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## FAYETTE COUNTY LEGISLATIVE BODY

MARCH 23, 2010

**BE IT REMEMBERED** that the Fayette County Legislative Board met in regular session at the Bill G. Kelley Criminal Justice Complex in Somerville, Tennessee, on the 23<sup>rd</sup> day of March, 2010. Present and presiding was Chairman Rhea Taylor. Also present were the following: Sue W. Culver, County Clerk; James R. "Bobby" Riles, Sheriff; and the following County Commissioners: Ed Allen, Jo Ann Allen, Steve Anderson, Charles Brewer, Joe B. Burnett, Jr., Larry Cook, Lee "Sissy" Dowdle, Ron Gant, Willie German, Jr., Ronald Harris, Tom Karcher, Bill Kelley, David Lillard, Sylvester Logan, George McCloud, Claude Oglesby, and Myles Wilson.

A quorum was met with eighteen commissioners present.

The floor was opened to the public for comments on non-agenda items. Commissioner Dowdle addressed the matter of the Board of Zoning Appeals meeting which was still in progress at the time, stating that some members of that Board were being critical of the County Commission.

Commissioner Logan moved that the minutes from February 23, 2010, be approved. The motion was seconded by Commissioner Karcher, and passed unanimously by the Board.

Commissioner Logan moved that the following be elected notaries public: Shannon J. Bing, Rebecca N. Coradini, Chrystal Deeken, Susan A. Glover, Brian J. Grant, Russell B. Hubbard, Linda Jones-Long, Samuel D. Leggett, Tammy L. Miller, Joyce J. Murphy, Novalyn S. Pulliam, Angela K. Waldron, Ann Williams, Ann L. Williams, and Shunna Williams. The motion was seconded by Commissioner Burnett and passed unanimously by the Board.

Chairman Taylor stated Commissioners would find financial reports from the Board of Education, Public Works and the County General Fund in their packets.

Chairman Taylor then reported for the County Mayor's Office, updating the Commissioners regarding the Board of Zoning Appeals meeting taking place down the hall. He stated that the Commissioner's request for the Dunn zoning petition was again taken off the agenda, and the BZA refused to hear it. Tom Minor, the attorney that was retained by the County to defend the BZA in a lawsuit regarding David and Kathy Dunn, was meeting with the Board in an attorney-client privilege meeting. He stated that he would report further when he heard the outcome of the meeting.

Chairman Taylor stated that the census report packets have been sent out, and that the ones addressed to the Somerville area had been mailed with the correct zip code, but the wrong city name in the address. He called the census bureau and was told this was

done to get a cheaper postage rate for the mailings, but the bar code across the top of the address would be scanned and all the forms would be counted in the correct county. He then encouraged everyone to send their questionnaires back as soon as possible to ensure an accurate count for the county. Commissioner Logan asked if there was any way to make sure that we were counted in the correct county. The Mayor stated that the barcode would ensure that everyone was counted where they were supposed to be.

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

Commissioner Wilson reported for the Development Committee, which met on March 8, 2010. The Committee discussed a budget amendment for the Public Works Department, which was passed to the Budget Committee with recommendation for approval.

The Committee also discussed the flood study the Town of Oakland is doing. Oakland has requested that the County pay half the cost of the study which would amount to approximately \$10,000. Commissioner Cook moved to do so, but the motion failed for lack of a second. The Committee then asked the Mayor to see if TDOT was with the study and to bring it back to next month's meeting.

Commissioner German reported for the Health and Welfare Committee which met March 8, 2010. The Committee discussed the current animal control laws of the county, including the collection of fees when animals are vaccinated. Commissioner German stated that veterinarians are now collecting the fees since the monies are used for the animal shelter.

Commissioner Burnett stated that the Personnel Committee did not meet.

