

6.1

## FAYETTE COUNTY LEGISLATIVE BODY

AUGUST 27, 2013

**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 27<sup>th</sup> day of August, 2013. 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, Joann Allen, Steve Anderson, Charles Brewer, Odis Cox, Charles "Chuck" Dacus, Lee "Sissy" Dowdle, Willie German, Jr., Reggie Howard, Judy Karcher, Bill Kelley, Terry Leggett, David Lillard, Sylvester Logan, Claude Oglesby, Steve Reeves, Ray Seals, Larry Watkins, and Myles Wilson.

A quorum was declared with all nineteen Commissioners present.

The floor was opened to the public for comments on non-agenda items.

Vip Lewis, Clerk and Master, spoke on behalf of the Courthouse Officials who have asked for increases that would put their salary 15 per cent below the Mayor's and 10 per cent below the Sheriff's, as recommended by the state. Mr. Lewis withdrew the Officials request at this time and asked that the Board concentrate on giving County Employees a fair and equitable raise of at least 3 per cent this year.

The next person to speak was Mary "Cookie" Parks, former Financial Director for Fayette County Schools. She addressed the Board with concerns regarding the Board of Education Financial Office. She announced that she had tendered her resignation from that office on August 17, 2013.

Wesley Parks spoke on behalf of the County Agricultural industry, stating that the local agricultural association is opposed to any local funds going to the Humane Society of the United States.

Will Gresham also spoke on behalf of the agricultural industry, stating that HSUS is trying to put farmers involved in the agricultural business out of business. He also requested that no local funds be given to the HSUS.

Commissioner Wilson moved that the minutes from the July 23, 2013 meeting be approved. The motion was seconded by Commissioner Watkins and passed unanimously by the Board.

Commissioner Howard moved that the following Resolution Of The Fayette County Board Of Commissioners be approved and forwarded to the State of Tennessee .

The motion was seconded by Commissioner Leggett and passed unanimously.

7.1

**RESOLUTION OF THE FAYETTE  
COUNTY BOARD OF COMMISSIONERS**

**A RESOLUTION to honor a favorite son of Somerville and  
Fayette County, Tennessee.**

**WHEREAS**, Herb Parsons was born and raised in Fayette County ;  
and

**WHEREAS**, Herb Parsons learned to shoot and hunt in the woods of  
Fayette County ; and

**WHEREAS**, Herb Parsons brought great pride to the citizens of  
Fayette County by becoming the greatest shooter ever ; and

**WHEREAS**, Herb Parsons will live in history as being a great  
shooter, family man, and patriot who served his Country proudly ;  
and

**WHEREAS**, Herb Parsons who coined the phrase, "hunt with your  
boy or girl and you will avoid the heartache of hunting for them"  
shared the values and principles still held dear by the community he  
grew up in, therefore,

**BE IT RESOLVED** the Fayette County Board of Commissioners  
respectfully request the Tennessee State Legislature to name  
Hwy 64 within the borders of his hometown, Somerville, TN in  
honor of Mr. Herb Parsons, the "Showman Shooter". The  
Commission request that TDOT place signage at appropriate  
points on Hwy 64 within the borders of Somerville proclaiming  
Hwy 64 "Herb Parsons Highway"! The Chairman of the Fayette  
County Board of Commissioners will forward this resolution to  
Senator Dolores Gresham, Representative Barrett Rich, and the  
remaining members of the Tennessee Legislature.

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Chairman, Board of Commissioners

ATTESTED:

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County Court Clerk

Commissioner Dowdle moved that the following be elected notaries public:  
Twila C. Carroll, Heather Hall, Olivia S. Linam, Susan H. Mims, and Jill L. Womack.  
The motion was seconded by Commissioner Logan and passed unanimously.

The Mayor advised Commissioners that the financial reports were in their packets and any questions should be directed to the appropriate official. The Mayor's report was reserved for the Budget Committee report.

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

Director of Schools James Teague reported for the Board of Education and gave an update on the progress of the new school construction. On June 18, 2013, construction workers discovered the remains of the old high school formerly located at the construction site beneath the surface. The debris contained asbestos. Upon further inspection it was discovered that instead of 5 thousand cubic yards of contaminated soil it was more like 20 thousand cubic yards. However it is believed to be clean at this time. In a few days a Phase II study will be done on the property, at a cost of approximately \$10,000. The cost could increase if further contamination is discovered. It will take about two weeks to get the result from the Phase II study. In the meantime, Yates Construction will continue with site preparation. Mr. Teague stated that approximately \$700,000 has already been spent toward site preparation. Michael Rogers, site engineer for Fischer and Arnold addressed the Board, as did Craig Ward, an asbestos specialist, who explained procedures for the Phase II test. Mr. Ward stated that 2 acres of the site will be tested and 5 to 10 borings will be made.

