

The McMinn County Board of Commissioners met in Regular Session on June 21, 2010, at 7:30 pm, in the Blue Room of the McMinn County Courthouse.

1. CALL TO ORDER

The meeting was called to order by Chairman Crews.

2. INVOCATION

The Invocation was given by Commissioner Jack Powers.

3. PLEDGE TO THE FLAG

The Pledge to the Flag was led by Commissioner Roger Masingale.

4. ROLL CALL

Roll Call was taken by Evonne Hoback, McMinn County Clerk, as recorded:

Scott Curtis – Present
Dale Holbrook – Present
Jeannie King – Absent
Roger Masingale – Present
Gary Mason – Present
Jerry Millsaps – Present
Bob Powers – Present
Jack Powers – Present
Tad Simpson – Present
Chairman David Crews – Present

5. APPROVAL OF MINUTES

Copies of the Minutes of the Regular Session on May 17, 2010 were provided to the McMinn County Commissioners.

MOTION made by Commissioner Holbrook, and seconded by Commissioner Mason, to approve the Minutes of May 17, 2010.

Motion carried by voice vote.

6. APPOINTMENT OF 3RD DISTRICT CONSTABLE

Due to the death of W. J. Harris, there is a constable vacancy in the 3rd district, and Commissioner Masingale explained that Mr. Amos Brock won his primary race for this vacancy. Commissioner Masingale added that the appropriate advertising for this vacancy was done and he requested that Mr. Amos Brock be appointed to this vacancy.

MOTION made by Commissioner Masingale, and seconded by Commissioner Jack Powers, to approve this appointment.

Motion carried by voice vote.

7. APPROVAL OF BIDS AND PURCHASES

A. A Resolution to Award Insurance Bid on Workers Compensation and General Liability Commercial Package.

Mr. Luallen presented the following resolution to award insurance bid on workers compensation and general liability commercial package for the fiscal year 2010-2011. Mr. Luallen added that this is the low bidder meeting specifications.

RESOLUTION NO. 10-062

A RESOLUTION TO AWARD INSURANCE BID ON WORKERS COMPENSATION AND GENERAL LIABILITY COMMERCIAL PACKAGE

WHEREAS, McMinn County has let for bid and received such competitive bids of General Liability Commercial Package and Workers Compensation Insurance Coverage for Fiscal Year 2010-11; and

WHEREAS, McMinn County Mayor, John Gentry and Director of Finance Jason Luallen after having reviewed the competitive bids, has made the recommendation to accept the bid from Athens Insurance of Athens, TN. at a cost of \$177,338 for Property & Casualty and \$168,104 for Worker's Comp. for a total of \$345,442.00.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS THE 21st DAY OF JUNE 2010, that this commission does hereby approve the recommendation of the County Mayor and the Director of Finance for this insurance coverage package.

(Orig signed by John M. Gentry)
McMinn County Mayor

Attest:

(Orig signed by Evonne Hoback)
County Clerk

MOTION made by Commissioner Bob Powers, and seconded by Commissioner Millsaps, to approve this resolution.

Motion carried by voice vote.

B. A Resolution to Approve Payment of Medical Expenses for Inmate to Athens Regional Medical Center.

Mr. Luallen presented the following resolution to approve payment of medical expenses for inmate to Athens Region Medical Center. Mr. Luallen explained that this is an invoice over \$10,000.00 and requires Commission approval, but he added that this invoice has been discounted 52%.

RESOLUTION NO. 10-063

A RESOLUTION TO APPROVE PAYMENT OF MEDICAL EXPENSES FOR INMATE TO ATHENS REGIONAL MEDICAL CENTER

WHEREAS, an inmate of McMinn County Justice Center attempted suicide and was taken to Athens Regional Medical Center; and

WHEREAS, McMinn County inmate was admitted to the ICU for five (5) days thus resulting in charges of \$13,034.52; and

WHEREAS, in accordance with Financial Management Committee Policies and Procedures expenses over \$10,000 require County Commission approval.

NOW BE IT THEREFORE RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE MEETING IN REGULAR SESSION THIS THE 21ST DAY OF JUNE 2010, that the payment of medical expenses to Athens Regional Medical Center in the amount of \$13,034.52 be hereby approved.

(Orig signed by John M. Gentry)
McMinn County Mayor

Attest:

(Orig signed by Evonne Hoback)
County Clerk

In response to a question from Commissioner Millsaps, Mr. Luallen said that this inmate was a county inmate.

MOTION made by Commissioner Holbrook, and seconded by Commissioner Masingale, to approve this resolution.

Motion carried by voice vote.

C. A Resolution to Approve Payment for Emergency Purchase – Landfill.

Mr. Luallen presented a resolution to approve payment for emergency repairs to a 2004 672 BOMAG in the amount of \$47,100, but Mr. Stan Moses, Landfill Supervisor, said that he received another quote last this afternoon and the following resolution represents the lower quote. He also explained some of the problems with this particular model of engine, but he said that this equipment is six years old and they hope that with this repair, it will last another six years. In response to a question from Commissioner Masingale, Mr. Moses said we get back 30% on the core charge.

RESOLUTION NO. 10-064

A RESOLUTION TO APPROVE PAYMENT FOR EMERGENCY PURCHASE – LANDFILL

WHEREAS, McMinn County Landfill has had a need for emergency repairs to valve block on 2004 672 BOMAG in the amount of \$42,556; and

WHEREAS, in accordance with Financial Management Committee Policies and Procedures expenses over \$10,000 require County Commission approval; and

NOW BE IT THEREFORE RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS THE 21ST DAY OF JUNE, 2010, that this Commission does hereby approve payment for this emergency purchase at the McMinn County Landfill in the amount of \$42,556.

(Orig signed by John M. Gentry)
McMinn County Mayor

Attest:

(Orig signed by Evonne Hoback)
County Clerk

MOTION made by Commissioner Mason, and seconded by Commissioner Bob Powers, to approve this resolution.

