

6.1

FAYETTE COUNTY LEGISLATIVE BODY

JULY 24, 2012

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 24th day of July, 2012. 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: Joann Allen, Steve Anderson, Charles Brewer, Odis Cox, Lee "Sissy" Dowdle, Willie German, Ronald Harris, Reggie Howard, Judy Karcher, Bill Kelley, David Lillard, Claude Oglesby, Steve Reeves, Ray Seals, Myles Wilson and Larry Watkins.

A quorum was declared with sixteen Commissioners present. Commissioners Ed Allen, Terry Leggett, and Sylvester Logan were absent.

The floor was opened to the public for comments on non-agenda items. With no one coming forth the floor was closed.

Commissioner Dowdle moved that the minutes from June 26, 2012 be approved. The motion was seconded by Commissioner Brewer and passed unanimously.

Commissioner Dowdle moved that the following be elected notaries public: Mary C. Chambers, Debra G. Clark, Odis Cox, and Nancy S. Johnson. The motion was seconded by Commissioner Anderson and passed unanimously.

The next item on the agenda was the reappointment of the Public Works Board. Commissioner Harris moved that Hank Franck be reappointed to represent districts 1/2/3. Commissioner Anderson moved that the nominations cease and Mr. Franck be elected by acclamation. The motion was seconded by Commissioner Oglesby and passed unanimously.

Commissioner Dowdle moved to reappoint Wesley Parks to represent districts 4/5/6. Commissioner Anderson moved that the nominations cease and Mr. Parks be elected by acclamation. The motion was seconded by Commissioner Oglesby and passed unanimously.

Commissioner Joann Allen moved that Andy Avery be reappointed to represent districts 7/8/9. Commissioner Anderson moved that the nominations cease and Mr. Parks be elected by acclamation. The motion was seconded by Commissioner Howard and passed unanimously.

Commissioner Lillard moved that Russell Wicker be reappointed to the Board to represent districts 10/11/12. Commissioner Anderson moved that the nominations cease and Mr. Wicker be elected by acclamation. The motion was seconded by Commissioner

German and passed unanimously.

Commissioner Reeves moved that Jimmy Jordan be reappointed to represent districts 13/14/15. Commissioner Oglesby moved that the nominations cease and Mr. Jordan be elected by acclamation. The motion was seconded by Commissioner Dowdle and passed unanimously.

Chairman Taylor pointed out that financial reports are in the Commissioners' packets, and they should contact the proper officials with any questions. He then reported for the Mayor's Office. He offered a proposed schedule of events from the Memphis Railroad Intermodal Facility which reads as follows:

- ✓ We opened July 1, 2012 as a partial opening.
- ✓ Gate hours: 0500 to midnite Monday through Friday
 - 700 am to 600 pm Saturday and Sunday
- ✓ Full completion expected by November, 2012 (66.95 paved acres)
- ✓ One train in and one train out until mid-August, when we will add NS train 22N to stop and pickup.
- ✓ Two trains in (and one picking up) and two trains out is expected by the end of 2012.
- ✓ AGS Gate System is expected to be completed by November, 2012.
- ✓ Consists of over 500 acres of property
- ✓ By November, 2012 the foot print will be 66.95 acres of paved area
- ✓ The foot print will have over 11 miles of rail to support operation, which includes 12,150 feet of lift and 17,110 feet of support capacity. Length will be approximately 2.7 miles long.
- ✓ It is a Domestic and Premium facility.
- ✓ Our Lift Contractor, Crane and Equipment maintenance and repair is Intermodal Service of America, LLC(ISA)
- ✓ Facility ample space for future expansion
- ✓ Capacity is 200,000 lifts a year.
- ✓ NS will retain our Memphis Facility for International Traffic

About two weeks ago the Group Work Camp came in, as they do every three years. This is a group of young people whom we sponsor to come in and work on local houses doing things like painting and light carpentry. Everything seemed to go well and it was a big success.

