

FAYETTE COUNTY LEGISLATIVE BODY

FEBRUARY 26, 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 26<sup>th</sup> day of February, 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: Joann Allen, Steve Anderson, Charles Brewer, Odis Cox, Willie German, Reggie Howard, Judy Karcher, Bill Kelley, Terry Leggett, Sylvester Logan, David Lillard, Claude Oglesby, Steve Reeves, Ray Seals, Larry Watkins, and Myles Wilson. Also present was Charles Dacus, who was appointed to replace Commissioner Ronnie Harris at this meeting.

Commissioners Ed Allen and Lee "Sissy" Dowdle were absent. A quorum was declared with 16 Commissioners present.

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

Commissioner Lillard moved that the minutes from the January 22, 2013 meeting be approved. The motion was seconded by Commissioner Leggett and passed unanimously.

Commissioner Reeves moved that the following correction to the minutes from July 28, 2009 be approved. The motion was seconded by Commissioner Leggett and passed unanimously.

Commissioner Wilson moved to adopt the following Resolution To Correct The Animal Control Resolution of April, 2009. The motion was seconded by Commissioner Burnette and passed unanimously.

WHEREAS, Fayette County adopted an Animal Control Resolution in April 2009 to regulate cats and dogs in Fayette County; and

WHEREAS, Section 12 of the Animal Control Act designates enforcement only in the unincorporated areas of Fayette County; and

WHEREAS, The intent of this resolution was to apply to all Fayette County residents for the control and licensing of dogs and cats.

NOW, THEREFORE, BE IT RESOLVED by the County Commission of Fayette County that the wording of Section 12 in its entirety shall be deleted and replaced with the following

It is the duty of Fayette County Animal Control and/or the Fayette County Sheriff's Department to enforce the required provisions of this Act in Fayette County and each will have the power and authority to issue a citation(s) to appear in a court of the State of Tennessee having jurisdiction against any animal owner not in compliance with the provisions of this Act. Animal owners failing to comply with the provisions of this Act are subject to a civil penalty of fifty dollars (\$50.00) per day, each day being considered as a separate offense.

Adopted this 28<sup>th</sup> day of July, 2009.

Commissioner Wilson moved to adopt the following Resolution to Revise The Health And Safety Standards of Residential and Non-Residential Properties Resolution of April, 2009. The motion was seconded by Commissioner Cook and passed unanimously.

WHEREAS, Fayette County adopted Regulations Governing The Health and Safety Standards of Residential And Non-Residential Properties Resolution in April 2009 to protect the health and safety of our residents; and

WHEREAS, Section 2 (b)4 of the resolution designates enforcement of the grass and vegetation height in a platted subdivision of more than three (3) lots in a R-2, R-3, or RPEU district; and

WHEREAS, The intent of this resolution was to apply to all areas where there residential structures in close proximity to each other.

NOW, THEREFORE, BE IT RESOLVED by the County Commission of Fayette County that the wording of Section 2 (b)4 in its entirety shall be deleted and replaced with the following.

It shall be a violation of these regulations for any owner of property to permit or allow to grow in height in excess of twelve (12) inches any weeds, brush, grass or other vegetation which is not edible or planted for some useful or ornamental purpose upon the land owned, occupied or leased by such person. This requirement shall only be enforced where there are two or more residential structures that are within 1/4 mile (1320 feet) of each other.

Adopted this 28<sup>th</sup> day of July, 2009.

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

John Pitner, Director of Planning and Development, introduced the following zoning amendment for approval. The floor was opened to the public for comments for or against approval of the amendment. With no one coming forth the public hearing was closed. Commissioner Anderson moved that the resolution be approved with section 3 being removed and the other sections renumbered appropriately. The motion was then seconded by Commissioner Joann Allen and passed unanimously.

**RESOLUTION**

**A RESOLUTION TO AMEND THE FAYETTE COUNTY ZONING RESOLUTION TO ALLOW LANDOWNER CONSTRUCTION OF TURN-AROUNDS AT THE END OF PUBLIC DEAD-END ROADS IN THE R-1 DISTRICT, TO ALLOW COMBINED ACCESS DRIVES IN THE R-1 DISTRICT NOT INITIATED BY THE REGIONAL PLANNING COMMISSION, AND TO PROHIBIT ISSUANCE OF ANY VARIANCE FROM THE DETENTION BASIN PROVISIONS**

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 Section 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; 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 February 4, 2013, 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 before the Fayette County Board of Commissioners on February 26, 2013, 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 26th DAY OF FEBRUARY, 2013:

SECTION 1. That there be added to "Article X – Exceptions and Modifications" the following Section 6: "Roads. In an R-1 district where a dead-end public road does not terminate in a turn-around of at least forty (40) feet radius (paved or gravel), such turn-around may be constructed to the specifications of the Fayette County Subdivision Regulations where authorized by both the Fayette County Regional Planning Commission and the Fayette County Board of Public Works, provided that no building permit shall be issued to any lot having any frontage on such turn-around until the turn-around has been accepted for public maintenance in accordance with established county procedure."

