

BENTON COUNTY COMMISSIONERS MEETING

JANUARY 21, 2020

BE IT REMEMBERED THAT ON JANUARY 21, 2020, THAT THE BENTON COUNTY COMMISSIONERS MET IN REGULAR SESSION AT THE BENTON COUNTY COURTHOUSE @ 6:00 PM.

AGENDA

Opening of meeting was by Sheriff Kenny Christopher.

Invocation was led by 3rd District Commissioner Norman Frazier and Pledge of Allegiance was led by 2nd District Commissioner Rocky Presson.

ROLL CALL BY COUNTY CLERK WANDA MALIN AND CHIEF DEPUTY CLERK DONNA MELTON

<u>MEMBERS PRESENT:</u>	COMMISSIONERS ABSENT - <u>DARRELL HICKS</u>		
DIST. 1	ANGIE HERN	DON PATTON	WARD PLANT (CHAIRMAN)
DIST. 2	DAYNA FERGUSON	KENNETH MILLER	ROCKY PRESSON
DIST. 3	KELEAH DYE	NORMAN FRAZIER	GARY FURR
DIST. 4	SONNY HALL	PHIL MELTON	DOUG VICKERS
DIST. 5	RACHELLE HILL	JANET HIGDON	ROSANNE WARD
DIST. 6		RONNIE HOPPER	MARY POWERS

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. Approval of Minutes (VV)
9. Report of Public Utilities (VV)

10. Approval of the Benton County Annual Road List (VV)
11. Resolution to authorize our county attorney to learn why the former company UNIMIN and the present company COVIA located here in Benton County, TN does not pay severance tax, to formulate a bill for severance tax and give bills to both UNIMIN and COVIA and to reach out to our Senator John Stevens who shares a large interest in this subject. (20200121-01) (VV)
12. Resolution for Benton County to create a new \$0.20 (twenty cent) per ton host fee on each and every ton of trash brought from outside of Benton County into the Waste Management landfill and for this fee to be imposed upon generators and haulers of the waste not the owners and operators of the landfill. (20200121-02) (VV)
13. Resolution authorizing a continuous five (5) year reappraisal cycle (20200121-03) (VV)
14. Resolution re-appointing Bonnie Evans to the Audit Committee for a one-year term set to expire on February 16, 2021 (20200121-04) (VV)
15. Resolution transferring funds in the amount of \$13,000 within the schools' budget (20200121-05) (VV)
16. Resolution transferring funds in the amount of \$40,000 within the schools' budget (20200121-06) (VV)
17. Resolution budgeting funds in the amount of \$1,900 within the schools' cafeteria budget (20200121-07) (VV)
18. Resolution budgeting funds in the amount of \$1,994.01 within the Sheriff's budget (20200121-08) (VV)
19. Resolution budgeting funds in the amount of \$7,624.36 within the Sheriff's drug fund budget (20200121-09) (VV)
20. Resolution budgeting funds in the amount of \$19,500 received from the UTRUST Grant within the schools' budget (20200121-10) (VV)
21. Resolution budgeting insurance recovery funds received in the amount of \$2,128.37 within the Sheriff's budget (20200121-11) (VV)
22. Resolution budgeting revenues received by the Animal Shelter in the amount of \$12,220.00 to cover the negative line item and the future vet expenses (20200121-12) (VV)
23. Resolution budgeting donations received in the amount of \$202.60 within the Senior Citizens budget (20200121-13) (VV)
24. Resolution re-appropriating and budgeting the balance of the Gladys Tutorea Estate funds, which are restricted and left to the local animal shelter, into this year's budget for the sub fund reserve account in the amount of \$81,509.42 (20200121-14) (RCV)
25. Resolution appropriating funds in the amount of \$500.00 from the Courtroom Security Reserve Account to purchase new signs for the court room doors. (20200121-15) (RCV)
26. Resolution appropriating funds in the amount of \$1,000 from the Unassigned Fund Balance to cover the annual maintenance and software support for the data processing equipment that was purchased by a previous Three Star Grant (20200121-16) (RCV)
27. Appointing Notaries (VV)
28. Any Other Business
29. Adjourn

ANNOUNCING OF QUORUM BY:

CHAIRMAN WARD PLANT

APPROVAL OF THE AGENDA

Motion was made by Commissioner Ferguson and seconded by Commissioner Hern to approve the Agenda. On a voice vote, all present voted Aye. Motion Carries

CITIZENS FORUM

Debbie Kyle asked about the resolution flyer on the 5-year appraisal cycle that was passed around the county. She also informed the commission that the Code Red is up and running and it's free.

