkbox"/>										
LOWEST TOTAL COST	<input type="checkbox"/>										
							BIDS REVIEWED BY-- <i>Janice McGinnis</i> Janice McGinnis Finance Director				

**RESOLUTION**

A RESOLUTION AWARDING BIDS IN THE GRAND TOTAL ESTIMATED AMOUNT OF \$1,281,620.00 FOR THE FURNISHING OF VARIOUS MATERIALS AS REQUIRED BY THE CITY DURING FISCAL YEAR 2014.

WHEREAS, the City of Oak Ridge has issued invitations to bid for the furnishing of various materials as required during Fiscal Year 2014 (July 1, 2013 through June 30, 2014) and has received competitive bids which were publicly opened; and

WHEREAS, other required materials, with an aggregate cost exceeding \$25,000 during Fiscal Year 2014, will be competitively bid during the year on an as needed basis; and

WHEREAS, the City Manager recommends that awards be made based upon the competitive bids that have or will be received with the respective suppliers of materials hereinafter set forth.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and awards are hereby made as follows:

To Rogers Group, Inc., 250 Union Valley Road, Oak Ridge, Tennessee 37830, for the furnishing of warehouse stock stone products, in accordance with its bid as submitted and publicly opened on May 14, 2013, as shown on Request No. 133809, in an estimated amount of \$188,400.00.

To Rogers Group, Inc., 250 Union Valley Road, Oak Ridge, Tennessee 37830, for the furnishing of non-stock stone products, in accordance with its bid as submitted and publicly opened on May 14, 2013, as shown on Request No. 133811, in an estimated amount of \$139,425.00.

To Rogers Group, Inc., 250 Union Valley Road, Oak Ridge, Tennessee 37830, for the furnishing of hot mix asphalt, in accordance with its bid as submitted and publicly opened on May 14, 2013, as shown on Request No. 133813, in an estimated amount of \$311,295.00.

To G & C Supply Company Inc., Piping Supply, Consolidated Pipe & Supply Co., and HD Water Supply as the sole suppliers of required warehouse stock fire hydrants for use by the Public Works Department, in an estimated amount of \$67,500.00.

To Thomasson Company, Baldwin Pole Company, Cox Industries, Inc., and other suitable companies for the furnishing of warehouse stock poles, in an estimated amount of \$75,000.00.

To Stuart C. Irby Company, Wesco Distribution Inc., Power Supply Company, and other suitable companies for the furnishing of warehouse stock overhead and underground cables for the Electric Department, in an estimated amount of \$150,000.00.

To Wesco Distribution Inc., Power Supply Company, and other suitable companies for the furnishing of warehouse stock fault indicators for the Electric Department, in an estimated amount of \$150,000.00.

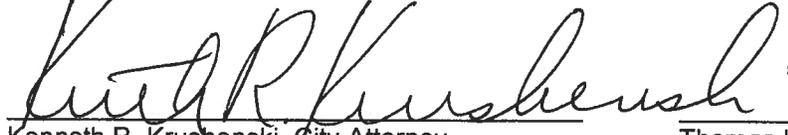
To the lowest and best responsible bidder for the furnishing of computers, printers, servers, and other computer-related items and equipment for City departments, in an estimated amount of \$200,000.00.

Said awards in the grand total estimated amount of \$1,281,620.00.

BE IT FURTHER RESOLVED that the Mayor and/or City Manager are hereby authorized to execute contracts for and on behalf of the City of Oak Ridge in connection with supplying the above materials and services, where required by law.

This the 10th day of June 2013.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

**FINANCE DEPARTMENT MEMORANDUM**  
**13-10**

DATE: May 30, 2013  
TO: Mark S. Watson, City Manager  
THROUGH: Janice E. McGinnis, Finance Director   
FROM: Lyn Majeski, Accounting Division Manager  
SUBJECT: **NEGOTIATED ANNUAL ORDERS FOR FISCAL YEAR 2014**

The accompanying resolution provides for certain routine annual orders totaling **\$5,490,400** for those services and materials that do not lend themselves to the normal competitive bidding procedure. It is recommended that competitive bids be waived and awards made to a Sole Provider, Best Provider or Partnership Contract Provider based upon written quotations and agreements with the perspective suppliers.

While the bulk of the City's requirements for products and services are competitively bid on a routine basis, the nature and circumstances of certain needs require a negotiated award. Each requirement is listed in the accompanying resolution and the following information is provided by category to explain each recommendation.

**SOLE PROVIDER**

These providers are determined to be the sole source of the services or products based on being the only available supplier or the only practical supplier.

**1. Computer Software Upgrade and Maintenance**

The City utilizes five major computer software packages, one each for public safety, financial information, public works, the public library and GIS Software that is used Citywide. Each software package has annual upgrades, available from the supplier of the software that must be purchased for the systems to remain viable. City staff may also require support (on-site and/or off-site) from the providers for various applications. The five providers are TriTech Software Systems (\$80,000), SirsiDynix (\$22,000) Infor Global Solution (\$27,000) ESRI (\$17,600) and Oracle America, Inc. (\$24,000). The total estimated amount is **\$170,600**.

**2. Radio Replacement**

The City's 800 MHz radio system was purchased during FY94 from Motorola and upgraded to allow digital expansion capabilities of the system in 2008. The maintenance agreement for the radio communications system requires that the City utilize Motorola equipment. Heavily used handheld and automobile radios and accessory equipment periodically require replacement. Funds are budgeted in the Emergency Communications, Electric and Waterworks Funds for the replacement radios. Individual radios cost approximately \$3,800 to \$7,000 each. The total estimated amount is **\$75,000**.

**SOLE PROVIDER, Continued**

**3. Recycled Biosolids Disposal**

During 2003, the City began using a portable belt press to process biosolids produced at the Wastewater Treatment Plant. The estimated annual production of biosolids should be approximately 3,200 wet tons, which require disposal at an approved solid waste facility. Chestnut Ridge Landfill owned and operated by Waste Management is an approved solid waste landfill and has requested the estimated unit rate of \$31.15 per ton for FY14 that will apply to biosolids produced. The total estimated amount is **\$100,000**.

**4. Electric Meters and Related Equipment**

Electric meters are purchased for the Electric Department on an as needed basis. Due to standardization of electric meters throughout the city, staff is recommending that formal sealed bids be waived and purchases be awarded to Stuart C. Irby. Staff will be testing automatic meter reading (AMR) systems and new meters and related equipment would be purchased from a company such as Sensus Metering Systems, Inc., Elster or Tantalus Systems Corp. The total estimated amount is **\$100,000**.

**5. Water Meters and Related Equipment**

Water meters and expansion connections are purchased for the Public Works Department on an as needed basis for the meter replacement program and for residential and commercial growth. Due to standardization of water meters throughout the city, staff is recommending that formal sealed bids be waived and purchases be awarded to Badger Meter and Elster AMCO Water Inc. Staff is considering an automatic meter reading (AMR) system and new meters and related equipment would be purchased from companies such as Sensus Metering Systems, Inc., Elster or Tantalus Systems Corp. The total estimated amount is **\$250,000**.

**6. Digital Video Cameras for Police Department**

The manufacturer is Panasonic and the vendor at this time is Insight Public Sector. They will provide digital video recording equipment to be compatible with the City's existing equipment. This will fund cameras for the Police vehicles and departmental cameras during the year. The estimated amount is **\$55,000**.

**7. Sewer Flow Meters**

The EPA Administrative Order requires the City to monitor the flow within the sewer system. This is accomplished by utilizing flow meters, strategically placed in manholes. The flow meters record the system flows which are periodically downloaded and analyzed. Public Works Department staff currently uses two brands of flow meters with Teledyne/ISCO providing the most reliable and user friendly meter. The flow meters must be replaced when it becomes cost prohibitive to repair and recalibrate them. At any one time, there are approximately twenty flow meters installed in the sewer system. Due to age, wear and tear, it is anticipated that up to twelve meters could require replacement during FY14 at an approximate cost of \$3,700 each. The total estimated amount is **\$45,000**.

## **BEST PROVIDER**

These providers are determined to be the best source of the services or products based on the provider's expertise, service record or contractual agreement.

### **1. Unleaded and Diesel Fuel**

The vendor is Mansfield Oil Company. This vendor saves several staff hours each month by monitoring and shipping fuel as needed. Costs for fuel have historically fluctuated on an annual basis, with an overall increasing trend. Fuel costs increased 33% from FY10 (\$486,901) to FY11 (\$648,481) and increased 6% from FY11 to FY12 (\$688,033). Estimated fuel cost for FY13 (\$648,000) is at a 6% decrease from FY12. Due to fluctuating fuel costs, staff estimates a 10% price increase over the FY13 projected cost for this commodity. The total estimated amount is **\$712,800**.

### **2. Chemical Supplies for Waterworks**

These items are warehouse stock and include various chemicals which are used on a routine basis by the water and wastewater treatment plants. These chemicals include Chlorine, Hydrofluosilic Acid, Ferric Chloride, Activated Carbon, Polymer, Phosphate, Corrosion Inhibitor and Hydrogen Peroxide. These chemicals are purchased on an as needed basis from suppliers such as DPC Enterprises, L.P., The Dycho Co., Inc., USALCO, Nalco Company, Norit Americas Inc., and Ashland Specialty Chemicals. The estimated amount for FY14 is **\$450,000**.

## ***PROFESSIONAL SERVICES***

The following suppliers will be utilized on an as-needed basis throughout the fiscal year by various departments for professional services. These providers are chosen based on expertise, quality service and continuity of service. Tennessee Code Annotated §12-4-106 provides for the award of professional service contracts without competitive bidding.

### **1. Power Distribution System Consultants**

The Electric Department has utilized the services of engineering consultant firms for over twenty years. This arrangement is required to allow for completion of specific projects in a timely manner. For work costing in excess of a few hundred dollars, a written proposal is required prior to commencement of the work. The expenditures are made to qualified engineering firms with electrical distribution expertise, including but not limited to: Allen and Hoshall, DHRS-Engineering Solutions, Inc., Lackey and Associates, Inc., Mesa Associates, Inc., Dean Orr and El Review and Company, Inc. The total estimated amount is **\$85,000**.

### **2. Information Services Consultants**

The City has demonstrated a need for temporary technical support, particularly in the Information Services Department, for special projects that require expertise in a timely manner in specific areas such as network, servers, software selection and Geographic Information Systems. The expenditures will be made to qualified companies such as Integracon, Infor Global Solutions, Geo-Jobe GIS Consulting and Z11 Communications LLC. The total estimated amount is **\$300,000**.

**BEST PROVIDER, Continued**  
**CONTRACTUAL SERVICES**

The following suppliers submitted bids or cost proposals in a previous fiscal year for the provision of materials and services on a multi-year basis.

**1. Employee Uniforms**

Aramark Uniform Service, Inc. has provided the City's uniform service contract for fourteen years. This contract provides work uniforms for approximately one hundred fifteen (115) City employees located in various departments. The uniform service contract consists of picking up dirty uniforms, laundering the uniforms and delivering clean uniforms for a weekly fee. The contractor also charges for the replacement of worn or damaged uniforms that are replaced on an as-needed basis. City staff estimates that the cost to supply all new uniforms to these employees at one time would exceed \$50,000. The current uniforms have a useful life of three to four years, which enables the City to pay for replacements on an "as needed" basis and thereby spreads the cost over multiple years. The supplier agreed to continue this contract for FY14 and FY15 at a 10% reduction. The total estimated amount per fiscal year is **\$59,000**.

**2. Employee Life and Long Term Disability Insurance**

Mercer, insurance broker for the City, negotiates the employee life insurance rates with Standard Insurance Company. The total estimated amount for FY14 is **\$179,000**.

- Life Insurance \$ 70,000
- LTD Premium \$109,000

**3. Property, Liability and Workers' Compensation Insurance**

TML Risk Management Pool has agreed to renew the City's property, liability and workers' compensation insurance policies for FY14. The City has been insured by TML Risk Management Pool since 1981 and has been satisfied with their service. The total estimated amount is **\$1,242,000**.

- Property Insurance \$310,000
- Liability Insurance \$521,000
- Workers' Compensation \$411,000

**4. HAZMAT Medical Testing Services**

OSHA statute and National Fire Protection Association standards require that all employees who respond to hazardous materials incidents have annual HAZMAT medical testing. This requirement is primarily for City fire service employees. Staff solicited proposals in May 2011 for this service and received responses from four providers. Park Med Urgent Care Center submitted the best bid for the various tests included in the HAZMAT medical testing. The total estimated amount is **\$51,000**.

**5. Medical Evaluations and Drug Testing**

All new employees must have a medical evaluation before employment commences with the City and all employees are subject to random drug testing throughout the year. Staff solicited proposals in May 2011 for this service and received responses from four providers. Park Med Urgent Care Center submitted the best bid for the various tests. The total estimated amount is **\$40,000**.

**BEST PROVIDER, Continued**  
**CONTRACTUAL SERVICES**

**6. Motorola Radio System**

The City negotiated an extension to the contract with Motorola Communications and Electronics, Inc., for the provision of maintenance for the 800 MHz Trunked Communications System. The total estimated amount is **\$84,000**.

**7. Meter Reading Services**

The City demonstrated a need in June 2005 for contract meter readers for electric and water meters due to a staffing vacancy and an injury. Utility Meter Services (UMS), Inc. provided contract meter readers to other area utilities and was able to provide contract meter readers to the City on a temporary basis in an expeditious manner. Based on the positive results obtained, the City had continued utilizing UMS's services. During fiscal 2012, UMS was purchased by Grid One Solution, Inc. The expenditures will be made to a qualified company such as Grid One Solution, Inc. The total estimated amount is **\$200,000**.

**8. Integrated Services Digital Network (ISDN) Primary Rate Interface (PRI) Local Service, Data Services, other Communications and Maintenance and Support**

Windstream Communications and AT&T are the providers for the phone, data and telecommunication services to the City. Southeastern Communications, Inc. provides installation, maintenance and support of the telephone system for the City. The total estimated amount for these services for FY14 is **\$130,000**.

The following suppliers will be utilized on an as needed basis throughout the fiscal year, by various departments for ongoing contractual services. These providers are chosen based on quality service and continuity of service to the City.

**9. Temporary Employment Services**

The City has demonstrated a need for temporary employees in clerical and technical positions. When a specific need is identified, companies such as Temp Systems, Inc., Accountemps, Alternate Staffing, Inc., RecruitWise, Staffing Solutions and At-Work will provide the temporary employment services. The award will be based on price, availability and the skills of the applicants. Temporary employees are used city-wide to perform duties in place of sick or injured employees. These services are also used to preform seasonal duties, particularly by the Public Works Department, and for special departmental projects for which permanent employees are not required. The total estimated amount is **\$475,000**.

**10. Tree Removal and Trimming Services**

The Public Works Department requires tree removal and trimming services for trees located in the sewer easements, street right-of-way and city properties. Area contractors such as Poore's Tree Service, Clinton, TN, Blank's Tree Service, Harriman, TN, and Wolf Tree Experts, Inc., Knoxville, TN will be contracted with on an as needed basis for these services. The estimated amount is **\$35,000**.

**BEST PROVIDER, Continued**  
**CONTRACTUAL SERVICES**

**11. Rental of Heavy Equipment**

The City has demonstrated a need for the rental of heavy equipment for various projects. The urgencies and nature of some of these projects require a quick response, which may not allow time for the competitive bid process and the rental equipment required could exceed the City's sealed bid limit. Staff has requested monthly rental prices of various types and sizes of heavy equipment, including delivery costs from eight area companies. Utilizing the information provided from the rental companies, the equipment will be rented on an as-needed basis by city departments throughout FY14. The award will be based on type of equipment required, price and availability. The total estimated amount is **\$100,000**.

**12. Street Resurfacing Emergency Service**

Historically, the City has had a street resurfacing contract with Rogers Group, Inc. including annual renewal options. The urgency of certain resurfacing projects associated with utility excavations require immediate repair and could exceed the City's sealed bid limit. In the past these projects were part of the resurfacing contract. When the need arises in FY14, the City will negotiate the cost of resurfacing services with qualified companies such as Rogers Group, Inc. The total estimated amount is **\$150,000**.

**13. Minor Manhole Rehabilitation**

As a result of the sewer inspections required by the EPA Administrative Order, minor rehabilitation of manholes by a contractor is needed. As work is completed in a sewer shed, City crews inspect the manholes and review the post construction Closed Circuit Television Inspection (CCTV). As minor deficiencies are found in the manholes, they are tracked in the information management system, Infor, and then will be assigned to a contractor such as Culy Contracting, Winchester, IN; Bruce Long Company, Marshall, AR; C.K. Masonry Company, Inc., Nashville, TN and CIPP Technical Services, Knoxville, TN for the minor rehabilitation and repair. The total estimated amount is **\$50,000**.

**14. Street Striping Services**

The City has demonstrated a need for street striping services. When this service is needed, Superior Pavement Marking, Inc. and Volunteer Pavement Marking, Inc. will provide the services. The award will be based on price and/or availability to perform the work timely. The total estimated amount is **\$85,000**.

**15. Gravity Sewer Cleaning and/or Closed Circuit Television Inspection (CCTV)**

Due to the EPA Administrative Order, the City has demonstrated a need for supplemental services for sewer cleaning and/or CCTV by contractors such as Performance Contracting Group (PCI Branch), Knoxville, TN, Rather Sewer Inspection Services, Oliver Springs, TN and Intuitive Technologies, Inc. Knoxville, TN. The award will be based on price and/or availability to perform the work timely. The total estimated amount is **\$200,000**.

**PARTNERSHIP CONTRACT PROVIDER**

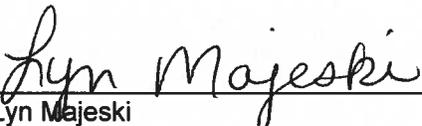
The partnership contract with the State of Tennessee is the result of a competitive bid process by the State in which it has developed specifications, solicited bids, reviewed the bids and made an award. In general, the State has increased bargaining power with suppliers and receives a larger discount on their contracts than local governments.

**STATE OF TENNESSEE CONTRACT PROVIDER**

**1. Salt**

The storage area located at the Central Services Complex can hold approximately 2,400 tons of highway salt in two separate bins. During FY13 the City used approximately 850 tons of highway salt and plans to replace it in FY14. This commodity will be purchased using the State of Tennessee Contract from the awarded vendors as needed. The total estimated amount is **\$67,000**.

Staff recommends approval of the attached resolution as submitted. Funds are budgeted and available in fiscal year 2014 and included in the existing property tax and utility rates. As the recommendation is that competitive bids be waived, council is reminded that a unanimous vote is required for approval.

  
Lyn Majeski

**City Manager's Comment:** I have reviewed the above issue and recommend council action as outlined in this document.

  
Mark S. Watson

6-5-2013  
Date

**RESOLUTION**

A RESOLUTION WAIVING COMPETITIVE BIDS AND MAKING AWARDS IN THE GRAND TOTAL ESTIMATED AMOUNT OF \$5,490,400.00 BASED UPON WRITTEN QUOTATIONS AND NEGOTIATED AGREEMENTS WITH SUPPLIERS FOR THE FURNISHING OF ROUTINE MATERIALS, EQUIPMENT, AND SERVICES AS REQUIRED BY THE CITY DURING FISCAL YEAR 2014.

WHEREAS, the City of Oak Ridge has need for certain routine materials, equipment and services during Fiscal Year 2014 (July 1, 2013 through June 30, 2014); and

WHEREAS, said materials and services do not lend themselves to the normal competitive bidding procedure; and

WHEREAS, the City Manager recommends that competitive bids be waived and awards be made based upon the written quotations and agreements which have been negotiated with the respective suppliers of materials, equipment or services hereinafter set forth.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager that competitive bids be waived is approved and awards are hereby made to the following firms for the furnishing of the designated materials, equipment or services for Fiscal Year 2014 (July 1, 2013 through June 30, 2014), such awards being based upon the written proposals of the suppliers of the materials or furnisher of the services:

To TriTech Software Systems as the sole supplier of upgrades and field support for the public safety computer system software, in an estimated amount of \$80,000.00.

To SirsiDynix Corporation as the sole supplier of upgrades and field support for the Public Library computer system software, in an estimated amount of \$22,000.00.

To Infor Global Solutions as the sole supplier of upgrades and field support for the information management system software, in the estimated amount of \$27,000.00.

To ESRI as the sole supplier of upgrades and field support for the GIS software, in an estimated amount of \$17,600.00.

To Oracle America, Inc., as the sole supplier of upgrades and field support for the financial package software, in an estimated amount of \$24,000.00.

To Motorola as the sole supplier of compatible radios for the radio communications system, in an estimated amount of \$75,000.00.

To Waste Management for the disposal of the City's biosolids at the Chestnut Ridge Landfill based on a unit rate of \$31.15 per ton, in an estimated amount of \$100,000.00.

To Stuart C. Irby as the sole supplier of required warehouse stock electric meters for the Electric Department, and Sensus Metering Systems Inc., Elster, Tantalus Systems Corp., and other suitable companies for the furnishing of automatic electric meter reading systems and related equipment, all in the estimated amount of \$100,000.00.

To Badger Meter and Elster AMCO Water Inc. as suppliers of required warehouse stock water meters for the Public Works Department, and Sensus Metering Systems Inc., Elster, Tantalus Systems Corp., and other suitable companies for the furnishing of automatic water meter reading systems and related equipment, all in an estimated amount of \$250,000.00.

To Insight Public Sector as the sole supplier of compatible in-car digital video recording equipment for new police vehicles and required replacements for the Police Department, in an estimated amount of \$55,000.00.

To Teledyne/ISCO as the sole supplier of sewer flow meters to monitor the sewer system, in an estimated amount of \$45,000.00.

To Mansfield Oil Company for furnishing unleaded and diesel fuel, in an estimated amount of \$712,800.00.

To the lowest and best responsible bidder for the furnishing of chemicals for the Water and Wastewater Treatment Plants, including chlorine, hydrofluosilic acid, ferric chloride, activated carbon, polymer, phosphate, corrosion inhibitor, and hydrogen peroxide, in an estimated amount of \$450,000.00.

To Allen & Hoshall, DHRS-Engineering Solutions Inc., Lackey and Associates Inc., Mesa Associates Inc., Dean Orr, El Review and Company Inc., and other qualified consultants as needed for the furnishing of professional engineering services for the Electric Department, in an estimated amount of \$85,000.00.

To Integracon, Infor Global Solutions, Geo-Jobe GIS Consulting, Z11 Communications LLC, and other suitable companies as needed for furnishing temporary technical support for the Information Services Department, in an estimated amount of \$300,000.00.

To Aramark Uniform Services Inc. for furnishing employee uniforms and various other services associated with employee uniforms, in an estimated amount of \$59,000.00.

To Mercer, insurance broker, for employee life insurance and long-term disability insurance with Standard Insurance Company, in an estimated amount of \$179,000.00.

To Tennessee Municipal League Risk Management Pool for property, liability, and workers' compensation insurance, in the estimated amount of \$1,242,000.00.

To Park Med Urgent Care Center for furnishing hazmat medical testing services for City employees, in an estimated amount of \$51,000.00.

To Park Med Urgent Care Center for furnishing of medical evaluations and drug testing for City employees, in an estimated amount of \$40,000.00.

To Motorola Communications and Electronics, Inc., for furnishing of maintenance of the 800 MHz Trunked Communications System, in an estimated amount of \$84,000.00.

To Grid One Solutions Inc. and other suitable companies as needed for residential and meter reading services for the Business Office, in an estimated amount of \$200,000.00.

To Windstream Communications and AT&T to provide phone, data, and telecommunication services to the City, in an estimated amount of \$130,000.00.

To Temp Systems Inc., Accountemps, Alternate Staffing Inc., RecruitWise, Staffing Solutions, At-Work, and other suitable companies as needed for furnishing temporary employment services, in an estimated amount of \$475,000.00.

To Poore's Tree Service, Blank's Tree Service, Wolf Tree Experts Inc., and other suitable companies for tree removal and trimming services for the Public Works Department, in an estimated amount of \$35,000.00.

To various area City-approved companies for the rental of various heavy equipment on an as-needed basis, in an estimated amount of \$100,000.00.

To Rogers Group Inc. and other suitable companies as needed for emergency street resurfacing, in an estimated amount of \$150,000.00.

To Culy Contracting, Bruce Long Company, C.K. Masonry Company, Inc., CIPP Technical Services, and other suitable companies as needed for minor manhole rehabilitation and repair, in an estimated amount of \$50,000.00.

To Superior Pavement Marking Inc. and Volunteer Pavement Marking Inc. for furnishing street striping services, in an estimated amount of \$85,000.00.

To Performance Contracting Group (PCI Branch), Rather Sewer Inspection Services, Intuitive Technologies Inc., and other suitable companies as needed for sewer cleaning and CCTV inspection, in an estimated amount of \$200,000.00.

To the current State contractor supplier for salt, in an estimated amount of \$67,000.00.

Said awards in the grand total estimated amount of \$5,490,400.00.

BE IT FURTHER RESOLVED that the Mayor and/or City Manager are hereby authorized to execute contracts for and on behalf of the City of Oak Ridge in connection with supplying the above materials and services, where required by law.

This the 10th day of June 2013.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

## FINANCE DEPARTMENT MEMORANDUM

13-12

**DATE:** June 3, 2013  
**TO:** Mark S. Watson, City Manager  
**FROM:** Janice E. McGinnis, Finance Director  
**SUBJECT:** CAPITAL OUTLAY NOTE EXTENSION

### Introduction

An item for City Council's consideration is to extend the maturity date on the outstanding \$1,666,667 in interfund capital outlay notes payable from the Waterworks Fund to the General Fund from November 1, 2013 to November 1, 2019.

### Background

On July 11, 2011, City Council approved resolution number 7-71-11 which authorized the issuance of \$5,000,000 in interfund capital outlay notes, which was basically a loan from the City's General Fund to the Waterworks Fund.

### Funding

The original note was scheduled to be repaid over a three year period. The first two annual payments totaling \$3,333,333 have been repaid to the General Fund, leaving an outstanding note balance of \$1,666,667 which is currently due on November 1, 2013.

The attached resolution allows the outstanding \$1,666,667 to be repaid over 7 annual installments of \$238,095 through November 1, 2019, the maximum time allowed by the State. The attached revised amortization schedule will help to alleviate some of the cash requirements of the Waterworks Fund over the near term. Cash in the Waterworks Fund has been impacted by the delay in rate increase implementations, revenue reductions from fluctuations and declining consumption by DOE and higher expenditure levels for sewer maintenance. The \$18,000,000 State Revolving Loan the City has applied for is a reimbursement loan. This extension will assist the Waterworks Fund in having the cash available to pay vendors in advance of loan reimbursement.

The General Fund has sufficient fund balance to allow for the extended note repayment amortization. The Waterworks Fund will continue to pay the General Fund 1% in interest on the outstanding note balance.

### Recommendation

Adoption of the attached resolution is recommended in order to alleviate some of the cash flow issues of the Waterworks Fund. After adoption of the resolution by City Council, the resolution will be submitted to the Director of State and Local Finance for her required approval of the capital outlay note amortization extension.

### Attachment(s)

Resolution Authorizing Extension of the Waterworks Interfund Capital Outlay Note  
Interfund Capital Outlay Note, Series 2010 Revised Amortization

  
Janice E. McGinnis

**City Manager's Comments:**

I have reviewed the above issue and recommend Council action as outlined in this document.



Mark S. Watson

6-5-2013

Date

**\$5,000,000**  
**City of Oak Ridge, Tennessee**  
**Interfund Capital Outlay Note, Series 2010**

**Debt Service**

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
11/01/2012	-	-	-	-	-
05/01/2013	-	-	8,333.33	8,333.33	8,333.33
11/01/2013	238,095.24	1.000%	8,333.33	246,428.57	-
05/01/2014	-	-	7,142.85	7,142.85	253,571.42
11/01/2014	238,095.24	1.000%	7,142.85	245,238.09	-
05/01/2015	-	-	5,952.38	5,952.38	251,190.47
11/01/2015	238,095.24	1.000%	5,952.38	244,047.62	-
05/01/2016	-	-	4,761.90	4,761.90	248,809.52
11/01/2016	238,095.24	1.000%	4,761.90	242,857.14	-
05/01/2017	-	-	3,571.43	3,571.43	246,428.57
11/01/2017	238,095.24	1.000%	3,571.43	241,666.67	-
05/01/2018	-	-	2,380.95	2,380.95	244,047.62
11/01/2018	238,095.23	1.000%	2,380.95	240,476.18	-
05/01/2019	-	-	1,190.48	1,190.48	241,666.66
11/01/2019	238,095.23	1.000%	1,190.48	239,285.71	-
05/01/2020	-	-	-	-	239,285.71
<b>Total</b>	<b>\$1,666,666.66</b>	<b>-</b>	<b>\$66,666.64</b>	<b>\$1,733,333.30</b>	<b>-</b>

**Date And Term Structure**

Dated.....	11/01/2012
First Coupon Date.....	5/01/2013
Frequency of Interest Payments.....	2 Per Year
First Serial Maturity Date.....	11/01/2013

**Yield Statistics**

Average Coupon.....	0.9999996%
Average Life.....	4.000 Years
Weighted Average Maturity.....	4.000 Years
True Interest Cost (TIC).....	0.9999996%
Bond Yield for Arbitrage Purposes.....	0.9999996%
Bond Year Dollars.....	\$6,666.67

**RESOLUTION**

**RESOLUTION OF THE  
CITY COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE  
AUTHORIZING THE EXTENSION OF ITS  
WATERWORKS INTERFUND LOAN CAPITAL OUTLAY NOTE**

WHEREAS, pursuant to Resolution adopted on July 11, 2011 (the "Resolution"), by the City Council of the City of Oak Ridge, Tennessee (the "Municipality"), the Municipality authorized the issuance of its \$5,000,000 Waterworks Interfund Loan Capital Outlay Note (the "Outstanding Note"); and

WHEREAS, the Outstanding Note was issued to evidence an interfund loan from the Municipality's General Fund to the Municipality's Waterworks Fund; and

WHEREAS, the Outstanding Note matures on November 1, 2013, and the Municipality desires to extend the maturity date of the Outstanding Note to November 1, 2019; and

WHEREAS, the Municipality has paid two-thirds of the original principal balance of the Note because the City intended to repay the principal balance of the Note over three years; and

WHEREAS, in connection with the extension of the Outstanding Note, the Municipality desires to amend the amortization of the principal balance of the Note, with the approval of the Director of State and Local Finance, so that not less than one-sixth of the remaining principal balance of the Note shall be retired in each year; and

WHEREAS, the Municipality will obtain the approval of the Director of State and Local Finance for the extension of its Outstanding Note by sending a copy of this resolution and requesting her approval for the extension.

NOW, THEREFORE, be it hereby resolved that, provided the required approval referenced herein is received, the maturity date of the Outstanding Note shall be extended by three years. The Mayor and Recorder are hereby authorized, upon receipt of the approval of the Director of State and Local Finance, to execute and deliver a renewal note evidencing such extension. Such renewal note shall require the City to retire not less than one-sixth of the outstanding principal balance of the Outstanding Note in each year that the renewal note is outstanding or such greater amount as may be required by the Director of State and Local Finance in connection with her approval of the extension of the Outstanding Note. The renewal note shall otherwise be issued upon the same terms as the Outstanding Note as provided in the Resolution.

Adopted and approved this 10<sup>th</sup> day of June, 2013.

APPROVED AS TO FORM  
AND LEGALITY:

A handwritten signature in cursive script, reading "Kenneth R. Krushenski".

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Kenneth R. Krushenski, City Attorney

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Thomas L. Beehan, Mayor

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Diana Stanley, City Clerk

## FINANCE DEPARTMENT MEMORANDUM

13-13

**DATE:** June 3, 2013  
**TO:** Mark S. Watson, City Manager  
**FROM:** Janice E. McGinnis, Finance Director  
**SUBJECT:** DEBT REFUNDING AND ISSUANCE

### Introduction

An item for City Council's consideration is the issuance of not to exceed \$24,500,000 in General Obligation Bonds. The bond proceeds will be used to refund the outstanding Series 2003 General Obligation Bonds and the outstanding 1997, 1998 and 2002 State Revolving Fund (SRF) Loans and provide an approximate \$3,000,000 in additional funding for sewer projects and 610,000 for water projects. The Series 2003 General Obligation Bonds includes a refunding of debt service funded by water and sewer rates and the general fund. The State Revolving Fund Loans only funded sewer capital projects.

The City still had active projects that were to be funded by the 2002 SRF loan. The 2002 SRF loan was authorized at \$7,000,000 and to date \$6,055,194 has been drawn. To facilitate this debt refunding, the City stopped drawing on this SRF loan and instead used loan proceeds from the \$5,000,000 TMBF loan approved by City Council on September 10, 2012. The remaining \$1,428,544 TMBF loan proceeds and \$3,000,000 in new bond proceeds from this issuance will fund sewer projects already under contract and capital projects planned for fiscal 2014 that are not funded by the \$18,000,000 SRF loan that was just approved by City Council. The approximate \$610,000 in new water bond proceeds is scheduled to finance the City's share of 2014 projects planned for the water treatment plant, including a roof and window replacement and replacement of 700' of raw water line. DOE will fund 53.5% of these project costs.

### Analysis

Attached are preliminary refunding and debt issuance analysis for the sewer system, water system and General Fund. The applicable analysis schedules for the water and sewer system assume that the outstanding \$1,666,667 in interfund capital outlay notes will be extended and repaid over a 7 year period.