Last night the School Board met and voted on mediation they had about two weeks ago. Some of the highlights of that meeting include consolidation of Jefferson Elementary and Somerville Elementary in the fall of 2014-2015. There will be a "school of choice" involved with this. Oakland Elementary, Southwest Elementary, and the new consolidated school will allow new enrollees to list their preference to attend one of the three schools. There will be a survey you have to take, and the information from that survey they will run through a mathematical formula to determine which school you will attend. The end result is to have these schools racially unidentifiable. Some of the factors

in the mathematical formula include race, distance to the school, and whether or not you already have siblings in the school.

The schools will be closing their books from last year sometime this week, and next week the budget process for the coming year will begin. This means we probably will not adopt a budget in August, as much as I would like to see that happen.

Chairman Taylor introduced a document laying out the requirements for a centralized accounting system. He stated that we have reached the point that we need to seriously consider putting this system in place. He stated that it was his opinion that had this been in place we would not be facing the situation with the School Board that we are now facing. This basically means that there will be a business office which oversees not only County Government, Public Works, Solid Waste, but the schools also. The sole purpose of the office is not to make policies, but to take directives from elected bodies and implement financial directives. This person will make a decent salary, because this body is overseeing somewhere close to fifty million dollars. The salary and qualifications are some things we'll have to determine as we go through this process. CTAS will likely be involved in getting this set up. We are looking at about a year process to get this set up.

Also I talked to the Veterans' Affairs Office with the State of Tennessee and they would very much like for us to hire a part time person to assist our veterans. Right now we have volunteers who have been doing a great job, but we have a large number of veterans in this county. Next month we will take the matter up with the proper Committee and try to start the process of finding someone.

Lastly, fire contracts have been sent out to the cities in the county for their comments and feedback. I think their questions will be for clarification more than anything else. We will bring that to the Safety Committee this next month and if there are no problems we can vote on those.

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

Commissioner Howard asked the Sheriff about laws regarding texting and driving.

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

Commissioner German reported for the Health and Welfare Committee which met on July 9, 2012. The Committee heard a request from Charles Traylor, Director of Solid Waste to allow him to put the following equipment in an auction. Commissioner German then moved that he be allowed to do so. The motion was seconded by Commissioner Howard and passed unanimously.

10.3.2.2

Memorandum

To: Mayor Taylor
From: Charles Taylor/Fayette County Solid Waste
Date: 7/02/2012
Re: Sale of Equipment

Fayette County Solid Waste would like to sell the following pieces of equipment at an auction jointly with Public Works or at an auction of equipment with Bailey Ferge Auction Company:

1. 1990 John Deere tractor Model 4955 SN# RW955-002799
2. 12-Yd Prime Pan Model 29334
3. 1989 Chevy Semi-tractor Vin# GFM7D147V111502
4. 1992 Kubn Power Tiller SN# 920094

The date of the auction will be determined at a later time.

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The Committee also heard a monthly transport and budget report from Sam McKnight , director of the Ambulance Service.

The Personnel Committee and the Education Committee did not meet.

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Commissioner Anderson reported for the Criminal Justice and Public Safety Committee which met on July 10, 2012. They heard a request from Fire Chief Jerry Ray to solicit bids for two tankers and bring them back to the August meeting, which the Committee voted to approve. The Mayor then briefed them on the status of the fire contracts.

Commissioner Harris reported for the Budget Committee which met on July 10, 2010. The first topic of discussion was an increase in the local portion of the county sales tax. The Mayor presented a draft resolution for the Committee's approval to present to the full Commission. Once the County Commission approves the resolution it can be put on the ballot for the November election for the County's citizens to vote on. The Committee approved the draft resolution.