Debbie Lee Wright did not see a public notice about the EMA E911 meeting. She also said that a county employee cannot be on the Audit Committee. She asked Commissioner Presson if he was going to withdraw Resolution 2. Commissioner Presson responded by saying after discussion he would make that decision. She also asked about the records committee.

Ms. Geri Hopper spoke about Governor Lee's banning of refugees.

Benton County Tax Assessor Ryan Hall spoke about the 5-year re-appraisal resolution. Mr. Hall says that the all surrounding counties are going thru the same thing. He did not realize the confusion that would surround the issue. Mr. Hall explained that the resolution is state wide and only applies to Business Personal Property and does not include private property homeowners. He also answered some questions and concerns about the re-appraisal program and what it consists of.

Paul Crafton asked about the Green Belt Program regulations.

Kenneth Tapley talked about the petition that was passed around the county and asked the Mayor for an apology for talking about the lies surrounding that issue.

Ron Patton spoke about challenging a Resolution and was advised that would be a legal issue.

Road Commissioner Buck Carter talked about purchasing the old Terry Trucking property on Hwy 70 Bypass for a new Highway Department site. He thinks he will have the funds and is just informing the commission of upcoming site possibilities.

COMMISSIONERS FORUM

Commissioner Hopper asked the commission to consider a resolution about the refugee issue. He also said the 2nd amendment is under attack and would like to see our county adopt it. A meeting is scheduled for May 23rd, 2020 about this issue.

Commissioner Ward asked why something hasn't been done about the MagPro issue on Magnesium Chloride.

Commissioner Furr also talked about the MagPro toxic smoke issue. He said the state was supposed to take an air sample at some point.

Commissioner Dye reiterated all the points on MagPro and said that many complaints have been voiced by county citizens.

Mayor Lashlee responded to many of the issues brought up in Citizen's Forum and Commissioners Forum and stood behind the decisions made by himself and the county commission. He says he will lead the county in a positive direction.

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

PREVIOUS MONTHS MINUTES

Motion was made by Commissioner Ferguson and seconded by Commissioner Patton to approve December 2019 minutes. On a voice vote, all present voted Aye. Motion Carries.

APPROVAL OF THE REPORT OF PUBLIC UTILITES

Motion was made by Commissioner Ferguson and seconded by Commissioner Hern to approve the Report of Public Utilities. On a voice vote, all present voted Aye. Motion Carries.

APPROVAL OF THE BENTON COUNTY ANNUAL ROAD LIST

Motion was made by Commissioner Patton and seconded by Commissioner Ferguson to approve the Annual Road List. On a voice vote, all present voted Aye. Motion Carries.

RESOLUTIONS

Motion was made by Commissioner Ferguson and seconded by Commissioner Patton to approve **RESOLUTION 20200121-01**. On a voice vote, 15 Ayes and 2 Nays. Motion Carries.

County Clerk Wanda Malin advised to do a roll call vote.

RESOLUTION NO. 20200121-01

SPONSORED BY THE BENTON COUNTY COMMISSIONERS RONNIE HOPPER, WARD PLANT AND ROCKY PRESSON

LEGISLATIVE REFERENCE: BUDGET COMMITTEE

WHEREAS, Benton County has several companies taking from our ground, sand gravel, chert and limestone; and
WHEREAS, 2018 Vulcan Construction paid the county of Benton a severance tax of \$104,725, Camden Gravel paid to the county of Benton in 2018 a severance tax of \$21,280; and

WHEREAS, Benton County has a company named COVIA located at 1700 Sand Mill Rd. Camden, TN 38320 and very recent the company located at this address was called UNIMIN; and

WHEREAS, COVIA as did UNIMIN, works 20 hourly employees and 12 salary employees loading 75 box cars of sand per week at 115,000 tons per box car, 10 trucks per day at 25 tons per truck, and 5 days a week; and


WHEREAS, COVIA sand comes from both Benton County and Carroll County; and


WHEREAS, UNIMIN paid to Benton County \$178 (dollars) in 2018 and \$0.00 (dollars) to Carroll County in 2018; and

WHEREAS, the company COVIA does not currently have an account with Benton County nor Carroll County; and

WHEREAS, COVIA and UNIMIN should be and should have been, paying either Carroll or Benton counties approximately \$1,500 (dollars) per week in severance taxes.

