

## FAYETTE COUNTY LEGISLATIVE BODY

September 22, 2009

**BE IT REMEMBERED** that the Fayette County Legislative Body met in regular session at the Bill G. Kelley Criminal Justice Complex in Somerville, Tennessee, on the 22<sup>nd</sup> day of September, 2009. 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, Joann Allen, Steve Anderson, Charles Brewer, Joe D. Burnett, Jr., Larry Cook, Odis Cox, Lee "Sissy" Dowdle, John Dowdy; Willie German, Jr., Tom Karcher, Bill Kelley, David Lilliard, Sylvester Logan, George McCloud, and Claude Oglesby.

Commissioners Gant, Harris, and Wilson were absent.

A quorum was met with sixteen (16) Commissioners present.

The floor was opened to the public for comments on non-agenda items. Gary Bullwinkle of 5780 Yum-Yum Road, Somerville, Tennessee addressed the Haywood County Megasite, and the lack of information given to the Mayor and the Commission regarding the matter. Mr. Bullwinkle stated that the majority of the property owners on Fredonia and Thorpe Roads are African-American and that they have not been asked if they wanted to sell their land. He stated that this is an example of gross discrimination. However, the property owners do not wish to sell, but neither do they wish to be pushed off their property by the need to four-lane their roads, nor do they want their lives or health endangered by industrial runoff from the site. Mr. Bullwinkle stated that the forty million dollars in funds will be disbursed on Tuesday of next week, this is no longer an idea, this is going to happen, and it will ruin northern Fayette County. The Megasite Board is made up of people from Haywood County, and will be state run, this board will have the authority to cross County lines and condemn property. There is no one to regulate whose property will be condemned, or how industrial waste will be disposed.

Commissioner German moved that the minutes from July 28, 2009, be approved. The motion was seconded by Commissioner Dowdy, and passed unanimously by the Board.

Commissioner Brewer moved that the minutes from August 25, 2009 be approved. The motion was seconded by Commissioner Dowdle and passed unanimously.

The floor was then opened for a public hearing in the matter of rezoning from R-1 to Special Activities – Agricultural, a one acre piece of property to enlarge an existing commercial site to meet the needs of a new Crop Production Services facility. This facility will warehouse farm seed, chemicals, and fertilizers for sale and distribution to farmers.

Keith Flaniken and Craig Massey addressed the Board "In Favor" of the motion to rezone. Mr. Flaniken and Mr. Massey stated that CPS has been in business for three

years, but has been located in Hardeman County. The business has outgrown it's current location. They further stated that there will not be a lot of traffic going in and out, as most of the inventory will be delivered to customers.

Also speaking "For" the rezoning was Dale Hillman, who resides at 315 Day Road, who stated that he thought the business would be good for the community. The building will look nice, and all safety measures are being met.

Speaking "Against" the rezoning was Clinton Hamer, who resides at 20 Day Road. Mr. Hamer stated that he did not want the facility there because it would be right in his door. And if one Commercial facility comes in there will be others to follow.

At this point Chairman Taylor stated that a petition had been circulated protesting the rezoning, but that some of the people whose names appeared on the petition stated that they did not sign it, therefore, it could not be considered.

Commissioner McCloud moved that the rezoning be approved. The motion was seconded by Commissioner Cook and passed unanimously by the Board as follows:

A RESOLUTION TO AMEND THE FAYETTE COUNTY ZONING MAP  
TO REZONE FROM R-1 RURAL RESIDENTIAL TO SA-A SPECIAL  
ACTIVITY AGRIBUSINESS A CERTAIN TRACT OF LAND LOCATED  
NORTH OF U.S. HIGHWAY 64 IN CIVIL DISTRICT NUMBER 2

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 following submission of the amendment to the regional planning commission for its approval, disapproval or suggestions and following a public hearing at least fifteen (15) days notice of the time and place of which is given by one (1) publication in a newspaper of general circulation in the county; and