Motion carried by voice vote.

8. REVIEW AND APPROVAL OF CONTRACTS

A. A Resolution to Approve the DGA Grant Contract Between McMinn County and State of Tennessee Department of Health.

Mr. Luallen presented the following resolution to approve the DGA Grant Contract between McMinn County and the State of Tennessee Department of Health for FY 2010-11. Mr. Luallen said these are the funds to pay the State employees at the Health Department.

RESOLUTION NO. 10-065

A RESOLUTION TO APPROVE THE DGA GRANT CONTRACT BETWEEN MCMINN COUNTY AND STATE OF TENNESSEE DEPARTMENT OF HEALTH

WHEREAS, it is the conviction of McMinn County, that every individual in the County has good health care readily available; and

(cont'd)

Resolution No. 10-065 (Cont'd)

WHEREAS, in order to properly perform the duties of county government as prescribed by law, it is often in McMinn County's interest to enter into contracts with other entities; and

WHEREAS, McMinn County has previously entered into a contract with the State of Tennessee Department of Health to protect and improve the physical health of the county citizens through the prevention of conditions that may threaten good health; and

WHEREAS, the total appropriation for which the County shall receive is \$416,400; and

WHEREAS, McMinn County Health Department does provide these services and both parties do hereby agree to these provisions in the contract for FY 2010-11.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 21ST DAY OF JUNE, 2010, that this Commission does hereby approve this contract.

AND FURTHERMORE RESOLVES to give authority to the County Mayor or his designee to execute and administer the duties of said contract.

(Orig signed by John M. Gentry)
McMinn County Mayor

Attest:

(Orig signed by Evonne Hoback)
County Clerk

MOTION made by Commissioner Millsaps, and seconded by Commissioner Curtis, to approve this resolution.

Motion carried by voice vote.

B. A Resolution to Approve the Contract Between McMinn County and State of Tennessee Department of Health.

Mr. Luallen presented the following resolution to approve the contract between McMinn County and State of Tennessee Department of Health. Mr. Luallen said that this resolution is similar to the one we just approved and explained that the State usually sends this contract late in the year, and that the State was even later than usual in delivering this contract to us this year.

RESOLUTION NO. 10-066

A RESOLUTION TO APPROVE THE CONTRACT BETWEEN MCMINN COUNTY AND STATE OF TENNESSEE DEPARTMENT OF HEALTH

WHEREAS, it is the conviction of McMinn County, that every individual in the County has good health care readily available; and

(Cont'd)

Resolution No. 10-066 (Cont'd)

WHEREAS, in order to properly perform the duties of county government as prescribed by law, it is often in McMinn County's interest to enter into contracts with other entities; and

WHEREAS, McMinn County has previously entered into a contract with the State of Tennessee Department of Health to protect and improve the physical health of the county citizens through the prevention of conditions that may threaten good health; and

WHEREAS, the total appropriation for which the County shall be billed is \$62,125; and

WHEREAS, it is the purpose of the local health department to protect and improve the physical health of the county citizens through the prevention of conditions that may threaten good health; and

WHEREAS, McMinn County Health Department does provide these services and both parties do hereby agree to these provisions in the contract for FY 2009-10.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 21ST DAY OF JUNE, 2010, that this Commission does hereby approve this contract.

AND FURTHERMORE RESOLVES to give authority to the County Mayor or his designee to execute and administer the duties of said contract.

(Orig signed by John M. Gentry)
McMinn County Mayor

Attest:

(Orig signed by Evonne Hoback)
County Clerk

MOTION made by Commissioner Simpson, and seconded by Commissioner Millsaps, to approve this resolution.

Motion carried by voice vote.

C. A Resolution to Approve Grant Contract for High Visibility Law Enforcement Campaign Between State of Tennessee and McMinn County.

Mr. Luallen presented the following resolution to approve a grant contract for high visibility law enforcement campaign between State of Tennessee and McMinn County.

RESOLUTION NO. 10-067

A RESOLUTION TO APPROVE GRANT CONTRACT FOR HIGH VISIBILITY LAW ENFORCEMENT CAMPAIGN BETWEEN STATE OF TENNESSEE AND MCMINN COUNTY

WHEREAS, in order to properly perform the duties of county government as prescribed by law, it is often in McMinn County's interest to enter contracts with other entities; and

(Cont'd)

Resolution No. 10-067 (Cont'd)

WHEREAS, Lieutenant Bill Farmer with McMinn Sheriff's Department, applied for and received a grant from State of Tennessee Department of Transportation for High Visibility Law Enforcement Campaign; and

WHEREAS, said Grant can and will be used toward equipment for law enforcement activities related to this campaign; and

WHEREAS, the amount of this grant amounts to \$5,000 with no required match for McMinn County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 21ST DAY OF JUNE, 2010 that this Commission does hereby agree to enter into this Grant Contract with the State of Tennessee.

(Orig signed by John M. Gentry)
McMinn County Mayor

Attest:

(Orig signed by Evonne Hoback)
County Clerk

MOTION made by Commissioner Mason, and seconded by Commissioner Millsaps, to approve this resolution.

Motion carried by voice vote.

D. A Resolution to Approve the Contract Amendment Between McMinn County and State of Tennessee Department of Corrections.

Mr. Luallen presented the following contract with Tennessee Department of Correction to house state felons within the McMinn County Justice Center. Mr. Luallen explained that the per diem rate will remain the same, but extends the date of the contract through June 30, 2011 and increasing the state's maximum liability.

RESOLUTION NO. 10-068

A RESOLUTION TO APPROVE THE CONTRACT AMENDMENT BETWEEN MCMINN COUNTY AND STATE OF TENNESSEE DEPARTMENT OF CORRECTIONS

WHEREAS, in order to properly perform the duties of county government as prescribed by law, it is often in McMinn County's interest to enter into contracts with other entities; and

WHEREAS, McMinn County has entered into contract with Tennessee Department of Correction to house state felons within the McMinn County Justice Center; and

WHEREAS, the term of this amended contract shall be July 1, 2008 through June 30, 2011, with the per diem rate to remain at \$35.00.

