

COUNTY LEGISLATIVE BODY

JULY 25, 1995

BE IT REMEMBERED That the Fayette County Legislative Body was in regular session at the Courthouse in Somerville, Tennessee on the 25th day of July, 1995, same being the fourth Tuesday in said month.

Present and presiding the Honorable Jim Voss, also present, Dell T. Graham, County Clerk, and the following County Commissioners: John W. Arnett, Charles D. Brewer, Sr., Thomas H. Fowler, Willie L. German, Jr., Ronald R. Harris, William Hayslett, David Kelley, Alonzo Morman, Sr., Calvin Moore, Jr., David Morris, Claude D. Oglesby, Jr., Hollis O. Robison, J.M. Sullivan, Jr., Rhea "Skip" Taylor, Gordon Tomlin, Myles Wilson and Allen Yancey, Jr.

Absent: Commissioners Odis Cox and Wayne Thomas.

With a quorum being present, the following proceedings were heard and entered of record, to-wit:

Motion was made by Commissioner Oglesby, seconded by Commissioner Kelley, and unanimously carried by the Board approving the minutes of the June 1995 meeting.

Motion was made by Commissioner Wilson, seconded by Commissioner Kelley, and unanimously carried by the Board for the appointment of a committee to draw a Memorial Resolution honoring GLADYS ALLEN, former member of the Quarterly Court, now deceased.

Motion was made by Commissioner Sullivan, seconded by Commissioner Taylor, and unanimously carried by the Board adopting the following Resolution establishing a speed limit on Morman Drive located in Civil District 10:

RESOLUTION

BE IT RESOLVED, by the Board of County Commissioners and/or County Legislative Body of Fayette County, Tennessee, in regular session assembled on this 25th day of July, 1995, it being the fourth Tuesday of said month and the regular monthly meeting date of the July term of said County Legislative Body, in the Courthouse at Somerville, Tennessee, that pursuant to the provision of Chapter No. 357 of the Private Acts of Tennessee 1967-68, and amended thereto, it shall be unlawful for any person to operate or drive a motor vehicle in excess of thirty (30) miles per hour on Morman Drive, beginning at Frazier Road, in its entirety, located in the 10th Civil District of Fayette County, Tennessee, for a distance of approximately one-half (1/2) of a mile; and

BE IT FURTHER RESOLVED, that any person violating the provisions of this Resolution shall be guilty of a misdemeanor and punished accordingly.

The resignation of Mrs. Joanie Dorse as Member of the Board of Education was presented and filed.

Motion was made by Commissioner Sullivan, seconded by Commissioner Tomlin, and unanimously carried by the Board appointing **JOHN TROTTER** to the Fayette County Zoning Appeals Board.

Motion was made by Commissioner Sullivan, seconded by Commissioner Fowler, and unanimously carried by the Board appointing the following to the Fayette County Health and Education Facilities Board: **Dr. John M. Bishop, Dr. Frank S. McKnight, and Dr. Karl B. Rhea.**

Motion was made by Commissioner Tomlin, seconded by Commissioner Fowler, and unanimously carried by the Board appointing the following to the Fayette County Industrial Development Board: **J. P. MATTHEWS, JOHN DOUGLAS and ROBERT A. DOLL.**

The next matter before the Board was the election of four members to the School Board to serve such positions until the next General Election to be held August 1st, 1996.

-Seat #1, For election to School Board from District No. 1:

Motion was made by Commissioner Harris, seconded by Commissioner Wilson, placing **ROBERT A. DOLL** as a nominee for election. With no other nominations being offered, motion was made by Commissioner Tomlin that the nominations cease and that Mr. Doll be elected by acclamation. Thereupon, Robert A. Doll was elected to serve on the Fayette County School Board representing Civil District No. 1:

-Seat #2, For election to School Board from District No. 2:

Motion was made by Commissioner Brewer, seconded by Commissioner Fowler, nominating **IDA PALMER** for election to the School Board representing Civil District No. 2. With no other nominations being offered, motion was made by Commissioner Fowler, seconded by Commissioner Oglesby and unanimously carried by the Board that the nominations cease and that Ms. Palmer be elected by acclamation.