#### Sewer System:

On page 2 of the preliminary funding analysis of the sewer system is the current amortization of sewer debt. The black line on the subsequent graphs in the report reflects the current debt amortization of sewer debt. All the restructuring schedules in this report reflect a reduced amortization in fiscals 2014. This restructuring is critical in order for the City to have the cash reserves necessary to operate during this primary construction period to meet the EPA mandate.

The analysis report contains two sets of graphs defined as Option 1 and Option 2.

#### Option 1:

Option 1 on pages 3 and 4 of the report incorporates the reduced amortization for cash flow in fiscal 2014, realigns the amortization at a reduced level of \$92,939 to 138,812 from fiscals 2017 to 2022 and results in a net present value gain of \$580,831. The Option 1 on pages 5 and 6 also incorporates the addition \$3,000,000 in bond proceeds for sewer projects. This option incorporates the debt service for the new bond proceeds while still retaining the basic current amortization schedule through fiscal 2028.

Option 2:

Option 2 is built basically with the same components as option 1 with the goal of providing some near term relief on the sewer rate increases that will be necessary to fund the debt service on the \$18,000,000 SRF loan along with the other pressures that are financially on this system. Option 2 on page 8 provides a \$671,257 to \$795,869 reduction in debt service from fiscal 2017 to 2022. This option allows for a slower pace for sewer rate increases and achieves a near breakeven in net present value with an estimated loss of \$10,017. The option 2 on page 10 also incorporates the debt service on the new bond proceeds while still allowing for a significantly reduced debt amortization through fiscal 2022.

Water System:

Page 2 of the preliminary funding analysis of the water system shows the current debt amortization for water debt. The refunding of the outstanding \$639,898.56 water share of the Series 2003 Obligation Bonds results in a savings of \$22,050.51 which is shown on page 4 of the report. The new amortization schedule for the \$500,000 interfund capital outlay note is located on page 3 of the report and is reflected in the graphs on pages 5 and 7 of report. The schedule on page 6 contains the estimated debt service amortization for the \$610,000 in funding planned for the City's share of improvements to the water treatment plant. The graph on page 7 of the water system report shows the projected amortization after the debt issuance reflecting the new interfund capital outlay note payment schedule, the Series 2003 refunding and the \$610,000 in new bond proceeds.

General Fund:

Page 2 of the preliminary funding analysis of the General Fund reflects the estimated savings of \$126,089.41 from the refunding of the \$3,345,000 in outstanding Series 2003 General Obligation Bonds.

Comptroller Review

In accordance with Tennessee Code Annotated, Title 9, Chapter 21, the City submitted a refunding plan to the Comptroller's Office of State and Local Finance for review. The review was performed on Option 2 since it contained a higher deferral of payments than Option 1. If Option 1 is selected the Comptroller's Office would need to be notified of the change, but a subsequent review would not be required. A review is only required for refunding's so the Comptroller's review does not encompass the new debt component. The attached letter and Report of the Director of the Office of State and Local Finance is being distributed to City Council in accordance with TCA § 9-21-903. The Directors Report does not constitute approval or disapproval of the proposed refunding plan.

Also, mentioned in the Directors Report were comments regarding the City's Inventory Fund. The Inventory Fund is an Internal Service Fund that is used to account for the stock warehouse of items primarily used to maintain electric and waterworks operations. The stock items accounted for in the Inventory Fund also include items such as fuel that are used by nearly all city departments. The various City Fund's prepay for stock purchased through the Inventory Fund based on actual historical usage patterns. The majority of stock items are used solely by either the electric or waterworks funds. The City has recorded this process as an Advance in the annual financial statements since 1961. In discussions with the Audit Division of the Comptroller's Office, the City will now be recording this as a contribution or operating transfer in the City's annual financial report depending on the contributing fund type. We are not changing any of our internal procedures regarding the operations of the Inventory Fund, we are just going to classify them differently in the annual financial report. This change is necessary so that it does not appear that we are making unauthorized interfund loans in violation of state law.

Recommendation

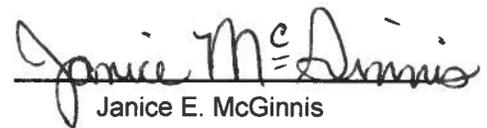
Attached is the initial and bond issuance resolutions. The initial resolution is related only to the issuance of the new debt and once published contains a 20 day waiting period to allow for the protesting of the issuance the new debt. The bond issuance resolution of \$24,500,000 includes both the refunding issues and the new debt issuance.

Staff recommends adoption of both of these resolutions. Staff also recommends the sewer amortization as shown on page 10 of the preliminary funding analysis of the sewer system. This schedule allows for the building of needed cash for the sewer system in years 2014 and 2015 to facilitate the aggressive construction schedule required by the EPA mandate. This will also provide the long-term benefit toward establishing cash reserve levels that would otherwise have to be incorporated into additional rate increases. This schedule also allows for the issuance of new debt to maintain the sewer system, including those projects not specifically required in the EPA consent order. It provides some near term relief on anticipated sewer rate increases and allows for a portion of the necessary rate increases to be adopted over a more extended time frame.

Chris Bessler with Cumberland Securities will be at the meeting on Monday night to answer any questions regarding the refunding,

Attachment(s)

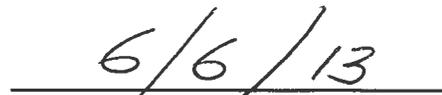
- Preliminary Funding Analysis – Sewer System
- Preliminary Funding Analysis – Water System
- Preliminary Funding Analysis – General Fund
- Initial Bond Resolution
- Bond Issuance Resolution
- Letter and Report of the Director of the Office of State and Local Finance

  
Janice E. McGinnis

**City Manager's Comments:**

I have reviewed the above issue and recommend Council action as outlined in this document.

  
Mark S. Watson

  
Date

**CITY OF OAK RIDGE, TENNESSEE**  
**Sewer System**

**Preliminary  
Funding  
Analysis**

June 10, 2013

Prepared By:

**CUMBERLAND SECURITIES COMPANY, INC**  
Independent Financial Advisors  
813 S. Northshore Drive, Suite 201A  
Knoxville, Tennessee 37919  
Telephone: (865) 988-2663  
Facsimile: (865) 988-1863

# City of Oak Ridge, Tennessee

## Preliminary Funding Analysis

### TABLE OF CONTENTS

REPORT	PAGE
<b>Current Situation</b>	
Total Outstanding Debt (including new SRF Loan in process).....	1
CHART - Total Outstanding Debt .....	2
<b>Option 1</b>	
Estimated Proposed Outstanding Debt Structure - Option 1.....	3
CHART - Option 1 .....	4
Estimated Proposed New Money Debt Structure.....	5
CHART - Option 1 with New Money .....	6
<b>Option 2</b>	
Estimated Proposed Outstanding Debt Structure - Option 2.....	7
CHART - Option 2 .....	8
Estimated Proposed New Money Debt Structure.....	9
CHART - Option 2 with New Money .....	10

**City of Oak Ridge, Tennessee**  
**Total Outstanding Sewer Fund Debt Service**  
(Budget Variable Rates)  
Includes New SRF Loan in Process

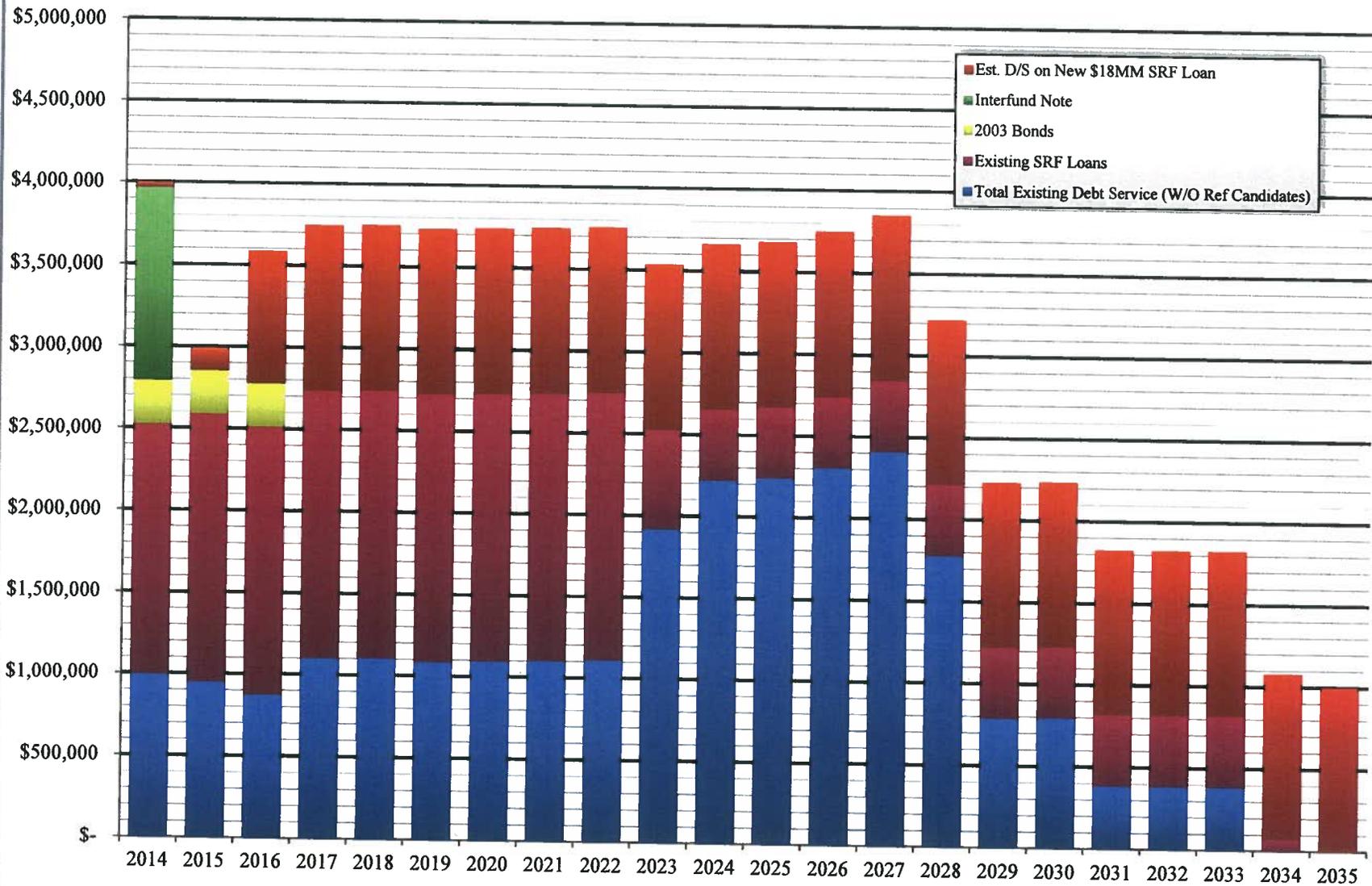
**Aggregate Debt Service**

Date	Principal	Interest	Treasury Rebate	Total P+I
06/30/2014	2,617,505.49	1,422,987.84	(42,533.40)	3,997,959.93
06/30/2015	1,563,582.04	1,467,380.03	(42,533.40)	2,988,428.67
06/30/2016	2,224,551.33	1,400,163.85	(42,533.40)	3,582,181.78
06/30/2017	2,461,532.02	1,323,191.92	(42,533.40)	3,742,190.54
06/30/2018	2,546,755.41	1,243,208.30	(42,533.40)	3,747,430.31
06/30/2019	2,611,608.84	1,159,903.78	(42,533.40)	3,728,979.22
06/30/2020	2,704,709.33	1,074,206.84	(42,533.40)	3,736,382.77
06/30/2021	2,801,777.85	984,858.27	(42,533.40)	3,744,102.72
06/30/2022	2,903,484.21	891,692.52	(42,533.40)	3,752,643.33
06/30/2023	2,762,621.42	812,250.81	(42,533.40)	3,532,338.83
06/30/2024	2,964,225.45	736,625.39	(41,077.40)	3,659,773.44
06/30/2025	3,063,915.96	652,103.67	(37,473.80)	3,678,545.83
06/30/2026	3,218,398.54	561,596.51	(33,788.30)	3,746,206.75
06/30/2027	3,413,026.09	466,180.43	(30,439.50)	3,848,767.02
06/30/2028	2,881,847.01	360,457.61	(24,024.00)	3,218,280.62
06/30/2029	1,972,407.62	271,341.61	(16,161.60)	2,227,587.63
06/30/2030	2,032,834.33	209,391.03	(8,299.20)	2,233,926.16
06/30/2031	1,678,956.21	144,868.51	-	1,823,824.72
06/30/2032	1,720,993.71	102,665.79	-	1,823,659.50
06/30/2033	1,764,771.22	59,046.74	-	1,823,817.96
06/30/2034	1,057,526.19	19,192.88	-	1,076,719.07
06/30/2035	997,554.00	6,658.69	-	1,004,212.69
<b>Total</b>	<b>\$51,964,584.27</b>	<b>\$15,369,973.02</b>	<b>(616,597.80)</b>	<b>\$66,717,959.49</b>

**Par Amounts Of Selected Issues**

1994 TMBF Loan (Variable).....	1,770,326.45
2003 Bonds.....	745,101.44
2008 TMBF Loan (Variable).....	863,276.57
2009B BAB Bonds.....	2,080,000.00
2006 TMBF Loan (Variable).....	1,712,957.69
2011B Bonds.....	6,297,394.69
2012 TMBF Loan (Variable).....	4,500,000.00
Interfund Note - Sewer.....	1,166,666.66
Est Ammo on New SRF -\$400k (w Draw Down).....	17,600,000.00
SRF 1997.....	6,395,064.00
SRF 1998.....	2,778,596.77
SRF 2002.....	6,055,200.00
<b>TOTAL.....</b>	<b>51,964,584.27</b>

## City of Oak Ridge, Tennessee Sewer Fund Debt Service - Current Includes New SRF Loan in Process



**Option 1**

**City of Oak Ridge, Tennessee**  
**Sewer Fund Debt Service**  
(Budget Variable Rates)

**Estimated Proposed Debt Structure - Option 1**

Date	Principal	Interest	Treasury Rebate	Total P+I	Prior D/S	Est. Gross Savings
06/30/2014	887,047	1,228,725	(42,533)	2,073,239	3,997,960	1,924,721
06/30/2015	1,673,189	1,335,043	(42,533)	2,965,699	2,988,429	22,730
06/30/2016	2,442,845	1,299,025	(42,533)	3,699,336	3,582,182	(117,155)
06/30/2017	2,440,178	1,251,607	(42,533)	3,649,251	3,742,191	92,939
06/30/2018	2,491,800	1,200,734	(42,533)	3,650,001	3,747,430	97,430
06/30/2019	2,491,059	1,146,378	(42,533)	3,594,904	3,728,979	134,075
06/30/2020	2,566,492	1,089,702	(42,533)	3,613,660	3,736,383	122,723
06/30/2021	2,630,629	1,029,522	(42,533)	3,617,618	3,744,103	126,485
06/30/2022	2,695,247	961,118	(42,533)	3,613,831	3,752,643	138,812
06/30/2023	2,384,453	889,895	(42,533)	3,231,815	3,532,339	300,524
06/30/2024	2,664,077	825,167	(41,077)	3,448,166	3,659,773	211,607
06/30/2025	2,752,068	752,345	(37,474)	3,466,939	3,678,546	211,607
06/30/2026	2,894,395	673,993	(33,788)	3,534,600	3,746,207	211,607
06/30/2027	3,076,393	591,207	(30,440)	3,637,160	3,848,767	211,607
06/30/2028	2,532,092	498,606	(24,024)	3,006,674	3,218,281	211,607
06/30/2029	2,609,019	423,123	(16,162)	3,015,981	2,227,588	(788,393)
06/30/2030	2,655,281	341,837	(8,299)	2,988,819	2,233,926	(754,893)
06/30/2031	2,676,686	257,532	-	2,934,218	1,823,825	(1,110,393)
06/30/2032	2,748,433	181,969	-	2,930,402	1,823,660	(1,106,743)
06/30/2033	2,831,324	102,577	-	2,933,901	1,823,818	(1,110,083)
06/30/2034	985,364	18,847	-	1,004,211	1,076,719	72,508
06/30/2035	997,554	6,659	-	1,004,213	1,004,213	-
<b>Total</b>	<b>\$52,125,622</b>	<b>\$16,105,612</b>	<b>(\$616,598)</b>	<b>\$67,614,636</b>	<b>\$66,717,959</b>	<b>(\$896,677)</b>

**Estimated Present Value Assumptions**

Estimated Net Present Value Benefit.....	\$580,831
Estimated Net PV Benefit / \$15,973,921 Refunded Principal.....	3.64%

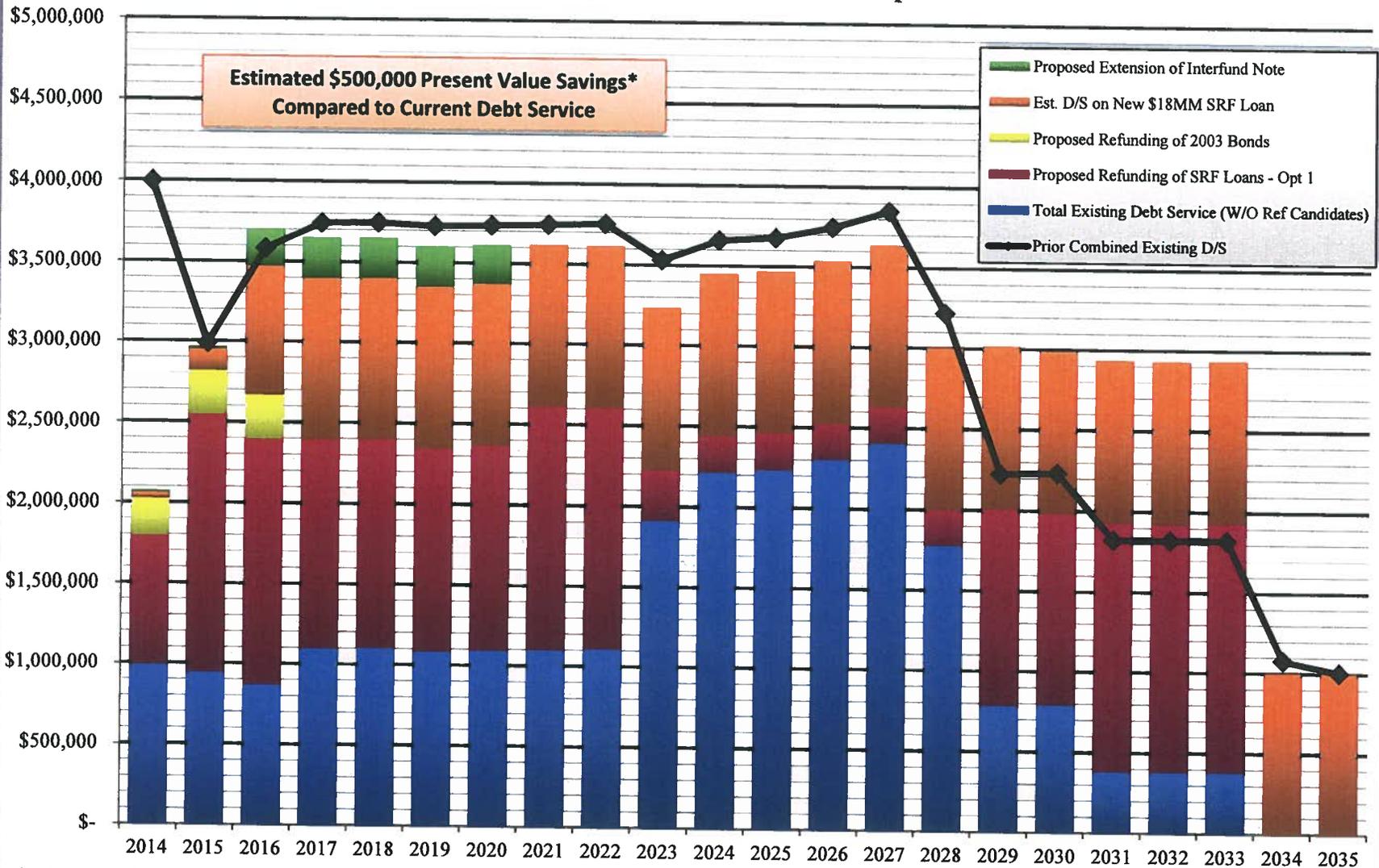
**Par Amounts Of Selected Issues**

1994 TMBF Loan (Variable).....	1,770,326.45
2008 TMBF Loan (Variable).....	863,276.57
2009B BAB Bonds.....	2,080,000.00
2006 TMBF Loan (Variable).....	1,712,957.69
2011B Bonds.....	6,297,394.69
2012 TMBF Loan (Variable).....	4,500,000.00
Est New SRF Loan.....	17,600,000.00
Interfund Note Extended -Sewer - Extended.....	1,166,666.66
Proposed Refunding of SRF Loans.....	15,375,000.00
Proposed Refunding of 2003 Bonds.....	760,000.00
<b>TOTAL.....</b>	<b>52,125,622.06</b>

# City of Oak Ridge, Tennessee

## Sewer Fund Debt Service

### Estimated Proposed Debt Structure - Option 1



\* Savings are net of estimated costs and are based upon current market rates. Savings could be higher or lower depending upon the market at the time of sale.

**\$3,000,000**  
**City of Oak Ridge, Tennessee**  
**General Obligation Bonds, Series 2013**  
**New Funds for Wastewater System**

**Estimated Debt Service - Option 1**

Date	Principal	Est. Coupon	Interest	Total P+I	Existing D/S	Net New D/S
06/01/2014	-	-	80,072.69	80,072.69	2,073,238.72	2,153,311.41
06/01/2015	-	-	95,768.00	95,768.00	2,965,699.03	3,061,467.03
06/01/2016	25,000.00	1.800%	95,768.00	120,768.00	3,699,336.29	3,820,104.29
06/01/2017	20,000.00	1.850%	95,318.00	115,318.00	3,649,251.47	3,764,569.47
06/01/2018	15,000.00	2.050%	94,948.00	109,948.00	3,650,000.73	3,759,948.73
06/01/2019	65,000.00	2.300%	94,640.50	159,640.50	3,594,903.91	3,754,544.41
06/01/2020	50,000.00	2.550%	93,145.50	143,145.50	3,613,660.17	3,756,805.67
06/01/2021	95,000.00	2.650%	91,870.50	186,870.50	3,617,617.65	3,804,488.15
06/01/2022	115,000.00	2.700%	89,353.00	204,353.00	3,613,831.38	3,818,184.38
06/01/2023	205,000.00	2.850%	86,248.00	291,248.00	3,231,814.66	3,523,062.66
06/01/2024	210,000.00	2.900%	80,405.50	290,405.50	3,448,166.31	3,738,571.81
06/01/2025	215,000.00	3.020%	74,315.50	289,315.50	3,466,938.72	3,756,254.22
06/01/2026	220,000.00	3.050%	67,822.50	287,822.50	3,534,599.63	3,822,422.13
06/01/2027	230,000.00	3.150%	61,112.50	291,112.50	3,637,159.89	3,928,272.39
06/01/2028	235,000.00	3.250%	53,867.50	288,867.50	3,006,673.50	3,295,541.00
06/01/2029	245,000.00	3.350%	46,230.00	291,230.00	3,015,980.52	3,307,210.52
06/01/2030	250,000.00	3.450%	38,022.50	288,022.50	2,988,819.05	3,276,841.55
06/01/2031	260,000.00	3.550%	29,397.50	289,397.50	2,934,217.58	3,223,615.08
06/01/2032	270,000.00	3.650%	20,167.50	290,167.50	2,930,402.35	3,220,569.85
06/01/2033	275,000.00	3.750%	10,312.50	285,312.50	2,933,900.85	3,219,213.35
06/01/2034	-	-	-	-	1,004,211.22	1,004,211.22
06/01/2035	-	-	-	-	1,004,212.69	1,004,212.69
<b>Total</b>	<b>\$3,000,000.00</b>	<b>-</b>	<b>\$1,398,785.69</b>	<b>\$4,398,785.69</b>	<b>\$67,614,636.32</b>	<b>\$72,013,422.01</b>

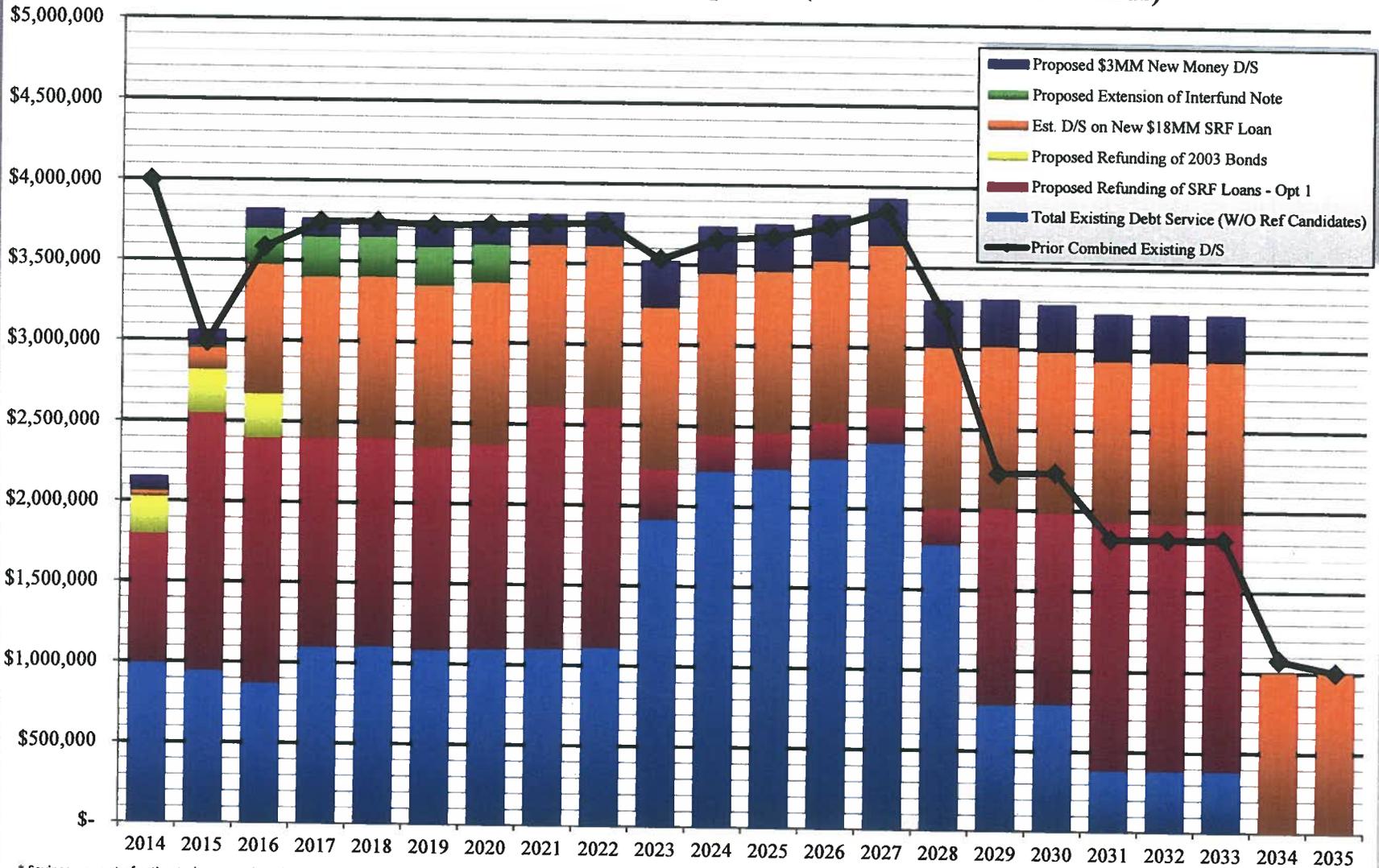
**Date And Term Structure**

Dated.....	7/30/2013
First Coupon Date.....	12/01/2013
Frequency of Interest Payments.....	2 Per Year
First Serial Maturity Date.....	6/01/2016

**Yield Statistics**

Average Coupon.....	3.1263217%
Average Life.....	12.593 Years
Weighted Average Maturity.....	12.593 Years
True Interest Cost (TIC).....	3.2088132%
Bond Yield for Arbitrage Purposes.....	3.4411568%
Bond Year Dollars.....	\$37,778.33

## City of Oak Ridge, Tennessee Sewer Fund Debt Service Estimated Proposed Debt Structure - Option 1 (Includes \$3MM New Funds)



\* Savings are net of estimated costs and are based upon current market rates. Savings could be higher or lower depending upon the market at the time of sale.

# Option 2

**City of Oak Ridge, Tennessee**  
**Sewer Fund Debt Service**  
(Budget Variable Rates)

**Estimated Proposed Debt Structure - Option 2**

Date	Principal	Interest	Treasury Rebate	Total P+I	Prior D/S	Est. Gross Savings
06/30/2014	887,046.73	1,317,741.95	(42,533.40)	2,162,255.28	3,997,959.93	1,835,704.65
06/30/2015	888,189.31	1,441,508.12	(42,533.40)	2,287,164.03	2,988,428.67	701,264.64
06/30/2016	1,717,844.61	1,417,657.58	(42,533.40)	3,092,968.79	3,582,181.78	489,212.99
06/30/2017	1,730,177.54	1,383,289.83	(42,533.40)	3,070,933.97	3,742,190.54	671,256.57
06/30/2018	1,776,800.03	1,345,551.60	(42,533.40)	3,079,818.23	3,747,430.31	667,612.08
06/30/2019	1,766,059.34	1,305,852.97	(42,533.40)	3,029,378.91	3,728,979.22	699,600.31
06/30/2020	1,826,491.66	1,265,851.91	(42,533.40)	3,049,810.17	3,736,382.77	686,572.60
06/30/2021	1,765,628.56	1,224,542.49	(42,533.40)	2,947,637.65	3,744,102.72	796,465.07
06/30/2022	1,820,246.70	1,179,060.58	(42,533.40)	2,956,773.88	3,752,643.33	795,869.45
06/30/2023	2,299,453.29	1,131,462.27	(42,533.40)	3,388,382.16	3,532,338.83	143,956.67
06/30/2024	2,664,076.80	1,069,156.91	(41,077.40)	3,692,156.31	3,659,773.44	(32,382.87)
06/30/2025	2,752,067.68	996,334.84	(37,473.80)	3,710,928.72	3,678,545.83	(32,382.89)
06/30/2026	2,894,394.55	917,983.38	(33,788.30)	3,778,589.63	3,746,206.75	(32,382.88)
06/30/2027	3,076,392.57	835,196.82	(30,439.50)	3,881,149.89	3,848,767.02	(32,382.87)
06/30/2028	2,532,091.69	742,595.81	(24,024.00)	3,250,663.50	3,218,280.62	(32,382.88)
06/30/2029	2,609,019.00	667,113.12	(16,161.60)	3,259,970.52	2,227,587.63	(1,032,382.89)
06/30/2030	2,655,281.00	585,827.25	(8,299.20)	3,232,809.05	2,233,926.16	(998,882.89)
06/30/2031	2,736,686.00	501,521.58	-	3,238,207.58	1,823,824.72	(1,414,382.86)
06/30/2032	2,823,433.00	423,859.35	-	3,247,292.35	1,823,659.50	(1,423,632.85)
06/30/2033	2,921,324.00	341,766.85	-	3,263,090.85	1,823,817.96	(1,439,272.89)
06/30/2034	3,105,364.00	254,707.22	-	3,360,071.22	1,076,719.07	(2,283,352.15)
06/30/2035	2,242,554.00	161,958.69	-	2,404,512.69	1,004,212.69	(1,400,300.00)
06/30/2036	1,290,000.00	106,745.00	-	1,396,745.00	-	(1,396,745.00)
06/30/2037	1,345,000.00	55,145.00	-	1,400,145.00	-	(1,400,145.00)
<b>Total</b>	<b>\$52,125,622.06</b>	<b>\$20,672,431.12</b>	<b>(\$616,597.80)</b>	<b>\$72,181,455.38</b>	<b>\$66,717,959.49</b>	<b>(\$5,463,495.89)</b>

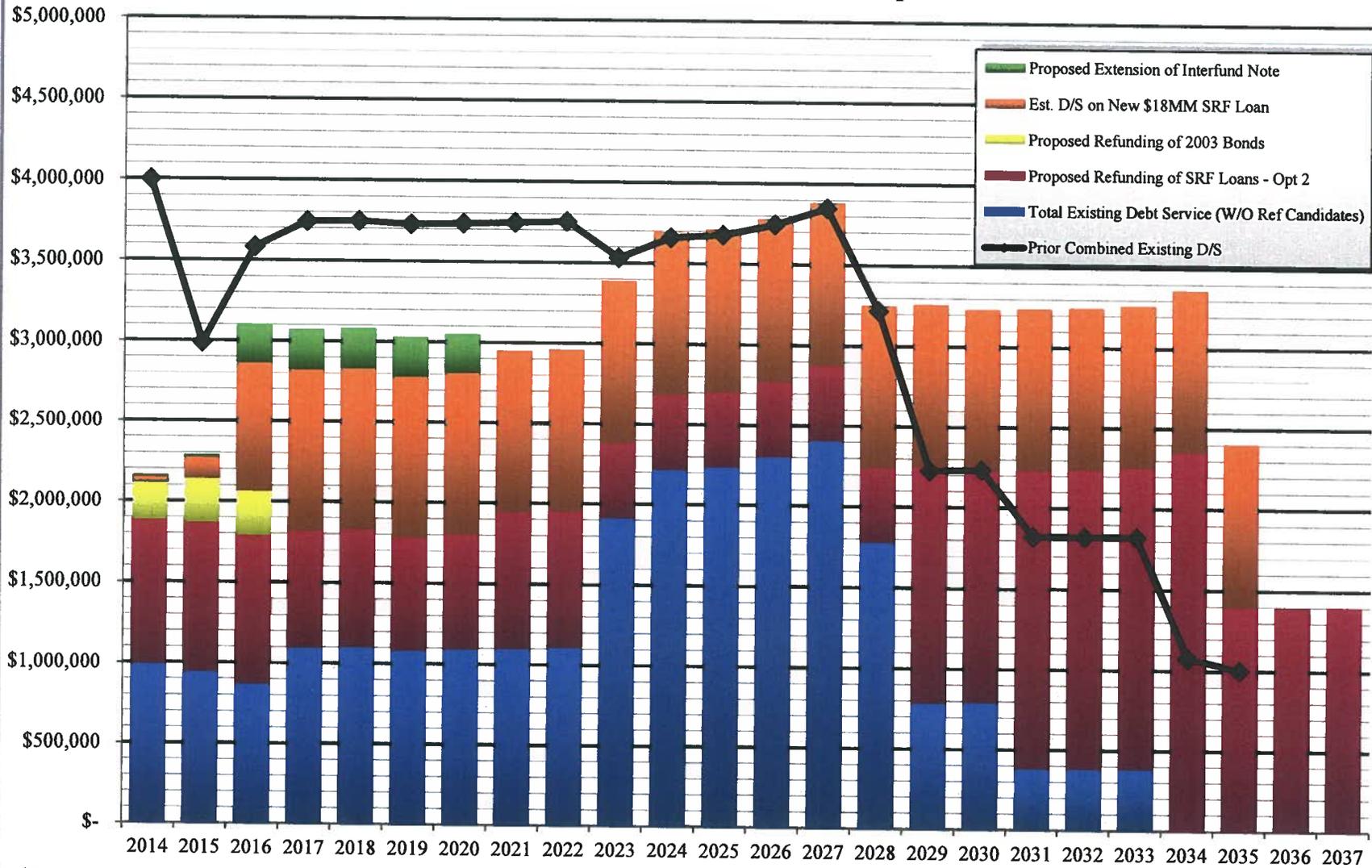
**Estimated Present Value Assumptions**

Estimated Net Present Value Benefit.....	(\$10,017)
Estimated Net PV Benefit / \$15,973,921 Refunded Principal.....	-0.06%

**Par Amounts Of Selected Issues**

1994 TMBF Loan (Variable).....	1,770,326.45
2008 TMBF Loan (Variable).....	863,276.57
2009B BAB Bonds.....	2,080,000.00
2006 TMBF Loan (Variable).....	1,712,957.69
2011B Bonds.....	6,297,394.69
2012 TMBF Loan (Variable).....	4,500,000.00
Est New SRF Loan.....	17,600,000.00
Interfund Note Extended -Sewer - Extended.....	1,166,666.66
Proposed Refunding of SRF Loans.....	15,375,000.00
Proposed Refunding of 2003 Bonds.....	760,000.00
<b>TOTAL.....</b>	<b>52,125,622.06</b>

## City of Oak Ridge, Tennessee Sewer Fund Debt Service Estimated Proposed Debt Structure - Option 2



\* Savings are net of estimated costs and are based upon current market rates. Savings could be higher or lower depending upon the market at the time of sale.

