

FAYETTE COUNTY LEGISLATIVE BODY

August 22, 2000

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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 22nd day of August, 2000.

Present and presiding the Honorable Jim Voss. Also present, Dell T. Graham, County Clerk and the following County Commissioners: John W. Arnett, Floyd Bonner, Charles Dudley Brewer, Sr., Joe B. Burnette, Jr., Odis Cox, Carl Doyle, Ronnie Graves, Willie German, Ronnie Harris, David Kelley, Sylvester Logan, Calvin Moore, Alonzo Morman, Jr., David Morris, John S. Sullivan, Sr., Rhea "Skip" Taylor, Wayne Thomas, Gordon M. Tomlin and Myles Wilson.

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

Motion was made by Commissioner Kelley, seconded by Commissioner Brewer, for approval of the July minutes. Commissioner Kelley then moved to amend his motion to show that now and in the future that the recorded tapes of the meetings be included as part of the minutes. Motion was seconded by Commissioner Brewer. The amended motion carried unanimously as did the original motion.

Motion was made by Commissioner Graves, seconded by Commissioner Morman and unanimously carried by the Board appointing the following as Notaries Public: Willie J. Bailey, Emory R. Stephens and Myles Wilson.

A Combined Summary of Financial Statements was available for Board members.

Reports were called for from the Office of County Mayor, Board of Public Works and Board of Education, but none presented.

Written Annual Report from the Library was filed.

Reports were called for from the County Development Committee, Education Committee and the Criminal Justice/Public Safety Committee, but none presented.

Commissioner Tomlin reported for the Health & Welfare Committee and moved to approve a five-year solid waste update as recommended by his Committee. This motion was seconded by Commissioner Burnette, and unanimously carried by the Board.

With the recommendation of the Health & Welfare Committee for approval, motion was made by Commissioner Tomlin, seconded by Commissioner Burnette and unanimously carried by the Board approving the Resolutions approving the issuance of general obligation bonds - one for \$234,250.00 to cover the closing of the County's Class 3 and 4 landfill; and \$140,250.00 to cover the purchase of equipment for County garbage pickup service.

Report was called for from the Personnel Committee, but none presented.

Commissioner Harris, Chairman of the Budget Committee, allowed county officials who had not addressed the Budget Committee on personnel to present their request. Barbra Parker, Trustee, Barbara Walls, Chancery Court Clerk, and Sheriff Bill Kelley were present, but did not address the Board. Dell T. Graham, County Clerk, did address the Board requesting equal pay for equal positions.

Motion was made by Commissioner Harris, seconded by Commissioner Morman, and unanimously carried by the Board approving the Budget of the Board of Education for General Purpose Fund, Capital Projects, Cafeteria and Federal Projects.

Motion was made by Commissioner Harris and seconded by Commissioner Taylor to approve the Budget of the Department of Public Works. Commissioner Logan then questioned private road maintenance by Public Works Department and asked that the County Attorney check this work being done on Caldwell Road. Chairman Voss suggested that this matter go before the Development Committee. Vote was then taken on the motion to approve the Public Works budget, which passed unanimously.

Motion was made by Commissioner Harris, seconded by Commissioner Kelley and unanimously carried by the Board approving the budget of the Solid Waste.

Motion was made by Commissioner Harris, seconded by Commissioner Brewer and unanimously carried by the Board approving the budget of the Debt Service.

Motion was made by Commissioner Harris and seconded by Commissioner Arnett to approve the General Fund Budget. Said motion carried with one vote against the passage.

Motion was made by Commissioner Harris, seconded by Commissioner Kelley and unanimously carried by the Board approving the following Resolution levying an additional litigation tax in Fayette County. Said tax to be effective September 01, 2000.

RESOLUTION

TO LEVY AN ADDITIONAL LITIGATION TAX IN FAYETTE COUNTY

WHEREAS, Chapter of the Public Acts of 2000 (Senate Bill 2140/House Bill 2364) amends Tennessee Code Annotated, Section 67-4-601, to authorize counties, by a two-thirds vote of the county legislative body, to levy a local privilege tax on litigation in all civil and criminal cases instituted in the county, other than those instituted in municipal courts, such tax to be in addition to all other such privilege taxes on litigation authorized by law; and

WHEREAS, Chapter of the Public Acts of 2000 requires that such tax levy shall not be in excess of ten dollars (\$10.00) per case and that the proceeds of the tax shall be used exclusively for purposes of jail or workhouse construction, re-construction or upgrading, or to retire debt, including principal and interest and related expenses for same; and

WHEREAS, the Board of County Commissioners of Fayette County has determined that Fayette County is in need of additional revenues for these authorized purposes and therefore desires to increase the litigation taxes for all civil and criminal cases in Fayette County as authorized by Tennessee Code Annotated, Section 67-4-601; and

WHEREAS, pursuant to Tennessee Code Annotated, Section 67-4-601, such tax levy shall only be effective until such time as the costs of the construction, reconstruction or upgrading project have been paid or until the debt for such project has been retired:

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Fayette County, Tennessee, meeting in regular session of this 22nd day of August, 2000, in Somerville, Tennessee, that:

Section 1. Effective on the first day of the month following the adoption of this resolution, the local litigation taxes on civil and criminal cases in Fayette County shall be increased by ten dollars (\$10.00) as provided in this resolution.

Section 2. The clerks of court of Fayette County are instructed to collect this litigation tax on all civil and criminal cases in the same manner as all other litigation taxes.

Section 3. Such revenues shall be used exclusively for the purpose of jail or workhouse construction, re-construction or upgrading, or to retire debt, including principal and interest and related expenses, for same.

Section 4. The taxes imposed by this resolution shall take effect on the first day of the month following the effective date of this resolution, the public welfare requiring it, and shall be effective until such time as all expenses of the construction, reconstruction or upgrading project have been paid or until such time as the debt for such project has been retired.

Section 5. If any provision of this resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this resolution which can be given effect without the invalid provision or application and to that end the provisions of this resolution are declared to be severable.

Adopted by a two-thirds vote of the Fayette County legislative body, this 22nd day of August, 2000.

Motion was made by Commissioner Moorman, seconded by Commissioner Moore, and unanimously carried by the Board approving the salary of County Sheriff at \$58,709.00 which will include supplement for workhouse and garage, plus additional payment for in-service training.

Motion was made by Commissioner Kelley, seconded by Commissioner Harris and unanimously carried by the Board approving submission of a purchase order through the office of County Mayor for any item \$50.00 and above, and all items purchased for a total of \$100.00 in a one year period. This is with the exception of the Sheriff's Department. Effective date, October 01, 2000.

With no other action to be taken by this Board, said meeting adjourned.

JIM VOSS - Chariman
County Mayor

ATTEST:

Dell T. Graham, County Clerk