

## FAYETTE COUNTY LEGISLATIVE BODY

FEBRUARY 26, 2019

**BE IT REMEMBERED** that the Fayette County Legislative Body met in regular session on the 26<sup>th</sup> day of February, 2019, at the Bill G. Kelley Criminal Justice Complex in Somerville, Tennessee. Present and presiding was Mayor Rhea Taylor. Also, present were James R. “Bobby” Riles, Sheriff; Sue W. Culver, County Clerk, and the following County Commissioners:

Charles E. Dacus, Jr., Ben Farley, Willie German, Jr, Tim Goodroe, Bill Kelley, Terry Leggett, David Lillard, Sylvester Logan, Jim Norton, Claude Oglesby, Kevin J. Powers, Dale Reaves, Steve Reeves, Elizabeth Rice, Ray Seals, Robert Sills, Bill Walker, Johnny Walker, and Larry Watkins.

A quorum was declared with all nineteen commissioners present.

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

The first item on the agenda was the approval of the minutes from January 22, 2019. Motion to approve was made by Commissioner Steve Reeves, Second by Commissioner Watkins, and was approved unanimously.

John Pitner introduced a request for rezoning from the owners of Timothy Hill Ranch who want to relocate here on a 264-acre piece of property located at 890 Pulliam Road off Good Springs Loop in rural Fayette County. The property is now zoned R-1 (Rural-Residential) and it has been requested to be rezoned to SA-I (Special Activity -Institutional). The floor was opened to allow those “in Favor” of the rezoning to speak to the Commission regarding the matter and several people with Timothy Hill Ranch and a couple of residents of the area spoke in favor of the rezoning.

Dr. Melanie Gallaway, a local veterinarian who lives near the area spoke against the rezoning, as did several other residents of the area.

The public hearing was closed. Commissioner Claude Oglesby made the following motion: Resolved: the Fayette County Commission opposes and denies the request of Timothy Hill Children’s Ranch, Inc. to rezone property on Pulliam Rd from R-1, Rural Residential to SA-I, Special Activity-Institutional. The motion was seconded by Commissioner Steve Reeves and

passed on the following roll call vote:

*Sumoithy Hill Ranch*  
**ROLL CALL** *Rezoning Roll Call*  
**FAYETTE COUNTY BOARD OF COMMISSIONERS** *Vote*

	YES	NO	PASS
DACUS, CHARLES E. JR.	✓		
FARLEY, BEN	✓		
GERMAN, WILLIE, JR	✓		
GOODROE, TIM	✓		
KELLEY, BILL	✓		
LEGGETT, TERRY	✓		
LILLIARD, DAVID	✓		
LOGAN, SYLVESTER	✓		
NORTON, JIM	✓		
OGLESBY, CLAUDE	✓		
POWERS, KEVIN J.	✓		
REAVES, DALE	✓		
REEVES, STEVE	✓		
RICE, ELIZABETH	✓		
SEALS, RAY	✓		
SILLS, ROBERT	✓		
WALKER, BILL	✓		
WALKER, JOHNNY	✓		
WATKINS, LARRY	✓		
<b>TOTAL</b>	19		

Thereupon, Motion to deny the rezoning passed.

Commissioner Powers moved to approve the following as notaries: Scott B. Boelcke, Clara Brown, George Brown, Patricia C. Burnette, Sarah Burnette, Beverly Curland, Kiley McKelvey, Tonya R. Lessel,,Brenda S. Springer, Stephanie Tickle, and Stephanie L. Williams. The motion was seconded by Commissioner Watkins and passed unanimously.

Chairman Taylor reminded Commissioners that financial reports were sent out in Commissioners' packets and any questions should be addressed to the appropriate official.

Chairman Taylor reported for the County Mayor's Office stating that Hickory Withe Fire Chief Jason Byrd died at a structure fire a week ago from a massive heart attack at the age of 42. He asked that we remember his wife and two children during this difficult time.

The Mayor introduced Paul Morris from the Memphis Area Association of Government who gave a presentation of the Fair Housing Act.

No Reports were given for The Sheriff's Department, Board of Education, Juvenile Court, Trustee's Office, or Planning and Development. Wayne Dowdy, Public Works Superintendent thanked the Fayette County Sheriff's Department and the Citizens of the County who helped out during the flood conditions last week after all the rain. He stated that every body had a shovel in their hand and was willing to help.

Commissioner Farley reported for the Development Committee which met on February 11, 2019, and discussed the Timothy Hill Ranch rezoning.

Commissioner Steve Reeves reported for the Health and Welfare Committee which met February 18,2019 and reviewed the ambulance reports and discussed the paramedic education Contract. The original applicant for the education contract decided not to sign up and another individual who qualifies has asked to replace him. The County will pay up to \$5000 for 50% of the education. The applicant will have to work for 3 years or pay back the entire amount. Commissioner Steve Reeves moved to approve the replacement applicant, motion was duly seconded and passed unanimously.

Commissioner Lillard reported for the Personnel Committee which met on February 26, 2019. Commissioner Lilliard moved to approve the following Resolution to amend the Fayette County Personnel Policy. The motion was seconded by Commissioner Powers and passed unanimously.

