

FAYETTE COUNTY LEGISLATIVE BODY

Special Session

September 21, 2004

6.1  
FILE COPY

**BE IT REMEMBERED** That pursuant to a call in the following words and figures, to-wit:

"I, Rhea Taylor, County Mayor of Fayette County, Tennessee, pursuant to the provisions of Section 5-5-105 of the Tennessee Code Annotated, Official Edition, the public necessities requiring it, do hereby call a Special Session of the County Commission to convene on Tuesday, September 21, 2004, at 7:00 PM in the upstairs courthouse of the Fayette County Courthouse in Somerville, Tennessee, for the following purposes:

1. Election of Chairman of the Fayette County Legislative Body.
2. Election of chairman Pro Tem of the Fayette County Legislative Body.
3. To vote on Resolution making appropriations for the various Funds, Departments, Institutions, Offices and Agencies of Fayette County, Tennessee, for Fiscal Year beginning July 01, 2004 and ending June 30, 2005.
4. To vote on Resolution Fixing the Tax Levy in Fayette County, Tennessee for the Fiscal Year Beginning July 01, 2004 and ending June 30, 2005
5. To vote on Resolution making appropriations to Non-Profit Charitable Organizations of Fayette County, Tennessee for the Fiscal Year beginning July 01, 2004 and ending June 30, 2005.
6. Approval of Overall Budget for Fiscal Year 2004/2005.

This the 1st day of September, 2004.

A true copy of said above notice having been delivered to each Commissioner of Fayette County, Tennessee, and published in a local newspaper at least five days before the September 21, 2004 date; **A SPECIAL MEETING OF THE FAYETTE COUNTY LEGISLATIVE BODY** was degun and held in and for Fayette County in Somerville, Tennessee, on Monday, September 21, 2004, at 7:00 PM; present and presiding Chairman Christopher L. Campbell; also present, Dell T. Graham, County Clerk and the following Commissioners: Joann C. Allen, Steve Anderson, Joe B. Burnette, Jr., Bob Doll, Lee "Sissy" Dowdle, John F. Dowdy, Thomas Howell Fowler, Willie German, Jr., Ronnie Graves, Ronnie Harris, Myles Leifer, David H. Lillard, Sr., Sylvester Logan, George McCloud, Claude D. Oglesby, Jr., Gordon M. Tomlin, Myles Wilson and Allen Yancey, Jr.

With all members being present, the following was presented for action:

The first matter before the Board was the election of a Chairman for the Board of Commissioners, for which Chairman Pro Tem McCloud presided.

Motion was made by Commissioner German, seconded by Commissioner Tomlin, nominating **Rhea Taylor**. Motion was then made by Commissioner Lillard, seconded by Commissioner Allen, nominating **Myles Leifer**. Motion was then made by Commissioner Tomlin for the nominations to cease.

Upon Roll Call Vote, the following voted for **Rhea Taylor**: Commissioners Burnette, Doll, Dowdle, Dowdy, Fowler, German, Harris, Oglesby, Tomlin and Wilson.  
(10)

Voting for **Myles Leifer**: Commissioners Allen, Anderson, Campbell, Graves, Leifer, Lillard, Logan, McCloud and Yancey. (9)

Thereupon, **Rhea Taylor** was elected to serve as **Chairman of the County Legislative Body**.

Chairman Taylor now presided over the meeting.

Now before the Board was the election of a **Chairman Protempore**. Motion was made by Commissioner Dowdy, seconded by Commissioner Dowdle nominating Commissioner **Ronnie Harris**. Motion was made by Commissioner McCloud nominating Commissioner **Christopher L. Campbell**. Motion was made by Commissioner Burnette for the nominations to cease.

Roll Call Vote was then taken. Voting for Commissioner **Harris**: Commissioners Burnette, Dowdle, Dowdy, Fowler, German, Harris, Logan, Oglesby, Tomlin and Wilson. (10)

Voting for Commissioner **Campbell**: Commissioners Allen, Anderson, Doll, Graves, Leifer, Lillard, McCloud and Yancey. (8)

Passing: Commissioner Campbell.

**Commission Ronnie Harris** was elected to serve as **Chairman Pro Tempore**.

Chairman Taylor then presented the 2004-05 Budget for adoption.

Commissioner Doll, Budget committee Chairman, reviewed detailed funding for the School Budget.

Motion was made by Commissioner Logan, seconded by Commissioner Graves to approve addition to the General Fund for salary increases for the Sheriff's Department and funds to the Ambulance system as presented to the Budget Committee. Upon Roll Call Vote, said motion carried unanimously.

