
**MINUTES
SUMNER COUNTY BOARD OF COUNTY COMMISSIONERS
MAY 21, 2007**

The Board of County Commissioners of Sumner County, Tennessee met in regular session on Monday, May 21, 2007, in the Commission Chambers of the Sumner County Administration Building in Gallatin, Tennessee at 7:00 p.m. Present and presiding was the County Executive R.J. "Hank" Thompson. Also present were the County Clerk Bill Kemp and County Law Director Leah Dennen and the following Commissioners to wit:

Mike Akins	Steve Graves	Trisha LeMarbre
Sandra Ridings Boyd	Ragan Hall	Joe Matthews
David Cummings	Bob Hendricks	Bob Pospisil
Paul Decker	Billy S. Hobbs	David Satterfield
James A. England	Chris Hughes	Jerry F. Stone
Shawn Fennell	Anthony Holt	Jim Vaughn
Paul D. Freels	Merrol N. Hyde	
Paul Goode	David Kimbrough	

Having a duly constituted quorum, the meeting was opened in due process by Sheriff Bob Barker. Chairman R.J. "Hank" Thompson noted that with twenty-two members seated, a simple majority would be by thirteen votes; and that matters requiring a two-thirds vote would be by sixteen votes during this session. Commissioners Jo Skidmore and Kirk Moser were not present for the meeting.

The Invocation was led by David Jenkins of the First Assembly of God in Hendersonville.

The Pledge of Allegiance was led by the County Clerk, Bill Kemp.

APPROVAL OF AGENDA

Commissioner Goode moved, seconded by Commissioner Holt, to adopt the agenda. The Commission approved the agenda by unanimous voice vote of the body.

APPROVAL OF MINUTES

The minutes for the meeting of this body held on April 16, 2007, and recorded in the office of the Clerk, Bill Kemp, were approved by voice vote after Commissioner Graves made the motion, seconded by Commissioner Cummings. Commissioner LeMarbre abstained from the vote.

RECOGNITION OF THE PUBLIC

Chairman Thompson opened the floor to allow the public to speak concerning any matter on the agenda. Randy Andrews of Westmoreland requested the Commission to consider the needs of the Westmoreland Elementary School, which is housed in a 49-year-old building that has mold, a substandard boy's bathroom and inadequate wiring for electronics. Melissa Calvert of Westmoreland was present to speak on the

elementary school, as well. Chairman Thompson stated that because the matter about which Mr. Andrews spoke was not on the agenda, he and other speakers were not allowed to address the Commission about the Westmoreland school during Public Recognition. Recognized from the audience, Sarah Payne and Ruth Dickens of Portland were present to observe, but did not wish to speak. With no one else wishing to speak, recognition of the public was closed.

REPORT OF THE CHAIR

Commissioner Graves introduced the resolution and moved for approval. Commissioner Satterfield seconded the motion.

A RESOLUTION HONORING MR. IAN CRIDER

WHEREAS, Mr. Ian Crider, a Junior at Gallatin High School, recently earned a spot on in the USA Gymnastics Junior Olympics National Championship when he received a silver medal on parallel bars, fourth-place awards in the all-around pommel horse and vault, and fifth place in the floor competition during the Tennessee State Gymnastics Championships in Chattanooga; and

WHEREAS, Mr. Crider is an outstanding student as well as athlete, represents the future leadership of our county and is a positive role model for all persons; and

WHEREAS, Mr. Crider, through his determination and hard work in gymnastics, and his outstanding efforts in all his endeavors, has brought honor, not only to himself, but to his school and community and represents the future leadership of our county.

NOW, THEREFORE, BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 21st day of May, 2007, that this body does hereby congratulate and commend Mr. Ian Crider for his outstanding achievements; and

BE IT FURTHER RESOLVED that this resolution shall be spread on the minutes of this body and the Clerk is to furnish a copy of this resolution to Mr. Ian Crider.

Upon voice vote of the body, the Commission voted to approve the Certificate of Recognition.

Commissioner Kimbrough introduced the following resolution and moved for approval. Commissioner Hughes seconded the motion.

A RESOLUTION HONORING MISS HANNAH ROY

WHEREAS, Miss Hannah Roy, a rising Senior at Hendersonville High School, recently won a school-wide contest with her essay, "The Difference of a Letter", which addressed the topic "We Hold These Truths To Be Self-Evident; That All Men Are Created Equal"; and

WHEREAS, Miss Roy, is a positive role model for all persons and through her influence and dedication has positively influenced numerous students with her outstanding literacy skills; and

WHEREAS, Miss Roy, through her outstanding efforts in all her endeavors, has brought honor, not only to herself, but to her school and community and represents the future leadership of our county.

NOW, THEREFORE, BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 21st day of May, 2007, that this body does hereby congratulate and commend Miss Hannah Roy for her outstanding achievements; and

BE IT FURTHER RESOLVED that this resolution shall be spread on the minutes of this body and the Clerk is to furnish a copy of this resolution to Miss Hannah Roy.

