

FAYETTE COUNTY LEGISLATIVE BOARD

September 26, 2006

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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 26th day of September, 2006. Present and presiding was Chairman Rhea Taylor. Also present, Sue W. Culver, County Clerk, and the following County Commissioners: Ed Allen, Joann C. Allen, Steve Anderson, Charles Brewer, Joe B. Burnette, Jr., Larry Cook, Odis Cox, Lee "Sissy" Dowdle, John F. Dowdy, Ron Gant, Willie German, Jr., Ronald Harris, Thomas Karcher, Bill Kelley, David H. Lillard Sr., Sylvester Logan, George McCloud, Claude D. Oglesby, Jr., and Myles Wilson.

Absent: None

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

Chairman Taylor opened the floor to the public to address items not on the Agenda. Addressing the Board was David Gichner.

First on the Agenda was the approval of the minutes for the August 22, 2006. Commissioner Joann Allen made the motion to approve the minutes as filed with the correction of the date that the issue of the Adequate Facilities Tax Funds was tabled to the June, 2006, meeting. Motion was seconded by Commissioner Burnette and carried with all commissioners voting yes.

Commissioner Logan made the motion to approve the following as Notaries Public: Cindy Shiver and Barry A. Ryan. Motion was seconded by Commissioner Dowdy, and approved by unanimous vote of the Commissioners present.

Next on the Agenda was the **Adoption of Rules and Procedures**. Commissioner Anderson made the motion that the following rules and procedures be adopted with corrections to be made in some of the wording of the document. Commissioner Harris then moved that the following rules and procedures be adopted with the corrections being made. Motion was seconded by Commissioner Kelley. Some discussion followed regarding the appointment of the committees by the Mayor. Vote was taken with the following Commissioners voting "YES": Commissioners Ed Allen, Anderson, Brewer, Burnette, Cook, Cox, Dowdle, Dowdy, Gant, German, Harris, Karcher, Kelley, Lillard, Logan, Oglesby, Wilson. (17)

Voting "NO": Commissioners Joann Allen, George McCloud (2)

Motion carried and the following rules and procedures were adopted.

FAYETTE COUNTY BOARD OF COUNTY COMMISSIONERS

RULES

Rule 1: Convening the County Legislative Body

The county legislative Body shall conduct its regular meetings at the Fayette County Courthouse on the fourth Tuesday of each month at 7:00 p.m. Should any regular meeting fall on a legal holiday, or if an emergency shall arise, the County Legislative Body shall meet on such other date as shall be selected by the Chairman.

A quorum for the transaction of business shall be a majority of the duly qualified and acting members of the County Legislative Body and where vacancy or vacancies exist in the County Legislative the same shall not be included in determining the membership of such County Legislative Body.

Rule 3: Order of Business

1. Call to order by the Presiding Officer
2. Roll Call
3. Invocation
4. Pledge of Allegiance
5. Comments on non-agenda items (10 minute maximum)
6. Reading and approval of minutes of previous meeting
7. Resolutions of memorial, sympathy and commendations
8. Public hearings
9. Elections, Appointment and Confirmations
10. Unfinished Business
 - a. Financial reports
 - b. Reports of Departments and Agencies
 - c. Report of Standing Committees and action thereon
 - d. Report of Special Committees and action thereon
 - e. Other unfinished business
11. New Business
12. Announcements and statements by members, officials and the public
13. Adjournment

Rule 4: GeneralRule 4A: Who May Address the County Legislative Body

It is a Commissioner's right to address the Chairman and the County Legislative Body at any appropriate time after proper recognition by the Chairman, which recognition will not be arbitrarily denied. Elected and appointed county official with expertise or information necessary for clarification of a matter under consideration by the County Legislative Body may address the County Legislative Body at any appropriate time after proper recognition by the Chair, which recognition will not be arbitrarily denied. Any Commissioner can, after being recognized by the Chair, relinquish his time on the floor to a citizen who has knowledge or expertise concerning the topic being debated. Citizens and their representatives are encouraged to speak for or against any matter under consideration or during the Announcements and Statements portion of a meeting. Statements of citizens shall be limited to three (3) minutes per speaker and fifteen (15) minutes total for those speaking in opposition to an item under consideration. These specified time limits may be extended by majority vote of the County Legislative Body.