## RESOLUTION

## TO AMEND FAYETTE COUNTY'S PERSONNEL POLICY

WHEREAS, the Personnel Policy from time to time requires amendment to clarify certain portions that affect the compensation to our employees; and

WHEREAS, certain portions of the sections addressing Holiday Pay and Sick Leave needed to be addressed;

NOW THEREFORE, BE IT RESOLVED by the County Legislative Body of Fayette County, meeting in session on this 26<sup>th</sup> day of February 2019 that the Personnel Policy of Fayette County be amended by replacing the sections in their entirety with the following passages which have the mark-through portions deleted and the bold portions added:

Holidays

*Fayette County Government will observe all holidays that the State of Tennessee has declared official holidays and employees will be excused from work without charge to leave. A holiday is paid at 8 hours per holiday times the regular rate of pay for full-time employees. These holidays are subject to review and change by the Fayette County elected or appointed official, but will not be more numerous than the officially declared holidays.*

*Fayette County offices and employees shall follow the schedule of days off as determined by the State of Tennessee, for those holidays that both Fayette County and the State of Tennessee observe.*

***Special Holiday Pay Provisions:** Every effort will be made to allow all full-time employees off on each designated holiday. If it is necessary for a full-time salaried employee to work on a holiday, he shall be compensated at a rate that is one and one-half times the employee's regular rate of pay for the hour(s) actually worked. The full-time salaried employee may elect to receive compensatory time that shall be earned at the rate of one and one-half hour for each hour actually worked during the holiday at the discretion of the employer. A full-time hourly employee shall be paid eight (8) hours of holiday pay for each official county holiday. No employee on a "leave-without-pay" status will be paid holiday pay.*

Sick Leave

***Earning and Accumulating Sick Days:** Sick leave shall be considered a benefit and privilege and not a right. Full time employees will receive full pay during incapacity caused by illness if sick leave is taken. Sick leave is earned at the rate of one-half (1/2) day per pay period when the employee is in a paid status for a minimum of one-half the pay period, for a maximum of 1 day per calendar month (12 days per year). For sick leave purposes, a day shall equate to 8 hours for regular hourly shifts under 12 hours, and 12 hours for shifts of 12 hours or more.*

***Exhaustion of Sick leave:** Employees who have used all of their accumulated sick leave will not receive financial compensation for additional days needed due to illness or injury. The employee may request that additional sick leave be credited against the remaining vacation or compensatory time. For any additional time needed, the employee will be considered as on a "leave-without-pay-status" unless the employee has any accumulated vacation time or compensatory time remaining. The employee may*

~~request that additional sick leave be credited against the remaining vacation or compensatory time.  
Accumulated sick leave shall not be used for worker's compensation benefits.~~

~~Any non-emergency surgery will be discussed with the employer before the surgery is scheduled.  
Evidence of abuse of this benefit will be grounds for dismissal or disciplinary action.~~

Adopted this 26<sup>th</sup> day of February 2019,

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APPROVED: \_\_\_\_\_

County Mayor

ATTEST: \_\_\_\_\_

County Clerk

Commissioner Dacus reported that the Education Committee did not meet.

Commissioner Rice reported for the Criminal Justice/Public Safety Committee which met on February 12, 2019, and reviewed the Sheriff's reports . They also discussed the Annual Inflation Adjustment of the Financial Assurance for the Fayette County Landfills, and a budget amendment for the Health Department Dentist's Salary.

Commissioner German reported for the Budget Committee which met on February 12, 2019. The first item discussed was a budget amendment with no fund balance change to fund 101, a miscellaneous clean-up for the jail, Sheriff's Department, and Fire Department. Motion to approve was made by Commissioner German, Second by Commissioner Oglesby, and passed unanimously.

## RESOLUTION

BE IT RESOLVED, by the County Legislative Body and/or the Board of County Commissioners of Fayette County, Tennessee, in regular sessions on this 26<sup>th</sup> day of February, 2019, 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 be amended in the following words and figures, to wit:

### COUNTY GENERAL FUND BUDGET AMENDMENT F/Y 18/19 February 2019

<u>Adjustment to Revenue Accounts:</u>	<u>INCREASE</u>	<u>DECREASE</u>
45530 Sale of Equipment	\$ 3,750.00	
<b>TOTAL INCREASE/DECREASE TO REVENUE ACCOUNTS:</b>	<b>\$ 3,750.00</b>	
<u>Adjustment to Expenditure Accounts:</u>	<u>DECREASE</u>	<u>INCREASE</u>
51710 Development		
308 Consultants	\$ 4,500.00	
709 Data Processing Equipment		\$ 4,500.00
<b>Subtotal-51710</b>	<b>\$ 4,500.00</b>	<b>\$ 4,500.00</b>
53330 Drug Court		
320 Dues & Memberships	\$ 100.00	
432		\$ 100.00
<b>Subtotal-53330</b>	<b>\$ 100.00</b>	<b>\$ 100.00</b>
54110 Sheriff's Department		
110 Lieutenant(s)		\$ 26,716.00
115 Sergeant(s)	\$ 26,716.00	
<b>Subtotal-54110</b>	<b>\$ 26,716.00</b>	<b>\$ 26,716.00</b>
54210 Jail		
110 Lieutenant(s)	\$ 29,200.00	
148 Dispatchers	24,000.00	
160 Guards	90,550.00	
187 Overtime Pay		\$ 70,000.00
335 Maintenance & Repair Services – Buildings		75,000.00
355 Travel		600.00
716 Law Enforcement Equipment		150.00
790 Other Equipment	2,000.00	
<b>Subtotal-54210</b>	<b>\$ 145,750.00</b>	<b>\$ 145,750.00</b>

<u>54310</u>	<u>Fire Department</u>		
599	Other Charges		\$ 3,750.00
	<b>Subtotal-54310</b>		<b>\$ 3,750.00</b>
<b>TOTAL INCREASE/DECREASE TO</b>			
<b>EXPENDITURE ACCOUNTS:</b>		<b>\$ 177,066.00</b>	<b>\$ 180,816.00</b>
<b>Prior Estimated Expenditures</b>			<b>\$ 18,139,677.03</b>
<b>Total Estimated Expenditures this Amendment</b>			<b>\$ 18,143,427.03</b>
<b>Projected Fund Balance before Amendment</b>			<b>\$ 4,717,444.36</b>
<b>Change in Fund Balance this Amendment</b>			<b>\$ 0.00</b>
<b>Estimated Ending Fund Balance as of June 30, 2019</b>			<b>\$ 4,717,444.36</b>



Commissioner German moved to approve the following budget amendment request from Juvenile Court for reserve funds to be moved into a spendable line item. The motion was seconded by Commissioner Rice, and passed unanimously.