Upon voice vote of the body, the Commission approved the Certificate of Recognition.

Without objection, Chairman Thompson declared the Certificate of Recognition for the Assessor of Property deferred one month.

REPORT FROM COUNTY OFFICIALS

By motion of Commissioner Akins , seconded by Commissioner England, the commissioners approved unanimously the filing as received of the following reports: County Investments, County General Fund, County Debt Service Fund, County Highway Fund, County Capital Outlay Fund, School General Purpose Fund, School Federal Projects Fund, School Food Service Fund, Employee Health Insurance Trust Fund, Employee Dental Insurance Trust Fund, Casualty Insurance Trust Fund, County Trustee Funds, Special Reports: County Dental Insurance Claim Payments, County Health Insurance Claim Payments, County Property Tax Collections, County EMS Billing/Collections/Balances, County Sales Tax Collections, County Wheel Tax Collections, County Tax Rates/Property Values and County School Loan Program Rates. Approval of the filing of these records does not certify to the accuracy of the documents.

Chairman Thompson introduced the following resolution:

0705-NOT

A RESOLUTION TO APPROVE AND ACCEPT APPLICATIONS FOR NOTARY PUBLIC POSITIONS AND PERSONAL SURETY GUARANTORS

WHEREAS, according to the law of the State of Tennessee, an individual must apply for the office of notary public in the county of residence, or of their principal place of business; and

WHEREAS, state statute requires personal sureties making bonds for Notaries publics to be approved by the Sumner County Commission; and

WHEREAS, said applicant must be approved by the County Commission assembled; and

WHEREAS, Bill Kemp, Sumner County Clerk, has certified according to the records of his office that the persons named on the attached listing labeled "SUMNER COUNTY NOTARY PUBLIC APPLICATIONS and SURETY GUARANTORS" have duly applied for the positions so sought; and

**BE IT FURTHER RESOLVED THAT THIS TAKE EFFECT FROM AND
AFTER PASSAGE.**

NOTARIES PUBLIC APPLICATIONS FOR ELECTION

BACHMAN, KELLY LYNN	MARTIN, DEBORAH K
BANDY, ANGELA P	MCGEE, NANCY C
BASSHAM, BRENDA KAYE	POTTS, JANICE
BAXTER, DEBORAH LYNNE	POWELL, CATHY S
BAYLEY, CHRISTINA L	PRYOR, TEMPLE PIERCEY
BLACK, RICHARD D	SCHWEITZER, CATHERINE ANNE
BRANHAM, MINERVA L	SCOTT, JAY E
BROWN, DOLORES EILEEN	SHEETS, TAMMY LYNNE
BRYAN, ZENETTE C	SLAYTON, KEVIN L
BRYANT, MELISSA JANE	STAHL, AMANDA L
CURTIS, MELODY BRYNN	TENUT, TERRI
DATTILO, KATHY LYNN	THOMPSON, HAROLD L
DORDAL, JOHN ALLAN	TURNER, LARRY D
FOX, MAUREEN E	WALKER, MARGARET ELLEN
GARRISON-CROOKS, BETH ANGEL	WEAVER, CYNTHIA ANN
GEORGE, PHILLIP A	WEISSINGER, RONALD E
GORE, ELAINE	WOODARD, JUDITH E
HANES, WILLIAM JAMES	WOODARD, RICKY W
HARRIS, BETHANY ANGELIQUE	<u>Sureties</u>
HOWELL, KRISTI S	BRENDA PAGE
HUMPHRIES-DIXON, MAGAN	TEMPLE P. PRYOR
HUTSON, GINA ELAINE	ANGELA P. BANDY
JIMENEZ, LEO S	
JONES, LISA W	
JONES, FREIDA	
JONES, KATHY A	
KNIGHT, JANET ELAINE	
LUELLEN, KARA A	
LYONS, PAMELA JEAN	
MAGGART JR, JESSE R	
MALONE, CHRISTIE B	

Upon motion of Commissioner Holt, seconded by Commissioner Vaughn, voting was recorded in the following manner:

Akins	Y	Fennell	Y	Cummings	Y
Hall	Y	Graves	Y	Satterfield	Y
Holt	Y	Matthews	Y	Boyd	Y
England	Y	Hendricks	Y	Vaughn	Y
LeMarbre	Y	Decker	Y	Hyde	Y
Hughes	Y	Kimbrough	Y	Goode	Y
Freels	Y	Stone	Y	Hobbs	Y
Pospisil	Y				

0705-NOT Yes: 22 No: 0 Abs: 0 07:22 PM

Chairman Thompson declared the election of Notaries Public by the body.

COMMITTEE ON COMMITTEES

Commissioner LeMarbre announced an appointment to the Sumner Regional Airport Authority to fill the term of Robert Newman who is deceased. The committee voted to present the following three names in nomination: David Hunter, Jr., Len Assante and Danny Cox. This matter was deferred at the April Commission meeting for more information.

Commissioner Hobbs moved, seconded by Commissioner Goode, to defer the matter for thirty days, with the Clerk to supply information on the three nominees and the current list of Airport Authority members.