Rule 4B: Gaining the Floor

In all cases, the member who shall first raise his hand and address the Chairman shall be entitled to speak first. When two or more members shall raise their hands and address the Chairman at the same time, the Chairman shall name the members who shall speak first followed by the other Member.

Rule 4C: Speaking

When any members wishes to speak in debate, discussion, or deliver any address on any matter whatsoever to the County Legislative Body, they shall respectfully address the Chairman and shall, after being recognized by the Chairman proceed with the remarks, confining such remarks strictly to the question under debate and avoiding all personalities.

Rule 4D: Consent to Yield

While a person is speaking, the speaker shall not be interrupted, except for as question. If the speaker declines to yield, the speaker shall not be interrupted, but shall yield to question at the end of the presentation.

Rule 4E: Points of Order

If any member, speaking or otherwise, transgresses the Rules of the County Legislative Body, the Chairman shall, or any member may, call him to order, in which case the member so called to order shall immediately cease speaking at which time the point of order shall be at once decided by the Chairman, subject to an appeal to the County Legislative Body. After the decision is rendered, the member having the floor can proceed, subject to the decision made.

Rule 4F: Appeal on Ruling

Any member may appeal to the County Legislative Body any ruling of the Chairman, and a majority vote of the members present shall decide the appeal.

Rule 4G: Refusal to be in Order

If any person, member or otherwise, refuses to remain orderly, the Chairman shall have the right to call upon the Sheriff, Deputy Sheriff, or Officer in waiting upon the County Legislative Body to seat such person, and if such person refuses to be seated, or come to order, the Chairman shall have the right to declare such person in contempt and to order his removal from the courtroom. This person may return to the courtroom only on the approval of a majority of the members present.

Rule 4H: Introduction of a Resolution (Motion)

Any proposed resolution may be introduced by any member of the County Legislative Body.

Rule 4I: Committee Referrals

Any member wishing to introduce a measure which would require consideration or study shall refer the matter to the Chairman and he shall refer it to the appropriate committee without delay.

Rule 5 Motions and Resolutions

Rule 5A: Introduction and Debate

Motions may be made only by Commissioners. No motion shall be debated until the same is seconded and stated by the Chairman.

Rule 5B: Motions in Writing

When a motion shall be made and seconded, it shall be reduced to writing by the proponent or the Clerk and read by the Chairman prior to any debate or vote.

Rule 5C: Requiring Roll Call

Any motion, except a motion involving the appropriation of funds, may be put to the County Legislative Body for a voice vote by the Chairman, provided, however, any member may require a roll call by the raising of the hand or indication otherwise, either before or after the voice vote. All motions concerning appropriation of funds shall require a roll call vote.

Rule 5D: Vote Required to Pass a Motion

In order to pass any motion there must be a vote of a majority of the members constituting the County Legislative Body and, not merely a majority of the quorum present.

Rule 5E: Member May Change Vote

Any member of the County Legislative Body may change his vote before the result of a roll call is announced by the Clerk. It shall be the duty of the Clerk at the end of each roll call, to require of those who passed or were absent when the roll was called if they desire to vote; also, if anyone who has voted wishes to change his vote. Then the result shall be announced by the Clerk.

Rule 5F: Reconsideration of a Motion

When a question has been put to a vote, it shall be in order for any member of the prevailing side to move for reconsideration at anytime during that session of the County Legislative Body. The vote to reconsider requires a majority vote.

Rule 6 Elections and Appointments

Rule 6A: Elections with Nomination from the Floor

When the Chairman is to receive nomination from the floor, a member may nominate only one person. The floor will be kept open until every member has had an opportunity to nominate a person if he so desires before the nominations are closed.

Rule 6B: Appointive Office

The persons nominated will be introduced before the County Legislative Body if practical and a discussion of each appointee shall follow.

Rule 6C: Election or Confirmation

All ballots shall be cast by voice vote as each member's name is called by the Clerk. A majority of the full County Legislative Body is required for election or confirmation except as otherwise provided by state or private act.

Rule 6D: Second Ballot

If no one is elected on a given ballot, the person receiving the smallest number of votes will be dropped and the ballots cast again until a person is elected by the required majority.