Commissioner Harris moved that the resolution be approved as follows. The motion was seconded by Commissioner Reeves and passed on a roll call vote.
Voting "YES": Commissioners Joann Allen, Anderson, Brewer, Cox, Dowdle, German, Harris, Howard, Karcher, Kelley, Lillard, Oglesby, Reeves, Seals, and Watkins(15)
"PASSING" Commissioner Wilson (1)

10.3.6.2

Draft 1 - July 3, 2012

**RESOLUTION FOR LEVYING AN ADDITIONAL SALES AND USE TAX
IN FAYETTE COUNTY**

BE IT RESOLVED by the Board of County Commissioners of Fayette County, Tennessee:

SECTION 1. The resolution of the Board of County Commissioners of Fayette County, Tennessee, imposing a local sales and use tax as authorized under the provisions of *Tennessee Code Annotated*, Section 67-6-701, et seq., adopted by the Board of County Commissioners at a regular (or special) meeting of record in on _____, is amended to levy a local sales and use tax at a rate of two and three quarters percent (2.75%), not to exceed the maximum percentage as stated in the 1963 Local Option Revenue Act, *Tennessee Code Annotated*, Section 67-6-702, as amended, except as limited or modified by statute.

SECTION 2. The following question shall be placed on the November 2012 General Election ballot by the Fayette County Election Commission as authorized by *Tennessee Code Annotated*, Section 67-6-701, et seq.:

"Shall the Resolution passed pursuant to T.C.A. 67-6-701 et seq. by the Fayette County Commission, published in a newspaper of general circulation, which increases the local sales tax rate from 2.25% to 2.75% become operative?"

SECTION 3. If a majority of those voting in the election required by *Tennessee Code Annotated*, Section 67-6-706, vote for the increase in the tax imposed by this resolution, collection of the increased tax levied by this resolution shall begin on the first day of the month occurring thirty (30) or more days after the county election commission makes its official canvass of the election returns.

SECTION 4. The Department of Revenue of the State of Tennessee shall collect the additional tax imposed by this Resolution concurrent with the collection of the state tax and the local tax now being collected for Fayette County, in accordance with rules and regulations promulgated by the Department.

SECTION 5. Suits for the recovery of any tax illegally assessed or collected shall be brought against the Tennessee Commissioner of Revenue and the (specify officer).

SECTION 6. A certified copy of this resolution shall be transmitted to the Department of Revenue by the County Clerk forthwith and shall be published one time in a newspaper of general circulation in Fayette County prior to the election called for in Section 2 hereof.

Adopted this _____ day of _____, 20____.

Commissioner Harris stated that the Committee also discussed the budget, but the schools books are not yet closed and their fund balances are unknown at this time. More information will be available at the August meeting.

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Commissioner Harris moved to allowed Fire Chief Jerry Ray to solicit bids for two tankers and bring the information back next month. The motion was seconded by Commissioner Brewer and passed unanimously.

Commissioner Harris moved to approve the bond for Interim Superintendent of Schools, James Teague. The motion was seconded by Commissioner Oglesby and passed unanimously as follows.

10.3.6.3



Western Surety Company

RIDER

It is hereby mutually agreed and understood by and between the Principal and Western Surety Company, that instead of as originally written:

The description has been changed to read:
Interim Superintendent Fayette County Schools

The effective date has been changed to read: July 1, 2012

The anniversary date has been changed to read: June 3, 2013

No further changes other than above.

Nothing herein contained shall be held to vary, alter, waive or extend any of the terms, limits or conditions of the Bond , except as hereinabove set forth.

This Policy becomes effective on the 10th day of July , 2012 , at twelve and one hour o'clock a.m., standard time.

Attached to and forming part of Bond No. 71284121 issued by WESTERN SURETY COMPANY of Sioux Falls, South Dakota to

 SUE CULVER

Signed this 10th day of July , 2012 .