The electronic vote was recorded in the following manner:

Akins	Y	Fennell	Y	Hall	Y
Graves	A	Satterfield	Y	Holt	Y
Matthews	N	Boyd	Y	England	Y
Hendricks	Y	Vaughn	Y	LeMarbre	A
Decker	Y	Hyde	Y	Hughes	Y
Kimbrough	Y	Goode	Y	Freels	A
Stone	Y	Hobbs	Y	Pospisil	Y

DEFER Yes: 17 No: 1 Abs: 3 07:27 PM

Chairman Thompson declared the motion to defer passed by the body.

Commissioner LeMarbre announced an appointment to the Board of Equalization to fill the term of Don Morris who is deceased. Upon motion of Commissioner LeMarbre, seconded by Commissioner Hall, the Commission voted unanimously to approve Terry L. Burkeen to fill the vacancy. Commissioner LeMarbre stated that Assessor of Property John Isbell requested the appointment be made this month to allow Mr. Burkeen to participate in State training.

Chairman LeMarbre reported that the committee will consider the following next month: 1) Sumner County Resource Authority appointment to fill the expiring term of Steve White; 2) the County Executive's appointments to the Ethics Committee, if the ethics resolution is approved by the full Commission in the May meeting.

HIGHWAY COMMISSION

There was no report from the Highway Commission.

EDUCATION COMMITTEE

Commissioner Decker introduced the following resolution and moved for approval. Commissioner LeMarbre seconded the motion.

0507-01 A RESOLUTION ALLOWING THE SUMNER COUNTY BOARD OF EDUCATION TO ENTER INTO CONTRACTS WITH KAATZ, BINKLEY, JONES AND MORRIS, ARCHITECTS, INC. AS WELL AS THE FIRM OF JOHNSON & BAILEY TO DESIGN NEW SCHOOLS FOR THE SUMNER COUNTY SCHOOL SYSTEM WITH FUNDING FOR THESE COSTS FROM THE \$150 MILLION BOND ISSUE

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 21st day of May, 2007, that this body hereby allows the Sumner County Board of Education to enter into contracts with the firm of Kaatz, Binkley, Jones and Morris Architects, Inc. as well

as the firm of Johnson & Bailey to design new schools for the Sumner County School System with funding for these costs from the \$150 Million Bond Issue.

Commissioner Hobbs moved to amend the resolution, seconded by Commissioner Stone, by adding the following on the fourth line after "to design new schools":

and the remodeling and/or additions to certain schools as previously endorsed by the Sumner County Board of County Commissioners as the Phase I Building Program for the Sumner County Schools System; and

Further be it resolved, that said architectural fees shall not exceed 2.5 percent for new construction and five percent for remodeling and/or additions. The funding for these costs shall be provided from the \$150 million bond issue.

The electronic vote was recorded in the following manner:

Akins	Y	Fennell	Y	Cummings	Y
Hall	Y	Graves	Y	Satterfield	Y
Holt	A	Matthews	A	Boyd	Y
England	Y	Hendricks	Y	Vaughn	A
LeMarbre	Y	Decker	Y	Hyde	A
Hughes	Y	Kimbrough	Y	Goode	A
Freels	Y	Stone	Y	Hobbs	Y
Pospisil	Y				

0705-01 Yes: 17 No: 0 Abs: 5 07:39 PM

Chairman Thompson declared the amendment to the motion approved by the body.

During discussion, Chairman Thompson relinquished the Chair to Chairman Pro Tem Ragan Hall in order to address the Commission about this matter. He spoke in favor of the Commission rejecting the above-stated resolution, emphasizing the importance of following procedures to obtain an architect to build schools.

The electronic vote was recorded in the following manner:

Akins	Y	Fennell	N	Cummings	N
Hall	N	Graves	Y	Satterfield	Y
Holt	A	Matthews	N	Boyd	Y
England	Y	Hendricks	Y	Vaughn	N
LeMarbre	Y	Decker	Y	Hyde	N
Hughes	N	Kimbrough	N	Goode	N
Freels	N	Stone	Y	Hobbs	Y
Pospisil	N				

0705-01 Yes: 10 No: 11 Abs: 1 08:11 PM

Chairman Thompson declared the resolution failed to pass by the necessary two-thirds vote.

GENERAL OPERATIONS COMMITTEE

There was no report from the General Operations Committee.

EMERGENCY MEDICAL SERVICES COMMITTEE

Commissioner Vaughn reported that the Emergency Medical Services Committee had reviewed the use of fuel and the running of ambulances when parked. He said Mr. Wallace would be addressing the matter.

PUBLIC WORKS COMMITTEE

There was no report from the Public Works Committee.

LEGISLATIVE COMMITTEE

Commissioner Hyde introduced the following resolution and moved for approval. Commissioner Holt seconded the motion.