## RESOLUTION

BE IT RESOLVED, by the County Legislative Body and/or the Board of County Commissioners of Fayette County, Tennessee, in regular sessions on this 26<sup>th</sup> day of February, 2019, 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 be amended in the following words and figures, to wit:

**COUNTY GENERAL FUND  
BUDGET AMENDMENT  
F/Y 18/19  
February 2019**

<u>Adjustment to Reserve Accounts:</u>	<u>DECREASE</u>	<u>INCREASE</u>
34520 <u>Restricted for Administration of Justice</u>	<u>\$ 5,000.00</u>	
Subtotal-34520	\$ 5,000.00	
<u>Adjustment to Expenditure Accounts:</u>	<u>DECREASE</u>	<u>INCREASE</u>
53320 <u>Development</u>		
317 Consultants		<u>\$ 5,000.00</u>
Subtotal-53320		\$ 5,000.00
<b>TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNTS:</b>		<b>\$ 5,000.00</b>
<b>Prior Estimated Expenditures</b>		<b>\$ 18,139,677.03</b>
<b>Total Estimated Expenditures this Amendment</b>		<b>\$ 18,144,677.03</b>
<b>Projected Fund Balance before Amendment</b>		<b>\$ 4,717,444.36</b>
<b>Change in Fund Balance this Amendment</b>		<b>\$ 0.00</b>
<b>Estimated Ending Fund Balance as of June 30, 2019</b>		<b>\$ 4,717,444.36</b>

Commissioner German moved to approve the following Budget Amendment to Fund 101 to the Health Department Budget. The motion was seconded by Commissioner Robert Sills and

passed unanimously.

10.3.6.4

**RESOLUTION**

BE IT RESOLVED, by the County Legislative Body and/or the Board of County Commissioners of Fayette County, Tennessee, in regular sessions on this 26<sup>th</sup> day of February, 2019, 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 be amended in the following words and figures, to wit:

**COUNTY GENERAL FUND  
BUDGET AMENDMENT  
F/Y 18/19  
February 2019**

<u>Adjustment to Revenue Accounts:</u>	<u>INCREASE</u>	<u>DECREASE</u>
46310 Health Department Programs	\$ 5,000.00	
Subtotal-46310	\$ 5,000.00	
 <u>Adjustment to Expenditure Accounts:</u>	 <u>DECREASE</u>	 <u>INCREASE</u>
55160 Dental Health Program		
131 Medical Professionals		\$ 3,826.00
133 Paraprofessionals	\$ 326.00	
186 Longevity Pay		1,500.00
Subtotal-55160	\$ 326.00	\$ 5,326.00
 <b>TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNTS:</b>	 <b>\$ 326.00</b>	 <b>\$ 5,326.00</b>
 <b>Prior Estimated Expenditures</b>		<b>\$ 18,139,677.03</b>
<b>Total Estimated Expenditures this Amendment</b>		<b>\$ 18,144,677.03</b>
<b>Projected Fund Balance before Amendment</b>		<b>\$ 4,717,444.36</b>
<b>Change in Fund Balance this Amendment</b>		<b>\$ 0.00</b>
<b>Estimated Ending Fund Balance as of June 30, 2019</b>		<b>\$ 4,717,444.36</b>

Commissioner German moved to approve the following Resolution Authorizing Submission of an Application for A Litter and Trash Collecting Grant from the Tennessee Department of Transportation and Authorizing The Acceptance of Said Grant, Motion was

seconded by Commissioner Norton and passed unanimously.

10.3.6.5

**RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION FOR A LITTER AND TRASH COLLECTING GRANT FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION AND AUTHORIZING THE ACCEPTANCE OF SAID GRANT**

WHEREAS, the County of Fayette intends to apply for the aforementioned grant, from the Tennessee Department of Transportation; and

WHEREAS, the contract for the grant will impose certain legal obligations upon the County of Fayette.

NOW, THEREFORE, BE IT RESOLVED, by the County Legislative Body and/or the Board of County Commissioners of Fayette County, Tennessee, in regular session assembled on this 26th day of February, 2019, in the Bill G. Kelley Criminal Justice Complex in Somerville, Tennessee.

1. That Rhea Taylor is authorized to apply on behalf of Fayette County, for a litter and trash collecting grant from the Tennessee Department of Transportation for fiscal year 2019-20.
2. That should said application be approved by the Tennessee Department of Transportation, then Rhea Taylor is authorized to execute contracts or other necessary documents, which may be required to signify acceptance of the litter and trash collecting grant by Fayette County.

Approved at the regular meeting held on the 26<sup>th</sup> day of February, 2019

\_\_\_\_\_  
Rhea Taylor, Fayette County Mayor

\_\_\_\_\_  
Sue Culver, County Clerk

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Commissioner German moved to approve the following Contract in lieu of performance bonds for the Landfill. The motion was seconded by Commissioner Johnny Walker and passed unanimously.