**\$3,000,000**  
**City of Oak Ridge, Tennessee**  
**General Obligation Bonds, Series 2013**  
**New Funds for Wastewater System**

**Estimated Debt Service - Option 2**

Date	Principal	Est. Coupon	Interest	Total P+I	Existing D/S	Net New D/S
06/01/2014	-	-	79,104.47	79,104.47	2,162,255.28	2,241,359.75
06/01/2015	-	-	94,610.00	94,610.00	2,287,164.03	2,381,774.03
06/01/2016	25,000.00	1.800%	94,610.00	119,610.00	3,092,968.79	3,212,578.79
06/01/2017	20,000.00	1.850%	94,160.00	114,160.00	3,070,933.97	3,185,093.97
06/01/2018	20,000.00	2.050%	93,790.00	113,790.00	3,079,818.23	3,193,608.23
06/01/2019	70,000.00	2.300%	93,380.00	163,380.00	3,029,378.91	3,192,758.91
06/01/2020	50,000.00	2.550%	91,770.00	141,770.00	3,049,810.17	3,191,580.17
06/01/2021	180,000.00	2.650%	90,495.00	270,495.00	2,947,637.65	3,218,132.65
06/01/2022	200,000.00	2.700%	85,725.00	285,725.00	2,956,773.88	3,242,498.88
06/01/2023	190,000.00	2.850%	80,325.00	270,325.00	3,388,382.16	3,658,707.16
06/01/2024	195,000.00	2.900%	74,910.00	269,910.00	3,692,156.31	3,962,066.31
06/01/2025	200,000.00	3.020%	69,255.00	269,255.00	3,710,928.72	3,980,183.72
06/01/2026	205,000.00	3.050%	63,215.00	268,215.00	3,778,589.63	4,046,804.63
06/01/2027	215,000.00	3.150%	56,962.50	271,962.50	3,881,149.89	4,153,112.39
06/01/2028	220,000.00	3.250%	50,190.00	270,190.00	3,250,663.50	3,520,853.50
06/01/2029	225,000.00	3.350%	43,040.00	268,040.00	3,259,970.52	3,528,010.52
06/01/2030	235,000.00	3.450%	35,502.50	270,502.50	3,232,809.05	3,503,311.55
06/01/2031	240,000.00	3.550%	27,395.00	267,395.00	3,238,207.58	3,505,602.58
06/01/2032	250,000.00	3.650%	18,875.00	268,875.00	3,247,292.35	3,516,167.35
06/01/2033	260,000.00	3.750%	9,750.00	269,750.00	3,263,090.85	3,532,840.85
06/01/2034	-	-	-	-	3,360,071.22	3,360,071.22
06/01/2035	-	-	-	-	2,404,512.69	2,404,512.69
06/01/2036	-	-	-	-	1,396,745.00	1,396,745.00
06/01/2037	-	-	-	-	1,400,145.00	1,400,145.00
<b>Total</b>	<b>\$3,000,000.00</b>	<b>-</b>	<b>\$1,347,064.47</b>	<b>\$4,347,064.47</b>	<b>\$72,181,455.38</b>	<b>\$76,528,519.85</b>

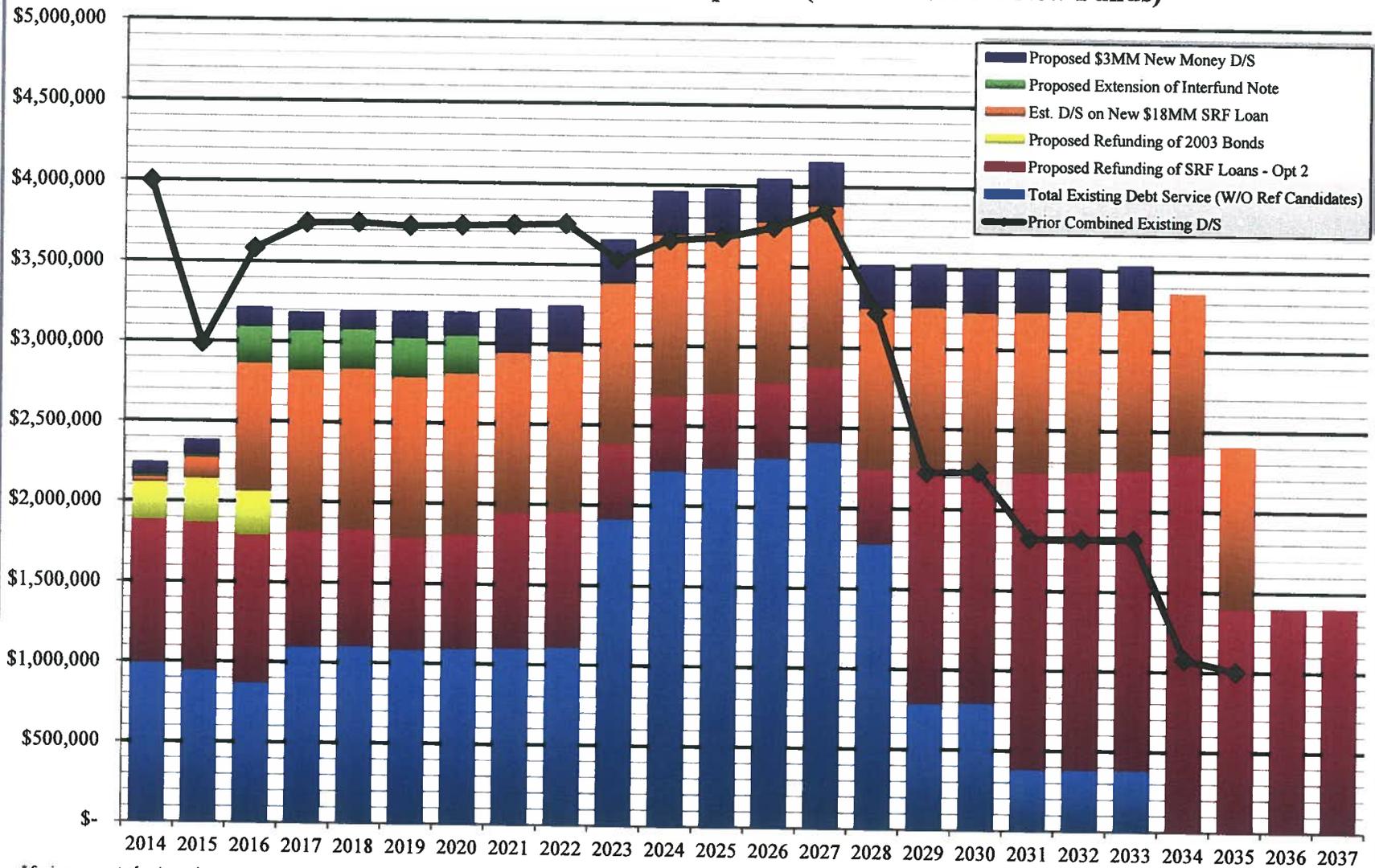
**Date And Term Structure**

Dated.....	7/30/2013
First Coupon Date.....	12/01/2013
Frequency of Interest Payments.....	2 Per Year
First Serial Maturity Date.....	6/01/2016

**Yield Statistics**

Average Coupon.....	3.2808552%
Average Life.....	13.686 Years
Weighted Average Maturity.....	13.686 Years
True Interest Cost (TIC).....	3.3482201%
Bond Yield for Arbitrage Purposes.....	3.5146518%
Bond Year Dollars.....	\$41,058.33

## City of Oak Ridge, Tennessee Sewer Fund Debt Service Estimated Proposed Debt Structure - Option 2 (Includes \$3MM New Funds)



\* Savings are net of estimated costs and are based upon current market rates. Savings could be higher or lower depending upon the market at the time of sale.

**CITY OF OAK RIDGE, TENNESSEE**  
**Water System**

**Preliminary  
Funding  
Analysis**

June 10, 2013

Prepared By:

CUMBERLAND SECURITIES COMPANY, INC  
Independent Financial Advisors  
813 S. Northshore Drive, Suite 201A  
Knoxville, Tennessee 37919  
Telephone: (865) 988-2663  
Facsimile: (865) 988-1863

# City of Oak Ridge, Tennessee

## Preliminary Funding Analysis

### TABLE OF CONTENTS

REPORT	PAGE
<b>Existing Debt Service</b>	
Total Outstanding Debt .....	1
CHART - Total Outstanding Debt .....	2
<b>Funding Analysis</b>	
Proposed Extension of Interfund Note .....	3
Proposed Refunding of 2003 Bonds .....	4
CHART - Total Outstanding Debt (Post Refunding) .....	5
Proposed New Money Bond Issue .....	6
CHART - Total Outstanding Debt (Post Bond Issue & Refunding) .....	7

**City of Oak Ridge, Tennessee**  
**Total Water System Outstanding Debt Service**  
(Budget Variable Rates)

**Aggregate Debt Service**

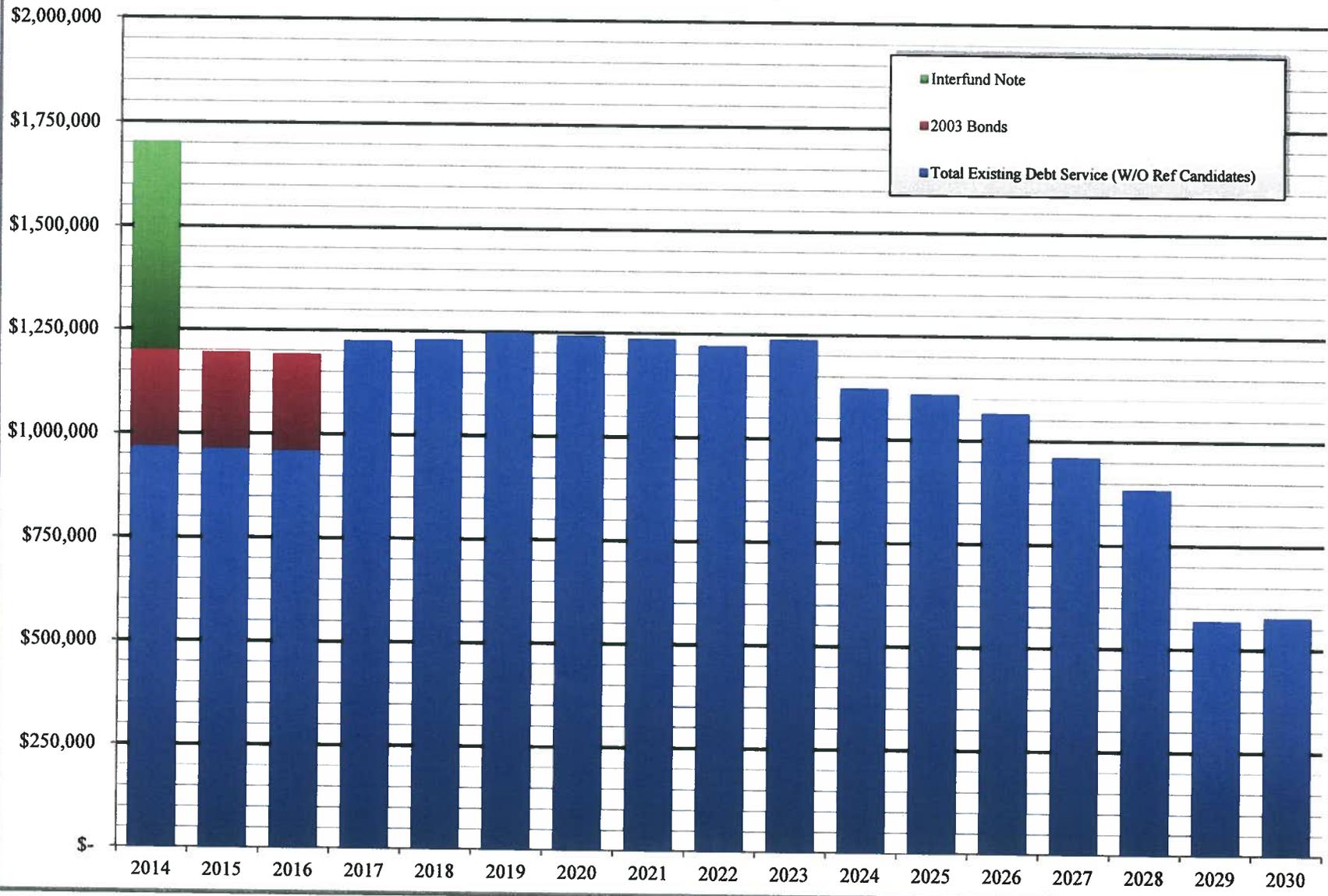
Date	Principal	Interest	Treasury Rebate	Total P+I
06/30/2014	1,172,779.29	589,548.19	(59,710.34)	1,702,617.14
06/30/2015	694,229.40	560,271.13	(59,710.34)	1,194,790.19
06/30/2016	717,989.62	532,563.45	(59,710.34)	1,190,842.73
06/30/2017	781,967.50	503,193.72	(59,710.34)	1,225,450.88
06/30/2018	816,259.79	472,902.55	(59,710.34)	1,229,452.00
06/30/2019	866,950.06	441,103.63	(59,710.34)	1,248,343.35
06/30/2020	894,252.32	407,642.45	(59,710.34)	1,242,184.43
06/30/2021	923,044.57	372,950.25	(59,710.34)	1,236,284.48
06/30/2022	943,570.81	337,180.90	(59,710.34)	1,221,041.37
06/30/2023	996,632.74	301,272.54	(59,710.34)	1,238,194.94
06/30/2024	917,810.27	262,530.79	(57,666.34)	1,122,674.72
06/30/2025	937,589.97	224,563.83	(52,607.44)	1,109,546.36
06/30/2026	928,169.68	184,628.29	(47,433.56)	1,065,364.41
06/30/2027	859,139.35	144,998.88	(42,732.36)	961,405.87
06/30/2028	813,205.31	104,988.16	(33,726.00)	884,467.47
06/30/2029	525,600.00	64,824.00	(22,688.40)	567,735.60
06/30/2030	554,800.00	33,288.00	(11,650.80)	576,437.20
<b>Total</b>	<b>\$14,343,990.68</b>	<b>\$5,538,450.76</b>	<b>(865,608.30)</b>	<b>\$19,016,833.14</b>

**Par Amounts Of Selected Issues**

1994 TMBF Loan (Variable).....	1,033,408.69
2001 TMBF Loan (Variable).....	1,711,000.00
2003 Bonds.....	639,898.56
2006 TMBF Loan (Variable).....	2,695,938.77
2008 TMBF Loan (Variable).....	931,139.35
2009B BAB Bonds.....	2,920,000.00
2011B Bonds.....	3,412,605.31
2012 TMBF Loan (Variable).....	500,000.00
2010 Interfund Note.....	500,000.00
<b>TOTAL.....</b>	<b>14,343,990.68</b>

Cumberland Securities Company, Inc. - 865-988-2663  
Tennessee Public Finance - CCB

## City of Oak Ridge, Tennessee Water Fund Debt Service Analysis - Current



**\$5,000,000**  
**City of Oak Ridge, Tennessee**  
 Interfund Capital Outlay Note, Series 2010  
 Water Portion

**Estimated Debt Service on Extension of Note**

Date	Principal	Est. Coupon	Interest	Total P+I
11/01/2013	238,095.24	1.000%	3,809.52	241,904.76
11/01/2014	238,095.24	1.000%	1,428.57	239,523.81
11/01/2015	23,809.52	1.000%	119.05	23,928.57
<b>Total</b>	<b>\$500,000.00</b>	<b>-</b>	<b>\$7,857.14</b>	<b>\$507,857.14</b>

**Date And Term Structure**

Dated.....	11/01/2012
First Coupon Date.....	5/01/2013
Frequency of Interest Payments.....	2 Per Year
First Serial Maturity Date.....	11/01/2013

**Yield Statistics**

Average Coupon.....	0.9999996%
Average Life.....	1.571 Years
Weighted Average Maturity.....	1.571 Years
True Interest Cost (TIC).....	0.9999996%
Bond Yield for Arbitrage Purposes.....	0.9999996%
Bond Year Dollars.....	\$785.71

**\$650,000**  
**City of Oak Ridge, Tennessee**  
**Proposed General Obligation Bonds, Series 2013**  
**Proposed Refunding of 2003 Bonds**

**Estimated Savings Analysis**

Date	Principal	Est Coupon*	Interest	Total P+I	Refunded D/S	Est. Savings
06/01/2014	215,000.00	1.300%	8,434.27	223,434.27	231,195.12	7,760.85
06/01/2015	215,000.00	1.550%	7,292.50	222,292.50	229,901.46	7,608.96
06/01/2016	220,000.00	1.800%	3,960.00	223,960.00	230,640.70	6,680.70
<b>Total</b>	<b>\$650,000.00</b>	<b>-</b>	<b>\$19,686.77</b>	<b>\$669,686.77</b>	<b>\$691,737.28</b>	<b>\$22,050.51</b>

\* Estimated Coupon is based off of market rates as of the date of this analysis. Actual rates would be determined on the date of the sale and could be higher or lower.

**Present Value Assumptions**

Net Present Value Benefit.....	\$21,031.00
Net PV Benefit / \$639,899 Refunded Principal.....	3.287%

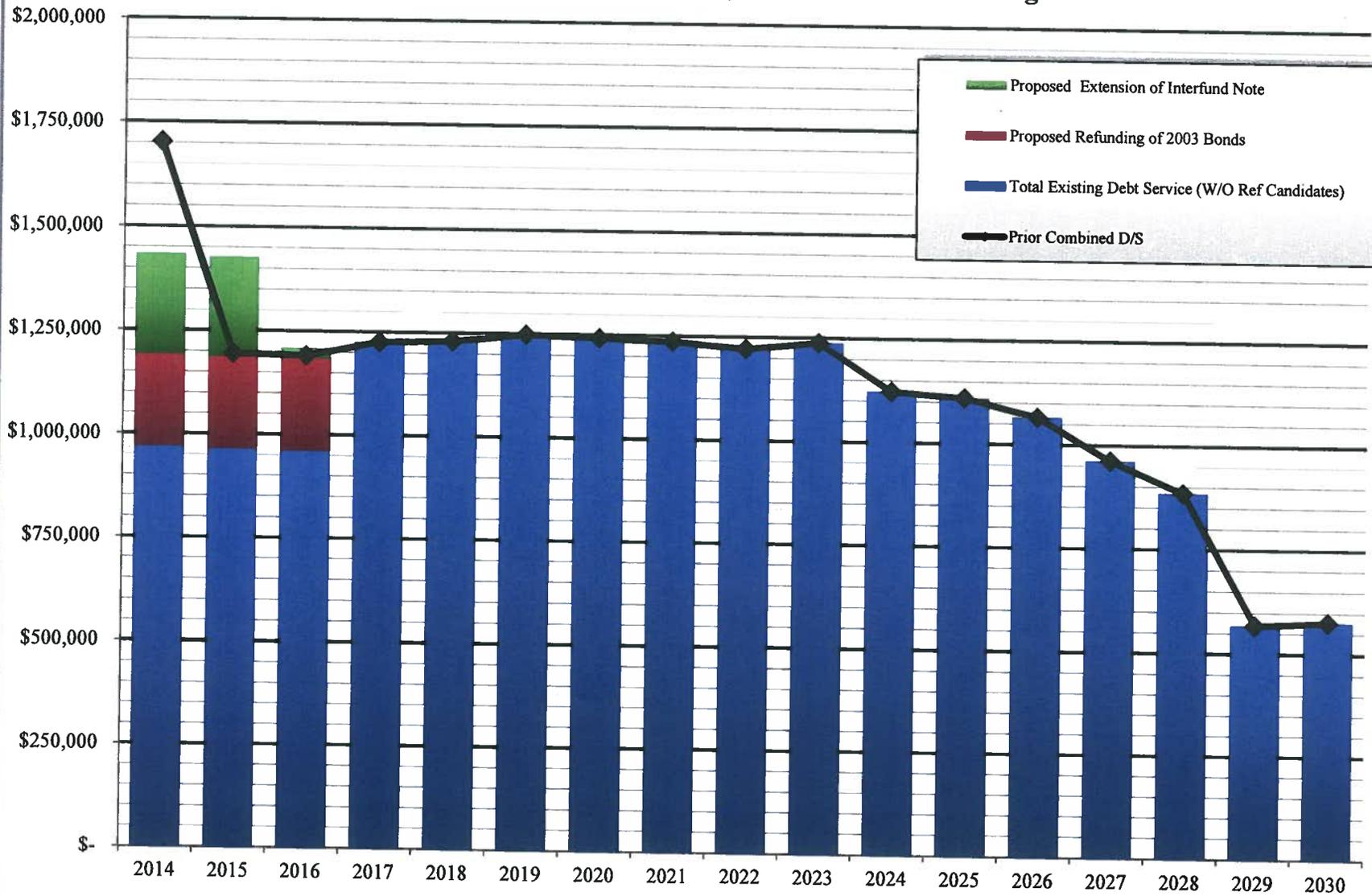
**Date And Term Structure**

Dated.....	7/30/2013
First Coupon Date.....	12/01/2013
Frequency of Interest Payments.....	2 Per Year
First Serial Maturity Date.....	6/01/2014

**Yield Statistics**

Bond Yield for Arbitrage Purposes.....	3.4411568%
Average Coupon.....	1.6426555%
Average Life.....	1.844 Years
Bond Year Dollars.....	\$1,198.47

## City of Oak Ridge, Tennessee Water Fund Debt Service Analysis - Est. Post Refunding



**\$610,000**  
**City of Oak Ridge, Tennessee**  
**General Obligation Bonds, Series 2013**  
**Water Portion**

**Estimated Debt Service**

Date	Principal	Est. Coupon	Interest	Total P+I
06/01/2014	-	-	14,208.04	14,208.04
06/01/2015	-	-	16,993.00	16,993.00
06/01/2016	35,000.00	1.800%	16,993.00	51,993.00
06/01/2017	35,000.00	1.850%	16,363.00	51,363.00
06/01/2018	35,000.00	2.050%	15,715.50	50,715.50
06/01/2019	35,000.00	2.300%	14,998.00	49,998.00
06/01/2020	35,000.00	2.550%	14,193.00	49,193.00
06/01/2021	40,000.00	2.650%	13,300.50	53,300.50
06/01/2022	40,000.00	2.700%	12,240.50	52,240.50
06/01/2023	40,000.00	2.850%	11,160.50	51,160.50
06/01/2024	40,000.00	2.900%	10,020.50	50,020.50
06/01/2025	40,000.00	3.020%	8,860.50	48,860.50
06/01/2026	45,000.00	3.050%	7,652.50	52,652.50
06/01/2027	45,000.00	3.150%	6,280.00	51,280.00
06/01/2028	45,000.00	3.250%	4,862.50	49,862.50
06/01/2029	50,000.00	3.350%	3,400.00	53,400.00
06/01/2030	50,000.00	3.450%	1,725.00	51,725.00
<b>Total</b>	<b>\$610,000.00</b>	<b>-</b>	<b>\$188,966.04</b>	<b>\$798,966.04</b>

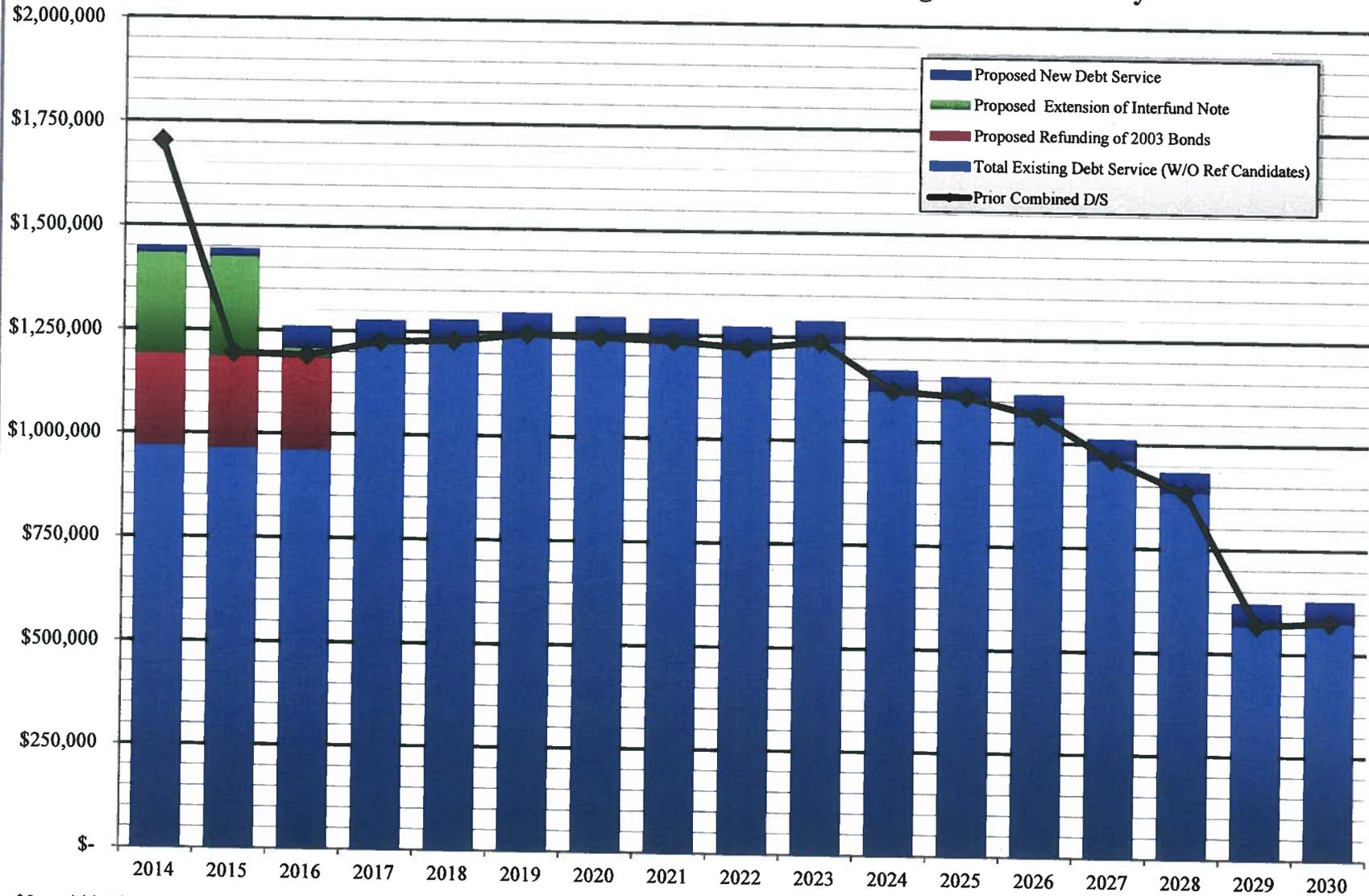
**Date And Term Structure**

Dated.....	7/30/2013
First Coupon Date.....	12/01/2013
Frequency of Interest Payments.....	2 Per Year
First Serial Maturity Date.....	6/01/2016

**Yield Statistics**

Average Coupon.....	2.9923232%
Average Life.....	10.353 Years
Weighted Average Maturity.....	10.353 Years
True Interest Cost (TIC).....	3.0808094%
Bond Yield for Arbitrage Purposes.....	3.4411568%
Bond Year Dollars.....	\$6,315.03

## City of Oak Ridge, Tennessee Water Fund Debt Service Analysis - Est. Post Refunding with New Money



\* Proposed debt is based upon current market rates. Rates could be higher or lower depending upon the market at the time of sale.

**CITY OF OAK RIDGE, TENNESSEE**  
**General Fund**

**Preliminary  
Funding  
Analysis**

June 10, 2013

Prepared By:

CUMBERLAND SECURITIES COMPANY, INC  
Independent Financial Advisors  
813 S. Northshore Drive, Suite 201A  
Knoxville, Tennessee 37919  
Telephone: (865) 988-2663  
Facsimile: (865) 988-1863

# City of Oak Ridge, Tennessee

## Preliminary Funding Analysis

### TABLE OF CONTENTS

REPORT

PAGE

Call Report - General Obligation Bonds, Series 2003 .....	1
Est. Savings Report - General Obligation Bonds, Series 2013.....	2

**\$7,231,000**  
**City of Oak Ridge, Tennessee**  
 General Obligation Refunding Bonds, Series 2003  
 General Fund Portion

**Debt Service To Maturity And To Call**

Date	Refunded Bonds	Refunded Interest	D/S To Call	Principal	Coupon	Interest	Refunded D/S
06/01/2014	3,345,000.00	21,928.33	3,366,928.33	660,000.00	4.000%	133,800.00	793,800.00
06/01/2015	-	-	-	1,305,000.00	4.000%	107,400.00	1,412,400.00
06/01/2016	-	-	-	1,380,000.00	4.000%	55,200.00	1,435,200.00
<b>Total</b>	<b>\$3,345,000.00</b>	<b>\$21,928.33</b>	<b>\$3,366,928.33</b>	<b>\$3,345,000.00</b>	<b>-</b>	<b>\$296,400.00</b>	<b>\$3,641,400.00</b>

**Yield Statistics**

Base date for Avg. Life & Avg. Coupon Calculation.....	7/30/2013
Average Life.....	2.051 Years
Average Coupon.....	4.3195715%
Weighted Average Maturity (Par Basis).....	2.051 Years

**Refunding Bond Information**

Refunding Dated Date.....	7/30/2013
Refunding Delivery Date.....	7/30/2013

**\$3,400,000**  
**City of Oak Ridge, Tennessee**  
Proposed General Obligation Bonds, Series 2013  
Proposed Refunding of 2003 Bonds

**Estimated Savings Analysis**

Date	Principal	Est Coupon*	Interest	Total P+I	Refunded D/S	Est. Savings
06/01/2014	705,000.00	1.300%	45,453.09	750,453.09	793,800.00	43,346.91
06/01/2015	1,325,000.00	1.550%	45,197.50	1,370,197.50	1,412,400.00	42,202.50
06/01/2016	1,370,000.00	1.800%	24,660.00	1,394,660.00	1,435,200.00	40,540.00
<b>Total</b>	<b>\$3,400,000.00</b>	<b>-</b>	<b>\$115,310.59</b>	<b>\$3,515,310.59</b>	<b>\$3,641,400.00</b>	<b>\$126,089.41</b>

\* Estimated Coupon is based off of market rates as of the date of this analysis. Actual rates would be determined on the date of the sale and could be higher or lower.