WESTERN SURETY COMPANY

By Paul T. Bruffet
Paul T. Bruffet, Senior Vice President



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Western Surety Company

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That WESTERN SURETY COMPANY, a corporation organized and existing under the laws of the State of South Dakota, and authorized and licensed to do business in the States of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming; and the United States of America, does hereby make, constitute and appoint

Paul T. Bruffat of Sioux Falls
State of South Dakota, its regularly elected Senior Vice President
as Attorney-in-Fact with full power and authority hereby conferred upon him to sign, execute, acknowledge and deliver for and on its behalf as Surety and as its act and deed, the following bond:

One SUPERINTENDENT PARETTE COUNTY SCHOOLS

bond with bond number 31224421

for JOHN TRAGUE

as Principal in the penalty amount not to exceed: \$100,000.00

Western Surety Company further certifies that the following is a true and exact copy of Section 7 of the by-laws of Western Surety Company duly accepted and now in force, to-wit:

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer, may appoint Attorneys-in-Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Power of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.

In Witness Whereof, the said WESTERN SURETY COMPANY has caused these presents to be executed by its Senior Vice President with the corporate seal affixed this 10th day of July, 2012.

ATTEST

L. Nelson
L. Nelson, Assistant Secretary

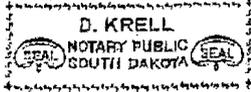
WESTERN SURETY COMPANY

By Paul T. Bruffat
Paul T. Bruffat, Senior Vice President



STATE OF SOUTH DAKOTA }
COUNTY OF MINNEHAHA }

On this 10th day of July, 2012, before me, a Notary Public, personally appeared Paul T. Bruffat and L. Nelson, Senior Vice President and Assistant Secretary, respectively, of the said WESTERN SURETY COMPANY, and acknowledged said instrument to be the voluntary act and deed of said Corporation.



D. Krell
Notary Public

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SURETY BOND NO. 71294121

STATE BOND FORM
COB-7(02)

STATE OF TENNESSEE
COUNTY OF REYNOLDS
OFFICIAL STATUTORY BOND
FOR
COUNTY PUBLIC OFFICIALS
OFFICE OF Superintendent

KNOW ALL MEN BY THESE PRESENTS:

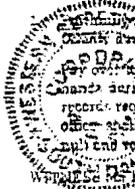
That JAMES LEAGUE
of SEBASTIAN (City or Town), County
of REYNOLDS Tennessee, as Principal, and WESTERN SURETY COMPANY

as Surety, are held and firmly bound unto THE STATE OF TENNESSEE in the full amount of One Hundred Thousand and 00/100 Dollars (\$ 100,000.00) 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 SUPERINTENDENT of and for REYNOLDS County Schools, REYNOLDS for the (1) year term beginning on the 25th day of June, 2012 and ending on the 25th day of June, 2013

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

That if the said JAMES LEAGUE, Principal, shall faithfully perform in the duties of the office of Superintendent of REYNOLDS County during the term of office or his continuance therein; and



any other person authorized by law to receive them, all moneys, premiums, or things of value that may come into his hands during the term of office or his continuance therein without fraud or delay, and shall faithfully and safely keep all records required herein in his official capacity, and at the expiration of his term, or in case of his resignation, or removal from office, shall deliver 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 27th day of June, 2012

WITNESS - ATTEST:
J.B. Bowling

PRINCIPAL:
James League

COUNTERSIGNED BY:
NOT NEEDED
Tennessee Notarized Agent

SURETY:
WESTERN SURETY COMPANY
by: Paul T. Bruford
Paul T. Bruford, Senior Vice President
(Attach evidence of authority to execute bond)

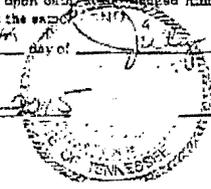
ACKNOWLEDGMENT OF PRINCIPAL

STATE OF TENNESSEE
COUNTY OF REYNOLDS

Before me, a Notary Public, of the State and County aforesaid, personally appeared James League 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 18th day of July, 2012

My Commission Expires August 15, 2015



Melinda O. Ward
Notary Public

ACKNOWLEDGMENT OF SURETY

STATE OF South Dakota
COUNTY OF Minnehaha

Before me, a Notary Public, of the State and County aforesaid, personally appeared Paul T. Brunjes with whom I am personally acquainted and, who, upon oath, acknowledged himself to be the individual who executed the foregoing bond on behalf of WESTERN SURETY COMPANY, the within named Surety, a corporation duly licensed to do business in the State of Tennessee, and that he as such individual being authorized so to do, executed the foregoing bond, by signing the name of the corporation by himself as such individual.

