

BENTON COUNTY COMMISSIONERS MEETING

FEBRUARY 23, 2021

BE IT REMEMBERED THAT ON FEBRUARY 23, 2021, THAT THE BENTON COUNTY COMMISSIONERS MET IN REGULAR SESSION AT THE BENTON COUNTY COURTHOUSE @ 6:00 PM.

PLEASE NOTE THAT DUE TO INCLEMENT WEATHER THE REGULAR SCHEDULED MEETING ON FEBRUARY 16, 2021 WAS CANCELLED AND ACTUALLY HELD ON FEBRUARY 23, 2021. RESOLUTION NUMBERS WERE ISSUED FOR ORIGINAL MEETING DATE.

AGENDA

Opening of meeting was by Sheriff Kenny Christopher.

Invocation was led by Commissioner Mike Nunnery and Pledge of Allegiance was led by Commissioner Kenneth Miller.

ROLL CALL BY COUNTY CLERK WANDA MALIN – ABSENT – SONNY HALL


DISCUSSION 0 Requests to Speak

Roll Call

ROLL CALL

Angela Hern	PRESENT	Dwayne Fowler	PRESENT
Don Patton	PRESENT	Sonny Hall	ABSENT
Ward Plant	PRESENT	Phil Melton	PRESENT
Davna Ferguson	PRESENT	Rachelle Hill	PRESENT
Kenneth Miller	PRESENT	Mike Nunnery	PRESENT
Rocky Presson	PRESENT	Rosanne Ward	PRESENT
Keleah Dye	PRESENT	Darrel Hicks	PRESENT
Norman Frazier	PRESENT	Ronnie Hopper	PRESENT
Gary Furr	PRESENT	Mary Powers	PRESENT

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AGENDA

1. Opening of Meeting by Sheriff or his appointee.
2. Invocation and Pledge of Allegiance
3. Roll Call by County Clerk or Chief Deputy
4. Announcing of Quorum by County Clerk, Wanda Malin
5. Approval of Agenda
6. Citizens Forum
7. Commissioners Forum
8. County Mayor, Attorney, Finance Advisor, Invited Guest Speaker Forum, or Proclamations
9. Approval of Minutes
10. Report of Public Utilities

11. Approval of the Tennessee Rehab Center Quarterly Report – 3rd and 4th quarter 2020
12. Resolution making appointments to the Benton County Animal Shelter Board (20210216-01) RCV
13. Resolution making re-appointments and new appointments to the Agriculture Extension Committee (20210216-02) RCV
14. Resolution for Benton County to opt out from proving TCRS retirement to part-time employees. (20210216-03) RCV
15. Resolution budgeting funds in the amount of \$4,250.00 within the Benton County Library budget. (20210216-04) RCV
16. Resolution budgeting funds in the amount of \$6,487.39 within the sheriff's department budget (20210216-05) RCV
17. Resolution budgeting funds in the amount of \$1,235.86 within the sheriff's department budget (20210216-06) RCV
18. Resolution budgeting funds received from the 2019 CDBG Grant in the amount of \$7,732.13 within Fund 172 – Community Development. (20210216-07) RCV
19. Resolution budgeting funds received from FEMA in the amount of \$75,200.64 within the highway department budget. (20210216-08) RCV
20. Resolution budgeting funds received from state aid money in the amount of \$551,412.00 within the highway department budget. (20210216-09) RCV
21. Resolution budgeting funds in the amount of \$10,000 within the school's budget. (20210216-10) RCV
22. Resolution to appropriate funds in the amount of \$2,500 from the Unassigned Fund Balance within the County General Fund and budget within the jail budget. (20210216-11) RCV
23. Resolution to appropriate funds in the amount of \$68,000 from the Unassigned Fund Balance within the County General Fund and budget within the jail budget. (20210216-12) RCV
24. Resolution to appropriate funds in the amount of \$1,000 from the Unassigned Fund Balance within the County General Fund and budget within the solid waste tire disposal utilities budget. (20210216-13) RCV
25. Resolution to appropriate funds in the amount of \$49,328.00 from the Unassigned Fund Balance within Fund – 151 Debt Service in order to cover the schools ESS1 loan repayments for the remainder of the fiscal year. (20210216-14) RCV
26. Resolution authorizing the issuance of interest-bearing school system capital outlay note, series 2021 in an amount not to exceed \$2,000,000. (20210216-15) RCV
27. Appointing Notaries
28. Any Other Business
29. Adjourn

ANNOUNCING OF QUORUM BY:

Chairperson Rosanne Ward

APPROVAL OF THE AGENDA

Motion was made by Commissioner Ferguson and seconded by Commissioner Miller to approve the Agenda. On a roll call vote, all present voted aye. Motion Carries.

VOTING RESULTS YES NO ABSTAIN ABSENT

Approval of Agenda		Passed By Majority Vote	
Angela Hern	YES	Dwayne Fowler	YES
Don Patton	YES	Sonny Hall	ABSENT
Ward Plant	YES	Phil Melton	YES
Davna Ferguson	YES	Rachelle Hill	YES
Kenneth Miller	YES	Mike Nunnery	YES
Rocky Presson	YES	Rosanne Ward	YES
Keleah Dye	YES	Darrel Hicks	YES
Norman Frazier	YES	Ronnie Hopper	YES
Gary Furr	YES	Mary Powers	YES

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Open Meeting TECHNOLOGIES

CITIZENS FORUM

Tanner Hudson was brought to the floor by Mayor Lashlee and presented with a “Key to the County”. Karen Hudson, Tanner’s mother was also present. Tanner recently played in the NFL Super Bowl Game as a tight end for the Tampa Bay Buccaneers. Benton County is proud to support Tanner and is cheering him on and praying for his success. He thanked everyone for all the support from his home town.

Dr. Scott Portis, County Medical Examiner, offered his phone number in case anyone needs to contact him. He has been Medical Examiner in Benton County since 2012. He explained his role as Examiner as well as his team of investigators and paramedics. He also gave an update on the Covid deaths in Benton County. Mr. Portis encourages citizens to get the Covid Vaccine.

Motion was made by Commissioner Ferguson and seconded by Commissioner Nunnery to suspend the rules of order in order for Mr. Portis to appoint M.L. Baily as Death Investigator. On a roll call vote, all present voted aye. Motion carries.

Motion was made by Commissioner Patton and seconded by Commissioner Melton to approve Dr. Portis’ appointment of M.L. Baily as death investigator. On a roll call vote, all present voted aye. Motion Carries.


VOTING RESULTS

YES 17 NO 0 ABSTAIN 0 ABSENT 1

approve Dr Portis appointment Passed With Majority of Full Me

Angela Hern	YES	Dwayne Fowler	YES
Don Patton	YES	Susan Noles	ABSENT
Ward Plant	YES	Phil Melton	YES
Dayna Ferguson	YES	Rachelle Hill	YES
Kenneth Miller	YES	Mike Nunnery	YES
Rocky Presson	YES	Rosanne Ward	YES
Keleah Dye	YES	Darrel Hicks	YES
Norman Frazier	YES	Ronnie Hopper	YES
Gary Furr	YES	Mary Powers	YES

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COMMISSIONERS FORUM

Mayor Lashlee appointed Susan Noles as Tourism Director.

Chairman Ward explained the new Computer system used for the meetings. She asked that everyone just bear with them as they learn the ins and outs of the new system.

**COUNTY MAYOR, ATTORNEY, FINANCE ADVISOR, INVITED GUEST SPEAKER
FORUM, OR PROCLAMATIONS**

Mayor Lashlee congratulated County Maintenance Manager, Greg Phifer, on Graduating from the Penn Fosters Electrician Program. He also congratulated Ashley Travis on completing the CCFO course, which is a CTAS Finance Program.

PROCLAMATION

*Benton County Tennessee
Office of the Mayor*

**PROCLAMATION FROM THE OFFICE OF THE COUNTY MAYOR TO
RECOGNIZE THE OBSERVANCE FROM FEBRUARY 7-14, 2021 AS
CONGENITAL HEART DEFECT AWARENESS WEEK
IN BENTON COUNTY:**

PROCLAMATION

WHEREAS, the health and well-being of congenital heart patients is of paramount importance; and

WHEREAS, each year in the United States, more than 40,000 babies are born with a congenital heart defect; and

WHEREAS, the medical community has identified congenital heart defects as the leading cause of birth defect-related deaths; and

WHEREAS, medical research can provide more identifiable means of the origins and symptoms of congenital heart defects; and

WHEREAS, there is no cure for congenital heart defects, and it is a lifelong disease requiring ongoing specialized care; and

WHEREAS, fewer than 10% of adults with congenital heart disease are receiving recommended care; and

WHEREAS, it is crucial that individuals planning a family, fetal clinicians, obstetric physicians, pediatricians, and all those in the medical field have a greater understanding of the potential for congenital heart defects; and

WHEREAS, Congenital Heart Defect Awareness Week provides the opportunity for patients and families affected by this condition to share their experiences and knowledge, so that the general public may be aware of how this defect affects our lives.

