

FAYETTE COUNTY LEGISLATIVE BODY

MARCH 22, 2011

6.2
File
Copy

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 22nd day of March, 2011. Present and presiding was Chairman Rhea Taylor. Also present were Sue W. Culver, County Clerk; James R. "Bobby" Riles, Sheriff; and the following County Commissioners: Ed Allen, Joann Allen, Steve Anderson, Charles Brewer, Odis Cox, Lee "Sissy" Dowdle, Willie German, Jr, Ronald Harris, Reggie Howard, Bill Kelley, Terry Leggett, David Lillard, Sylvester Logan, Claude Oglesby, Steve Reeves, Raymond Seals, Larry Watkins, and Myles Wilson.

With all Commissioners present a quorum was declared.

The agenda was re-arranged to allow for the election of a replacement to fill the seat occupied by Commissioner Tom Karcher who passed away in February, to serve until the next General Election in 2012. Commissioner Lillard nominated Judy Karcher. Commissioner Oglesby moved that the nomination cease and that Ms. Karcher be elected by acclamation. The motion was seconded by Commissioner Brewer, and passed unanimously on a voice vote. Ms Karcher was then sworn in by Chairman Taylor, and took her place at the Commissioner's table.

After a brief recess for an attorney-client meeting, the meeting was again called to order by the Chairman.

Hattie Williams and John Bragorgas, both of Somerville addressed the Board with issues regarding the building of a new elementary School.

The next item on the agenda was the approval of the minutes from the March 1, 2011 meeting. After some discussion regarding the revision presented at the meeting, Commissioner Joann Allen moved to table approval of the March 1 minutes until the April meeting to allow time for the Commissioners to thoroughly review the changes. The motion was seconded by Commissioner Ed Allen, and passed unanimously on a voice vote.

Chairman Taylor stated that the family of Wayne Burch, member of the Public Works Board until his death in December, had asked that the resolution honoring Mr. Burch be postponed until the April meeting to allow for time to contact family members so they could be present for the presentation.

Commissioner Reeves moved that the following be approved as notaries public: Sandra Newman Dowdy; Gerlisa Ewell, Jessica Greenfield, Charlotte Loines, Angela Matlock, Stephanie M. Parker, Sherri Trospen, Mary E. Ward, and Denise M. Wolf. The motion was seconded by Commissioner Kelley and passed unanimously by the Board.

Under unfinished business, Chairman Taylor reminded Commissioners that financial reports were included in their packets. He then reported for the Mayor's Office, giving an update on the schools and a couple of meetings just to give you an idea of what's been happening in the last week and a half to two weeks. Last Tuesday we received a portion of the documents you requested in the last County Commission meeting. There was an open records request from Commissioner Dowdle which mirrored a portion of that resolution, those were delivered that night. Thursday, about five o'clock I received from Mr. Minor's office the balance of what he sent over. Friday, we had a meeting with the attorneys, the School Board staff and Dr. Gray, but Dr Gray stated that schools were letting out about eleven o'clock and that they could not stay past that time. So the meeting we had Friday was very short, and basically all we did was say that we were going to have another meeting sometime this coming week, as soon as all parties can arrange their schedules. So that's where we are now. The information that you have on the table tonight is information that you requested last month, that the School Board has provided to you, there are two large packets. For the most of you, I think this is the first time you've seen it, Commissioner Lillard has seen it, as have the attorneys, and Commissioner Dowdle. You have not had time to go through any of that, and tonight I don't know if there is much you can do. Now, there is a resolution that's laid on the table, the attorneys have reviewed it and if someone wants to make a motion we will move forward with it. Commissioner Lillard moved that the "Resolution Of The Fayette County Board of Commissioners To Continue Pending Receipt Of All The Requested Information From The Fayette County Board of Education" be approved. The motion was seconded by Commissioner Oglesby.

Whereas, on January 25, 2011, this Commission received a request from the Fayette County Board of Education in the amount of \$14,900,000 to fund construction of a new school; and

Whereas, on January 25, 2011, this Commission received information from the Board of Education regarding the savings projected to result from construction of a new school and found this information to be confusing and inconsistent; and

Whereas, on February 17, 2011, at a meeting of the Joint Committee on Desegregation, the answers provided by the Board of Education in response to questions from Commissioner Ed Allen concerning projected utility costs and projected school staffing costs/requirements were found to be insufficient and further information on these issues was requested of the Board but no date was specified for the presentation of the needed information; and

