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FAYETTE COUNTY LEGISLATIVE BODY

October 28, 2008

BE IT REMEMBERED that the Fayette County Legislative Body met in regular session at the Bill G. Kelley Justice Complex in Somerville, Tennessee, on the 28th day of October, 2008. Present and Presiding was Chairman Rhea Taylor. Also present were the following: Sue W. Culver, County Clerk, James R. Riles, Sheriff; and the following County Commissioners: Ed 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; Tom Karcher; Bill G. Kelley; David Lillard; Sylvester Logan; George McCloud; Claude Oglesby and Myles Wilson.

Commissioner Joann Allen was absent.

The floor was opened to the public for comments on non-agenda items. Fire Chief Jerry Ray introduced several graduates who had just undergone extensive training with the Fire Services Institute. He talked about the rigorous training these men had undergone while continuing to work their regular jobs, only to return to their communities and volunteer as firefighters and first responders. Chief Ray stated that all of the men who attended had received their certification.

Commissioner Wilson moved that the minutes from September 23, 2008 be approved. Motion was seconded by Commissioner Brewer and approved unanimously.

Chairman Taylor opened the floor for a public hearing regarding establishing a speed limit of 35 MPH on Karcher Road, from the Somerville City Limits to Feathers Chapel Road. With no one speaking "for" or "against", the public hearing was closed. Commissioner Logan then moved that the speed limit resolution be approved. The motion was seconded by Commissioner Kelley, and approved unanimously as follows:

BE IT RESOLVED by the Board of County Commissioners and/or County Legislative Body of Fayette County, Tennessee, in regular session assembled on this 28th day of October, 2008, being the fourth Tuesday of said month and the regular monthly meeting of the October said County Legislative Body, at the Bill G. Kelley Criminal Justice Complex at Somerville, Tennessee, that pursuant to the provisions of Chapter No. 357 of the Private Acts of Tennessee 1967-1968, and amendments thereto, it shall be unlawful for any person to operate or drive a motor vehicle in excess of 35MPH on Karcher Road from the Somerville City Limit on the North to Feathers Chapel Drive on the South, this road being located in the 1st Civil District of Fayette County, Tennessee, and **BE IT FURTHER RESOLVED** that any person violating the provisions of this Resolution shall be guilty of a misdemeanor and punished accordingly.

Commissioner Logan moved that the following be approved as notaries public: Kimberlye Bledsoe, Scott L. Cook, Katie Doyle, Rebecca Lynn Good, Heidi Joyner, and Andrew L. Renshaw. Motion was seconded by Commissioner Dowdy, and passed unanimously by the Board.

Commissioner Oglesby moved that Ms. Bessie Morrow be appointed to the Library Board to replace Jack Dawson whose term is expiring. Motion was seconded by Commissioner Kelley, and passed unanimously by the Board.

Chairman Taylor called for a brief recess for an Attorney-Client meeting with the County Attorney and the Board of Commissioners.

The meeting resumed with Chairman Taylor reporting for the Mayor's Office. Chairman Taylor stated that a request for bids for construction at the West Fayette Fire Department will be put in the paper tomorrow. He further stated that a conference call with Jennie Fincher, representative of Edulog, is set for Friday, October 31, at 2 PM. Those wishing to be in attendance should be at the school board conference room by 2 PM. Also a meeting is scheduled with Ms. Fincher on November 5, 2008, at the school board conference room, to discuss the status of the installation of the software, how long before it will be operational and who will be handling it. Chairman Taylor also stated that John Pitner, Director of the Planning and Development Office has tendered his resignation, but it has not yet been accepted.

No reports were given for the Sheriff's Department, Board of Education and Juvenile Court.

Jim Smith of Public works reported a fire at the department's modular building which sustained 20 per cent damage from the fire and 50 per cent damage from the water. Mr. Smith commended the Somerville Fire Department for their quick response.

There was no report from Planning and Development, or the Trustee's office.

Commissioner Wilson reported for the Development Committee, stating that the committee met on October 13, 2008. The Committee discussed the adoption of updated FEMA flood maps, and Commissioner Wilson moved that the following resolution be approved. The motion was seconded by Commissioner Dowdle and approved unanimously by the Board as follows:

WHEREAS, pursuant to Tennessee Code Annotated Sections 13-7-101 and 13-7-102, the Fayette County Board of Commissioners has adopted a Zoning Resolution and Zoning Map for Fayette County, and

WHEREAS, pursuant to Tennessee Code Annotated Sections 13-7-105 the Fayette County Board of Commissioners is empowered to amend the number, shape, boundary, area, or any regulation of or within any district or districts or any other provision of the zoning resolution; and

WHEREAS, pursuant to Article IV of the Fayette County Zoning Resolution a public hearing was held on the proposed Amendments by the Fayette County Regional Planning Commission on October 6, 2008, the time and place of which was published with at least five (5) days advance notice in the Fayette Falcon newspaper or general circulation in Fayette County, and