PROCLAMATION

*Benton County Tennessee
Office of the Mayor*

NOW, THEREFORE, I, Brett W. Lashlee, Mayor of Benton County Tennessee, do hereby proclaim February 7th through 14th, 2021, as

CONGENITAL HEART DEFECT AWARENESS WEEK

and do urge all citizens to work to join me in this special observance.


BRETT LASHLEE, MAYOR, BENTON COUNTY TENNESSEE



Conquering CHD



Letter to Editor

Robbie – Caught in the Act

A few days ago as I was leaving to go to town I noticed a box of trash by the road that must have fallen out of a vehicle going to the dump. I thought, "When I come home, I'll pick it up," as it was close to my property. It was dark when I got home so I forgot it.

There is a big S&W Pallet truck hauling scrap wood that goes by my house quite often. Monday morning as I was drinking my coffee and watching the news, I saw the big S&W Pallet truck slow and stop in front of my house and back up about 100 yards. The driver got out and picked up the trash even though it WASN'T his and he threw it into his truck. About an hour later I went to S&W Pallet to report the caring driver to them for his good deed he did for our county. His boss, Ray, took me to him; I shook his hand and thanked him for the good deed he did to keep Benton County clean.

His name is Robbie Slye of Camden. Thank him, everyone!

Thank you, Robbie, from Pete and Missy Peterson



Robbie Slye receives Certificate of Excellence from Benton County Mayor Brett Lashlee for his caring about keeping Benton County Litter Free. Left to right: County Mayor Brett Lashlee, Robbie Slye, Ray Higdon of S&W Pallet. Story on page 3 - 'Robbie Caught In The Act'



Brett this is the best pic
she could make - The story is already
at the paper to run as a letter to Clinton
if you can get it in this week paper
+ Thanks to . . . D.L. D.T.

COUNTY MAYOR'S NOTES FOR COMMISSION MEETING: FEBRUARY 16, 2021

WELCOME

After last month's meeting, I took some notes and wanted to convey some ideas and suggestions going forward as to how we need to work to improve our monthly business meeting. Personally, I entertain and enjoy open discussions in meetings as it's the best way to really get informed on issues and resolution request, etc. However, I believe the public is getting tired out on our regular business meetings lasting so long. There is room for improvement for us all and we should work to hone our oratory elements of the meeting if we are to make our regular monthly meeting more time efficient. Having said that, I propose the following:

1-We have to Validate and improve the Resolution submission process. Please vet your resolutions via a peer review with the Chairman, County Mayor, CTAS, or TCSA. These resolutions need to be ready by the Friday before agenda preparation, but no later than the first Monday of the month. I have noticed multiple resolutions that are improperly worded, or maybe not even necessary or that promote a public informational discussion not related to the agenda.

2-To reduce business meeting floor discussions, members need to attend as many committee meetings as possible to reduce confusion and gain a proper understanding of the issue. If you come to the regular meeting uninformed or misunderstanding a proposal, the regular business meeting probably isn't going to help. Its ok to ask your peers, or the County Mayor, or another informational resource prior to the monthly meeting.

3-Using the Regular Business Meeting for grandstanding purposes will no longer be tolerated. The floor of our regular business meeting isn't the place to discuss personal insinuations, accusations, or differences or to pander to the live audience via grand-standing. The Chairman has the ability to shut this action and communication down. There isn't anything that comes up in a regular business meeting that you have stewed on for over a week that cannot be addressed directly with someone who can provide direct clarity of the issue. If you are saving the issue for a live audience and it is not related DIRECTLY to the agenda, the Chairman will begin calling the member out of order and cutting off the discussion.

4-Training yourself on Roberts Rules of Order and Protocols of Conducting a Legislative Meeting. It is impossible to learn enough in a 1-day orientation given by CTAS at the Commissioner Orientation Seminar held every 4 years or via an online session. I would like to ask the Legislative Body to look into local orientation for new members that is separate from the CTAS meetings. We can walk through the processes above as well as many other legislative and administrative processes and protocols. Have we ever been orientated on the "Rule of Order"? That was not covered in the state orientation, but is your main operating protocol for local meetings. We can improve our Parliamentary Processes and Procedures, but only if you are willing to commit to this and take it to heart. This will aid us in our legislative meetings on every level. We budget \$200 per member for annual training. I recommend the following link:<https://www.parliamentarians.org/services/learning-opportunities/web-based-courses/>

COUNTY MAYOR'S NOTES FOR COMMISSION MEETING: FEBRUARY 16, 2021

COVID-19

Back in the late Fall and prior to Thanksgiving we saw a tremendous escalation in COVID-19 related infections and deaths, basically doubling over the course of 5-6 weeks. Our death rate doubled from 13 to 26 and our confirmed cases went from 632 to 1110. We ranked 22nd lowest in Tennessee and was on the verge of jumping to 23rd, but had climbed from being 11th lowest earlier in the summer so those numbers were not favoring a safer future for our citizens.

These dramatic increases prompted the initiation of a Local Mask Mandate, via a County State of Emergency. This mandate did not come hastily and much discussion and counsel were solicited from our local health, emergency, and business community. We took a conservative approach of observation, information and data gathering, and confirmation as to whether the public was ready for such abrupt change in our social behavior. Unfortunately, sometimes harsh realities of the impact of this threat had to be experienced within the community and by late Fall I believe public sentiment has definitely swayed in favor. As a result, from the outset of the initial COVID-19 Emergency Declaration by our Governor and President on March 11-12th, 2020, a Local Mask Mandate was issued effective December 23rd.

Although everyone has an opinion on whether Mask work or not, in the 6 weeks since the initiation of the Mask Mandate here are the numbers:

We have dropped from 22nd to 12th, and sit on the verge of being the 11th lowest impacted county.

The increase in our death rate has slowed by 50%

Our active cases have dropped from 144 to 44!

Vaccinations have now been introduced and continue to increase in inventory.

We are getting better control of this virus, but we cannot take this viral threat lightly as we are still seeing the pain and losses of our citizens to COVID-19. I do see a lifting of the mandate around the corner soon, but I hope our citizens will continue to invest the efforts needed to stay safe and help keep others safe.

COUNTY EMPLOYEE HANDBOOK

Still under review from elected officials and will soon be discussed with county employees for feedback and concerns. Our HR Consultant is now reviewing job descriptions and salary & wage compensation analysis. Sheriff's Department is currently working on theirs. We hope to have all of the feedback on these within the next couple of months and we will look to have the County Commission review and adopt/reject these to go into effect July 1, 2021. Additionally, what I believe will be a good plan going forward is for the County Commission to hear suggestions and concerns every October & November, make the new changes in December to go into effect on January 1st of each year there is a change or addition to the handbooks.

COUNTY MAYOR'S NOTES FOR COMMISSION MEETING: FEBRUARY 16, 2021

PROPERTY ACQUISITIONS:

We have recently seen the acquisition of three properties near the interstate, two by the Industrial Development Board and one under Benton County Solid Waste. Our future plans for the Solid Waste property is for a transfer station/convenience center once we are able to secure adequate funding for such operation. Our hope is there will be Solid Waste related grants open up soon, but if not, we will look at our Waste Management revenues as a future source to fund this operation.

Additionally, Solid Waste Board Chair Ronnie Hopper and myself are still searching for a property in the north end of the county. We have our interest in a particular property just inside the city limits. This property may also give us the option of remodeling the building and opening an Annex that will house a County Clerk, Trustee, and Sheriff's satellite offices which will be a huge benefit to the citizens in the north end of our county.

GRANTS: BROADBAND

Charter/Spectrum has secured a \$5.2 million dollar grant for upgrades in the City of Camden area. The addition of this grant now brings the total Broadband Grant investment to Benton County to just over \$11,000,000 with more coming. Additionally, Benton Electric is running a vast amount of "dark fiber" throughout the county which will further aid in future development and grants for Benton County.


BRETT W. LASHLEE, COUNTY MAYOR

2-5-2021
DATE

APPROVAL OF MINUTES

Motion was made by Commissioner Ferguson and seconded by Commissioner Miller to approve January 2021 minutes. On a roll call vote, all present voted aye. Motion Carries.

VOTING RESULTS

YES NO ABSTAIN ABSENT

Approval of Minutes		Passed By Majority Vote	
Angela Hern	YES	Dwayne Fowler	YES
Don Patton	YES	Sonny Hall	ABSENT
Ward Plant	YES	Phil Melton	YES
Dayna Ferguson	YES	Rachelle Hill	YES
Kenneth Miller	YES	Mike Nunnery	YES
Rocky Presson	YES	Rosanne Ward	YES
Keleah Dye	YES	Darrel Hicks	YES
Norman Frazier	YES	Ronnie Hopper	YES
Gary Furr	YES	Mary Powers	YES

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APPROVAL OF THE REPORT OF PUBLIC UTILITES

Motion was made by Commissioner Ferguson and seconded by Commissioner Nunnery to approve the Report of Public Utilities. On a roll call vote, all present voted aye. Motion Carries.