-Seat #3, For election to School Board from District No. 3:

Motion was made by Commissioner Kelley, nominating **ELEANOR HERRON** for election to the School Board.

Motion was made by Commissioner Arnett, placing the name of **TONY PIERCE** in nomination for election to this position.

With no other motions being offered, motion was made by Commissioner German, seconded by Commissioner Wilson, that the nominations cease.

Upon roll call the following Commissioners voted for **ELEANOR HERRON**:
Commissioners Fowler, German, Harris, Kelley and Tomlin. (5)

Voting for **TONY PIERCE**: Commissioners Arnett, Brewer, Hayslett, Morman, Moore, Morris, Oglesby, Sullivan, Taylor, Wilson and Yancey. (11)

Passed: Commissioner Robison.

Thereupon **TONY PIERCE** was elected to serve on the Fayette County School Board until the next General Election.

-Section 4, For election to School Board for District 5:

Motion was made by Commissioner Oglesby, nominating **SUSIE SIDES** for election to the School Board.

Motion was made by Commissioner Yancey, placing **EUGENE ANDERSON** in nomination for election.

Placing herself in nomination, **KAREN GURKINS** entered as the third nominee.

Motion was then made by Commissioner Tomlin, seconded by Commissioner Wilson and so ordered that the nominations cease.

Upon roll call, the following voted for **SUSIE SIDES**: Commissioners Arnett, (passed on original call), Brewer, Fowler, German, Harris, Kelley, Moore, Morris, Oglesby, Robison, Sullivan, Taylor, Tomlin and Wilson, (14)

Voting for **EUGENE ANDERSON**: Commissioner Yancey. (1)

Voting for **KAREN GURKINS**: None.

Passed: Commissioners Hayslett and Morman.

Thereupon **SUSIE SIDES** was elected to serve on the Fayette County School Board until the next General Election.

Motion was made by Commissioner Sullivan, seconded by Commissioner Oglesby, and unanimously carried by the Board appointing the following as Notaries Public:
District 1: Sandra Newman Dowdy; District 7: Angela Thornton; District 11: Sue E. Pulliam; District 12: JoAnn Moss.

County Executive Voss reported orally for his office.

Deborah Sullivan, Trustee, reviewed her report of errors and double assessments for the year 1993, and her report of delinquent real and personal and Public Utilities Taxes. Motion was made by Commissioner Tomlin, seconded by Commissioner Moore, and unanimously carried by the Board approving said reports.

Reports from the Board of Education and the Board of Public Works were called for, but none given.

Chairman Voss presented the following Resolution for application for a 100% grant in the amount of \$500,000 for a road and spec building in the Industrial Park:

**RESOLUTION
A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO
THE RURAL ECONOMIC AND COMMUNITY DEVELOPMENT
ADMINISTRATION**

WHEREAS, the County of Fayette desires to submit an application to the Rural Economic and Community Development Administration (formerly Farmers Home Administration) for the purpose of securing grant funds; and

WHEREAS, the County of Fayette is seeking these funds in order to construct an industrial access road and a speculative building in Fayette County Industrial Park:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY OF FAYETTE COMMISSIONERS THAT: The County Executive of Fayette County is authorized to submit the required documents and appropriate administrative forms and make proper application to the Rural Economic and Community Development Administration.

READ AND APPROVED THIS 25TH DAY OF JULY, 1995.

Motion for adoption was made by Commissioner Robison, seconded by Commissioner Hayslett, and unanimously carried by the Board.

Chairman Voss addressed the Board concerning a Grant applied for for construction of a new Health Department for the County. He advised that of the \$600,000 needed funds, that \$300,000 on a Community Block Grant had been approved, but the \$300,000 of the State of Tennessee Special Need Funds had been denied.