Now was the matter of approving the Budget. Motion was made by Commissioner Logan, seconded by Commissioner Leifer to approve the Budget as now presented.

Motion was then made by Commissioner Doll, seconded by Commissioner Fowler to amend the motion to include the School Funding at \$5,981,000 as detailed in print and as previously reviewed by him. After much discussion, Roll Call Vote was taken on the amending motion. Voting "YES": Commissioners Allen, Anderson, Burnette, Campbell, Doll, Fowler, German, Graves, Harris, Lillard, McCloud and Tomlin. (12)

Voting "NO": Commissioners Dowdle, Dowdy, Leifer, Logan, Oglesby, Wilson and Yancey. (7)

Said motion carried.

Now voting on the original motion – Voting "YES": Commissioners Allen, Burnette, Doll, Fowler, German, Graves, Lillard, McCloud and Tomlin. (9)

Voting "NO": Commissioners Anderson, Campbell, Dowdle, Dowdy, Harris, Leifer, Logan, Oglesby, Wilson and Yancey. (10)

Said motion failed.

Motion was made by Commissioner Harris to adjust the original detailed School Fund proposal of Commissioner Doll to show the sales tax as \$1,800,000 rather than \$1,950,000 to be off set by Property Tax. Motion was seconded by Commissioner Doll. After much discussion, Commissioner Harris withdrew his motion.

Motion was then made by Commissioner Anderson, seconded by Commissioner McCloud to reconsider the original motion. Said motion carried to reconsider.

Roll Call Vote was then taken on the original motion as amended. Voting "YES": Commissioners Allen, Anderson, Burnette, Campbell, Doll, Fowler, German, Graves, Lillard, McCloud and Tomlin. (11)

Voting "NO": Commissioners Dowdle, Dowdy, Harris, Leifer, Logan, Oglesby, Wilson and Yancey. (8)

Said motion carried

**A RESOLUTION MAKING APPROPRIATIONS FOR THE VARIOUS FUNDS,  
DEPARTMENTS, INSTITUTIONS, OFFICES AND AGENCIES OF  
FAYETTE COUNTY, TENNESSEE, FOR THE  
YEAR BEGINNING JULY 1, 2004 AND ENDING JUNE 30, 2005**

SECTION 1. BE IT RESOLVED by the Board of County Commissioners of Fayette County, Tennessee, assembled in regular session on the 21st day of September, 2004, that the amounts hereafter set out are hereby appropriated for the purpose of meeting the expenses of the various fund, 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, 2004 and ending June 30, 2005, according to the following schedule:

GENERAL FUND

51100	County Commission	\$ 125,460
51220	Beer Board	917
51300	County Executive	79,396
51500	Election Commission (Including Voter Registration)	162,625
51600	Register of Deeds	38,198
51710	Development	113,938
51730	Building	87,607
51800	County Buildings	203,932
51810	Other Facilities	9,800
51900	Other General Administration	27,400
52100	Accounting and Budgeting	128,654
52300	Property Assessor's Office	210,554
52400	County Trustee's Office	145,751
52500	County Clerk's Office	193,978
53100	Circuit Court	164,467
53300	General Sessions Court	127,418
53310	General Sessions Judge	124,031
53320	Juvenile Court Clerk	34,828
53400	Chancery Court	160,154
53500	Juvenile Court	76,142
53600	District Attorney General	5,483
54110	Sheriff's Department	1,646,401
54150	Drug Enforcement	75,351
54210	Jail	1,014,724
54220	Workhouse	31,184
54310	Fire Prevention and Control	439,015
54410	Civil Defense	172,618
54420	Rescue Squad	23,350
54610	County Coroner/Medical Examiner	20,000
54900	Other Public Safety	140,193
55110	Local Health Center	50,394
55120	Rabies and Animal Control	77,745
55130	Ambulance/Emergency Medical Services	1,188,489
55160	Dental Health Program	289,394
55180	Crippled Children Services	2,216
55190	Other Local Health Services	17,000
55390	Appropriation to State	25,761
55520	Aid to Dependent Children	2,750
55590	Other Local Welfare Services	9,000
55720	Sanitation Education/Information	52,197
56300	Senior Citizens Assistance	30,000
56500	Libraries	123,302
57100	Agriculture Extension Service	95,084
57500	Soil Conservation	52,478
58120	Industrial Development	1,800
58220	Airport	53,443
58300	Veteran's Services	6,801
58400	Other Charges	280,900
58500	Contributions to Other Agencies	21,091
58600	Employee Benefits	994,776
58900	Miscellaneous	500
	Total General Fund	<u>\$ 9,156,692</u>