Whereas, on March 1, 2011, this Commission passed a resolution requesting that by March 15, 2011, the Board of Education provide a written response to nine specific items in order to assist this Commission in its evaluation of the Board's funding request; and

Whereas, on March 15, 2011, the Board of Education delivered a response to some of the elements in Item #4 and, on March 17, 2011, delivered a response to the remaining items; and

Whereas, this Commission finds that some of the information delivered by the Board does not meet the specified criteria of requested items; and

Whereas, this Commission finds that the delivered information states that details regarding fulfillment of the Green factors do exist and have been provided to parties to litigation currently pending in federal court but were not provided to this Commission although these details were specifically requested; and

Whereas, this Commission cannot complete its evaluation of the Board's funding request until all the requested information has been received and analyzed;

NOW, THEREFORE, BE IT RESOLVED, THAT:

1. This Commission respectfully requests that by March 30, 2011, the Board of Education provide a written or digital response to the following six residual items from its March 1, 2011, resolution in order to assist this Commission in its evaluation of the Board's funding request:
 - a. One year's volume utilization by month for electricity, water and gas for Atoka Elementary School or another new school that is equivalent to the Board's proposed new school.
 - b. The comparative analysis for school operations using today's salaries for the new school and itemizing all school-wide positions by classification, e.g., instructional facilitators, data clerks.
 - c. The salary/earnings account number for each school system employee with the exception of food service employees which have already been received.
 - d. The total gross earnings for fiscal year 2009-2010 paid to each hourly employee at Central, Jefferson and Somerville elementary schools.
 - e. The spreadsheet in digital spreadsheet format for certified staff showing location/school, account number, last name, first name, training/education level, years of service, base salary before any supplements, supplement 1, supplement 2, supplement 3, total salary, Career Ladder amount, and total overall gross earnings. If numeric codes are used to designate training/education level, provide a separate, printed equivalency table indicating the degree, e.g., BS, MA, MA45, etc., represented by each numeric code.
 - f. Details of the plan, approach, changes and/or process previously identified as existing, but not included, in the Board's March 17 response addressing the Green factors for faculty composition, staff composition, facilities, and extra-curricular activities.
2. Based on the recent receipt of responses from the Board of Education, the extension of time needed for the Board to respond properly to the above listed residual items, and the time needed by this Commission to analyze the information upon its receipt, consideration and further deliberation of the Board's funding request shall be continued, with this Commission anticipating that upon timely receipt of the above referenced information this Commission will resume deliberations on April 26, 2011.

Adopted this 22nd day of March, 2011, the public welfare requiring it.

Chairman, Board of Commissioners

ATTESTED:

County Court Clerk

Date

The motion passed on the following roll call vote:

Voting "YES": Commissioners Brewer, Cox, Dowdle, German, Harris, Judy Karcher, Kelley, Lillard, Logan, Oglesby, Reeves, Seals and Watkins(13)

Voting "NO": Commissioners: Ed Allen, Joann Allen, Anderson, Howard, Leggett, and Wilson(6).

Chairman Taylor stated that we are in budget season, and that by the end of this month we will be assembling those, and we will be starting the budget process next month. We will not have budget meetings next month, those will begin the following month.

There were no reports from the Sheriff's Department, Juvenile Court, the Board of Public Works, the Trustee, or Planning and Development.

Tom Minor, School Board Attorney, addressed the Board for Dr. Cedric Gray on behalf of the Board of Education.

Commissioner Wilson reported for the Development Committee, stating that they did not meet.

Commissioner German stated that the Health and Welfare Committee did not meet.

Commissioner Oglesby stated that the Personnel Committee did not meet.

Chairman Taylor reported for the Criminal Justice/Public Safety Committee, as Commissioner Anderson was unable to attend the meeting. The Committee discussed a request by Ed Pulliam, Circuit Court Clerk, to change the way that jurors are paid for their service. The matter was discussed and forwarded to the Budget Committee. Fire Chief Jerry Ray requested that he be allowed to enter some old and surplus equipment in the next auction that the County holds. This matter was also forwarded to Budget.

Commissioner Lillard stated that the Education Committee did not meet.

