

## WEAKLEY COUNTY LEGISLATIVE BODY MEETING

SEPTEMBER 21, 2009

The Weakley County Legislative Body met in Regular session on September 21, 2009 at 5:30 p.m. in the County Commission Room at the Weakley County Courthouse. Chairman Phebus called the meeting to order.

County Mayor Patrick gave the invocation.

All members present gave the Pledge of Allegiance to the Flag.

County Clerk, Pat Scarbrough called the Roll with 17 members present and one member, Commissioner McAlpin was absent.

Chairman Phebus called for a Motion to approve the July 30, 2009 meeting minutes. Commissioner Jones placed the Motion and Commissioner Owen placed a second to the Motion. There was not any discussion and a voice vote was taken. The ayes carried with none opposed, the Minutes of the July 30, 2009 meeting were approved.

### **ELECTIONS, APPOINTMENTS & CONFIRMATIONS:**

The first election was for Chairman of the Weakley County Legislative Body. At this time Chairman Pro Tempore Buckley took over the Chair and called for nominations for Chairman. Commissioner Salmon nominated Commissioner Phebus and made the Motion and Commissioner Stewart placed a second to the Motion. There was not any other nominations placed on the Floor and a voice vote was taken, the ayes carried with none opposed and Commissioner Phebus was elected Chairman for the Weakley County Legislative Body for the year 2009-2010.

The next item was the election of Chairman Pro Tempore. Chairman Phebus took the Chair and called for nominations for Chairman Pro Tempore. Commission Wright nominated and made the Motion for Commissioner Buckley as Chairman Pro Tempore and Commissioner Farmer placed a second to the Motion. There were not any other nominations and a voice vote was taken, the ayes carried with none opposed, Commission Buckley was elected Chairman Pro Tempore.

The next item was the appointment of the Weakley County Board of Commissioner's Committee Members. Commissioner Westbrook of the Rules Committee recommended and made the Motion that all Committees remain the same, that the County Veterans Service Officer is Ronald Cheatham, and the County Safety Officer is Jamison Peevyhouse, Commissioner Buckley placed a second to the Motion. A voice vote was taken and the ayes carried with none opposed. The appointments as presented were approved.

The next item was the appointment of Emergency Management Officer. Commissioner Wright nominated Jamison Peevyhouse and made the Motion and Commissioner Salmon placed a second to the Motion. A voice vote was taken and the ayes carried with none opposed. Jamison Peevyhouse was appointed Emergency Management Officer.

The next appointment was for one member to the Everett Stewart Regional Airport Board. Chairman Phebus made the Motion to appoint Commissioner Westbrook to a two-year term ending August 31, 2011 or at the end of his term, which ever comes first and Commissioner Wright placed a second to the Motion. A voice vote was taken and the ayes carried with none opposed. Commissioner Westbrook was appointed the Everett Stewart Regional Airport Board.

The next appointment was for County Coroner. Commissioner Rook made the Motion to appoint Rick Workman at the recommendation of County Mayor Patrick and Commissioner Taylor place a second to the Motion. A voice vote was taken and the ayes carried with none opposed. Rick Workman was appointed as County Coroner.

The next appointment was for County Medical Examiner. Commissioner Farmer made a Motion to appoint Dr. Walter Fletcher at the recommendation of County Mayor Patrick and Commissioner Vincent placed a second to the Motion. A voice vote was taken and the ayes carried with none opposed. Dr. Walter Fletcher was appointed County Medical Examiner.

The last item under elections, appointments and confirmations was the Election of Notaries Public. Commissioner Wright made a Motion to approve the List of Notaries Public and Commissioner Stewart placed a second to the Motion. A voice vote was taken and the ayes carried with none opposed. The List of Notaries Public was approved.

### **REPORTS:**

The Financial Reports, the Trustee's Report, the Veterans Service Report and the Ag Extension Report were included in the packets. Chairman Phebus called for a Motion to accept the reports as filed. Commissioner Westbrook made the Motion and Commissioner Buckley placed a second to the Motion. A voice vote was taken and the ayes carried with none opposed. The Reports were accepted as filed.

### **OLD BUSINESS:**

None.

### **NEW BUSINESS:**

**RESOLUTION NO. 2010-04:** Resolution to Adopt Rules Regulating the Procedures of the Board of County Commissioners of Weakley County, TN.

Commissioner Westbrook gave the Committee Report and recommended the adoption of the Rules without any changes from the prior year and this Resolution passed the Committee eight members for and one member absent. Commissioner Westbrook made a Motion to place the Resolution on the Floor for discussion and Commissioner Jones placed a second to the Motion. Discussion was called and the question. County Clerk Scarbrough called the Roll with 17 ayes and one absent. The Motion carried.

**RESOLUTION NO. 2010-05:** Resolution to Affirm Compliance with Federal Title VI Regulations.

Commissioner Buckley made the Motion and Commissioner Jones placed a second to the Motion. Discussion was called and the question. County Clerk Scarbrough called the Roll with 17 ayes and one absent. The Motion carried.

Chairman Phebus called for a Motion to consider collectively Resolutions No. 2010-06, 2010-07, 2010-08 and 2010-09. Commissioner Sinclair made the Motion and Commissioner Owen place a second to the Motion. A voice vote was taken and the ayes carried with none opposed. Resolution No. 2010-06, 2010-07, 2010-08 and 2010-09 were considered as one.

**RESOLUTION NO. 2010-06:** Resolution Authorizing Budget Amendments to the General Purpose School Fund for the Fiscal Year Ending June 30, 2010.

**RESOLUTION NO. 2010-07:** Resolution Authorizing Budget Amendments to the School Federal Projects Fund for the Fiscal Year Ending June 30, 2010.