VOTING RESULTS

YES NO ABSTAIN ABSENT

Report of Public Utilities		Passed By Majority Vote	
Angela Hern	YES	Dwayne Fowler	YES
Don Patton	YES	Sonny Hall	ABSENT
Ward Plant	YES	Phil Melton	YES
Dayna Ferguson	YES	Rachelle Hill	YES
Kenneth Miller	YES	Mike Nunnery	YES
Rocky Presson	YES	Rosanne Ward	YES
Keleah Dye	YES	Darrel Hicks	YES
Norman Frazier	YES	Ronnie Hopper	YES
Gary Furr	YES	Mary Powers	YES

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RESOLUTIONS

RESOLUTION 20210216-01

Motion was made by Commissioner Patton and seconded by Commissioner Dye to approve RESOLUTION NO. 20210216-01. On a roll call vote, 14 ayes, 1 nay and 2 abstain. Motion Carries.

RESOLUTION NO. 20210216-01
 RESOLUTION SPONSORED BY BENTON COUNTY MAYOR BRETT LASHLEE
 LEGISLATIVE REFERENCE: LAW ENFORCEMENT COMMITTEE

WHEREAS, the Benton Cuntly Animal Shelter Board has members who either need to be re-appointed or recent vacancies from resignations that need to be filled; and
 WHEREAS, it is the recommendation of the County Mayor to make the necessary appointments as below:

Debbie Kyle	Term Set to Expire: 10/31/2023
Dedra Finch	Term Set to Expire: 10/01/2024
Sarah Dorrance	Term Set to Expire: 03/01/2024
Melinda Cleveland-Bodven	Term Set to Expire: 10/01/2022

NOW THEREFORE BE IT RESOLVED, By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this the 16th Day of February 2021 that those listed above be appointed to the Benton County Animal Shelter Board.

VOTING RESULTS

YES 14 NO ABSTAIN 2 ABSENT 1

RES-0216-01		Passed With Majority of Full Me	
<small>Resolution making appointments to the Benton County Animal Shelter Board</small>			
Angela Hern	YES	Dwayne Fowler	ABSTAIN
Don Patton	YES	Sonny Hall	ABSENT
Ward Plant	YES	Phil Melton	ABSTAIN
Dayna Ferguson	NO	Rachelle Hill	YES
Kenneth Miller	YES	Mike Nunnery	YES
Rocky Presson	YES	Rosanne Ward	YES
Keleah Dye	YES	Darrel Hicks	YES
Norman Frazier	YES	Ronnie Hopper	YES
Gary Furr	YES	Mary Powers	YES

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Brett Lashlee
 Brett Lashlee, County Mayor

Wanda Malin
 Wanda Malin, County Clerk

RESOLUTION 20210216-02

Motion was made by Commissioner Frazier and seconded by Commissioner Ferguson to approve RESOLUTION NO. 20210216-02. On a roll call vote, 15 ayes and 2 abstain. Motion Carries.

**RESOLUTION NO. 20210216-02
RESOLUTION SPONSORED BY BENTON COUNTY MAYOR BRETT LASHLEE
LEGISLATIVE REFERENCE: NONE**

WHEREAS, there are recent vacancies on the Agriculture Extension Committee, which need to be filled; and
WHEREAS, there are terms of three committee members which have recently expired and will require a re-appointment; and
WHEREAS, it is the recommendation of both the Ag Committee members and the county mayor to make the necessary appointments and re-appointments as listed below:

<u>NEW APPOINTMENTS</u>	<u>TERM</u>
Amy Cates	Expires January 2023
Stacey Hicks	Expires January 2023
<u>RE-APPOINTMENTS</u>	<u>TERM</u>
Ken Miller	Expires January 2023
Paul Rankin	Expires January 2023
Gary Furr	Expires January 2023

NOW THEREFORE BE IT RESOLVED, By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this the 16th Day of February 2021 that those listed above be either newly appointed and/or re-appointed to the Benton County Agriculture Extension Committee for a two-year term set to expire January 2023.

VOTING RESULTS

YES 15 NO ABSTAIN 2 ABSENT 1

RES 0216-02		<input checked="" type="checkbox"/> Passed With Majority of Full Me	
<small>Resolution making re-appointments and new appoint Agriculture Extension Committee</small>			
Angela Hern	YES	Dwayne Fowler	YES
Don Patton	YES	Sonny Hall	ABSENT
Ward Plant	YES	Phil Melton	YES
Dayna Ferguson	YES	Rachelle Hill	YES
Kenneth Miller	ABSTAIN	Mike Nunnery	YES
Rocky Presson	YES	Rosanne Ward	YES
Keleah Dye	YES	Darrel Hicks	YES
Norman Frazier	YES	Ronnie Hopper	YES
Gary Furr	ABSTAIN	Mary Powers	YES

County Commission
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Brett Lashlee
Brett Lashlee, County Mayor

Wanda Malin
Wanda Malin, County Clerk

RESOLUTION 20210216-03.

Motion was made by Commissioner Ferguson and seconded by Commissioner Patton to approve RESOLUTION NO. 20210216-03. On a roll call vote, all present voted aye. Motion Carries.

**RESOLUTION NO. 20210216-03
RESOLUTION SPONSORED BY BENTON COUNTY MAYOR BRETT LASHLEE
LEGISLATIVE REFERENCE: BUDGET COMMITTEE**

Tennessee Consolidated

Retirement System A RESOLUTION to exclude future part-time employees from the political subdivision's participation in the Tennessee Consolidated Retirement System in accordance with Tennessee Code Annotated, Section 8-35-210.

WHEREAS, Tennessee Code Annotated, Section 8-35-210(a) allows a political subdivision to exclude its future part-time employees from membership in the Tennessee Consolidated Retirement System ("TCRS") through a resolution by the chief governing body of the political subdivision, provided that any employee of such employer participating in TCRS by virtue of part-time service shall continue to be eligible for membership in TCRS.

NOW, THEREFORE BE IT RESOLVED, that in accordance with Tennessee Code Annotated, Section 8-35-210, the Board of Commissioners of Benton County hereby excludes its part-time employees hired after the date of this resolution from participation in TCRS by virtue of employment with Benton County.

VOTING RESULTS

YES 17 NO ABSTAIN 0 ABSENT 1

RES 0216-03

Passed With Majority of Full Me

Resolution for Benton County to opt out from providing TCRS retirement to part-time employees.

Angela Hern	YES	Dwayne Fowler	YES
Don Patton	YES	Wanda Malin	ABSENT
Ward Plant	YES	Phil Melton	YES
Dayna Ferguson	YES	Rachelle Hill	YES
Kenneth Miller	YES	Mike Nunnery	YES
Rocky Presson	YES	Rosanne Ward	YES
Keleah Dye	YES	Darrel Hicks	YES
Norman Frazier	YES	Ronnie Hopper	YES
Gary Furr	YES	Mary Powers	YES

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Brett Lashlee
Brett Lashlee, County Mayor

Wanda Malin
Wanda Malin, County Clerk

RESOLUTION 20210216-04.

Motion was made by Commissioner Ferguson and seconded by Commissioner Patton to approve RESOLUTION NO. 20210216-04. On a roll call vote, all present voted aye. Motion Carries.

**RESOLUTION NO. 20210216-04
RESOLUTION SPONSORED BY BENTON COUNTY MAYOR BRETT LASHLEE
LEGISLATIVE REFERENCE: BUDGET COMMITTEE**

WHEREAS, the Benton County Library has received funds in the amount of \$4,250.00 from the city of Camden for the quarterly contribution allocation; and

WHEREAS, it will be necessary to budget the said funds in the amount of \$4,250.00 within the library budget.

NOW THEREFORE BE IT RESOLVED, By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this the 16th day of February 2021 that the funds in the amount of \$4,250.00 received by the Benton County Library from the city of Camden for the quarterly contribution be budgeted as the following:

<u>INCREASED REVENUES:</u>		
101.48130	CONTRIBUTIONS	\$ 4,250.00
		\$ 4,250.00
<u>INCREASED EXPENDITURES</u>		
101.56500.169	PART-TIME/HOURLY PERSONNEL	\$ 4,250.00
		\$ 4,250.00

VOTING RESULTS

YES 17 NO ABSTAIN 0 ABSENT 1

RES 0216-04		Passed With Majority of Full Me	
<small>Resolution budgeting funds in the amount of \$4,250.00 within the Library Budget.</small>			
Angela Hern	YES	Dwayne Fowler	YES
Don Patton	YES	Sonny Hall	ABSENT
Ward Plant	YES	Phil Melton	YES
Dayna Ferguson	YES	Rachelle Hill	YES
Kenneth Miller	YES	Mike Nunnery	YES
Rocky Presson	YES	Rosanne Ward	YES
Keleah Dye	YES	Darrel Hicks	YES
Norman Frazier	YES	Ronnie Hopper	YES
Gary Furr	YES	Mary Powers	YES

County Commission
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Brett Lashlee
Brett Lashlee, County Mayor

Wanda Malin
Wanda Malin, County Clerk

Motion was made by Commissioner Ferguson and seconded by Commissioner Hill to take a 5-minute recess. On a voice vote, all present voted aye. Motion carries.