Commissioner Harris reported for the Budget Committee, which met March 8, 2011. The first item discussed was a budget amendment to move the remaining amount of funds from the Sheriff's Department for shop rental to debt service. Commissioner Harris moved that this action be approved, the motion was seconded by Commissioner Anderson and was approved unanimously on a voice vote as follows:

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 22nd day of March, 2011, it being the fourth Tuesday of the month and the regular monthly meeting of the County Legislative Body in the Criminal Justice Center 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 10/11
March, 2011

<u>Adjustment to Expenditure Accounts:</u>	INCREASE	DECREASE
54900 Other Public Safety		
351 Rentals		<u>\$ 4,200.00</u>
Subtotal-54900		\$ 4,200.00
TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNTS:		\$ 4,200.00

COUNTY DEBT SERVICE FUND
FUND 151

<u>Adjustment to Expenditure Account:</u>	INCREASE	DECREASE
82310 General Government		
699 Other Debt Service	<u>\$ 4,200.00</u>	
TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNT:	\$ 4,200.00	

Commissioner Harris moved to allow the change in line item amounts in the Register of Deeds account to allow changes in how the document fees are accounted for. Also included in this motion was the moving of line item accounts to cover the salary for the Assistant Fire Chief that was approved in February. The motion was seconded by Commissioner Anderson and passed 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 22nd day of March, 2011, it being the fourth Tuesday of the month and the regular monthly meeting of the County Legislative Body in the Criminal Justice Center 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 10/11
March, 2011**

<u>Adjustment to Expenditure Accounts:</u>	INCREASE	DECREASE
<u>51600 Register of Deeds</u>		
307 Communication	\$ 960.00	
317 Data Processing Services	_____	<u>\$ 960.00</u>
Subtotal-51600	\$ 960.00	\$ 960.00
<u>54310 Fire Prevention</u>		
103 Assistant Fire Chief	\$ 720.00	
701 Admin. Equipment	_____	<u>\$ 720.00</u>
Subtotal-54310	\$ 720.00	\$ 720.00
TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNTS:	\$ 1,680.00	\$ 1,680.00

Prior Estimated Expenditures	\$13,026,569.00
Total Estimated Expenditures this Amendment	\$13,026,569.00
Projected Fund Balance before Amendment	\$ 1,293,549.00
Change in Fund Balance this Amendment	\$ 00.00
Estimated Ending Fund Balance as of June 30, 2011	\$ 1,293,549.00

Commissioner Harris moved to approve the amendment to the County General Fund to cover legal expenses approved in last months meeting. The motion was seconded by Commissioner Anderson and passed 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 22nd day of March, 2011, it being the fourth Tuesday of the month and the regular monthly meeting of the County Legislative Body in the Criminal Justice Center 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 10/11
March, 2011

<u>Adjustment to Expenditure Accounts:</u>	INCREASE	DECREASE
<u>51100 County Commission</u>		
331 Legal Services	<u>\$5,000.00</u>	
Subtotal-51100	\$5,000.00	
TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNTS:	\$ 5,000.00	
Prior Estimated Expenditures		\$13,026,569.00
Total Estimated Expenditures this Amendment		\$13,031,569.00
Projected Fund Balance before Amendment		\$ 1,293,549.00
Change in Fund Balance this Amendment		\$ 5,000.00
Estimated Ending Fund Balance as of June 30, 2011		\$ 1,288,549.00

Commissioner Harris moved that the amendment to the County General Fund be approved. The motion was seconded by Commissioner Anderson, and passed 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 22nd day of March, 2011, it being the fourth Tuesday of the month and the regular monthly meeting of the County Legislative Body in the Criminal Justice Center 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 10/11
March, 2011

<u>Adjustment to Expenditure Accounts:</u>	INCREASE	DECREASE
<u>51500 Election Commission</u>		
193 Election Workers		\$15,000.00
335 Maint. & Repair-Buildings	<u>\$15,000.00</u>	<u> </u>
Subtotal-51500	\$15,000.00	\$15,000.00
TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNTS:	\$ 15,000.00	\$15,000.00
Change in Fund Balance this Amendment	\$	00.00

Commissioner Harris also moved that the following amendment to the Schools General Purpose Funds, Fund 141 be approved. The motion was seconded by Commissioner Wilson and passed unanimously.