**Present Value Assumptions**

Net Present Value Benefit.....	\$120,122.86
Net PV Benefit / \$3,345,000 Refunded Principal.....	3.591%

**Date And Term Structure**

Dated.....	7/30/2013
First Coupon Date.....	12/01/2013
Frequency of Interest Payments.....	2 Per Year
First Serial Maturity Date.....	6/01/2014

**Yield Statistics**

Bond Yield for Arbitrage Purposes.....	3.4411568%
Average Coupon.....	1.6692863%
Average Life.....	2.032 Years
Bond Year Dollars.....	\$6,907.78

**RESOLUTION****INITIAL RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED THREE MILLION SEVEN HUNDRED THOUSAND AND NO/100 DOLLARS (\$3,700,000) GENERAL OBLIGATION BONDS OF THE CITY OF OAK RIDGE, TENNESSEE**

BE IT RESOLVED by the City of Oak Ridge, Tennessee (the "Municipality") that for the purpose of financing, in whole or in part, the (i) improvement and expansion of the waterworks system of the Municipality (the "System"), which includes the water and wastewater systems of the Municipality; (ii) purchase of equipment for the System; (iii) payment of architectural, engineering, legal, fiscal and administrative costs incident to the foregoing; (iv) reimbursement to the Municipality for funds previously expended for any of the foregoing; and (v) payment of the costs related to the issuance and sale of the bonds referenced therein, there shall be issued bonds, in one or more emissions of the Municipality, in the aggregate principal amount of not to exceed \$3,700,000, which bonds shall bear interest at a rate or rates not to exceed six percent (6.00%) per annum. The bonds shall be payable from ad valorem taxes to be levied on all taxable property within the corporate limits of the Municipality. The bonds shall be additionally payable from and secured by a pledge of the revenues to be derived from the operation of the System, subject only to the payment of the reasonable and necessary costs of operating, maintaining, repairing and insuring the System and to any pledges of such revenues in favor of prior lien obligations payable from the revenues of the System.

BE IT FURTHER RESOLVED that the City Clerk be, and is, hereby directed and instructed to cause the foregoing initial resolution relative to the issuance of not to exceed \$3,700,000 general obligation bonds to be published in full in a newspaper having a general circulation in the Municipality, for one issue of said paper followed by the statutory notice:

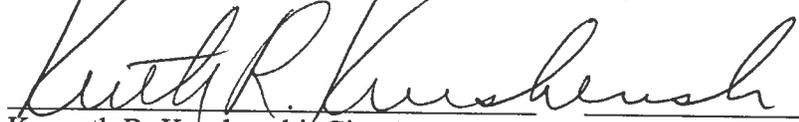
**NOTICE**

The foregoing resolution has been adopted. Unless within twenty (20) days from the date of publication hereof a petition signed by at least ten percent (10%) of the registered voters of the Municipality shall have been filed with the City Clerk of the Municipality protesting the issuance of the bonds, such bonds will be issued as proposed.

Diana R. Stanley, City Clerk

Adopted and approved this 10<sup>th</sup> day of June, 2013.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

Diana R. Stanley, City Clerk

## RESOLUTION

**A RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 2013, IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED TWENTY-FOUR MILLION FIVE HUNDRED THOUSAND AND NO/100 DOLLARS (\$24,500,000) OF THE CITY OF OAK RIDGE, TENNESSEE; MAKING PROVISION FOR THE ISSUANCE, SALE AND PAYMENT OF SAID BONDS; ESTABLISHING THE TERMS THEREOF AND THE DISPOSITION OF PROCEEDS THEREFROM; AND PROVIDING FOR THE LEVY OF TAXES FOR THE PAYMENT OF PRINCIPAL OF, PREMIUM, IF ANY, AND INTEREST ON THE BONDS.**

**WHEREAS**, the City of Oak Ridge, Tennessee (the "Municipality") is duly incorporated pursuant to Sections 6-30-101 *et seq.*, Tennessee Code Annotated, as amended; and

**WHEREAS**, pursuant to authority granted by Sections 9-21-101, *et seq.*, Tennessee Code Annotated, as amended, the Municipality has issued its outstanding Tennessee Local Development Authority State Revolving Loan, Series 1997 ("SRF 1997"); its outstanding Tennessee Local Development Authority State Revolving Loan, Series 1998 ("SRF 1998"); its outstanding Tennessee Local Development Authority State Revolving Loan, Series 2002 ("SRF 2002") and its outstanding General Obligation Refunding Bonds, Series 2003, dated March 24, 2003, maturing June 1, 2014 and thereafter (the "Series 2003 Bonds," and together with SRF 1997, SRF 1998, and SRF 2002, the "Outstanding Obligations"); and

**WHEREAS**, the Outstanding Obligations, or a portion thereof, as shall be determined by the Mayor, in consultation with the Finance Director of the City, can now be refinanced at a lower interest cost, thereby effecting a cost savings to the public; and

**WHEREAS**, municipalities in Tennessee are authorized by Section 9-21-101 *et seq.*, Tennessee Code Annotated, as amended, to issue, by resolution, bonds to refund, redeem or make principal and interest payments on their previously issued bonds, notes or other obligations; and

**WHEREAS**, the City Council of the Municipality (the "Governing Body") has heretofore determined that in order to provide the funds necessary to accomplish said refunding of the Outstanding Obligations, it is necessary to issue general obligation bonds of the Municipality; and

**WHEREAS**, the plan of refunding (the "Refunding Plan") for the Outstanding Obligations has been submitted to the State Director of State and Local Finance (the "State Director") as required by Section 9-21-903, Tennessee Code Annotated, as amended, and said report on the refunding has been issued and is attached hereto as Exhibit A; and

**WHEREAS**, by Sections 9-21-101 *et seq.*, Tennessee Code Annotated, as amended, municipalities in Tennessee are authorized through their respective governing bodies to issue and sell bonds of said municipalities to finance public works projects; and

**WHEREAS**, the Governing Body has also determined that it is necessary and advisable to authorize the issuance of general obligation bonds for the purpose of financing, in whole or in part, the (i) improvement and expansion of the waterworks system of the Municipality (the "System"), which includes

the water and wastewater systems of the Municipality; (ii) purchase of equipment for the System; (iii) payment of architectural, engineering, legal, fiscal and administrative costs incident to the foregoing; (iv) reimbursement to the Municipality for funds previously expended for any of the foregoing; and (v) payment of the costs related to the issuance and sale of such bonds; and

WHEREAS, contemporaneously with the adoption of this resolution, the Governing Body has adopted an Initial Resolution proposing the issuance of not to exceed \$3,700,000 in the aggregate principal amount of general obligation bonds, the proceeds of which shall be used for the projects hereinabove set forth and payment of the costs of issuance of the bonds authorized herein; and

WHEREAS, the Initial Resolution, together with the notice required by Section 9-21-206, Tennessee Code Annotated, will be published as required by law; and

WHEREAS, it is the intention of the Governing Body to adopt this resolution for the purpose of authorizing not to exceed \$24,500,000 in aggregate principal amount of said bonds, in book-entry only form, providing for the issuance, sale and payment of said bonds, establishing the terms thereof and the disposition of proceeds therefrom and providing for the levy of a tax for the payment of principal thereof, premium, if any, and interest thereon.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE, AS FOLLOWS:**

**SECTION 1. Authority.** The bonds authorized by this resolution are issued pursuant to Sections 9-21-101, et seq., Tennessee Code Annotated, as amended, and other applicable provisions of law.

**SECTION 2. Definitions.** The following terms shall have the following meanings in this resolution unless the text expressly or by necessary implication requires otherwise:

(a) "Bonds" means not to exceed \$24,500,000 General Obligation Bonds, Series 2013 of the Municipality, to be dated the date of their issuance, or such other date as shall be determined by the Mayor pursuant to Section 8 hereof;

(b) "Book-Entry Form" or "Book-Entry System" means a form or system, as applicable, under which physical bond certificates in fully registered form are issued to a Depository, or to its nominee as Registered Owner, with the certificate of bonds being held by and "immobilized" in the custody of such Depository, and under which records maintained by persons, other than the Municipality or the Registration Agent, constitute the written record that identifies, and records the transfer of, the beneficial "book-entry" interests in those bonds;

(c) "Code" shall mean the Internal Revenue Code of 1986, as amended, and all regulations promulgated thereunder;

(d) "Depository" means any securities depository that is a clearing agency under federal laws operating and maintaining, with its participants or otherwise, a Book-Entry System, including, but not limited to, DTC;

(e) "DTC" means the Depository Trust Company, a limited purpose company organized under the laws of the State of New York, and its successors and assigns;

(f) "DTC Participant(s)" means securities brokers and dealers, banks, trust companies and clearing corporations that have access to the DTC System;

(g) "Escrow Agent" means the escrow agent, under the Refunding Escrow Agreement, if any, to be designated by the Mayor or the City Manager of the Municipality, or its successor;

(h) "Governing Body" means the City Council of the Municipality;

(i) "Municipality" shall mean City of Oak Ridge, Tennessee;

(j) "Outstanding Obligations" means maturities designated by the Mayor, in consultation with the Finance Director of the City, which achieve cost savings objectives of the Municipality of the Municipality's outstanding SRF 1997, SRF 1998, SRF 2002 and the Series 2003 Bonds;

(k) "Projects" means the (i) improvement and expansion of the waterworks system of the Municipality (the "System"), which includes the water and wastewater systems of the Municipality; (ii) purchase of equipment for the System; (iii) payment of architectural, engineering, legal, fiscal and administrative costs incident to the foregoing; (iv) reimbursement to the Municipality for funds previously expended for any of the foregoing;

(l) "Refunding Escrow Agreement" shall mean the Refunding Escrow Agreement, dated as of the date of the Bonds, that may be entered into by and between the Municipality and the Escrow Agent pursuant to Section 11 hereof;

(m) "Registration Agent" means the registration and paying agent for the Bonds appointed by the City Manager of the Municipality pursuant to Section 3 hereof, as the registration and paying agent for the Bonds, or any successor designated by the Governing Body;

(n) "SRF 1997" means the Issuer's outstanding Tennessee Local Development Authority State Revolving Loan, Series 1997;

(o) "SRF 1998" means the Issuer's outstanding Tennessee Local Development Authority State Revolving Loan, Series 1998;

(p) "SRF 2002" means the Issuer's outstanding Tennessee Local Development Authority State Revolving Loan, Series 2002;

(q) "Series 2003 Bonds" means the Issuer's outstanding General Obligation Refunding Bonds, Series 2003, dated March 24, 2003, maturing June 1, 2014 and thereafter; and

(r) "System" means the Municipality's water and wastewater systems.

**SECTION 3. Findings of the Governing Body.** The Governing Body hereby declares a need for funds to be used for the purposes described herein and adopts this resolution for such purposes. The Bonds authorized by this resolution are issued pursuant to Sections 9-21-101 *et seq.*, Tennessee Code Annotated, as amended, other applicable provisions of law and this resolution.

**SECTION 4. Authorization and Terms of the Bonds.**

(a) For the purpose of providing funds to refund all or a portion of the Outstanding Obligations, to pay the costs of the Projects (including reimbursement to the Municipality for any such costs heretofore or hereinafter paid) and architectural, engineering, legal, fiscal and administrative costs incident thereto and to pay the costs incident to the issuance and sale of the Bonds, as more fully set forth in Section 9 hereof,

there are hereby authorized to be issued general obligation refunding bonds of the Municipality in the aggregate principal amount of not to exceed \$24,500,000. The Bonds shall be issued in fully registered, book-entry only form, without coupons, shall be known as "General Obligation Bonds, Series 2013" and shall be dated the date of their issuance, or such other dated date as shall be determined by the Mayor pursuant to Section 8 hereof. The true interest rate on the Bonds shall not exceed six percent (6.00%) per annum. Subject to the adjustments permitted pursuant to Section 8 hereof, interest on the Bonds shall be payable semi-annually on June 1 and December 1 in each year, commencing December 1, 2013. The Bonds shall be issued initially in \$5,000 denominations or integral multiples thereof, and shall mature, either serially or through mandatory redemption, commencing no later than June 1, 2014 and continuing on the first day of June of each year thereafter through and including June 1, 2037, the final maturity date (subject to the adjustments permitted pursuant to Section 8 hereof) in such amounts as shall be established by the Mayor in accordance with Section 8 hereof pursuant to the certificate awarding the sale of the Bonds to the successful bidder. The amortization of the principal of the Bonds relating to the refunding of the Outstanding Obligations shall be consistent in all substantial respects with the Refunding Plan submitted to the State Director, and the Governing Body hereby specifically approves the extension of the maturity of the Outstanding Obligations through the refunding authorized hereunder and finds that such extension is in the best interests of the citizens and ratepayers of the Municipality. The amortization of the portion of the Bonds that finances the Projects shall result in approximately level debt service payable with respect to all debt to be paid from the net revenues of the System.

(b) Subject to the adjustments permitted under Section 8 hereof, Bonds maturing on or prior to June 1, 2022 shall mature without option of prior redemption. Bonds maturing on June 1, 2023 and thereafter subject to redemption prior to maturity at the option of the Municipality on June 1, 2022 and thereafter, as a whole or in part, at any time, at the redemption price of par plus accrued interest to the redemption date. If the Bonds are subject to redemption and less than all the Bonds of a series shall be called for redemption, the maturities to be redeemed shall be selected by the Governing Body in its discretion. If less than all of the Bonds within a single maturity shall be called for redemption, the interests within the maturity to be redeemed shall be selected as follows:

(i) if the Bonds are being held under a Book-Entry System by DTC, or a successor Depository, the Bonds to be redeemed shall be determined by DTC, or such successor Depository, by lot or such other manner as DTC, or such successor Depository, shall determine; or

(ii) if the Bonds are not being held under a Book-Entry System by DTC, or a successor Depository, the Bonds within the maturity to be redeemed shall be selected by the Registration Agent by lot or such other random manner as the Registration Agent in its discretion shall determine.

(c) Pursuant to Section 8 hereof, the Mayor, in consultation with the Finance Director of the Municipality (the "Finance Director") is authorized to sell the Bonds, or any maturities thereof, as term bonds with mandatory redemption requirements corresponding to the maturities set forth herein or as determined by the Mayor. In the event any or all the Bonds are sold as term bonds, the Municipality shall redeem term bonds on redemption dates corresponding to the maturity dates permitted herein, in aggregate principal amounts equal to the maturity amounts established pursuant to Section 8 hereof for each redemption date, as such maturity amounts may be adjusted pursuant to Section 8 hereof, at a price of par plus accrued interest thereon to the date of redemption. The term bonds to be redeemed within a single maturity shall be selected in the manner described in subsection (b) above.

At its option, to be exercised on or before the forty-fifth (45th) day next preceding any such mandatory redemption date, the Municipality may (i) deliver to the Registration Agent for cancellation Bonds to be redeemed, in any aggregate principal amount desired, and/or (ii) receive a credit in respect of

its redemption obligation under this mandatory redemption provision for any Bonds of the maturity to be redeemed which prior to said date have been purchased or redeemed (otherwise than through the operation of this mandatory sinking fund redemption provision) and canceled by the Registration Agent and not theretofore applied as a credit against any redemption obligation under this mandatory sinking fund provision. Each Bond so delivered or previously purchased or redeemed shall be credited by the Registration Agent at 100% of the principal amount thereof on the obligation of the Municipality on such payment date and any excess shall be credited on future redemption obligations in chronological order, and the principal amount of Bonds to be redeemed by operation of this mandatory sinking fund provision shall be accordingly reduced. The Municipality shall on or before the forty-fifth (45th) day next preceding each payment date furnish the Registration Agent with its certificate indicating whether or not and to what extent the provisions of clauses (i) and (ii) of this subsection are to be availed of with respect to such payment and confirm that funds for the balance of the next succeeding prescribed payment will be paid on or before the next succeeding payment date.

(d) Notice of call for redemption, whether optional or mandatory, shall be given by the Registration Agent on behalf of the Municipality not less than twenty (20) nor more than sixty (60) days prior to the date fixed for redemption by sending an appropriate notice to the registered owners of the Bonds to be redeemed by first-class mail, postage prepaid, at the addresses shown on the Bond registration records of the Registration Agent as of the date of the notice; but neither failure to mail such notice nor any defect in any such notice so mailed shall affect the sufficiency of the proceedings for redemption of any of the Bonds for which proper notice was given. As long as DTC, or a successor Depository, is the registered owner of the Bonds, all redemption notices shall be mailed by the Registration Agent to DTC, or such successor Depository, as the registered owner of the Bonds, as and when above provided, and neither the Municipality nor the Registration Agent shall be responsible for mailing notices of redemption to DTC Participants or Beneficial Owners. Failure of DTC, or any successor Depository, to provide notice to any DTC Participant or Beneficial Owner will not affect the validity of such redemption. The Registration Agent shall mail said notices as and when directed by the Municipality pursuant to written instructions from an authorized representative of the Municipality (other than for a mandatory sinking fund redemption, notices of which shall be given on the dates provided herein) given at least forty-five (45) days prior to the redemption date (unless a shorter notice period shall be satisfactory to the Registration Agent). From and after the redemption date, all Bonds called for redemption shall cease to bear interest if funds are available at the office of the Registration Agent for the payment thereof and if notice has been duly provided as set forth herein.

(e) The Mayor or the City Manager of the City (the "City Manager") is hereby authorized to appoint the Registration Agent, and such Registration Agent is hereby authorized and directed to maintain Bond registration records with respect to the Bonds, to authenticate and deliver the Bonds as provided herein, either at original issuance or upon transfer, to effect transfers of the Bonds, to give all notices of redemption as required herein, to make all payments of principal and interest with respect to the Bonds as provided herein, to cancel and destroy Bonds which have been paid at maturity or upon earlier redemption or submitted for exchange or transfer, to furnish the Municipality at least annually a certificate of destruction with respect to Bonds canceled and destroyed, and to furnish the Municipality at least annually an audit confirmation of Bonds paid, Bonds outstanding and payments made with respect to interest on the Bonds. The Mayor is hereby authorized to execute and the City Clerk is hereby authorized to attest such written agreement between the Municipality and the Registration Agent as they shall deem necessary and proper with respect to the obligations, duties and rights of the Registration Agent. The payment of all reasonable fees and expenses of the Registration Agent for the discharge of its duties and obligations hereunder or under any such agreement is hereby authorized and directed.

(f) The Bonds shall be payable, both principal and interest, in lawful money of the United States of America at the main office of the Registration Agent. The Registration Agent shall make all

interest payments with respect to the Bonds by check or draft on each interest payment date directly to the registered owners as shown on the Bond registration records maintained by the Registration Agent as of the close of business on the fifteenth day of the month next preceding the interest payment date (the "Regular Record Date") by depositing said payment in the United States mail, postage prepaid, addressed to such owners at their addresses shown on said Bond registration records, without, except for final payment, the presentation or surrender of such registered Bonds, and all such payments shall discharge the obligations of the Municipality in respect of such Bonds to the extent of the payments so made. Payment of principal of and premium, if any, on the Bonds shall be made upon presentation and surrender of such Bonds to the Registration Agent as the same shall become due and payable. All rates of interest specified herein shall be computed on the basis of a three hundred sixty (360) day year composed of twelve (12) months of thirty (30) days each. In the event the Bonds are no longer registered in the name of DTC, or a successor Depository, if requested by the Owner of at least \$1,000,000 in aggregate principal amount of the Bonds, payment of interest on such Bonds shall be paid by wire transfer to a bank within the continental United States or deposited to a designated account if such account is maintained with the Registration Agent and written notice of any such election and designated account is given to the Registration Agent prior to the record date.

(g) Any interest on any Bond that is payable but is not punctually paid or duly provided for on any interest payment date (hereinafter "Defaulted Interest") shall forthwith cease to be payable to the registered owner on the relevant Regular Record Date; and, in lieu thereof, such Defaulted Interest shall be paid by the Municipality to the persons in whose names the Bonds are registered at the close of business on a date (the "Special Record Date") for the payment of such Defaulted Interest, which shall be fixed in the following manner: the Municipality shall notify the Registration Agent in writing of the amount of Defaulted Interest proposed to be paid on each Bond and the date of the proposed payment, and at the same time the Municipality shall deposit with the Registration Agent an amount of money equal to the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make arrangements satisfactory to the Registration Agent for such deposit prior to the date of the proposed payment, such money when deposited to be held in trust for the benefit of the persons entitled to such Defaulted Interest as in this Section provided. Thereupon, not less than ten (10) days after the receipt by the Registration Agent of the notice of the proposed payment, the Registration Agent shall fix a Special Record Date for the payment of such Defaulted Interest which Date shall be not more than fifteen (15) nor less than ten (10) days prior to the date of the proposed payment to the registered owners. The Registration Agent shall promptly notify the Municipality of such Special Record Date and, in the name and at the expense of the Municipality, not less than ten (10) days prior to such Special Record Date, shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, first class postage prepaid, to each registered owner at the address thereof as it appears in the Bond registration records maintained by the Registration Agent as of the date of such notice. Nothing contained in this Section or in the Bonds shall impair any statutory or other rights in law or in equity of any registered owner arising as a result of the failure of the Municipality to punctually pay or duly provide for the payment of principal of, premium, if any, and interest on the Bonds when due.

(h) The Bonds are transferable only by presentation to the Registration Agent by the registered owner, or his legal representative duly authorized in writing, of the registered Bond(s) to be transferred with the form of assignment on the reverse side thereof completed in full and signed with the name of the registered owner as it appears upon the face of the Bond(s) accompanied by appropriate documentation necessary to prove the legal capacity of any legal representative of the registered owner. Upon receipt of the Bond(s) in such form and with such documentation, if any, the Registration Agent shall issue a new Bond or the Bond to the assignee(s) in \$5,000 denominations, or integral multiples thereof, as requested by the registered owner requesting transfer. The Registration Agent shall not be required to transfer or exchange any Bond during the period commencing on a Regular or Special Record Date and ending on the corresponding interest payment date of such Bond, nor to transfer or exchange any Bond after the

publication of notice calling such Bond for redemption has been made, nor to transfer or exchange any Bond during the period following the receipt of instructions from the Municipality to call such Bond for redemption; provided, the Registration Agent, at its option, may make transfers after any of said dates. No charge shall be made to any registered owner for the privilege of transferring any Bond, provided that any transfer tax relating to such transaction shall be paid by the registered owner requesting transfer. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and neither the Municipality nor the Registration Agent shall be affected by any notice to the contrary whether or not any payments due on the Bonds shall be overdue. The Bonds, upon surrender to the Registration Agent, may, at the option of the registered owner, be exchanged for an equal aggregate principal amount of the Bonds of the same maturity in any authorized denomination or denominations.

(i) The Bonds shall be executed in such manner as may be prescribed by applicable law, in the name, and on behalf, of the Municipality with the manual or facsimile signature of the Mayor and attested by the manual or facsimile signature of the City Clerk.

(j) Except as otherwise provided in this resolution, the Bonds shall be registered in the name of Cede & Co., as nominee of DTC, which will act as securities depository for the Bonds. References in this Section to a Bond or the Bonds shall be construed to mean the Bond or the Bonds that are held under the Book-Entry System. One Bond for each maturity of the Bonds shall be issued to DTC and immobilized in its custody or a custodian of DTC. The Bond Registrar is a custodian and agent for DTC, and the Bond will be immobilized in its custody. A Book-Entry System shall be employed, evidencing ownership of the Bonds in authorized denominations, with transfers of beneficial ownership effected on the records of DTC and the DTC Participants pursuant to rules and procedures established by DTC.

Each DTC Participant shall be credited in the records of DTC with the amount of such DTC Participant's interest in the Bonds. Beneficial ownership interests in the Bonds may be purchased by or through DTC Participants. The holders of these beneficial ownership interests are hereinafter referred to as the "Beneficial Owners." The Beneficial Owners shall not receive the Bonds representing their beneficial ownership interests. The ownership interests of each Beneficial Owner shall be recorded through the records of the DTC Participant from which such Beneficial Owner purchased its Bonds. Transfers of ownership interests in the Bonds shall be accomplished by book entries made by DTC and, in turn, by DTC Participants acting on behalf of Beneficial Owners. **SO LONG AS CEDE & CO., AS NOMINEE FOR DTC, IS THE REGISTERED OWNER OF THE BONDS, THE REGISTRATION AGENT SHALL TREAT CEDE & CO., AS THE ONLY HOLDER OF THE BONDS FOR ALL PURPOSES UNDER THIS RESOLUTION, INCLUDING RECEIPT OF ALL PRINCIPAL OF, PREMIUM, IF ANY, AND INTEREST ON THE BONDS, RECEIPT OF NOTICES, VOTING AND REQUESTING OR DIRECTING THE REGISTRATION AGENT TO TAKE OR NOT TO TAKE, OR CONSENTING TO, CERTAIN ACTIONS UNDER THIS RESOLUTION.**

Payments of principal, interest, and redemption premium, if any, with respect to the Bonds, so long as DTC is the only owner of the Bonds, shall be paid by the Registration Agent directly to DTC or its nominee, Cede & Co. as provided in the Letter of Representation relating to the Bonds from the Municipality and the Registration Agent to DTC (the "Letter of Representation"). DTC shall remit such payments to DTC Participants, and such payments thereafter shall be paid by DTC Participants to the Beneficial Owners. The Municipality and the Registration Agent shall not be responsible or liable for payment by DTC or DTC Participants, for sending transaction statements or for maintaining, supervising or reviewing records maintained by DTC or DTC Participants.

In the event that (1) DTC determines not to continue to act as securities depository for the Bonds or (2) to the extent permitted by the rules of DTC, the Municipality determines that the continuation of the Book-Entry System of evidence and transfer of ownership of the Bonds would adversely affect their

interests or the interests of the Beneficial Owners of the Bonds, the Municipality shall discontinue the Book-Entry System with DTC. If the Municipality fails to identify another qualified securities depository to replace DTC, the Municipality shall cause the Registration Agent to authenticate and deliver replacement Bonds in the form of fully registered Bonds to each Beneficial Owner.

THE MUNICIPALITY AND THE REGISTRATION AGENT SHALL NOT HAVE ANY RESPONSIBILITY OR OBLIGATIONS TO ANY DTC PARTICIPANT OR ANY BENEFICIAL OWNER WITH RESPECT TO (i) THE BONDS; (ii) THE ACCURACY OF ANY RECORDS MAINTAINED BY DTC OR ANY DTC PARTICIPANT; (iii) THE PAYMENT BY DTC OR ANY DTC PARTICIPANT OF ANY AMOUNT DUE TO ANY BENEFICIAL OWNER IN RESPECT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS; (iv) THE DELIVERY OR TIMELINESS OF DELIVERY BY DTC OR ANY DTC PARTICIPANT OF ANY NOTICE DUE TO ANY BENEFICIAL OWNER THAT IS REQUIRED OR PERMITTED UNDER THE TERMS OF THIS RESOLUTION TO BE GIVEN TO BENEFICIAL OWNERS, (v) THE SELECTION OF BENEFICIAL OWNERS TO RECEIVE PAYMENTS IN THE EVENT OF ANY PARTIAL REDEMPTION OF THE BONDS; OR (vi) ANY CONSENT GIVEN OR OTHER ACTION TAKEN BY DTC, OR ITS NOMINEE, CEDE & CO., AS OWNER.

(k) The Registration Agent is hereby authorized to take such action as may be necessary from time to time to qualify and maintain the Bonds for deposit with DTC, including but not limited to, wire transfers of interest and principal payments with respect to the Bonds, utilization of electronic book entry data received from DTC in place of actual delivery of Bonds and provision of notices with respect to Bonds registered by DTC (or any of its designees identified to the Registration Agent) by overnight delivery, courier service, telegram, teletype or other similar means of communication. No such arrangements with DTC may adversely affect the interest of any of the owners of the Bonds, provided, however, that the Registration Agent shall not be liable with respect to any such arrangements it may make pursuant to this section.

(l) The Registration Agent is hereby authorized to authenticate and deliver the Bonds to the original purchaser, upon receipt by the Municipality of the proceeds of the sale thereof and to authenticate and deliver Bonds in exchange for Bonds of the same principal amount delivered for transfer upon receipt of the Bond(s) to be transferred in proper form with proper documentation as hereinabove described. The Bonds shall not be valid for any purpose unless authenticated by the Registration Agent by the manual signature of an officer thereof on the certificate set forth herein on the Bond form.

(m) In case any Bond shall become mutilated, or be lost, stolen, or destroyed, the Municipality, in its discretion, shall issue, and the Registration Agent, upon written direction from the Municipality, shall authenticate and deliver, a new Bond of like tenor, amount, maturity and date, in exchange and substitution for, and upon the cancellation of, the mutilated Bond, or in lieu of and in substitution for such lost, stolen or destroyed Bond, or if any such Bond shall have matured or shall be about to mature, instead of issuing a substituted Bond the Municipality may pay or authorize payment of such Bond without surrender thereof. In every case the applicant shall furnish evidence satisfactory to the Municipality and the Registration Agent of the destruction, theft or loss of such Bond, and indemnity satisfactory to the Municipality and the Registration Agent; and the Municipality may charge the applicant for the issue of such new Bond an amount sufficient to reimburse the Municipality for the expense incurred by it in the issue thereof.

**SECTION 5. Source of Payment.** The Bonds shall be payable from unlimited ad valorem taxes to be levied on all taxable property within the corporate limits of the Municipality. For the portion of the Bonds to fund the Projects, the Bonds shall be additionally payable from and secured by a pledge of the revenues to be derived from the operation of the System, subject only to the payment of the reasonable and necessary costs of operating, maintaining, repairing and insuring the System and to any pledges of such

revenues in favor of prior lien obligations payable from the revenues of the System. For the prompt payment of principal of, premium, if any, and interest on the Bonds, the full faith and credit of the Municipality are hereby irrevocably pledged.

**SECTION 6. Form of Bonds.** The Bonds shall be in substantially the following form, the omissions to be appropriately completed when the Bonds are prepared and delivered:

(Form of Bond)

REGISTERED  
Number \_\_\_\_\_

REGISTERED  
\$ \_\_\_\_\_

UNITED STATES OF AMERICA  
STATE OF TENNESSEE  
COUNTIES OF ANDERSON AND ROANE  
CITY OF OAK RIDGE  
GENERAL OBLIGATION BOND, SERIES 2013

Interest Rate:                      Maturity Date:                      Date of Bond:                      CUSIP No.:

Registered Owner:              CEDE & CO.

Principal Amount:

KNOW ALL MEN BY THESE PRESENTS: That the City of Oak Ridge, Tennessee, a municipal corporation lawfully organized and existing in Anderson and Roane Counties, Tennessee (the "Municipality"), for value received hereby promises to pay to the registered owner hereof, hereinabove named, or registered assigns, in the manner hereinafter provided, the principal amount hereinabove set forth on the maturity date hereinabove set forth (or upon earlier redemption as set forth herein), and to pay interest (computed on the basis of a 360-day year of twelve 30-day months) on said principal amount at the annual rate of interest hereinabove set forth from the date hereof until said maturity date or redemption date, said interest being payable on December 1, 2013, and semi-annually thereafter on the first day of June and December in each year until this Bond matures or is redeemed. Both principal hereof and interest hereon are payable in lawful money of the United States of America by check or draft at the principal corporate trust office of \_\_\_\_\_, as registration agent and paying agent (the "Registration Agent"). The Registration Agent shall make all interest payments with respect to this Bond on each interest payment date directly to the registered owner hereof shown on the Bond registration records maintained by the Registration Agent as of the close of business on the fifteenth day of the month next preceding the interest payment date (the "Regular Record Date") by check or draft mailed to such owner at such owner's address shown on said bond registration records, without, except for final payment, the presentation or surrender of this Bond, and all such payments shall discharge the obligations of the Municipality to the extent of the payments so made. Any such interest not so punctually paid or duly provided for on any interest payment date shall forthwith cease to be payable to the registered owner on the relevant Regular Record Date; and, in lieu thereof, such defaulted interest shall be payable to the person in whose name this Bond is registered at the close of business on the date (the "Special Record Date") for payment of such defaulted interest to be fixed by the Registration Agent, notice of which shall be given to the owners of the Bonds of the issue of which this Bond is one not less than ten (10) days prior to such Special Record Date. Payment of principal of [and premium, if any,] on this Bond shall be made when due upon presentation and surrender of this Bond to the Registration Agent.