RESOLUTION 20210216-05

Motion was made by Commissioner Patton and seconded by Commissioner Miller to approve RESOLUTION NO. 20210216-05.

RESOLUTION NO. 20210216-05
RESOLUTION SPONSORED BY BENTON COUNTY SHERIFF KENNY CHRISTOPHER
LEGISLATIVE REFERENCE: BUDGET COMMITTEE & LAW ENFORCEMENT COMMITTEE

WHEREAS, the Benton County Sheriff's Office has received funds in the amount of \$ 6,487.39 for revenues for the month of January, 2021; and, WHEREAS, it will be necessary to budget said funds in the amount of \$ 6,487.39 to the appropriate expenditure accounts within the Sheriff's budget. **NOW THEREFORE BE IT RESOLVED**, By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this the 16th day of February, 2021 that the funds in the amount of \$ 6,487.39 received by the Benton County Sheriff's Office for revenues for the month of January 2021 be budgeted as follows:

DECREASE REVENUES:			
101.43395	SEX OFFENDER REGIST. FEE	\$ 150.00	
101.44170	MISCELLANEOUS REFUNDS	\$ 800.00	
101.44540	SALE OF PROPERTY	\$ 222.00	
101.49700	INSURANCE RECOVERY	\$ 5,315.39	
			\$ 6,487.39
INCREASE EXPENDITURE:			
101.54110.338	M & R - VEHICLES	\$ 5,315.39	
101.54110.353	TOW-IN SERVICES	\$ 375.00	
101.54110.435	OFFICE SUPPLIES	\$ 222.00	
101.54160.599	OTHER CHARGES	\$ 300.00	
			\$ 6,487.39

Motion was made by Commissioner Hill and seconded by Commissioner Ferguson to amend RESOLUTION NO. 20210216-05 change "TOW-IN SERVICES" FROM \$375.00 TO \$650.00 AND change verbiage from "DECREASE REVENUES" TO "INCREASE REVENUES".
 On a roll call vote, 16 ayes and 1 nay. Motion carries.

VOTING RESULTS YES NO ABSTAIN ABSENT

as amended 05 Passed With Majority of Full Me

Angela Hern	YES	Dwayne Fowler	YES
Don Patton	YES	Benny Hill	ABSENT
Ward Plant	NO	Phil Melton	YES
Dayna Ferguson	YES	Rachelle Hill	YES
Kenneth Miller	YES	Mike Nunnery	YES
Rocky Presson	YES	Rosanne Ward	YES
Keleah Dye	YES	Darrel Hicks	YES
Norman Frazier	YES	Ronnie Hopper	YES
Gary Furr	YES	Mary Powers	YES

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Motion was made by Commissioner Hill and seconded by Commissioner Ferguson to approve RESOLUTION NO. 20210216-05 as amended. On a roll call vote, 12 ayes, 4 nays and 1 abstain. Motion carries.

VOTING RESULTS YES NO ABSTAIN ABSENT

RES 0216-05 Passed With Majority of Full Me

Angela Hern	YES	Dwayne Fowler	ABSTAIN
Don Patton	NO	Benny Hill	ABSENT
Ward Plant	NO	Phil Melton	NO
Dayna Ferguson	YES	Rachelle Hill	YES
Kenneth Miller	NO	Mike Nunnery	YES
Rocky Presson	YES	Rosanne Ward	YES
Keleah Dye	YES	Darrel Hicks	YES
Norman Frazier	YES	Ronnie Hopper	YES
Gary Furr	YES	Mary Powers	YES

County Commission
 23 Feb 2021 - February 23 2021 07:40:02 PM

Brett Lashlee, County Mayor

Wanda Malin, County Clerk

RESOLUTION 20210216-06.

Motion was made by Commissioner Frazier and seconded by Commissioner Ferguson to approve **RESOLUTION NO. 20210216-06**. On a roll call vote, 8 ayes and 8 nays and 1 abstain. Motion Failed.

RESOLUTION NO. 20210216-06
RESOLUTION SPONSORED BY BENTON COUNTY SHERIFF KENNY CHRISTOPHER
LEGISLATIVE REFERENCE: BUDGET COMMITTEE & LAW ENFORCEMENT COMMITTEE

WHEREAS, the Benton County Trustee's Office received in funds from FEMA for a county wide claim and;

WHEREAS, the portion for the Sheriff's Office totaled \$ 1,235.86 for their overtime expenses during the claim period it will be necessary to budget those funds back into the Sheriff's Office overtime account.

NOW THEREFORE BE IT RESOLVED, By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this the 16th day of February, 2021 that the funds in the amount of \$ 1,235.86 be transferred to the Sheriff's budget.

INCREASE REVENUES:
 101.47590 OTHER FEDERAL THROUGH STATE \$ 1,235.86

INCREASE EXPENDITURES:
 101.54110.140 SALARY SUPPLEMENTS \$ 1,235.86

VOTING RESULTS

YES NO ABSTAIN 1 ABSENT 1

RES 0216-06		Failed To Receive Majority of Full Membership	
Angela Hern	NO	Dwayne Fowler	ABSTAIN
Don Patton	NO	Sonny Hall	ABSENT
Ward Plant	NO	Phil Melton	NO
Dayna Ferguson	YES	Rachelle Hill	YES
Kenneth Miller	NO	Mike Nunnery	YES
Rocky Presson	YES	Rosanne Ward	YES
Keleah Dye	NO	Darrel Hicks	YES
Norman Frazier	YES	Ronnie Hopper	YES
Gary Furr	NO	Mary Powers	NO

County Commission
 23 Feb 2021 - February 23 2021 07:47:39 PM



Brett Lashlee
 Brett Lashlee, County Mayor

Wanda Malin
 Wanda Malin, County Clerk

RESOLUTION 20210216-07

Motion was made by Commissioner Ferguson and seconded by Commissioner Nunnery to approve RESOLUTION NO. 20210216-07. On a roll call vote, all present voted aye. Motion carries.

**RESOLUTION NO. 20210216-07
RESOLUTION SPONSORED BY BENTON COUNTY MAYOR BRETT LASHLEE
LEGISLATIVE REFERENCE: BUDGET COMMITTEE & LAW ENFORCEMENT COMMITTEE**

WHEREAS, Benton County has received a reimbursement from the State of Tennessee Economic & Community Development for the 2019 CDBG EMA Gant; and
WHEREAS, it will be necessary to budget the said funds within the appropriate expenditure account within Fund 172 – Community Development.

NOW THEREFORE BE IT RESOLVED, By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this the 16th Day of February, 2021 that the funds in the amount of \$7,732.13 received from the State of Tennessee Economic & Community Development for the 2019 CDBG EMA Gant be budgeted as the following:

INCREASE REVENUES:		
172.47180	COMMUNITY DEVELOPMENT	\$7,732.13
		\$7,732.13
INCREASE EXPENDITURES:		
172.91130.706	BUILDING CONSTRUCTION -CDBG EMA	\$7,732.13
		\$7,732.13

VOTING RESULTS

YES NO ABSTAIN ABSENT

RES 0216-07

Resolution budgeting funds received from the 2019 CDBG EMA Grant in the amount of \$7,732.13 within Fund 172 Community Development.

Passed With Majority of Full Me

Angela Hern	YES	Dwayne Fowler	YES
Don Patton	YES	Sonny Hall	ABSENT
Ward Plant	YES	Phil Melton	YES
Dayna Ferguson	YES	Rachelle Hill	YES
Kenneth Miller	YES	Mike Nunnery	YES
Rocky Presson	YES	Rosanne Ward	YES
Keleah Dye	YES	Darrel Hicks	YES
Norman Frazier	YES	Ronnie Hopper	YES
Gary Furr	YES	Mary Powers	YES

County Commission
23 Feb 2021 - February 23 2021 07:49:27 PM



Brett Lashlee
Brett Lashlee, County Mayor

Wanda Malin
Wanda Malin, County Clerk

RESOLUTION 20210216-08

Motion was made by Commissioner Ferguson and seconded by Commissioner Frazier to approve RESOLUTION NO. 20210216-08. On a roll call vote, all present voted aye. Motion carries.