Rule 7 County Legislative Body Committees

The members of all committees of the County Legislative Body, including standing committees, shall be nominated by the County Mayor, or any member, and shall be approved by a majority vote of the County Legislative Body. Any commission member may call for a vote on individual approval of committee members. Each and every member shall have the opportunity to serve on one committee. In the event a member is not able to serve, the position shall be filled in the manner the positions were originally filled.

Rule 8 Appropriation Request

Any and all requests requiring expenditure of local county funds shall be submitted in writing to the County Mayor for review by the appropriate committee and shall have an estimated cost included in or attached to the request or resolution. A reasonable summary of the request shall be included in or attached to the agenda which shall be available to all members of the County Legislative Body.

Rule 8A: Appropriations Except by Bond Issue

Any and all appropriation except bond issues, to be assessed or approved must be filed in triplicate, the original with the County Mayor and copies to the Chairman and the Chairman of the appropriate committee at least fifteen days prior to the meeting of the County Legislative Body

Rule 8B: Appropriations by Bond Issue

Notice of all proposed appropriations by bond issue shall be filed in triplicate, the original with County Mayor and copies to the Chairman and Chairman of the appropriate committee at least fifteen days prior to the meeting of the County Legislative Body. The notice shall contain the proposed amount of the bond issue, the purposes for which the bonds are to be issued, and the term of the bond issue.

Rule 8C: Committee Recommendations

The committee to which the request has been referred shall assume one of the following positions: (1) adoption recommended, with or without conditions; (2) rejection recommend; or (3) submitted to the County Legislative Body without recommendation.

Rule 9 Amending or Suspending the Rules

Any rule or rules may be suspended or amended at any time by the County Legislative Body by a two-thirds majority of the members.

Rule 10 Robert's Rules of Order

All matters not covered herein shall be governed by Robert's Rules of Order as contained in the latest copyrighted edition.

Rule 11 Presiding Officer

Rule 11A: Election

Annually, at it first session in September, the County Legislative Body shall elect a Chairman and a Chairman Pro Tempore. The Chairman may be a member of the County Legislative Body or the County Mayor. If the County Mayor is elected, and accepts the position, then the County Mayor shall have no veto.

Rule 11B: Voting by the Chairman

If the Count Mayor serves as Chairman, he may vote only in the case of a tie vote by the County Legislative Body. If a County Legislative Body member serves as Chairman, he or she may vote on all issues coming before the County Legislative Body but may not vote again to break a tie vote.

Rule 11C: Call to Order

The County Legislative Body shall be called to order by the Chairman. In the absence of the Chairman the Chairman Pro Tempore shall preside. In the Absence of the Chairman Pro Tempore, the County Legislative Body shall be called to order by the County Clerk, and shall elect one of its members to preside over deliberations.

Rule 11D: Question of Order

The Presiding Officer shall preserve order and decorum. He may speak to points of order in preference to other members, rising from his set for that purpose. He shall decide questions of order, subject to an appeal to the County Legislative Body by any member.

Before a member is allowed to speak twice on the same subject, the Presiding Officer shall inquire if there is another member who has not spoken on that subject and who wishes to speak.

Rule 11F: Motions

Once a motion has been made and duly seconded, the motion shall be reduced to writing by the proponent or the Clerk and read by the Presiding Officer so that debate on the motion may begin.

Rule 11G: Putting the Question

The Presiding Officer shall rise to state or put a question and shall clearly state the question before the County Legislative Body before the vote on the question is taken. A member may ask for clarification of the question up until the result of the vote is announced.

Rule 11H: Agenda to Commissioners

A copy of the agenda, attachments, and notice calling each County Legislative Body meeting shall be delivered to each member on Thursday prior to the following Tuesday night.

Rule 12 County Clerk

Rule 12A: Minutes of the County Legislative Body

The County Clerk shall make copies of the minutes of each County Legislative Body meeting and distribute them not later than ten days after the meeting. The minutes shall be distributed as follows:

1. One copy to each member.
2. One copy upon request to each county office, department and/or commission head.
3. One copy upon request to all public, school and university libraries in the county.
4. One copy upon request to all licensed and operating commercial radio and television station in the county.
5. One copy upon request to all newspapers published in the county for sale and distribution to the general public.
6. One or more pages shall be made available to the general public at reasonable cost.