STATE OF TENNESSEE  
 DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
 Division of Financial Assurance & Business Process Improvement  
 William R. Snodgrass Tennessee Tower  
 312 Rosa L. Parks Ave., 10<sup>th</sup> Floor  
 Nashville, TN 37243  
 (615) 532-0851

January 18, 2019

The Honorable Rhea Taylor  
 Fayette County Mayor  
 P. O. Box 218  
 Somerville, Tennessee 38068

RE: 2019 Annual Inflation Adjustment of the Financial Assurance for the *Fayette County Landfills*, Permit Nos. *DML240000080* and *SNL240000079* as required by the Regulations of the Division of Solid Waste Management

Dear Mayor Taylor:

**All county and municipal "Contracts in Lieu of Performance Bonds" must be adjusted annually for inflation by no later than the anniversary date of the issuance of the contract.**

Rule Chapters 0400-12-01-.06(8) and 0400-11-01-.03(3) state that the inflation adjustment may be made by recalculating the closure and/or post-closure cost estimate in current dollars or by using an inflation factor derived from the most recent Implicit Price Deflator for the Gross National Product published by the U. S. Department of Commerce in its Survey of Current Business.

The staff of the Division of Financial Assurance & Business Process Improvement, utilizing data published by the U. S. Department of Commerce, has projected the inflation factor to be used for 2019 inflation adjustments as **2.30%**. The amount of your financial assurance instrument(s) from the Year 2018 must be multiplied by **1.0230**. The permitted facility and/or the Department may reserve the right to adjust this figure later based upon revised data released by the U. S. Department of Commerce during the year.

**Effective immediately, any County or Municipal Contract in Lieu of Performance Bond incurring an annual inflation adjustment shall not be processed by amendment until the cumulative amount of the adjustment(s) equals or exceeds TEN THOUSAND DOLLARS (\$10,000.00). This is a change from the previous threshold of Five Thousand Dollars (\$5,000.00). For example, if the inflation adjustment is \$4,000.00 in year one, \$5,000.00 in year two, and \$6,000.00 in year three, the amendment will be processed in year three when the total of adjustments exceeds \$10,000.00. We will continue to send your inflation adjustment figures annually for your records whether or not a contract amendment is required.**

Please review the amount(s) for each permit listed below. If any changes or modifications to your permit(s) have occurred, please contact us as soon as you receive this letter. The due date(s) and projected amount(s) for the inflation adjustment(s) of your financial instrument(s) are as follows:

Mayor Taylor  
 Fayette County  
 January 18, 2019  
 Page 2

**2019 Inflation Adjustment(s)**

Facility Permit No.	Financial Instrument Type & No.	Financial Instrument Anniversary Due Date	Present Amount of Financial Assurance On File	Inflation Adjustment/ Increase Required	Inflation Adjustment and Allowable Post-Closure Reduction	Total Required Amount of Financial Assurance
DML240000080	Contract	03/30/19	\$ 172,401.33	\$ 7,139.82	\$ 0.00	\$ 179,541.15
SNL240000079	Contract	05/18/19	\$ 443,909.53	\$ 0.00	\$ 65,669.31	\$ 378,240.22

Please see the attached spreadsheets, which list in detail the amount of financial assurance required due to the 2019 annual inflation adjustment and/or post closure reduction (if applicable) for your permit(s). The spreadsheets also list the current amount of financial assurance on file for each permit.

**PLEASE NOTE**

- (1) If you have been advised by the TDEC Field Office that the required post-closure activities at a permitted site listed herein have not been performed to the satisfaction of the Field Office Staff, do not reduce your financial assurance instrument until the Field Office has approved the performance of the required post-closure work.

Please submit the inflation adjusted financial instrument(s) to the Division of Financial Assurance & Business Process Improvement to my attention at the address listed on the letterhead as indicated above. If you have any questions, please call me at (615) 532-8571, or you may email me at Debra.Long@tn.gov.

Very Respectfully,

*Debra F. Long*

Debra F. Long, Financial Analyst

CC: Herb Nicholson, Manager of Solid Waste Management, Memphis Field Office, TDEC

Enclosures: Customer Information Data Sheet, Summary Spreadsheet, Detailed Financial Assurance Information

<https://www.tn.gov/environment/about-tdec/fin-financial-responsibility.html>



Amendment of Contract in Lieu of Performance Bond

Whereas, Fayette County and the State of Tennessee Department of Environment and Conservation, entered into a Contract in Lieu of Performance Bond for proper operation and closure and/or post-closure of the Fayette County Sanitary Landfill, Permit Number SNL240000079; and

Whereas, said contract included a provision allowing the Commissioner of Environment and Conservation to collect up to \$ 443,909.53 from any funds being disbursed or to be disbursed from the State to Fayette County as financial assurance for said proper operation, closure and post-closure; and

Whereas, the State and Fayette County, desire to change the amount of said financial assurance from \$ 443,909.53 to \$ 378,240.22.

Paragraph 3 of the Agreement in Lieu of Performance Bond is amended as follows:

The figure "\$ 443,909.53" is deleted and the figure "\$ 378,240.22" is substituted in lieu thereof.