Motion was made by Commissioner Kelley, seconded by Commissioner Oglesby, and unanimously carried by the Board approving the annual subsidy payment to the various Fire Departments throughout the County; same being as follows:

**FIRE DEPARTMENT EVALUATIONS SUMMARY
1995**

DISTRICT	DEPARTMENT	TOTAL	AMOUNT
1	Somerville	5578.8	\$ 9,595.02
2	Braden	8329.5	14,326.74
3	Piperton	4608.5	7,926.62
4	Oakland	11240.1	19,332.97
6	Rossville	4513.5	7,763.22
7	Williston	3852.7	6,626.64
8	LaGrange	1958	3,367.76
9	Moscow	4258	7,323.76
10	West Fayette	5373.2	9,241.90
11	Macon	3066	5,273.52
12	North Fayette	2739.5	4,711.94
13	Northwest	3578.2	6,154.50
15	District 15	4776	8,214.72
	TOTAL	63872	\$109,859.31

Commissioner Harris addressed the Board with the recommendation of the Budget Committee for budget changes as previously recommended under the Joint Committee Meeting. These changes were reviewed by Commissioner Harris and were presented in the Budget for adoption. Motion was made by Commissioner Harris, seconded by Commissioner Sullivan, and unanimously carried by the Board to accept the change recommendations made by the Budget Committee. Adoption of that Budget to be addressed later.

Having been reviewed by the Budget Committee and received their recommendation for passage, motion was made by Commissioner Harris, seconded by Commissioner Robison, and unanimously carried by the Board to transfer \$.05 from the Debt Service to the General Fund making a Budget Fund Balance of \$417,000.00 which would take the place of any proposed property tax and wheel tax increase.

Having been reviewed by the Budget Committee and received their recommendation for adoption, motion was made by Commissioner Harris, seconded by Commissioner Sullivan, and unanimously carried by the Board adopting the following Resolution making appropriations for various funds, departments, institutions, offices and agencies of Fayette County for the fiscal year beginning July 1, 1995 and ending June 30, 1996:

A RESOLUTION MAKING APPROPRIATIONS FOR THE VARIOUS FUNDS,
DEPARTMENTS, INSTITUTIONS, OFFICES AND AGENCIES OF
FAYETTE COUNTY, TENNESSEE, FOR THE
YEAR BEGINNING JULY 1, 1995 AND ENDING JUNE 30, 1996.

SECTION 1. BE IT RESOLVED by the Board of County Commissioners of Fayette County, Tennessee, assembled in regular session on the 25th day of July, 1995, that the amounts hereafter set out are hereby appropriated for the purpose of meeting the expenses of the various funds, departments, institutions, offices and agencies of Fayette County, Tennessee, for the capital outlay, and for meeting the payment of principal and interest on the County's debt maturing during the year beginning July 1, 1995 and ending June 30, 1996, according to the following schedule:

GENERAL FUND

County Commission	\$ 62,475
Beer Board	750
County Executive	75,949
Election Commission	138,598
Register of Deeds	7,850
Planning	103,083
County Buildings	182,874
Other General Administration	29,990
Accounting and Budgeting	94,889
Property Assessor's Office	150,900
County Trustee's Office	102,396
County Clerk's Office	157,589
Circuit Court	132,277
General Sessions Court	78,689
General Sessions Judge	63,282
Chancery Court	125,294
Juvenile Court	62,209
Sheriff's Department	864,725
Drug Enforcement	60,885
Jail	626,655
Workhouse	22,123
Fire Prevention and Control	214,100
Civil Defense	55,320
Rescue Squad	29,864

County Coroner/Medical Examiner	10,900
Other Public Safety	82,155
Local Health Center	73,088
Rabies and Animal Control	27,430
Ambulance Service	338,094
Dental Health Program	156,955
Crippled Children Services	2,216
Other Local Health Services	15,850
Regional Mental Health Center	7,500
Aid to Dependent Children	2,000
Other Local Welfare Services	5,465
Sanitation Management	822
Senior Citizens Assistance	54,871
Libraries	64,328
Parks and Fair Boards	7,000
Agriculture Extension Service	69,001
Soil Conservation	42,251
Industrial Development	2,552
Public Transportation	37,233
Airport	20,480
Veterans' Services	1,262
Other Charges	113,635
Contributions to Other Agencies	7,034
Employee Benefits	400,288
Miscellaneous	750
Sanitation Education/Information	36,500
Total General Fund	\$ 5,022,426