Commissioner Wilson stated that the Development Committee did not meet.

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

Commissioner Oglesby reported that the Personnel Committee did not meet.

Commissioner Lillard reported for the Education Committee. The Committee discussed the clean-up at the school site. They were told that the Board of Education would use its fund balance toward the clean up of the site and the Board of Education requested that \$750,000 be added to the budget for the new school. There was discussion as to environmental issues, and the Committee voted to send the request on to Budget with no recommendation.

Commissioner Anderson reported for the Criminal Justice/Public Safety Committee which met on August 13, 2013. The Committee discussed the application for a FEMA Fire Grant requested by Chief Jerry Ray. This would allow the County to have full time firefighters for two years. At the end of that two year period there would be no requirement to continue the program if the County did not desire to do so. The Committee moved to approve the application and forward the matter to the Budget Committee. An update was given on the status of the Williston Fire Station being built with another FEMA grant that was awarded. Construction is expected to begin in the spring of 2014.

Commissioner German reported for the Budget Committee which met on August 8, 2013, and again on August 20, 2013. On August 8 the Committee was given updated budget information but no votes were taken because the school budget was not complete and nothing could be finished without their budget. A three (3) per cent cost of living raise for employees was discussed. The Mayor stated that the new school asbestos cleanup has grown dramatically- from 4800 cubic yards to approximately 16,000.

Commissioner German then reported for the Budget Committee meeting on August 20, 2013. Fire Chief Jerry Ray asked that he be allowed to apply for a FEMA grant that would pay 12 full time firefighters for two years, at which time the County would be under no obligation to continue the program if it did not desire to do so. Commissioner German then moved that Chief Ray be allowed to apply for the grant. The motion was seconded by Commissioner Leggett and passed unanimously.

Commissioner German moved that the amounts left in the Adequate Facilities Tax fund this year be moved to debt service, to include \$106,141 in the general fund. The motion was seconded by Commissioner Oglesby and passed unanimously.

10.3.6.3

Updated August 13, 2013  
**Adequate Facilities Tax**  
 Capital Plan Allocation Report

Year	Actual	Net	Total
2004-05	\$	376,220	
2005-06	\$	512,451	
2006-07	\$	573,550	
2007-08	\$	769,210	
2008-09	\$	252,548	
2009-10	\$	230,928	
2010-11	\$	221,107	
2011-12	\$	284,639	
2012-13	\$	512,724	
<b>Total</b>			<b>\$ 3,733,377</b>

AFT Allocation Total	Used-To-Date	Remaining
General	\$ 1,649,184	\$ 106,141
Schools	\$ 989,026	\$ (0)
Roads	\$ 615,358	\$ 373,668
<b>Total</b>	<b>\$ 3,733,377</b>	<b>\$ 479,809</b>

Notes  
 All collections for '04-05, Till April 1 '06 and 1/3 of collections since April 1 '06  
 1/3 of collections since April 1 '06  
 1/3 of collections since April 1 '06

Commissioner German moved to approve the following “Resolution to Levy A Certified Tax Rate”. The motion was seconded by Commissioner Logan and passed unanimously by the Board.

10.3.6.5

RESOLUTION TO LEVY A CERTIFIED TAX RATE

**WHEREAS**, *Tennessee Code Annotated*, Section 67-5-1701(a), requires that, in the event of a general reappraisal in a county, the county legislative body shall determine and certify a tax rate which will provide the same ad valorem revenue for that jurisdiction as was levied during the previous year; and

**WHEREAS**, *Tennessee Code Annotated*, Section 67-5-1701(b), authorizes the State Board of Equalization to establish policies providing a procedure or formula for calculating the certified tax rate and Fayette County followed that procedure after reappraisal in 2013; and,

**WHEREAS**, Fayette County desires to levy a tax rate as the certified tax rate as submitted by the Fayette County Assessor of Property and approved by the State Board of Equalization which will bring in the same amount of tax revenue off the same property as in the preceding year ;

**NOW, THEREFORE, BE IT RESOLVED**, by the Fayette County Legislative Body, meeting in regular session on this the 27<sup>th</sup> day of August, 2013, that:

**Section 1.** A tax rate of \$1.6054 be levied and this shall be the certified rate as proposed by the Fayette County Assessor of Property and approved by the State Board of Equalization.