Except as otherwise provided herein or in the Resolution, as hereinafter defined, this Bond shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the Bonds of the series of which this Bond is one. One Bond for each maturity of the Bonds shall be issued to DTC and immobilized in its custody or a custodian of DTC. The Bond Registrar is a custodian and agent for DTC, and the Bond will be immobilized in its custody. A book-entry system shall be employed, evidencing ownership of the Bonds in \$5,000 denominations, or multiples thereof, with transfers of beneficial ownership effected on the records of DTC and the DTC Participants, as defined in the Resolution, pursuant to rules and procedures established by DTC. So long as Cede & Co., as nominee for DTC, is the registered owner of the Bonds, the Municipality and the Registration Agent shall treat Cede & Co., as the only owner of the Bonds for all purposes under the Resolution, including receipt of all principal and maturity amounts of, premium, if any, and interest on the Bonds, receipt of notices, voting and requesting or taking or not taking, or consenting to, certain actions hereunder. Payments of principal, maturity amounts, interest, and redemption premium, if any, with respect to the Bonds, so long as DTC is the only owner of the Bonds, shall be paid directly to DTC or its nominee, Cede & Co. DTC shall remit such payments to DTC Participants, and such payments thereafter shall be paid by DTC Participants to the Beneficial Owners, as defined in the Resolution. Neither the Municipality nor the Registration Agent shall be responsible or liable for payment by DTC or DTC Participants, for sending transaction statements or for maintaining, supervising or reviewing records maintained by DTC or DTC Participants. In the event that (1) DTC determines not to continue to act as securities depository for the Bonds or (2) to the extent permitted by the rules of DTC, the Municipality determines that the continuation of the book-entry system of evidence and transfer of ownership of the Bonds would adversely affect its interests or the interests of the Beneficial Owners of the Bonds, the Municipality may discontinue the book-entry system with DTC. If the Municipality fails to identify another qualified securities depository to replace DTC, the Municipality shall cause the Registration Agent to authenticate and deliver replacement Bonds in the form of fully registered Bonds to each Beneficial Owner. Neither the Municipality nor the Registration Agent shall have any responsibility or obligations to any DTC Participant or any Beneficial Owner with respect to (i) the Bonds; (ii) the accuracy of any records maintained by DTC or any DTC Participant; (iii) the payment by DTC or any DTC Participant of any amount due to any Beneficial Owner in respect of the principal or maturity amounts of and interest on the Bonds; (iv) the delivery or timeliness of delivery by DTC or any DTC Participant of any notice due to any Beneficial Owner that is required or permitted under the terms of the Resolution to be given to Beneficial Owners, (v) the selection of Beneficial Owners to receive payments in the event of any partial redemption of the Bonds; or (vi) any consent given or other action taken by DTC, or its nominee, Cede & Co., as owner.

Bonds of the issue of which this Bond is one maturing on or before June 1, 2022 shall mature without option of prior redemption. Bonds maturing on June 1, 2023 and thereafter subject to redemption prior to maturity at the option of the Municipality on June 1, 2022 and thereafter, as a whole or in part, at any time, at the redemption price of par plus accrued interest to the redemption date. If less than all the Bonds shall be called for redemption, the maturities to be redeemed shall be selected by the City Council of the Municipality in its discretion.

[If the Bonds shall be called for redemption, the maturities to be redeemed shall be designated by the City Council of the Municipality, in its discretion. If less than all the principal amount of the Bonds of a maturity shall be called for redemption, the interests within the maturity to be redeemed shall be selected as follows:

- (i) if the Bonds are being held under a Book-Entry System by DTC, or a successor Depository, the amount of the interest of each DTC Participant in the Bonds to be redeemed shall be determined by DTC, or such successor Depository, by lot or such other manner as DTC, or such successor Depository, shall determine; or

(ii) if the Bonds are not being held under a Book-Entry System by DTC, or a successor Depository, the Bonds within the maturity to be redeemed shall be selected by the Registration Agent by lot or such other random manner as the Registration Agent in its discretion shall determine.]

[Subject to the credit hereinafter provided, the Municipality shall redeem Bonds maturing \_\_\_\_\_ on the redemption dates set forth below opposite the maturity dates, in aggregate principal amounts equal to the respective dollar amounts set forth below opposite the respective redemption dates at a price of par plus accrued interest thereon to the date of redemption. DTC, as securities depository for the series of Bonds of which this Bond is one, or such Person as shall then be serving as the securities depository for the Bonds, shall determine the interest of each Participant in the Bonds to be redeemed using its procedures generally in use at that time. If DTC, or another securities depository is no longer serving as securities depository for the Bonds, the Bonds to be redeemed within a maturity shall be selected by the Registration Agent by lot or such other random manner as the Registration Agent in its discretion shall select. The dates of redemption and principal amount of Bonds to be redeemed on said dates are as follows:

Final Maturity	Redemption Date	Principal Amount of Bonds Redeemed
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**\*Final Maturity**

At its option, to be exercised on or before the forty-fifth (45th) day next preceding any such redemption date, the Municipality may (i) deliver to the Registration Agent for cancellation Bonds to be redeemed, in any aggregate principal amount desired, and/or (ii) receive a credit in respect of its redemption obligation under this mandatory redemption provision for any Bonds of the maturity to be redeemed which prior to said date have been purchased or redeemed (otherwise than through the operation of this mandatory sinking fund redemption provision) and canceled by the Registration Agent and not theretofore applied as a credit against any redemption obligation under this mandatory sinking fund provision. Each Bond so delivered or previously purchased or redeemed shall be credited by the Registration Agent at 100% of the principal amount thereof on the obligation of the Municipality on such payment date and any excess shall be credited on future redemption obligations in chronological order, and the principal amount of Bonds to be redeemed by operation of this mandatory sinking fund provision shall be accordingly reduced. The Municipality shall on or before the forty-fifth (45th) day next preceding each payment date furnish the Registration Agent with its certificate indicating whether or not and to what extent the provisions of clauses (i) and (ii) of this subsection are to be availed of with respect to such payment and confirm that funds for the balance of the next succeeding prescribed payment will be paid on or before the next succeeding payment date.]

Notice of call for redemption[, whether optional or mandatory,] shall be given by the Registration Agent not less than twenty (20) nor more than sixty (60) days prior to the date fixed for redemption by sending an appropriate notice to the registered owners of the Bonds to be redeemed by first-class mail, postage prepaid, at the addresses shown on the Bond registration records of the Registration Agent as of the date of the notice; but neither failure to mail such notice nor any defect in any such notice so mailed shall affect the sufficiency of the proceedings for the redemption of any of the Bonds for which proper notice was given. As long as DTC, or a successor Depository, is the registered owner of the Bonds, all

redemption notices shall be mailed by the Registration Agent to DTC, or such successor Depository, as the registered owner of the Bonds, as and when above provided, and neither the Municipality nor the Registration Agent shall be responsible for mailing notices of redemption to DTC Participants or Beneficial Owners. Failure of DTC, or any successor Depository, to provide notice to any DTC Participant will not affect the validity of such redemption. From and after any redemption date, all Bonds called for redemption shall cease to bear interest if funds are available at the office of the Registration Agent for the payment thereof and if notice has been duly provided as set forth in the Resolution, as hereafter defined.

This Bond is transferable by the registered owner hereof in person or by such owner's attorney duly authorized in writing at the principal corporate trust office of the Registration Agent set forth on the front side hereof, but only in the manner, subject to limitations and upon payment of the charges provided in the Resolution, as hereafter defined, and upon surrender and cancellation of this Bond. Upon such transfer a new Bond or Bonds of authorized denominations of the same maturity and interest rate for the same aggregate principal amount will be issued to the transferee in exchange therefor. The person in whose name this Bond is registered shall be deemed and regarded as the absolute owner thereof for all purposes and neither the Municipality nor the Registration Agent shall be affected by any notice to the contrary whether or not any payments due on the Bond shall be overdue. Bonds, upon surrender to the Registration Agent, may, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of the Bonds of the same maturity in authorized denomination or denominations, upon the terms set forth in the Resolution. The Registration Agent shall not be required to transfer or exchange any Bond during the period commencing on a Regular Record Date or Special Record Date and ending on the corresponding interest payment date of such Bond, nor to transfer or exchange any Bond after the notice calling such Bond for redemption has been made, nor during a period following the receipt of instructions from the Municipality to call such Bond for redemption.

This Bond is one of a total authorized issue aggregating \$24,500,000 and issued by the Municipality for the purpose of providing funds to refund the Municipality's Tennessee Local Development Authority State Revolving Loan, Series 1997; its outstanding Tennessee Local Development Authority State Revolving Loan, Series 1998; its outstanding Tennessee Local Development Authority State Revolving Loan, Series 2002 and its outstanding General Obligation Refunding Bonds, Series 2003, dated March 24, 2003, maturing June 1, 2014 and thereafter, to finance, in whole or in part, the (i) improvement and expansion of the waterworks system of the Municipality (the "System"), which includes the water and wastewater systems of the Municipality; (ii) purchase of equipment for the System; (iii) payment of architectural, engineering, legal, fiscal and administrative costs incident to the foregoing; (iv) reimbursement to the Municipality for funds previously expended for any of the foregoing, and to pay costs of issuance of the Bonds, under and in full compliance with the constitution and statutes of the State of Tennessee, including Sections 9-21-101, *et seq.*, Tennessee Code Annotated, and pursuant to a resolution duly adopted by the City Council of the Municipality on the 10<sup>th</sup> day of June, 2013 (the "Resolution").

This Bond shall be payable from unlimited ad valorem taxes to be levied on all taxable property within the corporate limits of the Municipality. This Bond shall be additionally payable from and secured by a pledge of the revenues to be derived from the operation of the System, subject only to the payment of the reasonable and necessary costs of operating, maintaining, repairing and insuring the System and to any pledges of such revenues in favor of prior lien obligations payable from the revenues of the System. For the prompt payment of principal of, premium, if any, and interest on this Bond, the full faith and credit of the Municipality are hereby irrevocably pledged. For a more complete statement of the general covenants and provisions pursuant to which this Bond is issued, reference is hereby made to said Resolution.

This Bond and the income therefrom are exempt from all present state, county and municipal taxes in Tennessee except (a) inheritance, transfer and estate taxes, (b) Tennessee excise taxes on interest on the Bond during the period the Bond is held or beneficially owned by any organization or entity, other than a

sole proprietorship or general partnership, doing business in the State of Tennessee, and (c) Tennessee franchise taxes by reason of the inclusion of the book value of the Bond in the Tennessee franchise tax base of any organization or entity, other than a sole proprietorship or general partnership, doing business in the State of Tennessee.

It is hereby certified, recited, and declared that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of this Bond exist, have happened and have been performed in due time, form and manner as required by law, and that the amount of this Bond, together with all other indebtedness of the Municipality, does not exceed any limitation prescribed by the constitution and statutes of the State of Tennessee.

IN WITNESS WHEREOF, the Municipality has caused this Bond to be signed by its Mayor with his manual or facsimile signature and attested by its City Clerk with her manual or facsimile signature as of the date hereinabove set forth.

CITY OF OAK RIDGE, TENNESSEE

By: \_\_\_\_\_  
Mayor

ATTESTED:

\_\_\_\_\_  
City Clerk

Transferable and payable at the  
principal corporate trust office of: \_\_\_\_\_  
\_\_\_\_\_

Date of Registration: \_\_\_\_\_

This Bond is one of the issue of Bonds issued pursuant to the Resolution hereinabove described.

\_\_\_\_\_  
Registration Agent

By: \_\_\_\_\_  
Authorized Officer

(FORM OF ASSIGNMENT)

FOR VALUE RECEIVED, the undersigned sells, assigns, and transfers unto \_\_\_\_\_, whose address is \_\_\_\_\_ (Please insert Federal Identification or Social Security Number of Assignee \_\_\_\_\_), the within Bond of the City of Oak Ridge, Tennessee, and does hereby irrevocably constitute and appoint \_\_\_\_\_, attorney, to transfer the said Bond on the records kept for registration thereof with full power of substitution in the premises.

Dated: \_\_\_\_\_

NOTICE: The signature to this assignment must correspond with the name of the registered owner as it appears on the face of the within Bond in every particular, without alteration or enlargement or any change whatsoever.

Signature guaranteed:

NOTICE: Signature(s) must be guaranteed by a member firm of a Medallion Program acceptable to the Registration Agent.

**SECTION 7. Levy of Tax.** The Municipality, through its Governing Body, shall annually levy and collect a tax upon all taxable property within the corporate limits of the Municipality, in addition to all other taxes authorized by law, sufficient to pay principal of, premium, if any, and interest on the Bonds when due, and for that purpose there is hereby levied a direct annual tax in such amount as may be found necessary each year to pay principal of, premium, if any, and interest coming due on the Bonds in said year. Principal, premium, if any, and interest falling due at any time when there are insufficient funds from this tax levy on hand shall be paid from the current funds of the Municipality and reimbursement therefor shall be made out of the taxes hereby provided to be levied when the same shall have been collected. The tax herein provided may be reduced to the extent of any appropriations from other funds, taxes and revenues of the Municipality to the payment of debt service on the Bonds, including revenues of the System.

**SECTION 8. Sale of Bonds.**

(a) Each series of Bonds shall be sold, in the discretion of the Mayor, at competitive public sale, in one or more series, as required by law at a price of not less than ninety-eight percent (98.00%) of par, and accrued interest, if any, as a whole or in part, from time to time, as shall be determined by the Mayor. The sale of each series of Bonds by the Mayor shall be binding on the Municipality, and no further action of the Governing Body with respect thereto shall be required.

(b) With respect to each emission of Bonds, the Mayor, in consultation with the Finance Director of the Municipality, is authorized:

- (1) to change the dated date of the Bonds, or any series thereof;
- (2) to establish a series designation and/or other designation of the Bonds;

- (3) to establish the first interest payment due on the Bonds or any series thereof on a date not later than 12 months after the issuance of such emission of Bonds;
- (4) to facilitate the sale of the Bonds in a manner that is in the best interest of the Municipality, to refinance all, less than all or any portion of the Outstanding Obligations, and to adjust the total amount authorized to be issued herein so long as the total amount of the Bonds does not exceed such principal amount of Bonds authorized herein and so long as the Bonds are sold at a rate or rates not to exceed six percent (6.00%);
- (5) to adjust the principal and interest payment dates and establish maturity amounts of the Bonds or any series thereof to accomplish the goals of the refunding authorized herein, provided that (A) amortization of the principal of the Bonds shall be consistent with the provisions of Section 4 hereof and (B) the final maturity date of each series of Bonds shall not be later than June 1, 2037;
- (6) to provide that any series of Bonds may be callable and to establish the optional redemption terms and dates of the Bonds, provided that the premium amount to be paid on the Bonds or any series thereof does not exceed two percent (2%) of the principal amount thereof;
- (7) to sell the Bonds, or any series thereof, or any maturities thereof as serial Bonds or term bonds with mandatory redemption requirements as determined by the Mayor, as he shall deem most advantageous to the Municipality; and
- (8) to cause all or a portion of the Bonds to be insured by a bond insurance policy issued by a nationally recognized bond insurance company to achieve the purposes set forth herein and to serve the best interests of the Municipality and to enter into agreements with such insurance company with respect to any series of Bonds to the extent not inconsistent with this resolution.

(c) The Mayor, in consultation with the Finance Director of the Municipality, is authorized to sell the Bonds, or any series of the Bonds, simultaneously with any other bonds or notes authorized by resolution or resolutions of the Governing Body. The Mayor is further authorized to sell the Bonds, or any series of the Bonds, as a single issue of bonds with any other bonds with substantially similar terms authorized by resolution or resolutions of the Governing Body, in one or more series as he shall deem to be advantageous to the Municipality and in doing so, the Mayor is authorized to change the designation of the Bonds to a designation other than "General Obligation Bonds", provided, however, that the total aggregate principal amount of combined bonds and notes to be sold does not exceed the total aggregate principal amount of Bonds authorized by this resolution or bonds and notes authorized by any other resolution or resolutions adopted by the Governing Body.

(d) The Mayor, in consultation with the Finance Director, is authorized to cause the Bonds to be authenticated and delivered by the Registration Agent to the purchaser thereof and to execute, publish, and deliver all certificates and documents, including an award certificate, an official statement and closing certificates, as they shall deem necessary in connection with the sale and delivery of the Bonds. The form of the Bond set forth in Section 6 hereof shall be conformed to reflect any changes made pursuant to this Section 8 hereof.

(f) The Mayor, in consultation with the Finance Director, is authorized to award the Bonds to the bidder whose bid results in the lowest true interest cost to the Municipality, provided the rate or rates on none of the Bonds exceeds six percent (6.00%) per annum.

(g) The Mayor is authorized to execute an agreement with Cumberland Securities Company, Inc. to act as financial adviser for the issuance of the Bonds and to execute an engagement letter with Bass, Berry & Sims PLC to serve as bond counsel for the issuance of the Bonds.

**SECTION 9. Disposition of Bond Proceeds.** The proceeds of the sale of the Bonds shall be applied by the Municipality as follows:

(a) any accrued interest shall be deposited to the appropriate fund of the Municipality to be used to pay interest on the Bonds on the first interest payment date following delivery of the Bonds; and

(b) an amount, which together with investment earnings thereon and legally available funds of the Municipality, if any, will be sufficient to pay principal of, premium, if any, and interest on the Outstanding Obligations (subject to adjustments permitted by Section 8 above) shall be transferred to the Escrow Agent under the Refunding Escrow Agreement to be deposited to the Escrow Fund established thereunder to be held and applied as provided therein or otherwise applied to the payment of the Outstanding Obligations or if the services of an Escrow Agent are not used, shall be held by the Municipality and applied to the payment of the Outstanding Obligations; and

(c) the remainder of the proceeds of the sale of the Bonds shall be deposited with a financial institution regulated by and the deposits of which are insured by the Federal Deposit Insurance Corporation or similar federal agency, in a special fund known and designated as the "2012 Construction Fund" to be kept separate and apart from all other funds of the Municipality. The funds in the Construction Fund shall be disbursed solely to pay the (i) costs of the Projects and (ii) costs of and issuance of the Bonds, including necessary legal, accounting, engineering, and fiscal expenses, printing, advertising and similar expenses, administrative and clerical costs, Registration Agent fees, bond insurance premiums, if any. Money in the Construction Fund shall be secured in the manner prescribed by applicable statutes relative to the securing of public or trust funds, if any, or, in the absence of such a statute, by a pledge of readily marketable securities having at all times a market value of not less than the amount in said Construction Fund. Money in the Construction Fund shall be expended only for the purposes authorized by this resolution. Any funds remaining in the Construction Fund after completion of the Projects and payment of authorized expenses shall be applied to the payment of debt service on the Bonds. Moneys in the Construction Fund shall be invested as directed by the Municipality in such investments as shall be permitted by applicable law. All income derived from such investments shall be retained in the Construction Fund and regarded as part thereof.

**SECTION 10. Official Statement.** The Mayor, the City Manager and the Finance Director, or any of them, are hereby authorized and directed to provide for the preparation and distribution, electronic or otherwise, of a Preliminary Official Statement describing the Bonds and any other bonds or notes which in the discretion of the Mayor are sold at the same time as the Bonds. After the Bonds have been sold, the Mayor, the City Manager and the Finance Director shall make such completions, omissions, insertions and changes in the Preliminary Official Statement not inconsistent with this resolution as are necessary or desirable to complete it as a final Official Statement for purposes of Rule 15c2-12(e)(3) of the Securities and Exchange Commission. The Mayor, the City Manager and Finance Director, or any of them, shall arrange for the delivery of a reasonable number of copies of the Official Statement within seven business days after the Bonds, or any emission thereof, to each potential investor requesting a copy of the Official Statement and to each person to whom such members of its selling group initially sell the Bonds.

The Mayor, the City Manager and the Finance Director, or any of them, are authorized, on behalf of the Municipality, to deem the Preliminary Official Statement and the Official Statement in final form, each to be final as of its date within the meaning of Rule 15c2-12(b)(1), except for the omission in the Preliminary Official Statement of certain pricing and other information allowed to be omitted pursuant to such Rule 15c2-12(b)(1). The distribution of the Preliminary Official Statement and the Official Statement in final form shall be conclusive evidence that each has been deemed in final form as of its date by the Municipality except for the omission in the Preliminary Official Statement of such pricing and other information.

**SECTION 11. Refunding Escrow Agreement.** For the purpose of providing for the payment of the principal of, premium, if any, and interest on the Outstanding Obligations, the Mayor is hereby authorized to execute and the City Clerk to attest on behalf of the Municipality a Refunding Escrow Agreement with the Escrow Agent and to deposit with the Escrow Agent the amounts to be used by the Escrow Agent to purchase the investments provided therein. The Refunding Escrow Agreement shall be in such form as is approved by the Mayor and the Mayor and the City Clerk are hereby authorized and directed to execute and deliver same on behalf of the Municipality. The Escrow Agent is hereby authorized and directed to hold and administer all funds deposited in trust for the payment when due of principal of and interest on the Outstanding Obligations and to exercise such duties as set forth in the Refunding Escrow Agreement. The Mayor may dispense with the use of the Refunding Escrow Agreement if the Outstanding Obligations will be paid within 90 days of the date the Bonds are issued.

**SECTION 12. Federal Tax Matters.** The Municipality recognizes that the purchasers and owners of the Bonds will have accepted them on, and paid therefor a price that reflects, the understanding that interest thereon is excludable from gross income for purposes of federal income taxation under laws in force on the date of delivery of the Bonds. In this connection, the Municipality agrees that it shall take no action which may cause the interest on any of said Bonds to be included in gross income for federal income taxation. It is the reasonable expectation of the Governing Body of the Municipality that the proceeds of the Bonds will not be used in a manner which will cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code, and to this end the said proceeds of the Bonds and other related funds established for the purposes herein set out shall be used and spent expeditiously for the purposes described herein. The Governing Body further covenants and represents that in the event it shall be required by Section 148(f) of the Code to pay any investment proceeds of the Bonds to the United States government, it will make such payments as and when required by said Section 148(f) and will take such other actions as shall be necessary or permitted to prevent the interest on the Bonds from becoming taxable. The Mayor, the City Manager and the Finance Director, or any of them, are authorized and directed to make such certifications in this regard in connection with the sale of the Bonds as either or both shall deem appropriate, and such certifications shall constitute a representation and certification of the Municipality.

**SECTION 13. Discharge and Satisfaction of Bonds.** If the Municipality shall pay and discharge the indebtedness evidenced by any of the Bonds in any one or more of the following ways:

(a) By paying or causing to be paid, by deposit of sufficient funds as and when required with the Registration Agent, the principal of and interest on such Bonds as and when the same become due and payable;

(b) By depositing or causing to be deposited with any trust company or financial institution whose deposits are insured by the Federal Deposit Insurance Corporation or similar federal agency and which has trust powers ("an Agent"; which Agent may be the Registration Agent) in trust or escrow, on or before the date of maturity or redemption, sufficient money or Defeasance Obligations, as hereafter defined, the principal of and interest on which, when due and payable, will provide sufficient moneys to pay or redeem such Bonds and to pay interest thereon when due until the maturity or redemption date (provided,

if such Bonds are to be redeemed prior to maturity thereof, proper notice of such redemption shall have been given or adequate provision shall have been made for the giving of such notice);

(c) By delivering such Bonds to the Registration Agent, for cancellation by it;

and if the Municipality shall also pay or cause to be paid all other sums payable hereunder by the Municipality with respect to such Bonds, or make adequate provision therefor, and by resolution of the Governing Body instruct any such Agent to pay amounts when and as required to the Registration Agent for the payment of principal of and interest on such Bonds when due, then and in that case the indebtedness evidenced by such Bonds shall be discharged and satisfied and all covenants, agreements and obligations of the Municipality to the holders of such Bonds shall be fully discharged and satisfied and shall thereupon cease, terminate and become void.

If the Municipality shall pay and discharge the indebtedness evidenced by any of the Bonds in the manner provided in either clause (a) or clause (b) above, then the registered owners thereof shall thereafter be entitled only to payment out of the money or Defeasance Obligations deposited as aforesaid.

Except as otherwise provided in this Section, neither Defeasance Obligations nor moneys deposited with the Registration Agent pursuant to this Section nor principal or interest payments on any such Defeasance Obligations shall be withdrawn or used for any purpose other than, and shall be held in trust for, the payment of the principal and interest on said Bonds; provided that any cash received from such principal or interest payments on such Defeasance Obligations deposited with the Registration Agent, (A) to the extent such cash will not be required at any time for such purpose, shall be paid over to the Municipality as received by the Registration Agent and (B) to the extent such cash will be required for such purpose at a later date, shall, to the extent practicable, be reinvested in Defeasance Obligations maturing at times and in amounts sufficient to pay when due the principal and interest to become due on said Bonds on or prior to such redemption date or maturity date thereof, as the case may be, and interest earned from such reinvestments shall be paid over to the Municipality, as received by the Registration Agent. For the purposes of this Section, Defeasance Obligations shall mean direct obligations of, or obligations, the principal of and interest on which are guaranteed by, the United States of America, or any agency thereof, obligations of any agency or instrumentality of the United States or any other obligations at the time of the purchase thereof are permitted investments under Tennessee law for the purposes described in this Section, which bonds or other obligations shall not be subject to redemption prior to their maturity other than at the option of the registered owner thereof.

**SECTION 14. Continuing Disclosure.** The Municipality hereby covenants and agrees that it will provide annual financial information and material event notices if and as required by Rule 15c2-12 of the Securities Exchange Commission for the Bonds. The Mayor is authorized to execute at the closing of the sale of the Bonds, an agreement for the benefit of and enforceable by the owners of the Bonds specifying the details of the financial information and material event notices to be provided and its obligations relating thereto. Failure of the Municipality to comply with the undertaking herein described and to be detailed in said closing agreement, shall not be a default hereunder, but any such failure shall entitle the owner or owners of any of the Bonds to take such actions and to initiate such proceedings as shall be necessary and appropriate to cause the Municipality to comply with their undertaking as set forth herein and in said agreement, including the remedies of mandamus and specific performance.

**SECTION 15. Resolution a Contract.** The provisions of this resolution shall constitute a contract between the Municipality and the registered owners of the Bonds, and after the issuance of the Bonds, no change, variation or alteration of any kind in the provisions of this resolution shall be made in any manner until such time as the Bonds and interest due thereon shall have been paid in full.

**SECTION 16. Intent to Reimburse.** The Municipality hereby states its intent to reimburse the Municipality from the proceeds of the Bonds for any costs incurred relating to the Projects that are paid prior to the issuance of the Bonds.

**SECTION 17. Separability.** If any section, paragraph or provision of this resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this resolution.

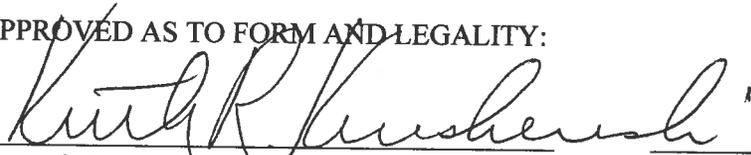
**SECTION 18. Repeal of Conflicting Resolutions.** All other resolutions and orders, or parts thereof, in conflict with the provisions of this resolution, are, to the extent of such conflict, hereby repealed.

**SECTION 19. Debt Management Policies.** The Governing Body finds that the issuance of the Bonds is consistent with its debt management policies. The Governing Body acknowledges that it has been informed of the anticipated costs relating to the issuance of the Bonds prior to the adoption of this resolution.

**SECTION 20. Effective Date.** That this resolution shall take effect from and after its passage, the general welfare of the City of Oak Ridge, requiring it.

This the 10<sup>th</sup> day of June, 2013.

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
Kenneth R. Krushenski, City Attorney

\_\_\_\_\_  
Thomas L. Beehan, Mayor

\_\_\_\_\_  
Diana R. Stanley, City Clerk

**EXHIBIT A**  
**Report on Plan of Refunding**

11900619.2



**STATE OF TENNESSEE  
COMPTROLLER OF THE TREASURY  
OFFICE OF STATE AND LOCAL FINANCE  
SUITE 1600 JAMES K. POLK STATE OFFICE BUILDING  
505 DEADERICK STREET  
NASHVILLE, TENNESSEE 37243-1402  
PHONE (615) 401-7872  
FAX (615) 741-5986**

May 23, 2013

Honorable Thomas Beehan, Mayor  
City of Oak Ridge  
P.O. Box 1  
Oak Ridge, TN 37831

Dear Mayor Beehan:

This letter acknowledges receipt on May 10, 2013, of a request to review a plan of refunding (the "Plan") for an issuance of an amount not to exceed \$21,000,000 General Obligation Refunding Bonds, Series 2013 (the "2013 Refunding Bonds"), to current refund by competitive sale, an estimated:

- \$6,395,064 Tennessee Local Development Authority State Revolving Loan, Series 1997 ("1997 SRF");
- \$2,778,597 Tennessee Local Development Authority State Revolving Loan, Series 1998 ("1998 SRF");
- \$6,055,200 Tennessee Local Development Authority State Revolving Loan, Series 2002 ("2002 SRF"); and
- \$4,730,000 General Obligation Refunding Bonds, Series 2003 ("2003 Bonds").

The 1997 SRF, 1998 SRF, 2002 SRF and 2003 Bonds are the "Refunded Bonds." The total refunded principal is \$19,958,861.

Pursuant to the provisions of Tennessee Code Annotated, Title 9, Chapter 21, a plan must be submitted to our Office for review prior to the adoption of a resolution by the governing body of a local government authorizing the issuance of refunding bonds secured, in whole or in part, by the full faith and credit and unlimited taxing power of the City. The information presented in the Plan includes the assertions of the City and may not reflect either current market conditions or market conditions at the time of sale.

The City provided a copy of its debt management policy. A specific description of how the debt complies with the City's debt policy should be included on the form CT-0253 to be submitted within 45 days of issuance of the debt approved in this letter. If the City amends its policy for any reason, please submit the amended policy to this office.

**CITY'S PROPOSED REFUNDING OBJECTIVE**

According to the City, the 2013 Refunding Bonds are being issued to "restructure the Refunded Bonds to decrease the City's annual debt service and minimize the impact of further rate increases on rate payers." To

achieve this restructuring, the City is extending the maturity on its three SRF loans from three to fifteen years and is moving principal redemptions to later years.

Prior to the restructuring, the interest cost to maturity on the Refunded Bonds would be \$4,906,866 versus the interest cost to maturity of the restructured Refunding Bonds of \$8,680,968. The restructuring results in an increase in interest cost of \$3,774,102 over the life of the debt. To achieve debt relief in years 2014 through 2022 the City is incurring an increased debt burden and the loss of debt capacity in years 2029 through 2037.

The City's debt will be restructured to provide rate payer relief in 2014-2022 by shifting debt service into the years 2029-2037. Refunding transactions such as this are often referred to as "scoop and toss" transactions since a portion of the current obligation is scooped or removed from the current years and thrown out to later years.

The State Funding Board has set as a minimum requirement that a debt management policy must require clear disclosure of the terms and life of each debt issue, including principal and interest payments. This disclosure must include a debt service schedule outlining the rate of retirement for the principal amount. If the policy permits deferral of payments on principal or back-loading, the policy must require specific justification for each deferral—it may not, however, permit blanket approval. The City provided this information on May 19, 2013.

According to the City, it has been trying to meet a 2015 sewer upgrade deadline set by the Environmental Protection Agency. However the Waterworks Fund has an insufficient cash flow due to increasing project costs and a lack of revenue growth resulting from the reduction of water usage by the City's largest customer, the Department of Energy. The City reported that they have implemented recent rate increases of more than 40%.

#### **INVENTORY FUND**

The City has an Inventory fund that it uses to purchase and account for inventory used in the General, Electric, and Waterworks funds. The Inventory fund receives cash advances from the respective funds to pre-purchase inventory and then it is expensed in the respective fund when used. This method of lending money to one fund, and carrying the amounts across fiscal years is not allowable under Tennessee statutes. The issuance of this report is contingent upon the City correcting this problem to comply with state law. The City has committed to contribute from the utility funds and transfer from the general fund the interfund balances treated as interfund loans in its fiscal year 2012 financial statements. The City has represented that it has controls in place to prevent the future improper use of utility revenues. Once these actions take place the City will be in compliance with state statutes.

#### **PLAN OF REFUNDING**

Distribute this letter and the enclosed report of the review of the Plan to the members of the governing body as required by Tenn. Code Ann. § 9-21-903. This letter, report, and the Plan are to be posted on the City's website. The report is to be reviewed at the public meeting at which the proposed refunding bond resolution will be presented.

The enclosed report does not constitute approval or disapproval for the proposed plan or a determination that a refunding is advantageous or necessary nor that any of the outstanding obligations should be called for redemption on the first or any subsequent available redemption date or remain outstanding until their respective dates of maturity.

**This letter and the enclosed report do not address the compliance with federal tax regulations and are not to be relied upon for that purpose. The City should discuss these issues with a bond counsel.**

*This report is effective for a period of one hundred twenty (120) days. If the refunding has not been completed during this time, a supplemental plan of refunding must be submitted to this Office, at that time we will issue a report thereon pursuant to the statutes. In lieu of submitting a supplemental plan, a statement may be submitted to our Office after the 120-day period has elapsed stating that the information contained in the current plan of refunding remains valid. Such statement must be submitted by either the Chief Executive Officer or the Chief Financial Officer of the local government. We will acknowledge receipt of such statement and will issue our letter confirming that this refunding report remains valid for an additional 120-day period. However, with regard to the report currently being issued by this Office, during the initial 120-day period or any subsequent 120-day period no refunding reports will be issued relating to the debt obligations indicated herein as being refunded unless the Chief Executive Officer or the Chief Financial Officer notifies our Office that the plan of refunding which has been submitted is no longer valid.*

*We recognize that the information provided in the plan submitted to our Office is based on preliminary analysis and estimates, and that actual results will be determined by market conditions at the time of sale of the debt obligations. However, if it is determined prior to the issuance of these obligations that the actual results will be significantly different from the information provided in the plan which has been submitted, and the local government determines to proceed with the issue, our Office should subsequently be notified by either the Chief Executive Officer or the Chief Financial Officer of the local government regarding these differences, and that the local government was aware of the differences and determined to proceed with the issuance of the debt obligations. Notification to our Office will be necessary only if there is an increase or decrease of greater than fifteen percent (15%) in any of the following: (1) the principal amount of the debt obligations issued; (2) the costs of issuance; (3) the cumulative savings or loss with regard to any refunding proposal. We consider this notification necessary to insure that this Office and officials of the local government are aware of any significant changes that occur with regard to the issuance of the proposed indebtedness.*

#### **PUBLIC DEBT ENTITY REPORT**

Enclosed is a revised Form CT-0253 - Report on Debt Obligation. The Form CT-0253 must be filed with the governing body of the public entity issuing the debt not later than forty-five (45) days following the issuance or execution of a debt obligation by or on behalf of any public entity, with a copy (including attachments, if any) filed with the Director of the Office of State and Local Finance either by mail to the address on this letterhead or by email to the address below. No public entity may enter into additional debt if it has failed to file the Report on Debt Obligation.