SOLID WASTE/SANITATION FUND

Transfer Stations	\$ 520,000
Landfill Operation and Maintenance	294,865
Transfers to Other Funds	10,000
Total Solid Waste/Sanitation Fund	\$ 824,865

HIGHWAY/PUBLIC WORKS FUND

Administration	\$ 109,490
Highway and Bridge Maintenance	1,186,339
Operation and Maintenance of Equipment	498,442
Other Charges	100,200
Employee Benefits	351,500
Capital Outlay	1,866,500
Highway and Street Capital Projects	137,186
Transfers to Other Funds	40,000
Total Highway/Public Works Fund	\$ 4,289,657

GENERAL PURPOSE SCHOOL FUND

<u>Instruction</u>	
Regular Instruction Program	\$ 7,271,277
Special Education Program	1,322,113
Vocational Education Program	664,280
Student Body Education Program	2,172
Adult Education Program	117,804
<u>Support Services</u>	
Attendance	62,487
Health Services	43,435
Other Student Support	295,262
Regular Instruction Program	593,413
Special Education Program	192,067
Vocational Education Program	96,425
Adult Programs	156,423
Board of Education	286,796
Office of the Superintendent	182,112
Office of the Principal	776,898
Fiscal Services	115,863
Operation of Plant	

Maintenance of Plant	1,018,535
Transportation	409,490
Central and Other	1,632,980
<u>Operation of Non-Instructional Services</u>	99,927
Community Services	
<u>Capital Outlay</u>	17,115
Regular Capital Outlay	
<u>Capital Projects</u>	98,500
Education Capital Projects	
<u>Other Uses</u>	360,000
Operating Transfers to Primary Government	351,364
Total General Purpose School Fund	\$ 16,166,738

SCHOOL FEDERAL PROJECTS FUND

<u>Instruction</u>	
Regular Instruction Program	\$ 924,738
Special Education Program	201,791
Vocational Education Program	152,973
Other Student Support	77,680
<u>Support Services</u>	
Regular Instruction Program	235,562
Special Education Program	50,059
Operation of Plant	30,769
Maintenance of Plant	8,000
Transportation	53,815
<u>Other Uses</u>	
Transfers to Other Funds	34,839
Total School Federal Projects Fund	\$ 1,770,226

CENTRAL CAFETERIA FUND

Food Service	\$ 1,785,751
Transfers to Other Funds	13,000
Total Central Cafeteria Fund	\$ 1,798,751

GENERAL DEBT SERVICE FUND

General Government Debt Service	\$ 37,217
Highway and Street Debt Service	320,488
Education Debt Service	833,392
Total General Debt Service Fund	\$ 1,191,097

SECTION 2. BE IT FURTHER RESOLVED, that there are also hereby appropriated certain portions of the commissions and fees for collecting taxes and licenses and for administering other funds which the Trustee, County Clerk, Circuit Court Clerk, Clerk and Master, Register, and the Sheriff and their officially authorized deputies and assistants may severally be entitled to receive under State laws heretofore or hereafter enacted. Expenditures out of commissions, and/or fees collected by the Trustee, County Clerk, Circuit Court Clerk, Clerk and Master, Register and the Sheriff may be made for such purposes and in such amounts as may be authorized by existing law or by valid order of any court having power to make such appropriations. Any excess commissions and/or fees collected over and above the expenditures duly and conclusively authorized shall be paid over to the Trustee and converted into the General Fund as provided by law.

BE IT FURTHER RESOLVED, that if any fee officials, as enumerated in Section 8-22-101, TCA, operate under provisions of Section 8-22-104, TCA, provisions of the preceding paragraph shall not apply to those particular officials.

SECTION 3. BE IT FURTHER RESOLVED, that any amendment to the budget shall be approved as provided in Section 5-9-407, TCA.

One copy of each amendment shall be filed with the County Clerk, one copy with the Chairman of the Budget Committee, and one copy with each divisional or departmental head concerned. The reason(s) for each transfer shall be clearly stated; however, this section shall in no case whatsoever be construed as authorizing transfer from one fund to another, but shall apply solely to transfers within a certain fund.