**Section 2.** This Resolution shall take effect from and after its passage, the public welfare requiring it. This resolution shall be spread upon the minutes of the county legislative body.

Adopted this 27<sup>th</sup> day of August, 2013.

APPROVED:

\_\_\_\_\_  
County Mayor

ATTEST:

\_\_\_\_\_  
County Clerk

Commissioner Anderson then moved to approve the following "Initial Resolution Determining To Issue Not To Exceed \$4,000,000 General Obligation Bonds Of Fayette County, Tennessee". The motion was seconded by Commissioner Lillard. After some discussion Commissioner Leggett moved to amend the motion by changing to read "Not To

Exceed \$2,000,000. The amendment was seconded by Commissioner Joann Allen. On roll call vote, the following results were had:

Voting "YES" Commissioners: Ed Allen, Joann Allen, Brewer, Leggett, Logan, and Wilson (6)

Voting "NO" Commissioners: Anderson, Cox, Dacus, German, Howard, Karcher, Kelley, Lillard, Oglesby, and Reeves (10)

"PASSING" : Commissioners Dowdle, Seals, and Watkins (3)

Thereupon the motion failed.

The original motion was then voted on, with the following results:

Voting "YES" Commissioners Anderson, Brewer, Cox, Dacus, German, Howard, Karcher, Kelley, Lillard, Oglesby, and Reeves (11)

Voting "NO" Commissioners Ed Allen, Leggett, and Logan, (3)

"PASSING": Joann Allen, Dowdle, Seals, Watkins, and Wilson(5)

Thereupon the motion passed as follows:

10.3.6.7

Resolution # 2013-08-\_\_\_

INITIAL RESOLUTION DETERMINING TO ISSUE NOT TO EXCEED \$4,000,000  
GENERAL OBLIGATION BONDS OF FAYETTE COUNTY, TENNESSEE

WHEREAS, the Board of County Commissioners of Fayette County, Tennessee (the "Issuer") has determined that it is necessary to make certain capital expenditures in connection with public works projects as described in Section 9-21-105 of the Tennessee Code Annotated, as amended, including but not limited to the acquisition, construction and equipping of schools, and the purchase of transportation equipment for schools (collectively, the "Project"); and

WHEREAS, the Issuer is authorized by Sections 9-21-101 et seq. of the Tennessee Code Annotated to issue its general obligation bonds for such purposes.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Fayette County, Tennessee, as follows:

Section 1. That it is necessary and desirable and in the best interests of the citizens of Fayette County, Tennessee that the Issuer pay costs of the Project and pay legal, fiscal, and administrative costs incident to the issuance and sale of its general obligation bonds to be issued for such purposes.

Section 2. That the Board of County Commissioners of Fayette County, Tennessee hereby determines pursuant to the authority of Sections 9-21-101 et seq. of the Tennessee Code Annotated, as amended, that it shall issue its general obligation bonds for the purposes of paying costs of the Project, and other purposes stated above in an aggregate amount not-to-exceed \$4,000,000, that such bonds will bear interest at a rate or rates not-to-exceed 5.50%, and that such bonds shall be payable, both principal and interest, from ad valorem taxes levied without limitation as to rate or amount upon all taxable property in the Issuer. At the option of Board of County Commissioners of Fayette County, Tennessee and the agreement of the Fayette County Board of Education, all or a portion of such bonds may be additionally payable from and/or secured by a pledge of that portion of the Issuer's local option sales and use tax designated for schools, subject to any prior pledges.

Section 3. That the bonds may be issued for any one or more of the purposes stated above and may be issued in one or more emissions either separately or as part of one or more larger bond issues which may include bonds of the Issuer being issued for other purposes and/or under other authorizing resolutions and statutes.

NOTICE

The foregoing resolution has been adopted. Unless within twenty (20) days from the date of the publication hereof, a petition signed by at least ten percent (10%) of the registered voters of Fayette County, Tennessee shall have been filed with the County Clerk of Fayette County protesting the issuance of the general obligation bonds, such bonds will be issued as proposed.

Adopted and approved this 27<sup>th</sup> day of August, 2013.

\_\_\_\_\_  
County Mayor

Attest:

\_\_\_\_\_  
County Clerk

(Seal)

Commissioner Dowdle moved to approve the Director of Schools Bond as follows. The motion was seconded by Commissioner Logan and passed unanimously.