WHEREAS, PURSUANT TO Tennessee Code Annotated Section 13-7-105 and Article IV of the Fayette County Zoning Resolution a public hearing was held before the Fayette County Board of Commissioners on October 28, 2008, the time and place of which was published with at least fifteen (15) days advance notice in the Fayette Falcon newspaper of general circulation in Fayette County;

NOW, THEREFORE, BE IT RESOLVED BY THE FAYETTE COUNTY BOARD OF COMMISSIONERS, IN REGULAR SESSION ASSEMBLED THIS 28TH DAY OF OCTOBER, 2008:

SECTION 1. That Article III Section B, entitled "Basis for Establishing the Areas of Special Flood Hazard" of the Flood Damage Prevention District regulations, which reads: "the areas of Special Flood Hazard identified on the Fayette County, Tennessee, Federal Emergency Management Agency, Flood Insurance Study (FIS) and Flood Insurance Rate Map(FIRM), Community Panel Numbers _____ dated _____ along with all supporting technical data, are adopted by reference and declared to be a part of this Resolution" be revised to read that "the areas of Special Flood Hazard identified on the Fayette County, Tennessee, Federal Emergency Management Agency, Flood Insurance Study (FIS 47048CV00A) and Flood Insurance Rate Maps (FIRM), Community Panel Numbers 47047C0020C-47047C0605C, dated November 5, 2008, along with all supporting technical data, are adopted by reference and declared to be a part of this Resolution."

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its passage, THE PUBLIC WELFARE REQUIRING IT.

The Committee reviewed and discussed the county's trash ordinance as it relates to the height of grass in residential neighborhoods. The issue will be discussed further at the November meeting.

Also discussed was a lease/purchase equipment contract for Public Works. Bids were solicited from local banks for the Public Works Department to finance a used 2007 International 4300 4 X 2 Truck outfitted with a Lift-all LSS60-1S Bucket Unit, and Bancorp South submitted the lowest bid with a 3 year term bearing an interest rate of 3.45 per cent. The Committee voted to forward to Budget with a recommendation for acceptance.

Commissioner Wilson stated that the Committee also voted to move forward with the procedure to adopt the 2006 International Building Code. This process involves putting the code back in the County Clerk's Office for inspection by the Public, and advertising plans to adopt said code in the local paper. Commissioner Wilson moved that the Commission move forward with the adoption procedure, motion was seconded by Commissioner Logan, who also amended the motion to include the phrase "Rafters may be placed twenty-four or 16 inches on center, at the discretion of the builder or the homeowner," and approved unanimously.

The Committee also reviewed and recommended for approval the speed limit on Karcher Road.

Commissioner German reported for the Health and Welfare Committee, stating that the Committee met on October 13, 2008. Among the items discussed was a draft animal control act, which had been modeled after a similar one in Tipton County. The committee asked that the draft be brought up again at next month's meeting.

Commissioner German stated that Sam McKnight, Ambulance Services Director requested that the Commission accept a bid from EMS Consultants, LTD, for third party billing for his department. This was discussed and the Committee forwarded a recommendation to approve the bid for collections from EMS Consultants, LTD, to the Budget Committee.

Also discussed was the request by Mr. McKnight to add a fourth ambulance and crew to the south end of the county in the Hay's Crossing to Rossville area. Mr. McKnight suggested an increase in the wheel tax fees to offset these costs. This subject will be discussed further at the next meeting.

The following resolution authorizing the Fayette County Farmers Market Board was presented for approval. This Board will oversee the operation and administration of the Farmer's Market located off South Main Street in Somerville, and shall consist of five members and two advisors, one Extension representative and one Fayette County Chamber representative, with the Fayette County Mayor as a non-voting ex officio member. One of the five members shall be a County Commissioner. Commissioner German moved that it be approved, motion was seconded by Commissioner Gant and approved unanimously by the Board as follows:

RESOLUTION AUTHORIZING THE FAYETTE COUNTY FARMERS MARKET BOARD

BE IT RESOLVED that the proposed agreement, providing for the "Fayette County Farmer's Market Board" be approved and the Chairman of the Board be and is hereby authorized to executive approval of said agreement by and on behalf of Fayette County.

BE IT ORDAINED by the Fayette County Commission of Fayette County, in the State of Tennessee as follows:

Section 1. There is hereby created a board by action of the Fayette County Commission, to be called the Fayette County Farmers Market Board, hereinafter referred to as the "Board". The Board shall be authorized and empowered to counsel and advise with the County Commission regarding use and operation of the property and facility to be known as the Farmers Market located off South Main Street in Somerville, Tennessee, and to administer and determine policies for the operation of the market as a public facility for the benefit and convenience of the citizens of Fayette County in the sale and purchase of fresh produce and agricultural products grown in and around Fayette County, Tennessee. The Board is charged with the responsibility of seeing that operation and administration of the market is handled by qualified personnel and as may be directed from time to time by the County Commission. All agreements made by the Board with others shall be subject to review and approval of the County Commission. The Board shall not have the right to obligate the county at any time, except by agreement reviewed and approved as above stated. The Board shall have the right to collect and receive all income from operation of the market and to expend the same in administration maintenance, operation, use and development of the market.