**0705-02 A RESOLUTION ASKING THE STATE AUDIT DEPARTMENT
TO INCLUDE THE ADEQUATE FACILITIES TAX IN THE AUDIT
AND AUDIT CITIES**

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 21st day of May, 2007, that this body hereby asks the State Audit Department to include the Adequate Facilities Tax in the annual audit of Sumner County, including an audit of the sums collected by any cities in Sumner County.

Commissioner England moved, seconded by Commissioner Cummings, to strike the reference to the audit costing no more than \$3,000.00 (as reflected in the above-stated resolution.) Upon voice vote of the body, Chairman Thompson declared the amendment approved. Commissioner Hall voted against the amendment.

Commissioner Vaughn moved, seconded by Commissioner Goode, to refer the matter to the Legislative Committee. Chairman Thompson stated that this audit is a unique request, so the State Comptroller's Office is researching the cost and manner in which the audit is to be conducted.

The electronic vote was recorded in the following manner:

Akins	N	Fennell	N	Cummings	N
Hall	Y	Graves	N	Satterfield	N
Matthews	Y	Boyd	Y	England	A
Hendricks	N	Vaughn	Y	LeMarbre	Y
Decker	Y	Hyde	N	Hughes	Y
Kimbrough	Y	Goode	Y	Freels	N
Stone	N	Hobbs	N	Pospisil	Y

REFER Yes: 10 No: 10 Abs: 1 08:29 PM

Chairman Thompson declared the motion to refer failed to pass.

The electronic vote on the main motion as amended was recorded in the following manner:

Akins	Y	Fennell	Y	Cummings	Y
Hall	A	Graves	Y	Satterfield	Y
Holt	Y	Matthews	Y	Boyd	Y
England	Y	Hendricks	Y	Vaughn	Y
LeMarbre	Y	Decker	Y	Hyde	Y

Hughes	Y	Kimbrough	Y	Goode	A
Freels	Y	Stone	Y	Hobbs	Y
Pospisil	A				

0705-02 Yes: 19 No: 0 Abs: 3 08:29 PM

Chairman Thompson declared the Resolution approved by the body by the necessary majority vote.

Commissioner Hyde introduced the following resolution and moved for approval.
Commissioner Holt seconded the motion.

0705-03 A RESOLUTION APPROVING THE POLICIES OF THE TRUSTEE'S OFFICE

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 21st day of May, 2007, that this body hereby approves the policies of the Trustee's Office as attached herewith.

Upon unanimous voice vote of the body, the Chairman declared Resolution 0705-03 approved.

Commissioner Hyde introduced the following resolution and moved for approval.
Commissioner England seconded the motion.

0705-04 A RESOLUTION APPROVING THE CREATION OF BUCKET ACCOUNTS FOR THE OFFICES OF THE TRUSTEE AND THE COUNTY CLERK

WHEREAS, the Offices of the Trustee and the County Clerk collect hundreds of checks on a daily basis, many arriving through the mail; and

WHEREAS, many checks arrive with an incorrect amount for the payment of fees; and

WHEREAS, staff time, postage and paper costs make it necessary to establish a policy for handling nominal over and under payment of fees, taxes and other costs

NOW, THEREFORE, BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 21st day of May, 2007, that this body hereby approves the creation of Bucket Accounts for the Office of the Trustee and the Office of the County Clerk; and

BE IT FURTHER RESOLVED that payment received for ten dollars (\$10.00) or less than the actual amount owed will be retained in the appropriate Bucket Account and nominal underpayments of one dollar (\$1.00) or less shall be funded from the appropriate Bucket Account.

Upon unanimous voice vote of the body, the Chairman declared Resolution 0705-04 approved. NOTE: Reconsideration and amendment of this resolution on Page 339.

Commissioner Hyde introduced the following resolution and moved for approval.
Commissioner Vaughn seconded the motion.

0705-05 A RESOLUTION APPROVING THE ETHICS POLICY

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 21st day of May, 2007, that this body hereby approves the Ethics Policy of Sumner County as set forth below:

**CODE OF ETHICS
SUMNER COUNTY, TENNESSEE**

Section 1. Definitions.

- (1) "County" means Sumner County, which includes all boards, committees, commissions, authorities, corporations or other instrumentalities appointed or created by the county or an official of the county, and specifically including the county school board, the county election commission, the county health department, and utility districts in the county.
- (2) "Officials and employees" means and includes any official, whether elected or appointed, officer, employee or servant, or any member of any board, agency, commission, authority or corporation (whether compensated or not), or any officer, employee or servant thereof, of the county.
- (3) "Personal interest" means, for the purpose of disclosure of personal interests in accordance with this Code of Ethics, a financial interest of the official or employee, or a financial interest of the official's or employee's spouse or child living in the same household or an authoritative position with any non-profit or for-profit organization which seeks contracts, donations, or benefits from the county, in the matter to be voted upon, regulated, supervised, or otherwise acted upon in an official capacity.

Section 2. Disclosure of personal interest in voting matters.

An official or employee with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and to be included in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official or employee may, to the extent allowed by law, recuse himself or herself from voting on the measure.

Section 3. Disclosure of personal interest in non-voting matters.