WHEREAS, pursuant to Article IV of the Fayette County Zoning Resolution a public hearing was held on the proposed Amendment by the Fayette County Regional Planning Commission on September 8, 2009, the time and place of which was published with at least five (5) days advance notice in the Fayette Falcon newspaper of 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 on the proposed Amendment by the Fayette County Board of Commissioners on September 22, 2009, 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 22<sup>TH</sup> DAY OF SEPTEMBER, 2009:

SECTION 1. That the following described 10.00 acres of land owned by the Elizabeth M. Freeland Estate, Et. Al. (Deed Book 66, Page 6, and Deed Book 77, Page 254) north of U.S. Highway 64 identified as part of Parcel 1.00 on Tax Map 75 be rezoned from R-1 RURAL RESIDENTIAL TO SA-A SPECIAL ACTIVITY AGRIBUSINESS:

Description of part of the Elizabeth M. Freeland Estate, Et. Al. property recorded in Book 66, Page 6 and Book 77, Page 254 in Civil District No. 2, Fayette County, Tennessee:

Beginning at a set 1/2" rebar with plastic cap in the north line of U.S. Highway 64 (R.O.W. varies), said point being located 2328.99 feet east of the east line of the Wilbur Hayes, Jr. and wife, Hattie L. Hayes property recorded in Book 483, Page 462 as measured along the north line of said U.S Highway 64; thence across the Elizabeth M.

Freeland Estate, Et. Al. property recorded in Book 66, Page 6 and Book 77, Page 254 the following calls: north 46 degrees 58 minutes 27 seconds west, 786.77 feet to a set 1/2" rebar with plastic cap located 55 feet more or less south of the centerline of L & N Railroad (abandoned); north 58 degrees 58 minutes 37 seconds east, 55 feet more or less south of and parallel to the centerline of said abandoned L & N Railroad, 560.68 feet to a set 1/2" rebar with plastic cap; south 50 degrees 29 minutes 24 seconds east, 822.06 feet to a set 1/2" rebar with plastic cap in the north line of said U.S. Highway 64; thence in a southwesterly direction with the north line of said U.S. Highway 64 the following calls: south 76 degrees 24 minutes 36 seconds west, 136.72 feet to a set cotton picker spindle; south 59 degrees 42 minutes 39 seconds west, 200.00 feet to a set cotton picker spindle; south 52 degrees 35 minutes 09 seconds west, 201.56 feet to a found concrete monument; south 57 degrees 20 minutes 51 seconds west, 87.72 feet to a the point of beginning and containing 10.000 acres of land as per survey dated August 3, 2009 prepared by Regis T. Storch, Jr., P.L.S. #2138, Vice President of Milestone Land Surveying, Inc. with an office located at 120 East Court Square, Suite 102, Somerville, Tennessee 38068.

THIS RESOLUTION SHALL BE EFFECTIVE IMMEDIATELY UPON IT'S PASSAGE, PUBLIC WELFARE REQUIRING IT.

Commissioner Anderson moved that the following notaries be approved: Sandol L. Johnson, Susan H. Mims, and Olivia L. Parker. The motion was seconded by Commissioner Karcher, and approved unanimously.

Commissioner Burnette moved that the following candidates be appointed to the Somerville-Fayette County Library Board of Trustees: Bobbi Pratt, Cathleen(Cathy) Stanz, David Crislip, and Ronnie McCarty. Commissioner Kelley seconded the motion, which was approved unanimously.

Commissioner Anderson moved that the following rules and procedures be adopted. The motion was seconded by Commissioner Joann Allen, and passed unanimously.

Rule 1: Convening the County Legislative Body

The county legislative Body shall conduct it's regular meetings at the Bill G. Kelley Criminal Justice Complex 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.

Rule 2: Quorum

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.

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, in 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 into 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 AppointmentsRule 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, will be nominated by the County Mayor, 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 OfficerRule 11A: Election

Annually, at its 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 County 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 seat for that purpose. He shall decide questions of order, subject to an appeal to the County Legislative Body by any member.

Rule 11E: Members Speaking

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 approval to a committee by the County Legislative Body, the members of the committee shall convene and elect a chairman, vice chairman, and a secretary from its membership

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 packet, 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 extended 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 three 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.