**RESOLUTION NO. 20210216-08
RESOLUTION SPONSORED BY BENTON COUNTY ROAD SUPERINTENDENT BARRY (BUCK) CARTER
LEGISLATIVE REFERENCE: BUDGET COMMITTEE & HIGHWAY COMMITTEE**

WHEREAS, the Benton County Highway Department has received a federal funding reimbursement in the amount of \$75,200.64 from FEMA due to the tornado disaster; and
WHEREAS, it will be necessary to budget the said funds in the amount of \$75,200.64 within the highway department budget.
NOW THEREFORE BE IT RESOLVED, By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this the 16th Day of February 2021 that funds in the amount of \$75,200.64 received from FEMA be budgeted within the Benton County Highway Department Budget as follows:

INCREASE REVENUES:		
131.47590	OTHER FEDERAL THROUGH STATE	\$75,200.64
		\$75,200.64
INCREASE EXPENDITURES:		
131.62000.440	HIGHWAY & BRIDGE/PIPE	\$20,000.00
131.61000.415	ADMINISTRATION/ELECTRIC	\$ 2,500.00
131.68000.335	CAPITAL OUTLAY/BUILDING CONSTRUCTION	\$52,700.64
		\$75,200.64

VOTING RESULTS

YES NO ABSTAIN ABSENT

RES 0216-08		Passed With Majority of Full Me	
<small>Resolution budgeting funds received from FEMA in the amount of \$75,200.64 within the highway department budget.</small>			
Angela Hern	YES	Dwayne Fowler	YES
Don Patton	YES	Sonny Hall	ABSENT
Ward Plant	YES	Phil Melton	YES
Dayna Ferguson	YES	Rachelle Hill	YES
Kenneth Miller	YES	Mike Nunnery	YES
Rocky Presson	YES	Rosanne Ward	YES
Keleah Dye	YES	Darrel Hicks	YES
Norman Frazier	YES	Ronnie Hopper	YES
Gary Furr	YES	Mary Powers	YES

County Commission
23 Feb 2021 - February 23 2021 07:51:41 PM



Brett Lashlee
Brett Lashlee, County Mayor

Wanda Malin
Wanda Malin, County Clerk

RESOLUTION 20210216-09

Motion was made by Commissioner Miller and seconded by Commissioner Ferguson to approve **RESOLUTION 20210119-09**. On a roll call vote, 16 ayes and 1 abstain. Motion Carries.

RESOLUTION NO. 20210216-09

RESOLUTION SPONSORED BY BENTON COUNTY ROAD SUPERINTENDENT BARRY (BUCK) CARTER
LEGISLATIVE REFERENCE: BUDGET COMMITTEE & HIGHWAY COMMITTEE

WHEREAS, the Benton County Highway Department received state aid money in the amount of \$551,412.03 for paving; and **WHEREAS**, it will be necessary to budget the said funds in the amount of \$551,412.03 received from the state aid program to be used for paving within the Benton County Highway Department budget.

NOW THEREFORE BE IT RESOLVED, By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this the 16th Day of February 2021 that funds in the amount of \$551,412.03 received from the state aid program be budgeted within the Highway Department budget as follows:

INCREASE REVENUES:		
131.46420 HIGHWAY STATE AID PROGRAM		\$551,412.00
		<hr/>
		\$551,412.00
INCREASE EXPENDITURES:		
131.68000.726	STATE AID PROJECTS	\$551,412.00
		<hr/>
		\$551,412.00

VOTING RESULTS

YES NO ABSTAIN 1 ABSENT 1

RES 0216-09		<input checked="" type="checkbox"/> Passed With Majority of Full Me	
<small>Resolution budgeting funds received from state aid in the amount of \$551,412.00 within the Highway Department Budget.</small>			
Angela Hern	YES	Dwayne Fowler	1 ABSTAIN
Don Patton	YES	Sonny Hill	ABSENT
Ward Plant	YES	Phil Melton	YES
Dayna Ferguson	YES	Rachelle Hill	YES
Kenneth Miller	YES	Mike Nunnery	YES
Rocky Presson	YES	Rosanne Ward	YES
Keleah Dye	YES	Darrel Hicks	YES
Norman Frazier	YES	Ronnie Hopper	YES
Gary Furr	YES	Mary Powers	YES

County Commission
 23 Feb 2021 - February 23 2021 07:53:10 PM



Brett Lashlee
 Brett Lashlee, County Mayor

Wanda Malin
 Wanda Malin, County Clerk

RESOLUTION 20210216-10

Motion was made by Commissioner Nunnery and seconded by Commissioner Hicks to approve RESOLUTION 20210216-10. On a roll call vote, all present voted aye. Motion Carries.

**RESOLUTION NO. 20210216-10
RESOLUTION SPONSORED BY BENTON COUNTY DIRECTOR OF SCHOOLS MARK FLORENCE
RESOLUTION FOR THE BENTON COUNTY BOARD OF COMMISSIONERS
LEGISLATIVE REFERENCE: BUDGET COMMITTEE
FEBRUARY 16, 2021**

WHEREAS: The estimate of expenditures was not enough to meet the necessary expenditures for certain subsidiary items in the primary series in the School Budget;

THEREFORE: Be it resolved by the Benton County Board of Commissioners to approve the following changes within the 2020-21 budget as follows;

		<u>INCREASE</u>
44990	Other Local Revenue	\$ 10,000.00
71100 429	Instructional Supplies	\$ 5,000.00
722	Instructional Equipment	<u>5,000.00</u>
		\$ 10,000.00

VOTING RESULTS

YES NO ABSTAIN ABSENT

RES 0216-10

Resolution Budgeting Adds to the amount of \$10,000 within the school budget.

Passed With Majority of Full Me

Angela Hern	YES	Dwayne Fowler	YES
Don Patton	YES	Sonny Hall	ABSENT
Ward Plant	YES	Phil Melton	YES
Dayna Ferguson	YES	Rachelle Hill	YES
Kenneth Miller	YES	Mike Nunnery	YES
Rocky Presson	YES	Rosanne Ward	YES
Keleah Dye	YES	Darrel Hicks	YES
Norman Frazier	YES	Ronnie Hopper	YES
Gary Furr	YES	Mary Powers	YES

County Commission
23 Feb 2021 - February 23 2021 07:54:13 PM



Brett Lashlee
Brett Lashlee, County Mayor

Wanda Malin
Wanda Malin, County Clerk

RESOLUTION 20210216-11

Motion was made by Commissioner Ferguson and seconded by Commissioner Miller to approve RESOLUTION NO. 20210216-11. On a roll call vote, all present voted aye. Motion carries.

**RESOLUTION NO. 20210216-11
RESOLUTION SPONSORED BY BENTON COUNTY SHERIFF KENNY CHRISTOPHER
LEGISLATIVE REFERENCE: BUDGET COMMITTEE**

WHEREAS, the Benton County Sheriff's Office will need to relocate the inmate garden to accommodate the expansion of the Benton County Sports Complex from its current location to the lot directly across from the Second Harvest Food Bank on Benton Industrial Road and will comprise 10.1 acres of land (see attached) and;

WHEREAS, it will be necessary to appropriate funds from the unassigned fund balance in the amount of \$ 2,500.00 to the appropriate expenditure lines within the Jail's budget to cover the costs of moving the shed, fencing and equipment to the new location and to provide the necessary items and supplies to begin cultivating the area for use.

NOW THEREFORE BE IT RESOLVED, By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this the 16th day of February, 2021 that the funds in the amount of \$ 2,500.00 appropriated from the unassigned fund balance to the following accounts within the jail's budget.

DECREASE REVENUES:		
101.39000	UNASSIGNED FUND BALANCE	\$ 2,500.00
INCREASE EXPENDITURES:		
101.54210.499	OTHER SUPPLIES & MATERIALS	\$ 2,500.00

VOTING RESULTS

YES 17 NO ABSTAIN 0 ABSENT 1

RES 0216-11		Passed With 2/3 of Full Member	
<small>Resolution to appropriate funds in the amount of \$2,500 from the Unassigned Fund Balance within the County General Fund and budget within the jail budget.</small>			
Angela Hern	YES	Dwayne Fowler	YES
Don Patton	YES	Sonny Hall	ABSENT
Ward Plant	YES	Phil Melton	YES
Dayna Ferguson	YES	Rachelle Hill	YES
Kenneth Miller	YES	Mike Nunnery	YES
Rocky Presson	YES	Rosanne Ward	YES
Keleah Dye	YES	Darrel Hicks	YES
Norman Frazier	YES	Ronnie Hopper	YES
Gary Furr	YES	Mary Powers	YES

County Commission
23 Feb 2021 - February 23 2021 07:56:29 PM



Brett Lashlee
Brett Lashlee, County Mayor

Wanda Malin
Wanda Malin, County Clerk

RESOLUTION 20210216-12

Motion was made by Commissioner Hicks and seconded by Commissioner Ferguson to approve RESOLUTION NO. 20210216-12. On a roll call vote, all present voted aye. Motion Carries.

**RESOLUTION NO. 20210216-12
RESOLUTION SPONSORED BY BENTON COUNTY SHERIFF KENNY CHRISTOPHER
LEGISLATIVE REFERENCE: BUDGET COMMITTEE**

WHEREAS, the Benton County Sheriff's Office incurred two separate major medical incidents involving inmates totaling over \$ 68,000.00 and;

WHEREAS, the jail's budget for medical claims for this fiscal year was \$ 90,000.00 total, it will be necessary to appropriate funds from the unassigned fund balance in the amount of \$ 68,000.00 to the appropriate expenditure line within the Jail's budget to cover the costs of these two events.

NOW THEREFORE BE IT RESOLVED, By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this the 16th day of February, 2021 that the funds in the amount of \$ 68,000.00 be appropriated from the unassigned fund balance to the following account within the jail's budget.