Date of Amendment to Contract \_\_\_\_\_

(Must have date of Official's signature)

\_\_\_\_\_  
Commissioner  
Department of Environment  
& Conservation

  
\_\_\_\_\_  
Title: Mayor  
For: Fayette County

\_\_\_\_\_  
Commissioner  
Department of Finance  
& Administration

\_\_\_\_\_  
Title: \_\_\_\_\_  
For: \_\_\_\_\_

\_\_\_\_\_  
Title: \_\_\_\_\_  
For: \_\_\_\_\_

(Please Type or Complete Form in Ink and Submit Three (3) Signed Originals of the Document)

Amendment of Contract in Lieu of Performance Bond

Whereas, Fayette County and the State of Tennessee Department of Environment and Conservation, entered into a Contract in Lieu of Performance Bond for proper operation and closure and/or post-closure of the Fayette County Demolition Landfill, Permit Number DML240000080; and

Whereas, said contract included a provision allowing the Commissioner of Environment and Conservation to collect up to \$ 172,401.33 from any funds being disbursed or to be disbursed from the State to Fayette County as financial assurance for said proper operation, closure and post-closure; and

Whereas, the State and Fayette County, desire to change the amount of said financial assurance from \$ 172,401.33 to \$ 179,541.15.

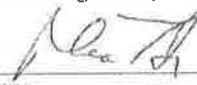
Paragraph 3 of the Agreement in Lieu of Performance Bond is amended as follows:

The figure "\$ 172,401.33" is deleted and the figure "\$ 179,541.15" is substituted in lieu thereof.

Date of Amendment to Contract \_\_\_\_\_

(Must have date of Official's signature)

\_\_\_\_\_  
Commissioner  
Department of Environment  
& Conservation

  
\_\_\_\_\_  
Title: Mayor  
For: Fayette County

\_\_\_\_\_  
Commissioner  
Department of Finance  
& Administration

\_\_\_\_\_  
Title: \_\_\_\_\_  
For: \_\_\_\_\_

\_\_\_\_\_  
Title: \_\_\_\_\_  
For: \_\_\_\_\_

Please Type or Complete Form in Ink and Submit **Three (3)** Signed Originals of the Document)

Commissioner German moved to approve the following OPEB: Local Government Agency -Retiree Coverage Election Form. The motion was seconded by Commissioner Farley

and passed unanimously.

10.3.6.7



STATE OF TENNESSEE  
DEPARTMENT OF FINANCE AND ADMINISTRATION  
BENEFITS ADMINISTRATION  
312 Rosa L. Parks Avenue  
Suite 1900 William R. Snodgrass Tennessee Tower  
Nashville, Tennessee 37243-1102  
Phone (615) 741-3590 or (800) 263-8981  
FAX (615) 263-8556

Laurie Lee  
EXECUTIVE DIRECTOR

January 18, 2019

MEMO TO: Local Government Plan Agency Directors and Fiscal Officers  
FROM: Laurie Lee  
RE: OPEB: Local Government Agency--Retiree Coverage Election Form

As you know from my prior emails, new rules adopted by the Governmental Accounting Standards Board (GASB – and similarly FASB) require public agencies to report certain *Other Postemployment Benefits (OPEB) liabilities on their balance sheets if they have retirees in the State Insurance Plan and/or if active employees are eligible to continue coverage as retirees.*

Many participating local government agencies have indicated that they do not want to incur this OPEB liability, as they do not have retirees on the Plan and do not want to make retiree coverage available to their members in the future. On the other hand, many agencies want to offer the retiree health option in order to recruit and retain employees. Therefore, at its January 17, 2019 meeting, the Local Government Insurance Committee approved final Plan Document language to permit current and new agencies to either opt in or opt out of the Plan's pre-65 retiree health for their eligible members as outlined below.

The Plan Document changes now permit agencies to either:

1. opt in to retiree coverage, or
2. opt out of retiree coverage, or
3. opt out relative to active employees only, while continuing to offer retiree coverage to those retirees on the Plan as of the effective date of the opt out.

Going forward, **each agency must select one of the three retiree health options above and inform Benefits Administration of its decision as outlined in the attached Local Government Agency Retiree Coverage Election Form no later than March 31, 2019.**

- If opting in now, your agency can opt out at a later date.
- Once opted out, however, your agency cannot opt back in for retiree health insurance later.

If your agency does not notify Benefits Administration of your decision on the attached form by March 31, 2019, your eligible employees can continue to enroll in the State's pre-65 retiree health insurance program until the selection time next year. Please note that if your agency selects option 1 (or does not notify Benefits Administration of your selection), your agency will have an OPEB liability associated with your existing retirees in the Plan and for your active employees eligible for future retiree coverage. If your agency selects option 3, your agency will have an OPEB obligation associated with those existing retirees who continue in the Plan.

Please carefully review the attached information and the key points below:

- An agency which has not submitted the Election Form by March 31, 2019, will be treated as having chosen option number one (1), which is the election to "opt in" to continue to offer retiree health insurance to all eligible active employees and current retirees.
- Your agency is responsible for securing any necessary board, commission, governing body or other authorization, if needed, prior to submitting the Election Form. Your agency is also responsible for communicating all decisions regarding retiree coverage to your employees and retirees.
- The Election Form must identify the local government agency, be signed by the local government agency head and fiscal officer and clearly designate an election of one of the three available options.
- An opt-in election will be effective for the OPEB liability determination for the entire upcoming state fiscal year ending June 30 and an agency will not be permitted to change its retiree coverage status until the selection time for the next fiscal year.
- The completed and signed form should be returned by email to [Benefits.Administration@tn.gov](mailto:Benefits.Administration@tn.gov) by March 31, 2019.

For your information, here are links to the current 2019 Local Government Plan Document (the section that pertains to the eligibility of service retirees is 4.06) and the current Guide to Continuing Insurance at Retirement for Local Government.