Commissioner Lillard reported for the Criminal Justice/Public Safety Committee which met on March 9, 2010. Commissioner Anderson was elected Chairman of the Committee to replace Commissioner Dowdy who passed away earlier this year. *Commissioner Lillard* was then elected Vice President. Commissioner Lillard stated the Committee had discussed the Sheriff's shop. The Committee decided to cap the costs at an amount of \$135,000. Commissioner Lillard moved that the money be appropriated with a cap of \$135,000, and that the Mayor be authorized to sign contracts and obligate the county by debt issuance for these funds. Commissioner Harris seconded that motion, which passed unanimously by the Board.

Commissioner Lillard stated that the Committee was also given a report by Chief Jerry Ray regarding storm damage, and the firefighters who were injured during the storm.

Commissioner Oglesby reported for the Education Committee, which met March 9, 2010 at the Library. Dick Seitz, Chairman of the Library Board, gave a presentation

outlining some of the library's needs. Some of those items included a possible savings by bundling phone and data services, coordination of maintenance, and possible acquisition of a cargo container for storage. Louise Holloway, Fayette County Director of Schools reviewed a budget amendment request, which was discussed by the committee and forwarded to budget with no recommendation.

Commissioner Harris reported for the Budget Committee, stating that the committee met on March 9, 2010. The budget amendment for the schools was addressed and the recommendation was to deny the amendment. Chairman Taylor stated that Mrs. Holloway presented a new amendment before the meeting which would move funds between accounts to fund salaries, with no change to the fund balance. Commissioner Harris moved to approve the new amendment, which was seconded by Commissioner Dowdle. During discussion, Chairman Taylor asked David Redditt of the Fayette County School Board to address the Board regarding the amendment. Mr. Redditt stated that the School Board was looking into the matter, and that he preferred that no action be taken at this time. Commissioner Harris withdrew his motion and Commissioner Dowdle withdrew her second.

Commissioner Harris moved that the budget amendment to the Public Works Board be approved. Commissioner Oglesby seconded the motion which passed unanimously.

BUDGET AMENDMENT NO.1

2009-2010 HIGHWAY FUND 131

<u>EXPENDITURES</u>	<u>INCREASE</u>	<u>DECREASE</u>	<u>AMENDED TOTAL</u>
<u>61000 ADMINISTRATION</u>			
196 In-Service Training	\$ 1,200.00		\$ 4,450.00
Net Change 61000:	\$ 1,200.00		\$ 187,661.00
<u>62000 HWY. &amp; BR. MAINT.</u>			
186 Longevity Pay		\$ (3,000.00)	\$ 40,700.00
187 Overtime Pay	\$ 3,000.00		\$ 15,000.00
446 Small Tools	\$ 3,000.00		\$ 3,500.00
Net Change 62000:	\$ 3,000.00		\$ 1,379,176.00
<u>65000 OTHER CHARGES</u>			
506 Liability Insurance		\$ (3,790.00)	\$ 136,310.00
515 Liability Claim	\$ 2,890.00		\$ 3,890.00
Net Change 65000:		\$ (900.00)	\$ 216,900.00

<u>EXPENDITURES</u>	<u>INCREASE</u>	<u>DECREASE</u>	<u>AMENDED TOTAL</u>
<u>66000 EMPLOYEE BENEFITS</u>			
513 Worker's Comp.	\$ 2,700.00		\$ 139,205.00
Net Change 66000:	\$ 2,700.00		\$ 626,105.00
<u>68000 CAPITAL OUTLAY</u>			
714 Highway Equipment	\$ 26,250.00		\$ 226,250.00
Net Change 68000:	\$ 26,250.00		\$1,899,250.00
<u>82120 HWY. DEBT SERVICE</u>			
610 Principal On Leases		\$ (29,810.00)	\$ 23,116.00
611 Interest On Leases		\$ (2,440.00)	\$ 1,621.00
Net Changes 82120:		\$ (32,250.00)	\$ 24,737.00
NET CHANGE EXPENDITURES:	\$ 33,150.00	\$ (33,150.00)	NO CHANGE
EST: E.F.B., JUNE 30,2010		NO CHANGE	

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Commissioner Harris moved that the amendment to the County General Fund moving grant money for senior assistance be approved. The motion was seconded by Commissioner Brewer and passed unanimously.