and

SECTION 2. That there be revised the second clause of Section 2.1.1 of "Article VII – Provisions For Land Use Districts," which reads: "Provided that no road shall be constructed by any nongovernmental entity except a combined access drive where required by the regional planning commission under Article IV of the Fayette County Subdivision Regulations, which drive shall not result in the creation of more lots of record than could be obtained without the combined access drive" to read: "Provided that no road shall be constructed by any nongovernmental entity except a combined access drive where required or authorized by the regional planning commission under Article IV of the Fayette County Subdivision Regulations, which drive shall not result in the creation of more lots of record than could be obtained without the combined access drive."

and

SECTION 3. That there be revised Section 16 of "Article V – General Provisions," which reads: "Drainage Detention Basins. No drainage detention basin required by the Fayette County Regional Planning Commission to be installed in a subdivision and depicted as an easement or similar

encumbrance on a recorded plat shall be breached or filled or obstructed or otherwise disrupted in its normal functioning in any way without the prior consent of both the Fayette County Public Works Board and the Fayette County Regional Planning Commission, as documented in the minutes of each board, and any violation of this provision shall be prosecutable against any and/or all person(s) on whose land the drainage detention basin is located as well against any other responsible party" to add the following second sentence: "No variance shall be granted from the provisions of this section."

and

SECTION 4. That this Resolution shall become effective the day following its adoption, THE PUBLIC WELFARE REQUIRING IT.

Commissioner Wilson moved that the following be approved as notaries public: Margaret H. Chambless, Persuala Cheairs, Jennifer M. Clayton, Karin L. Frewin, Karen M. Gaugh, Sherry Harris, Regina H. Jenkins, Willard J. Maxwell, Al-Anthony McKinney, Doris D. Riles, Faye Charlene Snell, and Sharron R. Sprayberry. The motion was seconded by Commissioner Brewer, and passed unanimously.

The floor was opened for nominations to appoint a Commissioner to replace Commissioner Ronnie Harris who resigned on January 2, 2013. Commissioner Willie German nominated Charles Dacus for the position. Commissioner Terry Leggett nominated Bob Doll for the appointment. Commissioner Leggett questioned Mr. Dacus, a member of the Board of Trustmark Bank, about the code of ethics from the Trustmark Bank regarding those who served on the Board of the Bank having a conflict of interest if they were elected or appointed to certain positions. After much discussion regarding direct conflicts of interest and recusing one's self should a conflict of interest occur, tment until next month, but the motion on the floor took precedence. A roll call vote was taken with the following results:

Voting for Charles Dacus: Commissioners Anderson, Brewer, Cox, German, Karcher, Kelley, Lillard, Oglesby, Reeves, Seals, Wilson, and Watkins (12)

Voting for Bob Doll: Commissioners Leggett and Logan. (2)

PASSING: Commissioners Joann Allen and Howard. (2)

Charles Dacus received the appointment, was immediately sworn in, and took a seat at the table.

Commissioner Joann Allen moved that Commissioner Willie German be appointed Chairman Pro Tempore to replace Mr. Harris. Commissioner Oglesby moved that the nomination cease and Commissioner German be elected by acclamation. The motion was seconded by Commissioner Brewer and passed unanimously.

Chairman Taylor reported for the County Mayor's Office. He stated that the 2013 Centralized Accounting Bill is before the legislature at this time. He stated that the audit of the School Board should be finished by the next County Commission meeting, and it will have to be finished no later than March 31. He further stated that the Farmers Market will have to be moved to a new location due to construction of the new elementary school at that location. The Board of Education expects to break ground in April, 2013.

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.

Commissioner Wilson reported for the Development Committee which met on February 11, 2013. The Committee discussed the Zoning Amendment voted on earlier in this meeting.

Commissioner German reported for the Health and Welfare Committee which met on February 11, 2013. The Committee was presented a proposal for collecting delinquent accounts by Ray and Hugh Jamieson from ARCO collections. The committee then voted to issue a Request For Proposals(RFP) to establish a collection system after the ambulance billing company has turned over accounts that are delinquent. The committee

also voted to issue a RFP to liquidate the current backlog of ambulance delinquent debt. The Committee also reviewed current run reports from the Ambulance Service, and asked the Ambulance Service for a Year-To-Date financial report.

Commissioner Oglesby stated that the Personnel Committee did not meet.