Section 2. The Board shall be composed of five (5) members and two (2) advisors (one (1) Extension representative and one (1) Fayette County Chamber Representative), with the County Mayor as a non-voting ex officio member. One of the five members shall be a County Commissioner. All members are nominated by the County Mayor with the County Commission approving the nominations. The terms of the members shall begin immediately upon their appointments and shall end in four years. If at the expiration of any term of office of any member, a successor hereto shall not have been appointed, then the member whose term of office shall have expired shall continue to hold office until his successor shall be appointed. A member may be removed at any time with or without cause, by the County Commission. Each member shall serve without compensation.

Section 3. The Board shall elect one of its members as chairman, one as vice chairman and one as secretary-treasurer. It shall hold such meetings as in the opinion of its members are necessary for the transaction of business of the Board and may adopt such rules and regulations for its operation of the market as are reasonable and proper and in accordance with the laws, ordinances and resolution of the state, county, and city. Special meetings may be held at any time upon the call of the chairman or any two members of the Board. Three (3) members shall constitute a quorum for the conduction of business of the Board.

Section 4. This resolution shall become effective immediately on its adoption and approval.

Adopted this 28th day of October, 2008.

Commissioner German also reported that the tire clean up in Brewer Subdivision that was funded by the \$100,000 grant awarded to the county earlier this year is complete.

The Personnel Committee did not meet.

Commissioner Dowdy then reported for the Criminal Justice/Public Safety Committee, who met on October 14, 2008.

Fire Chief Jerry Ray requested that he be allowed to sell an old fire pumper and a car used by the fire department at the next Sheriff's auction, which is set for December 12, 2008. Commissioner Dowdy moved that the sale be allowed, motion was seconded by Commissioner Brewer, and passed unanimously by the Board.

Commissioner Dowdy then moved that the Sheriff be allowed to auction off surplus vehicles that have been confiscated on December 12, 2008. Motion was seconded by Commissioner Logan and passed unanimously.

A Fire Department budget amendment was approved by the Committee and forwarded to the Budget Committee with recommendation that it be approved.

A representative from Southern Health Partners spoke to the commission about providing medical care for inmates. More discussion will follow on this topic before action is taken.

Commissioner Oglesby then reported for the Education Committee.

Commissioner Oglesby presented a request that Dana Pitman and Linda Barton be added to the Edulog Implementation Committee by consent.

Commissioner Oglesby stated that the Board had been updated on the Federal Desegregation case in the Attorney-Client meeting.

Commissioner Harris reported for the Budget Committee. He moved that the following budget amendment to the General Fund 101 be approved. Motion was seconded by Commissioner Wilson, and passed unanimously as follows:

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RESOLUTION

BE IT RESOLVED, by the County Legislative Body and/or the Board of County Commissioners of Fayette County, Tennessee, in regular sessions on this 28th day of October, 2008, it being the fourth Tuesday of the month and the regular monthly meeting of the County Legislative Body in the Courthouse in Somerville, Tennessee.

That the General Fund #101 Budget Amendment be amended in the following words and figures, to-wit:

**COUNTY GENERAL FUND
BUDGET AMENDMENT
F/Y 08/09
October, 2008**

<u>Adjustment to Revenue Accounts:</u>	INCREASE	DECREASE
47235 Homeland Security Grant		\$109,425.00
TOTAL INCREASE/DECREASE TO REVENUE ACCOUNTS:		\$109,425.00
<u>Adjustment to Expenditure Accounts:</u>	INCREASE	DECREASE
<u>51730 Building</u>		
103 Assistant	\$37,485.00	
105 Supervisor		\$37,485.00
Subtotal-51730	\$37,485.00	\$37,485.00
<u>53330 Drug Court</u>		
351 Rentals		\$ 540.00
355 Travel	\$ 540.00	
Subtotal-53330	\$ 540.00	\$ 540.00
<u>54210 Jail</u>		
167 Maintenance Personnel		\$ 2,737.92
169 Part Time Personnel	\$ 2,737.92	
Subtotal-54210	\$ 2,737.92	\$ 2,737.92
<u>Budget Amendment Fund 101</u>		October, 2008
<u>54310 Fire Prevention</u>		
499 Other Supplies & Materials	\$59,083.00	
708 Communication Equipment	<u>50,342.00</u>	
Subtotal-54310	\$109,425.00	
TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNTS	\$150,187.92	\$40,762.92
Prior Estimated Expenditures		\$13,133,171.00
Total Estimated Expenditures this Amendment		\$13,133,171.00
Projected Fund Balance before Amendment		\$ 3,169,891.00
Change in Fund Balance this Amendment		00.00
Estimated Ending Fund Balance as of June 30, 2009		\$ 2,481,410.00

Commissioner Harris moved that the following amendment to the solid waste budget, fund 116, be approved. Motion was seconded by Commissioner Burnette, and approved unanimously as follows:

BE IT RESOLVED, by the County Legislative Body and/or the Board of County Commissioners of Fayette County, Tennessee, in regular sessions on this 28th day of October, 2008, it being the fourth Tuesday of the month and the regular monthly meeting of the County Legislative Body in the Courthouse in Somerville, Tennessee.