Rule 12B: Roll Call

On all appropriations, the Clerk shall call the roll for "aye" and "No" votes. Names will be called in alphabetical order.

Rule 12C: Change of Vote

It shall be the duty of the Clerk at the end of each roll call, to inquire of those who passed or were absent when the roll was called if they desire to vote; also, if any one who has voted wishes to change his vote. Then the results shall be announced by the Clerk.

Rule 12D: Audio Tape of Meetings

The Clerk shall cause all County Legislative Body meeting and County Legislative Body committee meetings to be tape recorded and shall maintain such tape recordings indefinitely. Members and the public may listen to such tape recordings during the Clerk's normal office hours and copies thereof will be made available at reasonable cost.

Rule 13 The Sheriff

The Sheriff shall attend the County Legislative Body meeting while in session, or designate some other officer for that purpose, to preserve order and carry out the order of the presiding officer of the court.

Rule 14 County Attorney

The County Attorney shall attend meeting of the County Legislative Body to advise on matters of Law. He shall also attend committee meetings when called upon by the Chairman of the County Commission.

Rule 15 Committees General

Rule 15A: Officers Election

Upon appointment of a committee by the County Legislative Body, if no chairman or vice chairman of the committee is named, the members of the committee shall convene and elect a chairman, vice chairman, and a secretary from its membership. If a committee has not carried on the aforementioned requirements within twenty-one days, the Chairman shall call the committee into session before the next regular meeting date of the County Legislative Body and serve as temporary chairman until the committee elects a chairman and proceeds with its regular business.

Rule 15B: Committee Chairman and Agenda

Standing committee chairmen shall notify the Chairman of the major matters to be reported to the County Legislative Body at the next meeting. This should be done in time for the item to be included on the agenda. Committee agendas will be provided to all commissioners at least 3 days prior to committee meetings.

Rule 15C: Committee Meeting Open to the Public

All committee meetings shall be open to the public and shall allow members of the public a right to address the committee at its meetings.

Rule 15D: Authority of Committees

The role and jurisdiction of a County Legislative Body committee is to investigate and study matters, provide information and to present recommendations, as generally describe in the title of the committee and as more specifically defined in the subject areas listed under the title. Should any question arise as to jurisdiction of any committee it shall be referred to the County Legislative Body Chairman for determination, subject to an appeal to the County Legislative Body by any County Legislative Body member at the next regular meeting.

Rule 15E: Reporting Procedure

Reports of committees shall be given by the committee chairman at the proper place in the agenda for the County Commission. Recommendations passed by committees shall stand as motions for the Commission to debate and to take action on.

Rule 15F: Duties of Committee and Subcommittee Officers

The chairman's prime responsibility is to call meetings of the committee, to serve as presiding officer, and to serve as spokesman of the committee in any action or reporting to the County Legislative Body. Further, the chairman should fully understand and make the committee aware of its authority and areas of jurisdiction. The vice-chairman is to assume the role and responsibility of the chairman in his absence. The secretary shall be responsible for the taking of minutes, and the filing and distribution of same. The chairman of each committee may vote on all issues coming before the body, just as any other member.

Rule 15G: Committee Meeting Minutes

The minutes of all committee meetings shall contain, the day, time and place the committee convenes, the members present, a summary of matters considered, a record of the voting on the action taken on each recommendation to the County Legislative Body, the time of adjournment, and a tape recording of the entire meeting. All recommendations, whether positive or negative, shall be recorded in the minutes that go to the Commissioners in their packer, with no censoring allowed.

Rule 15H: Vacancies on Committees

If for any reason one or more members of any respective committee vacate their position, the Commission Chairman, subject to the approval of the County Legislative Body, shall fill those vacancies in the same manner as the original members.

Rule 15I: Special Committees

The County Legislative Body may from time to time appoint such special committees as the circumstances require, but such a special committee shall be disbanded when its assigned work is completed and in no case shall it exist longer than one year unless extend by the County Legislative Body. No special committee shall be appointed for any purpose when there is a standing committee on the same subject.