**RESOLUTION NO. 2010-08:** Resolution Authorizing Budget Amendments to the General Fund for the Fiscal Year Ending June 30, 2010 (Health Department).

**RESOLUTION NO. 2010-09:** Resolution Authorizing Budget Amendments to the General Fund for the Fiscal Year Ending June 30, 2010 (Sheriff Department).

Motion was made by Commissioner Sinclair to place Resolution 2010-06, 2010-07, 2010-08 and 2010-09 on the Floor for Discussion. Commissioner Owen placed a second to the Motion. Discussion was called and the question. County Clerk Scarbrough called the Roll with 17 ayes and one absent. The Motion carried.

**RESOLUTION NO. 2010-10:** Resolution Authorizing Weakley County, TN to Comply with the Minimum Training Requirements for Firefighters.

Chairman Phebus called for the Committee Report from Commissioner Vincent, Chairman of Public Safety Committee. Commissioner Vincent commented that this Resolution passed his Committee. Chairman Phebus questioned if there was a cost to the County for this and Commissioner Vincent commented no, there would not be any cost to

the County, this is for training that requires all firefighters in the county to meet minimum training requirements for safety purposes. However, Commissioner Vincent commented that there would be a cost to the fire departments for a portion of the training. Commissioner Vincent made the Motion to place the Resolution on the Floor and Commissioner Wright placed a second to the Motion. Discussion was called and Commissioner Rook questioned what the Fire Chiefs of Weakley County had to say about this Resolution. Commissioner Vincent commented that the Fire Chiefs who attended a meeting on this issue were in favor of the resolution, but he had not personally spoke to every fire chief in the county. County Attorney Washburn explained the Tennessee Legislature passed a law that gives the few counties exempted for the new firefighting training requirements the option of opting in and accepting the additional training requirements. County Attorney Washburn commented that Weakley County was one in the population bracket that would be exempt. The state law has provided provisions by vote of the County Commission to opt in to this State Law. Commissioner Vincent commented that fire chiefs have informed him that failure to enact the resolution could affect the county's ability to receive federal grants in the future. Commissioner Vincent commented that most of the city fire and rural fire departments are already in compliance with the requirements. Commissioner Vincent added the out-of-county training required is conducted at Jackson at a cost of \$50 per trainee to be paid by the fire department. County Attorney Washburn commented that the new law allows those firefighters with five years or more experience to be grandfathered in and that those not directly involved in firefighting, such as radio operators and other support personnel are also exempt. Question was called and County Clerk Scarbrough called the Roll with 16 ayes, one pass and one absent. The Motion carried.

**RESOLUTION NO. 2010-11:** Resolution to Remove The Law Enforcement Powers Of The Office Of Constable In Weakley County.

Commissioner Westbrook made a Motion to place the Resolution on the Floor and Commissioner Sinclair placed a second to the Motion. Discussion was called. Commissioner Stewart questioned the procedure on this Resolution. Chairman Phebus commented that the law requires this Resolution to be passed in two different meetings by two-thirds majority vote. Chairman Phebus called for the Public Safety Committee Report. Commissioner Vincent commented that the Public Safety Committee looked at the Resolution but did not vote on the Resolution. Commissioner Medling commented that he would like to hear from Sheriff Mike Wilson concerning this Resolution. This Resolution does not eliminate the office of Constables, it merely limits their actions to serving court papers, such as warrants and court summons. Sheriff Wilson commented that there are three Constables that are some what active, the biggest concern would be the counties liability for their actions, to give an example, if a constable had knowledge of domestic violence taking place, but chose not to respond and something bad were to occur, the county could be liable. Constables would still be able to serve warrants and civil papers.

Commissioner Westbrook commented from his viewpoint that it is totally a liability issue to the County. There are two or three districts that do not have constables at this time. The County was sued in approximately 1998 when a constable stopped someone and there was an altercation, which led to a civil rights lawsuit. The cities and counties spend a lot of money sending officers to Donaldson to be trained, so we won't have these kind of problems and the public will be treated fairly and honestly according to the law. Commissioner Farmer questioned if all Counties have Constables. Commissioner Westbrook replied no, approximately one-third of the counties in Tennessee no longer have constables, another one-third has eliminated the law enforcement powers of constables and remaining third still have full law enforcement powers. Commissioner Westbrook made a Motion to amend the Resolution to read that the effective date would be at midnight on August 31, 2010, or at the end of the current term in office. Commissioner Taylor placed a second to the Motion. Commissioner Owen questioned again if this Resolution will require voting at two different meetings with a two-thirds majority vote to become law and that he would like for the Public Safety Committee to meet and make a recommendation on this Resolution. Chairman Phebus stated there is an amendment on the Floor, discussion on the amendment was called, there was not any discussion on the amendment and a voice vote was taken and the ayes carried with none opposed. The Motion as amended carried. There was other discussion from various Commissioners concerning duties, bonds and qualifications of constables. Chairman Phebus stated that we are back on Resolution 2010-11 as amended, discussion was called and the question. The County Clerk, Pat Scarbrough called the Roll with 13 ayes, 4 pass, and one absent. The first Reading of Resolution 2010-11 carried.

**MISCELLANEOUS STATEMENTS AND ANNOUNCEMENTS:**

Chairman Phebus commented that the next regular meeting of the Weakley County Legislative Body meeting would be at 5:30 p.m. on November 16, 2009.

Commissioner Westbrook made a motion to adjourn and Commissioner Wright placed a second to the Motion. The Weakley County Legislative Body stood adjourned at 6:11 p.m.

ATTEST:

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Pat Scarbrough, Weakley County Clerk