

COUNTY LEGISLATIVE BODY

June 25, 1996

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BE IT REMEMBERED That the Fayette County Legislative Body met in regular session at the Courthouse in Somerville, Tennessee, on the 25th day of June, 1996, 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., Odis Cox, 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, Wayne Thomas, Gordon Tomlin, Myles Wilson, and Allen Yancey, Jr.

With all Commissioners being present, the following proceedings were had and entered of record, to-wit:

Motion was made by Commissioner Kelley, seconded by Commissioner Sullivan, and unanimously carried by the Board adopting the minutes of the May 1996 meeting.

Mayor Voss opened the floor to the public for comments in favor of or in opposition to a proposed tire recycling facility to be located in Moscow by Capl, Inc. With no comments being offered, and having been recommended and approved by the County Development Committee and the City of Moscow, motion was made by Commissioner Kelley, seconded by Commissioner Wilson, and unanimously carried by the Board by roll-call vote allowing the operation of the proposed facility.

Motion was made by Commissioner Sullivan, seconded by Commissioner Hayslett, and unanimously carried by the Board appointing the following as Notaries Public: District 1: David L. Hawkins; District 6: Shirley Alston; District 8: Suzzanna Butler and Melissa A. Douglass; District 10: Ed Horn; District 14: Ronnie Price.

Motion was made by Commissioner Taylor, seconded by Commissioner Sullivan, and unanimously carried by the Board adopting the following Resolution to revise the Resolution adopted at the May 1996 meeting concerning the sale of property in the Industrial Park :

000465

R E S O L U T I O N

BE IT RESOLVED, by the County Legislative Body and/or the Board of county Commissioners of Fayette County, Tennessee, in regular session assembled on this 25th day of June, 1996, it being the fourth Tuesday of the month and the regular monthly meeting date of the County Legislative Body in the Courthouse in Somerville, Tennessee.

That the third paragraph of the Resolution approved by the County Commissioners at its regular monthly meeting held in the Courthouse on the 28th day of May, 1996 recorded in the office of the Clerk of the Court in Minute Book #4, Page 464 be, and the same is hereby, amended by striking out in said third paragraph the following words, "At a price not to exceed \$8,000.00 per acre" and substitute in lieu thereof the following words, "At a price not less than \$8,000.00 per acre". Thereupon the said amendment was approved by a majority vote.

Reports from the Board of Public Works, Board of Education, County Development Committee, Education Committee, Health and Welfare Committee and the Criminal Justice and Public Safety Committee were called for, but none available.

Having been reviewed by the Budget Committee and received their recommendation for passage, motion was made by Commissioner Harris seconded by Commissioner Sullivan, and unanimously carried by the Board adopting the following Resolutions amending budgets for the Board of Education:

R E S O L U T I O N

BE IT RESOLVED, by the County Legislative Body and/or the Board of county Commissioners of Fayette County, Tennessee, in regular session assembled on this 25th day of June, 1996, it being the fourth Tuesday of the month and the regular monthly meeting date of the County Legislative Body in the Courthouse in Somerville, Tennessee.

That the General Purpose School Funds #1 and #2 of #141 Budget Amendment for the fiscal year ending June 30, 1996 be, and the same are hereby, amended in the following words and figures, to-wit:

FAYETTE COUNTY BOARD OF EDUCATION

GENERAL PURPOSE FUND

FUND 141 # 1

JUNE, 1996

		INCREASE	DECREASE
71000	INSTRUCTION		
71200	SPECIAL EDUCATION PROGRAM		
71200 116	Teachers		\$14,528.00
71200 128	Homebound Teachers		2,654.15
71200 163	Aides	\$944.00	
71200 195	Substitute Teachers	1,500.00	
71200 201	Social Security		2,151.00
71200 204	State Retirement		3,618.00
71200 212	Medicare		502.00
71200 311	Contract w/Other School Systems	595.00	
71200 312	Contract w/Private Agencies	7,890.00	
71200 336	Maintenance and Repair Services-Eq.	100.00	
71200 399	Other Contracted Services		220.00
71200 .725	Special Education Equipment	29,194.92	
	TOTAL:	\$40,223.92	\$23,673.15
72000	SUPPORT SERVICES		
72220	SPECIAL EDUCATION PROGRAM		
72220 307	Communication		\$2,169.40
72220 336	Maintenance and Repair Services-Eq.	\$15.79	
72220 355	Travel	1,000.00	
72220 457	In-Service/Staff Development		1,236.00
72220 499	Other Supplies and Materials		4,853.65
72220 599	Other Charges	15.00	
	TOTAL:	\$1,030.79	\$8,259.05
72610	OPERATION OF PLANT		
72610 415	Electricity	\$8,000.00	
72610 434	Natural Gas	22,000.00	
	TOTAL:	\$30,000.00	