Rule 15J: Reporting Referrals

The committee to which a request or resolution has been referred shall make a report to the County Legislative Body at the next regular meeting after its referral unless the County Legislative Body has specified otherwise in its request or resolution.

Rule 15 K: Failure to Meet

If for any reason the chairman of a committee fails to call a meeting, the County Legislative Body Chairman, or two members of a three member committee, or three members of a larger committee may do so.

Rule 15L: Quarterly Reports

The quarterly reports submitted by the County Officials and departments shall be presented as a part of the appropriate standing committee reports.

Rule 15M: Technical assistance

Committees have any and all authority necessary to request the assistance of county, regional, state and federal governmental departments, commission and agencies. Committees cannot obligate the county involving money without approval of the County Legislative Body.

Rule 16 Standing Committees

The Chairman shall be an ex-officio member of all committees and sub-committees. In this capacity, the Chairman shall offer assistance and advice as needed.

The standing committees of the County Legislative Body are as follows:

Criminal Justice and Public Safety: All matters pertaining to the criminal justice system including law enforcement, courts, and corrections; civil disturbance; juvenile delinquency; alcohol and drug abuse; emergency preparedness; fire prevention and control. (Five members)

Health and Welfare: All matters pertaining to health care, comprehensive health planning local health services, mental health and emergency medical services; social services and welfare programs, recreation, solid waste management; soil, water, and wildlife conservation; energy conservation, agriculture, flood prevention and control. (Five members)

Education: All matters pertaining to elementary, secondary and adult education; vocational and technical education; library services. (Five members)

County Development: All matters related to general county development; residential, commercial and industrial development; public facilities, subdivision regulation, zoning, building codes; road improvements, highway safety, airport development. (Five members)

Personnel Committee: All general matters related to personnel; compliance with OSHA and TOSHA regulations including reports and training, personnel policy, Equal Employment Opportunity Legislation, job description, salary administration, salary classification, and employee benefits. This does not include budgetary issues regarding personnel salaries, requests for additional personnel, personnel transfers, etc. (five members)

Budget: Taxation; finance; investments; property and intergovernmental relations, all matters pertaining to the financial resources of the county and reports and audit findings; issues regarding personnel salaries, requests for promotion, additional personnel and personnel transfer; health insurance plans. Members are the five committee chairman and two other commissioners.

Rule 17 Conflicts With Law

In the event that any portion of these rules is determined to be in conflict with applicable law, then that portion in conflict shall be null and of no effect and the remainder of the rules shall remain in full force and effect.

The next matter before the Board was the election of the Chairman. Commissioner Harris then presided over the election of the Chairman. Mayor Rhea Taylor was nominated by Commissioner Dowdle. Commissioner Oglesby then moved that the nominations cease and that Mayor Taylor be elected by acclamation. Motion was seconded by Commissioner Wilson, and motion was carried with all commissioners in agreement.

The salary of the Chairman was then discussed and Mayor Taylor suggested that the salary had previously been set at zero and recommended that it stay the same. Motion was made by Commissioner Dowdy, seconded by Commissioner Wilson. That the salary remain the same. Motion carried with all Commissioners voting "Yes".

The election of the **Chairman Pro Tempore** was the next action taken by the Board. Commissioner Dowdle placed Commissioner Ronald Harris's name in nomination. Commissioner Oglesby then moved that nominations cease and Commissioner Harris be elected by acclamation. Motion was seconded by Commissioner Dowdy and carried with all Commissioners voting "Yes".

The salary of the Chairman Pro Tempore was then set at zero on a motion by Commissioner Burnette, seconded by Commissioner Wilson, and carried with all nineteen Commissioners voting "Yes".

The Mayor then presented the following lists of committees. After some discussion regarding the committees and times of meetings Commissioner Logan was moved to the Personnel Committee and Commissioner Gant was moved to the Development Committee. Commissioner Oglesby then moved to approve the assignments of committees and meeting times as corrected and Commissioner Brewer seconded that motion.