BE IT RESOLVED, by the County Legislative Body and/or the Board of County Commissioners of Fayette County, Tennessee, in regular sessions on this 23rd day of March, 2010, 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 09/10  
March, 2010

<u>Adjustment to Reserve Accounts:</u>	INCREASE	DECREASE
34170 Reserved for Aging Programs		<u>\$10,581.99</u>
<b>TOTAL INCREASE/DECREASE TO RESERVE ACCOUNTS</b>		<b>\$10,581.99</b>
<u>Adjustment to Expenditure Accounts:</u>	INCREASE	DECREASE
<u>56300 Senior Citizens Assistance</u>	<u>\$10,581.99</u>	
<b>Subtotal-56300</b>	<b>\$10,581.99</b>	
<b>TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNTS:</b>	<b>\$10,581.99</b>	
Prior Estimated Expenditures		\$13,264,624.18
Total Estimated Expenditures this Amendment		\$13,264,624.18
Projected Fund Balance before Amendment		\$ 1,915,666.82
Change in Fund Balance this Amendment		\$       00.00
Estimated Ending Fund Balance as of June 30, 2010		\$ 1,915,666.82

The Joint Advisory Committee on the Fayette County Desegregation Case met on March 16, 2010. A short summary on the desegregation case was given, then Tom Minor, Fayette County School Board's Attorney, reported to the committee on his meeting with the Federal Judge and the representative from the Department of Justice. A plan whereby the existing schools could be structured so as to attain racial balance was suggested to the DOJ, and also to the Judge. The DOJ reviewed the plan and reported back to Mr Minor that if adopted by the Fayette County School Board, they would endorse it before the Judge. The Judge studied the report and stated that within a short period of time something would begin to happen. Dana Pittman, who is hired by Fayette County reviewed her analysis of the current boundaries and showed a suggested plan to achieve racial balance. The plan showed cost savings and efficiencies along with following the federal judge's guidelines. The committee then discussed the plan, and allowed the audience to join in the discussion.

Commissioner German then moved to adopt the "Resolution To Urge The General Assembly To Oppose SB2938/HB3590, which would allow any local education agency to convert to a special school district and thereby remove all county commission oversight over the local school system as well as allowing the Tennessee General Assembly to levy a local property tax to fund education in the district often with little discussion or consideration of the tax rate requested by the school district. The motion was seconded by Commissioner Brewer and passed unanimously as follows:

WHEREAS, county commissions currently play a significant role of budgetary oversight for K-12 schools in Tennessee and must balance these needs and responsibilities with other demands for critical services to county residents in order to keep the overall tax burden on our citizens from becoming too onerous; and

WHEREAS, in special school districts, the Tennessee General Assembly, through a private act, levies a local property tax to fund education in the district often with very little discussion or consideration of the tax rate requested by the school district; and

WHEREAS, SB2938/HB3590, as introduced, would allow any local education agency ("LEA") to convert to a special school district a thereby remove all county commission oversight over the local school system; and

WHEREAS, the change authorized by this legislation would allow the elimination of the current system of checks and balances created by having county commission approval of school budgets and setting a tax rate for schools; and

WHEREAS, this proposed legislation, would create a decentralized system of governance comprised of different taxing entities with competing interests and would potentially interfere with efficiencies created by purchasing and contracting for basic needs of governmental functions on a centralized basis by separating the school system from the rest of the operations of county government;

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Fayette County, meeting in regular session on this 23<sup>rd</sup> day of March, 2010, that the Tennessee General Assembly is strongly urged to oppose this legislation.

BE IT FURTHER RESOLVED, that the county clerk shall mail certified copies of this resolution to the members of the Tennessee General Assembly representing the people of Fayette County and send a copy to executive director of the Tennessee County Commissioners Association.

Adopted this 23<sup>rd</sup> day of March, 2010.

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