(Cont'd)

Resolution No. 10-068 (Cont'd)

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS THE 21st DAY OF JUNE, 2010 THAT THE COMMISSION DOES APPROVE THIS CONTRACT AMENDMENT WITH TENNESSEE DEPARTMENT OF CORRECTIONS, AND FURTHERMORE RESOLVES TO GRANT AUTHORITY TO THE COUNTY MAYOR OR HIS DESIGNEE TO CARRY OUT THE DUTIES OF SAID CONTRACT, the public welfare demanding it.

(Orig signed by John M. Gentry)
McMinn County Mayor

Attest:

(Orig signed by Evonne Hoback)
County Clerk

MOTION made by Commissioner Holbrook, and seconded by Commissioner Bob Powers, to approve this resolution.

Motion carried by voice vote.

E. A Resolution to Approve a Contract Between McMinn County and the State of Tennessee Regarding Mental Health Treatment Services for Misdemeanor Criminal Defendants.

Mr. Luallen presented the following resolution to approve a contract between McMinn County and the State of Tennessee regarding mental health treatment services for misdemeanor criminal defendants.

RESOLUTION NO. 10-069

A RESOLUTION TO APPROVE A CONTRACT BETWEEN MCMINN COUNTY AND THE STATE OF TENNESSEE REGARDING MENTAL HEALTH TREATMENT SERVICES FOR MISDEMEANOR CRIMINAL DEFENDANTS

WHEREAS, General Sessions, Criminal, and Circuit Court judges have the authority to order mental health evaluations and treatment for misdemeanor criminal defendants; and

WHEREAS, recent legislation (Public Chapter 531) makes counties responsible for the cost of inpatient and outpatient mental health treatment and evaluations ordered for misdemeanor defendants; and

WHEREAS, the Department of Mental Health and Developmental Disabilities (DMHDD) provides these services through outpatient provider contracts and inpatient services at the state's mental health hospitals; and

WHEREAS, a non-exclusive contractual agreement between counties and the Department of Mental Health and Developmental Disabilities allows for reduced billing rates for counties; and

WHEREAS, McMinn County wishes to enter into such an agreement with the Department of Mental Health and Developmental Disabilities to take advantage of such rates.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 21st DAY OF JUNE 2010, THAT this contract with the DMHDD for mental health and treatment for misdemeanor criminal defendants is approved, and FURTHER approves the County Mayor to execute all necessary documentation regarding said contract.

(Orig signed by John Gentry)
McMinn County Mayor

Attest:

(Orig signed by Evonne Hoback)
County Clerk

MOTION made by Commissioner Holbrook, and seconded by Commissioner Bob Powers, to approve this resolution.

Mr. Gentry explained that this type of assessment used to be covered by the State, but the County is now required to pay this, and this contract allows us to take advantage of the State rates. Mr. Gentry said that the State is still going to cover defendants in criminal courts, but he said that this can still be a sizeable amount, and added that he feels this is an issue we will be hearing more about.

Motion carried by voice vote.

F. A Resolution to Approve the Contract Between McMinn County and the State of Tennessee Department of the Military and Tennessee Emergency Management Agency, for Funding of Emergency Preparedness.

Mr. Luallen presented the following resolution to approve the contract between McMinn County and the State of Tennessee Department of the Military and Tennessee Emergency Management Agency for funding applicable to the administrative duties of the McMinn County Director of Emergency Management. Mr. Luallen added that this was approved by the Emergency Services Committee.

Resolution No. 10-070

A RESOLUTION TO APPROVE THE CONTRACT BETWEEN McMINN COUNTY AND THE STATE OF TENNESSEE DEPARTMENT OF THE MILITARY AND TENNESSEE EMERGENCY MANAGEMENT AGENCY, FOR FUNDING OF EMERGENCY PREPAREDNESS

WHEREAS, in order to properly perform the duties of county government as prescribed by law, it is often in McMinn County's interest to enter into contracts with other entities; and

WHEREAS, McMinn County desires to enter into contract with Tennessee Emergency Management Agency to acquire \$32,000.00 in grant funding applicable to the administrative duties of the McMinn County Director of Emergency Management; and

WHEREAS, the term of this contract is for the period commencing on October 1, 2009 and ending on September 30, 2010.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 21st DAY OF JUNE 2010 that this Commission does hereby agree to enter into contract with Tennessee Emergency Management Agency to receive grant funding of \$32,000.00 for Emergency Management Assistance.

AND FURTHERMORE RESOLVES to grant authority to the County Mayor or his designee to carry out the duties of said contract.

(Orig signed by John M. Gentry)
McMinn County Mayor

Attest:

(Orig signed by Evonne Hoback)
County Clerk

MOTION made by Commissioner Masingale, and seconded by Commissioner Simpson, to approve this resolution.

Motion carried by voice vote.

9. APPROVAL OF RESOLUTIONS PERTAINING TO BUDGET

A. A Resolution to Adopt a Continuing Budget and Tax Rate for the Fiscal Year Beginning July 1, 2010 and to Authorize the Expenditure of Funds by the Various County Offices and Departments.

Mr. Luallen presented the following resolution to adopt a continuing budget and tax rate for the fiscal year beginning July 1, 2010 and to authorize the expenditure of funds by the various county offices and departments. Mr. Luallen added that this was approved by the Budget Committee.

RESOLUTION NO. 10-071

**RESOLUTION TO ADOPT A CONTINUING BUDGET AND TAX RATE
FOR THE FISCAL YEAR BEGINNING JULY 1, 2010 AND TO
AUTHORIZE THE EXPENDITURE OF FUNDS BY THE VARIOUS
COUNTY OFFICES AND DEPARTMENTS**

WHEREAS, it now appears that the fiscal year 2010 – 2011 budget of McMinn County, Tennessee will not be approved by July 1, 2010:

NOW, THEREFORE, BE IT RESOLVED, by the County legislative body of McMinn County, Tennessee, meeting in regular session this 21st day of June, 2010, that:

SECTION 1. The amount set out in the fiscal year 2009 – 2010 Appropriations Resolution are continued and the various departments, offices and agencies are authorized to expend funds at the same level as the previous fiscal year.