Commissioner Lillard reported for the Education Committee, which met on February 12, 2013. Commissioner Lillard moved that the following resolution regarding the appointment of School Superintendents be approved. The motion was seconded by Commissioner Kelley and passed on roll call vote as follows:

Voting "YES": Commissioners Joann Allen, Anderson, Brewer, Cox, Dacus, German, Karcher, Kelley, Lillard, Oglesby, Reeves, Seals, Wilson, and Watkins (14)

Voting "NO": Commissioners: Howard, and Leggett (2)

"PASSING" Commissioner Logan

RESOLUTION IN SUPPORT OF APPOINTED SCHOOL SUPERINTENDENTS

**WHEREAS**, the Fayette County Board of Education is responsible for providing a local system of public education; and

**WHEREAS**, the appointment of school superintendents was the cornerstone of the Education Improvement Act of 1992, patterning school governance after the business model, with elected school boards responsible for setting policy and board-appointed chief executive officers in charge of day-to-day administration of schools; and

**WHEREAS**, the Education Improvement Act and the appointment of superintendents have provided greater flexibility at the local level to operate schools and made school systems more accountable for results; and

**WHEREAS**, the appointment of superintendents provides a broader pool of qualified candidates and removes residency limitations, allowing the selection to be based solely on professional qualifications and leadership skills rather than the political savvy of only those individuals living in a particular district and willing to run for office; and

**WHEREAS**, the appointed superintendent is accountable to the board of education and may be replaced for failure to achieve the standards and goals established by the local board and the state; and

**WHEREAS**, the appointment of the superintendent ensures cooperation and a common vision with the board of education to improve student achievement and overall school performance; and

**WHEREAS**, history in Tennessee has shown that most elected superintendents are voted out of office after one term – just around the time school systems, students and the community can begin to benefit from their increased knowledge and experience; and

**WHEREAS**, only three states in the entire country (Alabama, Florida, and Mississippi) continue to participate in the outdated practice of electing school superintendents, electing less than one percent of the nearly 15,000 superintendents in the United States; and

**WHEREAS**, the Tennessee General Assembly will undoubtedly continue to face pressure to revert to elected superintendents, particularly from some local funding bodies reluctant to increase education funding and improve school system budgets and frustrated with the lead advocacy roles of appointed superintendents;

**THEREFORE, BE IT RESOLVED THAT THE** Fayette County Commission encourages the Tennessee General Assembly to place the interest of students above any other by recognizing the value of appointed superintendents and rejecting any attempt to revert to superintendent elections.

Commissioner Lillard moved to approve the following resolution discouraging the use of school vouchers. The motion was seconded by Commissioner Cox, and the following roll call vote was taken:

Voting "NO": Commissioners: Anderson, Brewer, Cox, German, Dacus, Howard, Karcher, Leggett, Lillard, Logan, Reeves, Seals, and Watkins (13)

## RESOLUTION IN OPPOSITION TO SCHOOL VOUCHERS

WHEREAS, the Fayette County Board of Education is responsible for providing a local system of public education; and

WHEREAS, there is pending legislation before the Tennessee General Assembly that would create a voucher program allowing students to use public education funds to pay for private school tuition; and

WHEREAS, more than 50 years have passed since private school vouchers were first proposed, and during that time proponents have spent millions of dollars attempting to convince the public and lawmakers of the concept's efficacy, and yet, five decades later, vouchers still remain controversial, unproven and unpopular; and

WHEREAS, the Constitution of the State of Tennessee requires that the Tennessee General Assembly "provide for the maintenance, support and eligibility standards of a system of free public schools", with no mention of the maintenance or support of private schools; and

WHEREAS, the State of Tennessee, through work of the Tennessee General Assembly, the Tennessee Department of Education, the State Board of Education and local school boards, has established nationally recognized standards and measures for accountability in public education; and

WHEREAS, vouchers eliminate public accountability by channeling tax dollars into private schools that do not face state-approved academic standards, do not make budgets public, do not adhere to open meetings and records laws, do not publicly report on student achievement, and do not face the public accountability requirements contained in major federal laws, including special education; and

WHEREAS, vouchers have not been effective at improving student achievement or closing the achievement gap, with the most credible research finding little or no difference in voucher and public school students' performance; and

WHEREAS, vouchers leave many students behind, including those with the greatest needs, because vouchers channel tax dollars into private schools that are not required to accept all students, nor offer the special services they may need; and

WHEREAS, vouchers give choices to private schools, not students and parents, since private schools decide if they want to accept vouchers, how many and which students they want to admit, and the potentially arbitrary reasons for which they might later dismiss a student; and

WHEREAS, many proponents argue for these programs to increase options, but several options currently exist within public school systems. Through federal and state laws, students have the options of charter or magnet schools, and in the event of failing schools, students may attend other traditional public schools within the district.

WHEREAS, voucher programs divert critical dollars and commitment from public schools to pay private school tuition for a few students, including many who already attend private schools; and

WHEREAS, vouchers are an inefficient use of tax payer money because they compel taxpayers to support two school systems: one public and one private, the latter of which is not accountable to all the taxpayers supporting it; and

NOW THEREFORE BE IT RESOLVED BY THE FAYETE COUNTY COMMISSION AS FOLLOWS:

The Fayette County Commission opposes any legislation or other similar effort to create a voucher program in Tennessee that would divert money intended for public education to private schools.