11.1

SURETY'S BOND NO. 71294121

STATE BOND FORM  
COB-7(02)

STATE OF TENNESSEE  
COUNTY OF Fayette  
OFFICIAL STATUTORY BOND  
FOR  
COUNTY PUBLIC OFFICIALS  
OFFICE OF Director

KNOW ALL MEN BY THESE PRESENTS:

That James M. Teague  
of Somerville (City or Town), County  
of Fayette Tennessee, as Principal, and WESTERN SURETY COMPANY

so 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 X elected X appointed to the office of Director of and for Fayette County School System County for the (4) year term beginning on the 12th day of September, 2013 and ending on the 12th day of September, 2017

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

That if the said James M. Teague, Principal, shall faithfully perform the duties of the office of Director of Fayette County School System County during the term of office or his continuance therein; and



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.

He has and seals this 17th day of May, 2013

WITNESSES -- ATTEST:

J.B. Bowling

PRINCIPAL:

Sam M. Teague

SURETY:

WESTERN SURETY COMPANY

COUNTERSIGNED BY:

NOT NEEDED  
Tennessee Resident Agent

by:

Paul T. Brufat

Paul T. Brufat, 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 James M. Teague with whom I am personally acquainted and who, upon oath, acknowledged to me that he executed the foregoing bond, and he acknowledged to me that he executed the same.

WITNESS my hand and seal this 15th day of August, 2013

My Commission Expires: August 1st 2015



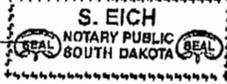
Glenda A. Ward  
Notary Public

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. Bruflet 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 17th day of May, 2013  
My Commission Expires: February 12, 2015



S. EICH  
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)  
Bond 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  
605-336-0860

# 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. Brufat of Ricou Falls  
State of South Dakota, its regularly elected 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 DIRECTOR FAYETTE COUNTY SCHOOL SYSTEM

bond with bond number 71294121

for JAMES M. TEAGUE  
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 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 printed by facsimile.

In Witness Whereof, the said WESTERN SURETY COMPANY has caused these presents to be executed by its Vice President with the corporate seal affixed this 17th day of May, 2013.

ATTEST

L. Nelson  
L. Nelson, Assistant Secretary

WESTERN SURETY COMPANY  
By Paul T. Brufat  
Paul T. Brufat, Vice President



STATE OF SOUTH DAKOTA }  
COUNTY OF MINNEHAHA }

On this 17th day of May, 2013, before me, a Notary Public, personally appeared Paul T. Brufat and L. Nelson, who, being by me duly sworn, acknowledged that they signed the above Power of Attorney as 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.



S. Petrik  
Notary Public

Commissioner Dowdle moved to adopt the following "Resolution to Affirm & Support It Can Wait National Day Of Action And The Nationwide No-Texting-While-Driving Movement". The motion was seconded by Commissioner Wilson and passed unanimously by the Board.

**A RESOLUTION TO AFFIRM & SUPPORT IT CAN WAIT NATIONAL DAY  
OF ACTION AND THE NATIONWIDE NO-TEXTING-WHILE-DRIVING  
MOVEMENT**

**WHEREAS**, Fayette County holds the health and safety of its teenagers and adults as a chief concern, and

**WHEREAS**, through ITCanWait.com, Facebook, text-to-pledge, tweet-to-pledge and events, more than 1.5 million people have committed to never text and drive, and

**WHEREAS**, 98 percent of American commuters know sending a text or email while driving is not safe, and

**WHEREAS**, nearly 50 percent of commuters text while behind the wheel, and

**WHEREAS**, more than 40 percent of commuters who text while driving reported the activity as being a habit, and

**WHEREAS**, a Virginia Tech study showed those who send text messages while driving are 23 more times more likely to crash, and

**WHEREAS**, a driver that sends a text message while driving not only jeopardizes his or her safety, but also the safety of passengers, pedestrians, and other drivers.

**NOW, THEREFORE, BE IT RESOLVED**, by a majority vote of the Fayette County Commission, meeting in session on August 27, 2013 that Fayette County does hereby affirm its support of the It Can Wait National Day of Action, the nationwide no-text-while-driving movement, and the proclamation of September 19, 2013, as "No Text On Board – Pledge Day."

Duly passed and approved this 27<sup>th</sup> day of August, 2013.

APPROVED: \_\_\_\_\_  
Rhea V, Taylor, Fayette County Mayor

ATTEST: \_\_\_\_\_  
Sue Culver, Fayette County Clerk

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

\_\_\_\_\_  
Rhea Taylor County Mayor

ATTEST:

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Sue Culver, County Clerk