SECTION 2. The property tax rate of \$1.5553 per each \$100 of taxable property for the fiscal year beginning July 1, 2009, will remain in effect until a new property tax rate is adopted.

SECTION 3. No local funds can be expended or obligated that exceed the previous year's budget appropriation until a new budget is adopted. Expenditures mandated by the State or rules and regulations adopted by the State are incorporated into this continuing budget. Fiscal year 2010 – 2011 equipment purchases and salary increases will be delayed until after final approval of the budget.

SECTION 4. This resolution will take effect from and after its passage and its provisions will be in force from July 1, 2010, until the budget and tax rate for fiscal year 2010 – 2011 is finally adopted and approved. The County Clerk shall include this Resolution in the minutes of the McMinn County legislative body.

Adopted this 21st day of June 2010.

(Orig signed by John M. Gentry)
McMinn County Mayor

Attest:

(Orig signed by Evonne Hoback)
County Clerk

MOTION made by Commissioner Mason, and seconded by Commissioner Millsaps, to approve this resolution.

Motion carried by roll call vote, as recorded:

Scott Curtis – Aye
Dale Holbrook – Aye
Jeannie King – Absent
Roger Masingale – Aye
Gary Mason – Aye
Jerry Millsaps – Aye
Bob Powers – Aye
Jack Powers – Aye
Tad Simpson – Aye
Chairman David Crews – Aye

B. Resolution to Establish Certain Governmental Funds in Compliance with GASB Statement 54.

Mr. Luallen presented and explained the following resolution to establish certain governmental funds in compliance with GASB Statement 54.

RESOLUTION NO. 10-072

**A RESOLUTION TO ESTABLISH CERTAIN GOVERNMENTAL FUNDS
IN COMPLIANCE WITH GASB STATEMENT 54**

WHEREAS, the Governmental Accounting Standards Board (GASB) has issued GASB Statement 54, and the State of Tennessee Comptroller's Office has made all municipal and county governments in Tennessee aware that this new accounting statement is considered GAAP; and

WHEREAS, McMinn County has analyzed the following governmental special revenue funds of McMinn County; (1) Law Library Fund # 114 and (2) Woods Memorial Fund # 121 and has determined that these funds will meet the new definition of a special revenue / permanent fund per GASB Statement 54 and needs to be continued as a special revenue / permanent fund beginning July 1, 2010; and

NOW BE IT THEREFORE RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE authorize the McMinn County Mayor and Finance Director to continue the Law Library Fund # 114 as a Special Revenue Fund and establish the Woods Memorial Fund as a Permanent Fund # 191 beginning July 1, 2010.

Approved this 21ST day of June, 2010.

(Orig signed by John Gentry)
McMinn County Mayor

Attest:

(Orig signed by Evonne Hoback)
County Clerk

MOTION made by Commissioner Simpson, and seconded by Commissioner Mason, to approve this resolution.

Motion carried by voice vote.

C. Resolution to Transfer Funds from General Purpose School Funds to Federal Projects Fund for Fiscal Year Ending June 30, 2010.

Mr. Luallen presented the following resolution to transfer funds from General Purpose School Funds to Federal Projects Fund for Fiscal Year ending June 30, 2010. Mr. Luallen added that this had School Board approval. Mr. Luallen also explained that federal projects grants operate on a reimbursement basis and added that these funds will be transferred back next fiscal year.

Resolution No. 10-073

RESOLUTION TO TRANSFER FUNDS FROM GENERAL PURPOSE SCHOOL FUNDS TO FEDERAL PROJECTS FUND FOR FISCAL YEAR ENDING JUNE 30, 2010

WHEREAS, Federal Projects grants operate on a reimbursement basis and funds are requested from the State of Tennessee by McMinn County Board of Education for non-payroll expenditures on a monthly basis; and,

WHEREAS, the Federal Projects Fund operates with a cash deficit at various times throughout the fiscal year due to a slow turn-around time for reimbursements from the State of Tennessee; and

WHEREAS, Generally Accepted Accounting Principles (GAAP) consider a cash deficit in any fund to be a significant deficiency in internal control; and

WHEREAS, McMinn County Board of Education does not desire to operate any fund with a cash deficit.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Education of McMinn County, a school district in Tennessee, meeting in regular session on this 10th day of June 2010, and by the County Commission of McMinn County, a county in Tennessee, meeting in regular session on this the 21st day of June 2010, that

SECTION 1. The General Purpose School fund shall transfer \$100,000.00 to the Federal Projects Fund on June 30, 2010.

SECTION 2. The \$100,000.00 transfer shall remain in the Federal Projects Fund as a designated fund balance from the General Purpose School Fund and may be repaid at any time as noted in a resolution passed by the Board of Education and County Commission.

SECTION 3. This resolution will take effect on June 30, 2010. The Secretary of the Board of Education shall include this Resolution in the minutes of the McMinn County Board of Education. The County Clerk shall include this Resolution in the Minutes of McMinn County.

(Cont'd)

Resolution No. 10-073 (Cont'd)

Adopted the 21st day of June, 2010.

(Orig signed by Quinten Howard)
 Chairman, Board of Education

(Orig signed by David Crews)
 Chairman, County Commission

Attest:

(Orig signed by Katie Smith)
 Secretary, Board of Education

(Orig signed by Evonne Hoback)
 County Clerk

MOTION made by Commissioner Mason, and seconded by Commissioner Bob Powers, to approve this resolution.

Motion carried by voice vote.

10. APPROVAL OF BUDGET AMENDMENTS

Mr. Luallen presented seven budget amendments in five different funds, a copy of which was provided to each Commissioner.

