

RESOLUTION 14-111

**A RESOLUTION AUTHORIZING THE PAYMENT OF "MIXED DRINK TAXES"
COLLECTED BY THE CITY OF SPRING HILL TO THE MAURY COUNTY BOARD OF
EDUCATION**

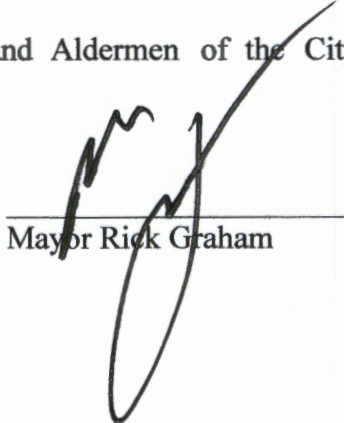
WHEREAS, it is the desire of the Board of Mayor and Aldermen that the City pay the portion of the "mixed drink taxes" owed and due to the Maury County Board of Education pursuant to Tenn. Code Ann. §57-4-306.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF SPRING HILL, TENNESSEE, THAT THE CITY SHALL PAY THE PORTION OF THE "MIXED DRINK TAXES" OWED AND DUE TO THE MAURY COUNTY BOARD OF EDUCATION WITH AN OFFSET OF \$ -0- FOR A NET PAYMENT TO THE MAURY COUNTY BOARD OF EDUCATION OF \$ 169,467.56

BE IT FURTHER RESOLVED that all resolutions and partial resolutions in conflict here would be and at the same hereby are repealed or modified as the case may be.

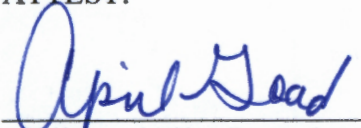
BE IT FURTHER RESOLVED that this Resolution shall take effect from and after its adoption, welfare demanding it.

Passed and adopted by the Board of Mayor and Aldermen of the City of Spring Hill, Tennessee, on the 18th day of August, 2014.



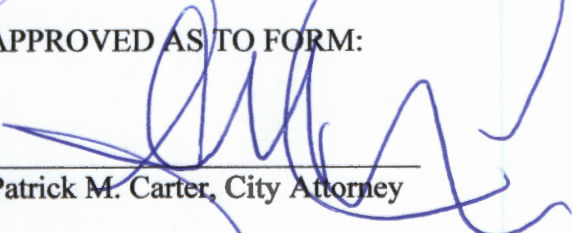
Mayor Rick Graham

ATTEST:



April Goad, City Recorder

APPROVED AS TO FORM:



Patrick M. Carter, City Attorney

Send
to Jim
Smith
Victor
Lay

C. TIM TISHER
T. JAKE WOLAVER
CARA E. LYNN

TISHER & WOLAVER, PLLC

ATTORNEYS AT LAW

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P. O. BOX 1431
COLUMBIA, TN 38402-1431

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July 28, 2014

Mr. Patrick M. Carter
Hardin, Parkes, Kelley, Carter & Bryant, PLLC
102 West Seventh Street, Suite 100
Columbia, TN 38401

Re: City of Spring Hill
Maury County Board of Education/Mixed Drink Revenue

Dear Patrick:

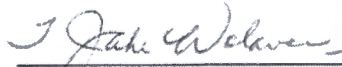
T.C.A. § 49-2-203 grants the Maury County Board of Education standing to seek a court order for the accounting and payment of its portion of the so-called "mixed drink tax" from municipal governments. T.C.A. § 57-4-306 requires municipalities to earmark fifty percent (50%) of any such revenue to be paid to the local education agency which serves that municipality. The City of Spring Hill, Tennessee has been receiving mixed drink revenue from the State of Tennessee since approximately April 2001, but only began to pay a portion of this money to the Maury County Board of Education in February 2012.