FAYETTE COUNTY BOARD OF EDUCATION
 GENERAL PURPOSE FUND
 FUND 141 AMENDMENTS
 OCTOBER, 2010

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
71100			
47590-SNAPP	SNAPP Funding	43,767.00	-
71100-499-SNAPP	Other charges	43,767.00	-
Total Regular Instructions	Increase of New Funds from SNAPP Program	87,534.00	
72800			
141-72810-189	Other Salaries & Wages	74,000.00	
141-72810-201	Social Security	4,588.00	
141-72810-204	Retirement	6,697.00	
141-72810-212	Employer Medicare	1,073.00	
141-39000-000	Undesignated Fund Balance		86,358.00
Total Central and Other	Increase due to budget projection oversight, however	86,358.00	86,358.00
8000			
141-82130-610	Principal on Capital Leases	86,000.00	-
141-82230-611	interest on Capital Leases	63,695.99	-
141-39000-000	Undesignated Fund Balance		149,695.99
Total Principal on Debt	Increase due to 2009-10 Commitments for capital improvements paid in 2010-11.	149,695.99	149,695.99
Please Note Total decrease from Undesignated Fund Balance:		\$ 236,053.99	
Current Undesignated Fund Balance after Adjustment		\$ 983,488.02	

3% Minimum Requirement is \$764,105

 Superintendent Signature of Amendment Approval

 Date

FAYETTE COUNTY BOARD OF EDUCATION

AMENDMENTS

FUND 141

DECEMBER 31, 2010

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
141-71200-116	Teachers	-	81,022.00
141-71200-117	Career Ladder Program	-	1,000.00
141-71200-128	Homebound Teachers	-	5,100.00
141-71200-163	Educational Assistants		11,460.00
141-71200-189	Other Salaries & Wages	1,499.00	
141-71200-198	Non Certified Substitute Teacher	1,080.00	
141-71200-201	Social Security		207.00
141-71200-204	State Retirement		9,581.00
141-71200-207	Medical Insurance		9,479.00
141-71200-212	Employer Medicare		1,217.00
141-71200-299	Other Fringe Benefits		
141-71200-312	Contracts with Private Agencies	57,000.00	
Special Education	Decrease due to per pupil expenditure	59,579.00	119,166.00
141-71300-429	Instructional Supplies	-	54.09
141-72230-499	Other Supplies	54.09	-
Vocational Instructions	Routine Adjustment	54.09	54.09
72210-EIS			
141-72210-189-EIS	Other Salaries & Wages -EIS	-	1,950.00
141-72210-193-EIS	Election Workers - EIS		18,500.00
141-72210-201-EIS	Social Security-EIS		1,147.00
141-72210-204-EIS	State Retirement -EIS		176.48
141-72210-212-EIS	Employer Medicare -EIS		296.53
141-72210-399-EIS	Other Contracted Services -EIS		52,775.00
141-72210-524-EIS	In Service Staff Deveopment - EIS		54,993.00
	Decrease due to Early Intervention Services No longer funded by state	-	129,838.01
Superintendent Signature of Amendment Approval		Date

FAYETTE COUNTY BOARD OF EDUCATION
 GENERAL PURPOSE FUND
 FUND 141 AMENDMENTS
 OCTOBER, 2010

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
141-72410-320	Dues & Membership	500.00	
141-72410-399	Other Contracted Services	500.00	
141-72410-307	Communications		1,000.00
Office of the Principal	Routine Adjustment	1,000.00	1,000.00
141-72610-399	Other Contracted Services	5,000.00	
141-72610-434	Natural Gas		5,000.00
Operation of Plants	Routine Adjustment	5,000.00	5,000.00

Please Note these are line item transfers only with zero increase/decrease of department(s)

 Superintendent Signature of Amendment Approval

 Date

FAYETTE COUNTY BOARD OF EDUCATION
GENERAL PURPOSE FUND
FUND 141 AMENDMENTS
OCTOBER, 2010

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
71000			
141-71100-599	Other Charges	300.00	-
141-71100-429	Instructional Supplies		300.00
Regular Instructions	Routine Adjustment	300.00	300.00
71300			
141-71300-201-SY1	Social Security -SY1	10.00	
141-71300-201	Social Security	-	10.00
Vocational Education	Routine Adjustment	10.00	10.00
72000			
141-72210-127	Career Ladder Extended Contract	1,500.00	
141-72210-336	Maintenance and Repair	-	1,500.00
Regular Instruction	Routine Adjustment	1,500.00	1,500.00
141-72230-207-ISY	Medical Insurance	2,000.00	-
141-72230-355	Travel	1,000.00	
141-72230-499	Other Supplies and Materials		1,000.00
141-72230-336-ISY	Maintenance & Repair		2,000.00
Vocational Ed Program	Routine Adjustment	3,000.00	3,000.00
141-72310-331	Legal Services	20,000.00	
141-72310-186	Longevity		5,000.00
141-72310-320	Dues & Membership		10,000.00
141-72310-513	Workmen's Compensation Insurance		5,000.00
Board of Education	Increase due to Legal Service Invoices & Projected work requiring legal assistance	20,000.00	20,000.00
141-72320-599	Other Charges	3,000.00	
141-72320-103	Assistants	-	3,000.00
Office of Superintendent	Routine Adjustment	3,000.00	3,000.00

Commissioner Harris also moved that the rate paid to the jury be changed from \$10 per day plus mileage, to a flat rate of \$11 per day. The motion was seconded by Commissioner Leggett and passed on a voice vote, with one "NO" vote.