Fund: General Fund # 101

Date: June 17, 2010

| <u>DEPARTMENT</u> | <u>ACCOUNT</u> | <u>FOLIO</u> | <u>DEBIT</u> | <u>CREDIT</u> |
|-----------------------------|------------------------------|--------------|--------------|---------------|
| Reserve | Undesignated Fund Balance | 39000 | 8,959.00 | |
| Other Finance (Auditing) | Audit Services | 52900-305 | | 8,959.00 |

EXPLANATION: To budget additional funds necessary for additional audit work related to Circuit Court Clerk's Office.

Fund: General Fund # 101

Date: June 17, 2010

| <u>DEPARTMENT</u> | <u>ACCOUNT</u> | <u>FOLIO</u> | <u>DEBIT</u> | <u>CREDIT</u> |
|-----------------------------|-------------------------------------------------------------|--------------|--------------|---------------|
| Reserve | Undesignated Fund Balance | 39000 | 11,005.00 | |
| Industrial Develop- ment | Contract Other Public Agencies (Development District) | 58120-310 | | 11,005.00 |

JOURNAL ENTRY REQUIRED

| | | | | |
|---------|---------------------------|-------|-----------|-----------|
| Reserve | Hotel/Motel Tax Reserve | 35140 | 11,005.00 | |
| Reserve | Undesignated Fund Balance | 39000 | | 11,005.00 |

EXPLANATION: To budget FY 08-09 Contract Dues not paid in FY 08-09 from Industrial Development portion of Hotel/Motel Tax Reserve.

MOTION made by Commissioner Curtis, and seconded by Commissioner Simpson, to approve these budget amendments.

Motion carried by roll call vote, as recorded:

- Scott Curtis – Aye
- Dale Holbrook – Aye
- Jeannie King – Absent
- Roger Masingale – Aye
- Gary Mason – Aye
- Jerry Millsaps – Aye
- Bob Powers – Aye
- Jack Powers – Aye
- Tad Simpson – Aye
- Chairman David Crews – Aye

Fund: Woods Special Purpose Fund # 121

Date: June 17, 2010

| <u>DEPARTMENT</u> | <u>ACCOUNT</u> | <u>FOLIO</u> | <u>DEBIT</u> | <u>CREDIT</u> |
|-------------------|---------------------------|--------------|--------------|---------------|
| Reserve | Undesignated Fund Balance | 39000 | 1,850,774.13 | |
| Transfers Out | Transfers to Other Funds | 99100-590 | | 1,838,199.02 |
| Other Charges | Trustees Commission | 58400-510 | | 12,575.11 |

EXPLANATION: To close out Fund # 121 and establish Woods Memorial Fund # 191 as a permanent fund to be compliant with GASB Statement # 54

MOTION made by Commissioner Mason, and seconded by Commissioner Simpson, to approve this budget amendment.

Motion carried by roll call vote, as recorded:

- Scott Curtis – Aye
- Dale Holbrook – Aye
- Jeannie King – Absent
- Roger Masingale – Aye
- Gary Mason – Aye
- Jerry Millsaps – Aye
- Bob Powers – Aye
- Jack Powers – Aye
- Tad Simpson – Aye
- Chairman David Crews – Aye

Fund: General Purpose School # 141

Date: June 1, 2010

| <u>DEPARTMENT</u> | <u>ACCOUNT</u> | <u>FOLIO</u> | <u>DEBIT</u> | <u>CREDIT</u> |
|-------------------|---------------------------|--------------|--------------|---------------|
| Reserve | Undesignated Fund Balance | 39000 | 100,000.00 | |
| Transfer Out | Transfer to Other Funds | 99100-590 | | 100,000.00 |

EXPLANATION: To budget undesignated fund balance to be transferred to the Federal Project Fund in order to provide operating funds until federal reimbursement of grant expenditures are received. School Board approval 6/10/10.

MOTION made by Commissioner Mason, and seconded by Commissioner Bob Powers, to approve this budget amendment.

Motion carried by roll call vote, as recorded:

- Scott Curtis – Aye
- Dale Holbrook – Aye
- Jeannie King – Absent
- Roger Masingale – Aye
- Gary Mason – Aye
- Jerry Millsaps – Aye
- Bob Powers – Aye
- Jack Powers – Aye
- Tad Simpson – Aye
- Chairman David Crews – Aye

Fund: Federal Projects # 142-IDEA-B, Discretionary Behavior Grant, 10.01 # 891

Date: May 19, 2010

| <u>DEPARTMENT</u> | <u>ACCOUNT</u> | <u>FOLIO</u> | <u>DEBIT</u> | <u>CREDIT</u> |
|-----------------------------------|------------------------------------|--------------|--------------|---------------|
| Special Education | Teachers | 71200-116 | | 1,381.00 |
| “ | Social Security | 71200-201 | | 55.00 |
| “ | Retirement | 71200-204 | | 56.00 |
| “ | Medicare | 71200-212 | | 13.00 |
| “ | Instructional Supplies & Materials | 71200-429 | | 5,735.00 |
| Special Education Program Support | Travel | 71110-355 | | 1,500.00 |
| “ | In-Service/Staff Development | 72220-524 | | 1,260.00 |
| Federal Funds Rec'd Through State | Education of the Handicapped Act | 47143 | 10,000.00 | |

EXPLANATION: To enter the budget (including Amendment No. 1-) for the Discretionary Behavior Grant awarded to the McMinn County School System. School Board approval: 6/10/10.

Fund: Federal Projects # 142- School Federal Project Fund # 999

Date: June 1, 2010

| <u>DEPARTMENT</u> | <u>ACCOUNT</u> | <u>FOLIO</u> | <u>DEBIT</u> | <u>CREDIT</u> |
|-----------------------------|-----------------------------------|--------------|--------------|---------------|
| Other Sources (non-revenue) | Transfers In | 49800 | 100,000.00 | |
| Reserve | Designated for Cash Flow Shortage | 35110 | | 100,000.00 |

(Cont'd)

EXPLANATION: To budget the transfer of funds from the General Purpose School Fund (141) to the School Federal Project Fund (142) to provide operating funds until federal reimbursement of grant expenditures are received. School Board approval: 6/10/10.