That the Solid Waste Fund #116 Budget Amendment be amended in the following words and figures, to-wit:

**COUNTY SOLID WASTE FUND
BUDGET AMENDMENT
F/Y 08/09
October, 2008**

<u>Adjustment to Revenue Accounts:</u>	INCREASE	DECREASE
49200 Notes Issued		\$198,000.00
TOTAL INCREASE/DECREASE TO REVENUE ACCOUNTS		\$198,000.00
<u>Adjustment to Expenditure Accounts:</u>	INCREASE	DECREASE
<u>55754 Landfill Operation & Maintenance</u>		
733 Solid Waste Equipment	<u>\$198,000.00</u>	
Subtotal-55754	\$198,000.00	
TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNTS	\$198,000.00	
Prior Estimated Expenditures		\$993,269.00
Total Estimated Expenditures this Amendment		\$993,269.00
Projected Fund Balance before Amendment		\$667,116.00
Change in Fund Balance this Amendment		00.00
Estimated Ending Fund Balance as of June 30, 2009		\$545,347.00

Commissioner Harris moved that the following budget amendment to the "other capital projects fund (fund 189)" be approved. Motion was seconded by Commissioner Brewer and approved unanimously as follows:

RESOLUTION

BE IT RESOLVED, by the County Legislative Body and/or the Board of County Commissioners of Fayette County, Tennessee, in regular session on this 28th day of October, 2008, it being the fourth Tuesday of the month and the regular monthly meeting of the County Legislative Body in the Courthouse in Somerville, Tennessee.

That the Other Capital Projects Fund #189 be amended in the following words and figures, to-wit

**OTHER CAPITAL PROJECTS
BUDGET AMENDMENT
F/Y 08/09
October, 2008**

<u>Adjustment to Revenue Accounts:</u>	INCREASE	DECREASE
47990 Other Direct Federal Revenue		<u>\$600,000.00</u>
TOTAL INCREASE/DECREASE TO REVENUE ACCOUNT:		\$600,000.00
 <u>Adjustment to Expenditure Account:</u>		
91190 Other General Government Projects		
331 Legal Services	\$ 3,000.00	
339 Matching Share	23,000.00	
724 Site Development	<u>574,000.00</u>	
Subtotal-91190	\$600,000.00	
 TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNT:	 \$600,000.00	

Commissioner Harris also moved that the following amendment to the Board of Education's General Purpose Fund, Fund 141, be approved. Commissioner Oglesby seconded the motion which was approved unanimously by the Board.

**FAYETTE COUNTY BOARD OF EDUCATION
GENERAL PURPOSE FUND
FUND 141
SEPTEMBER, 2008**

	INCREASE	DECREASE
71000 INSTRUCTION		
71300 VOCATIONAL EDUCATION PROGRAM		
71300 116 ISY Teachers	\$91,560.00	
71300 201 ISY Social Security	\$5,677.00	
71300 204 ISY State Retirement	\$6,204.00	
71300 212 ISY Medicare	\$1,320.00	
71300 299 ISY Other Fringe Benefits	\$48.00	
71300 730 ISY Vocational Education Equipment	\$42,840.00	
71300 116 SY1 Teachers	\$5,625.00	
71300 201 SY1 Social Security	\$349.00	
71300 204 SY1 State Retirement	\$401.00	
71300 212 SY1 Medicare	\$82.00	
71300 299 SY1 Other Fringe Benefits	\$22.00	
71300 116 OSY Teachers		\$45,500.00
71300 201 OSY Social Security		\$7,021.00
71300 204 OSY State Retirement		\$2,840.00
71300 212 OSY Medicare		\$600.00

100	SUPPORT SERVICES			
130	OTHER STUDENT SUPPORT			
130 189 EUDL	Other Salaries and Wages		\$80.00	
130 204 EUDL	State Retirement		\$39.00	
130 299 EUDL	Other Fringe Benefits			\$1.00
130 355 EUDL	Travel		\$270.00	
130 429 EUDL	Instructional Supplies and Materials			\$388.00
	TOTAL:		\$389.00	\$389.00