Voting "YES": Commissioners: Joann Allen(1)  
"PASSING": Commissioners: Kelley, Oglesby, and Wilson (3)  
Thereupon motion failed.

Commissioner Lillard moved that the following Resolution opposing Charter Schools be approved. The motion was seconded by Commissioner Cox and failed on roll call vote as follows:

Voting "YES": Commissioner Joann Allen (1)

Voting "NO": Commissioners Anderson, Brewer, Cox, German, Dacus, Howard, Karcher, Leggett, Lillard, Logan, Seals, Wilson, and Watkins (13)

"PASSING": Kelley, Oglesby, and Reeves (3)

Motion failed.

Commissioner Lillard moved to approve the following "Resolution of The Fayette County Board of Accrued Interest And Accounting of Same". The motion was seconded by Commissioner Howard and passed unanimously.

**RESOLUTION IN OPPOSITION TO STATE WIDE CHARTER SCHOOL  
AUTHORIZER**

WHEREAS, the Fayette County Board of Education is comprised of members who are popularly elected to be responsible for providing a local system of public education; and

WHEREAS, charter schools have had a presence in Tennessee for more than ten years with local boards serving as authorizers; and

WHEREAS, charter schools are public schools and their failures or successes are attributed to the authorizing school system; and

WHEREAS, local boards thoughtfully and systematically review a charter application prior to making a determination to approve or deny; and

WHEREAS, charter applicants may appeal a denial of a local board of education to the state board of education; and

WHEREAS, despite dozens of appeals to the state board, only a handful of local decisions have been overturned; and

WHEREAS, members of local boards are in their communities every day working with parents, teachers, and students; and

WHEREAS, local boards of education work diligently to make the best decisions for their students and communities; and

WHEREAS, local boards are held directly accountable through the electorate; and

WHEREAS, each school district is unique and decisions impacting public education should be made by the elected board of education which has a physical presence in the community, not by an appointed body with no such presence; and

NOW THEREFORE BE IT RESOLVED BY THE FAYETTE COUNTY COMMISSION AS FOLLOWS:

The Fayette County Commission opposes any legislation to create a statewide or alternate authorizer for charter schools that would bypass locally elected boards of education and usurp the responsibilities entrusted to them by their constituencies.

10.2.4.4

RESOLUTION OF THE FAYETTE COUNTY BOARD OF EDUCATION REQUESTING PAYMENT  
OF ACCRUED INTEREST AND ACCOUNTING OF SAME

WHEREAS, the Fayette County Board of Education (Board), through recent internal financial auditing, has discovered that the interest income which accrues on the Board's General Fund held on deposit with a local bank has not, since fiscal year 1996-1997, been paid to the Board but has instead, upon information and belief, been utilized by Fayette County Government for non-school related purposes, and;

WHEREAS, since fiscal year 1996-1997, the Board has not had knowledge of the accounting practices which have been used by the Fayette County Trustee in calculating the annual accrual of interest on the Board's General Fund nor does the Board have knowledge of the amount of annual interest accrual calculated and designated by the County Trustee on said General Fund, nor does the Board have knowledge of whether the amount of interest which has accrued each year has been fully applied to one or more non-school related funds, and;

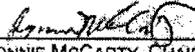
WHEREAS, the Board is of the opinion, based upon standard accounting practices as well as the historical course of dealings between Fayette County Government and the Board prior to fiscal year 1996-1997, that all interest income which accrues annually on money held on deposit in its General Fund should be applied back to the Board's General Fund balance, and;

WHEREAS, because the Board does not have the ability to calculate or determine the total sum of money which has accrued on the Board's General Fund since the 1996-1997 fiscal year and therefore needs and requests an accounting from the appropriate County and/or Bank personnel in order to determine and verify said sum.

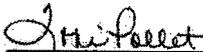
NOW THEREFORE, BE IT RESOLVED that the Board does hereby request from the Fayette County Commission (Commission) that it authorize and instruct its County Trustee to annually apply all interest income which has accrued on the Board's General Fund back to said Fund commencing with the 2012-2013 fiscal year and all succeeding years thereafter.

BE IT FURTHER RESOLVED that the Board does hereby request from the Commission that it authorize and instruct the County Trustee, in assistance with appropriate Bank personnel if necessary, to provide the Board with an accounting of the total sum of interest income which has accrued on the Board's General Fund since fiscal year 1996-1997 and that said sum be broken down in order to reflect the amount of interest which accrued in each of the fiscal years since 1996-1997, along with an explanation of the manner in which said interest income was handled and/or applied by the County Trustee for each fiscal year.

APPROVED AND ADOPTED this 7<sup>th</sup> day of February, 2013.