In the absence of the Chairman Pro Tem, County Attorney Richard Rosser presided over the meeting for the election of the Chairman for next year. Commissioner Anderson nominated Mayor Rhea Taylor. Commissioner Oglesby moved that the nomination cease and Mayor Taylor be elected by acclamation. The motion was duly seconded and passed unanimously.

Chairman Taylor then presided over the rest of the meeting. Commissioner Burnette moved that the Chairman's salary be set the same as last year's, which was no salary. The motion was seconded by Commissioner Anderson, and passed unanimously.

Commissioner Burnette nominated Commissioner Ronnie Harris as Chairman Pro Tempore. Commissioner Burnette moved that the nomination cease and Commissioner Harris be elected by acclamation. The motion was seconded by Commissioner Brewer and passed unanimously by the Board.

Commissioner Anderson moved that the Chairman Pro Tempore salary be set the same as last year's, which was no salary. The motion was seconded by Commissioner Cook, and passed unanimously.

Commissioner Burnette moved that the following committee appointments be approved for the coming year. The motion was seconded by Commissioner Dowdy and passed unanimously.

*The following committees will meet on the Monday, before the 2<sup>nd</sup> Tuesday each month at the times listed:*

*\*Chairperson*

Development Committee – 5:30 p.m.	Health & Welfare Committee – 6:15 p.m.	Personnel Committee – 7:00 p.m.
*Myles Wilson Charles Brewer Larry Cook Odis Cox Ron Gant	*Willie German Joann Allen Ron Gant Tom Karcher George McCloud	*Joe Burnette Odis Cox Tom Karcher Bill Kelley Sylvester Logan

The following committees will meet on the 2<sup>nd</sup> Tuesday each month at the times listed:

Criminal Justice & Public Safety – 5:30 p.m.	Education Committee – 6:15 p.m.	Budget Committee – 7:00 p.m.
*John Dowdy Steve Anderson Larry Cook Bill Kelley David Lillard	*Claude Oglesby Ed Allen Charles Brewer Sissy Dowdle Ronnie Harris	*Ronnie Harris Joe Burnette Sissy Dowdle John Dowdy Willie German David Lillard Claude Oglesby Myles Wilson

Chairman Taylor stated that Commissioner's packets included financial reports from the Public Works Board and Fayette County.

No reports were given for the Sheriff's Department, Board of Education, Juvenile Court, Board of Public Works, Trustee's Office or Planning and Development Office.

Chairman Taylor reported for the Mayor's office, stating that a board of seven people from Haywood County had been appointed to oversee the Megasite. The meeting in Nashville has been moved to next Tuesday, and that's when they are talking about releasing the funds. As far as he knows nothing has been nailed down. There are about 300 acres located in Fayette County that will be a part of this site. Commissioner Joann Allen asked the Mayor if it was true that the industrial waste site could be put in Fayette County. Chairman Taylor told her that we have strict rules in Fayette County, and it was his understanding that the Loosahatchie River would be unable to handle having anymore waste dumped in it, and he doubted that anyone could get permission to do so. Chairman Taylor stated that he and the Haywood County Mayor and County Commission have already been sued over this megasite location.

Commissioner Anderson stated that he would like to recommend approval of a resolution to follow the Mayor's resolution in the Megasite matter. Commissioner Anderson stated that since the County Commission did not know enough about the decisions that were being made regarding the Megasite, that the Board pass the following resolution to ask for assistance in doing due diligence into the matter. Commissioner Logan yielded the floor to Gary Bullwinkle who again addressed his concerns and those of other residents in the area. Mr. Bullwinkle stated that the government has put tens of millions of dollars into this project, and yet has not discussed with Fayette County the types of businesses that would be going into the site. He said it could be a good thing, but what if they decide to put another President's Island there, it will ruin the property values in northern Fayette County. A roll call vote was called for by Commissioner McCloud, and the following resolution passed unanimously upon such vote.