230	VOCATIONAL EDUCATION PROGRAM			
230 189 ISY	Other Salaries and Wages		\$62,491.00	
230 201 ISY	Social Security		\$4,161.00	
230 204 ISY	State Retirement		\$4,914.00	
230 207 ISY	Health Insurance		\$3,426.00	
230 212 ISY	Medicare		\$982.00	
230 299 ISY	Other Fringe Benefits		\$758.00	
72230 307 ISY	Communications			\$132.00
72230 336 ISY	Maintenance/Repair Service		\$798.00	
72230 355 ISY	Travel			\$1,844.00
72230 499 ISY	Other Supplies and Materials		\$29,680.00	
72230 599 ISY	Other Charges		\$83,968.00	
72230 189 OSY	Other Salaries and Wages		\$95,223.00	
72230 201 OSY	Social Security		\$5,858.00	
72230 204 OSY	State Retirement		\$8,377.00	
72230 207 OSY	Health Insurance		\$2,574.00	
72230 212 OSY	Medicare		\$1,370.00	
72230 299 OSY	Other Fringe Benefits		\$484.00	
72230 307 OSY	Communications			\$1,020.00
72230 355 OSY	Travel			\$2,832.00
72230 499 OSY	Other Supplies and Materials		\$5,650.00	
72230 599 OSY	Other Charges		\$29,623.00	
	TOTAL:		\$191,178.00	\$154,987.00

72610	OPERATION OF PLANT			
72610 415 ISY	Electricity		\$5,472.00	
72610 415 OSY	Electricity			\$12,000.00
	TOTAL:		\$5,472.00	\$12,000.00

72710	TRANSPORTATION			
72710 412 ISY	Diesel Fuel		\$83,025.00	
72710 412 OSY	Diesel Fuel			\$188.00
	TOTAL:		\$83,025.00	\$188.00

73300	COMMUNITY SERVICES			
73300 499 FEF	Other Supplies and Materials		\$8,971.36	
	TOTAL:		\$8,971.36	\$0.00

GRAND TOTAL: \$443,477.36 \$219,530.00

Total Increase: \$223,947.36

Reserve: 39000 Undesignated Fund Balance (\$60.00)

Revenues: 44570 FEF Contributions and Gifts \$8,971.36
 47590 ISY Other Federal Thru State \$425,662.00
 47590 OSY Other Federal Thru State (\$217,225.00)
 47590 SY1 Other Federal Thru State \$6,479.00
 Total: \$223,887.36

venue: Prior Total Available Funds \$26,270,500.70
 Total Increase This Amendment \$223,887.36
 Total Available Funds This Amendment \$26,494,388.06

penditure: Prior Total Estimated Expenditures \$26,159,955.00
 Total Increase This Amendment \$223,247.26
 Total Estimated Expenditures This Amend. \$26,383,202.26

- C "Summer Youth" Program is being added to budget
- D "In School Youth" Program is being adjusted to approved grant allocation
- E "Out of School Youth" Program is being taken out, not being done for 08-09
- F "Enforcing Underage Drinking Laws" Program being adjusted to approved grant
- G "Fayette County Education Foundation" grant being put in budget

Commissioner Harris moved that the following amendments to the Board of Education's Federal Project Fund, fund 142, subfund 101, subfund 122, subfund 102(reading First) and General Purpose Fund 141, and Fund 142(subfund 911) be approved. Motion was seconded by Commissioner Dowdy and approved unanimously by the Board as follows:

FAYETTE COUNTY BOARD OF EDUCATION
 FEDERAL PROJECTS FUND
 FUND 142
 SUBFUND 101 - TITLE I
 SEPTEMBER, 2008

		INCREASE	DECREASE
71000	INSTRUCTION		
71100	REGULAR INSTRUCTION PROGRAM		
71100 103	Educational Assistants		
71100 190	Substitute Teachers	\$55,777.00	
71100 201	Social Security	\$1,000.00	
71100 203	State Retirement	\$3,520.00	
71100 212	Medicare	\$9,740.00	
71100 299	Other Fringe Benefits	\$824.00	
71100 429	Instructional Supplies and Materials	\$222.00	
71100 722	Regular Instruction Equipment	\$59,989.00	
	TOTAL:	\$59,999.00	
		\$185,072.00	\$0.00
72000	SUPPORT SERVICES		
72210	REGULAR INSTRUCTION PROGRAM		
72210 207	Health Insurance		
72210 299	Other Charges	\$6,000.00	
	TOTAL:		\$6,000.00
		\$6,000.00	\$25,536.00
72710	TRANSPORTATION		
72710 599	Other Charges		
	TOTAL:		\$25,536.00
		\$0.00	\$95,536.00
	GRAND TOTAL:	\$191,072.00	\$191,072.00

Total Increase/Decrease: \$0.00

Funds needed for assistants, supplies, and equipment not budgeted in original budget.