  
\_\_\_\_\_  
RONNIE MCCARTY, CHAIRMAN

ATTESTED BY:

  
\_\_\_\_\_  
TONI POLLET

Commissioner Anderson reported for the Criminal Justice and Public Safety Committee which met on February 12, 2013, The Committee discussed the Twenty-fifth Judicial District Drug Task Force Joint Cooperation and Mutual Aid Agreement. This allows some of the Sheriff's officers to work with the District Drug Task Force. Commissioner Anderson moved that the agreement be adopted. The motion was seconded by Commissioner Logan and passed unanimously as follows:

10.2.6.2



## 25<sup>th</sup> Judicial District Drug Task Force

### 25<sup>TH</sup> JUDICIAL DISTRICT DRUG TASK FORCE JOINT COOPERATION AND MUTUAL AID AGREEMENT

This Agreement is made and entered into this 15<sup>th</sup> day of October 2013, by and with the 25<sup>th</sup> Judicial District Drug Task Force and the Fayette County Sheriff Department.

#### IT IS HEREBY AGREED BY THE UNDERSIGNED THAT:

WHEREAS, Tennessee Code Annotated 12-9-101 et. Seq., known as the Tennessee Inter-Local Cooperation Act, Chapter 155 of the 1987 Public Acts of Tennessee, known as Local Government Agency Act of 1987, authorizes public agencies of this state to enter into inter-local agreements for mutual assistance; and

WHEREAS, Tennessee Code Annotated 6-54-307 authorizes law enforcement agencies to provide one another with mutual assistance in law enforcement; and

WHEREAS, Tennessee Code Annotated 58-2-103 et. Seq. authorizes local governments to provide one another with emergency assistance; and

WHEREAS, Tennessee Code Annotated 8-7-110, as amended by Chapter 913 of the Public Acts of 1988, authorizes the District Attorney General to participate in Judicial District Drug Task Forces and authorizes law enforcement officers assigned to the Judicial District Drug Task Force to exercise law enforcement jurisdiction throughout the judicial district; and

WHEREAS, Tennessee Code Annotated 8-7-110 authorizes Judicial District Drug Task Force personnel to exercise law enforcement jurisdiction statewide when investigations originate within their judicial district; and

WHEREAS, drug manufacturing, possession and trafficking present a clear and present danger to all citizens of the judicial district and it is deemed in the public interest for the parties hereto to enter into said agreement to assure each party of adequate protection; and

WHEREAS, it is the intention of the parties hereto provide by mutual assistance commitment, a predetermined plan by which each may render aid to the other in case of emergency which demands law enforcement services to a degree beyond the existing capabilities of either party; and

WHEREAS, The parties hereto by this agreement wish to avail themselves of the authority conferred by those acts and any other provisions of law to operate jointly and individually with all participants' judicial jurisdiction as specified within the provisions below.

NOW THEREFORE, In consideration of the mutual covenants contained herein, the parties agree as follows:

#### I. PROVISION

- A. Any law enforcement officer assigned to or hired by a Judicial District Drug Task Force or a Multi-Judicial District Drug Task Force relating to the investigations and prosecutions of drug cases shall have the same rights, powers, duties and immunities in each county or city of the 25<sup>th</sup> Judicial District as such officer has within that officer's own county or city.
- B. Participants agree to prosecute and assist other participants when acting within the provisions of this agreement.

#### II. PURPOSE

The purpose of this joint mutual aid agreement by and among the cities, counties and the 25<sup>th</sup> Judicial District Drug Task Force herein is to:

- A. Grant judicial authority in each of the cities and counties of this district to all Drug Task Force agents/personnel assigned to the Judicial Drug Task Force from the Fayette County Sheriff Department, as they would have in their own city or county.
- B. Consolidate the efforts, information, experience, and resources of all the participating agencies within the 25<sup>th</sup> Judicial District.
- C. To increase effectiveness and avoid duplication of efforts in the identification, apprehension and prosecution of the mid to upper level distributors and manufacturers of controlled substances.

#### III. AREA

The jurisdictional area to be covered will consist of all of the 25<sup>th</sup> Judicial District: Lauderdale, Tipton, Fayette, Hardeman and McNairy counties.

#### IV. DIRECTORS

The unit direction will be controlled by a board of directors. The board of directors' duties shall include approval of all policy and procedures for operation of the 25<sup>th</sup> Judicial District Drug Task Force. The board of directors will be composed of Chiefs and/or Sheriffs of the cities and/or counties who are participants of the 25<sup>th</sup> Judicial District Drug Task Force. A participant is defined as an agency that contributes one or more of the following: equipment, funding and/or personnel. The board will not become involved with daily management and supervision of the task force activity.