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72620	MAINTENANCE OF PLANT		
72620 336	Maintenance and Repair Services-Eq.	\$5,000.00	
72620 399	Other Contracted Services		\$5,050.00
72620 426	General Construction Materials	50.00	
72620 499	Other Supplies and Materials	10,000.00	
	TOTAL:	\$15,050.00	\$5,050.00
72710	TRANSPORTATION		
72710 142	Mechanics		\$9,000.00
72710 146	Bus Drivers		- 1,000.00
72710 499	Other Supplies and Materials	\$3,000.00	
72710 599	Other Charges	1,000.00	
72710 729	Transportation Equipment	6,000.00	
72710 146 SPED	Bus Drivers		\$4,815.00
72710 201 SPED	Social Security		292.00
72710 204 SPED	State Retirement		135.00
72710 212 SPED	Medicare		68.00
72710 313 SPED	Contract w/Parents		626.40
72710 340 SPED	Medical and Dental Services		3,386.11
	TOTAL:	\$10,000.00	\$19,322.51
72810	CENTRAL AND OTHER		
72810 189	Other Salaries and Wages		\$500.00
72810 499	Other Supplies and Materials	\$500.00	
	TOTAL:	\$500.00	\$500.00
	GRAND TOTAL:	\$96,804.71	\$56,804.71

Total Increase: \$40,000.00

Revenue:	Prior Total Available Funds	\$16,717,334.79
	Total Increase/Decrease This Amendment	.00
	Total Available Funds This Amendment	\$16,717,334.79
Expenditures:	Prior Total Estimated Expenditures	\$16,149,679.01
	Total Increase This Amendment	40,000.00
	Total Estimated Expenditures This Amendment	\$16,189,679.01

FAYETTE COUNTY BOARD OF EDUCATION

GENERAL PURPOSE FUND

FUND 141 #2

JUNE 1996

		INCREASE	DECREASE
71000	INSTRUCTION		
71300	VOCATIONAL EDUCATION PROGRAM		
71300 116 VEP	Teachers	\$4,488.00	
71300 163 VEP	Aides	1,020.00	
71300 201 VEP	Social Security	341.49	
71300 204 VEP	State Retirement	416.00	
71300 212 VEP	Medicare	79.86	
71300 429 VEP	Instructional Supplies and Materials	800.00	
71300 116 WE	Teachers	252.00	
71300 201 WE	Social Security	16.00	
71300 204 WE	State Retirement	22.00	
71300 212 WE	Medicare	4.00	
71300 299 WE	Other Fringe Benefits	2.00	
	TOTAL:	\$7,441.35	
72000	SUPPORT SERVICES		
72230	VOCATIONAL EDUCATION PROGRAM		
72230 189 VEP	Other Salaries and Wages	\$4,475.52	
72230 201 VEP	Social Security	277.48	
72230 204 VEP	State Retirement	149.03	
72230 212 VEP	Medicare	64.89	
72230 355 VEP	Travel	144.00	
72230 599 VEP	Other Charges	1,050.00	
72230 189 WE	Other Salaries and Wages	5,460.00	
72230 201 WE	Social Security	342.00	
72230 204 WE	State Retirement	249.00	
72230 212 WE	Medicare	80.00	
72230 299 WE	Other Fringe Benefits	35.00	
72230 307 WE	Communications	75.00	
72230 355 WE	Travel	735.00	
72230 429 WE	Instructional Supplies and Materials	2,000.00	

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72230 599 WE	Other Charges	249.00
	TOTAL:	\$15,385.92
	GRAND TOTAL:	\$22,827.27