MOTION made by Commissioner Bob Powers, and seconded by Commissioner Millsaps, to approve these budget amendments.

Motion carried by roll call vote, as recorded:

- Scott Curtis – Aye
- Dale Holbrook – Aye
- Jeannie King – Absent
- Roger Masingale – Aye
- Gary Mason – Aye
- Jerry Millsaps – Aye
- Bob Powers – Aye
- Jack Powers – Aye
- Tad Simpson – Aye
- Chairman David Crews – Aye

Fund: Central Cafeteria # 143

Date: June 4, 2010

| <u>DEPARTMENT</u> | <u>ACCOUNT</u> | <u>FOLIO</u> | <u>DEBIT</u> | <u>CREDIT</u> |
|-------------------|------------------------|------------------------|--------------|---------------|
| Revenue | USDA – Other | 47114-EKBA-FFV | 15,049.60 | |
| “ | USDA – Other | 47114-RGCK-FFV | 17,695.78 | |
| Food Service | Other Salaries & Wages | 73100-189- EKBA-FFV | | 3,199.20 |
| “ | Other Salaries & Wages | 73100-189- RGCK-FFV | | 3,517.94 |
| “ | Food Supplies | 73100-422- EKBA-FFV | | 10,390.02 |
| “ | Food Supplies | 73100-422- RGCK-FFV | | 12,592.73 |
| “ | Other Supplies | 73100-499- EKBA-FFV | | 250.20 |
| “ | Other Supplies | 73100-499- RGCK-FFV | | 238.54 |
| “ | Equipment | 73100-710- EKBA-FFV | | 1,210.18 |
| “ | Equipment | 73100-710- RGCK-FFV | | 1,346.57 |

EXPLANATION: To enter the budget for the Fresh Fruit and Vegetable Grants that were awarded to E. K. Baker School & Rogers Creek School in FY 09-10. School Board approval: 6/10/10.

MOTION made by Commissioner Mason, and seconded by Commissioner Simpson, to approve this budget amendment.

Motion carried by roll call vote, as recorded:

Scott Curtis – Aye
Dale Holbrook – Aye
Jeannie King – Absent
Roger Masingale – Aye
Gary Mason – Aye
Jerry Millsaps – Aye
Bob Powers – Aye
Jack Powers – Aye
Tad Simpson – Aye
Chairman David Crews – Aye

11. COMMENTS FROM THE AUDIENCE

None.

12. RESOLUTIONS

A. A Resolution to Approve McMinn County's Participation in the Summer Youth Work Experience Program.

Mr. Gentry presented the following resolution to approve McMinn County's participation in the Summer Youth Work Experience Program. Mr. Gentry explained that this is a program funded by the Stimulus program through our Development District and the Career Center where there is job creation for youth. There is no cost to McMinn County.

Resolution No. 10-074

A RESOLUTION TO APPROVE MCMINN COUNTY'S PARTICIPATION IN THE SUMMER YOUTH WORK EXPERIENCE PROGRAM

WHEREAS, the Summer Youth Work Experience Program is offered through the Tennessee Career Center and the Southeast Tennessee Development District to provide work training experience for youth participants; and

WHEREAS, McMinn County qualifies as worksite sponsor for the Summer Youth Work Experience Program, allowing youth participants to supplement the McMinn County employee workforce in approved positions; and

WHEREAS, the program requires a written agreement with McMinn County, but requires no financial obligation on the County's behalf.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY MEETING THIS THE 21st DAY OF JUNE 2010, THAT THIS COMMISSION APPROVES MCMINN COUNTY'S PARTICIPATION IN THE SUMMER YOUTH PROGRAM, the public welfare requiring it.

(Orig signed by John Gentry)
McMinn County Mayor

Attest:

(Orig signed by Evonne Hoback)
County Clerk

In response to a question from Commissioner Millsaps regarding liability, Mr. Gentry said that the Development District is assuming liability.

MOTION made by Commissioner Mason, and seconded by Commissioner Millsaps, to approve this resolution.

Motion carried by voice vote.

B. A Resolution to Approve an Interlocal Agreement Between McMinn County and the City of Athens Regarding a United States Department of Justice Assistance Grant.

Mr. Gentry presented and explained the following resolution to approve an interlocal agreement between McMinn County and the City of Athens regarding a United States Department of Justice Assistance Grant.

RESOLUTION NO. 10-075

A RESOLUTION TO APPROVE AN INTERLOCAL AGREEMENT BETWEEN MCMINN COUNTY AND THE CITY OF ATHENS REGARDING A UNITED STATES DEPARTMENT OF JUSTICE ASSISTANCE GRANT

WHEREAS, the United States Department of Justice has made available a Justice Assistance Grant to assist governmental entities to obtain funds for law enforcement purposes; and

WHEREAS, Athens and McMinn County have qualified for an award, which requires an interlocal agreement between the City and the County to receive their joint allocations; and

WHEREAS, the total award is \$31,780.00, with \$19,492.00 designated for the city and \$12,288.00 designated for the county; and

WHEREAS, McMinn County agrees to participate in this interlocal agreement in order to receive its allocated funds and authorizes the McMinn County Sheriff to apply for and receive said funds for the enhancement of the department

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF MCMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 21st DAY OF JUNE 2010, that this board does authorize McMinn County to enter into an interlocal agreement with the City of Athens as stipulated by the terms of the DOJ Justice Assistance Grant; and

FURTHER RESOLVES that the County Mayor is authorized to execute all documents involved in this interlocal agreement, the public welfare requiring it.