#### V. LIABILITY

Notwithstanding any other provision of law to the contrary concerning members of the 25<sup>th</sup> Judicial District Drug Task Force, relating to the investigation and prosecution of alleged drug violations, if a claim or suit should be filed against an individual and it is proven that:

- 1) At the time of the alleged incident the individual was a member of such task force who was properly certified to the board of claims pursuant to 8-42-101(1)(3)(a); and

- 2) That the alleged liability arose out of the individuals' activities as a task force member, then it shall be conclusively deemed that the individual was not an employee, agent or servant of local government, but was a volunteer to the State of Tennessee.
- 3) To the extent any conflict exists concerning liability or jurisdiction of the member of any Judicial Drug Task Force relating to the investigation and prosecution of, but not limited to, drug cases between provisions of this section and the provision of any mutual aid or inter-local agreement entered by a task force. The provisions of this section take precedence over such any agreement.

#### VI. ALLOCATION OF PROPERTY AND FUNDS

All fines, forfeitures of appearance bonds, confiscated monies, vehicles, and other property, as well as the proceeds of goods seized and forfeited pursuant to 53-11-451 and 39-17-428 shall be paid to the county trustee of the county of which the District Attorney General resides, when such fines, forfeitures and seizures result from the actions of the Task Force. Seizures, upon award, between the Task Force and the agencies participating in that case shall be divided at an equitable rate to be determined by the Director, Attorney General, and/or Executive Board led by the Chairman according to the amount of participation of each agency. This rate may be presented to the full 25<sup>th</sup> Judicial District Drug Task Force Board upon request and notification to the Chairman for review.

#### VII. PARTICIPANT QUALIFICATIONS

To be a participant, the agency shall contribute one or more of the following: funding, equipment and/or personnel. Agencies contributing personnel must assign them in a full time capacity to maintain the 25<sup>th</sup> Judicial District Drug Task Force's compliance with the Office of Criminal Justice Programs, T.C.A. 8-7-110, and T.C.A. 8-42-101.

Pursuant thereto, the Fayette County Sheriff Department does agree to contribute and assign on a full time basis three certified law enforcement officers to the 25<sup>th</sup> Judicial District Drug Task Force, which officers' primary responsibilities will be to investigate and prosecute drug cases. The parties agree that under the terms of this agreement, Omar Jundi will be assigned to the Interstate Criminal Interdiction Program to be supervised by West Tennessee DTF as per the existing MOU with that agency; Kenny Cook will assume the duties of a field agent for the 25<sup>th</sup> Judicial District Drug Task Force; and Jason Drewery will be the Deputy Director of the 25<sup>th</sup> Judicial District Drug Task Force and will assume all duties and responsibilities of the Director of the 25<sup>th</sup> DTF in the Director's absence and shall assist the Director in DTF operations. The Deputy Director will receive a salary supplement quarterly from the 25<sup>th</sup> DTF in an amount not to exceed \$3,500 in a fiscal year.

The parties agree that Chief Deputy Tom Whitaker of the Fayette County Sheriff's Department will serve as the liaison and law enforcement adviser for all DTF operations throughout the district.

#### VIII. DURATION AND TERMINATION OF AGREEMENT

This agreement may be cancelled at the discretion of the District Attorney General or any of the participating agencies upon 30 days written notice to all parties.

FROM :Fayette County Sheriff  
01/07/2013 15:50 7312213086

FAX NO. :9314663950  
RIPLEY DA OFFICE

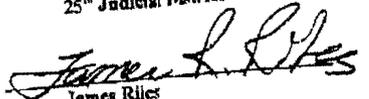
Jan. 08 2013 09:34AM P4  
PAGE 06/06

IV. EFFECTIVE DATE

This agreement shall take effect upon execution by the authorized body of each party and shall remain in force and effect until cancelled as provided herein.

IN WITNESS WHEREOF, we have set our hands this 1st day of October 2012

  
D. Michael Dunavant  
District Attorney General  
25<sup>th</sup> Judicial District

  
James Riles  
Sheriff, Fayette County  
Chairman, 25<sup>th</sup> DTF Executive Board

  
John B. Thompson  
Director  
25<sup>th</sup> Judicial DTF

Commissioner German reported for the Budget Committee which met on February 12, 2013. He introduced a budget amendment to school fund 141 and moved that it be approved. The motion was seconded by Commissioner Anderson and passed unanimously as follows:

FAYETTE COUNTY BOARD OF EDUCATION  
 GENERAL PURPOSE FUND  
 FUND 141  
 FEBRUARY, 2013

		INCREASE	DECREASE
72000	SUPPORT SERVICES		
72230	VOCATIONAL EDUCATION PROGRAM		
72230 207 15Y	Health Insurance	\$10.00	
72230 346 15Y	Maintenance and Repair Services		\$10.00
	TOTAL:	\$10.00	\$10.00
72710	TRANSPORTATION		
72710 399	Other Contracted Services	\$1,357.75	
72710 453	Vehicle Parts	\$4,070.27	
72710 599	Other Charges	\$1,794.93	
	TOTAL:	\$7,222.95	\$0.00
	GRAND TOTAL:	\$7,232.95	\$10.00

Total Increase: \$7,222.95

Revenue:	49700 Insurance Recovery	\$7,222.95
Beginning Fund Balance/Reserve		\$228,226.09
Revenue:	Prior Total Available Funds	\$26,463,040.09
	Audit and Prior Year Adjustment	(\$17,543.50)
	Total Increase This Amendment	\$7,222.95
	Total Available Funds This Amendment	\$26,452,721.54
Expenditure:	Prior Total Estimated Expenditures	\$26,234,814.00
	Total Increase This Amendment	\$7,222.95
	Total Estimated Expenditures This Amend.	\$26,242,036.95
Ending Fund Balance/Reserve		\$210,684.59

Explanations:

Vocational - InSchool Youth Program moving funds from maintenance and repair services to health insurance where needed and to match program.