NOW THEREFORE BE IT RESOLVED, By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this the 21ST Day of January 2020 that the Benton County legislative body authorizes our county attorney, Mr. Shon Johnson, to learn why the former company UNIMIN and the present company COVIA located at 1700 Sand Mill Rd., in Benton County, Tennessee does not pay severance tax, to formulate a bill for severance tax and give bills to both UNIMIN and COVIA, and to reach out to our Senator John Stevens who shares a large interest in this subject.


Brett Lashlee, County Mayor


Wanda Malin, County Clerk


Motion was made by Commissioner Patton and seconded by Commissioner Hern to approve **RESOLUTION 20200121-02**. After discussion, resolution was pulled by Commissioner Rocky Presson.

RESOLUTION NO. 20200121-02

SPONSORED BY THE BENTON COUNTY COMMISSIONERS RONNIE HOPPER AND ROCKY PRESSON

LEGISLATIVE REFERENCE: BUDGET COMMITTEE

WHEREAS, there are 32 landfills in the state of Tennessee, Benton County being the only large landfill without a county director, and
WHEREAS, the contract between Benton County and Waste Management expires in June 2031; and
WHEREAS, information from the Tennessee Solid Waste Permit Manager, Tennessee Department of Environment and Conservation is that Waste Management's land fill capacity is another 25 years; and
WHEREAS, in the future Waste Management will bring to Benton County and offer to extend the landfill contract beyond the June 2031 expiration date between Benton County and Waste Management; and
WHEREAS, Benton county in in need of revenues to cover the cost for a Solid Waste County Director and a Solid Waste Department;
and
WHEREAS, a letter dated December 8, 1998 from the Law Office of Bullock, Fly and Hornsby, the third paragraph reads, "The Court also ruled that such a resolution might not violate the Host Fee agreement providing that the trial court found that the fee was indeed imposed upon the generators and haulers of the waste and not the owners and operators of the landfill itself."
NOW THEREFORE BE IT RESOLVED, By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this the 21ST Day of January 2020 that Benton County elects to create a new \$0.20 (twenty cent) per ton host fee on each and every ton of trash brought from outside of Benton County into the Waste Management landfill; and
FURTHER BE IT RESOLVED, the \$0.20 (twenty cent) fee be imposed upon the generators and haulers of the waste and not the owners and operators of the Waste Management landfill.


Brett Lashlee, County Mayor


Wanda Malin, County Clerk

Motion was made by Commissioner Ferguson and seconded by Commissioner Hern to approve **RESOLUTION 20200121-03**. On a voice vote, all present voted Aye. Motion Carries.

RESOLUTION NO. 20200121-03

SPONSORED BY THE BENTON COUNTY MAYOR BRETT LASHLEE

LEGISLATIVE REFERENCE: BUDGET COMMITTEE & PROPERTY COMMITTEE

RESOLUTION AUTHORIZING A CONTINUOUS FIVE (5) YEAR REAPPRAISAL CYCLE

WHEREAS, Tenn. Code Ann. § 67-5-1601 establishes a general six (6) year reappraisal for updating and equalizing property values for every county in Tennessee for property tax purposes; and
WHEREAS, a six (6) year reappraisal program consists of an on-site review of each parcel of real property over a five-year period followed by revaluation of all such property in the year following completion of the review period and includes a current value updating during the third year of the review cycle and sales ratio studies during the second and fifth years of the review cycle; and
WHEREAS, Tenn. Code Ann. § 67-5-1601 provides that upon the submission of a plan by the assessor and upon approval of the State Board of Equalization, a reappraisal program may be completed by a continuous five (5) year cycle comprised of an on-site review of each real property over a four (4) year period followed by revaluation of all such property in the year following completion of the review period; and
WHEREAS, the county legislative body of Benton County understands that approving such a five (5) year reappraisal cycle a sales ration study will be conducted during the second and fourth years of the review cycle, and the centrally assessed properties and commercial/industrial tangible personal property will be equalized by the sales ratio adopted by the State Board of Equalization; and
NOW THEREFORE BE IT RESOLVED by the county legislative body of Benton County meeting in regular session on the 21st day of January 2020 that:
PURSUSANT to Tenn. Code Ann. § 67-5-1601, reappraisal shall be accomplished in Benton County by a continuous five (5) year cycle beginning July 1, 2020, comprised of an on-site review of each parcel of real property over a found (4) year period followed by revaluation of all such property for tax year 2025.