DECREASE REVENUES:
101.39000 UNASSIGNED FUND BALANCE \$ 68,000.00

INCREASE EXPENDITURES:
101.54210.507 MEDICAL CLAIMS \$ 68,000.00

VOTING RESULTS

YES NO ABSTAIN ABSENT

RES 0216-12		Passed With 2/3 of Full Member	
Angela Hern	YES	Dwayne Fowler	YES
Don Patton	YES	Sonny Hall	ABSENT
Ward Plant	YES	Phil Melton	YES
Dayna Ferguson	YES	Rachelle Hill	YES
Kenneth Miller	YES	Mike Nunnery	YES
Rocky Presson	YES	Rosanne Ward	YES
Keleah Dye	YES	Darrel Hicks	YES
Norman Frazier	YES	Ronnie Hopper	YES
Gary Furr	YES	Mary Powers	YES

County Commission
23 Feb 2021 - February 23 2021 07:59:11 PM



Brett Lashlee
Brett Lashlee, County Mayor

Wanda Malin, County Clerk

RESOLUTION 20210216-13

Motion was made by Commissioner Hicks and seconded by Commissioner Frazier to approve RESOLUTION NO. 20210216-13. On a roll call vote, all present voted aye. Motion carries.

**RESOLUTION NO. 20210216-13
RESOLUTION SPONSORED BY BENTON COUNTY MAYOR BRETT LASHLEE
LEGISLATIVE REFERENCE: BUDGET COMMITTEE**

WHEREAS, the Benton County Solid Waste Tire Disposal site has insufficient funds in order to cover the utility expenses for the remainder of the fiscal year; and
WHEREAS, it will be necessary to appropriate funds in the amount of \$1,000.00 from the Unassigned Fund Balance within the County General Fund in order to cover the utility expenses for the remainder of the fiscal year.
NOW THEREFORE BE IT RESOLVED, By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this the 16th Day of February 2021 that funds in the amount of \$1,000 be appropriated from the Unassigned Fund Balance within the County General Fund and budgeted to the Expenditure Account No. 101.55710.452 – Tire Disposal Utilities in order to cover the expenses for the remainder of this fiscal year.

VOTING RESULTS YES 17 NO ABSTAIN 0 ABSENT 1

RES 0216-13		<input checked="" type="checkbox"/> Passed With 2/3 of Full Member	
<small>Resolution to appropriate funds in the amount of \$1,000 from the Unassigned Fund Balance within the County General Fund and budgeted to the Expenditure Account No. 101.55710.452 – Tire Disposal Utilities.</small>			
Angela Hern	YES	Dwayne Fowler	YES
Don Patton	YES	Sonny Hall	ABSENT
Ward Plant	YES	Phil Melton	YES
Dayna Ferguson	YES	Rachelle Hill	YES
Kenneth Miller	YES	Mike Nunnery	YES
Rocky Presson	YES	Rosanne Ward	YES
Keleah Dye	YES	Darrel Hicks	YES
Norman Frazier	YES	Ronnie Hopper	YES
Gary Furr	YES	Mary Powers	YES

County Commission
23 Feb 2021 - February 23 2021 08:02:56 PM



Brett Lashlee
Brett Lashlee, County Mayor

Wanda Malin
Wanda Malin, County Clerk

RESOLUTION 20210216-14 - PULLED

RESOLUTION NO. 20210216-14
RESOLUTION SPONSORED BY BENTON COUNTY MAYOR BRETT LASHLEE
LEGISLATIVE REFERENCE: BUDGET COMMITTEE

WHEREAS, the Benton County Schools have completed the ESS1 Loan Program for the TRANE Project; and
WHEREAS, the State Comptroller's Office sent notification that the revised loan repayment schedule for the Energy Efficient Schools Initiative loan will commence on March 1, 2021; and

WHEREAS, the monthly payments for the loan will be \$12,332.00, consisting of both principal and interest; and
WHEREAS, it will be necessary to appropriate funds in the amount of \$49,328.00 from the Unassigned Fund Balance within Fund 151 - Debt Service in order to cover the monthly payments from March 1, 2021 - June 1, 2021.

NOW THEREFORE BE IT RESOLVED, By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this the 16th Day of February 2021 that the funds in the amount of \$49,328.00 be appropriated from the Unassigned Fund Balance within Fund 151 - Debt Service and budgeted as listed below in order to cover the school's new debt acquired from the Energy Efficient Schools Initiative Loan (ESS1):

<u>INCREASE EXPENDITURES:</u>		
151.82310.612	EDUCATION PRINCIPAL ON OTHER LOANS	\$39,520.00
151.82230.613	EDUCATION INTEREST ON OTHER LOANS	\$ 9,808.00
		<hr/>
		\$49,328.00

RESOLUTION 20210216-15

Motion was made by Commissioner Nunnery and seconded by Commissioner Ferguson to approve RESOLUTION 20210216-15. On a roll call vote, 15 ayes, 1 nay. Motion carries.

RESOLUTION NO. 20210216-15
RESOLUTION SPONSORED BY BENTON COUNTY DIRECTOR OF SCHOOLS MARK FLORENCE

RESOLUTION OF BENTON COUNTY, TENNESSEE, AUTHORIZING THE ISSUANCE OF INTEREST-BEARING SCHOOL SYSTEM CAPITAL OUTLAY NOTES, SERIES 2021, IN AN AMOUNT NOT TO EXCEED \$2,000,000 AND PROVIDING FOR THE PAYMENT OF SAID NOTES
LEGISLATIVE REFERENCE: BUDGET COMMITTEE

WHEREAS, the Board of Commissioners (the "Board"), of Benton County, Tennessee (the "County"), has determined that it is necessary and desirable to authorize, issue, sell, and provide for the payment of its interest bearing capital outlay notes to finance certain public works projects, consisting of the costs of the renovation and improvement of school system facilities, including roof and HVAC replacement at Camden Central High School and Big Sandy School, the acquisition of all other property real and personal appurtenant thereto and connected with such work, and to pay all legal, fiscal, administrative, and engineering costs incident thereto (collectively, the "Project");

WHEREAS, the County estimates that the economic life of such Project exceeds ten (10) years;

WHEREAS, the County finds and determines that the Project will promote or provide a traditional governmental activity or otherwise fulfill a public purpose;

WHEREAS, in order to proceed as expeditiously as possible with such an essential Project, it is necessary that interest bearing capital outlay notes be issued for the purpose of providing funds to finance the Project; and,

WHEREAS, the County is authorized by the provisions of Title 9, Chapter 21, Tennessee Code Annotated, as amended, to issue such notes for said purposes upon the approval of the Director of the Division Local Government Finance (the "Director of Local Government Finance").

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF BENTON COUNTY, TENNESSEE, AS FOLLOWS:

Section 1. Authority. The Notes herein authorized shall be issued pursuant to Title 9, Chapter 21, Tennessee Code Annotated, as amended, and other applicable provisions of law.

Section 2. Authorization. For the purpose of providing funds to finance the costs of the Project, there shall be issued pursuant to, and in accordance with, the provisions of Title 9, Chapter 21, Tennessee Code Annotated, as amended, and other applicable provisions of law, the interest bearing capital outlay notes of the County, in the aggregate principal amount of not to exceed \$2,000,000, or such lesser amount as may be determined by the County Mayor of the County (the "County Mayor"), at the time of sale (collectively, the "Notes", individually, the "Note").

Section 3. Terms of the Notes. The Notes shall be designated "School System Capital Outlay Notes, Series 2021". The Notes shall be issued in registered form, without coupons. The Notes shall be numbered from 1 upwards, shall be dated the date of issuance and delivery, or such other date as the County Mayor shall determine, shall be sold at not less than the par amount thereof, and shall bear interest at a rate not to exceed 2% per annum, such interest being payable at such times as agreed upon with the purchaser of such Notes, but in no event less than semiannually each year commencing six months from the dated date or such date as shall be designated by the County Mayor (the "Interest Payment Date"), and shall mature not later than the end of the tenth fiscal year following the fiscal year in which the Notes are issued. Each year the Notes are outstanding the County shall retire principal on the Notes in an amount that is estimated to be at least equal to an amortization which reflects level debt service on the Notes. If the Notes are issued through the Tennessee Municipal Bond Fund ("TMBF"), alternative loan program, the rate of interest will include an annual fee equal to 15 basis points (0.15%), payable to TMBF by the bank, to be paid from each periodic payment of interest on the Notes, based on the outstanding principal amount of the Notes.

The Notes shall contain such terms, conditions, and provisions other than as expressly provided or limited herein as may be agreed upon by the County Mayor of the County and the purchaser of the Notes.

Interest on the Notes shall be payable by wire transfer or by check or other form of draft of the "Note Registrar," as such term is hereinafter defined, deposited by the Note Registrar in the United States mail, first class postage prepaid, in sealed envelopes, addressed to the owner of such Notes, as of the applicable Interest Payment Date, at their respective addresses as shown on the Registration Books of the County maintained by the Note Registrar as of the close of business fifteen (15) calendar days preceding the next Interest Payment Date. All payments of the principal of and interest on the Notes shall be made in any coin or currency of the United States of America which, on the date of payment thereof, shall be legal tender for the payment of public and private debts.