Transportation - Rebudgeting cost of repair of wrecked Van and rental of one used while ours was being repaired.

Commissioner German moved that the following budget amendment to school fund 142 be approved. The motion was seconded by Commissioner Lillard and passed unanimously.

FAYETTE COUNTY BOARD OF EDUCATION  
 FEDERAL PROJECTS FUND  
 FUND 142  
 SUBFUND 900 - IDEA SPECIAL EDUCATION  
 FEBRUARY, 2013

		INCREASE	DECREASE
71000	INSTRUCTION		
71200	SPECIAL EDUCATION		
71200 163	Educational Assistants	\$71,808.14	
71200 203	Social Security	\$4,452.10	
71200 204	State Retirement	\$5,823.64	
71200 212	Medicare	\$1,041.22	
71200 399	Other Contracted Services		\$24,000.00
	TOTAL:	\$83,125.10	\$24,000.00
72000	SUPPORT SERVICES		
72710	TRANSPORTATION		
72710 338	Maintenance & Repair Services - Vehicles	\$34,435.00	
	TOTAL:	\$34,435.00	\$0.00
	GRAND TOTAL:	\$117,560.10	\$24,000.00

Total Increase/Decrease: \$93,560.10

Revenue:	47143 Education of the Handicaped	\$20,927.40
Reserve:	34555 Restricted for Education	\$72,632.70
Revenue:	Prior Total Available Funds	\$2,904,676.30
	Total Increase This Amendment	\$20,927.40
	Total Available Funds This Amendment	\$2,925,603.70
Expenditures:	Prior Total Estimated Expenditures	\$2,832,044.73
	Total Increase This Amendment	\$93,560.10
	Total Estimated Expenditures This Amendment	\$2,925,604.83

Explanation:

Special Education Instruction assistants and benefits is carry-over funds from 2011-12 year being rebudgeted so funds can be spent. Also \$10,435 in transportation is carry-over from same year. Money (\$24,000) is being moved to transportation to purchase lifts for special ed buses that have worn out.

Beginning Fund Balance/Reserve	\$72,632.70
Ending Fund Balance/Reserve	.00

Commissioner German moved that the following amendment to the Central Cafeteria Fund 143 be approved. The motion was seconded by Commissioner Lillard and passed unanimously.

FAYETTE COUNTY BOARD OF EDUCATION  
 CENTRAL CAFETERIA FUND  
 FUND 143  
 FEBRUARY, 2013

		INCREASE	DECREASE
73000	OPERATION OF NON-INSTRUCTION SERVICES		
73100	FOOD SERVICE		
73100 210	Unemployment Compensation Insurance	\$6,000.00	
73100 710	Food Service Equipment	\$9,500.00	
	TOTAL:	\$15,500.00	\$0.00
Total Increase:	\$15,500.00		
Reserve:	34570 Rest. for Oper. of Non-Inst. Serv.	(\$15,500.00)	
Beginning Fund Balance/Reserve:		\$482,732.53	
Revenue:	Prior Total Available Funds	\$2,786,261.53	
	Total Increase This Amendment	\$0.00	
	Total Available Funds This Amendment:	\$2,786,261.53	
Expenditure:	Prior Total Estimated Expenditures	\$2,303,529.00	
	Total Increase This Amendment	\$15,500.00	
	Total Estimated Expenditures This Amend.	\$2,319,029.00	
Ending Fund Balance/Reserve:		\$467,232.53	

Unemployment needed for claim filed by terminated employee  
 Equipment increase for steamer failure at Oakland Elementary

Commissioner German moved that the following amendment to the general fund for a vehicle for the Sheriff's Department. The motion was seconded by Commissioner Oglesby and passed unanimously.