**RESOLUTION REGARDING THE TENNESSEE-HAYWOOD COUNTY  
MEGASITE PROJECT**

**WHEREAS**, Haywood County sought and obtained the status of TVA Megasite in July 2005, with the assistance of the McCallum Sweeney Consulting firm of Greenville, South Carolina, for a tract of land in southern Haywood County off of State Hwy. 222;

**WHEREAS**, the designation of Megasite allows the site to be marketed for all types of manufacturing, from automobiles to appliances to the newer green technologies;

**WHEREAS**, approximately 1700 acres in the Megasite are close to the Fayette County line and will heavily influence the development along Interstate 40 and into the northern tier of Fayette County;

**WHEREAS**, the Fayette County Commission, as the elected representatives of the people of Fayette County, have received little information and no opportunity for input into the TVA Megasite status or the legislation establishing a governing board for the Megasite;

**WHEREAS**, neither the growth plans or the zoning for either Haywood County or Fayette County provide for the zoning necessary for the TVA Megasite;

**WHEREAS**, the State of Tennessee has budgeted approximately Forty (40) Million dollars for land acquisition and infrastructure improvements at the Megasite;

**WHEREAS**, the property in the Megasite lies within Haywood County but Haywood County has acquired options for land in Fayette County, and TVA conducted the site selection in a manner, which some Fayette County citizens allege to be racially discriminatory;

**WHEREAS**, the Megasite project has become a reality with the passage of the State Budget and not a speculative venture, and will initially be developed as a government project;

**WHEREAS**, T.C.A. 64-6-101, et seq. has set forward the method limiting and perhaps preventing Fayette County participation and influence in the Megasite project; and

**WHEREAS**, no information has been provided to the Fayette County Commission on the number of jobs that the TVA Megasite can reasonably be expected to provide or about the cost to Fayette County taxpayers to provide infrastructure for the TVA Megasite and its ancillary development;

**NOW, THEREFORE, BE IT RESOLVED** by the County Commission of Fayette County that:

1. We respectfully petition the Governor of Tennessee, the Commissioner of Economic and Community Development and the State Building Commission to assist the Fayette County Commission in performing its due diligence in determining:

(A) if the TVA Megasite will be a financial benefit or burden to Fayette County;

(B) if state funds may be expended for purchase of land without investigating the claims of certain minority landowners alleging specific discriminatory actions taken by Haywood County and TVA;

(C) which environmental safeguards that private industry must meet are not applicable to this "green" TVA project;

(D) if the Fayette County growth plan and zoning will be circumvented by the State or the Haywood County Megasite Authority;

(E) if Fayette County taxes may be abated by payments in lieu of taxes or other means employed by the State or the Haywood Megasite Authority; and

(F) what infrastructure Fayette County will be expected to provide in connection with the TVA Megasite in the next 20 years.

2. We request information from the Governor of Tennessee, the Commissioner of Economic and Community Development and the State Building Commission regarding what participation will be granted to Fayette County citizens on the Haywood County Megasite Authority formed pursuant to T.C.A. 64-6-101, et seq.

3. We request a delay of state funding for the TVA Megasite until the requested information can be provided to the Fayette County Commission.

4. Copies of this resolution shall be forwarded to the Governor of Tennessee, the Tennessee Commissioner of Economic and Community Development, and the Tennessee State Building Commission.

**Adopted this 22<sup>nd</sup> day of September, 2009.**

Commissioner Joann Allen moved that the Mayor be given authority to contact the proper authorities in Nashville to ask for a meeting to answer the questions that we have regarding the megasite. The motion was seconded by Commissioner Anderson and passed unanimously.

Chairman Taylor reported for the Development Committee in the absence of Commissioner Wilson, stating that the resolution to rezone from R-1 to Special Activities a piece of property for Crop Production Systems was discussed. The Committee recommended approval to the full Commission, and the application was approved earlier in this meeting.

The Health and Welfare Committee did not meet.