- <https://www.tn.gov/content/dam/tn/finance/fa-benefits/documents/lgpd2019.pdf>
- [https://www.tn.gov/content/dam/tn/finance/fa-benefits/documents/retirement\\_guide\\_lg\\_2019.pdf](https://www.tn.gov/content/dam/tn/finance/fa-benefits/documents/retirement_guide_lg_2019.pdf)

If you have questions, please contact us at [Benefits.Administration@tn.gov](mailto:Benefits.Administration@tn.gov).

Thank you.

CC: Agency Director, Fiscal Officer, Agency Benefits Coordinator

Attachment: Local Government Agency--Retiree Coverage Election Form

Division of Benefits Administration  
Local Government Agency--Retiree Coverage Election Form

On January 17, 2019, the Local Government Insurance Committee adopted final amendments to the Plan Document that allow each local government agency to decide whether or not to offer the State Insurance Plan's pre-65 retiree health coverage to its members. Each agency has the choice to either (1) "opt in" and continue to offer retiree coverage to its active employees and retirees; (2) "opt out" and no longer offer retiree coverage to its active employees or its current retirees; or (3) "opt out" on a limited basis and no longer offer retiree coverage to its active employees, but continue to offer retiree coverage to retirees having health insurance coverage on the Plan beginning on or before June 1 of the year in which the agency signs this Election Form. This form must be filled out and returned by each agency to record its choice of one of these three options.

- An agency election to opt out of offering retiree health coverage will also prohibit the agency from offering retiree vision coverage, if applicable, because a retired person may not be enrolled in retiree vision coverage unless they are also enrolled in retiree health coverage.
- The agency is responsible for securing any necessary board, commission or governing body authorization, if needed, prior to submitting the Election Form.
- The agency is also responsible for communicating all decisions regarding retiree coverage to its employees and retirees.

**Terms and Conditions**

1. Page Two of this form must be returned to the Division of Benefits Administration on or before March 31, 2019. The form must identify the local government agency, be signed by the local government agency head and fiscal officer, and clearly designate an election of one of the three available options. **An agency which has not submitted a form by the required date will be treated as having chosen option number one (1), which is the election to "opt in" to continue to offer retiree health insurance to all eligible active employees and current retirees.** The opt-in election will be effective June 30 of the year in which the election form is signed. Such election is binding for the Other Postemployment Benefits (OPEB) liability determination for the entire upcoming state fiscal year ending June 30, and will continue to be effective until such election is changed in writing at the time designated for submitting such notice. The agency will not be permitted to change its retiree coverage status until the selection period for the following fiscal year.

2. An agency's choice to opt out and no longer offer retiree coverage to its active employees or to its active employees and retirees is irrevocable. An agency which has elected either option number two (2) or three (3) above will not be permitted to offer retiree health coverage (or retiree vision coverage) after June 30 of the year in which the agency signs the Election Form, except to retirees having insurance coverage on the retiree plan effective on or before June 1 of that year if option three (3) is selected.

3. Neither the Local Government Insurance Committee nor the Division of Benefits Administration is responsible for the determination of an agency's total OPEB liability as prescribed by the statements of the Government Accounting Standards Board (GASB) or Financial Accounting Standards Board (FASB). Benefits Administration valuations of OPEB liability are limited to plans administered by Benefits Administration. Agencies are responsible for the valuation of OPEB benefits not offered by Benefits Administration. Each agency's management is strongly urged to consult with its independent auditors to ensure the proper and complete reporting of its OPEB liability.

4. Individual agencies may have a binding legal obligation, through local ordinance, resolution, contract or other arrangement, to offer retiree health insurance coverage to some or all of its retirees. Each agency must determine whether or not such obligation exists and neither the Insurance Committee nor Benefits Administration will provide advice regarding whether such obligation exists. This is a legal issue and each agency is strongly urged to consult with its legal counsel. If an agency elects option two (2) or three (3), it will bear all risks of a legal challenge to this decision, including any damages that may be awarded. An agency that opts out will not be allowed to return to retiree health or vision coverage under the Local Government Plan even if it is determined that it has a legal obligation to continue to offer retiree coverage.

ELECTION

Local Government Agency \_\_\_\_\_ hereby makes the following election concerning health insurance coverage for retirees under the Local Government Insurance Plan:

OPT IN (1) This agency elects to continue to offer pre-65 retiree health insurance coverage under the Local Government Insurance Plan to all eligible active employees and retirees. We understand that this decision is effective as of June 30 of the year in which this election form is signed, that it is binding for the OPEB liability determination for the upcoming fiscal year ending June 30, and that we will be given another opportunity to choose whether or not to continue to offer retiree coverage for the following fiscal year. We understand that our election to opt in will continue to be effective until such election is changed in writing at the time designated for submitting such notice. We further understand that the agency is responsible for communicating all decisions regarding retiree coverage to its employees and retirees.

OPT OUT (2) This agency elects to no longer offer pre-65 retiree health insurance coverage and retiree vision insurance (if applicable) under the Local Government Insurance Plan to our active employees or to our retirees. We understand that this means that no current employees or retirees will be eligible for retiree health or vision coverage as of June 30 of the year in which this election form is signed. We understand and acknowledge that we have been advised to consult legal counsel concerning this decision. We acknowledge that this election to opt out is permanent, and that this agency is not permitted to offer retiree health or vision coverage under the state insurance plan after June 30 of the year of the agency's election to opt out. We further understand that the agency is responsible for communicating all decisions regarding retiree coverage to its employees and retirees.