Please accept this letter as a formal demand that the City of Spring Hill, Tennessee, provide an accounting to my client for all such mixed drink revenue it has received, and to remit all applicable proceeds to the Maury County Public Schools. If you are unable to provide such accounting and payment of any appropriate funds to my client within ten (10) days of the date of this letter, please advise. Otherwise, I await your response and appreciate your assistance in this matter. With warmest regards, I remain...

Sincerely yours,

TISHER & WOLAVER, PLLC

By:


T. Jake Wolaver

TJW/ca

Mixed Drink Tax Computation

30-Jul-2014

50%

50%

	Total Received from Dept of Rev			Amt due to counties	
FY Ending	Maury	Williamson		Maury	Williamson
2014	\$ -	\$ -		\$ -	\$ -
2013	\$ 87,436.04	\$ 10,962.66		\$ 43,718.02	\$ 5,481.33
2012	\$ 46,800.34	\$ 6,196.00		\$ 23,400.17	\$ 3,098.00
	City began payment Feb 2012			Already paid to counties	
				Subject to be paid	
2012	\$ 45,655.82	\$ 11,493.14		\$ 22,827.91	\$ 5,746.57
2011	\$ 70,440.17	\$ 10,272.39		\$ 35,220.09	\$ 5,136.20
2010	\$ 69,720.88	\$ 7,059.89		\$ 34,860.44	\$ 3,529.95
2009	\$ 45,639.51	\$ 9,294.50		\$ 22,819.76	\$ 4,647.25
2008	\$ 27,020.53	\$ 8,829.00		\$ 13,510.27	\$ 4,414.50
2007	\$ 23,875.82	\$ 5,242.82		\$ 11,937.91	\$ 2,621.41
2006	\$ 24,159.62	\$ 1,663.59		\$ 12,079.81	\$ 831.80
2005	\$ 14,960.42	\$ 379.47		\$ 7,480.21	\$ 189.74
2004	\$ 9,999.34	\$ -		\$ 4,999.67	\$ -
2003	\$ 4,509.50	\$ 46.50		\$ 2,254.75	\$ 23.25
2002	\$ 2,953.50	\$ 800.50		\$ 1,476.75	\$ 400.25
2001	\$ -	\$ -		\$ -	\$ -
2000	\$ -	\$ -		\$ -	\$ -
1999	\$ -	\$ -		\$ -	\$ -
				\$ 169,467.56	\$ 27,540.90

Potential Grand Total	\$ 197,008.46
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Key Dates

May 14, 2014 – Any agreements entered into concerning the payment of proceeds owed from prior years before May 14, 2014 are automatically ratified and constitute the final understanding of the obligations between the parties and the city is not subject to additional requests or demands.

July 1, 2014 – The new regimen concerning the distribution of liquor-by-the-drink proceeds, detailed in Public Chapter () takes effect. Pursuant to this law, the new regimen is to govern the distribution of such proceeds through June 30, 2015.

August 1, 2014 – By August 1, 2014, every city that has adopted liquor-by-the-drink must provide written notice to each school system operating within the city limits. The notice must include the following:

1. Inform the school system that the city has adopted liquor-by-the-drink;
2. Inform the school system that students residing within the city limits attend schools operated by the school system; and
3. Inform the school system that it is authorized to receive all, or a portion, of the liquor-by-drink revenues collected within the city.

August 31, 2014 – Affected parties have until August 31, 2014, to enter into binding agreements that address the city's responsibility to remit liquor-by-the-drink proceeds from collections within the city to a school system. Such agreements must be submitted to and received by the comptroller by August 31, 2014.

September 1, 2014 – If the affected parties have not entered into an agreement, by September 1, 2014, that addresses the city's responsibility to remit liquor-by-the-drink proceeds from collections within the city to a school system, then the parties have two options available:

1. Binding arbitration with Comptroller
2. File lawsuit in Chancery Court of Davidson County

December 31, 2014 – Any claims or demands concerning liquor-by-the-drink proceeds owed by a city to a school system must be made by one of the means outlined above prior to December 31, 2014. If such claims or demands are not made prior to this date, then the parties are barred from pursuing any other means of obtaining these monies.

\$ 169,467.56