Commissioner Harris moved that the bond for Jimmy Jordan, recently appointed Public Works Board member, be approved. The motion was seconded by Commissioner Oglesby and passed unanimously as follows:

SURETY'S BOND NO. 24909391

STATE BOND FORM
COB-7(62)

STATE OF TENNESSEE
COUNTY OF FAYETTE
OFFICIAL STATUTORY BOND
FOR
COUNTY PUBLIC OFFICIALS
OFFICE OF PUBLIC WORKS BD MEMBER

KNOW ALL MEN BY THESE PRESENTS:

That JIMMY JORDAN
of SOMERVILLE (City or Town), County
of FAYETTE Tennessee, as Principal, and WESTERN SURETY COMPANY

as Surety, are held and firmly bound unto THE STATE OF TENNESSEE in the full amount of
Ten Thousand and 00/100 Dollars (\$ 10,000.00)
lawful money of the United States of America for the full and prompt payment whereof we bind ourselves, our representatives,
successors and assigns, each jointly and severally, firmly and unequivocally by these presents.

WHEREAS, The said Principal was duly elected X appointed to the office of PUBLIC WORKS BD MEMBER
of and for FAYETTE County for the (2) year term beginning on the 1st day of
March, 2011 and ending on the 1st day of September, 2012

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH:

That if the said JIMMY JORDAN, Principal, shall:

faithfully perform the duties of the office of PUBLIC WORKS BD MEMBER of FAYETTE
County during his term of office or his continuance therein; and

For over to the persons authorized by law to receive them, all monies, properties, or things of value that may come into his
hands during his term of office or his continuance therein without fraud or delay, and shall faithfully and safely keep all
records required of him in his official capacity, and at the expiration of his term, or in case of his resignation or removal from
office, shall turn over to his successor all records and property which have come into his hands, then this obligation shall be
null and void, otherwise to remain in full force and effect.

WITNESS my hand and seal this 3rd day of March, 2011

WITNESS - ATTEST:

J B Bowling

PRINCIPAL:

Jimmy Jordan

SURETY:

WESTERN SURETY COMPANY

COUNTERSIGNED BY:

Glenda Ward
Tennessee Resident Agent

by:

Paul T. Bruff

Paul T. Bruff, Senior Vice President
(Attach evidence of authority to execute bond)

ACKNOWLEDGMENT OF PRINCIPAL

STATE OF TENNESSEE

COUNTY OF Fayette

Before me, a Notary Public, of the State and County aforesaid, personally appeared Jimmy Jordan
with whom I am personally acquainted and who, upon oath, acknowledged himself to be the individual who executed the foregoing
bond, and he acknowledged to me that he executed the same.

WITNESS my hand and seal this 4th day of Sept.

My Commission Expires:

Sept. 4th 2011



Glenda A. Ward
Notary Public

Commissioner Harris moved that the fire department be allowed to auction off the following vehicles which are too costly to repair or are not repairable:

1983 Chev –Model 1GN-Body Am – 1GBJC34W9DV116984

1995 Chev –Model 350 – Body 2D 1GBJC34F1SE187819

2001 Ford- Model CVP – Body 4D 2FAFP71W61X12352

The motion was seconded by Commissioner Seals and passed unanimously.

Commissioner Harris moved to approve the request by Fire Chief Jerry Ray to be allowed to apply for a \$365,000 FEMA grant for funding full time firefighters at different locations in the County. The grant would fund three years and the County would have to fund the fourth year. We will have a chance to vote for it or vote it down, right now he just wants permission to apply. The motion was seconded by Commissioner Dowdle and passed unanimously.

Chairman Taylor stated that Ms. Bonnie Smith had asked for support from the Commission toward setting up a “Friends of The Animal Shelter” organization in the County. Commissioner Joann Allen asked for a motion of support so they may move forward with the start up of the organization. When they apply for grants or other funding at least they’ll know the County Commission is behind them. Commissioner Oglesby moved that the Commission support the organization. The motion was seconded by Commissioner Logan and passed unanimously.

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

Rhea Taylor, Fayette County Mayor



Sue W. Culver, County Clerk