The following Fayette County Commission Committee Assignments for 2006-2007 were then approved unanimously by the Board:

Fayette County Commission
Committee Assignments and Meeting Times
2006-2007

Meets Monday, before the 2nd Tuesday

Development (5 Members)

Wilson (Chairman)

Gant

Cook

Cox

Lillard

Health and Welfare (5 Members)

German (Chairman)

Karcher

Allen (JoAnn)

Brewer

Gant

Personnel (5 Members)

Burnette (Chairman)

Cox

Logan

Karcher

Kelley

Meets 2nd Tuesday

Criminal Justice and Public Safety (5Members)

Dowdy (Chairman)

Kelley

Cook

Anderson

Brewer

Education (5 members)

Oglesby (Chairman)
Allen (Ed)
Harris
McCloud
Dowdle

Budget (5 chairmen plus 2 Commissioners)

Harris (Chairman)
Oglesby
Wilson
German
Dowdy
Burnette
Dowdle

The Mayor then recommended that the Board approve the appointment of Mr. John Pitner as Planning Director for the County. After some discussion, vote was called for and the appointment of John Pitner as Planning Director for Fayette County was approved with the following Commissioners voting "YES": Joann Allen, Anderson, Brewer, Burnette, Cook, Cox, Dowdle, Dowdy, Gant, German, Harris, Karcher, Kelley, Lillard, Logan, McCloud, Oglesby, and Wilson.

Voting "NO": Ed Allen

Motion was then made by Commissioner McCloud, seconded by Commissioner Joann Allen, to approve the Mayor's recommendation to appoint Mr. Jerry Ray as County Fire Chief. Motion carried with all nineteen Commissioners voting "YES".

On a motion from Commissioner Dowdle, second by Commissioner Burnette, the following were recommended to be appointed to the Library Board to replace retiring members Mike Jaeger, Jane Mitchell, and Joe Mason, whose terms have expired: Jan Ray, Sid Spragins, Ronnie McCarty, and that Jill Cox be appointed to fill the unexpired term of Gladys Sawyer who has moved. Motion carried with all nineteen Commissioners voting "YES".

Meeting was then briefly recessed for an Attorney-Client meeting with all commissioners and Richard Rosser, County Attorney.

Next on the Agenda was the "Reports of Departments and Agencies".

Chairman Taylor reported for the County Mayor's Office., and called for adoption of the 2006-2007 School Board Budget. Commissioner Dowdle then moved to adopt the budget for the 2006-2007 budget year. Motion was seconded by Commissioner Brewer. And after some discussion a roll call vote was taken. Said vote being as follows:

Voting "YES" were Commissioners Ed Allen, Joann Allen, Anderson, Brewer, Burnette, Cook, Cox, Dowdle, Dowdy, Gant, German, Harris, Karcher, Kelley, Lillard, Logan, McCloud, Oglesby, and Wilson. (19)

Voting "NO": None (0)

Commissioner Wilson then moved to adopt the General Fund Budget for 2006-2007, including a 3 per cent cost of living pay increase for employees. Motion was seconded by Commissioner Logan, and upon roll call vote as follows, motion carried.

Voting "YES": Commissioners Ed Allen, Joann Allen, Anderson, Brewer, Burnette, Cook, Cox, Dowdle, Dowdy, Gant, German, Harris, Karcher, Kelley, Lillard, Logan, McCloud, Oglesby, and Wilson. (19)

Voting "NO": None (0)

Chairman Taylor then addressed requests from Courthouse Officials regarding employee raises and suggested that the Board take 60 days to address these matters and come back January 1 with a recommendation.

Chairman Taylor then addressed the following Requests for Budget 2006-2007 Adjustments for the Sheriff's Office, Library, Assessor of Property, Fire Department, Circuit Court Clerk, and General Sessions Judge. Motion was made to approve said adjustments to the 2006-2007 budget by Commissioner Oglesby, second by Commissioner Dowdy. Upon roll call vote said adjustments were unanimously approved.