SOLID WASTE/SANITATION FUND

55732	Convenience Centers	\$	250,000
55754	Landfill Operation and Maintenance		<u>502,386</u>
	Total Solid Waste/Sanitation Fund	\$	<u>752,386</u>

DRUG CONTROL FUND

54150	Drug Enforcement	\$	<u>15,400</u>
	Total Drug Control Fund	\$	<u>15,400</u>

HIGHWAY/PUBLIC WORKS FUND

61000	Administration	\$	145,542
62000	Highway and Bridge Maintenance		1,460,004
63100	Operation and Maintenance of Equipment		518,760
65000	Other Charges		194,210
66000	Employee Benefits		644,372
68000	Capital Outlay		1,074,372
91200	Highway & Street Capital Projects		<u>273,475</u>
	Total Highway/Public Works Fund	\$	<u>4,310,735</u>

GENERAL PURPOSE SCHOOL FUND

71100	Regular Instruction Program	\$	10,052,344
71200	Special Education Program		1,731,000
71300	Vocational Education Program		856,850
71600	Adult Education Program		67,797
72110	Attendance		76,505
72120	Health Services		82,144
72130	Other Student Support		433,495
72210	Regular Instruction Program		881,559
72220	Special Education Program		246,867
72230	Vocational Education Program		376,071
72260	Adult Programs		186,980
72310	Board of Education		455,153
72320	Director of Schools		213,916
72410	Office of the Principal		1,161,187
72510	Fiscal Services		178,147
72610	Operation of Plant		1,450,619
72620	Maintenance of Plant		550,027
72710	Transportation		1,511,003
72810	Central and Other		139,734
73300	Community Services		31,965
76100	Regular Capital Outlay		149,000
82130	Principal - Education		69,228
82230	Interest - Education		<u>11,026</u>
	Total General Purpose School Fund	\$	<u>20,912,617</u>

SCHOOL FEDERAL PROJECTS FUND

71100	Regular Instruction Program	\$	2,180,741
71200	Special Education Program		850,352
71300	Vocational Education Program		82,003
72120	Health Services		37,457
72130	Other Student Support		57,486
72210	Regular Instruction Program		591,265
72220	Special Education Program		174,778
72230	Vocational Education Program		4,506
72610	Operation of Plant		7,500
72620	Maintenance of Plant		750
72710	Transportation		<u>104,100</u>
	Total School Federal Projects Fund	\$	<u>4,090,938</u>

CENTRAL CAFETERIA FUND

73100	Food Service	\$	1,988,027
	Total Central Cafeteria Fund	\$	<u>1,988,027</u>

GENERAL DEBT SERVICE FUND

82130	Principal - Education	\$	605,000
82230	Interest - Education		728,250
82310	Other Debt Service - General Government		57,000
82330	Other Debt Service - Education		<u>4,851</u>
	Total General Debt Service Fund	\$	<u>1,395,101</u>

SECTION 2. BE IT 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 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 the law.

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

SECTION 3. BE IT FURTHER RESOLVED, that any amendment to the budget, except for amendments to the budget for funds under supervision of the director of schools, shall be approved as provided in Section 5-9-407, Tennessee Code Annotated. The director of schools must receive approval of the Board of Education for transfers within each major category of the budget, and approval of both the Board of Education and Board of County Commissioners for transfers between major categories as required by law.

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 the 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, 2005. 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 mayor and county clerk are hereby authorized to borrow money on revenue anticipation notes, provided such notes are first approved by the state director of Local Finance, to pay for the expenses herein authorized until the taxes and other revenue for the year 2004-2005 have been collected. The proceeds of loans for each individual fund shall not exceed 60% of the appropriations of each 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 mayor and countersigned by the county clerk and shall mature and be paid in full without renewal no later than June 30, 2005.

SECTION 7. BE IT FURTHER RESOLVED, that the delinquent county property taxes for the year ending 2003 and prior years and the interest and penalty thereon collected during the year ending June 30, 2005, shall be apportioned to the various county funds according to the subdivision of the tax levy for the year 2004. 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, 2005.

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, 2004. This resolution shall be spread upon the minutes of the Board of County Commissioners.

Passed this 21st day of September, 2004.