LIMITED OPT OUT WITH CONTINUED COVERAGE FOR CURRENT RETIREES (3) This agency elects to opt out of offering pre-65 retiree health insurance coverage and retiree vision insurance (if applicable) under the Local Government Insurance Plan to our active employees, but to continue to offer retiree health coverage and retiree vision coverage (if applicable) to all current retirees.

We understand that this means that no active employees will be eligible for retiree health or vision coverage (if applicable) as of June 30 of the year in which this election form is signed, but that all retirees having insurance coverage on the retiree plan effective on or before June 1 of that year will remain eligible to continue retiree coverage subject to Plan rules. We understand that coverage starts on the first day of the month and that June 1 of the year in which this election form is signed is the last effective date which will qualify a retiree as a current retiree eligible to continue coverage prior to the June 30 opt out date.

We understand and acknowledge that we have been advised to consult legal counsel concerning this decision. We acknowledge that this agency is not permitted to offer retiree health or vision coverage under the State Insurance Plan to active employees after June 30 of the year of the agency's election to opt out. However, an agency may elect to opt out of continuing coverage for current retirees by timely submitting an election for option two (2) in a subsequent plan year. We further understand that the agency is responsible for communicating all decisions regarding retiree coverage to its employees and retirees.

\_\_\_\_\_  
Name of Local Government Agency

\_\_\_\_\_  
Head of Agency (printed name/signature) REQUIRED

\_\_\_\_\_  
DATE

\_\_\_\_\_  
Fiscal Officer (printed name/signature) REQUIRED

\_\_\_\_\_  
DATE

Check one option box, sign the form, and return by email to [Benefits.Administration@lu.gov](mailto:Benefits.Administration@lu.gov) by March 31<sup>st</sup>, 2019.

Commission German moved to approve the following Travel Policy Tennessee Only Update The motion was seconded by Commissioner Rice and passed unanimously.

10.3.0.0

### TRAVEL POLICY TENNESSEE ONLY

1. Automobile expense: 47 cents per mile. If more than one employee or Official travel in the same automobile, only one can claim mileage.
2. Meals:
  - a. \$31.00 per day maximum – no receipts required for meals, no reimbursements for alcoholic beverages.
    1. \$7.00 maximum breakfast.
    2. \$9.00 maximum lunch.
    3. \$15.00 maximum dinner.
    4. Tips may be added to meal cost, but total of meal and tip not to exceed meal maximum.
    5. If a meal is provided by the conference or hotel, no reimbursement for that meal will be made even if provided meal is not accepted by employee.
  - b. To be eligible for breakfast meal, traveler must leave Somerville no less than one (1) hour prior to regular work starting time. To be eligible for dinner meal, traveler must not arrive in Somerville before one (1) hour after regular work day (i.e., regular work hours 9:00 a.m. to 5:00 p.m., breakfast allowed only when departure from Somerville is 8:00 a.m. or earlier and dinner only when return to Somerville is after 6:00 p.m.)
3. Lodging:
  - a. Maximum of \$60.00 base per day, or actual cost of non-conference hotel. 100% allowed for conference hotel.
  - b. No personal phone call allowance.
  - c. Parking charges allowed with receipt, except at street parking meter.
  - d. Lodging receipt required.
  - e. Maximum for baggage handling is \$3.00, receipt not required.
  - f. For out-of-town trips requiring overnight arrangements and the hotel is known, the employee shall request in writing, a check in the amount necessary payable to the hotel, and employee shall take to hotel. No sales tax will be paid
4. Registration Fees: Registration fees for approved conferences, conventions, seminars, meetings, etc., will be allowed including cost of official banquets and/or luncheons provided advance approval is secured from department head and/or Budget Director. However, no separate claim for corresponding meal will be allowed when the meal(s) are included in the registration fee.
6. Reimbursement Procedure: All county travel must be listed on a Travel Form. Forms must be turned in to the Mayor's office within 60 days of travel. No exceptions, incomplete forms will be returned.
7. Travel Advance: Advance payments for out-of-pocket expenses may be made to employees, Officials and members of Boards, upon advance written request of the Officials or Department Heads. Travel advances must be reconciled on Official's Travel Form, no later than five (5) working days from return to Fayette County.
8. Extradition Travel: The safety of the Deputy(ies) and Prisoner(s) and maintaining custody of said Prisoner(s) take precedence over the reimbursement amounts above. The Sheriff should document and approve or disallow expenses that exceed the listed amounts in writing on the reconciliation form. The County Commission may request justification from the Sheriff for expenditures that exceed the listed amounts. This does not exempt the Sheriff from adhering to budgetary limitations on Travel.

Commissioner German moved to approve the following delinquent tax attorney information from the Trustee. The motion was seconded by Commissioner Lillard and passed



unanimously.

10.3.6.9



## Fayette County Trustee

Barbra Parker

DATE: January 1, 2019

TO: Rhea Taylor, Fayette Co. Mayor

RE: Delinquent Tax Attorney

Please be advised that I have appointed Matthews, Rhea & Neill, PLLC Law Firm of Somerville, TN as our Fayette County Delinquent Tax/Bankruptcy Attorneys. They are to collect the delinquent property taxes turned over to the Chancery Court and assist the Trustee and Clerk and Master in filing Bankruptcy claims.

I request Matthews, Rhea & Neill Law Firm's fee remain at 10% of the base amount of the delinquent property taxes collected by them.

Sincerely,

A handwritten signature in cursive script, appearing to read "Barbra Parker", with a horizontal line extending to the right.

Barbra Parker,  
Fayette County Trustee

Commissioner Steve Reeves moved to approve the following Proclamation by the Fayette County Mayor. The motion was seconded by Commissioner Lillard and was passed unanimously.