An official or employee who must exercise discretion relative to any matter other than casting a vote and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on the attached disclosure form and file the disclosure form with the county clerk. In addition, the official or employee may, to the extent allowed by law, recuse himself or herself from the exercise of discretion in the matter.

Section 4. Acceptance of gifts and other things of value.

An official or employee, or an official's or employee's spouse or child living in the same household, may not accept, directly or indirectly, any gift, money, gratuity, or other consideration or favor of any kind from anyone other than the county:

- (1) For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties; or

- (2) That a reasonable person would understand was intended to influence the vote, official action, or judgment of the official or employee in executing county business.

It shall not be considered a violation of this policy for an official or employee to receive entertainment, food, refreshments, meals, health screenings, amenities, foodstuffs, or beverages that are provided in connection with a conference sponsored by an established or recognized statewide association of county government officials or by an umbrella or affiliate organization of such statewide association of county government officials. It shall not be considered a violation of this policy for an employee or official to receive a monetary award from a national chartered organization of not more than \$100.

Section 5. Ethics Complaints.

A County Ethics Committee (the "Ethics Committee") consisting of five members shall be appointed to one-year terms by the County Executive with confirmation by the county legislative body, to be appointed each year at the same time as internal committees of the county legislative body. At least three members of the committee shall be members of the county legislative body; one member shall be a constitutional county officer or, should no constitutional county officer be willing to accept appointment, an additional member of the county legislative body; and the remaining member may be either a member of a board, committee, commission, authority, corporation, or other instrumentality governed by this policy, or an additional member of the county legislative body. The Ethics Committee shall convene as soon as practicable after their appointment and elect a chair and a secretary. The records of the Ethics Committee shall be maintained by the secretary and shall be filed in the office of the county clerk, where they shall be open to public inspection.

Questions and complaints regarding violations of this Code of Ethics or of any violation of state law governing ethical conduct should be directed to the chair of the Ethics Committee. Complaints shall be in writing and signed by the person making the complaint, and shall set forth in reasonable detail the facts upon which the complaint is based.

The County Ethics Committee shall investigate any credible complaint against an official or employee charging any violation of this Code of Ethics, or may undertake an investigation on its own initiative when it acquires information indicating a possible violation, and make recommendations for action to end or seek retribution for any activity that, in the Committee's judgment, constitutes a violation of this Code of Ethics. If a member of the Committee is the subject of a complaint, such member shall recuse himself or herself from all proceedings involving such complaint.

The Committee may:

- (1) Refer the matter to the County Attorney for a legal opinion and/or recommendations for action;
- (2) In the case of an official, refer the matter to the county legislative body for possible public censure if the county legislative body finds such action warranted;
- (3) In the case of an employee, refer the matter to the official responsible for supervision of the employee for possible disciplinary action if the official finds discipline warranted;
- (4) In a case involving possible violation of state statutes, refer the matter to the district attorney for possible ouster or criminal prosecution;

The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this Code of Ethics. When a violation of this Code of Ethics also constitutes a violation of a personnel policy or a civil service policy, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this Code of Ethics.

Section 6. Applicable State Laws.

In addition to the ethical principles set out in this Code of Ethics, state laws also provide a framework for the ethical behavior of county officials and employees in the performance of their duties. Officials and employees should familiarize themselves with the state laws applicable to their office or position and the performance of their duties. To the extent that an issue is addressed by state law (law of general application, public law of local application, local option law, or private act), the provisions of that state law, to the extent they are more restrictive, shall control. Following is a brief summary of selected state laws concerning ethics in county government. For the full text of these statutes, see the Tennessee Code Annotated (T.C.A.) sections indicated.

Campaign finance – T.C.A. Title 2, Chapter 10. Part One (campaign financial disclosure) requires candidates for public office to disclose contributions and contributors to their campaigns. Part Three (campaign contribution limits) limits the total amount of campaign contributions a candidate may receive from an individual and sets limits on the amount a candidate may receive in cash.

Conflict of interest – T.C.A. § 12-4-101 is the general conflict of interest statute that applies in all counties. It prohibits anyone who votes for, lets out, or in any manner supervises any work or contract from having a direct financial interest in that contract, purchase or work, and it requires disclosure of indirect financial interests by public acknowledgment.

Conflict of interest – T.C.A. § 49-6-2003 applies to the department of education in all counties and prohibits direct and indirect conflicts of interest in the sale of supplies for use in public schools.

Conflict of interest – T.C.A. § 5-1-125 applies in all counties and prohibits county officials and employees from purchasing surplus county property except where it is sold by public bid.

Conflict of interest – T.C.A. § 54-7-203 applies in all counties that are governed by the County Uniform Highway Law. It prohibits officials and employees in the highway department and members of the county legislative body from having any personal interest in purchases of supplies, materials, machinery, and equipment for the highway department.

Conflict of interest – T.C.A. § 5-14-114 applies in counties that have adopted the County Purchasing Law of 1957. It prohibits the purchasing agent, members of the purchasing commission, and all county officials from having any financial or other personal beneficial interest in any contract or purchase of goods or services for any department or agency of the county.