FAYETTE COUNTY BOARD OF EDUCATION
 FEDERAL PROJECTS FUND
 FUND 142
 SUBFUND 122 - SCHOOL IMPROVEMENT CARRYOVER
 SEPTEMBER, 2008

		INCREASE	DECREASE
72000	SUPPORT SERVICES		
72210	REGULAR EDUCATION PROGRAM		
72210 355	Travel	\$7,617.86	
72210 524	Inservice/Staff Development	\$106,912.20	
	TOTAL:	\$114,530.06	\$0.00

Total Increase/Decrease: \$114,530.06

Revenue:	47141 ESEA Title I Program Improvement	\$114,530.06
Revenue:	Prior Total Available Funds	\$3,947,869.16
	Total Increase This Amendment	\$114,530.06
	Total Available Funds This Amendment	\$4,062,399.22
Expenditures:	Prior Total Estimated Expenditures	\$3,947,869.16
	Total Increase This Amendment	\$114,530.06
	Total Estimated Expenditures This Amendment	\$4,062,399.22

Program Improvement Carryover Funds used for staff development through University of Memphis

FAYETTE COUNTY BOARD OF EDUCATION
 FEDERAL PROJECTS FUND
 FUND 142
 SUBFUND 102 - READING FIRST
 SEPTEMBER, 2008

		INCREASE	DECREASE
71000	INSTRUCTION		
71100	REGULAR EDUCATION PROGRAM		
71100 116	Teachers	\$89,268.00	
71100 201	Social Security	\$5,534.62	
71100 204	State Retirement	\$5,731.01	
71100 212	Medicare	\$1,294.39	
71100 299	Other Fringe Benefits	\$348.16	
71100 429	Other Supplies and Materials	\$120,000.00	
	TOTAL:	\$222,176.18	\$0.00

Total Increase: \$222,176.18

Revenue:	47590 Other Federal Funds	\$222,176.18
Revenue:	Prior Total Available Funds	\$4,062,399.22
	Total Increase This Amendment	\$222,176.18
	Total Available Funds This Amendment	\$4,284,575.40
Expenditures:	Prior Total Estimated Expenditures	\$4,062,399.22
	Total Increase This Amendment	\$222,176.18
	Total Estimated Expenditures This Amendment	\$4,284,575.40

Reading First Carryover funds and new funds for supplies required by Reading First

FAYETTE COUNTY BOARD OF EDUCATION
 GENERAL PURPOSE FUND
 FUND 141
 OCTOBER, 2008

		INCREASE	DECREASE
72000	SUPPORT		
72310	BOARD OF EDUCATION		
72310 331	Legal Services	\$10,000.00	
	TOTAL:	\$10,000.00	\$0.00
72710	TRANSPORTATION		
72710 729	Transportation Equipment	\$970,000.00	
	TOTAL:	\$970,000.00	\$0.00
75000	CAPITAL OUTLAY		
75100	REGULAR CAPITAL OUTLAY		
75100 707	Building Improvements	\$100,000.00	
	TOTAL:	\$100,000.00	\$0.00
	GRAND TOTAL:	\$1,080,000.00	\$0.00
Total Increase: \$1,080,000.00			
Revenue:	48130 Contributions	\$1,080,000.00	
Revenue:	Prior Total Available Funds	\$26,494,388.14	
	Adjustments to Prior Year	\$31,224.44	
	Total Increase This Amendment	<u>\$1,080,000.00</u>	
	Total Available Funds This Amendment	\$27,605,612.58	
Expenditure:	Prior Total Estimated Expenditures	\$26,383,902.36	
	Total Increase This Amendment	<u>\$1,080,000.00</u>	
	Total Estimated Expenditures This Amend.	\$27,463,902.36	

Bond proceeds for purchase of buses and other capital outlay needs.

FAYETTE COUNTY BOARD OF EDUCATION
 FEDERAL PROJECTS FUND
 FUND 142
 SUBFUND 911 - PRESCHOOL
 OCTOBER, 2008

		INCREASE	DECREASE
71000	INSTRUCTION		
71200	SPECIAL EDUCATION PROGRAM		
71200 499	Other Supplies and Materials	\$284.00	
	TOTAL:	\$284.00	\$0.00

Total Increase: \$284.00

Revenue: 47145 Special Education Preschool Grants \$284.00

Revenue: Prior Total Available Funds \$4,284,575.40
 Total Increase This Amendment \$284.00
 Total Available Funds This Amendment \$4,284,859.40

Expenditures: Prior Total Estimated Expenditures \$4,284,575.40
 Total Increase This Amendment \$284.00
 Total Estimated Expenditures This Amendment \$4,284,859.40

Additional allocation received for preschool

Commissioner Harris moved for approval of a "Returned Check Policy" for the Fayette County Clerk's Office with the exception of the returned check fee, which was changed to \$20.00, or the amount of the check, whichever is less. Motion was duly seconded and passed unanimously as follows:

FAYETTE COUNTY CLERK'S OFFICE
RETURNED CHECK POLICY
October 1, 2008

BE IT KNOWN that as of the above date, checks made payable to this office and returned by the bank not paid will be handled in the following manner:

1. A certified letter will be written to the payor on the date that the check is returned by the bank, advising that the check must be picked up in no later than fifteen (15) days. There will be a \$20.00 returned check fee (or the amount of the check, whichever is less,) added to the amount of the check to cover the cost of the letter.
2. If the check is not picked up within the 15 days, the transaction will for which the check was written will be voided with the state, and it will not show up in the system. If the check was written for a business license, the business license will be voided, and the account will remain "unpaid" until the check is picked up.
3. The system will be flagged if the check is not picked up within 15 days, and NO FURTHER TRANSACTIONS for the customer will take place until the check is paid.
4. The check will be turned over to the General Sessions Court Clerk's Office for collection by the Sheriff's Department 15 days after the initial 15 day period is up.