The Personnel Committee did not meet, but had a motion tabled from last month regarding the amount of sick time and vacation time allowed ambulance service employees each month. Sam McKnight, Ambulance Service Director, addressed the Board regarding the matter and stated that 12 hours of sick time and 12 hours of vacation would assist him in ensuring more efficient management of the ambulance service budget and was considered fair by the employees. Motion was made by Commissioner Logan and seconded by Commissioner Brewer to approve the 12 hours sick time and 12 hours vacation time per month. The motion passed unanimously by the Board.

The Criminal Justice/Public Safety Committee did not meet.

Commissioner Oglesby reported for the Education Committee, stating that the Committee had recommended the Library Board appointees for approval. Mr. Wilson, Superintendent of Schools had presented a revised budget for the School Board with needed cuts and funding and expenditure lines to pay the debt on the buses purchased in 2008 included.

Commissioner Oglesby stated that the Committee had met at Somerville Elementary School for their regular monthly meeting. The Committee had a discussion with the teachers present about the facility, and then recessed to take a tour of the building, to see the deficiencies firsthand that have been reported.

The Committee also heard a request from the Library Board for a Liaison to be named from the County Commission to their Board. Commissioner Oglesby moved that Commissioner Dowdle be approved as Library Board Liaison. The motion was seconded by Commissioner German and passed unanimously by the Board.

The Education Committee discussed comments of Mr. Winecoff, the consultant studying the school system, regarding the school desegregation lawsuit. The Committee also asked that Mr. Wilson provide the Commission a copy of the report that is due the Department of Justice prior to its being sent, and Mr. Wilson agreed. The Committee then asked Mayor Taylor to obtain legal assistance on how to include comments from the full Commission with the letter.

Chairman Taylor then reported for the Budget Committee, in the absence of Commissioner Harris, stating that the Board of Public Works asked that they be allowed to lease/purchase a truck with Bancorp South Equipment Finance. The truck is a new 2009 Mack Tandem Axle Dump Truck. The amount to be financed is \$88,000, the interest rate is 3.45 per cent, and the term is three (3) years. The Committee recommended approval. Commissioner Burnett moved that the lease/purchase be approved. Motion was seconded by Commissioner Dowdy and passed unanimously by the Board.

Commissioner Logan moved that the General Fund 101 be approved. Commissioner McCloud seconded the motion, which passed unanimously on roll call vote.

Chairman Taylor stated that Mr. Wilson had presented a revised budget which included necessary cuts and funding for the debt on the buses purchased last year. Commissioner Logan moved that Board of Education Budget Funds 141, 142, and 143 be approved :

The motion was seconded by Commissioner Oglesby and passed unanimously.

Commissioner McCloud moved that the Public Works Budget be approved. Commissioner Dowdy seconded the motion, which passed unanimously by the Board.

Commissioner Burnette moved that the General Debt Service Fund 151 be approved. The motion was seconded by Commissioner Karcher and passed unanimously.

Commissioner Logan moved that the Solid Waste Budget, Fund 116 be approved. The motion was seconded by Commissioner Dowdle and passed unanimously.

Commissioner Dowdy moved that the Drug Fund 122, the Adequate Facilities Tax Fund 125 and the HUD Grant Projects fund be approved. The motion was seconded by Commissioner Dowdle and passed unanimously.

Commissioner Logan moved that the Non-Profits in the County be funded at the same amount as last year. Motion was seconded by Commissioner Kelley, and passed unanimously, as follows:

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 22nd day of September, 2009.

SECTION 1. That Eighty One Thousand Seven Hundred Thirty Five Dollars (\$81,735.00) 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	\$ 27,604.00
51900-320	Oakland Chamber of Commerce	3,296.00
55190-310	Fayette County Citizens for Progress	2,060.00
55590-316	Fayette Cares	7,725.00
55590-316	MIFA	3,090.00
56300-339	Fayette County Commission on Aging	22,145.00
58500-316	Dewitt Community Coalition	10,815.00
58500-310	Fayette County Animal Rescue	5,000.00

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 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 0380-2-7 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>, 2009. This Resolution shall be spread upon the minutes of the Board of County Commissioners.

Passed this 22nd day of September, 2009.