Conflict of interest – T.C.A. § 5-21-121 applies in counties that have adopted the County Financial Management System of 1981. It prohibits all county officials and employees from having any financial or other personal beneficial interest in the purchase of any supplies, materials or equipment for the county.

Conflict of interest – T.C.A. § 5-5-102 and §12-4-101 govern disclosures and abstentions from voting due to conflicts of interest of members of county legislative bodies.

Conflict of interest disclosure statements – T.C.A. § 8-50-501 and the following sections require candidates and appointees to local public offices to file a disclosure statement with the state ethics commission listing major sources of income, investments, lobbying activities, professional services provided, bankruptcies, certain loans, and other information, and to keep these statements up to date.

Gifts – T.C.A. § 5-14-114 applies in counties that have adopted the County Purchasing Law of 1957. It prohibits the purchasing agent, members of the purchasing commission, and all county officials from receiving anything of value, directly or indirectly, from anyone who may have or obtain a contract or purchase order with the county.

Gifts – T.C.A. § 5-21-121 applies in counties that have adopted the County Financial Management System of 1981. It prohibits the finance director, purchasing agent, and employees in those departments from accepting anything of value, directly or indirectly, from anyone who furnishes supplies, materials or equipment to the county.

Honoraria – T.C.A. § 2-10-116 prohibits elected officials from accepting an honorarium (including money or anything of value, but not including reimbursement for actual expenses) for an appearance, speech, or article in their official capacity.

Private use of public property – T.C.A. § 54-7-202 applies in counties that are governed by the County Uniform Highway Law. It prohibits the private use of equipment, rock, and other highway materials.

Court sales – T.C.A. § 39-16-405 prohibits judges, clerks of court, court officers, and employees of court, from bidding on or purchasing any property sold through the court for which such person discharges official duties.

Rules of the Supreme Court – Rule 10, Cannon 5 (Code of Judicial Conduct) establishes ethical rules for judges and other court personnel when exercising judicial functions.

Fee statutes – T.C.A. § 8-21-101, § 8-21-102, and § 8-21-103 set out circumstances where fees are authorized, prohibit officials from requiring payment of fees in advance of performance of services except where specifically authorized, and set penalties for charging excessive or unauthorized fees.

Consulting fee prohibition for elected county officials – T.C.A. § 2-10-122 and § 2-10-124 prohibit officials from receiving compensation for advising or assisting a person or entity in influencing county legislative or administrative action.

Crimes involving public officials– T.C.A. § 39-16-101 and the following sections prohibit bribery, soliciting unlawful compensation, and buying and selling in regard to offices.

Official misconduct – T.C.A. § 39-16-402 applies to public servants and candidates for office and prohibits unauthorized exercise of official power, acting in an official capacity exceeding the servant's power, refusal to perform a duty imposed by law, violating a law relating to the servant's office or employment, and receiving a benefit not provided by law.

Official oppression – T.C.A. § 39-16-403 prohibits abuse of power by a public servant.

Bribery for votes – T.C.A. § 2-19-121, § 2-19-126, and § 2-19-127 prohibit bribery of voters in elections.

Misuse of official information – T.C.A. § 39-16-404 prohibits a public servant from attaining a benefit or aiding another person in attaining a benefit from information which was obtained in an official capacity and is not available to the public.

Ouster law – T.C.A. § 8-47-101 sets out conduct which is punishable by ouster from office, including misconduct in office and neglect.

BE IT FURTHER RESOLVED that a summary of the Ethics Policy is attached herewith as Exhibit A; and

BE IT FURTHER RESOLVED that the form attached as Exhibit B shall be used by all County Officials and employees to disclose potential issues; and

BE IT FURTHER RESOLVED that any complaint or question about this policy shall be presented to the Clerk on the appropriate form (attached here as Exhibit C); and

BE IT FURTHER RESOLVED that a copy of the Ethics Policy as well as Exhibit A, B, and C shall be furnished to the Office of the County Clerk for review by interested parties.

EXHIBIT A

SUMMARY OF SUMNER COUNTY, TENNESSEE CODE OF ETHICS

Any personal interests in voting or non-voting matters that relate to any county matters are to be disclosed.

A *personal interest* (of official, employee, spouse or child living in the same household) is a *financial interest* or an *authoritative position with any non-profit or for-profit organization* which seeks contracts, donations, or benefits from the county which would be voted on, regulated, supervised, or dealt with in an official capacity.

With a voting matter, the disclosure may disallow the person from voting on a particular matter, if the disclosure shows a conflict of interest. (As set forth below)

With non-voting matters, the disclosure form shall be filled out and filed with the county clerk. (Form Attached)

Any time a disclosure of a personal interest is to be made, a reasonable person standard is used, meaning if any reasonable person would be led to infer that a vote or an opinion of a person is affected, then disclosure is required.