Brett Lashlee, County Mayor


Wanda Malin, County Clerk

Motion was made by Commissioner Patton and seconded by Commissioner Ferguson to approve **RESOLUTION 20200121-04.**

Motion was made by Commissioner Hern and seconded by Commissioner Ferguson to table until next week. On a voice vote, all present voted Aye. Motion Carries.

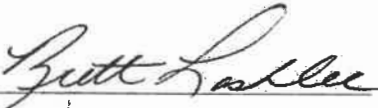
RESOLUTION NO. 20200121-04

SPONSORED BY THE BENTON COUNTY MAYOR BRETT LASHLEE

LEGISLATIVE REFERENCE: BUDGET COMMITTEE

WHEREAS, the Audit Committee has a member whose term is soon set to expire on February 16, 2020; and WHEREAS, it is the recommendation of both the Audit Committee members and the county mayor that Bonnie Evans be re-appointed to the Benton County Audit Committee for a one-year term set to expire February 16, 2021.

NOW THEREFORE BE IT RESOLVED, By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this the 21ST Day of January 2020 that Bonnie Evans be re-appointed to the Benton County Audit Committee for a one-year term set to expire on February 16, 2021.


Brett Lashlee, County Mayor


Wanda Malin, County Clerk

Motion was made by Commissioner Ferguson seconded by Commissioner Higdon to combine **RESOLUTIONS 20200121-05, 20200121-06, 20200121-07, 20200121-07, 20200121-08, 20200121-09, 20200121-10, 20200121-11, 20200121-12 AND 20200121-13.** On a voice vote, all present voted Aye. Motion Carries.

Motion was made by Commissioner Ferguson and seconded by Commissioner Hern to approve **RESOLUTIONS 20200121-05, 20200121-06, 20200121-07, 20200121-07, 20200121-08, 20200121-09, 20200121-10, 20200121-11, 20200121-12 AND 20200121-13** as combined. On a voice vote, all present voted Aye. Motion Carries.

RESOLUTION NO. 20200121-05

SPONSORED BY THE BENTON COUNTY DIRECTOR OF SCHOOLS MARK FLORENCE

LEGISLATIVE REFERENCE: BUDGET COMMITTEE

WHEREAS: There were several personnel changes within the School System and there were not enough funds in the proper Accounting Codes to finish the fiscal year;

THEREFORE: Be it resolved by the Benton County Board of Commissioners to approve the following changes within the 2019-20 budget as

follows;

INCREASE

72410 139 Assistant Principals \$ 10,500.00

72210 105 Supervisors 2,500.00

\$ 13,000.00

DECREASE

72710 729 Transportation Equipment \$ 13,000.00

RESOLUTION NO. 20200121-06

SPONSORED BY THE BENTON COUNTY DIRECTOR OF SCHOOLS MARK FLORENCE

LEGISLATIVE REFERENCE: BUDGET COMMITTEE

WHEREAS: The Board of Education is purchasing Chromebooks for student use in the Benton County School System;

THEREFORE: Be It resolved by the Benton County Board of Commissioners to approve the following changes within the 2019-20 budget as

follows;

INCREASE

71100 722 Instructional Equipment \$ 40,000.00

DECREASE

72710 729 Transportation Equipment \$ 40,000.00

RESOLUTION 20200121-07

On a roll call vote, all present voted Aye. Motion Carries.

RESOLUTION NO. 20200121-07

SPONSORED BY THE BENTON COUNTY DIRECTOR OF SCHOOLS MARK FLORENCE

LEGISLATIVE REFERENCE: BUDGET COMMITTEE

WHEREAS: School Food Service (143) account has been awarded a grant to increase breakfast participation

THEREFORE: Be it resolved by the Benton County Board of Commissioners to approve the following budget amendment:

INCREASE - Revenue

46980 Other State Grants \$1900.00

INCREASE – Expenditures

73100 710 Food Service Equipment \$1900.00

RESOLUTION NO. 20200121-08

SPONSORED BY THE BENTON COUNTY SHERIFF KENNY CHRISTOPHER

LEGISLATIVE REFERENCE: BUDGET COMMITTEE & LAW ENFORCEMENT COMMITTEE

WHEREAS, the Benton County Sheriff's Office has received reimbursements in the amount of \$ 1994.01 for revenues for the month of December, 2019; and