REQUEST FOR BUDGET 2006-2007 ADJUSTMENTS

<i>Department</i>	<i>Officier</i>	<i>Reason</i>	<i>Adjustment</i>
Sheriff	Riles	Additional space for storage and offices	7650
Library	Gover	Adjusting pay for part-time worker; works with children and programs: pay rate to change from \$10.66 to \$16 per hour	5842
Property Assessor	Ward	Requesting an extra field inspector to more timely bring in property information	23798
Fire Department		Requesting moving \$12,774 from Assistants to Director	0
Clerk of the Courts	Doyle	Restructuring the employee positions; requesting to move funds	0
General Sessions Judge	Whitaker	Due to loss of grant and after moving items in Juvenile Court and General Sessions, needs additional funds	2,096

Chairman Taylor then asked Ms. McCraw to address the Board regarding salary appropriations for the Election Commission Office in regard to the November, 2006 Election. Ms. McCraw requested that she be allowed to keep her Administrative Assistant, hire a Deputy and one additional part time employee. Motion was made by Commissioner Kelley, seconded by Commissioner McCloud, to approve these changes as requested. Upon roll call vote, said motion carried unanimously.

Motion was made by Commissioner McCloud, seconded by Commissioner Dowdy, to approve the Debt Service Fund be approved as presented. Upon roll call vote Motion carried unanimously.

**A RESOLUTION MAKING APPROPRIATIONS FOR THE VARIOUS FUNDS,
DEPARTMENTS, INSTITUTIONS, OFFICES AND AGENCIES OF
FAYETTE COUNTY, TENNESSEE, FOR THE
YEAR BEGINNING JULY 1, 2006 AND ENDING JUNE 30, 2007**

SECTION 1. BE IT RESOLVED by the Board of County Commissioners of Fayette County, Tennessee, assembled in regular session on the 26th day of September, 2006, 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, 2006 and ending June 30, 2007, according to the following schedule:

GENERAL FUND

51100	County Commission	\$ 64,879
51220	Beer Board	942
51300	County Mayor	83,451
51400	County Attorney	46,093
51500	Election Commission (Including Voter Registration)	190,332
51600	Register of Deeds	36,023
51710	Development	159,485
51730	Building	106,995
51800	County Buildings	184,343
51810	Other Facilities	11,000
51900	Other General Administration	42,747
52100	Accounting and Budgeting	133,710
52300	Property Assessor's Office	214,211
52400	County Trustee's Office	153,406
52500	County Clerk's Office	212,106
53100	Circuit Court	138,096
53300	General Sessions Court	134,841
53310	General Sessions Judge	143,425
53320	Juvenile Court Clerk	40,978
53400	Chancery Court	165,922
53500	Juvenile Court	84,897
53600	District Attorney General	5,644
54110	Sheriff's Department	1,821,217
54150	Drug Enforcement	147,515
54210	Jail	1,256,058
54220	Workhouse	32,632
54310	Fire Prevention and Control	517,738
54410	Civil Defense	147,957
54420	Rescue Squad	23,970
54610	County Coroner/Medical Examiner	20,000
54900	Other Public Safety	170,545
55110	Local Health Center	59,912
55120	Rabies and Animal Control	83,610
55130	Ambulance/Emergency Medical Services	1,192,788
55160	Dental Health Program	411,251
55180	Crippled Children Services	2,216
55190	Other Local Health Services	14,000
55390	Appropriation to State	25,761
55520	Aid to Dependent Children	2,750
55590	Other Local Welfare Services	10,500
55720	Sanitation Education/Information	54,502
56300	Senior Citizens Assistance	21,500
56500	Libraries	140,217
57100	Agriculture Extension Service	101,370
57500	Soil Conservation	55,986
58120	Industrial Development	1,591
58220	Airport	56,690
58300	Veteran's Services	6,800
58400	Other Charges	241,951
58500	Contributions to Other Agencies	46,321
58600	Employee Benefits	1,106,730
58900	Miscellaneous	1,000
	Total General Fund	<u>\$ 10,128,604</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, 2007. 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 each 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 2006-2007 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, 2007.

SECTION 7. BE IT FURTHER RESOLVED, that the delinquent county property taxes for the year ending 2005 and prior years and the interest and penalty thereon collected during the year ending June 30, 2007, shall be apportioned to the various county funds according to the subdivision of the tax levy for the year 2006. 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, 2007.

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, 2006. This resolution shall be spread upon the minutes of the Board of County Commissioners.

Passed this 26th day of September, 2006.