Gifts in Exchange for an Act or Non-Performance of an Act

Any official, employee or spouse or child living in the same household, may not accept any gift, money, gratuity, or other consideration or favor of any kind from anyone other than from the county.

Any gifts that give the appearance of tending to influence are banned from acceptance. An exception to this would be if an official or employee received entertainment, food, refreshments, meals, health screenings, greetings, amenities, or beverages or award (of up to \$100.00 from an affiliated organization).

Questions / Concerns / Complaints

All questions, concerns, and complaints regarding any possible violations of the Code of Ethics should be directed to the Chair of the Ethics Committee. Complaints are to be made in writing and signed by the person making the complaint. (A copy of the disclosure/complaint form is attached)

EXHIBIT C

**SUMNER COUNTY
CODE OF ETHICS**

CONFLICT OF INTEREST COMPLAINT

Instructions: This form is for reporting ALLEGATIONS OF VIOLATIONS OF THE Code of Ethics of this county. Please set forth the facts relating to the complaint.

1. Date of event:
2. Name of official or employee:
3. Office and position:
4. Description of personal interest (describe below in detail):

Signature of Complainant

Witness Signature

Printed name of witness

EXHIBIT B

**SUMNER COUNTY
CODE OF ETHICS**

CONFLICT OF INTEREST DISCLOSURE STATEMENT

Instructions: This form is for reporting personal interests required to be disclosed under Section 3 of the Code of Ethics of this county. Officials and employees are required to disclose personal interests in matters that affect or would lead a reasonable person to infer that it would affect the exercise of discretion of an official or employee.

1. Date of disclosure:
2. Name of official or employee:
3. Office and position:
4. Description of personal interest (describe below in detail):

Signature of official or employee

Witness Signature

Printed name of witness

Chairman Thompson recognized County Law Director Leah Dennen who explained the ethics resolution.

The electronic vote was recorded in the following manner:

Akins	Y	Fennell	Y	Cummings	Y
Hall	Y	Graves	Y	Satterfield	N
Holt	Y	Matthews	Y	Boyd	Y
England	Y	Hendricks	Y	Vaughn	Y
LeMarbre	Y	Decker	Y	Hyde	Y
Hughes	Y	Kimbrough	Y	Goode	Y
Freels	Y	Stone	N	Hobbs	Y
Pospisil	Y				

0705-05 Yes: 20 No: 2 Abs: 0 08:53 PM

Chairman Thompson declared Resolution 0705-05 approved by the body.

BUDGET COMMITTEE

Commissioner Kimbrough introduced the following resolution and moved for approval. Commissioner Hobbs seconded the resolution.

0705-06 A RESOLUTION APPROVING THE PURCHASE OF THREE (3) REGULAR EDUCATION BUSES AND SIX (6) SPECIAL EDUCATION BUSES IN THE AMOUNT OF \$774,537.00 WITH HALF BEING PAID BY SUMNER COUNTY AND HALF BEING PAID BY THE SCHOOL SYSTEM

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 21st day of May, 2007, that this body hereby approves the purchase of three (3) regular Education Buses and six (6) Special Education buses in the amount of \$774,537.00 with half being paid by Sumner County and half being paid by the school system as shown on the attachment herewith.

The electronic vote was recorded in the following manner:

Akins	Y	Fennell	Y	Cummings	Y
Hall	Y	Graves	Y	Satterfield	Y
Holt	Y	Matthews	Y	Boyd	Y
England	Y	Hendricks	Y	Vaughn	Y
LeMarbre	Y	Decker	Y	Hyde	Y
Hughes	Y	Kimbrough	Y	Goode	Y
Freels	Y	Stone	N	Hobbs	Y
Pospisil	Y				

0705-06 Yes: 21 No: 1 Abs: 0 08:54 PM

Chairman Thompson declared the resolution approved by the body by the necessary two-thirds majority.

CONSENT AGENDA

Commissioner Kimbrough moved to approve the following resolutions. Commissioner Hughes seconded the motion.

0705-07 A RESOLUTION APPROVING THE FISCAL YEAR 2006-2007 SUMNER COUNTY BOARD OF EDUCATION FEDERAL PROJECTS BUDGET AMENDMENTS AND APPROPRIATING AND/OR TRANSFERRING SUCH FUNDS AS REQUIRED

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 21st day of May, 2007, that this body hereby approves the 2006-2007 Sumner County Board Federal Projects Budget Amendments and appropriates and/or transfers such funds among the various accounts as shown on the attached schedules which are hereby incorporated as a part of this resolution.

0705-08 A RESOLUTION APPROVING BUDGET TRANSFERS WITHIN THE OFFICE OF THE COUNTY CLERK AS SHOWN ON THE ATTACHED EXHIBIT

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 21st day of May, 2007, that this body hereby approves budget transfers within the office of the County Clerk (as set forth on exhibit A) from and to the various accounts attached herewith.

0705-09 A RESOLUTION APPROVING BUDGET TRANSFERS WITHIN THE OFFICE OF THE CLERK & MASTER AS SHOWN ON THE ATTACHED EXHIBIT

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 21st day of May, 2007, that this body hereby approves budget transfers within the Office of the Clerk & Master (as set forth on exhibit A) from and to the various accounts attached herewith.