[StateandLocalFinance.PublicDebtForm@cot.tn.gov](mailto:StateandLocalFinance.PublicDebtForm@cot.tn.gov)

Sincerely,

 Mary-Margaret Collier  
J.1.

Mary-Margaret Collier  
Director of the Office of State & Local Finance

Cc: Mr. Jim Arnette, Director of Local Government Audit, COT  
Mr. Mark Watson, City of Oak Ridge  
Mr. Chris Bessler, Cumberland Securities Company, Inc.  
Mr. Mark Mamantov, Bass, Berry & Sims

Enclosures (2): Report of the Director of the Office of State & Local Finance, State Form CT-0253, Report on Debt Obligation.

**REPORT OF THE DIRECTOR OF THE OFFICE OF STATE AND LOCAL FINANCE  
CITY OF OAK RIDGE, TENNESSEE  
CONCERNING THE PROPOSED ISSUANCE OF ITS  
GENERAL OBLIGATION REFUNDING BONDS, SERIES 2013**

The City of Oak Ridge (the "City") submitted a plan of refunding (the "Plan"), as required by Tenn. Code Ann. § 9-21-903 regarding the issuance of not to exceed \$21,000,000 General Obligation Refunding Bonds, Series 2013 (the "2013 Refunding Bonds"), to current refund by competitive sale, an estimated:

- \$6,395,064 Tennessee Local Development Authority State Revolving Loan, Series 1997 ("1997 SRF");
- \$2,778,597 Tennessee Local Development Authority State Revolving Loan, Series 1998 ("1998 SRF");
- \$6,055,200 Tennessee Local Development Authority State Revolving Loan, Series 2002 ("2002 SRF"); and
- \$4,730,000 General Obligation Refunding Bonds, Series 2003 ("2003 Bonds").

The 1997 SRF, 1998 SRF, 2002 SRF and 2003 Bonds are the "Refunded Bonds." The total refunded principal is \$19,958,861.

The Plan was prepared with the assistance of the City's municipal advisor, Cumberland Securities Company, Inc. The City provided a copy of its debt management policy.

**Refunding Analysis**

- The results for the refunding are based on the assumption that the estimated \$20,265,000 Series 2013 Refunding Bonds will be sold through competitive sale and priced at par.
- Estimated cost of issuance of the 2013 Refunding Bonds is \$253,144 or \$12.49. See Table 1 for individual costs of issuance.

Table 1

Cost of Issuance of 2013 Refunding Bonds

	Amount	Price per \$1,000 bond
Underwriter's Discount	\$ 109,994.05	\$ 5.43 *
Financial Advisor	90,000.00	4.44
Bond Counsel	24,000.00	1.18
Other Costs	29,150.00	1.44
	\$ 253,144.05	\$ 12.49

\* Subject to competitive bid

**CITY'S PROPOSED REFUNDING OBJECTIVE**

According to the City, the 2013 Refunding Bonds are being issued to "restructure the Refunded Bonds to decrease the City's annual debt service and minimize the impact of further rate increases on rate payers." To achieve this restructuring, the City is extending the maturity on its three SRF loans from three to fifteen years and is moving principal redemptions to later years.

Prior to the restructuring, the interest cost to maturity on the Refunded Bonds would be \$4,906,866 versus the interest cost to maturity of the restructured Refunding Bonds of \$8,680,968. The restructuring results in an increase in interest cost of \$3,774,102 over the life of the debt. To achieve debt relief in years 2014 through 2022 the City is incurring an increased debt burden and the loss of debt capacity in years 2029 through 2037.

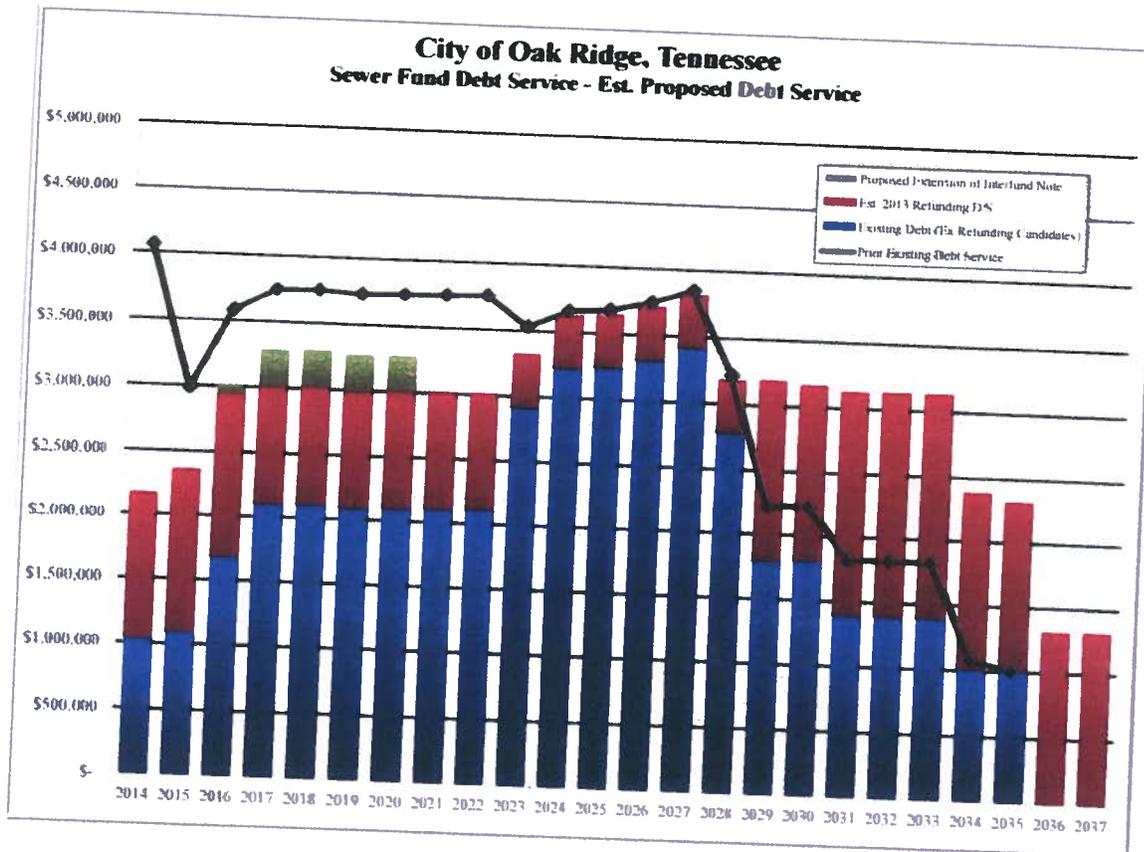
The City's debt will be restructured to provide rate payer relief in 2014-2022 by shifting debt service into the years 2029-2037. Refunding transactions such as this are often referred to as "scoop and toss" transactions since a portion of the current obligation is scooped or removed from the current years and thrown out to later years.

The State Funding Board has set as a minimum requirement that a debt management policy must require clear disclosure of the terms and life of each debt issue, including principal and interest payments. This disclosure must

include a debt service schedule outlining the rate of retirement for the principal amount. If the policy permits deferral of payments on principal or back-loading, the policy must require specific justification for each deferral—it may not, however, permit blanket approval. The City provided this information on May 19, 2013.

According to the City, it has been trying to meet a 2015 sewer upgrade deadline set by the Environmental Protection Agency. However the Waterworks Fund has an insufficient cash flow due to increasing project costs and a lack of revenue growth resulting from the reduction of water usage by the City's largest customer, the Department of Energy. The City reported that they have implemented recent rate increases of more than 40%.

The following chart was provided by the City and demonstrates the proposed change in the principal repayment structure. The color coded bars represent the City's proposed refunding structure and the black line represents the current debt structure. The red bars extending above the line in years 2029 through 2037 represent the extended debt. This chart does not contemplate the increased interest burden noted above.



### INVENTORY FUND

The City has an Inventory fund that it uses to purchase and account for inventory used in the General, Electric, and Waterworks funds. The Inventory fund receives cash advances from the respective funds to pre-purchase inventory and then it is expensed in the respective fund when used. This method of lending money to one fund, and carrying the amounts across fiscal years is not allowable under Tennessee statutes. The issuance of this report is contingent upon the City correcting this problem to comply with state law. The City has committed to contribute from the utility funds and transfer from the general fund the interfund balances treated as interfund loans in its fiscal year 2012 financial statements. The City has represented that it has controls in place to prevent the future improper use of utility revenues. Once these actions take place the City will be in compliance with state statutes.

The City has identified Cumberland Securities Company, Inc. as its municipal advisor. Municipal Advisors have a fiduciary responsibility to you, the issuer. Underwriters have no fiduciary responsibility to you. They represent the interests of their firm.

**This report of the Office of State and Local Finance does not constitute approval or disapproval by the Office for the Plan or a determination that a refunding is advantageous or necessary nor that any of the refunded obligations should be called for redemption on the first or any subsequent available redemption date or remain outstanding until their respective dates of maturity. This report is based on information as presented in the Plan by the City. The assumptions included in the City's Plan may not reflect either current market conditions or market conditions at the time of sale.**

**This report does not provide broad approval to refund the Refunded Bonds in a bond issue other than the proposed 2013 Refunding Bonds. If all of the Refunded Bonds are not refunded as a part of the 2013 Refunding Bonds, then a new plan will have to be submitted to this Office for review.**

*Mary-Margaret Collier*  
J. L.

Mary-Margaret Collier

Director of the Office of State and Local Finance

Date: May 23, 2013

**CITY CLERK MEMORANDUM**

**13-29**

**DATE:** June 5, 2013  
**TO:** Honorable Mayor and Members of City Council  
**FROM:** Diana R. Stanley, City Clerk  
**SUBJECT:** RULES AND PROCEDURES COMMITTEE MEETING SCHEDULED TO MAKE FINAL ADJUSTMENTS

The Rules and Procedures Committee will be meeting a final time on Monday, June 10, 2013 at 6:30 p.m. in the Office of the Mayor to perform a final review, as well as provide possible amendments regarding City Council's Rules and Procedures, specifically related to the following subjects: proclamations and agenda deadlines.

Depending upon the action during this committee meeting, it is possible that amendments will be presented at the June 10, 2013 City Council Meeting regarding the aforementioned subjects.

For agenda material regarding the June 10, 2013 meeting of the Rules and Procedures Committee, please contact the City Clerk's Office.

  
Diana R. Stanley

cc: Mark S. Watson, City Manager  
Kenneth R. Krushenski, City Attorney

## RULES AND PROCEDURES COMMITTEE MEMORANDUM

**DATE:** June 4, 2013

**TO:** Fellow Members of City Council

**FROM:** Rules and Procedures Committee  
Councilmember Trina Baughn, Chair  
Councilmember David N. Mosby

**SUBJECT:** RULES AND PROCEDURES COMMITTEE RECOMMENDATIONS

During the November 19, 2012 Work Session, discussions were held regarding City Council's process for conducting meetings in accordance with the Rules and Procedures of City Council. At that time, councilmembers discussed the need to perform a review of the Rules and Procedures and provide needed updates to which Councilmembers Mosby and Baughn volunteered to complete the assessment.

The Rules and Procedures Committee met on several occasions with city staff—January 23, March 18, and April 1, and May 7, 2013—to review and discuss the current Rules and Procedures of City Council and to determine what changes needed to occur for the efficiency of City Council business.

Several changes are being recommended to City Council for the Rules and Procedures. Many of the changes are grammatical in order to provide more coherent language and to present an easier flow of information for the convenience of both City Council and the public. The Committee has also provided additional examples and language to sections throughout the Rules and Procedures so as to provide better clarity to City Council regarding the agenda format, preparation of the agenda, and conduct of meetings with current practices utilize by the Council and City staff.

Other guidelines have been updated to provide more proficient and current means of conducting City Council business since the guidelines were last updated in 2011. For example, the Rules were never updated to reflect new, needed measures for when the boards and commission's end-of-year election processes and practices were implemented. The new language presented in those subjects focuses on efficiency through savings in resources, funds, time, and methods.

Several changes have also occurred to City Council's travel policies with an emphasis on deadline expansion, deadline clarifications, and addressing risk management of traveling on city business. These changes highlight the importance of using available city resources, such as city vehicles to conserve funds.

Below are some examples of the more significant suggested changes to City Council's Rules and Procedures that will take effect immediately upon council approval:

### Meetings—Minutes of Meetings:

In accordance with T.C.A. § 8-44-104, minutes shall be recorded of all City Council meetings, including those meetings in which no action is taken, and will have the appropriate signatures.

The purpose of including this language was to further comply with the state statute and was added as a recommendation from the City of Oak Ridge's Municipal Technical Advisory Service (MTAS) Consultant as minutes provide a *permanent* record that a meeting of governmental body has occurred, even work sessions.

## Proclamations

Guidelines were added to proclamations out of consideration for processing and drafting time expended by city staff. The language also helps to provide a focus from Council on the intent of a proclamation.

## Deadlines (Work Sessions and City Council Regular Meetings)

The Rules and Procedures Committee recommends that city staff provide council and the public with the agenda for regular meetings at least one (1) week in advance to allow for adequate time to review and submit inquiries to the City Manager. The Work Session agendas will still need to be provided in advance—at least three (3) days—but allows the City Manager more time to collect and present information to City Council.

Below are the key categories that have experienced amendments from the 2011 version:

- Meetings
- Types of Meetings
- Appointments to Boards and Commissions
- Proclamations
- Conduct of Meetings
- Order of Business
- Motions
- Officers and Committees of Council
- Transportation
- Amendments to Rules of Council

Included with this memo is a red, strike-through that details the changes recommended by the Committee, as well as the final, draft version of City Council's Rules and Procedures. Committee minutes, agendas, and other supporting documentation are available in the City Clerk's Office for City Council's perusal.

All of the recommended changes were approved unanimously by the Rules and Procedures Committee.

City Council Rules and Procedures will go into effect on August 1, 2013.

Respectfully submitted,



Trina Baughn, Chair  
Rules and Procedures Committee, 2013

## Attachments

- 1) Red, strike-through of City Council's Rules and Procedures
- 2) Final, draft version of City Council's Rules and Procedures
- 3) Resolution

**RULES AND PROCEDURES  
OF THE  
OAK RIDGE CITY COUNCIL  
PROPOSED CHANGES**

**JANUARY 2013**

# RULES AND PROCEDURES - OAK RIDGE CITY COUNCIL

## TABLE OF CONTENTS

	<u>PAGE</u>
I. <u>Meetings</u> .....	1
A. Meetings Open to the Public .....	1
1. Voting Record of Council.....	1
2. Minutes of Meetings.....	1
3. Publication of Minutes.....	1
B. Types of Meetings.....	2
1. Regular Meetings.....	2
2. Special Meetings.....	2
3. Work Sessions.....	2
C. Quorum of Council.....	2
D. Official Council Business.....	2
E. Appointments to Boards and Commissions.....	2
1. Election Notice.....	2
2. Filing Deadline.....	2
3. Conduct of Elections.....	3
4. Notification of Election Results.....	3
F. Ordinances.....	3
G. Proclamations.....	3
II. <u>Conduct of Meetings</u> .....	3
A. Maintaining Order.....	3
B. Sergeant-At-Arms.....	3
C. Permission to Speak Before Council.....	4
1. Right to Speak.....	4
2. Discussion of Motion.....	4
3. Call for the Question.....	4
4. City Manager and City Attorney.....	4
5. Right of Appeal.....	4
D. Right to Speak Uninterrupted.....	4
E. Recess.....	5
F. Signs Not Allowed in Chambers.....	5
G. Use of Tobacco Prohibited at Council Meetings.....	5
III. <u>Order of Business</u> .....	5
A. Agenda Format.....	5
B. Preparation of the Agenda.....	6
1. Material for Agenda.....	6
2. Council Requests for New Business Items.....	6
3. Emergency Items.....	6
4. The Finished Agenda.....	6

	<u>PAGE</u>
IV. <u>Motions</u> .....	6
A. Motion to Adjourn .....	6
B. To Lay Question on the Table .....	6
C. Motion Asking for Previous Question .....	7
D. To Postpone to Another Time .....	7
E. To Refer to Committee or Individual .....	7
F. Amendments .....	7
G. Motions to be Stated by the Chair .....	7
H. Withdrawal of Motion .....	7
V. <u>Officers and Committees of Council</u> .....	7
A. Mayor .....	7
B. Mayor Pro Tem .....	7
C. Committees .....	8
D. Appointment of Members to Non-City Committees .....	8
VI. <u>Expenses Incurred in the Conduct of Official Business</u> .....	8
A. Prior Approval or Notification .....	8
1. City Council .....	8
2. Members of Boards, Commissions, or Committees .....	9
B. Transportation .....	9
C. Lodging .....	9
D. Food .....	9
E. Registration and Special Event Fees at Meetings and Conventions .....	10
F. Receipts .....	10
G. Spousal Expenses .....	10
H. Advances .....	10
I. Accounting .....	10
1. City Council .....	10
2. Members of Boards, Commissions, or Committees .....	10
VII. <u>Amendments to Rules of Council</u> .....	11

## RULES AND PROCEDURES

### OAK RIDGE CITY COUNCIL

#### I. Meetings

##### A. Meetings Open to the Public

All Council meetings shall be open to the public and citizens shall have a reasonable opportunity to be heard. The Council shall exercise its powers only at public meetings. [Charter, Article II, Section 3]

##### 1. Voting Record of Council

A vote upon all proposed ordinances and resolutions shall be taken by "yea" and "nay" vote, indicated either orally or by use of the electronic voting system. The vote of each Council member shall be entered upon the journal (minutes). The journal shall also report the names of the council members present and absent, each motion considered, and the title of each ordinance or resolution considered. [Charter, Article II, Section 8]

##### a. Use of the Electronic Voting System

It is acceptable for all questions (ordinances, resolutions, and motions) to be put to a voice vote; however, in the event the voice vote is not unanimous, the Chair may choose to use the electronic (roll call) voting system. The Chair activates the system by depressing the "ready ballot" button and the members of Council then present may vote "yea" or "nay" during the time the lamp is on. A Council member may have the opportunity to change his/her vote if the request is made prior to recording of the results. If a Council member fails to cast an electronic vote, the Chair shall ascertain if it is his/her desire to abstain.

##### b. Clearing the Electronic Voting Board

After votes have been recorded, the electronic voting board shall be cleared.

##### 2. Minutes of Meetings

There shall be a journal of proceedings (minutes) of all Council meetings signed by the Mayor and City Clerk and to which the public shall have access at all reasonable times. The journal (minutes) shall report the names of the Council members present and absent, each motion considered, and the title of each ordinance or resolution considered. [Charter, Article II, Section 8]

In accordance with T.C.A. § 8-44-104, minutes shall be recorded of all City Council meetings, including those meetings in which no action is taken, and will have the appropriate signatures.

An indexed audio recording of each meeting shall be maintained for a ~~five~~ ten-year period of time and video recording shall be maintained for one year. A copy of the approved minutes shall be distributed to each member of City Council.

##### 3. Publication of Minutes

A summary of Council proceedings shall be published in the official city newspaper within 15 days after a meeting, showing the substance of each Council action. [Charter, Article II, Section 8]

## B. Types of Meetings

### 1. Regular Meetings

The Council shall hold regular meetings in Oak Ridge at least once monthly. Increased frequency, time of day, and place of its meetings shall be established by resolution.

[Charter, Article II, Section 1]

### 2. Special Meetings

Special meetings shall be called by the City Clerk on the written request of the Mayor, the City Manager, or any two (2) Council members by providing each Council member with twenty-four (24) hours written notice served personally or left at his or her usual place of residence. Business transacted at any special meeting shall be limited to subjects recited in the notice of such meetings.

[Charter, Article II, Section 2]

### 3. Work Sessions and Other Miscellaneous Meetings of City Council

~~The Council shall may hold regular work sessions miscellaneous meetings as scheduled by the City Manager. These meetings are scheduled on an as needed basis as a means to allow for discussions and interactions of City Council on particular subjects, updates, and for the exchange of information. A schedule of meeting times and dates are established annually, although nothing precludes the holding of a special work session as the need may dictate. A brief summary of the agenda shall be made available to all Council members, along with supporting information/documentation whenever possible. The work session agenda with associated materials will be available in an electronic medium as soon as possible prior to the work session. No official action shall be taken at work sessions.~~ An agenda shall be made available to all Council members, along with supporting information/documentation at least three (3) business days prior to the meeting.

## C. Quorum of Council

At least a majority of the members of the Council then in office shall be a quorum for the transaction of business at all Council meetings, but in the absence of a quorum, two (2) members may adjourn the meeting to a later date.

[Charter, Article II, Section 4]

## D. Official Council Business

The affirmative vote of at least a majority of the members of the Council then in office shall be required to approve any proposed action other than those listed in Sections B.2 and C of these Rules and Procedures.

[Charter, Article II, Section 8]

When voting for any contested appointment, the vote shall be taken by written ballot, each of which shall be invalid unless signed by the voting member who marked it.

## E. Appointments to Boards and Commissions

### 1. Election Notice

~~City Council and the news media shall be notified of an expiration of a term of office for a Board or Commission, or a vacancy due to resignation, by placement of an election notice on the agenda for the Council meeting immediately preceding the election date.~~

City Council and the public shall be notified of current and end-of-year vacancies through the City Clerk's Office. The City Clerk shall prepare an election notice either via a legal notice to the paper or as a press release prior to the scheduled election. Terms shall be determined, reviewed, and established by City Council.

## 2. Filing Deadline

A resident of the City desiring to be a candidate for Council appointment to a board or commission shall submit a ~~résumé to City Council at the office of the City Clerk at least ten (10) days prior to the Council meeting at which the election is to occur.~~ ~~the required application to the City Clerk.~~ Additionally, the applicant(s) may submit resumes, cover letters, and other documents. All material must be submitted to the City Clerk's Office by the deadline specified in the notice.

## 3. Conduct of Elections

The ~~resumes of all candidates~~ ~~applicant's information~~ shall be placed in the agenda packet for the meeting at which the election is to occur, along with a ballot, ~~if needed, that~~ ~~which~~ lists the names of all candidates and offers the opportunity to abstain. The ~~resumes of incumbent candidates~~ ~~applicant's information~~ shall be accompanied by a report indicating the incumbent's total time in office and his/her attendance record for at least the most recent term of office.

~~Applicants are encouraged to attend the election meeting and may be given an opportunity to speak.~~

## 4. Notification of Election Results

Following the election, appropriate letters shall be sent to all ~~candidates and outgoing board members~~ ~~applicants~~ and outgoing board members ~~from the City Clerk, over the Mayor's signature, and an updated roster shall be sent to City Council members, the relevant board members, and concerned City staff members.~~

## F. Ordinances

Each ordinance, before being adopted, shall be read at least by title at two meetings not less than one (1) week apart, and shall take effect ten (10) days after its adoption, except that, where an emergency exists and the public safety and welfare requires it, an ordinance containing a full statement of the facts and reasons for the emergency may be made effective upon its adoption if approved by a majority of the members of the Council on two (2) readings on successive days. At least the title of each ordinance, except an emergency ordinance, shall be published in the official city newspaper at least one (1) week before its adoption and within ten (10) days after its adoption, either separately or as part of the published proceedings of the Council. The newspaper publication shall include locations where the ordinance is available for public review. The entire ordinance shall be published on the City's web site at least one (1) week before its adoption and shall remain on the website for a minimum of 30 days after its adoption. [Charter, Article II, Section 12]

If an ordinance is amended on first reading, it shall be presented in its amended form at the time of second reading. ~~City Council also has the option to defer the ordinance on second reading.~~

## G. Proclamations

~~The Mayor shall be empowered to issue proclamations when circumstances such as timing contraindicate their consideration at a regular Council meeting. Those proclamations shall then be distributed to City Council as items of information only.~~

Overview: Proclamations are issued to proclaim certain events, causes, or achievements that positively impact the community and convey an affirmative message to the City of Oak Ridge residents. Proclamations which are political, religious, or

controversial in nature, or that would not likely enjoy a high level of community interest or support will not be supported by the City of Oak Ridge. Submission of a proclamation request does not guarantee issuance.

Proclamations issued by the City are ceremonious in nature and not considered an official endorsement by the City of Oak Ridge. The Mayor will be the signatory of all proclamations issued by the City of Oak Ridge upon approval of City Council.

Guidelines:

- 1) National organizations that do not have a local contact person, i.e. Oak Ridge affiliation, will not be granted.
- 2) The City Clerk's Office reserves the right to modify (change and/or delete) any language provided for a proclamation.
- 3) Requests for proclamations should be submitted sixty (60) days in advance to the City Clerk's Office for inclusion in a City Council agenda.
- 4) A requesting party does not have exclusive rights to the day, week, or month of the proclamation.
- 5) Proclamations will not be processed after the event date for that year.
- 6) Other means of individual recognition, such as honorary letters or certificates will be considered as an alternative to proclamations.

Preparation:

- 1) Requests should be submitted in writing to the City Clerk's Office sixty (60) days prior to the event.
- 2) The request should specify if the proclamation is expected to be presented during a City Council meeting or at a non-city event, although a request to be on the City Council meeting agenda is not guaranteed.
- 3) The request should include the requestor's first and last name, address, telephone number, and organizational name (if warranted).
- 4) A brief summary and/or background of the event or organization should be provided, as well as draft text for the proclamation, including, but not limited to the "whereas" clauses.
- 5) The requestor should provide a date when the proclamation is needed, as well as the name of the day and date of the day, week, month that the event is proclaimed.

II. Conduct of Meetings

A. Maintaining Order

Council members shall preserve order and shall do nothing to interrupt or delay the proceedings of Council.

B. Sergeant-At-Arms

~~Upon the Chair's request,~~ The City Manager shall designate a police officer to serve as the Sergeant-At-Arms of the Council.

C. Permission to Speak Before Council

1. Right to Speak

a. City Council Members

The Chair shall recognize the right of City Council members to speak before the body.

A Council member shall initiate his/her right to speak by depressing the "call for floor" button. The Chair shall maintain a sequential list of the callers.

b. Members of the Public

The Chair shall recognize a citizen's ~~right~~ opportunity to comment on items that are under consideration by the Council as part of the formal agenda. A citizen may ~~exercise that right by raising~~ will raise his/her hand and/or proceed to the public lectern and, after recognition by the Chair, stating his/her name and address.

The Chair shall recognize members of the public ~~only~~ after all Council members have been given an opportunity to be heard on the subject. Upon recognition by the Chair, members of the public may speak for a ~~maximum of~~ up to three (3) minutes. Written statements may also be filed with the City Clerk who shall distribute them to the Council at the earliest possible time.

2. Discussion of Motion

The Council member proposing a motion that has been duly seconded has the right to open the debate. Other members may then address the issue upon recognition by the Chair. Council members should strive to maintain reasonable time limits and to keep their discussion germane to the motion under consideration.

3. Call for the Question

Council members may indicate that they are ready to vote by depressing the "call for question" button. ~~The Chair is allowed a voting opportunity for the "call for the question."~~ When a majority of those members present have called for the question ~~by pushing the button~~, the Chair may close the discussion and put the question to a vote.

4. City Manager and City Attorney

The City Manager and City Attorney may speak on any subject ~~when recognized by the Chair~~. They may answer questions raised by members of City Council or ask another officer to answer for them. All questions about the internal operation of the municipal corporation shall be directed to the City Manager.

5. Right of Appeal

Council members shall have the right to appeal from a decision of the Chair. The Chair will give its reasons for the decision and the injured party will defend his/her position. A majority of the Council will determine the matter.

D. Right to Speak Uninterrupted

A Council member, duly recognized, shall be allowed to speak on the topic under discussion and may be interrupted only if a point of order is raised. If the Council member is judged to be in order he/she may continue on the subject. If determined to be out of order, the Council member must change his/her remarks or surrender the right to continue speaking.

E. Temporary Recess (Break)

~~The Chair will, at intervals of approximately 1½ hours and following completion of a subject item, call for a recess.~~

Following completion of a business item, the Chair may call for a recess. A recess may not be called prior to a vote.

F. Signs Not Allowed in Chambers

Signs, posters, and placards may be carried outside the Council's meeting room, but shall not be allowed within, **unless it is necessary for official business related to the agenda.**

G. Use of Tobacco Prohibited at Council Meetings

The use of tobacco in any form shall not be allowed during the course of a City Council meeting regardless of location. This rule shall apply to all meetings of the Council.

III. Order of Business

A. Agenda Format

Each item of the agenda will have an abstract after the title when such an abstract is clearly indicated. The order of business shall be as follows:

- I. Invocation
- II. Pledge of Allegiance
- III. Roll Call
- IV. Appearance of Citizens (See Note 1)
- V. Proclamations and Public Recognitions
- VI. Special Reports
- VII. Consent Agenda (See Note 2)
- VIII. Resolutions
- IX. Public Hearings and First Reading of Ordinances
- X. Final Adoption of Ordinances
- XI. Elections/Appointments, Announcements and Scheduling (**See Note 3**)
- XII. Council Requests for New Business Items or Future Briefings
- XIII. Summary of Current Events
  - a. City Manager's Report
  - b. City Attorney's Report
- XIV. Adjournment

In order to allow flexibility to conduct city business, the City Clerk, with approval from the City Manager, may reorder the above agenda format on a per meeting basis.

Note 1: Appearance of Citizens: Citizens shall be permitted to address City Council about matters that are not on the formal agenda. For the city record, the City Clerk may require a sign up card for citizen appearances. Any citizen wishing to do so shall raise his/her hand and/or proceed to the public lectern and, after recognition by the Chair, state his/her name and address, and the purpose for his/her appearance before the Council. Comments shall generally be limited to three (3) minutes and shall relate to matters of City business. They shall not generally result in a formal response or action at the time of presentation because in most cases neither the Council nor the staff will be prepared to respond effectively; however, the Chair may answer questions or direct the City Manager to do so, or the City Manager may be requested to work with the citizen to effect resolution of the matter.

Statements that are purely political in nature will not be allowed, such as campaign speeches or announcements of candidacy for office, nor will announcements of a civic or social event that is unrelated to City business.

Note 2: Consent Agenda: Those items on the Council agenda which are considered routine by the City Manager – e.g., approval of minutes; certain standard form resolutions such as those extending the time for the oath of office; confirmation of certain appointments such as Council committees, the Oak Ridge Utility District, and the Youth Advisory Board, **and routine purchases;** shall be listed on the

Consent Agenda and, unless a member of Council has *specifically* requested that an item be removed therefrom and Council action taken separately, these items shall be approved, adopted, accepted, etc., by a single motion of the Council followed by a roll call vote.

City Councilmember will be afforded an opportunity following approval of the Consent Agenda to comment on any of the business items approved.

Note 3: Elections/Appointments, Announcements, and Scheduling: Nominations, elections, and appointments related to city and non-city boards, Council committees, and etc. shall occur under the "Elections/Appointments" category. "Announcements" will provide City Councilmembers with an opportunity to discuss attendance at recent and/or future conferences, participation at community events, or to express appreciation for recent volunteer efforts or community participation.

#### B. Preparation of the Agenda

The agenda will be prepared by the City Manager.

##### 1. Material for Agenda

All items for action shall be checked with the City Attorney for legality and with the administrative staff for adequacy where necessary.

##### 2. Council Requests for New Business Items

The Mayor and City Council are urged to advise the City Manager of New Business Items prior to the posting of the agenda. If the items are not provided in advance then City Council can use this opportunity to provide direction to the City Manager regarding business requests and briefings during the City Council meeting. Those items will advance with a consensus from the Council.

##### 3. Emergency Items

Materials concerning emergency items shall be furnished Council members at the earliest time possible.

##### 4. The Finished Agenda

The finished agenda with associated material for regular Council meetings will be available in an electronic medium by close of business ~~the Wednesday prior to the meeting~~ exactly one (1) week or seven (7) days prior to the meeting. ~~An electronic copy of the agenda shall be made available to the news media at the same time, and shall be placed on the City's web site at the earliest possible time.~~ The agenda packet shall be placed on the City's website immediately upon completion and the City Clerk' Office will distribute copies of the agenda to the media.

#### IV. Motions

City Council adheres to Robert's Rules of Order except for the following:

##### A. Motion to Adjourn

A motion to adjourn is out of order prior to three (3) hours following commencement of the meeting if all items on the agenda have not been completed. An unqualified motion to adjourn shall not be debatable.

##### B. To Lay Question on the Table

A motion to lay on the table is not debatable and precludes amendments or debate of the subject under consideration. If the motion prevails, consideration of the matter tabled resumes only if a member of the majority voting in favor of the motion to table makes a motion to bring the matter off the table and it is seconded, and a majority of the members vote in favor of it.

C. Motion Asking for Previous Question

This motion is not debatable. When the previous question is called for there shall be no further amendments or debate and pending amendments shall be taken in their order before the main question.

D. To Postpone to Another Time

This motion is debatable and may be amended as to time.

E. To Refer to Committee or Individual

This is debatable.