10.2.6.6

## RESOLUTION

BE IT RESOLVED, by the County Legislative Body and/or the Board of County Commissioners of Fayette County, Tennessee, in regular session on this 26<sup>th</sup> day of February, 2013, 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  
FY 12-13  
February, 2013**

<u>Adjustment to Revenue Accounts:</u>	INCREASE	DECREASE
48130 Contributions		\$ 875.00
49100 Bonds Issued		<u>14,787.00</u>
<b>TOTAL INCREASE/DECREASE TO REVENUE ACCOUNTS:</b>		<b>\$ 15,662.00</b>
<u>Adjustment to Expenditure Accounts:</u>	INCREASE	DECREASE
<u>54110 Sheriff</u>		
718 Motor Vehicle	\$ <u>14,787.00</u>	
<b>Subtotal-54110</b>	<b>\$ 14,787.00</b>	
<u>54150 Drug Enforcement</u>		
105 Supervisor	\$ <u>875.00</u>	
<b>Subtotal-54150</b>	<b>\$ 875.00</b>	
<b>TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNTS:</b>	<b>\$ 15,662.00</b>	

February, 2012	-2-	Budget Amendment
Prior Estimated Expenditures		\$1,497,156.00
Total Estimated Expenditures this Amendment		\$1,497,156.00
Projected Fund Balance before Amendment		\$2,186,670.00
Change in Fund Balance this Amendment		\$ 00.00
Estimated Fund Balance as of June 30, 2013		\$2,186,670.00

Chairman Taylor introduced a letter from Pat Brown, City Administrator from Gallaway regarding an old "retaining wall" type bridge on Centerpoint Road that needs replacing. Ms. Brown requested the assistance of the County Public Works Department in rebuilding the bridge. She asked that Jim Smith of Public Works come over to look at the bridge and give an estimate to repair or replace it. The City will pay for the repairs but they do not have the equipment or manpower to replace the bridge.

Commissioner Leggett moved to allow the Public Works Department to assist Gallaway in rebuilding or repairing the bridge. The motion was seconded by Commissioner Kelley and passed unanimously.

Commissioner Howard moved that the following “Resolution For The Fayette County Commission in Support of The Rights of The People to Keep and Bear Arms”. The resolution passed on majority vote, with Commissioner Anderson voting “NO”.

**RESOLUTION FOR THE FAYETTE  
COUNTY COMMISSION IN  
SUPPORT OF THE RIGHTS OF THE  
PEOPLE TO KEEP AND BEAR ARMS**

**WHEREAS**, the Constitution is the highest law in the land and is supreme over any laws passed that conflict with its terms;

**WHEREAS**, the Second Amendment of the Constitution of the United States declares one of the many fundamental, unalienable rights guaranteed to citizens of the United States, namely that "A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

**WHEREAS**, Article 1, Section 26 of the Constitution for the sovereign State of Tennessee further protects this fundamental freedom, leaving a right of the legislature to regulate the bearing of arms, but otherwise not permitting that body to infringe upon this right;

**WHEREAS**, Fayette County, Tennessee, is a political subdivision of the State of Tennessee and, thus, any action taken by Fayette County or its agents, including the Sheriff of Fayette County, is an action of the State of Tennessee,

**WHEREAS**, to that end among others, the Fayette County Commission members and the Sheriff of Fayette County each took an oath to protect and defend the Constitution of the United States and of the sovereign State of Tennessee, including but not limited to protecting the aforementioned fundamental rights of the people to keep and bear arms;

**WHEREAS**, good citizens from all sides of the political spectrum, even upon disagreeing regarding the extent of the aforementioned rights so enumerated, agree that these rights must be protected and that, further, in their exercise they serve to check the excesses of the government of a free people;

**WHEREAS**, there has been certain rhetoric of late, the same part of a national discussion, that if brought to fruition could infringe upon these rights of the people; and

**WHEREAS**, such rhetoric has been borne out of a recent tragedy, namely a much publicized shooting and murder in <sup>Newtown</sup> Sandy Hook, Connecticut, this Commission not being unsympathetic to the losses of those families, but at the same time resolved in purpose to protect and defend the rights of the people as per the oaths of its respective members.

**NOW, THEREFORE, BE IT RESOLVED**, that the Fayette County Commission hereby supports and request the legislature of the State of Tennessee adopt and enact any and all measures as may be necessary to reject and nullify the enforcement of any federal acts, laws, executive orders, rules or regulations in violation of the Second Amendment of the Constitution of the United States and the Constitution of the State of Tennessee.

**BE IT FURTHER RESOLVED**, that we call upon the State of Tennessee to adopt and enact any and all measures which would clarify the Sheriff's duty and responsibility to defend the citizens of the State of Tennessee against infringement by the federal government.

**BE IT FURTHER RESOLVED**, that this body requests the office of the County Mayor to provide a copy of this resolution to all Tennessee counties encouraging their legislative bodies to join in passing this resolution and forwarding it to their State delegations.

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Chairman, Board of Commissioners

ATTESTED:

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County Court Clerk

Chairman Taylor asked that he be given authority to move forward in applying for a grant which requires \$5000 in matching funds to build ten (10) more T- hangars at the airport. Commissioner Wilson moved that the Mayor be given authority to move forward

with the grant. The motion was seconded by Commissioner Oglesby and passed unanimously.

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

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Rhea Taylor, County Mayor

ATTEST:

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Sue Culver, County Clerk