

RESOLUTION NO. 1998-14

RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE
TO EXECUTE AN AGREEMENT ON BEHALF OF WEAKLEY COUNTY
WITH CERTAIN MUNICIPALITIES FOR THE ALLOCATION
OF PROCEEDS FROM ANY ADDITIONAL COUNTY SALES TAX LEVY

WHEREAS, the county legislative body of Weakley County, Tennessee, has the authority under T.C.A. § 67-6-702 to levy an additional county sales tax up to a rate of 2.75%, subject to voter approval in a referendum, and

WHEREAS, it is in the interest of Weakley County to use additional local sales tax proceeds to retire debt incurred in financing the construction of a new county jail facility, and

WHEREAS, under the terms of T.C.A. § 67-6-712, one-half of the county local option sales tax collected must be expended for education, and the other one-half must be distributed to a municipality or the county on the basis of the site of collection, and

WHEREAS, the amount of local option sales tax collected from within incorporated municipalities and distributed based upon the site of collection must be distributed to the municipality for use at the discretion of the municipality unless the municipality contracts with the county for a different distribution of this portion of the situs based collection, and

WHEREAS, it would serve the interest of the residents of Weakley County to know before a referendum vote how any increase in local option sales tax revenue would be used, and

WHEREAS, it would benefit all of the residents of Weakley County for the municipalities of Dresden, Gleason, Greenfield, Martin and Sharon to participate in construction of a new county jail facility,

NOW THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Weakley County, Tennessee, meeting in regular session in Dresden, Tennessee, as follows:

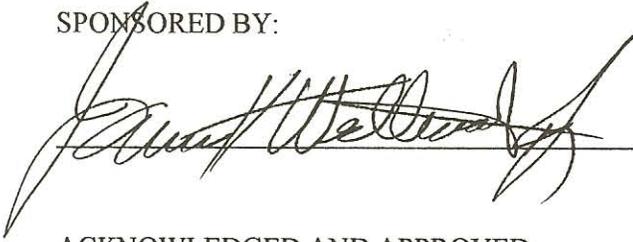
1. The county executive of Weakley County is authorized to enter into an agreement with the mayor or appropriate agent of the Tennessee municipalities of Dresden, Gleason, Greenfield, Martin and Sharon regarding the allocation of proceeds from any additional county local option sales tax levy which may be approved by the voters in a referendum during calendar year 1998. Any such agreement shall reflect substantially the provisions of the draft agreement attached to this resolution as Exhibit 1.
2. The purpose of any agreement authorized by this resolution shall be to secure the necessary funds to retire any debt of Weakley County which may be incurred to finance the construction of a new county jail facility.
3. Any agreement executed pursuant this resolution shall be subject to approval by the board of county commissioners of Weakley County, Tennessee and the governing body of the respective contracting municipalities.

BE IT FURTHER RESOLVED, that all resolutions of the Board of County Commissioners of Weakley County, Tennessee, which are in conflict with this resolution are hereby repealed.

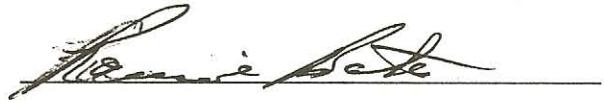
BE IT FURTHER RESOLVED, that this resolution take effect from and after its passage, the public welfare requiring it. This resolution shall be spread upon the minutes of the Board of County Commissioners.

Pursuant To The Rules Of The Commission, This Resolution is Sponsored By The Following Members Of The Weakley County Board Of County Commissioners:

SPONSORED BY:



SPONSORED BY:



ACKNOWLEDGED AND APPROVED:



Chairman, Finance, Ways & Means Committee

Motion made by Commissioner Dunn that the foregoing resolution be adopted:

Motion seconded by Commissioner Bucy.

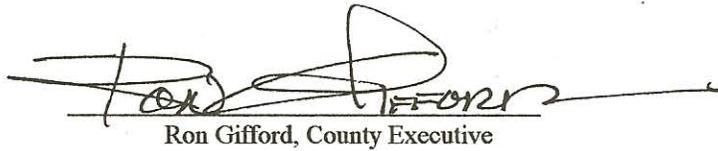
Upon being put to a roll call vote, Motion carried by a vote of 20 Yeas, 0 Nays,
0 Passed and 0 Absent.

Attested:



Pat Scarbrough, County Clerk

Approved:



Ron Gifford, County Executive

THIS THE 22nd DAY OF September, 1997.