SECTION 4. BE IT FURTHER RESOLVED, that any appropriations made by this resolution which cover the same purpose for which a specific appropriation is made by statute is made in lieu of but not in addition to said statutory appropriation. The salary, wages, or remuneration of each officer, employee, or agent of the County shall not be in excess of the amounts authorized by existing law or as set forth in the estimate of expenditures which accompanies this resolution. Provided, however, that appropriations for such salaries, wages, or other remuneration hereby authorized shall in no case be construed as permitting expenditures for an office, agency, institution, division or department of the County in excess of the appropriation made herein for such office, agency, institution, division or department of the County. Such appropriation shall constitute the limit to the expenditures of any office, agency, institution, division or department for the year ending June 30, 1996. The aggregate expenditures for any item of appropriation shall in no instance be more than the amount herein appropriated for such item.

SECTION 5. BE IT FURTHER RESOLVED, that any resolution which may hereafter be presented to the Board of County Commissioners providing for appropriations in addition to those made by this Budget Appropriation Resolution shall specifically provide sufficient revenue or other funds, actually to be provided during the year in which the expenditure is to be made, to meet such additional appropriation. Said appropriating resolution shall be submitted to and approved by the State Director of Local Finance after its adoption as provided by Section 9-21-403, TCA.

SECTION 6. BE IT FURTHER RESOLVED, that the County Executive and County Clerk are hereby authorized to borrow money on revenue anticipation notes, provided such notes are first approved by the Director of Local Finance, to pay for the expenses herein authorized until the taxes and other revenue for the year 1995 - 96 have been collected. The proceeds of loans for each individual fund shall not exceed 60% of the appropriations of each individual fund and shall be used only to pay the expenses and other requirements of the fund for which the loan is made. The loan shall be paid out of revenue from the fund for which money is borrowed. The notes evidencing the loans authorized under this section shall be issued under the applicable sections of Title 9, Chapter 21, Tennessee Code Annotated. Said notes shall be signed by the County Executive and countersigned by the County Clerk and shall mature and be paid in full without renewal not later than June 30, 1996.

SECTION 7. BE IT FURTHER RESOLVED, that the delinquent County property taxes for the year 1993 and prior years and the interest and penalty thereon collected during the year ending June 30, 1996 shall be apportioned to the various County funds according to the subdivision of the tax levy for the year 1994. The Clerk and Master and the Trustee are hereby authorized and directed to make such apportionment accordingly.

SECTION 8. BE IT FURTHER RESOLVED, that all unencumbered balances of appropriations remaining at the end of the year shall lapse, and be of no further effect at the end of the year at June 30, 1996.

SECTION 9. BE IT FURTHER RESOLVED, that any resolution or part of a resolution which has heretofore been passed by the Board of County Commissioners which is in conflict with any provision in this resolution be and the same is hereby repealed.

SECTION 10. BE IT FURTHER RESOLVED, that this resolution shall take effect from and after its passage and its provisions shall be in force from and after July 1, 1995. This resolution shall be spread upon the minutes of the Board of County Commissioners.

Motion was then made by Commissioner Harris, seconded by Commissioner Oglesby, and unanimously carried by Roll Call vote, adopting the following Resolution fixing the tax levy in Fayette County for the fiscal year beginning July 1, 1995:

RESOLUTION FIXING THE TAX LEVY IN
FAYETTE COUNTY, TENNESSEE
FOR THE YEAR BEGINNING JULY 1, 1995

SECTION 1. BE IT RESOLVED by the Board of County Commissioners of Fayette County, Tennessee, assembled in regular session on this 25th day of July, 1995, that the combined property tax rate for Fayette County, Tennessee for the year beginning July 1, 1995 shall be \$2.69 on each \$100.00 of taxable property, which is to provide revenue for each of the following funds and otherwise conform to the following levies:

Fund	Rate
General	\$ 0.83
Solid Waste/Sanitation	0.01
Highway/Public Works	0.40
General Purpose School	1.12
General Debt Service	0.33
Total	\$ 2.69

SECTION 2. BE IT FURTHER RESOLVED that there is hereby levied a gross receipts tax as provided by law. The proceeds of the gross receipts tax herein levied shall accrue to the General Fund. The proceeds of the motor vehicle tax authorized by Chapter 160 of the Private Acts of 1979 as amended shall accrue to the following funds: 80% to the Highway/Public Works Fund and 20% to the General Fund.