Total Increase: \$22,827.27

Revenue:	47210 VEP	Job Training Partnership Act	\$13,306.27
	47210 WE	Job Training Partnership Act	9,521.00
		Total:	<u>\$22,827.27</u>

Revenue:	Prior Total Available Funds	\$16,717,334.79
	Total Increase This Amendment	22,827.27
	Total Available Funds This Amendment	<u>\$16,740,162.06</u>

Expenditures:	Prior Total Estimated Expenditures	\$16,189,679.01
	Total Increase This Amendment	22,827.27
	Total Estimated Expenditures This Amendment	<u>\$16,212,506.28</u>

R E S O L U T I O N

BE IT RESOLVED, by the County Legislative Body and/or the Board of county Commissioners of Fayette County, Tennessee, in regular session assembled on this 25th day of June, 1996, it being the fourth Tuesday of the month and the regular monthly meeting date of the County Legislative Body in the Courthouse in Somerville, Tennessee.

That the Subfund #650 of the Federal Projects Fund #142 Budget Amendment for the fiscal year ending June 30, 1996 be, and the same is hereby, amended in the following words and figures, to-wit:

FAYETTE COUNTY BOARD OF EDUCATION

FEDERAL PROJECTS FUND

FUND 142

SUBFUND 650 - BASIC VOCATIONAL

JUNE, 1996

		INCREASE	DECREASE
71000	INSTRUCTION		
71300	VOCATIONAL EDUCATION PROGRAM		
71300 163	Aides		\$218.59
71300 201	Social Security		13.54
71300 204	State Retirement		7.24
71300 212	Medicare		3.18
	TOTAL:		\$242.55
72000	SUPPORT SERVICES		
72130	OTHER STUDENT SUPPORT		
72130 201	Social Security		\$15.95
72130 212	Medicare		3.74
72130 355	Travel		212.00
72130 499	Other Supplies and Materials	\$474.24	
	TOTAL:	\$474.24	\$231.69
	GRAND TOTAL:	\$474.24	\$474.24

Total Increase/Decrease: \$0.00

R E S O L U T I O N

BE IT RESOLVED, by the County Legislative Body and/or the Board of county Commissioners of Fayette County, Tennessee, in regular session assembled on this 25th day of June, 1996, it being the fourth Tuesday of the month and the regular monthly meeting date of the County Legislative Body in the Courthouse in Somerville, Tennessee.

That the Subfunds #671 and #680 of title II of the Federal Projects Fund #142 Budget Amendment for the fiscal year ending June 30, 1996 be, and the same are hereby, amended in the following

and figures. to-wit: 000471

FAYETTE COUNTY BOARD OF EDUCATION

FEDERAL PROJECTS FUND

FUND 142

SUBFUND 671 - TITLE I

JUNE, 1996

		INCREASE	DECREASE
72000	SUPPORT SERVICES		
72610	OPERATION OF PLANT		
72610 166	Custodial Personnel	\$905.00	
72610 201	Social Security	57.00	
72610 204	State Retirement	31.00	
72610 212	Medicare	14.00	
72610 513	Workers' Compensation Insurance	307.00	
	TOTAL:	\$1,314.00	
72620	MAINTENANCE OF PLANT		
72620 355	Maintenance and Repair Services / Bldg		\$1,314.00
	TOTAL:		\$1,314.00
72710	TRANSPORTATION		
72710 425	Gasoline		\$300.00
72710 450	Tires	\$300.00	
	TOTAL:	\$300.00	\$300.00
	GRAND TOTAL:	\$1,614.00	\$1,614.00