EXHIBIT # 1

INTERGOVERNMENTAL AGREEMENT FOR THE ALLOCATION
OF A PORTION OF ANY ADDITIONAL COUNTY SALES TAX LEVY

WHEREAS, the county legislative body of Weakley County, Tennessee, has the authority under T.C.A. § 67-6-702 to levy an additional county sales tax up to a rate of 2.75%, subject to voter approval in a referendum, and

WHEREAS, it is in the interest of Weakley County to use a portion of any additional local sales tax proceeds to retire debt incurred in financing the construction of a new county jail, and

WHEREAS, under the terms of T.C.A. § 67-6-712, one-half of the county local option sales tax collected must be expended for education, and the other one-half must be distributed to a municipality or the county on the basis of the site of collection, and

WHEREAS, the amount of local option sales tax collected from within incorporated municipalities and distributed based upon the site of collection must be distributed to the municipality for use at the discretion of the municipality unless the municipality contracts with the county for a different allocation of this portion distributed on the basis of the site of collection, and

WHEREAS, it would serve the interest of the residents of Weakley County to know before a referendum vote how any increase in local option sales tax revenue would be used, and

WHEREAS, the board of county commissioners of Weakley County has authorized the county executive of Weakley County, Tennessee to enter into such an agreement,

NOW, THEREFORE, WEAKLEY COUNTY, TENNESSEE AND THE TENNESSEE MUNICIPALITIES OF DRESDEN, GLEASON, GREENFIELD, MARTIN AND SHARON AGREE AS FOLLOWS:

1. In the event that during calendar year 1998, the county legislative body of Weakley County adopts a resolution to increase the rate of the county local option sales tax from 2.25% to 2.75% and such resolution is approved by the voters of the county in a referendum according to state law, then the Tennessee municipalities of Dresden, Gleason, Greenfield, Martin and Sharon agree that Weakley County, Tennessee shall receive an amount of funds according to the schedule described in Paragraph 4 below to be used by Weakley County in retiring the county's indebtedness incurred from the construction of a new county jail facility, such funds being a portion of the funds allocated to such municipalities from the situs distribution (non-education portion) of the county local option sales tax proceeds.
2. Weakley County agrees to expend the proceeds from any additional .5% county local option sales tax levy approved in calendar year 1998 and collected in the unincorporated area of the county and distributed to the county on the basis of the site of collection for the retirement of the indebtedness of the county incurred for the construction of a new jail facility.
3. The county trustee shall deduct monthly an amount equal to the proceeds derived from any additional .5% county local option sales tax levy approved in calendar year 1998 and allocated to each municipality which is a party to this agreement according to the site of collection until the total amount of monthly deductions during each year equals the annual agreed contribution of each municipality according to the schedule listed in Paragraph 4, and the county trustee shall transfer such deducted amounts monthly to the county debt service fund. For purposes of this agreement, the year for measuring the annual contribution of each municipality which is a party to this agreement shall begin on the first day of the month in which the proceeds from any additional .5% county local option sales tax levy is first received by the county trustee and continue for each twelve month period thereafter.

4. The annual contribution by the municipalities for the purpose of retiring the county indebtedness for the construction of a jail facility shall be as follows:
 - A. Dresden - \$59,860
 - B. Gleason - \$16,163
 - C. Greenfield - \$31,683
 - D. Martin - \$274,745
 - E. Sharon - \$11,002

The above amounts shall be maximum amounts for each twelve month period of collections. Should the cumulative amount of any twelve month collections for any city be in excess of the amount given above the city shall receive the excess until the end of that twelve month period. Should the cumulative amount of any twelve month collections for any city be less than the amount given above, the city shall not be liable for the remaining portion of the maximum amount given.

5. The term of this agreement is twelve years from the date of the beginning of the collection of the county local option sales tax in Weakley County at a rate of 2.75% sometime during the year 1998. Deductions from the situs based county local option sales tax proceeds allocated to the municipalities according to the schedule listed in Paragraph 4 shall cease when the debt incurred for the construction of the county jail facility has been retired. It is the intent of this provision that this agreement shall be in effect for one hundred and forty four (144) months, beginning on the first day of the month in which the proceeds from any additional .5% county local option sales tax levy is first received by the county trustee as described in Part 3. of this agreement.
6. This agreement shall not be effective until approved by the county legislative body of Weakley County and the governing body of each of the five incorporated municipalities listed above and upon the adoption of a resolution by the county legislative body of Weakley County increasing the rate of the county local option sales tax from 2.25% to 2.75%, and the approval of such a resolution by the qualified voters of Weakley County in a referendum held for this purpose.
7. It is understood and agreed by the parties to this agreement that this agreement is in addition to any previous agreements between Weakley County and the contracting municipalities, and that in the event of a conflict between this agreement and any previous agreement that this agreement shall supercede the previous agreement, but that otherwise any previous agreements shall remain in effect.
8. The municipalities which are a party to this agreement agree that Weakley County relies upon this agreement to incur debt for the construction of a new jail facility and that Weakley County may take all steps necessary to enforce this agreement.

WEAKLEY COUNTY by:

County Executive

CITY OF DRESDEN by:

Mayor

TOWN OF GLEASON by:

Mayor

TOWN OF GREENFIELD by:

Mayor

CITY OF MARTIN by:

Mayor

TOWN OF SHARON by:

Mayor