Section 4. Redemption. The Notes shall not be subject to redemption, in whole or in part, prior to maturity; provided however, at the option of the County, upon fifteen (15) calendar days written notice to the registered owner, and with the consent of the registered owner, the County may prepay the Notes in full at the price of par plus a 1% premium, and accrued interest to the date of redemption. Notwithstanding the above, the County may make additional principal payments on the Notes upon fifteen (15) calendar days' written notice to the registered owner.

Section 5. Execution. The Notes shall be executed in the name of the County; shall bear the manual signature of the County Mayor; shall be countersigned by the County Clerk of the County (the "County Clerk"), with his or her manual signature; and, shall have printed or impressed thereon the official seal of the County. In the event any officer whose signature appears on the Notes shall cease to be such officer, such signature shall nevertheless be valid and sufficient for all purposes. The Notes shall be issued in typed, printed, or photocopied form, or any combination thereof, substantially in the form attached hereto as Exhibit "A", with such minor changes therein or such variations thereof as the County Mayor may deem necessary or desirable, the blanks to be appropriately completed by the County Mayor prior to the issuance of the Notes.

Section 6. Registration, Negotiability, and Payment. (a) The County Clerk of the County is hereby appointed the note registrar and paying agent (the "Note Registrar"), and as such shall establish and maintain suitable books (the "Registration Books"), for recording the registration, conversion, and payment of the Notes, and shall also perform such other duties as may be required in connection with any of the foregoing. The Note Registrar is hereby authorized to authenticate and deliver the Notes to the original purchaser thereof, or as it may designate, upon receipt by the County of the proceeds of the sale thereof and to authenticate and deliver Notes in exchange for Notes of the same principal amount delivered for transfer upon receipt of the Notes to be transferred in proper form with proper documentation as herein described. The Notes shall not be valid for any purpose unless authenticated by the Note Registrar by the manual signature of the Note Registrar on the certificate set forth in Exhibit "A" hereto. The Notes shall be fully registered as to both principal and interest and shall be fully negotiable upon proper endorsement by the registered owner thereof. No transfer of any Notes shall be valid unless such transfer is noted upon the Registration Books and until such Note is surrendered, cancelled, and exchanged for a new Note which shall be issued to the transferee, subject to all the conditions contained herein. Principal on the Notes shall be paid at maturity upon presentation or surrender of the Notes at the principal office of the Note Registrar, and payment in such manner shall forever discharge and release the obligation of the County to the extent of the principal and interest so paid.

(b) In the event that any amount payable on any Note as interest shall at any time exceed the rate of interest lawfully chargeable thereon under applicable law, then any such excess shall, to the extent of such excess, be applied against the principal of such Note as a prepayment thereof without penalty, and such excess shall not be considered to be interest. All rates of interest specified herein shall be computed on the basis of a three hundred sixty (360) day year composed of twelve (12) months of thirty (30) days each.

Section 7. Transfer of Notes. Each Note shall be transferable only on the Registration Books maintained by the Note Registrar at the principal office of the Note Registrar, upon the surrender for cancellation thereof at the principal office of the Note Registrar, together with an assignment of such Note duly executed by the owner thereof or its attorney or legal representative, and upon payment of the charges hereinafter provided, and subject to such other limitations and conditions as may be provided therein or herein. Upon the cancellation of any such Note, the Note Registrar shall, in exchange for the surrendered Note or Notes, deliver in the name of the transferee or transferees a new Note or Notes of authorized denominations, of the same aggregate principal amount, maturity, and rate of interest as such surrendered Note or Notes, and the transferee or transferees shall take such new Note or Notes subject to all of the conditions herein contained.

Section 8. Regulations with Respect to Transfers. In all cases in which the privilege of transferring Notes is exercised, the County shall execute, and the Note Registrar shall deliver, Notes in accordance with the provisions of this Resolution. For every transfer of Notes, whether temporary or definitive, the County and the Note Registrar may make a charge, unless otherwise herein to the contrary expressly provided, sufficient to pay for any tax, fee, or other governmental charge required to be paid with respect to such transfer, all of which taxes, fees, and other governmental charges shall be paid to the County by the entity requesting such exchange or transfer as a condition precedent to the exercise of the privilege of making such transfer. Neither the County nor the Note Registrar shall be obligated to transfer any Note during the fifteen (15) calendar days next preceding the maturity date of the Notes or any call for redemption.

Section 9. Mutilated, Lost, Stolen, or Destroyed Notes. In the event any Note issued hereunder shall become mutilated, or be lost, stolen, or destroyed, such Note shall, at the written request of the registered owner, be cancelled on the Registration Books and a new Note shall be authenticated and delivered, corresponding in all aspects but number to the mutilated, lost, stolen, or destroyed Note. Thereafter, should such mutilated, lost, stolen, or destroyed Note or Notes come into possession of the registered owner, such Notes shall be returned to the Note Registrar for destruction by the Note Registrar. If the principal on said mutilated, lost, stolen, or destroyed Note shall be due within fifteen (15) calendar days of receipt of the written request of the registered owner for authentication and delivery of a new Note, payment therefor shall be made as scheduled in lieu of issuing a new Note. In every case the registered owner shall certify in writing as to the destruction, theft, or loss of such Note, and shall provide indemnification satisfactory to the County and to the Note Registrar, if required by the County and the Note Registrar.

Any notice to the contrary notwithstanding, the County and all of the officials, employees, and agents thereof, including the Note Registrar, may deem and treat the registered owner of the Notes as the absolute owner thereof for all purposes, including, but not limited to, payment of the principal thereof, and the interest thereon, regardless of whether such payment shall then be overdue.

Section 10. Authentication. Only such of the Notes as shall have endorsed thereon a certificate of authentication, substantially in the form set forth in Exhibit "A" hereto duly executed by the Note Registrar shall be entitled to the rights, benefits, and security of this Resolution. No Note shall be valid or obligatory for any purpose unless, and until, such certificate of authentication shall have been duly executed by the Note Registrar. Such executed certificate of authentication by the Note Registrar upon any such Note shall be conclusive evidence that such Note has been duly authenticated and delivered under this Resolution as of the date of authentication.

Section 11. Source of Payment and Security. The Notes, as to both principal and interest, shall be payable from funds of the County legally available therefor and to the extent necessary from ad valorem taxes to be levied on all taxable property within the corporate limits of the County without limitation as to time, rate, or amount. Said Notes shall be a direct general obligation of the County, for which the punctual payment of the principal of and interest on the Notes, the full faith and credit of the County is irrevocably pledged.

Section 12. Levy of Taxes. For the purpose of providing for the payment of the principal of and interest on the Notes, to the extent necessary, there shall be levied in each year in which such Notes shall be outstanding a direct tax on all taxable property in the County, fully sufficient to pay all such principal and interest falling due prior to the time of collection of the next succeeding tax levy. Said tax shall be assessed, collected, and paid at the time, and in the same manner, as the other taxes of said County, shall be in addition to all other taxes, and shall be without limitation as to time, rate, or amount, and for that purpose there is hereby levied a direct annual tax in such amount as may be found necessary each year to pay said principal of and interest on the Notes maturing in said year. Principal or interest falling due at any time when there shall be insufficient funds on hand from such tax levy for the payment thereof shall be paid from the general fund or other available funds of the County, but reimbursement therefor may be made from the taxes herein provided when the same shall have been collected. Such taxes levied and collected therefor shall be deposited in the County's debt service fund and used solely for the payment of principal of and interest on the Notes as the same shall become due.

Section 13. Approval of Director of Local Government Finance. Anything herein contained to the contrary notwithstanding, no Notes authorized under this Resolution shall be issued, sold, or delivered, unless and until such Notes shall first have been duly approved by the Director of Local Government Finance, as provided by Section 9-21-601 et. seq. Tennessee Code Annotated, as amended. The County Mayor, County Clerk, and Attorney for the County, are hereby authorized to take or cause to be taken such steps as are necessary to obtain such approval. After the issuance and sale of the Notes, and for each year that any of the Notes are outstanding, the County shall submit its annual budget to the Director of Local Government Finance for approval immediately upon the County's adoption of the budget.

Section 14. Sale of Notes. The Notes herein authorized are authorized to be sold by the County Mayor by the informal bid process at a price of not less than par and accrued interest.

Section 15. Disposition of Note Proceeds. The proceeds from the sale of the Notes shall be paid to the official of the County designated by law as the custodian of the funds thereof to be deposited in a special fund known as the "School System Capital Outlay Notes Project Fund" (the "Project Fund"), which is hereby authorized to be created, to be kept separate and apart from all other funds of the County. The monies in the Project Fund shall be disbursed solely to finance the Project. Monies in the Project Fund may be invested and shall be secured in the manner prescribed by applicable statutes relative to the investment and securing of public or trust funds. Any monies remaining in the Project Fund after completion of the Project shall be transferred to the County's debt service fund and used to pay debt service on the Notes.