Total Increase/Decrease: \$0.00

FAYETTE COUNTY BOARD OF EDUCATION

FEDERAL PROJECTS FUND

FUND 142

SUBFUND 691 - IDEA

JUNE, 1996

		INCREASE	DECREASE
71000	INSTRUCTION .		
71200	SPECIAL EDUCATION PROGRAM		
71200 163	Aides	\$4,738.00	
71200 201	Social Security	294.00	
71200 204	State Retirement	158.00	
71200 312	Contracts w/Private Agencies	10,305.00	
71200 725	Special Education Equipment	10,206.00	
	TOTAL:	\$25,701.00	
72000	SUPPORT SERVICES		
72220	SPECIAL EDUCATION PROGRAM		
72220 124	Psychological Personnel		\$16,680.00
72220 201	Social Security		1,094.00
72220 204	State Retirement		1,420.00
72220 207	Medical Insurance		2,215.00
72220 212	Medicare		256.00
	TOTAL:		\$21,665.00
72710	TRANSPORTATION		
72710 146	Bus Drivers		\$2,085.00
72710 201	Social Security		130.00
72710 204	State Retirement		70.00
72710 212	Medicare		30.00
72710 313	Contracts w/Parents		1,721.00
	TOTAL:		\$4,036.00
	GRAND TOTAL:	\$25,701.00	\$25,701.00

Total Increase/Decrease: \$0.00

R E S O L U T I O N

BE IT RESOLVED, by the County Legislative Body and/or the Board of county Commissioners of Fayette County, Tennessee, in regular session assembled on this 25th day of June, 1996, it being the fourth Tuesday of the month and the regular monthly meeting date of the County Legislative Body in the Courthouse in Somerville, Tennessee.

That the Subfund #693 - IDEA 96-02 of the Federal Projects Fund #142 Budget Amendment for the fiscal year ending June 30, 1996 be, and the same is hereby, amended in the following words and figures, to-wit:

FAYETTE COUNTY BOARD OF EDUCATION

FEDERAL PROJECTS FUND

FUND 142

SUBFUND 693 - IDEA 96-02

JUNE , 1996

		INCREASE	DECREASE
71000	INSTRUCTION		
71200	SPECIAL EDUCATION PROGRAM		
71200 725	Special Education Equipment	\$7,789.18	
	TOTAL:	\$7,789.18	
72000	SUPPORT SERVICES		
72120	HEALTH SERVICES		
72120 131	Medical Personnel		\$5,450.00
72120 201	Social Security		337.90
72120 204	State Retirement		858.66
72120 207	Medical Insurance		876.58
72120 212	Medicare		79.02
72120 355	Travel		699.72
72120 499	Other Supplies and Materials	\$999.72	
72120 599	Other Charges		32.02
72120 735	Health Equipment		455.00
	TOTAL:	\$999.72	\$8,788.90
	GRAND TOTAL:	\$8,788.90	,788.90

Commissioner Harris presented and with the recommendation of the Budget Committee, moved for the adoption of the following Resolution amending the County General Fund, same being as follows:

R E S O L U T I O N

BE IT RESOLVED, by the County Legislative Body and/or the Board of County Commissioners of Fayette County, Tennessee, in regular session assembled on this 25th day of June, 1966, it being the fourth Tuesday of the month and the regular monthly meeting date of the County Legislative Body in the Court-house in Somerville, Tennessee.

That the County General Fund Budget for the fiscal year ending June 30th, 1996, be, and the same is hereby amended in the following words and and figures, to-wit:

COUNTY GENERAL FUND BUDGET AMENDMENT FY 95/96 June, 1996		
Total Funds Available This Amendment		\$5,541,426.19
<u>Adjustments to Revenue Accounts:</u>		
40110 Current Property Tax		\$- 40,590.00
44540 Sale of Property		+ 40,590.00
48130 Contributions		+ 2,093.00
Total Increase This Amendment		\$ 2,093.00
Total Estimated Funds Available This Amendment		\$5,543,519.19
<u>Adjustments to Expenditure Accounts:</u>		
51100 <u>County Commission</u>		
118 Secretary to Board		\$- 2,155.00
316 Contributions		+ 1,000.00
51300 <u>County Executive</u>		
307 Communication		+ 320.00
435 Office Supplies		+ 350.00
437 Periodicals		- 450.00
719 Office Equipment		- 220.00
51500 <u>Election Commission</u>		
305 Audit Services		- 625.00
307 Communications		- 800.00
348 Postal Charges		- 2,773.00
349 Printing, Stationery & Forms		- 600.00
355 Travel		+ 800.00
435 Office Supplies		- 200.00
452 Utilities		- 100.00
499 Other Supplies and Materials		+ 500.00
709 Data Processing Equipment		+ 3,653.00
719 Office Equipment		+ 145.00
51600 <u>Register of Deeds</u>		
307 Communication		- 200.00
349 Printing, Stationery & Forms		+ 631.00
351 Rentals		+ 271.00
355 Travel		- 318.00