WHEREAS, it will be necessary to budget said funds in the amount of \$ 1994.01 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 21st day of January 2020 that the funds in the amount of \$ 1994.01 received by the Benton County Sheriff's Office for reimbursements for the month of December, 2019 be budgeted as follows:

DECREASE REVENUES:

101.44170 MISCELLANEOUS REFUNDS \$ 225.00

101.46290 GOVERNOR HWY SAFETY GRANT \$ 1769.01

\$ 1994.01

INCREASE EXPENDITURES:

101.54110.353 TOW IN SERVICES \$ 225.00

101.54110.451 UNIFORMS \$ 1769.01

\$ 1994.01

RESOLUTION NO. 20200121-09

SPONSORED BY THE 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 \$ 7,624.36 in awarded drug monies and, WHEREAS, it will be necessary to budget said funds in the amount of \$ 7,624.36 to the appropriate expenditure accounts within the Sheriff's Drug Enforcement budget.

NOW THEREFORE BE IT RESOLVED, By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this the 21st day of January, 2020 that the funds in the amount of \$ 7,624.36 be budgeted as follows:

DECREASE REVENUES:

122.44560 DAMAGES RECOVERED FROM INDIVIDUALS \$ 7,624.36

INCREASE EXPENDITURES:

122.54150.338 MAINTENANCE & REPAIR - VEHICLES \$ 1,000.00

122.54150.401 ANIMAL FOOD & SUPPLIES \$ 1,000.00

122.54150.431 LAW ENFORCEMENT SUPPLIES \$ 1,000.00

122.54150.716 LAW ENFORCEMENT EQUIPMENT \$ 4,624.36

\$ 7,624.36

RESOLUTION NO. 20200121-10

SPONSORED BY THE BENTON COUNTY DIRECTOR OF SCHOOLS MARK FLORENCE

LEGISLATIVE REFERENCE: BUDGET COMMITTEE

WHEREAS: The Benton County Board of Education received a grant from UTRUST;

THEREFORE: Be it resolved by the Benton County Board of Commissioners to approve the following changes within the 2019-20 budget as follows;

INCREASE

44990 Other Local Revenue \$ 19,500.00

71100 722 Instructional Equipment \$ 18,000.00

599 Other Charges 1,500.00

\$19,500.00

RESOLUTION NO. 20200121-11

SPONSORED BY THE BENTON COUNTY MAYOR BRETT LASHLEE

LEGISLATIVE REFERENCE: BUDGET, PROPERTY & LAW ENFORCEMENT COMMITTEES

WHEREAS, Benton County has received insurance recovery funds from Tennessee Risk Management Trust in the amount of \$2,128.37 for a wrecked patrol vehicle, a 2017 Ford; and

WHEREAS, it will be necessary to budget the said funds in the amount of \$2,128.37 within the appropriate expenditure account in order to repair the patrol vehicle.

NOW THEREFORE BE IT RESOLVED, By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this the 21ST Day of January 2020 that the funds in the amount of \$2,128.37 received from TN Risk Management Trust for insurance recovery on the Sheriff's 2017 Ford vehicle be budgeted to the Revenue Account No. 101.49700 – Insurance Recovery and to the Expenditure Account No. 101.54110.338 – Maintenance and Repair – vehicles.

RESOLUTION NO. 20200121-12

SPONSORED BY THE BENTON COUNTY MAYOR BRETT LASHLEE

LEGISLATIVE REFERENCE: BUDGET COMMITTEE & LAW ENFORCEMENT COMMITTEE

WHEREAS, the Benton County Animal Shelter is negative in their expenditure account No. 101.55120.357 – Veterinary Services; and
WHEREAS, the animal shelter has collected revenues from July through December for this fiscal year thus far in the total amount of
\$12,220.00; and

WHEREAS, it will be necessary to budget the said funds in the amount of \$12,220.00 to the appropriate expenditure accounts in order
to cover the negative balances and future expenditures.