F. Amendments

An amendment may be amended but further amendments are out of order. Any amendments must be germane to the original motion.

G. Motions to be Stated by the Chair

When debate is completed, the motion shall be restated by the Chair before voting.

H. Withdrawal of Motion

1. A motion may be withdrawn by the person making the motion with the consent of the person seconding the motion if debate has not begun.

2. A motion may be withdrawn after debate with consent of the majority of Council.

I. Public Hearing

Public hearings shall occur in the order as indicated in the above **Agenda Format**. A motion must be made each time for both the opening and the closing of a public hearing, followed by a vote of City Council.

V. Officers and Committees of Council

A. Mayor

The Council, at its first regular meeting following a regular city election and after all newly-elected members have been duly qualified, shall elect one of its members Mayor for a term of two (2) years. Whenever a vacancy occurs in the office of the Mayor, the Council shall elect one of its members to serve until the time fixed herein for the regular election of Mayor. The Mayor shall preside at meetings of the Council, shall have a vote on all matters but no veto power, shall have the same right as any other Council member to speak on an issue, shall be the ceremonial head of the City, shall sign ordinances and resolutions on their final passage, shall sign deeds, bonds and contracts when authorized by the Council to do so, shall be the officer to accept process against the City, shall not have any regular administrative duties, and shall perform only such duties as shall be specifically conferred or required by law.

[Charter, Article II, Section 6]

B. Mayor Pro Tem

The Council shall choose one of its members Mayor pro tem who shall act in the temporary absence or disability of the Mayor. [Charter, Article II, Section 7]

The Mayor pro tem shall be chosen immediately following the election of the Mayor.

C. Committees

1. The Mayor or any member of Council, with the advice and consent of Council, may appoint committees whose membership may include persons not on Council. Officers of appointed committees shall be determined by appointed members of that committee unless City Council specifies otherwise.
2. Committees will be appointed to study specific matters. They shall be provided with a defined charge and a time limit shall be placed on the length of the study. The committee will make a report to the Council at a predetermined time. All committee reports upon which action is expected shall be in written form and copies shall be made available to each member of the Council. A committee shall cease to exist following acceptance of its report unless the Council takes action to extend its term for a defined period.
3. The affirmative vote of a majority of the members of Council then in office shall be required to make any authorized appointment or to remove such appointees. [Charter, Article II, Section 8]
4. Committee appointees shall be residents of the City unless otherwise specified by City Council.
5. There shall be no standing committee of the Council. [Charter, Article II, Section 8]

(This section does not relate to Boards and Commissions who will convene in accordance with their enabling legislation.)

~~6. The City Clerk shall annually prepare for the Council a list of outstanding Council appointed committees showing membership and status. It shall be the responsibility of the Mayor to recommend dissolution of committees or other appropriate action as indicated.~~

D. Appointment of Members to Non-City Committees

The Mayor, with the advice and consent of Council, may appoint members to other established bodies, as desired or deemed necessary.

VI. Expenses Incurred in the Conduct of Official Business

It shall be the policy of the Council to maintain the cost of all phases of Council operations at the most economical level consistent with satisfactory conduct of City affairs. To this end, City money shall be used to reimburse Council members and board, commission or committee members elected or appointed by the Mayor or City Council for expenses incurred in the conduct of City business. The City budget shall determine availability of funding for City reimbursed travel. While it shall be the policy of the Council to assume all reasonable costs associated with the conduct of such business, the following considerations shall be the basis for determining the reasonableness of such costs:

A. Prior Approval or Notification

1. City Council

Overnight travel shall be subject to prior approval or notification in the following manner:

- a. Submission of a request for approval at a Council meeting before the planned trip, or
- b. ~~Distribution of advance notification in writing to all Council members.~~ A councilmember must complete the Travel Notification Form and distribute to all members of City Council via the City Clerk with at least 24-hours advance notice.

— The request for travel approval or advance notification shall contain an explanation of the purpose of the trip and the benefit to accrue to the City.

2. Members of Boards, Commissions, or Committees

Overnight travel shall be subject to budget and prior approval of the City Manager. The request for travel approval shall contain an explanation of the purpose of the trip and the benefit to accrue to the City.

B. Transportation

City vehicles ~~may be used~~ **should be the first consideration when used for transportation** while on official City business unless consideration of time or distance would indicate that such use would be unreasonable **or a vehicle is unavailable**. When other modes of travel are to be used, the City shall provide or pay for tickets for rail, air or bus transportation. When transportation tickets are secured by an individual, advantage must be taken of all tax exemptions allowed the City.

Cost of bus, taxi or limousine service from Oak Ridge to railway station or airport and return and at destination from airport, railway or bus terminal to hotel and return shall be an allowable expense. After reaching the hotel at destination, local transportation facilities shall be used, and costs of such use shall be borne by the City. Taxi fares will be allowed if justified on the basis of (1) unavailability of other means of transportation, (2) urgencies due to time schedules, (3) economical advantages to the City. The cost of rental car use may be assumed by the City when justified by the same considerations.

Use of personal automobiles for travel on City business shall be allowed with prior approval **by the City Clerk**. Only the driver of a personal car shall be reimbursed for such travel, and reimbursement shall be at the rate established by the City Manager for all other officers and employees of the City or an amount not to exceed economy airfare, whichever is less expensive. Passengers in such automobile shall not be paid any transportation allowance for such travel. Storage or parking charges resulting from the authorized use of either City or private automobile shall be at the expense of the city. The total transportation expense to be borne by the City when a personal car is used for official travel shall not exceed the amount of expense incurred had commercial air transportation been used when such transportation is available.

C. Lodging

Actual cost of occupancy of hotel or motel room for the Council or Board member shall be at the expense of the City. When a room is occupied by more than one person and the additional occupants are not on official City business, then reimbursement for lodging will be made in the amount that would have been charged for single occupancy of the hotel or motel room.

D. Food

Actual cost of meals while conducting or traveling on City business is reimbursable; however, such costs shall be maintained at the most economical level possible. In lieu of submission of actual expenses for food, the maximum allowed for reimbursement shall be at the daily per

diem rate established by the City Manager for all other officers and employees of the City. When traveling, the permissible food reimbursement shall be limited to the food reimbursement amount that would be given using the fastest method of transportation available. For example, when a slower method of transportation is used, such as vehicle travel instead of air travel, the permissible food reimbursement amount will be limited to the number of travel days had air travel been used

E. Registration and Special Event Fees at Meetings and Conventions

Registration and special event fees shall be paid for in advance by the City whenever possible or if paid by the attendee, shall be reimbursable by the City.

F. Receipts

Routinely, all claims for expenses shall be accompanied by paid receipts. However, when traveling on City business, receipts are not required when the item is less than \$5 \$10 or the actual food charges are less than the daily rate established by the City Manager for all other officers or employees of the City.

G. Spousal Expense

All expenses for an accompanying spouse or guest shall be at the expense of the Council or Board member.

H. Advances

Advance payments for travel expenses can only be made to the provider (airline, hotel, conference provider, etc.), but the traveler may be reimbursed after the trip if direct payment to a provider was not made. [Tennessee Code Annotated §6-54-901-907]

I. Accounting

1. City Council

An accounting of travel expenses (Travel Expense Report) shall be filed with the City Clerk within ~~fifteen (15)~~ **twenty (20)** business days after completion of such travel at which time any money properly due the traveler shall be authorized for payment by the City. All such accounting shall be made over the signature of the person making the accounting and an accompanying statement that such accounting is true and accurate. This accounting of expenses shall be signed by the City Manager, and shall be processed in accordance with administrative regulations and made a part of the financial record of the City.

The City Clerk shall prepare an annual report enumerating the travel expenses of each Council member. Copies of the report shall be distributed to the Council.

2. Members of Boards, Commissions, or Committees

An accounting of travel expenses (Travel Expense Report) shall be filed with the City Manager within ~~fifteen (15)~~ **twenty (20)** business days after completion of such travel at which time any money properly due the traveler shall be authorized for payment by the City. All such accounting shall be made over the signature of the person making the accounting and an accompanying statement that such accounting is true and accurate. This accounting of expenses shall be signed by the City Manager, and shall be processed in accordance with administrative regulations and made a part of the financial record of the City.

VII. Amendments to Rules of Council

The rules of Council may be amended by a resolution adopted by a two-thirds vote of the entire membership of City Council. The resolution shall specify the effective date of the amended rules.

If an unusual occasion arises that a question is not specifically covered by the foregoing fundamental rules, the latest edition of Robert's Rules of Order will apply **as interpreted by the City Clerk.**

Adopted 1/10/2011 Resolution No. 1-2-11 Effective 1/10/2011

# RULES AND PROCEDURES

## OF THE OAK RIDGE CITY COUNCIL

# Table of Contents

<b>Meetings .....</b>	<b>3-6</b>
Meetings Open to the Public .....	3
Voting Record of Council .....	3
Minutes of Meetings .....	3-4
Publication of Minutes .....	4
Types of Meetings .....	4
Regular Meetings.....	4
Special Meetings.....	4
Work Sessions and Other Miscellaneous Meetings of City Council .....	4
Quorum of Council .....	4
Official Council Business.....	4
Appointments to Boards and Commissions .....	5
Election Notice .....	5
Filing Deadline .....	5
Conduct of Elections.....	5
Notification of Election Results .....	5
Ordinances .....	5
Proclamations .....	6
<b>Conduct of Meetings .....</b>	<b>7-8</b>
Maintaining Order.....	6
Sergeant-At-Arms.....	7
Permission to Speak Before Council .....	7
Right to Speak.....	7
Discussion of Motion .....	7
Call for the Questions .....	7
City Manager and City Attorney .....	7
Right to Appeal .....	7
Right to Speak Uninterrupted .....	8
Temporary Recess (Break) .....	8
Signs Not Allowed in Chambers .....	8
Use of Tobacco Prohibited at Council Meetings .....	8
<b>Order of Business .....</b>	<b>8-10</b>
Agenda Format.....	8

Preparation of the Agenda.....	9
Material for Agenda .....	9
Council Requests for New Business Items.....	9
Emergency Items .....	10
The Finished Agenda .....	10
<b>Motions.....</b>	<b>10-11</b>
Motion to Adjourn .....	10
To Lay Question on the Table .....	10
Motion Asking for Previous Questions.....	10
To Postpone to Another Time .....	10
To Refer to Committee or Individual.....	10
Motions to be Stated by the Chair .....	10
Withdrawal of Motion.....	10
Public Hearing .....	11
<b>Officers and Committees of Council .....</b>	<b>11-12</b>
Mayor.....	11
Mayor Pro Tem .....	11
Committees.....	11
Appointment of Members to Non-City Committees.....	12
<b>Expenses Incurred in the Conduct of Official Business.....</b>	<b>12-14</b>
Prior Approval or Notification .....	12
City Council.....	12
Members of Boards, Commissions, or Committees .....	12
Transportation .....	12
Lodging.....	13
Food .....	13
Registration and Special Event Fees at Meetings and Conventions .....	13
Receipts.....	14
Spousal Expense.....	14
Advances .....	14
Accounting .....	14
City Council.....	14
Members of Boards, Commissions, or Committees .....	14
<b>Amendments to Rules of Council.....</b>	<b>15</b>

**RULES AND PROCEDURES  
OAK RIDGE CITY COUNCIL**

I. Meetings

A. Meetings Open to the Public

All Council meetings shall be open to the public and citizens shall have a reasonable opportunity to be heard. The Council shall exercise its powers only at public meetings. [Charter, Article II, Section 3]

1. Voting Record of Council

A vote upon all proposed ordinances and resolutions shall be taken by "yea" and "nay" vote, indicated either orally or by use of the electronic voting system. The vote of each Council member shall be entered upon the journal (minutes). The journal shall also report the names of the council members present and absent, each motion considered, and the title of each ordinance or resolution considered.

[Charter, Article II, Section 8]

a. Use of the Electronic Voting System

It is acceptable for all questions (ordinances, resolutions, and motions) to be put to a voice vote; however, in the event the voice vote is not unanimous, the Chair may choose to use the electronic (roll call) voting system. The Chair activates the system by depressing the "ready ballot" button and the members of Council then present may vote "yea" or "nay" during the time the lamp is on. A Council member may have the opportunity to change his/her vote if the request is made prior to recording of the results. If a Council member fails to cast an electronic vote, the Chair shall ascertain if it is his/her desire to abstain.

b. Clearing the Electronic Voting Board

After votes have been recorded, the electronic voting board shall be cleared.

2. Minutes of Meetings

There shall be a journal of proceedings (minutes) of all Council meetings signed by the Mayor and City Clerk and to which the public shall have access at all reasonable times. The journal (minutes) shall report the names of the Council members present and absent, each motion considered, and the title of each ordinance or resolution considered.

[Charter, Article II, Section 8]

In accordance with T.C.A. § 8-44-104, minutes shall be recorded of all City Council meetings, including those meetings in which no action is taken, and will have the appropriate signatures.

An indexed audio recording of each regular City Council meeting shall be maintained for a ten-year period of time and video recording shall be maintained for one year. A copy of the approved minutes shall be distributed to each member of City Council.

3. Publication of Minutes

A summary of Council proceedings shall be published in the official city newspaper within 15 days after a meeting, showing the substance of each Council action.

[Charter, Article II, Section 8]

B. Types of Meetings

1. Regular Meetings

The Council shall hold regular meetings in Oak Ridge at least once monthly. Increased frequency, time of day, and place of its meetings shall be established by resolution.

[Charter, Article II, Section 1]

2. Special Meetings

Special meetings shall be called by the City Clerk on the written request of the Mayor, the City Manager, or any two (2) Council members by providing each Council member with twenty-four (24) hours written notice served personally or left at his or her usual place of residence. Business transacted at any special meeting shall be limited to subjects recited in the notice of such meetings.

[Charter, Article II, Section 2]

3. Work Sessions and Other Miscellaneous Meetings of City Council

The Council may hold regular miscellaneous meetings as scheduled by the City Manager. These meetings are scheduled on an as needed basis as a means to allow for discussions and interactions of City Council on particular subjects, updates, and for the exchange of information. No official action shall be taken at work sessions. An agenda shall be made available to all Council members, along with supporting information/documentation at least three (3) business days prior to the meeting.

C. Quorum of Council

At least a majority of the members of the Council then in office shall be a quorum for the transaction of business at all Council meetings, but in the absence of a quorum, two (2) members may adjourn the meeting to a later date.

[Charter, Article II, Section 4]

D. Official Council Business

The affirmative vote of at least a majority of the members of the Council then in office shall be required to approve any proposed action other than those listed in Sections B.2 and C of these Rules and Procedures.

[Charter, Article II, Section 8]

When voting for any contested appointment, the vote shall be taken by written ballot, each of which shall be invalid unless signed by the voting member who marked it.

E. Appointments to Boards and Commissions

1. Election Notice

City Council and the public shall be notified of current and end-of-year vacancies through the City Clerk's Office. The City Clerk shall prepare an election notice either via a legal notice to the paper or as a press release prior to the scheduled election. Terms shall be determined, reviewed, and established by City Council.

2. Filing Deadline

A resident of the City desiring to be a candidate for Council appointment to a board or commission shall submit the required application to the City Clerk. Additionally, the applicant(s) may submit resumes, cover letters, and other documents. All material must be submitted to the City Clerk's Office by the deadline specified in the notice.

3. Conduct of Elections

The applicant's information shall be placed in the agenda packet for the meeting at which the election is to occur, along with a ballot, if needed, which lists the names of all candidates and offers the opportunity to abstain. The applicant's information, if an incumbent, shall be accompanied by a report indicating the incumbent's total time in office and his/her attendance record for at least the most recent term of office.

Applicants are encouraged to attend the election meeting and may be given an opportunity to speak.

4. Notification of Election Results

Following the election, appropriate letters shall be sent to all applicants and outgoing board members from the City Clerk.

F. Ordinances

Each ordinance, before being adopted, shall be read at least by title at two meetings not less than one (1) week apart, and shall take effect ten (10) days after its adoption, except that, where an emergency exists and the public safety and welfare requires it, an ordinance containing a full statement of the facts and reasons for the emergency may be made effective upon its adoption if approved by a majority of the members of the Council on two (2) readings on successive days. At least the title of each ordinance, except an emergency ordinance, shall be published in the official city newspaper at least one (1) week before its adoption and within ten (10) days after its adoption, either separately or as part of the published proceedings of the Council. The newspaper publication shall include locations where the ordinance is available for public review. The entire ordinance shall be published on the City's web site at least one (1) week before its adoption and shall remain on the website for a minimum of 30 days after its adoption.

[Charter, Article II, Section 12]

If an ordinance is amended on first reading, it shall be presented in its amended form at the time of second reading. City Council also has the option to defer the ordinance on second reading.

## G. Proclamations

**Overview:** Proclamations are issued to proclaim certain events, causes, or achievements that positively impact the community and convey an affirmative message to the City of Oak Ridge residents. Proclamations which are political, religious, or controversial in nature, or that would not likely enjoy a high level of community interest or support will not be supported by the City of Oak Ridge. Submission of a proclamation request does not guarantee issuance.

Proclamations issued by the City are ceremonial in nature and not considered an official endorsement by the City of Oak Ridge. The Mayor will be the signatory of all proclamations issued by the City of Oak Ridge upon approval of City Council.

### **Guidelines:**

- 1) National organizations that do not have a local contact person, i.e. Oak Ridge affiliation, will not be granted.
- 2) The City Clerk's Office reserves the right to modify (change and/or delete) any language provided for a proclamation.
- 3) Requests for proclamations should be submitted sixty (60) days in advance to the City Clerk's Office for inclusion in a City Council agenda.
- 4) A requesting party does not have exclusive rights to the day, week, or month of the proclamation.
- 5) Proclamations will not be processed after the event date for that year.
- 6) Other means of individual recognition, such as honorary letters or certificates will be considered as an alternative to proclamations.

### **Preparation:**

- 1) Requests should be submitted in writing to the City Clerk's Office sixty (60) days prior to the event.
- 2) The request should specify if the proclamation is expected to be presented during a City Council meeting or at a non-city event, although a request to be on the City Council meeting agenda is not guaranteed.
- 3) The request should include the requestor's first and last name, address, telephone number, and organizational name (if warranted).
- 4) A brief summary and/or background of the event or organization should be provided, as well as draft text for the proclamation, including, but not limited to the "whereas" clauses.
- 5) The requestor should provide a date when the proclamation is needed, as well as the name of the day" and date of the day, week, month that the event is proclaimed.

II. Conduct of Meetings

A. Maintaining Order

Council members shall preserve order and shall do nothing to interrupt or delay the proceedings of Council.

B. Sergeant-At-Arms

The City Manager shall designate a police officer to serve as the Sergeant-At-Arms of the Council.

C. Permission to Speak Before Council

1. Right to Speak

a. City Council Members

The Chair shall recognize the right of City Council members to speak before the body. A Council member shall initiate his/her right to speak by depressing the "call for floor" button. The Chair shall maintain a sequential list of the callers.

b. Members of the Public

The Chair shall recognize a citizen's opportunity to comment on items that are under consideration by the Council as part of the formal agenda. A citizen will raise his/her hand and/or proceed to the public lectern and, after recognition by the Chair, stating his/her name and address.

The Chair shall recognize members of the public after all Council members have been given an opportunity to be heard on the subject. Upon recognition by the Chair, members of the public may speak for up to three (3) minutes. Written statements may also be filed with the City Clerk who shall distribute them to the Council at the earliest possible time.

2. Discussion of Motion

The Council member proposing a motion that has been duly seconded has the right to open the debate. Other members may then address the issue upon recognition by the Chair. Council members should strive to maintain reasonable time limits and to keep their discussion germane to the motion under consideration.

3. Call for the Question

Council members may indicate that they are ready to vote by depressing the "call for the question" button. The Chair is allowed a voting opportunity for the "Call for the question." When a majority of those members present have called for the questions, the Chair may close the discussion and put the questions to a vote.

4. City Manager and City Attorney

The City Manager and City Attorney may speak on any subject when recognized by the Chair. They may answer questions raised by members of City Council or ask another officer to answer for them. All questions about the internal operation of the municipal corporation shall be directed to the City Manager.

5. Right of Appeal

Council members shall have the right to appeal from a decision of the Chair. The Chair will give its reasons for the decision and the injured party will defend his/her position. A majority of the Council will determine the matter.

D. Right to Speak Uninterrupted

A Council member, duly recognized, shall be allowed to speak on the topic under discussion and may be interrupted only if a point of order is raised. If the Council member is judged to be in order he/she may continue on the subject. If determined to be out of order, the Council member must change his/her remarks or surrender the right to continue speaking.

E. Temporary Recess (Break)

Following completion of a business item, the Chair may call for a recess. A recess may not be called prior to a vote.

F. Signs Not Allowed in Chambers

Signs, posters, and placards may be carried outside the Council's meeting room, but shall not be allowed within, unless it is necessary for official business related to the agenda.

G. Use of Tobacco Prohibited at Council Meetings

The use of tobacco in any form shall not be allowed during the course of a City Council meeting regardless of location. This rule shall apply to all meetings of the Council.

III. Order of Business

A. Agenda Format

Each item of the agenda will have an abstract after the title when such an abstract is clearly indicated. The order of business shall be as follows:

- I. Invocation
- II. Pledge of Allegiance
- III. Roll Call
- IV. Appearance of Citizens (See Note 1)
- V. Proclamations and Public Recognitions
- VI. Special Reports
- VII. Consent Agenda (See Note 2)
- VIII. Resolutions
- IX. Public Hearings and First Reading of Ordinances
- X. Final Adoption of Ordinances
- XI. Elections/Appointments, Announcements, and Scheduling (See Note 3)
- XII. Council Requests for New Business Items or Future Briefings
- XIII. Summary of Current Events
  - a. City Manager's Report
  - b. City Attorney's Report
- XIV. Adjournment

In order to allow flexibility to conduct city business, the City Clerk, with approval from the City Manager, may reorder the above agenda format on a per meeting basis.

Note 1: Appearance of Citizens: Citizens shall be permitted to address City Council about matters that are not on the formal agenda. For the city record, the City Clerk may require a sign up card for citizen appearances. Any citizen wishing to do so shall raise his/her hand and/or proceed to the public lectern and, after recognition by the Chair, state his/her name and address, and the purpose for his/her appearance before the Council. Comments shall generally be limited to three (3) minutes and shall relate to matters of City business. They shall not generally result in a formal response or action at the time of presentation because in most cases neither the Council nor the staff will be prepared to respond effectively; however, the Chair may answer questions or direct the City Manager to do so, or the City Manager may be requested to work with the citizen to effect resolution of the matter.

Statements that are purely political in nature will not be allowed, such as campaign speeches or announcements of candidacy for office, nor will announcements of a civic or social event that is unrelated to City business.

Note 2: Consent Agenda: Those items on the Council agenda which are considered routine by the City Manager – e.g., approval of minutes; certain standard form resolutions such as those extending the time for the oath of office; confirmation of certain appointments such as Council committees, the Oak Ridge Utility District, and the Youth Advisory Board, and routine purchases; shall be listed on the Consent Agenda and, unless a member of Council has *specifically* requested that an item be removed therefrom and Council action taken separately, these items shall be approved, adopted, accepted, etc., by a single motion of the Council followed by a roll call vote.

A City Councilmember will be afforded an opportunity following approval of the Consent Agenda to comment on any of the business items approved.

Note 3: Elections/Appointments, Announcements, and Scheduling: Nomination, elections, and appointments related to city and non-city boards, Council committees, and etc. shall occur under the “Elections/Appointments” category. “Announcements” will provide City Councilmembers with an opportunity to discuss attendance at recent and/or future conferences, participation at community events, or to express appreciation for recent volunteer efforts or community participation.

B. Preparation of the Agenda

The agenda will be prepared by the City Manager

1. Material for Agenda

All items for action shall be checked with the City Attorney for legality and with the administrative staff for adequacy where necessary.

2. Council Requests for New Business Items

The Mayor and City Council are urged to advise the City Manager of New Business Items prior to the posting of the agenda. If the items are not provided in advance then City Council can use this opportunity to provide direction to the City Manager regarding business requests and briefings during the City Council meeting. Those items will advance with a consensus from the Council.

3. Emergency Items

Materials concerning emergency items shall be furnished Council members at the earliest time possible.

4. The Finished Agenda

The finished agenda with associated material for regular Council meetings will usually be available in an electronic medium by close of business one (1) week prior to the meeting. The agenda packet shall be placed on the City's website immediately upon completion and the City Clerk' Office will distribute copies of the agenda to the media.

IV. Motions

City Council adheres to Robert's Rules of Order except for the following:

A. Motion to Adjourn

A motion to adjourn is out of order prior to three (3) hours following commencement of the meeting if all items on the agenda have not been completed. An unqualified motion to adjourn shall not be debatable.

B. To Lay Question on the Table

A motion to lay on the table is not debatable and precludes amendments or debate of the subject under consideration. If the motion prevails, consideration of the matter tabled resumes only if a member of the majority voting in favor of the motion to table makes a motion to bring the matter off the table and it is seconded, and a majority of the members vote in favor of it.

C. Motion Asking for Previous Question

This motion is not debatable. When the previous question is called for there shall be no further amendments or debate and pending amendments shall be taken in their order before the main question.

D. To Postpone to Another Time

This motion is debatable and may be amended as to time.

E. To Refer to Committee or Individual

This is debatable.

F. Amendments

An amendment may be amended but further amendments are out of order. Any amendments must be germane to the original motion.

G. Motions to be State by the Chair

When debate is completed, the motion shall be restated by the Chair before voting.

H. **Withdrawal of Motion**

1. A motion may be withdrawn by the person making the motion with the consent of the person seconding the motion if debate has not begun.
2. A motion may be withdrawn after debate with consent of the majority of Council.

I. **Public Hearing**

Public hearings shall occur in the order as indicated in the above Agenda Format. A motion must be made each time for both the opening and the closing of a public hearing, followed by a vote of City Council.

V. **Officers and Committees of Council**

A. **Mayor**

The Council, at its first regular meeting following a regular city election and after all newly-elected members have been duly qualified, shall elect one of its members Mayor for a term of two (2) years. Whenever a vacancy occurs in the office of the Mayor, the Council shall elect one of its members to serve until the time fixed herein for the regular election of Mayor. The Mayor shall preside at meetings of the Council, shall have a vote on all matters but no veto power, shall have the same right as any other Council member to speak on an issue, shall be the ceremonial head of the City, shall sign ordinances and resolutions on their final passage, shall sign deeds, bonds and contracts when authorized by the Council to do so, shall be the officer to accept process against the City, shall not have any regular administrative duties, and shall perform only such duties as shall be specifically conferred or required by law.

[Charter, Article II, Section 6]

B. **Mayor Pro Tem**

The Council shall choose one of its members Mayor Pro Tem who shall act in the temporary absence or disability of the Mayor.

[Charter, Article II, Section 7]

The Mayor Pro Tem shall be chosen immediately following the election of the Mayor.

C. **Committees**

1. The Mayor or any member of Council, with the advice and consent of Council, may appoint committees whose membership may include persons not on Council. Officers of appointed committees shall be determined by appointed members of that committee unless City Council specifies otherwise.
2. Committees will be appointed to study specific matters. They shall be provided with a defined charge and a time limit shall be placed on the length of the study. The committee will make a report to the Council at a predetermined time. All committee reports upon which action is expected shall be in written form and copies shall be made available to each member of the Council. A committee shall cease to exist following acceptance of its report unless the Council takes action to extend its term for a defined period.

3. The affirmative vote of a majority of the members of Council then in office shall be required to make any authorized appointment or to remove such appointees. [Charter, Article II, Section 8]
  4. Committee appointees shall be residents of the City unless otherwise specified by City Council.
  5. There shall be no standing committee of the Council. [Charter, Article II, Section 8]
- (This section does not relate to Boards and Commissions who will convene in accordance with their enabling legislation.)

D. Appointment of Members to Non-City Committees

The Mayor, with the advice and consent of Council, may appoint members to other established bodies, as desired or deemed necessary.

VI. Expenses Incurred in the Conduct of Official Business

It shall be the policy of the Council to maintain the cost of all phases of Council operations at the most economical level consistent with satisfactory conduct of City affairs. To this end, City money shall be used to reimburse Council members and board, commission or committee members elected or appointed by the Mayor or City Council for expenses incurred in the conduct of City business. The City budget shall determine availability of funding for City reimbursed travel. While it shall be the policy of the Council to assume all reasonable costs associated with the conduct of such business, the following considerations shall be the basis for determining the reasonableness of such costs:

A. Prior Approval or Notification

1. City Council

Overnight travel shall be subject to prior approval or notification in the following manner:

- a. Submission of a request for approval at a Council meeting before the planned trip, or
- b. A councilmember must complete a Travel Notification Form and distribute to all members of City Council via the City Clerk with at least 24-hour advance notice.

The request for travel approval or advance notification shall contain an explanation of the purpose of the trip and the benefit to accrue to the City.

2. Members of Boards, Commissions, or Committees

Overnight travel shall be subject to budget and prior approval of the City Manager. The request for travel approval shall contain an explanation of the purpose of the trip and the benefit to accrue to the City.

B. Transportation

City vehicles should be the first consideration when used for transportation while on official City business unless consideration of time or distance would indicate that such use would be unreasonable or a vehicle is unavailable. When other modes of travel are to be used, the City shall provide or pay for tickets for rail, air or bus transportation. When

transportation tickets are secured by an individual, advantage must be taken of all tax exemptions allowed the City.

Cost of bus, taxi or limousine service from Oak Ridge to railway station or airport and return and at destination from airport, railway or bus terminal to hotel and return shall be an allowable expense. After reaching the hotel at destination, local transportation facilities shall be used, and costs of such use shall be borne by the City. Taxi fares will be allowed if justified on the basis of (1) unavailability of other means of transportation, (2) urgencies due to time schedules, (3) economic advantages to the City. The cost of rental car use may be assumed by the City when justified by the same considerations.

Use of personal automobiles for travel on City business shall be allowed with prior approval by the City Clerk. Only the driver of a personal car shall be reimbursed for such travel, and reimbursement shall be at the rate established by the City Manager for all other officers and employees of the City or an amount not to exceed economy airfare, whichever is less expensive. Passengers in such automobile shall not be paid any transportation allowance for such travel. Storage or parking charges resulting from the authorized use of either City or private automobile shall be at the expense of the city. The total transportation expense to be borne by the City when a personal car is used for official travel shall not exceed the amount of expense incurred had commercial air transportation been used when such transportation is available.

The only passengers allowed in City vehicles are City employees (including elected officials) and community representatives (with City Manager pre-approval) who are engaged in the conduct of city business. Exceptions for traveling with a spouse may be made only with the City Manager's prior approval; however, when employees wish to have other family members accompany them on City business, a private vehicle must be used.

C. Lodging

Actual cost of occupancy of hotel or motel room for the Council or Board member shall be at the expense of the City. When a room is occupied by more than one person and the additional occupants are not on official City business, then reimbursement for lodging will be made in the amount that would have been charged for single occupancy of the hotel or motel room.

D. Food

Actual cost of meals while conducting or traveling on City business is reimbursable; however, such costs shall be maintained at the most economical level possible. In lieu of submission of actual expenses for food, the maximum allowed for reimbursement shall be at the daily per diem rate established by the City Manager for all other officers and employees of the City. When traveling, the permissible food reimbursement shall be limited to the food reimbursement amount that would be given using the fastest method of transportation available. For example, when a slower method of transportation is used, such as vehicle travel instead of air travel, the permissible food reimbursement amount will be limited to the number of travel days had air travel been used.

E. Registration and Special Event Fees at Meetings and Conventions

Registration and special event fees shall be paid for in advance by the City whenever possible or if paid by the attendee, shall be reimbursable by the City.

F. Receipts

Routinely, all claims for expenses shall be accompanied by paid receipts. However, when traveling on City business, receipts are not required when the item is less than \$10 or the actual food charges are less than the daily rate established by the City Manager for all other officers or employees of the City.

G. Spousal Expense

All expenses for an accompanying spouse or guest shall be at the expense of the Council member or Board member.

H. Advances

Advance payments for travel expenses can only be made to the provider (airline, hotel, conference provider, etc.), but the traveler may be reimbursed after the trip if direct payment to a provider was not made.

[Tennessee Code Annotated §6-54-901-907]

I. Accounting

1. City Council

An accounting of travel expenses (Travel Expense Report) shall be filed with the City Clerk within twenty (20) business days after completion of such travel at which time any money properly due the traveler shall be authorized for payment by the City. All such accounting shall be made over the signature of the person making the accounting and an accompanying statement that such accounting is true and accurate. This accounting of expenses shall be signed by the City Manager, and shall be processed in accordance with administrative regulations and made a part of the financial record of the City.

The City Clerk shall prepare an annual report enumerating the travel expenses of each Council member. Copies of the report shall be distributed to the Council.

2. Members of Boards, Commissions, or Committees

An accounting of travel expenses (Travel Expense Report) shall be filed with the City Manager within twenty (20) business days after completion of such travel at which time any money properly due the traveler shall be authorized for payment by the City. All such accounting shall be made over the signature of the person making the accounting and an accompanying statement that such accounting is true and accurate. This accounting of expenses shall be signed by the City Manager, and shall be processed in accordance with administrative regulations and made a part of the financial record of the City.

VII. Amendments to Rules of Council

The rules of Council may be amended by a resolution adopted by a two-thirds vote of the entire membership of City Council. The resolution shall specify the effective date of the amended rules.

If an unusual occasion arises that a question is not specifically covered by the foregoing fundamental rules, the latest edition of Robert's Rules of Order will apply as interpreted by the City Clerk.