51710	<u>Development</u>		
191	Board and Committee Member Fees	+	795.00
332	Legal Notices	-	795.00
337	Maintenance and Repair Services, Office Equipment	-	332.00
338	Maintenance and Repair Services, Vehicles	+	700.00
355	Travel	+	200.00
425	Gasoline	-	700.00
435	Office Supplies	+	500.00
599	Other Charges	+	200.00
708	Communication Equipment	-	568.00
51900	<u>Other General Administration</u>		
320	Dues and Memberships	+	2.00
599	Other Charges	-	2.00
52300	<u>Property Assessor</u>		
334	Maintenance Agreements	-	800.00
335	Maintenance and Repairs, Buildings	+	1,200.00
337	Maintenance and Repairs, Office Equipment	-	200.00
338	Maintenance and Repairs, Vehicles	+	300.00
425	Gasoline	-	200.00
452	Utilities	-	600.00
52500	<u>County Clerk's Office</u>		
188	Temporary/Part-time Personnel	-	504.00
348	Postal Charges	+	4.00
349	Printing, Stationery & Forms	+	500.00
53400	<u>Chancery Court</u>		
332	Legal Notices	\$-	250.00
349	Printing, Stationery & Forms	+	500.00
351	Rentals	-	500.00
435	Office Supplies	+	250.00
53500	<u>Juvenile Court</u>		
201	Social Security	-	311.00
204	State Retirement	+	255.00
212	Employer Medicare Liability	+	255.00
307	Communication	-	199.00
309	Contracts with Government Agencies	-	2,500.00
709	Data Processing Equipment	+	2,500.00
54110	<u>Sheriff's Department</u>		
106	Deputies	+	600.00
108	Investigators	-	600.00
54150	<u>Drug Enforcement</u>		
140	Salary Supplements	+	600.00
205	Employee and Dependent Insurance	+	1,493.00
54210	<u>Jail</u>		
160	Guards	-	786.00
54220	<u>Workhouse</u>		
160	Guards	+	786.00
54310	<u>Fire Prevention and Control</u>		
196	In-Service Training	+	2,000.00
338	Maintenance and Repairs, Vehicles	-	2,000.00
54410	<u>Civil Defense</u>		
425	Gasoline	+	800.00
791	Other Construction	-	800.00
54420	<u>Rescue Squad</u>		
338	Maintenance and Repairs, Vehicles	-	400.00
412	Diesel Fuel	+	400.00
54900	<u>Other Public Safety</u>		
142	Mechanics	+	600.00
338	Maintenance and Repairs, Vehicles	-	600.00

55110	<u>Local Health Center</u>		
133	Paraprofessionals	+	5,333.00
191	Board and Committee Member Fees	+	30.00
201	Social Security	+	300.00
204	State Retirement	+	5.00
205	Employee & Dependent Insurance	+	600.00
212	Employee Medicare Liability	+	100.00
335	Maintenance and Repair Services-Building	+	1,000.00
399	Other Contracted Services	-	9,338.00
413	Drugs and Medical Supplies	+	1,000.00
435	Office Supplies	+	1,000.00
55160	<u>Dental Health Program</u>		
312	Contracts with Private Agencies (Dentist)	-	3,000.00
413	Drugs and Medical Supplies	+	3,000.00
55130	<u>Rabies Control</u>		
307	Communication	+	300.00
332	Legal Notices	+	500.00
335	Maintenance and Repair Services, Buildings	-	500.00
338	Maintenance and Repair Services, Vehicles	+	900.00
401	Animal Food	-	100.00
425	Gasoline	+	400.00
499	Other Supplies and Materials	+	1,500.00
55130	<u>Ambulance Service</u>		
338	Maintenance and Repair Services-Vehicles	+	8,000.00
718	Motor Vehicles	+	526.00
55720	<u>Sanitation Education</u>		
451	Uniforms	+	32.00
499	Other Supplies and Materials	-	32.00
56500	<u>Libraries</u>		
188	Temporary/Part-time Personnel	+	256.00
201	Social Security	+	51.00
212	Employer Medicare Liability	+	53.00
307	Communication	+	150.00
335	Maintenance and Repair Services, Buildings	-	745.00
349	Printing, Stationery and Forms	-	100.00
432	Library Books	+	1,069.00
435	Office Supplies	-	19.00
452	Utilities	-	884.00
499	Other Supplies and Materials	+	202.00
719	Office Equipment	-	33.00
57100	<u>Agricultural Extension Service</u>		
351	Rentals	+	1,950.00
57500	<u>Soil Conservation</u>		
320	Dues and Memberships	+	155.00
335	Maintenance and Repair Services, Buildings	+	155.00
351	Rentals	-	1,950.00
58400	<u>Other Charges</u>		
508	Premiums on Corporate Surety Bonds	-	1,260.00
510	Trustee's Commission	+	1,260.00
Total Increase in Expenditures This Amendment			\$ 12,888.00
Prior Estimated Expenditures This Amendment			\$5,237,157.38
Total Estimated Expenditures This Amendment			\$5,250,045.38
Estimated Ending Fund Balance as of June 30th, 1996			\$ 293,473.81