0705-10 A RESOLUTION APPROVING BUDGET TRANSFERS WITHIN THE DEPARTMENT OF HEALTH AS SHOWN ON THE ATTACHED EXHIBIT

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 21st day of May, 2007, that this body hereby approves budget transfers within the Department of Health (as set forth on exhibit A) from and to the various accounts attached herewith.

0705-11 A RESOLUTION APPROVING BUDGET TRANSFERS WITHIN VARIOUS ACCOUNTS OF THE ELMER HINTON LIBRARY

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 21st day of May, 2007, that this body hereby approves budget transfers within various account of the Elmer Hinton Library as follows:

	<u>Account</u>	<u>Account Number</u>	<u>Amount</u>
<u>FROM:</u>	Fund Reserve Account	(101-35113)	\$21,586.00
<u>TO:</u>	Maintenance/Building Account	(56530-335)	\$1,100.00
	Maintenance/Equipment Account	(56530-336)	200.00
	Supplies Account	(56530-435)	1,500.00

Payroll Account	(56530-162)	3,500.00
Grant Account	(56530-598)	1,286.00
Other Charges Account	(56530-599)	<u>14,000.00</u>
	Total	\$21,586.00

**0705-12 RESOLUTION AUTHORIZING TRANSFERS WITHIN
VARIOUS ACCOUNTS OF THE OFFICE OF THE SHERIFF**

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 21st day of May, 2007, that this body hereby authorizes transfers within various accounts of the Office of the Sheriff as shown on the attachment herewith.

**0705-13 A RESOLUTION APPROVING A CONTRACT IN THE AMOUNT OF
\$13,200.00 WITH ATECH FOR KITCHEN EQUIPMENT MAINTENANCE IN
THE SUMNER COUNTY JAIL**

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 21st day of May, 2007, that this body hereby approves a contract in the amount of \$13,200.00 with ATECH for kitchen equipment maintenance in the Sumner County Jail.

**0705-14 A RESOLUTION DECLARING A TRANE SIX ROW COIL UNIT
AS SURPLUS PROPERTY**

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 21st day of May, 2007, that this body hereby declares a Trane Six Row Coil Unit as described on Attachment A as surplus property.

**0705-15 A RESOLUTION DECLARING THE OLD SUMNER COUNTY
CREMATORY AS SURPLUS PROPERTY AND OFFERING IT TO THE
CITY OF PORTLAND BEFORE AUCTION**

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 21st day of May, 2007, that this body hereby declares the old Sumner County Crematory as surplus property and authorizing the Purchasing Director to offer the same for \$5,000.00 to the City of Portland; and

BE IT FURTHER RESOLVED that the crematory shall be sold on gov.deals if the City of Portland does not wish to accept the offer.

PROPERTY TAX REFUNDS

The following property tax refunds were included on the Consent Agenda:

John G. Genung, \$498.05 Property Tax Collections
Barbara Stacey \$77.78 Property Tax Collections

Chairman Thompson declared the Consent Agenda approved by the body on the first and final reading.

RECONSIDERATION OF RESOLUTION 0705-04

Being on the prevailing side, Commissioner Matthews moved, seconded by Commissioner Good, to reconsider Resolution 0705-04. The motion carried unanimously. Commissioner LeMarbre moved, seconded by Commissioner Goode, to approve the amended the resolution as follows:

0705-04 A RESOLUTION APPROVING THE CREATION OF BUCKET ACCOUNTS FOR THE OFFICES OF THE TRUSTEE AND THE COUNTY CLERK

WHEREAS, the Offices of the Trustee and the County Clerk collect hundreds of checks on a daily basis, many arriving through the mail; and

WHEREAS, many checks arrive with an incorrect amount for the payment of fees; and

WHEREAS, staff time, postage and paper costs make it necessary to establish a policy for handling nominal over and under payment of fees, taxes and other costs

NOW, THEREFORE, BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 21st day of May, 2007, that this body hereby approves the creation of Bucket Accounts for the Office of the Trustee and the Office of the County Clerk; and

BE IT FURTHER RESOLVED that over-payment received for ten dollars (\$10.00) or less than the actual amount owed will be retained in the appropriate Bucket Account and nominal underpayments shall be funded from the appropriate Bucket Account.

Upon unanimous voice vote of the body, the Chairman declared Resolution 0705-04 as amended approved.

Chairman Thompson recognized Commissioner Matthews who clarified the April deferral of the Committee on Committees matter, regarding the Airport Authority appointment. The matter was deferred on the floor of the Commission for further review. Chairman Thompson declared the action of the Commission stands.

ADJOURNMENT

Chairman Thompson declared the Commission meeting adjourned at 9:00 p.m. upon motion of Commissioner Matthews.

BILL KEMP, CLERK

R.J. "HANK" THOMPSON, CHAIRMAN

Prepared by Maria A. Moser

Approved on _____