The Board then moved to adopt the following Resolution Making Appropriations to NonProfit Charitable Organizations of Fayette County, Tennessee, For the Year Beginning July 1st, 2006 and Ending June 30th, 2007. Motion was made by Commissioner Anderson, seconded by Commissioner German to adopt said resolution. Roll call vote was taken with all Commissioners voting "YES".

A RESOLUTION MAKING APPROPRIATIONS TO NONPROFIT CHARITABLE ORGANIZATIONS OF FAYETTE COUNTY, TENNESSEE, FOR THE YEAR BEGINNING JULY 1ST, 2006, AND ENDING JUNE 30TH, 2007

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 26th day of SEPTEMBER, 2006.

SECTION 1. That One Hundred Three Thousand Three Hundred Twenty One Dollars (\$103,321) 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	\$ 26,800.00
51900-320	Oakland Chamber of Commerce	3,200.00
55190-310	Easter Seals	12,000.00
55190-310	Fayette County Citizens for Progress	2,000.00
56300-339	Fayette County Commission on Aging	21,500.00
58500-310	Delta Human Resource Agency	14,321.00
58500-316	Dewitt Community Coalition	10,500.00
55590-316	Fayette Cares	7,500.00
58500-310	Aging Commission of the Mid-South	2,500.00
55900-316	MIFA	3,000.00

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 benefitting 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 1st, 2006. This Resolution shall be spread upon the minutes of the Board of County Commissioners.

Passed this 26th day of September, 2006.

The next Item on the Agenda was the adoption of THE RESOLUTION FIXING THE TAX LEVY IN FAYETTE COUNTY, TENNESSEE, FOR THE YEAR BEGINNING JULY 1, 2006. Motion was made by Commissioner Burnette, seconded by Commissioner Logan that the property tax rate remain at 1.74 for the 2006-2007 Fiscal year. Roll Call Vote was called for and the following Commissioners voted "YES";

Commissioners Ed Allen, Joann Allen, Anderson, Brewer, Burnette, Cook, Cox, Dowdle, Dowdy, Gant, German, Harris, Karcher, Kelley, Lillard, Logan, McCloud, Oglesby, Wilson.

Voting "NO": None

**RESOLUTION FIXING THE TAX LEVY IN
FAYETTE COUNTY, TENNESSEE
FOR THE YEAR BEGINNING JULY 1, 2006**

SECTION 1. BE IT RESOLVED by the Board of County Commissioners of Fayette County, Tennessee, assembled in regular session on this 26th day of September, 2006, that the combined property tax rate for Fayette County, Tennessee for the year beginning July 1, 2006, shall be \$1.74 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:

<u>Fund</u>	<u>Rate</u>
General	\$ 0.7071
Highway/Public Works	0.0971
General Purpose School	0.7804
General Debt Service	<u>0.1554</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 26th day of September, 2006.

Next was the adoption of the overall Budget Resolution. Motion was made by Commissioner Wilson, seconded by Commissioner Oglesby to adopt the overall Budget Resolution for the 2006-2007 fiscal year. Roll Call vote was taken with all nineteen Commissioners present voting "YES".

No report was given for the Sheriff's Department.

Report was called for from the Board of Education, but none was available.

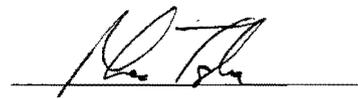
There was no report from the Juvenile Court.

Chairman Taylor then called on Mr. Jim Smith for the report from the Public Works Department, and Mr. Smith addressed the Board regarding the approval of a proposed equipment Lease-Purchase agreement between the Public Works Department and Bancorp South Equipment Finance regarding replacing equipment that has worn out. Commissioner Dowdle made a motion to approve the lease-purchase agreement and allow the Fayette County Public Works Dept to lease the necessary equipment. Motion was seconded by Commissioner German, and passed unanimously upon roll call vote.

Reports from the Library Board, and Trustee's Office were written to be filed in the minutes.

Next on the agenda was New Business. Commissioner Burnette addressed the issue of businesses throwing flyers in driveways. He stated that they become litter when not picked up and disposed of. Chairman Taylor stated that the Mayor's office would send a letter to these businesses and request that they stop throwing the flyers in people's driveways.

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



RHEA TAYLOR, CHAIRMAN

ATTEST;

Sue W. Culver, County Clerk