Section 16. Designation of Notes as Qualified Tax-Exempt Obligations. The County hereby designates the Notes as "qualified tax-exempt obligations" within the meaning and for the purpose of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended. The County reasonably anticipates that the amount of tax-exempt obligations (other than obligations described in Section 265(b)(3)(C)(ii)) which will be issued during the calendar year by the County (i) any issuer with respect to which the County is deemed to be an "on behalf of" issuer, and (ii) all subordinate entities which are treated as one issuer under Section 265(b)(3)(E) of the Code, will not exceed \$10,000,000, and not more than \$10,000,000 of obligations issued by the County (together with those issued by any other issuers that are treated as an issuer under such Section 265(b)(3)) during the 2021 calendar year will be designated as "qualified tax-exempt obligations".

Section 17. Non-Arbitrage Certification. The County certifies and covenants with the owner of the Notes that so long as the principal of any Note remains unpaid, monies on deposit in any fund or account in connection with the Notes, whether or not such monies were derived from the proceeds of the sale of the Notes or from any other source, will not be used in a manner which will cause the Notes to be "arbitrage bonds" within the meaning of Section 148 of the Code, and any lawful regulations promulgated thereunder, as the same presently exist, or may from time to time hereafter be amended, supplemented or revised. The County reserves the right, however, to make any investment of such monies permitted by Tennessee law and this Resolution if, when and to the extent that said Section 148 or regulations promulgated thereunder shall be repealed or relaxed or shall be held void by final decision of a court of competent jurisdiction, but only if any investment made by virtue of such repeal, relaxation, or decision would not, in the opinion of counsel of recognized competence in such matters, result in making the interest on the Notes subject to inclusion in gross income of the owner thereof for federal income tax purposes.

The County covenants that it shall comply with Section 148(f) of the Code, unless legally exempted therefrom and it represents that in the event it shall be required by Section 148(f) of the Code to pay "Rebatable Arbitrage," as defined in the regulations promulgated under the Code, to the United States Government, it will make such payments as and when required by said Section 148(f) and will take such other actions as shall be necessary or permitted to prevent the interest on the Notes from becoming subject to inclusion in federal gross income of the owner of the Notes for purposes of federal income taxation.

Section 18. Resolution a Contract. The provisions of this Resolution shall constitute a contract between the County and the owner of the Notes, and after the issuance of the Notes, no change, variation, or alteration of any kind in the provisions of this Resolution shall be made in any manner, until such time as all installments of the principal of and interest on the Notes shall have been paid in full or the consent of the registered owner of the Notes has been obtained; provided, however, that the County is hereby authorized to make such amendments to this Resolution as will not impair the rights or security of the owner of the Notes.

Section 19. No Action to be Taken Affecting Validity of the Notes. The County hereby covenants and agrees that it will not take any action, that would in any manner affect the validity of the Notes or limit the rights and remedies of the owner from time to time of such Notes. The County further covenants that it will not take any action that will cause the interest on the Notes to be subject to inclusion in gross income of the owner thereof for purposes of federal income taxation.

Section 20. Miscellaneous Acts. The County Mayor, the County Clerk, and all other appropriate officials of the County are hereby authorized, empowered, and directed to do any and all such acts and things, and to execute, acknowledge, and deliver all such documents, instruments, and certifications, in addition to those acts, things, documents, instruments, and certifications hereinbefore authorized and approved, as may in their discretion, be necessary or desirable to implement or comply with the intent of this Resolution; or any of the documents herein authorized and approved; or for the authorization, issuance, and delivery of the Notes.

Section 21. Failure to Present Notes. Subject to the provisions of Section 3 hereof, in the event any Note shall not be presented for payment when the principal becomes due at maturity and in the event monies sufficient to pay such Note shall be held by the Note Registrar for the benefit of the owner thereof, all liability of the County to such owner for the payment of such Note shall forthwith cease, terminate, and be completely discharged. Thereupon, the Note Registrar shall hold such monies, without liability for interest thereon, for the benefit of the owner of such Note who shall thereafter be restricted exclusively to such monies for any claim under this Resolution or on, or with respect to, said Note, subject to escheat or other similar law, and any applicable statute of limitation.

Section 22. Payments Due on Saturdays, Sundays, and Holidays. Whenever the interest on or principal of any Note is due on a Saturday or Sunday or, at the place designated for payment, a legal holiday or a day on which banking institutions are authorized by law to close, then the payment of the interest on, or the principal of, such Note need not be made on such date but must be made on the next succeeding day not a Saturday, Sunday, or a legal holiday or a day upon which banking institutions are authorized by law to close, with the same force and effect as if made on the date of maturity; and no interest shall accrue for the period after such date.

Section 23. No Recourse Under Resolution or on Notes. All stipulations, promises, agreements, and obligations of the County contained in this Resolution shall be deemed to be the stipulations, promises, agreements, and obligations of the County and not of any officer, director, or employee of the County in his or her individual capacity.

and no recourse shall be had for the payment of the principal of or interest on the Notes or for any claim based thereon or under this Resolution against any officer, director, or employee of the County or against any official or individual executing the Notes.

Section 24. Severability. If any section, paragraph, or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision shall not affect any of the remaining provisions hereof.

Section 25. Repeal of Conflicting Resolutions and Effective Date. All resolutions and orders, or parts thereof, in conflict with the provisions of this Resolution, are, to the extent of such conflict, hereby repealed, and this Resolution shall be in effect as of the date of its adoption the welfare of the County requiring it.

Approved and adopted this 16th day of February, 2021.

VOTING RESULTS

YES 15 NO ABSTAIN 0 ABSENT 2

RES 0216-15

Passed With Majority of Full Me

Angela Hern	YES	Dwayne Fowler	YES
Don Patton	YES	Sonny Hall	ABSENT
Ward Plant	ABSENT	Phil Melton	YES
Dayna Ferguson	YES	Rachelle Hill	YES
Kenneth Miller	YES	Mike Nunnery	YES
Rocky Presson	YES	Rosanne Ward	YES
Keleah Dye	YES	Darrel Hicks	YES
Norman Frazier	YES	Ronnie Hopper	NO
Gary Furr	YES	Mary Powers	YES

County Commission
23 Feb 2021 - February 23 2021 08:17:45 PM



Brett Lashlee
Brett Lashlee, County Mayor

Wanda Malin
Wanda Malin, County Clerk

NOTARIES FOR FEBRUARY 2021

Motion was made by Commissioner Miller and seconded by Commissioner Nunnery to approve February 2021 Notaries. On a roll call vote, all present voted aye. Motion carries.

BRIDGETTE LASHLEE

GLENDA PHILLIPS

BRETT LASHLEE

VOTING RESULTS

YES 15 NO ABSTAIN 0 ABSENT 2

Appointing Notaries

Passed With Majority of Full Me

Angela Hern	YES	Dwayne Fowler	YES
Don Patton	YES	Sonny Hall	ABSENT
Ward Plant	ABSENT	Phil Melton	YES
Dayna Ferguson	YES	Rachelle Hill	YES
Kenneth Miller	YES	Mike Nunnery	YES
Rocky Presson	YES	Rosanne Ward	YES
Keleah Dye	YES	Darrel Hicks	YES
Norman Frazier	YES	Ronnie Hopper	YES
Gary Furr	YES	Mary Powers	YES

County Commission
23 Feb 2021 - February 23 2021 08:18:49 PM



Brett Lashlee
Brett Lashlee, County Mayor

Wanda Malin
Wanda Malin, County Clerk

ANY OTHER BUSINESS

Mayor Lashlee spoke about the Capital Outlay plan for Benton County.

ADJOURNMENT

Motion was made by Commissioner Ferguson and seconded by Commissioner Miller to adjourn this meeting. On a Voice Vote, all present voted Aye. Meeting was adjourned.

VOTING RESULTS

YES 13 NO 0 ABSTAIN 0 ABSENT 4

Adjourn

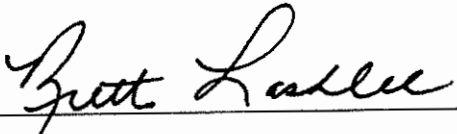
Passed With Majority of Full Me

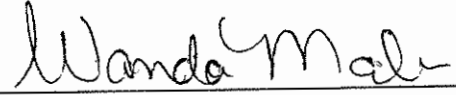
Angela Hern	YES	Dwayne Fowler	YES
Don Patton	YES	Scott Hill	ABSENT
	ABSENT	Phil Melton	ABSTAIN
Dayna Ferguson	YES	Rachelle Hill	YES
	ABSENT	Mike Nunnery	YES
Rocky Presson	YES	Rosanne Ward	YES
Keleah Dye	YES	Darrel Hicks	YES
Norman Frazier	YES	Ronnie Hopper	YES
	ABSENT	Mary Powers	YES

County Commission
23 Feb 2021 - February 23 2021 08:21:22 PM



WANDA MALIN, COUNTY CLERK, DO CERTIFY THIS TO BE A TRUE AND COMPLETE COPY OF THE FEBRUARY 23, 2021, BENTON COUNTY COMMISSION MEETING.


BRET LASHLEE, MAYOR


WANDA MALIN, COUNTY CLERK