Adopted this 28th day of October, 2008.

Commissioner Harris moved that the Commission grant permission for the Fayette County Fire Department to sell a 2001 Ford car and a 1979 Mack Engine, and for the Fayette County Solid Waste Department to sell the following pieces of equipment at an auction jointly with the Public Works Department: a 1990 Caterpillar trackloader, a 1995 John Deere backhoe, and a 1999 GMC Van. Motion was seconded by Commissioner German and passed unanimously.

Commissioner Harris moved that the following "Resolution authorizing the schedule of reasonable charges for copies of public records" be adopted. Motion was seconded by Commissioner Dowdy and passed unanimously.

October 28, 2008

WHEREAS, the State of Tennessee has passed Section 6 of Public Chapter 1179, Acts of 2008 ("Public Chapter 1179") which adds T.C.A. Section 8-4-604(a)(1) which requires the Office of Open Records Counsel to establish a schedule of reasonable charges which may be used as a guideline in establishing charges or fees, if any, to charge a citizen requesting copies of public records under the Tennessee Public Records Act (T.C.A. Sections 10-7-503, et seq.); and,

WHEREAS, the Office of Open Records Counsel has developed and issued a policy which satisfies T.C.A. Section 8-4-604(a)(1) and which will be annually reviewed, and;

WHEREAS, Fayette County seeks to conform to state law and to adopt a standard procedure for the copying of public records;

NOW THEREFORE, be it resolved by the Fayette County Commission, meeting in regularly scheduled monthly session on October 28, 2008, at the Bill G Kelly Justice Complex in Somerville, Tennessee, that the following policy, formed by the Office of Open Records, will be adopted and annually reviewed and modified to conform to state law:

SCHEDULE OF REASONABLE CHARGES FOR COPIES OF PUBLIC RECORDS

Section 6 of Public Chapter 1179, Acts of 2008 ("Public Chapter 1179") adds T.C.A. Section 8-4-604(a)(1) which requires the Office of Open Records Counsel ("OORC") to establish a schedule of reasonable charges ("Schedule of Reasonable Charges") which may be used as a guideline in establishing charges or fees, if any, to charge a citizen requesting copies of public records under the Tennessee Public Records Act (T.C.A. Sections 10-7-503, et seq.) ("TPRA"). The development date of the Schedule of Reasonable Charges is October 1, 2008, and notification of the development will be given to the Tennessee Code Commission on October 31, 2008. This Schedule of Reasonable Charges will be reviewed at least annually by the OORC.

The TPRA grants Tennessee citizens the right to request a copy of a public record to which access is granted under state law. Public Chapter 1179 adds T.C.A. Section 10-7-503(a)(7)(A) which expressly prohibits a records custodian from charging a fee for inspection under the TPRA unless otherwise required by law. However, the TPRA in

T.C.A. Section 10-7-506 does permit records custodians to charge for copies or duplication pursuant to properly adopted reasonable rules.

This Schedule of Reasonable Charges should not be interpreted as requiring a records custodian to impose charges for copies or duplication of public records. If a records custodian determines to charge for copies or duplication of public records, such determination and schedule of charges must be pursuant to a properly adopted rule and evidenced by a written policy authorized by the governmental entity's governing authority. Application of an adopted schedule of charges shall not be arbitrary. Additionally, excessive fees and other rules shall not be used to hinder access to non-exempt, public records. A records custodian may reduce or waive, in whole or in part, any charge only in accordance with the governmental entity's properly adopted written policy. Pursuant to Tennessee case law, a records custodian may also require payment for the requested copies or duplication prior to the production of the copies or duplication.

Copy Charges

- A records custodian may assess a charge of 15 cents per page for each standard 8 ½ x 11 or 8 ½ x 14 black and white copy produced. A records custodian may assess a requestor a charge for a duplex copy that is the equivalent of the charge for two (2) separate copies.
- If a public record is maintained in color, the records custodian shall advise the requestor that the record can be produced in color if the requestor is willing to pay a charge higher than that of a black and white copy. If the requestor then requests a color copy, a records custodian may assess a charge of 50 cents per page for each 8 ½ x 11 or 8 ½ x 14 color copy produced.
- If a records custodian's actual costs are higher than those reflected above or if the requested records are being produced on a medium other than 8 ½ x 11 or 8 ½ x 14 paper, the records custodian may develop its own charges. The records custodian must establish a schedule of charges documenting "actual cost" and state the calculation and reasoning for its charges in a properly adopted policy. A records custodian may charge less than those charges reflected above. Charges greater than 15 cents for black and white, and 50 cents for color, can be assessed or collected only with documented analysis of the fact that the higher charges actually represent such governmental entity's cost of producing such material; unless there exists another basis in law for such charges.
- The TPRA does not distinguish requests for inspection of records based on intended use, be it for research, personal, or commercial purposes. Likewise, this Schedule of Reasonable Charges does not make a distinction in the charges assessed an individual requesting records under the TPRA for various purposes. Other statutory provisions, such as T.C.A. Section 10-7-506(c), enumerate fees that may be assessed when specific documents are requested for a specific use. Any distinctions made, or waiver of charges permitted, must be expressly permitted in the adopted policy.