SECTION 3. BE IT FURTHER RESOLVED, that all resolutions of the Board of County Commissioners of Fayette County, Tennessee, which are in conflict with this resolution are hereby repealed.

SECTION 4. BE IT FURTHER RESOLVED, that this resolution take effect from and after its passage, the public welfare requiring it. This resolution shall be spread upon the minutes of the Board of County Commissioners.

Passed this 25th day of July, 1995.

Motion was then made by Commissioner Harris, seconded by Commissioner Brewer and unanimously carried by the Board adopting the following Resolution making appropriations to non-profit charitable organizations of Fayette County for the fiscal year beginning July 1, 1995:

A RESOLUTION MAKING APPROPRIATIONS TO NON-PROFIT
 CHARITABLE ORGANIZATIONS OF FAYETTE COUNTY, TENNESSEE,
 FOR THE FISCAL YEAR BEGINNING JULY 1, 1995, AND ENDING
 JUNE 30, 1996

WHEREAS, Section 5-9-109, Tennessee Code Annotated, authorizes the County Legislative Body to make appropriations to non-profit charitable organizations; and

WHEREAS, the Fayette County Legislative Body recognizes the various non-profit charitable organizations located in Fayette County have great need of funds to carry on their non-profit charitable work.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Fayette County in regular session assembled on this 25th day of July, 1995, in the Courthouse in Somerville, Tennessee; and

SECTION 1. That Twenty Two Thousand Five Hundred (\$22,500.00) Dollars be appropriated to the Fayette County Chamber of Commerce to promote the economic welfare of Fayette County.

SECTION 2. That Nine Thousand Eight Hundred Fifty-Three (\$9,853.00) Dollars be appropriated to the Metropolitan Inter-Faith Association to promote the health and welfare of the citizens of Fayette County.

SECTION 3. That Ten Thousand (\$10,000.00) Dollars be appropriated to the Fayette County Developmental Center to promote the health and welfare of the citizens of Fayette County.

SECTION 4. That Seven Thousand Five Hundred (\$7,500.00) Dollars be appropriated to the Professional Counseling Services to promote the health and welfare of the citizens of Fayette County.

SECTION 5. That Two Thousand Six Hundred Fifty (\$2,650.00) Dollars be appropriated to the Jackson Area Council on Alcoholism and Drug Dependency to promote the health and welfare of the citizens of Fayette County.

SECTION 6. That Five Thousand Four Hundred Sixty-Five (\$5,465.00) Dollars be appropriated to Tennessee Opportunity Programs, Inc. to promote the health and welfare of the citizens of Fayette County.

SECTION 7. That One Thousand Seven Hundred (\$1,700.00) Dollars be appropriated to Fayette County Citizens for Progress to promote the health and welfare of the citizens of Fayette County.

SECTION 8. That Fifty Thousand Eighteen (\$50,018.00) Dollars be appropriated to the Fayette County Commission on Aging to promote the health and welfare of the elderly citizens of Fayette County.

SECTION 9. That One Thousand Five Hundred (\$1,500.00) Dollars be appropriated to Jack Gean Shelter for Women to promote the health and welfare of the citizens of Fayette County.

SECTION 10. That Three Thousand Eight Hundred Thirty-Three and 85/100 (\$3,833.85) Dollars be appropriated to Delta Human Resource Agency to promote the health and welfare of the citizens of Fayette County.

SECTION 11. That Seven Hundred (\$700.00) Dollars be appropriated to Youth Town to promote the health and welfare of the citizens of Fayette County.

SECTION 12. That Eight Thousand (\$8,000.00) Dollars be appropriated to Fayette County Athletic League to promote the health and welfare of the citizens of Fayette County.

SECTION 13. That Two Thousand Five Hundred (\$2,500.00) Dollars be appropriated to the Delta Area Agency on Aging to promote the health and welfare of the citizens of Fayette County.

SECTION 14. That Seven Thousand Eight Hundred Seventy-Nine and 76/100 (\$7,879.76) Dollars be appropriated to the West Fayette Fire Department to promote the health and welfare of the citizens of Fayette County.