Chairman Taylor then presented the resolution appropriating funds to non-profit charitable organizations of Fayette County for the year beginning July 01, 2004 and ending June 30<sup>th</sup>, 2005. Motion was made by Commissioner Campbell, seconded by Commissioner Lillard and unanimously carried by Roll Call Vote approving the following Resolution:

**A RESOLUTION MAKING APPROPRIATIONS TO NONPROFIT  
CHARITABLE ORGANIZATIONS OF FAYETTE COUNTY,  
TENNESSEE, FOR THE YEAR BEGINNING JULY 1<sup>ST</sup>, 2004,  
AND ENDING JUNE 30<sup>TH</sup>, 2005**

WHEREAS, Section 5-9-109, TCA, authorizes the Fayette County Legislative Body to make appropriations to various nonprofit charitable organizations, and,  
WHEREAS, the Fayette County Legislative Body recognizes the various nonprofit charitable organizations providing services in Fayette County have great need of funds to carry on their nonprofit charitable work.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Fayette County on this 21st day of September, 2004.

SECTION 1. That One Hundred Eighteen Thousand Twenty Three Dollars (\$118,023) be appropriated to nonprofit organizations in Fayette County as reflected below.

<u>ACCT NO</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
51900-320	Fayette County Chamber of Commerce	\$ 15,000.00
55190-310	Fayette County Dev. Center (Easter Seals)	12,000.00
55190-312	Jackson Area Council on Alcoholism and Drug Dependency	1,500.00
55590-339	Tennessee Opportunity Programs, Inc.	1,500.00
55190-312	Fayette County Citizens for Progress	2,000.00
56300-339	Fayette County Commission on Aging	30,000.00
55190-312	Jack Gean Shelter for Women	1,500.00
58500-310	Delta Human Resource Agency	14,321.00
58500-310	Youth Town	1,500.00
58500-316	Dewitt Community Coalition	2,000.00
55590-316	Fayette Cares	7,500.00
58500-310	Aging Commission of the Mid-South	2,500.00
54310-309	District 14 Volunteer Fire Department	26,702.00

BE IT FURTHER RESOLVED, that all appropriations enumerated in Section 1 above are subject to the following conditions:

1. That the nonprofit organizations to which funds are appropriated shall file with the County Clerk and the disbursing officials a copy of any 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 0380-2-7. Such annual report shall be prepared and certified by the chief financial officer of such nonprofit organization in accordance with Section 5-9-109 (c), TCA.
2. That said funds must only be used by the named nonprofit charitable organizations in furtherance of their nonprofit purposes benefiting the general welfare of the residents of Fayette County.
3. That it is the expressed interest of the County Commission of Fayette County in providing these funds to the above named charitable organizations to be fully in compliance with Chapter 0390-2-7 of the Rules of the Comptroller of the Treasury, and Section 5-9-109, TCA, and any and all other laws which may apply to county appropriations to nonprofit organizations and so this appropriation is made subject to compliance with any and all these laws and regulations.

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<sup>st</sup>, 2004. This Resolution shall be spread upon the minutes of the Board of County Commissioners.

Passed this 21st day of September, 2004.

Motion was then made by Commissioner Tomlin, seconded by Commissioner Dowdle to adopt the Tax Rate. Said motion carried by Roll Call Vote (18) with Commissioner Wilson "passing".

Same being as follows:

**RESOLUTION FIXING THE TAX LEVY IN  
FAYETTE COUNTY, TENNESSEE  
FOR THE YEAR BEGINNING JULY 1, 2004**

SECTION 1. BE IT RESOLVED by the Board of County Commissioners of Fayette County, Tennessee, assembled in special called session on this 21st day of September, 2004, that the combined property tax rate for Fayette County, Tennessee for the year beginning July 1, 2004, shall be \$1.74 on each \$100.00 of taxable property, which is to provide revenue for each of the following funds and other wise conform to the following levies:

<u>Fund</u>	<u>Rate</u>
General	\$ 0.7764
Highway/Public Works	0.1215
General Purpose School	0.7204
General Debt Service	<u>0.1217</u>
Total	\$ 1.7400

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.

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 takes 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 21st day of September, 2004.

Motion was then made by Commissioner Burnette, seconded by Commissioner Oglesby to adopt the Overall Budget. Said motion carried by Roll Call Vote with Commissioner Wilson "passing".

With no other matter to be brought before this Board, said meeting adjourned.

---

Rhea Taylor, Chairman

ATTEST:

---

Dell T. Graham, County Clerk