The motion for adoption was seconded by Commissioner Brewer and same was unanimously adopted by the Board.

With the recommendation of the Budget Committee for passage, motion was made by Commissioner Harris, seconded by Commissioner Sullivan, and unanimously adopted by the Board adopting the following Resolution authorizing continuation of the current year's budget. Same being as follows:

A RESOLUTION TO ADOPT A CONTINUING BUDGET
AND TAX RATE FOR THE FISCAL YEAR BEGINNING
JULY 1, 1996, AND TO AUTHORIZE THE ISSUANCE
OF TAX ANTICIPATION NOTES FOR THE COUNTY OF
FAYETTE

WHEREAS, it now appears that the 1996-97 fiscal year budget of Fayette County, Tennessee, will not be approved during the 1996 July term of the Board of County Commissioners, now;

THEREFORE, BE IT RESOLVED by the Board of Commissioners of Fayette County, Tennessee, that amounts set out in the 1995-96 Appropriation Resolution are hereby continued until a new 1996-97 Appropriation Resolution is adopted, and;

BE IT FURTHER RESOLVED, that the property tax rate of \$2.69 per each \$100.00 of taxable property for the fiscal year beginning July 1, 1995, shall remain in effect until a new property tax rate is adopted, and;

BE IT FURTHER RESOLVED, that the County Executive and County Clerk are hereby authorized to borrow money on tax anticipation notes, provided that such notes are first approved by the State Director of Local Finance, to pay for the expenses herein authorized until the taxes and other revenues for the fiscal year 1996-97 have been collected, not exceeding 60% of the appropriations of each individual fund of the continuing budget. The notes evidencing the loans authorized under this section shall be issued under the authority of Title 9, Chapter 21, Tennessee Code Annotated. All said notes shall mature and be paid in full without renewal not later than June 30, 1997.

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, 1996.

Adopted this 25th day of June, 1996.

Having been recommended by the Budget Committee, Commissioner Harris presented their recommendation to contribute \$1,000.00 to the World War II Memorial. Motion was made by Commissioner Harris, seconded by Commissioner Moore, and unanimously carried by the Board approving their recommendation.

Motion was made by Commissioner Wilson, seconded by Commissioner Brewer and unanimously carried by the Board accepting the transfer of Deputy I employee to Administrative Assistant in the office of County Trustee.

After discussion, motion was made by Commissioner Harris, seconded by Commissioner Thomas, and unanimously carried by the Board that the starting salary of new employment in the Trustee's office be set at \$12,600.00 per year.

The next matter before the Board concerned a service contract with Hickory Withe. Having been reviewed by the Budget Committee and no recommendation made, the matter was put before the Board.

At this time Commissioner Kelley presented and moved for the adoption of the following motion. Commissioner Morris made second to the motion.

BE IT RESOLVED, that a non-binding motion of intent to enter into a proposed contract for services to be executed between the proposed Town of Hickory Withe and the Fayette County Government in the event of the legal incorporation of the Town of Hickory Withe on the terms and conditions as set out in a proposed contract referred to in the County Commissioners Agenda Item #9.2.5.7, be approved with the final approval to be given after the corporation comes into existence and its Mayor and Alder-Persons duly elected to represent the corporation, and enter into said agreement binding the corporation.