Adopted: \_\_\_\_\_ Resolution No. \_\_\_\_\_ Effective: \_\_\_\_\_

**RESOLUTION**

A RESOLUTION ADOPTING UPDATED CITY COUNCIL RULES AND PROCEDURES.

WHEREAS, during the November 9, 2012 work session, City Council discussed the need to perform a review of Council's Rules and Procedures, and Councilmembers Trina Baughn and David Mosby—hereafter referred to as the Rules and Procedures Committee—volunteered to complete the assessment; and

WHEREAS, the Rules and Procedures Committee met on several occasions with City Staff to review and discuss Council's current Rules and Procedures and to recommend changes; and

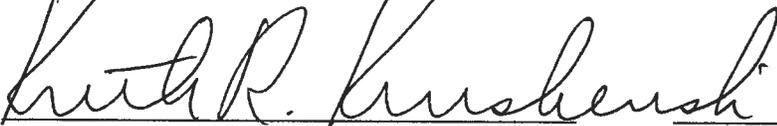
WHEREAS, the Rules and Procedures Committee voted unanimously to recommend to City Council various changes to the Rules and Procedures for consistency and efficiency.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the Rules and Procedures Committee is approved and the attached Rules and Procedures of the Oak Ridge City Council are hereby adopted and are effective August 1, 2013.

This the 10th day of June 2013.

APPROVED AS TO FORM AND LEGALITY:



Kenneth R. Krushenski, City Attorney

Thomas L. Beehan, Mayor

\_\_\_\_\_  
Diana R. Stanley, City Clerk

# RULES AND PROCEDURES

## OF THE OAK RIDGE CITY COUNCIL

# Table of Contents

<b>Meetings</b> .....	<b>3-6</b>
Meetings Open to the Public .....	3
Voting Record of Council .....	3
Minutes of Meetings .....	3-4
Publication of Minutes .....	4
Types of Meetings .....	4
Regular Meetings.....	4
Special Meetings.....	4
Work Sessions and Other Miscellaneous Meetings of City Council .....	4
Quorum of Council .....	4
Official Council Business.....	4
Appointments to Boards and Commissions .....	5
Election Notice .....	5
Filing Deadline .....	5
Conduct of Elections.....	5
Notification of Election Results .....	5
Ordinances .....	5
Proclamations .....	6
<b>Conduct of Meetings</b> .....	<b>7-8</b>
Maintaining Order.....	6
Sergeant-At-Arms.....	7
Permission to Speak Before Council .....	7
Right to Speak.....	7
Discussion of Motion .....	7
Call for the Questions .....	7
City Manager and City Attorney .....	7
Right to Appeal.....	7
Right to Speak Uninterrupted .....	8
Temporary Recess (Break) .....	8
Signs Not Allowed in Chambers .....	8
Use of Tobacco Prohibited at Council Meetings .....	8
<b>Order of Business</b> .....	<b>8-10</b>
Agenda Format.....	8

Preparation of the Agenda .....	9
Material for Agenda .....	9
Council Requests for New Business Items .....	9
Emergency Items .....	10
The Finished Agenda .....	10
<b>Motions.....</b>	<b>10-11</b>
Motion to Adjourn .....	10
To Lay Question on the Table .....	10
Motion Asking for Previous Questions.....	10
To Postpone to Another Time .....	10
To Refer to Committee or Individual.....	10
Motions to be Stated by the Chair .....	10
Withdrawal of Motion.....	10
Public Hearing .....	11
<b>Officers and Committees of Council .....</b>	<b>11-12</b>
Mayor .....	11
Mayor Pro Tem .....	11
Committees.....	11
Appointment of Members to Non-City Committees.....	12
<b>Expenses Incurred in the Conduct of Official Business.....</b>	<b>12-14</b>
Prior Approval or Notification .....	12
City Council.....	12
Members of Boards, Commissions, or Committees .....	12
Transportation .....	12
Lodging.....	13
Food .....	13
Registration and Special Event Fees at Meetings and Conventions .....	13
Receipts.....	14
Spousal Expense.....	14
Advances .....	14
Accounting .....	14
City Council.....	14
Members of Boards, Commissions, or Committees .....	14
<b>Amendments to Rules of Council.....</b>	<b>15</b>

**RULES AND PROCEDURES  
OAK RIDGE CITY COUNCIL**

**I. Meetings**

**A. Meetings Open to the Public**

All Council meetings shall be open to the public and citizens shall have a reasonable opportunity to be heard. The Council shall exercise its powers only at public meetings. [Charter, Article II, Section 3]

**1. Voting Record of Council**

A vote upon all proposed ordinances and resolutions shall be taken by "yea" and "nay" vote, indicated either orally or by use of the electronic voting system. The vote of each Council member shall be entered upon the journal (minutes). The journal shall also report the names of the council members present and absent, each motion considered, and the title of each ordinance or resolution considered. [Charter, Article II, Section 8]

**a. Use of the Electronic Voting System**

It is acceptable for all questions (ordinances, resolutions, and motions) to be put to a voice vote; however, in the event the voice vote is not unanimous, the Chair may choose to use the electronic (roll call) voting system. The Chair activates the system by depressing the "ready ballot" button and the members of Council then present may vote "yea" or "nay" during the time the lamp is on. A Council member may have the opportunity to change his/her vote if the request is made prior to recording of the results. If a Council member fails to cast an electronic vote, the Chair shall ascertain if it is his/her desire to abstain.

**b. Clearing the Electronic Voting Board**

After votes have been recorded, the electronic voting board shall be cleared.

**2. Minutes of Meetings**

There shall be a journal of proceedings (minutes) of all Council meetings signed by the Mayor and City Clerk and to which the public shall have access at all reasonable times. The journal (minutes) shall report the names of the Council members present and absent, each motion considered, and the title of each ordinance or resolution considered. [Charter, Article II, Section 8]

In accordance with T.C.A. § 8-44-104, minutes shall be recorded of all City Council meetings, including those meetings in which no action is taken, and will have the appropriate signatures.

An indexed audio recording of each regular City Council meeting shall be maintained for a ten-year period of time and video recording shall be maintained for one year. A copy of the approved minutes shall be distributed to each member of City Council.

3. Publication of Minutes

A summary of Council proceedings shall be published in the official city newspaper within 15 days after a meeting, showing the substance of each Council action.

[Charter, Article II, Section 8]

B. Types of Meetings

1. Regular Meetings

The Council shall hold regular meetings in Oak Ridge at least once monthly. Increased frequency, time of day, and place of its meetings shall be established by resolution.

[Charter, Article II, Section 1]

2. Special Meetings

Special meetings shall be called by the City Clerk on the written request of the Mayor, the City Manager, or any two (2) Council members by providing each Council member with twenty-four (24) hours written notice served personally or left at his or her usual place of residence. Business transacted at any special meeting shall be limited to subjects recited in the notice of such meetings.

[Charter, Article II, Section 2]

3. Work Sessions and Other Miscellaneous Meetings of City Council

The Council may hold regular miscellaneous meetings as scheduled by the City Manager. These meetings are scheduled on an as needed basis as a means to allow for discussions and interactions of City Council on particular subjects, updates, and for the exchange of information. No official action shall be taken at work sessions. An agenda shall be made available to all Council members, along with supporting information/documentation at least three (3) business days prior to the meeting.

C. Quorum of Council

At least a majority of the members of the Council then in office shall be a quorum for the transaction of business at all Council meetings, but in the absence of a quorum, two (2) members may adjourn the meeting to a later date.

[Charter, Article II, Section 4]

D. Official Council Business

The affirmative vote of at least a majority of the members of the Council then in office shall be required to approve any proposed action other than those listed in Sections B.2 and C of these Rules and Procedures.

[Charter, Article II, Section 8]

When voting for any contested appointment, the vote shall be taken by written ballot, each of which shall be invalid unless signed by the voting member who marked it.

E. Appointments to Boards and Commissions

1. Election Notice

City Council and the public shall be notified of current and end-of-year vacancies through the City Clerk's Office. The City Clerk shall prepare an election notice either via a legal notice to the paper or as a press release prior to the scheduled election. Terms shall be determined, reviewed, and established by City Council.

2. Filing Deadline

A resident of the City desiring to be a candidate for Council appointment to a board or commission shall submit the required application to the City Clerk. Additionally, the applicant(s) may submit resumes, cover letters, and other documents. All material must be submitted to the City Clerk's Office by the deadline specified in the notice.

3. Conduct of Elections

The applicant's information shall be placed in the agenda packet for the meeting at which the election is to occur, along with a ballot, if needed, which lists the names of all candidates and offers the opportunity to abstain. The applicant's information, if an incumbent, shall be accompanied by a report indicating the incumbent's total time in office and his/her attendance record for at least the most recent term of office.

Applicants are encouraged to attend the election meeting and may be given an opportunity to speak.

4. Notification of Election Results

Following the election, appropriate letters shall be sent to all applicants and outgoing board members from the City Clerk.

F. Ordinances

Each ordinance, before being adopted, shall be read at least by title at two meetings not less than one (1) week apart, and shall take effect ten (10) days after its adoption, except that, where an emergency exists and the public safety and welfare requires it, an ordinance containing a full statement of the facts and reasons for the emergency may be made effective upon its adoption if approved by a majority of the members of the Council on two (2) readings on successive days. At least the title of each ordinance, except an emergency ordinance, shall be published in the official city newspaper at least one (1) week before its adoption and within ten (10) days after its adoption, either separately or as part of the published proceedings of the Council. The newspaper publication shall include locations where the ordinance is available for public review. The entire ordinance shall be published on the City's web site at least one (1) week before its adoption and shall remain on the website for a minimum of 30 days after its adoption.  
[Charter, Article II, Section 12]

If an ordinance is amended on first reading, it shall be presented in its amended form at the time of second reading. City Council also has the option to defer the ordinance on second reading.

## G. Proclamations

Overview: Proclamations are issued to proclaim certain events, causes, or achievements that positively impact the community and convey an affirmative message to the City of Oak Ridge residents. Proclamations which are political, religious, or controversial in nature, or that would not likely enjoy a high level of community interest or support will not be supported by the City of Oak Ridge. Submission of a proclamation request does not guarantee issuance.

Proclamations issued by the City are ceremonial in nature and not considered an official endorsement by the City of Oak Ridge. The Mayor will be the signatory of all proclamations issued by the City of Oak Ridge upon approval of City Council.

### Guidelines:

- 1) National organizations that do not have a local contact person, i.e. Oak Ridge affiliation, will not be granted.
- 2) The City Clerk's Office reserves the right to modify (change and/or delete) any language provided for a proclamation.
- 3) Requests for proclamations should be submitted sixty (60) days in advance to the City Clerk's Office for inclusion in a City Council agenda.
- 4) A requesting party does not have exclusive rights to the day, week, or month of the proclamation.
- 5) Proclamations will not be processed after the event date for that year.
- 6) Other means of individual recognition, such as honorary letters or certificates will be considered as an alternative to proclamations.

### Preparation:

- 1) Requests should be submitted in writing to the City Clerk's Office sixty (60) days prior to the event.
- 2) The request should specify if the proclamation is expected to be presented during a City Council meeting or at a non-city event, although a request to be on the City Council meeting agenda is not guaranteed.
- 3) The request should include the requestor's first and last name, address, telephone number, and organizational name (if warranted).
- 4) A brief summary and/or background of the event or organization should be provided, as well as draft text for the proclamation, including, but not limited to the "whereas" clauses.
- 5) The requestor should provide a date when the proclamation is needed, as well as the name of the day and date of the day, week, month that the event is proclaimed.

## II. Conduct of Meetings

### A. Maintaining Order

Council members shall preserve order and shall do nothing to interrupt or delay the proceedings of Council.

### B. Sergeant-At-Arms

The City Manager shall designate a police officer to serve as the Sergeant-At-Arms of the Council.

### C. Permission to Speak Before Council

#### 1. Right to Speak

##### a. City Council Members

The Chair shall recognize the right of City Council members to speak before the body. A Council member shall initiate his/her right to speak by depressing the "call for floor" button. The Chair shall maintain a sequential list of the callers.

##### b. Members of the Public

The Chair shall recognize a citizen's opportunity to comment on items that are under consideration by the Council as part of the formal agenda. A citizen will raise his/her hand and/or proceed to the public lectern and, after recognition by the Chair, stating his/her name and address.

The Chair shall recognize members of the public after all Council members have been given an opportunity to be heard on the subject. Upon recognition by the Chair, members of the public may speak for up to three (3) minutes. Written statements may also be filed with the City Clerk who shall distribute them to the Council at the earliest possible time.

#### 2. Discussion of Motion

The Council member proposing a motion that has been duly seconded has the right to open the debate. Other members may then address the issue upon recognition by the Chair. Council members should strive to maintain reasonable time limits and to keep their discussion germane to the motion under consideration.

#### 3. Call for the Question

Council members may indicate that they are ready to vote by depressing the "call for the question" button. The Chair is allowed a voting opportunity for the "Call for the question." When a majority of those members present have called for the questions, the Chair may close the discussion and put the questions to a vote.

#### 4. City Manager and City Attorney

The City Manager and City Attorney may speak on any subject when recognized by the Chair. They may answer questions raised by members of City Council or ask another officer to answer for them. All questions about the internal operation of the municipal corporation shall be directed to the City Manager.

#### 5. Right of Appeal

Council members shall have the right to appeal from a decision of the Chair. The Chair will give its reasons for the decision and the injured party will defend his/her position. A majority of the Council will determine the matter.

D. Right to Speak Uninterrupted

A Council member, duly recognized, shall be allowed to speak on the topic under discussion and may be interrupted only if a point of order is raised. If the Council member is judged to be in order he/she may continue on the subject. If determined to be out of order, the Council member must change his/her remarks or surrender the right to continue speaking.

E. Temporary Recess (Break)

Following completion of a business item, the Chair may call for a recess. A recess may not be called prior to a vote.

F. Signs Not Allowed in Chambers

Signs, posters, and placards may be carried outside the Council's meeting room, but shall not be allowed within, unless it is necessary for official business related to the agenda.

G. Use of Tobacco Prohibited at Council Meetings

The use of tobacco in any form shall not be allowed during the course of a City Council meeting regardless of location. This rule shall apply to all meetings of the Council.

III. Order of Business

A. Agenda Format

Each item of the agenda will have an abstract after the title when such an abstract is clearly indicated. The order of business shall be as follows:

- I. Invocation
- II. Pledge of Allegiance
- III. Roll Call
- IV. Appearance of Citizens (See Note 1)
- V. Proclamations and Public Recognitions
- VI. Special Reports
- VII. Consent Agenda (See Note 2)
- VIII. Resolutions
- IX. Public Hearings and First Reading of Ordinances
- X. Final Adoption of Ordinances
- XI. Elections/Appointments, Announcements, and Scheduling (See Note 3)
- XII. Council Requests for New Business Items or Future Briefings
- XIII. Summary of Current Events
  - a. City Manager's Report
  - b. City Attorney's Report
- XIV. Adjournment

In order to allow flexibility to conduct city business, the City Clerk, with approval from the City Manager, may reorder the above agenda format on a per meeting basis.

Note 1: Appearance of Citizens: Citizens shall be permitted to address City Council about matters that are not on the formal agenda. For the city record, the City Clerk may require a sign up card for citizen appearances. Any citizen wishing to do so shall raise his/her hand and/or proceed to the public lectern and, after recognition by the Chair, state his/her name and address, and the purpose for his/her appearance before the Council. Comments shall generally be limited to three (3) minutes and shall relate to matters of City business. They shall not generally result in a formal response or action at the time of presentation because in most cases neither the Council nor the staff will be prepared to respond effectively; however, the Chair may answer questions or direct the City Manager to do so, or the City Manager may be requested to work with the citizen to effect resolution of the matter.

Statements that are purely political in nature will not be allowed, such as campaign speeches or announcements of candidacy for office, nor will announcements of a civic or social event that is unrelated to City business.

Note 2: Consent Agenda: Those items on the Council agenda which are considered routine by the City Manager – e.g., approval of minutes; certain standard form resolutions such as those extending the time for the oath of office; confirmation of certain appointments such as Council committees, the Oak Ridge Utility District, and the Youth Advisory Board, and routine purchases; shall be listed on the Consent Agenda and, unless a member of Council has *specifically* requested that an item be removed therefrom and Council action taken separately, these items shall be approved, adopted, accepted, etc., by a single motion of the Council followed by a roll call vote.

A City Councilmember will be afforded an opportunity following approval of the Consent Agenda to comment on any of the business items approved.

Note 3: Elections/Appointments, Announcements, and Scheduling: Nomination, elections, and appointments related to city and non-city boards, Council committees, and etc. shall occur under the "Elections/Appointments" category. "Announcements" will provide City Councilmembers with an opportunity to discuss attendance at recent and/or future conferences, participation at community events, or to express appreciation for recent volunteer efforts or community participation.

B. Preparation of the Agenda

The agenda will be prepared by the City Manager

1. Material for Agenda

All items for action shall be checked with the City Attorney for legality and with the administrative staff for adequacy where necessary.

2. Council Requests for New Business Items

The Mayor and City Council are urged to advise the City Manager of New Business Items prior to the posting of the agenda. If the items are not provided in advance then City Council can use this opportunity to provide direction to the City Manager regarding business requests and briefings during the City Council meeting. Those items will advance with a consensus from the Council.

3. Emergency Items

Materials concerning emergency items shall be furnished Council members at the earliest time possible.

4. The Finished Agenda

The finished agenda with associated material for regular Council meetings will usually be available in an electronic medium by close of business one (1) week prior to the meeting. The agenda packet shall be placed on the City's website immediately upon completion and the City Clerk' Office will distribute copies of the agenda to the media.

IV. Motions

City Council adheres to Robert's Rules of Order except for the following:

A. Motion to Adjourn

A motion to adjourn is out of order prior to three (3) hours following commencement of the meeting if all items on the agenda have not been completed. An unqualified motion to adjourn shall not be debatable.

B. To Lay Question on the Table

A motion to lay on the table is not debatable and precludes amendments or debate of the subject under consideration. If the motion prevails, consideration of the matter tabled resumes only if a member of the majority voting in favor of the motion to table makes a motion to bring the matter off the table and it is seconded, and a majority of the members vote in favor of it.

C. Motion Asking for Previous Question

This motion is not debatable. When the previous question is called for there shall be no further amendments or debate and pending amendments shall be taken in their order before the main question.

D. To Postpone to Another Time

This motion is debatable and may be amended as to time.

E. To Refer to Committee or Individual

This is debatable.

F. Amendments

An amendment may be amended but further amendments are out of order. Any amendments must be germane to the original motion.

G. Motions to be State by the Chair

When debate is completed, the motion shall be restated by the Chair before voting.

H. Withdrawal of Motion

1. A motion may be withdrawn by the person making the motion with the consent of the person seconding the motion if debate has not begun.
2. A motion may be withdrawn after debate with consent of the majority of Council.

I. Public Hearing

Public hearings shall occur in the order as indicated in the above Agenda Format. A motion must be made each time for both the opening and the closing of a public hearing, followed by a vote of City Council.

V. Officers and Committees of Council

A. Mayor

The Council, at its first regular meeting following a regular city election and after all newly-elected members have been duly qualified, shall elect one of its members Mayor for a term of two (2) years. Whenever a vacancy occurs in the office of the Mayor, the Council shall elect one of its members to serve until the time fixed herein for the regular election of Mayor. The Mayor shall preside at meetings of the Council, shall have a vote on all matters but no veto power, shall have the same right as any other Council member to speak on an issue, shall be the ceremonial head of the City, shall sign ordinances and resolutions on their final passage, shall sign deeds, bonds and contracts when authorized by the Council to do so, shall be the officer to accept process against the City, shall not have any regular administrative duties, and shall perform only such duties as shall be specifically conferred or required by law.

[Charter, Article II, Section 6]

B. Mayor Pro Tem

The Council shall choose one of its members Mayor Pro Tem who shall act in the temporary absence or disability of the Mayor.

[Charter, Article II, Section 7]

The Mayor Pro Tem shall be chosen immediately following the election of the Mayor.

C. Committees

1. The Mayor or any member of Council, with the advice and consent of Council, may appoint committees whose membership may include persons not on Council. Officers of appointed committees shall be determined by appointed members of that committee unless City Council specifies otherwise.
2. Committees will be appointed to study specific matters. They shall be provided with a defined charge and a time limit shall be placed on the length of the study. The committee will make a report to the Council at a predetermined time. All committee reports upon which action is expected shall be in written form and copies shall be made available to each member of the Council. A committee shall cease to exist following acceptance of its report unless the Council takes action to extend its term for a defined period.

3. The affirmative vote of a majority of the members of Council then in office shall be required to make any authorized appointment or to remove such appointees. [Charter, Article II, Section 8]
4. Committee appointees shall be residents of the City unless otherwise specified by City Council.
5. There shall be no standing committee of the Council. [Charter, Article II, Section 8]

(This section does not relate to Boards and Commissions who will convene in accordance with their enabling legislation.)

D. Appointment of Members to Non-City Committees

The Mayor, with the advice and consent of Council, may appoint members to other established bodies, as desired or deemed necessary.

VI. Expenses Incurred in the Conduct of Official Business

It shall be the policy of the Council to maintain the cost of all phases of Council operations at the most economical level consistent with satisfactory conduct of City affairs. To this end, City money shall be used to reimburse Council members and board, commission or committee members elected or appointed by the Mayor or City Council for expenses incurred in the conduct of City business. The City budget shall determine availability of funding for City reimbursed travel. While it shall be the policy of the Council to assume all reasonable costs associated with the conduct of such business, the following considerations shall be the basis for determining the reasonableness of such costs:

A. Prior Approval or Notification

1. City Council

Overnight travel shall be subject to prior approval or notification in the following manner:

- a. Submission of a request for approval at a Council meeting before the planned trip, or
- b. A councilmember must complete a Travel Notification Form and distribute to all members of City Council via the City Clerk with at least 24-hour advance notice.

The request for travel approval or advance notification shall contain an explanation of the purpose of the trip and the benefit to accrue to the City.

2. Members of Boards, Commissions, or Committees

Overnight travel shall be subject to budget and prior approval of the City Manager. The request for travel approval shall contain an explanation of the purpose of the trip and the benefit to accrue to the City.

B. Transportation

City vehicles should be the first consideration when used for transportation while on official City business unless consideration of time or distance would indicate that such use would be unreasonable or a vehicle is unavailable. When other modes of travel are to be used, the City shall provide or pay for tickets for rail, air or bus transportation. When

transportation tickets are secured by an individual, advantage must be taken of all tax exemptions allowed the City.

Cost of bus, taxi or limousine service from Oak Ridge to railway station or airport and return and at destination from airport, railway or bus terminal to hotel and return shall be an allowable expense. After reaching the hotel at destination, local transportation facilities shall be used, and costs of such use shall be borne by the City. Taxi fares will be allowed if justified on the basis of (1) unavailability of other means of transportation, (2) urgencies due to time schedules, (3) economic advantages to the City. The cost of rental car use may be assumed by the City when justified by the same considerations.

Use of personal automobiles for travel on City business shall be allowed with prior approval by the City Clerk. Only the driver of a personal car shall be reimbursed for such travel, and reimbursement shall be at the rate established by the City Manager for all other officers and employees of the City or an amount not to exceed economy airfare, whichever is less expensive. Passengers in such automobile shall not be paid any transportation allowance for such travel. Storage or parking charges resulting from the authorized use of either City or private automobile shall be at the expense of the city. The total transportation expense to be borne by the City when a personal car is used for official travel shall not exceed the amount of expense incurred had commercial air transportation been used when such transportation is available.

The only passengers allowed in City vehicles are City employees (including elected officials) and community representatives (with City Manager pre-approval) who are engaged in the conduct of city business. Exceptions for traveling with a spouse may be made only with the City Manager's prior approval; however, when employees wish to have other family members accompany them on City business, a private vehicle must be used.

C. Lodging

Actual cost of occupancy of hotel or motel room for the Council or Board member shall be at the expense of the City. When a room is occupied by more than one person and the additional occupants are not on official City business, then reimbursement for lodging will be made in the amount that would have been charged for single occupancy of the hotel or motel room.

D. Food

Actual cost of meals while conducting or traveling on City business is reimbursable; however, such costs shall be maintained at the most economical level possible. In lieu of submission of actual expenses for food, the maximum allowed for reimbursement shall be at the daily per diem rate established by the City Manager for all other officers and employees of the City. When traveling, the permissible food reimbursement shall be limited to the food reimbursement amount that would be given using the fastest method of transportation available. For example, when a slower method of transportation is used, such as vehicle travel instead of air travel, the permissible food reimbursement amount will be limited to the number of travel days had air travel been used.

E. Registration and Special Event Fees at Meetings and Conventions

Registration and special event fees shall be paid for in advance by the City whenever possible or if paid by the attendee, shall be reimbursable by the City.

F. Receipts

Routinely, all claims for expenses shall be accompanied by paid receipts. However, when traveling on City business, receipts are not required when the item is less than \$10 or the actual food charges are less than the daily rate established by the City Manager for all other officers or employees of the City.

G. Spousal Expense

All expenses for an accompanying spouse or guest shall be at the expense of the Council member or Board member.

H. Advances

Advance payments for travel expenses can only be made to the provider (airline, hotel, conference provider, etc.), but the traveler may be reimbursed after the trip if direct payment to a provider was not made.

[Tennessee Code Annotated §6-54-901-907]

I. Accounting

1. City Council

An accounting of travel expenses (Travel Expense Report) shall be filed with the City Clerk within twenty (20) business days after completion of such travel at which time any money properly due the traveler shall be authorized for payment by the City. All such accounting shall be made over the signature of the person making the accounting and an accompanying statement that such accounting is true and accurate. This accounting of expenses shall be signed by the City Manager, and shall be processed in accordance with administrative regulations and made a part of the financial record of the City.

The City Clerk shall prepare an annual report enumerating the travel expenses of each Council member. Copies of the report shall be distributed to the Council.

2. Members of Boards, Commissions, or Committees

An accounting of travel expenses (Travel Expense Report) shall be filed with the City Manager within twenty (20) business days after completion of such travel at which time any money properly due the traveler shall be authorized for payment by the City. All such accounting shall be made over the signature of the person making the accounting and an accompanying statement that such accounting is true and accurate. This accounting of expenses shall be signed by the City Manager, and shall be processed in accordance with administrative regulations and made a part of the financial record of the City.

VII. Amendments to Rules of Council

The rules of Council may be amended by a resolution adopted by a two-thirds vote of the entire membership of City Council. The resolution shall specify the effective date of the amended rules.

If an unusual occasion arises that a question is not specifically covered by the foregoing fundamental rules, the latest edition of Robert's Rules of Order will apply as interpreted by the City Clerk.

Adopted: \_\_\_\_\_ Resolution No. \_\_\_\_\_ Effective: \_\_\_\_\_

**PUBLIC HEARINGS  
AND  
FIRST READING OF  
ORDINANCES**

# RECREATION & PARKS MEMORANDUM

13-03

**DATE:** May 30, 2013  
**TO:** Mark S. Watson, City Manager  
**FROM:** Josh Collins, Recreation & Parks Director  
**SUBJECT:** DOG PARK ORDINANCE

## Introduction

An item for City Council's consideration is an ordinance authorizing the creation of the Pet Safe Dog Park as an off-leash area at Big Turtle Park.

## Funding

Funding for the proposed dog park will be provided through a \$100,000 grant from Pet Safe. At the June 11, 2012 City Council meeting, City Council unanimously approved Resolution No. 6-41-2012 which supported citizen efforts to establish a dog park and obtain a PetSafe grant for its development and if Oak Ridge wins a grant will dedicate a portion of Big Turtle Park and allocate other resources to support a dog park there. The proposed ordinance will establish guidelines for the Pet Safe Dog Park and thus provide an off-leash area at Big Turtle Park for pet owners to exercise their dogs.

## Background

At its April 11, 2013, meeting, the Recreation and Parks Advisory Board approved a recommendation from its Dog Park Committee that outlines proposed rules for the Pet Safe Dog Park. The committee was formed in 2011 to evaluate the feasibility of building a public dog park in Oak Ridge. Since that time, the Dog Park Committee has evaluated dog parks in Tennessee through personal contact and written surveys. They have developed a list of best practices and lessons learned from the existing dog parks in the state. Committee members have visited the dog parks in the Knoxville area and have spoken with numerous pet owners regarding the park operations/rules. On March 14, 2013, a public open house was held by the Recreation and Parks Advisory Board to solicit comments and thoughts from the public. Many of these ideas were included in the operational plan for the park.

## Recommendation

Staff recommends approval of the accompanying ordinance as submitted. The Dog Park Committee, the Recreation and Parks Advisory Board, Oak Ridge Animal Shelter and the Recreation and Parks Department staff have provided input into the final wording of the proposed ordinance and recommend its approval.

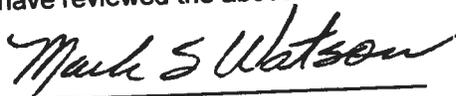
Attachment:

Rules Sign  
Resolution No. 6-41-2012

  
Josh Collins

## **City Manager's Comments:**

I have reviewed the above issue and recommend Council action as outlined in this document.



Mark S. Watson

6-5-2013

Date

TITLE

AN ORDINANCE TO AMEND TITLE 10, TITLED "ANIMAL CONTROL" OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE," BY CREATING A NEW CHAPTER 4, TITLED "DOG PARKS," TO ESTABLISH PERMISSION FOR DOGS TO BE OFF-LEASH IN CITY-OWNED DOG PARKS AND TO ESTABLISH CERTAIN REQUIREMENTS FOR USE.

WHEREAS, by Resolution 6-41-2012, City Council supported and encouraged citizen efforts to establish a dog park and sought grant funding; and

WHEREAS, the City has received a grant in the amount of \$100,000.00 for use in constructing and equipping a dog park; and

WHEREAS, creation of a dog park will result in the need for an ordinance amendment to allow designated off-leash areas and to set forth certain requirements for use of the dog park.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

Section 1. Title 10, titled "Animal Control," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by creating a new Chapter 4, titled "Dog Parks," which new chapter shall read as follows:

**CHAPTER 4**

**DOG PARKS**

**Sec. 10-401. Dog Park, Off-Leash Area.**

The City has the authority to designate areas as dog parks. Dogs are permitted to be off-leash within the confines of any City-owned dog park area without being in violation of the City's leash (animal at large) law provided the provisions of this chapter are followed at all times.

**Sec. 10-402. Requirements.**

It is unlawful for any person to fail to follow the requirements for use of the dog park as set forth below and each and every violation per dog may be treated as a separate offense:

- (1) A person shall not bring any animal into the dog park other than a dog. This prohibition is not applicable to a service animal in performance of, or in training for, its duties to provide assistance to a person with disabilities.
- (2) A person having charge, custody, care or control of a dog shall not bring a dog to the dog park that has been declared vicious by any governmental entity.
- (3) A person having charge, custody, care or control of a dog shall not bring a dog in heat into the dog park.
- (4) A person having charge, custody, care or control of a dog shall only bring a dog(s) to the dog park if the dog is healthy and properly vaccinated.
- (5) Current proof of rabies vaccination (ex. rabies tag) must be attached to the vaccinated dog's collar at all times, and may be inspected by any city employee or city dog park volunteer at any time while entering, inside, or exiting the dog park.

- (6) If the dog park has a designated area for small dogs, no dogs over twenty pounds (20 lbs) may be in the small dog area.
- (7) All dogs must be leashed when entering and exiting the dog park, and the person having charge, custody, care or control of the dog must keep the leash in their possession at all times inside the dog park.
- (8) The person having charge, custody, care or control of the dog must promptly remove and dispose of any waste deposited by their dog. Trash receptacles will be available within the dog park.
- (9) The person having charge, custody, care or control of the dog must repair any damage caused by their dog including filling in holes dug by the dog.
- (10) The person having charge, custody, care of control of the dog must immediately remove the dog if the dog shows signs of aggression toward people or other dogs within the dog park.
- (11) Weapons are not permitted within the dog park.
- (12) Dogs may not be left in the dog park unattended.

**Sec. 10-403. Rules.**

In addition to the requirements set forth in this chapter, the City has the authority to establish and post rules and regulations pertaining to use of the dog park. Dog park rules will be posted at the main entrance to the dog park and on the City's website and must be followed.

**Sec. 10-404. Violations.**

A person in violation of the requirements set forth in this chapter and/or the posted rules for the dog park may be banned from the dog park for a designated or indefinite time period. In addition, a person in violation of the requirements of this chapter may be cited for the violation(s) in city court.

**Sec. 10-405. Implied Consent.**

Use of the dog park shall constitute implied consent of the owner and any person have charge, custody, care or control of the dog to strictly follow the requirements and rules set forth in this chapter, and shall constitute a waiver of liability to the City, its officials, officers, and employees, an assumption of all risks, and an agreement and undertaking to protect, indemnify, defend and hold harmless the City, its officials, officers, and employees for any injury or damage to persons or property during any time that the dog is in the dog park.

**Sec. 10-406. Responsibility and Liability.**

The provisions of this chapter do not relieve the owner or person have charge, custody, care, or control of a dog from the responsibility to maintain proper control over the dog nor shall the provisions of this chapter be construed to relieve such person from any liability for any damages arising out of his or her use of the dog park.

Section 2. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
Kenneth R. Krushenski, City Attorney

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Thomas L. Beehan, Mayor

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Diana R. Stanley, City Clerk

First Reading: \_\_\_\_\_  
Publication Date: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Publication Date: \_\_\_\_\_  
Effective Date: \_\_\_\_\_