COUNTY OF FAYETTE  
PROCLAMATION  
BY THE FAYETTE COUNTY MAYOR

**WHEREAS**, The University of Tennessee is Tennessee's land-grant university, and has a three-part mission of teaching, research, and Extension; and

**WHEREAS**, Extension is the outreach arm of the University and an integral part of the land-grant mission extending the knowledge and expertise of the University to the people of Tennessee through education delivered by agents, specialists, and volunteers in all 95 counties of the state; and

**WHEREAS**, Extension is a valuable resource for helping citizens to solve problems providing real life solutions in the places they live, work, and play through hundreds of programs; and

**WHEREAS**, Extension's efforts are based on local needs, research and a commitment to improve the quality of life.

**WHEREAS**, Extension's educational programs in 4-H youth development, agriculture and natural resources, family and consumer sciences, and community economic development produce substantial returns to the state.

**WHEREAS**, a recent assessment indicates that every \$1 in public funds invested in Extension programs returns an estimated \$8.65 to the people of Tennessee.

**NOW THEREFORE**, I, Rhea Taylor, Fayette County Mayor of Fayette County do hereby proclaim March, as

**UT EXTENSION MONTH**

and encourage all citizens of Fayette County to participate in Extension's educational programs and to learn how Extension benefits them.

**IN WITNESS WHEREOF**, I have here unto set my hand and caused the official seal of Fayette County to be affixed on this the 26th day of February, 2019.

\_\_\_\_\_  
*Rhea V. Taylor III, County Mayor*



Commissioner Oglesby moved to approve the following request from the County Clerk to move money from a reserve account into a line item for office supplies for copy paper and

license plate envelopes. The motion was seconded by Commissioner Leggett and passed unanimously.

11.2

**RESOLUTION**

BE IT RESOLVED, by the County Legislative Body and/or the Board of County Commissioners of Fayette County, Tennessee, in regular sessions on this 26<sup>th</sup> day of February, 2019, 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 be amended in the following words and figures, to wit:

**COUNTY GENERAL FUND  
BUDGET AMENDMENT  
F/Y 18/19  
February 2019**

<u>Adjustment to Reserve Accounts:</u>	<u>DECREASE</u>	<u>INCREASE</u>
34515 Restricted for Finance	\$ 3,329.50	
Subtotal-34515	\$ 3,329.50	
<u>Adjustment to Expenditure Accounts:</u>	<u>DECREASE</u>	<u>INCREASE</u>
52500 County Clerk's Office		
435 Office Supplies		\$ 3,329.50
Subtotal-53320		\$ 3,329.50
<b>TOTAL INCREASE/DECREASE TO EXPENDITURE ACCOUNTS:</b>		<b>\$ 3,329.50</b>
<b>Prior Estimated Expenditures</b>		<b>\$ 18,139,677.03</b>
<b>Total Estimated Expenditures this Amendment</b>		<b>\$ 18,143,006.53</b>
<b>Projected Fund Balance before Amendment</b>		<b>\$ 4,717,444.36</b>
<b>Change in Fund Balance this Amendment</b>		<b>\$ 0.00</b>
<b>Estimated Ending Fund Balance as of June 30, 2019</b>		<b>\$ 4,717,444.36</b>

Commissioner Leggett moved to accept the bid from Muster Emergency Vehicles for two Ambulances which was the recommended bid, and the third lowest bid. These ambulances are needed on the street as quickly as possible. The lowest bid was placed by a company which did not have the chassis to build the ambulance on and it would be at least twenty weeks before they would have access to the chassis. The second lowest bid was not for the wheeled coach we had

asked for. The motion was seconded by Commissioner Farley and passed unanimously.



# Fayette County Government

Rhea Taylor / County Mayor


## RECOMMENDATION FOR AWARD


To: Mr. Kent Archer, ECD/CDBG Director of Rural Development  
From: Rhea Taylor, Mayor, Fayette County  
Cc: Mattie J. Cushman, Community Development Partners, LLC  
Date: March 1, 2019  
Re: Fayette County 2018 CDBG  
Ambulance Service Improvements - 12759

We received and opened bids for two Ambulances on February 25, 2019. We received six bids, all of which have been reviewed for technical responsiveness by our Ambulance Service Director. The attached bid tab shows low bids submitted by 1) Custom Truck and Body Works \$307,192 and 2) Mid-America Ambulance Service \$325,358. A detailed evaluation found non-conforming items that are not acceptable from these two vendors.

Custom Truck and Body Works, does not have access to the truck chassis and cannot give a date they would be able to deliver on the ambulances other than 60 to 90 days after they receive the chassis. Ford has advised they would not be able to deliver a chassis for at least 20 weeks. We have a state of emergency here in the county and are in need of the ambulances ASAP. Mid America Ambulance Service's bid was out of scope. The coach specs from this vendor does not meet our requirements.

The bids that best meets the needs of our Ambulance Service and comply with the specifications was submitted by Muster Emergency Vehicle Inc., 117 Highway 815 Calhoun Kentucky 42327. Muster's bid of \$347,350 is the most responsive for the Fayette County EMS; therefore, we recommend and request to proceed with bid award to this vendor. Fayette County will be responsible for any and all costs in excess of the grant budget.

  
Rhea Taylor, Mayor Fayette County

  
Glenn D. Miller, Director  
Fayette County EMS

Commissioner Powers moved to accept the resignation of Andy Avery from the Public Works Board. The motion was seconded by Commissioner Norton and passed unanimously.

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

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Rhea Taylor, Fayette County Mayor

ATTEST:

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Sue W. Culver, County Clerk