DRAFT DATED: 6/20/96

ITEM 9.2.5.7

**INTERLOCAL COOPERATION AGREEMENT
BETWEEN FAYETTE COUNTY AND THE TOWN OF HICKORY WITHE**

This Agreement (the "Agreement") is made and entered into on this _____ day of _____, 1996, by and between Fayette County, Tennessee and the municipal corporation known as The Town of Hickory Withe ("Hickory Withe").

WHEREAS, the Board of County Commissioners of Fayette County, Tennessee has determined that it is in the best interest of Fayette County (the "County") for it to provide governmental type services to Hickory Withe in exchange for its receiving substantially all of Hickory Withe's revenues (including tax receipts) for providing such services; and

WHEREAS, Hickory Withe desires to contract with the County to obtain governmental services on behalf of its residents and to share the proceeds of increased taxes resulting from the development of the Highway 64 corridor (and all other areas within Hickory Withe) with the citizenry of the County generally.

NOW, THEREFORE, the parties agree as follows:

1. **Purposes.** It is the expressed intent of the parties that the entire County receive the significant financial benefits to be derived from the increasing local tax revenues generated from that portion of the Highway 64 corridor contained within Hickory Withe (and all other areas within Hickory Withe) and that the residents of Hickory Withe be provided with needed governmental services.

2. **Revenues (including tax receipts) of Hickory Withe.** For the first three (3) years of this Agreement, Hickory Withe shall be entitled to retain \$350.00 of its revenues (including tax receipts) on a monthly basis to defray the costs of such items as meeting facility expenses, stationary, signage, public events, mayor and aldermen meeting expenses, telephone expenses, and other miscellaneous municipal expenses. The remainder of Hickory Withe's revenues (including tax receipts) shall be paid to the County. Such receipts should include but not be limited to sales tax revenues, wholesale beer tax revenues, any state shared revenues, and any other miscellaneous tax revenues of Hickory Withe. If needed, during May of the third full year of this Agreement (May of 1999) and in May of each year thereafter, the amount which Hickory Withe is entitled to retain on a monthly basis shall be subject to renegotiation. The renegotiation process is to be utilized, if needed, so that Hickory Withe will be financially capable of satisfying its ordinary and necessary expenses as they accrue. Hickory Withe shall not be entitled to use the renegotiation process to provide itself with additional funds to provide any

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services which the County is required to provide under this Agreement, to increase services or to pay any municipal expenses other than those which are ordinary and necessary.

So long as this Agreement is in effect, the salaries and expenses (including traveling expenses) of Hickory Withe's mayor and aldermen will not in the aggregate exceed \$350.00 per month.

3. **Services to be provided by County.** The County shall provide Hickory Withe (either directly or indirectly) with the same services which the County now or hereafter supplies to its unincorporated areas (such as police and fire protection services and road and street construction and repair services), as well as those services which may thereafter become necessary to protect and/or preserve the safety and welfare of the citizens of its unincorporated areas (as a result of future development, population growth or otherwise) which, for all these purposes, would include the residents of Hickory Withe. The County shall further provide Hickory Withe with technical assistance in connection with its municipal auditing, tax collection, and budgetary functions.

In addition to the above, the Sheriff of Fayette County shall have the authority to enforce and shall enforce any ordinances of Hickory Withe; and, the General Sessions Court of Fayette County shall have the jurisdiction to try and dispose of violations of ordinances of Hickory Withe. The County shall be entitled to all fines and all court costs adjudged in cases of such ordinance violations.

During the term of this Agreement, Hickory Withe and its elected officials shall be added as additional insureds on the County's E&O policy and liability policy. If that is not feasible, then the County shall be required to acquire and pay for the minimum tort liability insurance coverage and E&O coverage for Hickory Withe and its elected officials. In addition, to the extent the County is able to obtain insurance coverage, the County shall indemnify and hold harmless Hickory Withe and its elected officers from any and all liability and damages, including reasonable attorney fees, resulting from the services provided or to be provided by the County in connection with this Agreement.