Commissioner Burnette moved that the "Resolution Fixing The Tax Levy In Fayette County, Tennessee For The Year Beginning July 1, 2009, be approved. The motion was seconded by Commissioner Dowdy, and passed unanimously, as follows:

**RESOLUTION FIXING THE TAX LEVY IN  
FAYETTE COUNTY, TENNESSEE  
FOR THE YEAR BEGINNING JULY 1, 2009**

SECTION 1. BE IT RESOLVED by the Board of County Commissioners of Fayette County, Tennessee, assembled in regular session on this 22nd day of September, 2009, that the combined property tax rate for Fayette County, Tennessee for the year beginning July 1, 2009, shall be \$1.4781 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	\$ 0.7015
Highway/Public Works	0.0678
General Purpose School	0.6520
General Debt Service	<u>0.0568</u>
Total	\$ 1.4781

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 22nd day of September, 2009.

Commissioner Oglesby moved that the following "Resolution For The Various Funds, Departments, Institutions, Offices and Agencies Of Fayette County, Tennessee, For The Year Beginning July 1, 2009 And Ending June 30, 2010," be approved. The motion was seconded by Commissioner Brewer, and passed unanimously upon roll call vote.

**A RESOLUTION MAKING APPROPRIATIONS FOR THE VARIOUS FUNDS,  
DEPARTMENTS, INSTITUTIONS, OFFICES AND AGENCIES OF  
FAYETTE COUNTY, TENNESSEE, FOR THE  
YEAR BEGINNING JULY 1, 2009 AND ENDING JUNE 30, 2010**

SECTION 1. BE IT RESOLVED by the Board of County Commissioners of Fayette County, Tennessee, assembled in regular session on the 22nd day of September, 2009, 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, 2009 and ending June 30, 2010, according to the following schedule:

GENERAL FUND

51100	County Commission	\$ 127,171
51220	Beer Board	700
51300	County Mayor	94,452
51400	County Attorney	75,374
51500	Election Commission (Including Voter Registration)	193,603
51600	Register of Deeds	26,250
51710	Development	192,873
51730	Building	53,400
51800	County Buildings	156,557
51810	Other Facilities	11,500
51900	Other General Administration	63,962
52100	Accounting and Budgeting	178,050
52300	Property Assessor's Office	257,326
52310	Reappraisal Program	48,817
52400	County Trustee's Office	193,011
52500	County Clerk's Office	257,075
53100	Circuit Court	163,293
53300	General Sessions Court	145,279
53310	General Sessions Judge	180,790
53320	Juvenile Court Clerk	64,445
53330	Drug Court	50,000
53400	Chancery Court	180,213
53500	Juvenile Court	55,494
54110	Sheriff's Department	2,197,016
54150	Drug Enforcement	207,336
54210	Jail	2,420,371
54220	Workhouse	30,308
54310	Fire Prevention and Control	701,044
54410	Civil Defense	228,780
54420	Rescue Squad	40,600
54610	County Coroner/Medical Examiner	20,000
54900	Other Public Safety	144,335
55110	Local Health Center	58,937
55120	Rabies and Animal Control	83,923
55130	Ambulance/Emergency Medical Services	1,373,935
55160	Dental Health Program	346,000
55180	Crippled Children Services	2,216
55190	Other Local Health Services	2,060
55390	Appropriation to State	25,761
55520	Aid to Dependent Children	2,750

55590	Other Local Welfare Services	29,815
55720	Sanitation Education/Information	60,133
56300	Senior Citizens Assistance	22,145
56500	Libraries	172,466
57100	Agriculture Extension Service	101,352
57500	Soil Conservation	62,395
58120	Industrial Development	1,639
58220	Airport	166,466
58300	Veteran's Services	6,850
58400	Other Charges	267,423
58500	Contributions to Other Agencies	57,211
58600	Employee Benefits	1,478,400
58806	Drug Court-ARRA	50,000
58900	Miscellaneous	1,000
82210	General Government	50,000

Total General Fund	\$	<u>13,238,076</u>
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SOLID WASTE/SANITATION FUND