SECTION 15. That Five Thousand Three Hundred Thirty-Four and 84/100 (\$5,334.84) Dollars be appropriated to the Macon Volunteer Fire Department to promote the health and welfare of the citizens of Fayette County.

SECTION 16. That Four Thousand Seven Hundred Sixty-Six and 73/100 (\$4,766.73) Dollars be appropriated to the North Fayette Volunteer Fire Department to promote the health and welfare of the citizens of Fayette County.

SECTION 17. That Six Thousand Two Hundred Twenty-Six and 06/100 (\$6,226.06) Dollars be appropriated to the Northeast Volunteer Fire Department to promote the health and welfare of the citizens of Fayette County.

SECTION 18. That Eight Thousand Three Hundred Ten and 24/100 (\$8,310.24) Dollars be appropriated to the District 15 Volunteer Fire Department to promote the health and welfare of the citizens of Fayette County.

BE IT FURTHER RESOLVED, that all appropriations enumerated in Sections 1 through 18 above are made subject to the following conditions:

1. That the non-profit charitable organizations to which funds are appropriated shall file with the County Clerk and the disbursing official a copy of an annual report of its business affairs and transactions and the proposed use of the County's funds in accordance with rules promulgated by the Comptroller of the

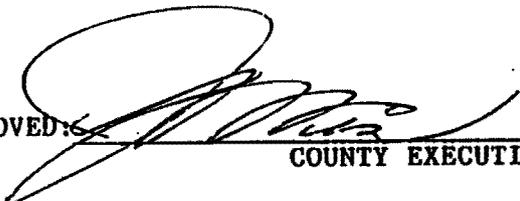
Treasury, Chapter 0380-2-5. Such annual report shall be prepared and certified by the chief financial officer of such non-profit organizations in accordance with Section 5-9-109, T.C.A.

2. That said funds must only be used by the named non-profit charitable organization in furtherance of their non-profit charitable purpose benefiting the general welfare of the residents of the County.

3. That it is the expressed interest of the County Commission of Fayette County in providing these funds to the above named non-profit charitable organizations to be fully in compliance with Chapter 0380-2-0 of the Rules of the Comptroller of the Treasury, and Section 5-9-109 of Tennessee Code Annotated and any and all other laws which may apply to County appropriations to non-profit organizations and so this appropriation is made subject to compliance with any and all of these laws and regulations.

BE IT FURTHER RESOLVED, that the expenditures heretofore made in this fiscal year be ratified and approved provided same have been made in compliance with Section 5-9-109 of the Tennessee Code Annotated, Official Edition.

Dated this 25th day of July, 1995.

APPROVED: 

COUNTY EXECUTIVE

Motion was made by Commissioner Harris, seconded by Commissioner Robison and unanimously carried by the Board adopting the following as a Litigation Tax Increase to the maximum allowed law:

R E S O L U T I O N

WHEREAS, Tennessee Code Annotated [16-15-5006(a) provides: "Counties are authorized to impose a local litigation tax on each civil case filed in general sessions court, or in a court where the general sessions judge serves as judge, except juvenile court, and are authorized to impose a local litigation tax on each criminal conviction in general sessions court. In order for the tax to be effective, it must be approved by a two-thirds(2/3) vote of the County Legislative Body of any county wishing to impose it. Its approval by the County Legislative Body must be proclaimed by the presiding officer of such Body and certified by him to the Secretary of State. The litigation tax authorized by this section may be effective on or after July 1, 1990, and may be in any amount up to six dollars (\$6.00) per case. Proceeds of the litigation tax shall be paid to the County general fund."

WHEREAS, the stated intent of the Tennessee General Assembly is that the proceeds of this local tax aid in defraying the cost to counties of paying the general sessions court judges.

WHEREAS, the revenue generated by the tax authorized in Tennessee Code Annotated | 16-15-5006(a) is needed in Fayette County for the purposes for which the tax is authorized.