(Orig signed by John M. Gentry)
McMinn County Mayor

Attest:

(Orig signed by Evonne Hoback)
County Clerk

MOTION made by Commissioner Holbrook, and seconded by Commissioner Bob Powers, to approve this resolution.

Motion carried by voice vote.

C. A Resolution Authorizing McMinn County to Participate in the Athens Utilities Board Water Line Extension Project on County Roads 119 and 652.

Mr. Gentry presented the following resolution authorizing McMinn County to participate in the Athens Utilities Board Water Line Extension Project on County Roads 119 and 652.

RESOLUTION NO. 10-076

A RESOLUTION AUTHORIZING McMINN COUNTY TO PARTICIPATE IN THE ATHENS UTILITIES BOARD WATER LINE EXTENSION PROJECT ON COUNTY ROADS 119 AND 652

WHEREAS, McMinn County desires for all of its citizens to have access to safe and potable water; and

WHEREAS, Athens Utilities Board desires to participate in McMinn County's program for the installation of 6" water lines on County Roads 119 and 652; and

WHEREAS, the total cost of these projects with the 20% portion to be funded by McMinn County is outlined below:

| | <u>Total Cost</u> | <u>20% Co Match</u> |
|---------------------------------------------------------------------------------|-------------------|---------------------|
| 1,250 feet of 6" line at \$11.00/foot, Including valves and other costs; and | \$13,750.00 | \$2,750 |

WHEREAS, based on review by Southeast Tennessee Development District Staff, this project is in compliance with the McMinn County Water Program Policy.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 21ST DAY OF JUNE 2010, that this board does authorize McMinn County to participate in the water line extension project at 20% of construction costs on County Roads 119 and 652; and authorizes the County Mayor to execute all documents and duties necessary for the proper completion of said project, the public welfare requiring it.

(Orig signed by John M. Gentry)
McMinn County Mayor

Attest:

(Orig signed by Evonne Hoback)
County Clerk

MOTION made by Commissioner Holbrook, and seconded by Commissioner Mason, to approve this resolution.

Motion carried with one abstention by Commissioner Simpson, who is employed by AUB.

D. A Resolution to Approve the Application Regarding Funding and Placement of a Rural Fire Hydrant.

Mr. Gentry presented the following resolution to approve the funding and placement of a rural fire hydrant on Highway 305 at County Road 216. This was approved by the Emergency Services Committee earlier this evening.

Resolution No. 10-077

**A RESOLUTION TO APPROVE THE APPLICATION REGARDING
FUNDING AND PLACEMENT OF A RURAL FIRE HYDRANT**

WHEREAS, in order to properly perform the essential means of fighting fires in McMinn County, it is necessary to provide fire hydrants to rural areas; and

WHEREAS, it is the policy of McMinn County to aid in the funding of the placement of 1 rural fire hydrant per year in each civil district; and

WHEREAS, the following application has been recommended for approval by the Rural Fire Committee:

As a service to the citizens of McMinn County, the McMinn County Commission approves a grant for payment toward the installation of ONE fire hydrant per civil district per fiscal year. The grant amount is \$3000 per hydrant, based on available funds and approval of the Budget Committee.

I, R. Gary Dake, as the Chief of Clearwater Fire District, wish to request the placement of 1 fire hydrant(s) at the following location:

Highway 305 at County Road 216

(provide map)

This form stands as a Hold Harmless agreement whereas McMinn County is not responsible for any fees relating to maintenance of said fire hydrant. The undersigned applicant understands that this hydrant, should its funding be approved by the McMinn County Commission, will be installed by the local utility provider, and may or may not be maintained by the utility. The person/group making this request accepts the responsibility of maintaining this hydrant, which could include, but not be limited to: painting, mowing, arranging hydrant testing, keeping maintenance records,

Chief Signature: (Orig signed by R. Gary Dake)

Address: Clearwater Volunteer Fire Dept.

Telephone: 423.506.4952 (cell)

Date of Request: 6-10-10

Utility Provider Agreement:

As Utility Provider, it is agreed that the installation of this hydrant must be completed and billed to McMinn County within the fiscal year following the year in which the application is approved. If the installation is not completed and billed to McMinn County within that time, this utility provider will assume all costs incurred for the installation of the approved hydrant, including costs involving installation, materials, etc.

Utility Provider Authorizing Signature: (Orig signed by Ray Ingram, Athens Utilities Board)

This hydrant was approved by the McMinn County Commission on June 21, 2010

Commissioner Signature: (orig signed by Jerry L. Millsaps)

Commissioner Signature: (orig signed by Gary Mason)

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 21st DAY OF June 2010, that this Commission does hereby approve this Fire Hydrant Request.

(Orig signed by John M. Gentry)
McMinn County Mayor

Attest:

(Orig signed by Evonne Hoback)
County Mayor

MOTION made by Commissioner Millsaps, and seconded by Commissioner Mason, to approve this resolution.

Motion carried by voice vote.

E. A Resolution to Declare Two Ambulances as Surplus Property.

Mr. Gentry presented the following resolution to declare two ambulances as surplus property and he explained there are two due to the County Commission allowing the former operator, MedTrans, to extend the lease of one ambulance one year beyond its date to turn into the county.

RESOLUTION NO. 10-078

**A RESOLUTION TO DECLARE TWO AMBULANCES AS
SURPLUS PROPERTY**

WHEREAS, when it is in the best interest of the County, property may be declared surplus in accordance with law; and

WHEREAS, the current McMinn County EMS contract stipulates that the EMS contractor shall release one McMinn County-owned ambulance from the EMS fleet each year back to McMinn County, which shall be replaced by an ambulance provided by the contractor; and

WHEREAS, due to an agreement reached in 2009 where an ambulance was retained by the contractor, McMinn County wishes to declare surplus two ambulances in 2010, those being the following:

2007 FORD E350, 1FDWF36P97EB05403, 124,119mi
2005 FORD E305, 1FDWF36PX6EC37410, 161,745mi

WHEREAS, these ambulances shall be declared surplus property effective upon iCare placing two new ambulances in service.