55732	Convenience Centers	\$	345,500
55754	Landfill Operation and Maintenance		<u>654,854</u>

Total Solid Waste/Sanitation Fund	\$	<u>1,000,354</u>
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DRUG CONTROL FUND

54150	Drug Enforcement	\$	<u>94,000</u>
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Total Drug Control Fund	\$	<u>94,000</u>
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ADEQUATE FACILITIES/DEVELOPMENT TAX FUND

58900	Miscellaneous	\$	7,500
99100	Transfers Out		<u>600,000</u>

Total Adequate Facilities	\$	<u>607,500</u>
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HIGHWAY/PUBLIC WORKS FUND

61000	Administration	\$	186,461
62000	Highway and Bridge Maintenance		1,376,176
63100	Operation and Maintenance of Equipment		490,460
65000	Other Charges		217,800
66000	Employee Benefits		623,405
68000	Capital Outlay		1,873,000
82120	Highway & Street Debt Service		56,987
91200	Highway & Street Capital Projects		<u>33,000</u>

Total Highway/Public Works Fund	\$	<u>4,857,289</u>
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GENERAL PURPOSE SCHOOL FUND

71100	Regular Instruction Program	\$	11,874,898
71200	Special Education Program		1,904,367
71300	Vocational Education Program		889,357
71600	Adult Education Program		25,750
72110	Attendance		94,903
72120	Health Services		173,106
72130	Other Student Support		536,073
72210	Regular Instruction Program		1,047,218
72220	Special Education Program		327,077
72230	Vocational Education Program		664,530
72260	Adult Programs		461,617
72310	Board of Education		543,809
72320	Director of Schools		251,382
72410	Office of the Principal		1,327,415
72510	Fiscal Services		201,881
72610	Operation of Plant		1,730,751
72620	Maintenance of Plant		600,230
72710	Transportation		2,262,252
72810	Central and Other		195,252
73300	Community Services		62,257
73400	Early Childhood Education		802,718
76100	Regular Capital Outlay		141,000
82130	Principal - Education		349,079
82230	Interest - Education		89,649
	Total General Purpose School Fund	\$	<u>26,556,571</u>

SCHOOL FEDERAL PROJECTS FUND

71100	Regular Instruction Program	\$	1,776,713
71200	Special Education Program		1,545,693
71300	Vocational Education Program		71,948
72130	Other Student Support		395,136
72210	Regular Instruction Program		874,851
72220	Special Education Program		328,649
72230	Vocational Education Program		2,500
72710	Transportation		320,470
99100	Transfers to Other Funds		<u>318,946</u>
	Total School Federal Projects Fund	\$	<u>5,634,906</u>

CENTRAL CAFETERIA FUND

73100	Food Service	\$	2,714,410
99100	Transfers to Other Funds		<u>71,000</u>
	Total Central Cafeteria Fund	\$	<u>2,785,410</u>

GENERAL DEBT SERVICE FUND

82110	General Debt Service	\$	1,300,000
82130	Principal – Education	\$	805,000
82210	Interest -- General Government		541,754
82230	Education Debt Service		530,968
82310	General Government		20,000
82330	Other Debt Service-Education		<u>1,000</u>
Total General Debt Service Fund		\$	<u>3,198,722</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, 2010. 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 2009-2010 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, 2010.

SECTION 7. BE IT FURTHER RESOLVED, that the delinquent county property taxes for the year ending 2008 and prior years and the interest and penalty thereon collected during the year ending June 30, 2010, shall be apportioned to the various county funds according to the subdivision of the tax levy for the year 2009. 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, 2010.

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, 2009. This resolution shall be spread upon the minutes of the Board of County Commissioners.

Passed this 22nd day of September, 2009.

A discussion regarding the City of Somerville using the large courtroom at the Courthouse, with the County Attorney preparing the lease stipulating that the city must keep the courtroom clean, and addressing any possible liability was sent back to the appropriate committee for further consideration.

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

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Rhea Taylor, County Mayor

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Sue W. Culver, County Clerk

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 2009-2010 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, 2010.

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