NOW THEREFORE BE IT RESOLVED, By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this
the 21ST Day of January 2020 that the funds in the amount of \$12,220.00 be budgeted within the animal shelter budget as the
following:

INCREASE REVENUES:

101.41130 ANIMAL VACCINATIONS \$8,669.00
101.44130 SALE OF MATERIALS AND SUPPLIES \$ 60.00
101.48610 DONATIONS \$3,491.00
\$12,220.00

INCREASE EXPENDITURES:

101.55120.357 VETERINARY SERVICES \$10,000.00
101.55120.399 OTHER CONTRACTED SERVICES \$ 2,220.00
\$12,220.00

RESOLUTION NO. 20200121-13

SPONSORED BY THE BENTON COUNTY MAYOR BRETT LASHLEE

LEGISLATIVE REFERENCE: BUDGET COMMITTEE

WHEREAS, the Benton County Senior Citizens Department has received funds in the total amount of \$202.60 for building rental fees
and donation; and

WHEREAS, it will be necessary to budget the said funds in the amount of \$202.60 to the Senior Citizens Food Account within their
budget.


NOW THEREFORE BE IT RESOLVED, By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this
the 21st Day of January that the funds in the amount of \$202.60 from the Senior Citizens Center building rentals be budgeted as the
following:

INCREASE REVENUES:

101.44570 CONTRIBUTIONS & GIFTS \$102.60
101.48610 DONATIONS \$100.00
\$202.60

INCREASE EXPENDITURES:

101.56300.422 SENIOR CITIZENS FOOD SUPPLIES \$202.60
\$202.60



Brett Lashlee, County Mayor



Wanda Malin, County Clerk

Motion was made by Commissioner Ferguson and seconded by Commissioner Patton to approve **RESOLUTION 20200121-14**. On a roll call vote, 16 Ayes and 1 Pass. Motion Carries.

RESOLUTION NO. 20200121-14

SPONSORED BY THE BENTON COUNTY MAYOR BRETT LASHLEE

LEGISLATIVE REFERENCE: BUDGET COMMITTEE & PROPERTY COMMITTEE

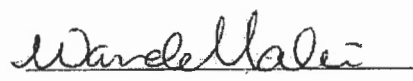
WHEREAS, the Benton County animal shelter had received the Gladys Tuturea Estate in the past and these funds are restricted and held in a sub fund reserve account; and

WHEREAS, it will be necessary to roll the balance of this estate fund over into this new year's budget by appropriating the remaining balance from the Unassigned Fund Balance of this sub-fund in the total amount of \$81,509.42 by budgeting \$79,074.47 into expenditure line item 101.100.55120.357 and \$2,434.95 into expenditure line item 101.100.55120.499.

NOW THEREFORE BE IT RESOLVED, By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this the 21ST Day of January 2020 that the funds in the amount of \$81,509.42 be appropriated from 101.100.39000 – Sub fund Unassigned Fund Balance and budget the amount of \$79,074.47 into expenditure line item 101.100.55120.357 and \$2,434.95 into expenditure line item 101.100.55120.499.

<u>RESOLUTION 20200121-14</u>							
COMMISSIONER	ABSENT	PRESENT	MOTION	SECOND	AYE	NAY	PASS
ANGIE HERN		X			X		
DON PATTON		X		X	X		
DAYNA FERGUSON		X	X		X		
KENNETH MILLER		X			X		
ROCKY PRESSON		X			X		
KELEAH DYE		X			X		
NORMAN FRAZIER		X					X
GARY FURR		X			X		
SONNY HALL		X			X		
PHIL MELTON		X			X		
DOUG VICKERS		X			X		
RACHELLE HILL		X			X		
JANET HIGDON		X			X		
ROSANNE WARD		X			X		
DARRELL HICKS	X						
RONNIE HOPPER		X			X		
MARY POWERS		X			X		
WARD PLANT		X			X		


Brett Lashlee, County Mayor


Wanda Malin, County Clerk

Motion was made by Commissioner Ferguson and seconded by Commissioner Hall to approve **RESOLUTION 20200121-15**. On a roll call vote, all present voted Aye. Motion Carries.

RESOLUTION NO. 20200121-15

SPONSORED BY THE BENTON COUNTY MAYOR BRETT LASHLEE

LEGISLATIVE REFERENCE: BUDGET COMMITTEE

WHEREAS, the court room security board sees a need for new signs to be put on all of the court room entrances and
WHEREAS, it will be necessary to appropriate the funds in the amount of \$500.00 from the Court Room Security Reserve Account in order to purchase the said signs from Berry Sign Co.