NOW, THEREFORE, BE IT RESOLVED by a two-thirds (2/3) vote of the County Legislative Body of Fayette County, meeting in regular session on this 25th day of July, 1995, in Somerville, Tennessee, that:

SECTION 1. Effective on the first day of the month following the passage of this Resolution, the privilege tax authorized by TCA 16-15-5006(a) which is levied in Fayette County, is amended and there is levied a privilege tax in the total amount of Twelve Dollars (\$12.00) on each civil case filed in general sessions court and in each civil case in a court where the general sessions judge serves as judge, except juvenile court, and on each criminal conviction in general sessions court. This tax is applicable to all such cases on which state litigation taxes are collected.

SECTION 2. The privilege taxes collected pursuant to this Resolution shall be paid over to the County Trustee monthly and deposited in the County general fund.

BE IT FURTHER RESOLVED, that the presiding officer of this Legislative Body is hereby directed to proclaim and certify the approval of this Resolution to the Secretary of State.

RESOLUTION TO LEVY AN ADDITIONAL
LITIGATION TAX FOR FAYETTE COUNTY

WHEREAS, Chapter 488 of the Public Acts of 1981, which imposed a state litigation tax, has been interpreted by opinions of the State Attorney General dated November 9, 1981, and Attorney General Opinion U88-109 dated September 28th, 1988, as allowing counties to levy a litigation tax in the same manner as the state litigation tax now levied by Tennessee Code Annotated | 67-4-602 et seq., and Tennessee Code Annotated | 16-15-5006 and 16-15-5008, in an amount not to exceed the amount of such state litigation tax; and

WHEREAS, Chapter 550 of the Public Acts of 1995 effective July 1st, 1995, amends Tennessee Code Annotated | 67-4-604 to levy an additional state litigation tax of Ten Dollars (\$10.00) in all court cases in the Circuit Courts and Chancery Courts, and Three Dollars (\$3.00) in all civil cases in the courts of general sessions; and,

WHEREAS, Resolution of record in Minute Book 2, Pages 815-816 in the County Clerk's Office of Fayette County, Tennessee, levied a tax which became effective on the first day of July, 1988, in the amount of Eight and 25/100 Dollars (\$8.25) in civil Cases and Twenty Two and no/100 Dollars (\$22.00) in criminal cases ; and

WHEREAS, Fayette County is in need of additional revenues;

NOW, THEREFORE, BE IT RESOLVED By the Board of County Commissioners of Fayette County, Tennessee, meeting in regular session on this 25th day of July, 1995, in Somerville, Tennessee, that:

SECTION 1. In addition to the taxes levied by resolution outlined above, there is hereby levied an additional tax on litigation in Fayette County as follows:

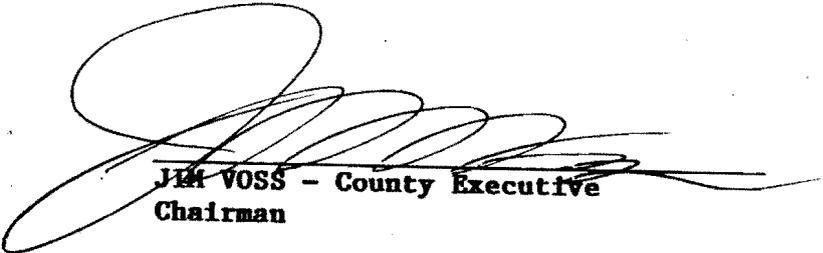
a. Ten Dollars (\$10.00) in all court cases in the Circuit Courts and Chancery Courts.

b. Three Dollars (\$3.00) in all civil cases in the courts of general sessions.

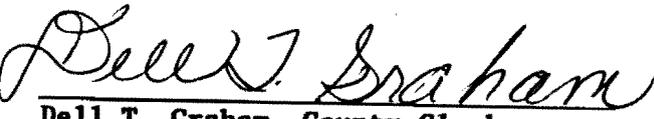
SECTION 2. The taxes imposed by this resolution shall take effect on the first day of August, 1995, the public welfare requiring it:

BE IT FURTHER RESOLVED, that the additional privilege taxes collected pursuant to the Resolution shall be paid over to the County Trustee monthly and deposited in the General Fund.

Thereupon, court adjourned.


JIM VOSS - County Executive
Chairman

ATTEST:


Dell T. Graham, County Clerk