WHEREAS, these ambulances shall be publicly sold in a manner provided by law and approved by the County Commission.

THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MCMINN COUTNY, TENNESSEE, MEETING IN REGULAR SESSION THIS THE 21ST DAY OF JUNE 2010, that this Commission does hereby declare the referenced ambulances surplus and authorizes the appropriate sale thereof, the public welfare requiring it.

(Orig signed by John Gentry)
McMinn County Mayor

Attest:

(Orig signed by Evonne Hoback)
County Clerk

MOTION made by Commissioner Bob Powers, and seconded by Commissioner Simpson, to approve this resolution.

Motion carried by voice vote.

13. ELECTIONS, APPOINTMENTS AND CONFIRMATIONS

A. A Resolution to Confirm the Re-Appointment of Erbin Baumgardner to the McMinn County Regional Planning Commission.

Mr. Gentry presented the following resolution to confirm the re-appointment of Erbin Baumgardner to the McMinn County Regional Planning Commission.

Resolution No. 10-079

**A RESOLUTION TO CONFIRM THE RE-APPOINTMENT OF
ERBIN BAUMGARDNER TO THE McMINN COUNTY REGIONAL
PLANNING COMMISSION**

WHEREAS, McMinn County has a regional planning commission to provide for the review of the proposed development of property in McMinn County subject to the rules and regulations of said regional planning commission; and

WHEREAS, state law grants authority to the County Mayor to appoint members to the regional planning commission upon confirmation by the county legislative body; and

WHEREAS, John M. Gentry as McMinn County Mayor, nominates ERBIN BAUMGARDNER to serve a four-year term as a member of the McMinn County Regional Planning Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McMINN COUNTY, TENNESSEE, MEETING IN REGULAR SESSION ON THIS 21st DAY OF JUNE 2010, that this commission does hereby confirm this appointment.

(Orig signed by John M. Gentry)
McMinn County Mayor

Attest:

(Orig signed by Evonne Hoback)
County Clerk

MOTION made by Commissioner Simpson, and seconded by Commissioner Millsaps, to approve this resolution.

Motion carried by voice vote.

14. REPORTS FROM COMMITTEES, COUNTY OFFICIALS, COMMENTS FROM COMMISSIONERS

A. Emergency Services Committee – Commissioner Curtis.

Commissioner Curtis said that the Emergency Services Committee met earlier this evening and approved three resolutions that were considered and approved by the full Commission in this meeting.

B. Budget Committee – Commissioner Jack Powers.

Commissioner Jack Powers said the Budget Committee met on June 7, 2010 and approved several budget resolutions approved by the full Commission in this meeting including the continuation budget resolution. He also said that budget requests were sent back to the Department Heads for another review.

C. T Hangar Tenant – County Attorney Vance Baker.

Mr. Baker said that last November, a suit was filed against one of the County's T Hangar Tenants, Jeff Morgan, who has not paid rent. The General Session Judge decided in favor of the county for \$3,300.00 back rent and possession of the hangar. Mr. Morgan filed a counter suit against the county alleging that his aircraft was damaged because the hangar leaked. Judge Watson dismissed that suit, but Mr. Morgan's attorney appealed it to Circuit Court, but failed to post a correct bond, and Mr. Baker filed a motion to dismiss in Circuit Court. Mr. Baker said he filed a second motion to dismiss his counter suit based on the fact that he filed it in the wrong court. Judge Sharp ruled in favor of the county and remanded the case back to General Sessions Court for execution of judgment which he explained in some detail.

15. COMMENTS FROM THE COUNTY MAYOR

A. McMinn County Airport.

Mr. Gentry said that the FAA has re-flown our approaches after our expansion and we were notified that the approach minimums were lowered significantly allowing aircraft to land during more inclement weather.

B. Flood Insurance Program.

Mr. Gentry said he was visited by FEMA representatives a few weeks ago because they were contacting all counties who were not part of the national flood insurance program. This was at the request of the Governor because of the flooding that took place in Nashville. Mr. Gentry told FEMA that this County has studied this extensively through the years but the sticking point has always been the mandated county-wide building permit. Mr. Gentry explained that 3-5% of the county is in a flood area, but it was felt that a county-wide building permit system would penalize everyone else. The FEMA representatives told Mr. Gentry that you can have a permit system just for the flood area, and added that he receives many calls about flood insurance because lending institutions are requiring people to collateralize their loans with flood insurance. Mr. Gentry also said that he received assurance that if we adopted the permit system in the flood areas that it would provide all county residents eligibility to get flood insurance. Mr. Gentry discussed a recent bill that is on the Governor's desk concerning flood insurance as well as another bill concerning building permits that the County will have to vote on when the new County Commission takes office. Mr. Gentry will keep the Commission informed.

Commissioner Holbrook said that he feels before the Commission takes any action regarding building permits, that the people should decide by referendum vote. Mr. Gentry said that a Private Act might be required to conduct a referendum and he said he would check on this and let the Commission know.

16. APPROVAL OF NOTARY APPLICATIONS

The following notary applications were submitted to the County Clerk's Office:

Notary Applications for June 2010

Jennifer L. Adkins
Carlos R. Hammond
Tia N. Chrisman
Larae Graves
Amy Brooke Hall
Cindy L. Kelly
Stephen N. Long
Amy R. Maynor
Susan Poulakis
Sherri R. Pressley
Dennis Ray Toomey
Karen H. Webb

MOTION made by Commissioner Mason, and seconded by Commissioner Bob Powers, to approve these notary applications.

Motion carried by voice vote.

17. ANY OTHER BUSINESS THAT MAY LEGALLY COME BEFORE THE COMMISSION

None.

18. ADJOURNMENT

There being no other regular business, Chairman Crews declared the Commission meeting adjourned at 8:15 pm.

EVONNE HOBACK
McMinn County Clerk

Attest:

Deputy Clerk (date)