NOW THEREFORE BE IT RESOLVED, By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this the 21st Day of January that the funds in the amount of \$500.00 be appropriated from the Court Room Security Reserve Account and budgeted as the following:

DECREASE REVENUES:

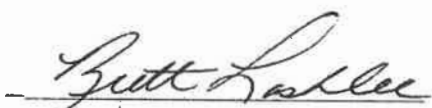
101.34520 RESERVE FOR COURTROOM SECURITY \$500.00

\$500.00

INCREASE EXPENDITURES:

101.53400.499 CHANCERY COURT OTHER SUPPLIES & MATERIALS \$500.00

\$500.00



Brett Lashlee, County Mayor



Wanda Malin, County Clerk

Motion was made by Commissioner Ferguson and seconded by Commissioner Higdon to approve **RESOLUTION 20200121-16**. On a roll call vote, all present voted Aye. Motion Carries.

RESOLUTION NO. 20200121-16

SPONSORED BY THE BENTON COUNTY MAYOR BRETT LASHLEE

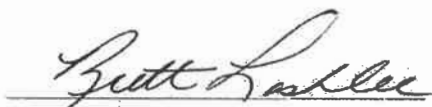
LEGISLATIVE REFERENCE: BUDGET COMMITTEE

WHEREAS, the Benton County Three Star Committee had received a grant and was able to purchase data processing equipment for the schools; and

WHEREAS, there is an annual local software maintenance and support expense from the vendor ATLAS in the amount of \$1,000; and

WHEREAS, it will be necessary to appropriate the said funds in the amount of \$1,000 from the Unassigned Fund Balance within the County General Fund and budget to the Expenditure Account No. 101.58120.317 – Industrial Development Data Processing Services.

NOW THEREFORE BE IT RESOLVED, By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this the 21st Day of January that the funds in the amount of \$1,000.00 to be appropriated from the Unassigned Fund Balance within the County General Fund and budget to the Expenditure Account No. 101.58120.317 – Industrial Development Data Processing Services in order to pay the annual ATLAS software maintenance and support fees for the data processing equipment the schools received through the Three Star Grant.



Brett Lashlee, County Mayor



Wanda Malin, County Clerk

NOTARIES

Motion was made by Commissioner Frazier and seconded by Commissioner Ferguson to approve January 2020 Notaries. On a voice vote, all present voted Aye. Motion Carries.

DIANNA HOLLAND

RITA M HASLAM

ANY OTHER BUSINESS

Motion was made by Commissioner Dye and seconded by Commissioner Ferguson to suspend the rules of order to bring Resolution 18 before 17. On a voice vote, all present voted Aye. Motion carries.

County Clerk Wanda Malin advised to do a roll call vote.

Motion was made by Commissioner Ferguson and seconded by Commissioner Frazier to approve **RESOLUTION 20200121-17**. On a roll call vote, all present voted Aye. Motion Carries.

RESOLUTION NO. 20200121-17

SPONSORED BY THE BENTON COUNTY MAYOR BRETT LASHLEE

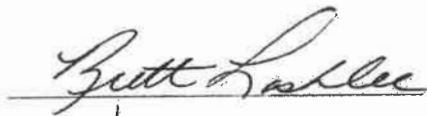
LEGISLATIVE REFERENCE: BUDGET COMMITTEE

WHEREAS, the Benton County Circuit and General Sessions Courts will have several jury trials coming up in the very near future and through the month of June; and

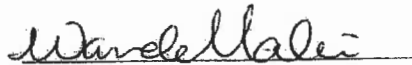
WHEREAS, the courts have already had more jury trials this year than originally budgeted for and anticipated; and

WHEREAS, it will be necessary to appropriate the funds in the amount of \$10,000 from the Unassigned Fund Balance within the General Fund and budget to the appropriate expenditure account in order to pay all of the jury and witness fees for the remainder of this fiscal year.

NOW THEREFORE BE IT RESOLVED, By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this the 21st Day of January that the funds in the amount of \$10,000 be appropriated from the Unassigned Fund Balance within the General Fund and budgeted to the Expenditure Account No. 101.53100.194 – Circuit Court Jury Fees in order to pay the jury and witness expenses for the remainder of this fiscal year.



Brett Lashlee, County Mayor



Wanda Malin, County Clerk

Motion was made by Commissioner Ferguson and seconded by Commissioner Miller to bring **RESOLUTION 20200121-18** back to the floor to approve **RESOLUTION 20200121-18**.