WITNESS my hand and seal this 22nd day of June, 2012.
My Commission Expires: February 12, 2015
S. EICH
NOTARY PUBLIC
SOUTH DAKOTA
Notary Public

Form Prescribed by the Comptroller of the Treasury, State of Tennessee
Form Approved by the Attorney General, State of Tennessee

APPROVAL AND CERTIFICATION

SECTION I. (Applicable to all County Officials except Clerks of Chancery and Circuit Courts)
Read and Sureties approved by _____, County Executive
of _____ County, on this _____ day of _____
Signed: _____
County Executive

CERTIFICATION:
I, _____, County Clerk of _____ County,
hereby certify that the foregoing bond was approved by the Legislative Body of said county, in open session on the _____
day of _____, and entered upon the minutes thereof.
Signed: _____
County Clerk

SECTION II. (Applicable only to Clerks of Chancery and Circuit Courts)
CERTIFICATION:
This is to certify that I have examined the foregoing bond and found the same to be sufficient and in conformity to law, that the
sureties on the same are good and worth the penalty thereof and that the same has been entered upon the minutes of said
court.
Signed: _____
Judge of the _____ Chancery _____ Circuit Court of and for said County
on this _____ day of _____

SECTION III. (Applicable to all County Officials' Bonds)
INDORSEMENT:
Filed with the Comptroller of the Treasury, State of Tennessee, this _____ day of _____
Comptroller of the Treasury

SECTION IV. (Applicable to all County Officials' Bonds)
FOR USE BY REGISTER OF DEEDS

WESTERN SURETY COMPANY
101 South Phillips Ave.
Sioux Falls, SD 57104
605-336-0950

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Western Surety Company

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That WESTERN SURETY COMPANY, a corporation organized and existing under the laws of the State of South Dakota, and authorized and licensed to do business in the States of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the United States of America, does hereby make, constitute and appoint

Paul T. Brufal of Sioux Falls
State of South Dakota its regularly elected Senior Vice President
as Attorney-in-Fact, with full power and authority hereby conferred upon him to sign, execute, acknowledge and deliver for and on its behalf as Surety and as its act and deed, the following bond:

One SUPERINTENDENT SANNETTE COUNTY SCHOOLS

bond with bond number 72254122

for JAMES WEAVER

as Principal in the penalty amount not to exceed: \$200,000.00

Western Surety Company further certifies that the following is a true and exact copy of Section 7 of the by-laws of Western Surety Company duly adopted and now in force, to-wit:

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys-in-Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be omitted by facsimile.

In Witness Whereof, the said WESTERN SURETY COMPANY has caused these presents to be executed by its Senior Vice President with the corporate seal affixed this 22th day of June 2012

ATTEST

L. Nelson
L. Nelson, Assistant Secretary

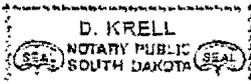
WESTERN SURETY COMPANY
By Paul T. Brufal
Paul T. Brufal, Senior Vice President



STATE OF SOUTH DAKOTA }
COUNTY OF MINNEHAHA } ss

On this 22th day of June, 2012, before me, a Notary Public, personally appeared Paul T. Brufal and L. Nelson

who, being by me duly sworn, acknowledged that they signed the above Power of Attorney as Senior Vice President and Assistant Secretary, respectively, of the said WESTERN SURETY COMPANY, and acknowledged said instrument to be the voluntary act and deed of said Corporation.



D. Krell
Notary Public

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

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Rhea Taylor, County Mayor

ATTEST:

Sue W. Culver, County Clerk

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