Additional Production Charges

- A records custodian shall utilize the most cost efficient method of producing the requested records.
- Delivery of copies of records to a requestor is anticipated to be by hand delivery when the requestor returns to the custodian's office to retrieve the requested records. If the requestor chooses not to return to the records custodian's office to retrieve the copies, the records custodian may deliver the copies through means of the United States Postal Service and the cost incurred in delivering the copies may be assessed in addition to any other permitted charge. It is within the discretion of a records custodian to deliver copies of records through other means, including electronically, and to assess the costs related to such delivery.
- If a records custodian utilizes an outside vendor to produce copies of requested records because the custodian is legitimately unable to produce the copies in his/her office, the cost assessed by the vendor to the governmental entity may be recovered from the requestor.
- If the records custodian is assessed a charge to retrieve requested records from archives or any other entity having possession of requested records, the records custodian may assess the requestor the cost assessed the governmental entity for retrieval of the records.

Labor Charges

- "Labor" is defined as the time reasonably necessary to produce the requested records and includes the time spent locating, retrieving, reviewing, redacting, and reproducing the records.
- "Labor threshold" is defined as the labor of the employee(s) reasonably necessary to produce requested material for the **first hour** incurred by the records custodian in producing the material. A records custodian is not required to charge for labor or may adopt a labor threshold higher than the one reflected above.
- A records custodian is permitted to charge the hourly wage of the employee(s) reasonably necessary to produce the requested records above the "labor threshold." The hourly wage is based upon the base salary of the employee(s) and does not include benefits. If an employee is not paid on an hourly basis, the hourly wage shall be determined by dividing the employee's annual salary by the required hours to be worked per year. For example, an employee who is expected to work a 37.5 hour work week and receives \$39,000 in salary on an annual basis will be deemed to be paid \$20 per hour.

Again, a records custodian shall utilize the most cost efficient method of producing the requested records.

- In calculating the charge for labor, a records custodian shall determine the number of hours each employee spent producing a request. The records custodian shall then subtract the one (1) hour threshold from the number of hours the highest paid employee(s) spent producing the request. The records custodian will then multiply the total number of hours to be charged for the labor of each employee by that employee's hourly wage. Finally, the records custodian will add together the totals for all the employees involved in the request and that will be the total amount of labor that can be charged.

• Example:

The hourly wage of Employee #1 is \$15.00. The hourly wage of Employee #2 is \$20.00. Employee #1 spends 2 hours on a request. Employee #2 spends 2 hours on the same request. Because employee #2 is the highest paid employee, subtract the one hour threshold from the hours employee #2 spent producing the request. Multiply the number of hours each employee is able to charge for producing the request by that employee's hourly wage and then add the amounts together for the total amount of labor that can be charged (i.e. $(2 \times 15) + (1 \times 20) = \50.00). For this request, \$50.00 could be assessed for labor.

This resolution shall become effective immediately on its adoption and approval.

Adopted this 28th day of October, 2008.

Commissioner Harris moved that a request for a \$2,500,000 from Debt Service to the General Fund to alleviate a short term cash flow, to be used for salaries. These funds will be paid back by June 30, 2009 from taxes accumulated and due to the General Fund. Motion was seconded by Commissioner Burnette and passed unanimously by the Board.

Commissioner Harris moved that a request for a lease/purchase equipment loan from Bancorp South in the amount of \$70,350 for three years at 3.45 per cent interest be approved. Motion was seconded by Commissioner German and passed unanimously.

Sam McKnight, Ambulance Services Director, introduced Grant Patterson from EMS Consultants, LTD., a third party billing service, who spoke to the Commission regarding a contract to collect past due payments owed to the Fayette County Ambulance Service. Mr. Patterson stated that his company has an 85 per cent collection rate on Medicare and Medicaid accounts.

Commissioner German moved that the one year contract with EMS Consultants, LTD be approved. Motion was seconded by Commissioner Harris. After much discussion the motion was amended stating that if accounts became delinquent they would automatically be turned over to a collection agency. The motion passed by a margin of 17 to 1, with Commissioner Logan voting "No".

Dana Pitman then addressed the Board and requested that as they were studying the exemption of wheel tax for enlisted national guard members to consider exempting volunteer firemen and first responders who volunteer so much time to helping the citizens of the county at their own expense.

Commissioner Ed Allen inquired as to the status of the Methodist Fayette bill owed the County, and was told they still owe it.

Commissioner Logan stated that he wished to see the report on monies not collected for Ambulance services.

With no further business before the Board, the meeting was adjourned.

Rhea Taylor, Fayette County Mayor

Sue W. Culver, Fayette County Clerk