Motion was made by Commissioner Presson and seconded by Commissioner Frazier to amend **RESOLUTION 20200121-18** to change the wording to insert after the word "re-examine" in the 10th paragraph, "the formulas and calculator factors that are used in the pilot allocation formula."

Motion was made by Commissioner Ferguson and seconded by Commissioner Hern to approve **RESOLUTION 20200121-18** as amended. On a voice vote, all present voted Aye. Motion Carries.

RESOLUTION NO. 20200121-18

SPONSORED BY COMMISSIONERS ROCKY PRESSON & WARD PLANT

LEGISLATIVE REFERENCE: NONE

WHEREAS, 9.6 percent of Benton County is covered with water creating 242 miles of shoreline, 41 miles of lake make Benton County the number one county in the state of Tennessee with the most lake acreage, a total of 26,400 acres; and

WHEREAS, the Tennessee Valley Authority payments in lieu of taxes, also known as (PILOT) to the State of Tennessee for fiscal year 2014/2015 were \$353,900,000 (dollars);

WHEREAS, the State of Tennessee TVA Pilot Allocation formula created by the Tennessee General Assembly, allows the first \$55,200,000 dollars to remain in the state's general fund. The formula then allows the state to retain 48.5 percent of all dollars above the first \$55,200,000 for fiscal year 2014/2015. This formula allows the state of Tennessee to retain 64.2 percent or \$227,203,800 dollars of the TVA Pilot dollars for fiscal year 2015/2016, leaving \$126,696,200 dollars or 35.8 percent to be distributed among all Tennessee counties and cities; and

WHEREAS, the Tennessee Allocation Formula for the TVA Pilot payments does not include lake acreage;

WHEREAS, language can be found in the Tennessee Valley Authority Act of 1933 under section 13 that reads, lake acreage allocable to making power will be included in the Tennessee State Allocation Formula for the TVA Pilot payments; and

WHEREAS, Kentucky Lake is the largest manmade lake in the eastern United States.

WHEREAS, Kentucky Lake was created from damming the Tennessee River, it stretches across the western tip of Kentucky and the entire width of Tennessee.

WHEREAS, the Kentucky Lake Dam has a generating capability of 184 megawatts of electricity on an average day making Kentucky lake waters allocable to making power; and

WHEREAS, in essence Benton County's 41 square miles of lake, located halfway between dams, is the source of generated power production of the Kentucky Lake Dam;

NOW THEREFORE BE IT RESOLVED, By the Board of Commissioners of Benton County, Tennessee assembled in regular session on this the 21st Day of January 2020 to call on our state law makers to re-examine and amend the Tennessee Valley Authority in Lieu of Taxation Allocation Formula to concur with the Tennessee Valley Authority Act of 1933 Section 13 that reads "all lake acreage allocable to making power is included in determining the county's portion of PILOT Payment";


FURTHER BE IT RESOLVED, the Pilot Allocation Formula language requiring revenues to be retained by the State of Tennessee be exchanged with language that allows this portion of revenue to be used to pay for new increased revenues received by counties for their power asset lake acreage;

FURTHER BE IT RESOLVED, the TVA Pilot Allocation Formula for lake acreage be that equal to the formula used to calculate the land acreage;

FURTHER BE IT RESOLVED that, once adopted, a signed copy of this resolution be mailed by the Benton County Clerk to the offices of:

- Bruce Griffey 75th District State Representative
- John Stevens 24th District State Senate
- Mark Green 7th District United State House of Representatives
- Maria Blackburn U.S. Senate
- Lamar Alexander U.S. Senate
- Paul Phelan TVA West Tennessee District
- The Association of Tennessee Valley Governments (ATVG)
- Tennessee Advisory Commission on Intergovernmental Relations (TACIR)
- Tennessee Valley Authority Board of Directors
- All Kentucky Lake County Mayors
- David Kustoff 8th Congressional District


Brett Lashlee, County Mayor


Wanda Malin, County Clerk

Mayor Lashlee encouraged everyone to attend the town hall monthly meetings in Holladay and Big Sandy.

ADJOURNMENT

Motion was made by Commissioner Ferguson and seconded by Commissioner Hern to adjourn this meeting. Meeting was adjourned.

WANDA MALIN, COUNTY CLERK, DO CERTIFY THIS TO BE A TRUE AND COMPLETE COPY OF THE JANUARY 21, 2020 BENTON COUNTY COMMISSION MEETING.



BRETT LASHLEE, MAYOR



WANDA MALIN, COUNTY CLERK