4. **Grant Cooperation.** The County recognizes that because Hickory Withe will be retaining only a minimum amount of all its revenues (including tax revenues) generated on its behalf, Hickory Withe will not have the capability of providing the necessary funds (such as matching funds) for grants or other governmental assistance for the ultimate benefit of the residents of Hickory Withe and the surrounding unincorporated areas. The County agrees to cooperate with and assist Hickory Withe in providing grant assistance funds so long as the County determines that doing so would be in the best interest of the County and Hickory Withe.

5. **Duration.** The term of this Agreement shall commence on the date on which the First Board of Aldermen of Hickory Withe takes office and shall continue for a period of ten (10) years from that date. This Agreement shall thereafter continue on a year-to-year basis, subject to either parties' right to terminate the same upon 180 days' prior written notice of termination.

6. **Miscellaneous Provisions.**

(a) The County and Hickory Withe shall have full cooperation and assistance from each other and their respective officers, agents, and employees in carrying out the provisions of this Agreement.

(b) If required by law, the County Mayor shall serve as the administrator of this joint cooperative undertaking; and, if also required by law, the County shall maintain any budget in connection with the services to be provided under this Agreement.

(c) The County, with consultation from Hickory Withe, shall determine the manner of acquiring, holding and disposing of any real and personal property which may be used solely in this cooperative undertaking.

Dated this _____ day of _____, 1996.

ATTEST:

FAYETTE COUNTY

County Clerk

By: _____
Jim Voss
Fayette County Executive

THE TOWN OF HICKORY WITHE

City Recorder/Clerk

By: _____
Mayor

Much discussion followed this motion.

The floor was yielded to David Shelton representing the Hickory Withe area. Discussion and comments again followed. With "question" being called for, the motion presented carried with one Commissioner (Robison) voting "no".

Having been reviewed and recommended for adoption by the Budget Committee, Commissioner Harris presented and moved for the adoption of the following Resolution concerning retirement credit for military service. Motion was seconded by Commissioner Sullivan and unanimously carried by the Board. Same being as follows:

A RESOLUTION to allow credit in the Tennessee Consolidated Retirement System for certain periods of military service rendered in the armed forces of the United States in accordance with T.C.A. § 8-34-605

WHEREAS, T.C.A. § 8-34-605 authorizes a political subdivision participating in the Tennessee Consolidated Retirement System ("the System") to allow its employees to establish retirement credit for certain military service rendered in the armed forces of the United States; and

WHEREAS, said Section allows any such employee who is a member or retired member of the System, who served in the armed forces of the United States at any time from 10/15/40 through 5/7/75, to establish retirement credit for such military service on the basis of 1 day of creditable service for each 2 days of military service rendered. The member must pay the employee contributions to establish the service based upon a contribution rate of 9% which is applied to the member's earnable compensation at the time of the claim, or if not in service at the time of the claim, the member's earnable compensation at termination of employment; and

WHEREAS, said Section also allows any such member who establishes the above military service to establish an additional 6 months of retirement credit for any military service rendered in the armed forces of the United States during the periods specified above for which the employee did not receive credit in the System. To receive such additional credit, the member must pay employee contributions for the service based upon a contribution rate of 12% which is applied to the member's earnable compensation at the time of the claim, or if not in service at the time of the claim, the member's earnable compensation at termination of employment; and.

WHEREAS, Section 8-34-605 further allows any such member who served in the armed forces of the United States during a period of armed conflict, as defined in said Section, to establish retirement credit for such service without charge; and

WHEREAS, credit for any of the above military service is conditioned upon the following: (1) the credit cannot be established in any other retirement system; (2) the member was honorably discharged from such military service; (3) the credit is granted conditionally upon the member becoming vested; prior to vesting, the credit may not be used to establish any rights under the System; and (4) the total amount of credit granted for such military service cannot exceed an aggregate of 4 years.

NOW THEREFORE, BE IT RESOLVED, that the County Legislative Body
(Name of Governing Body)
of Fayette County, Tennessee hereby authorizes its employees to establish retirement credit
(Name of Employer)
for the above military service under the foregoing provisions and agrees to accept the associated liability.

With no other matters being brought before the Board, said meeting adjourned.

JIM VOSS - Chairman
County Mayor

ATTEST:

Del T. Graham, County Clerk