

**RESOLUTION 2003-23  
(TABLED 01-21-2003)**

**RESOLUTION CONCERNING APPOINTMENT OF  
DUI FINES TO REIMBURSE INCARCERATION COSTS.**

**WHEREAS**, Section 55-10-403(a)(2) states that a portion of any fine imposed upon a person for a violation of the section, up to the maximum fine actually imposed shall be returned to the sheriff of a county jail for the purpose of reimbursing such sheriff for the cost of incarcerating such person for each night such person is actually in custody for a violation of this section; and

**WHEREAS**, the General Assembly specifically made provisions for DUI fines to be used to offset the expenses of housing these prisoners as a result of passing more stringent DUI legislative; and

**WHEREAS**, the various towns and cities have ceased reimbursing the county for the costs of incarcerating DUI offenders as provided by this Section; and

**WHEREAS**, the County Attorney and the Attorney General of the State of Tennessee have opined and advised city officials of this liability; and

**WHEREAS**, the Municipal Technical Advisory Service (MTAS) advised municipal officials in a memorandum dated April 1, 1996 that cities were liable for board of DUI offenders; and

**WHEREAS**, despite being billed and advised of this obligation on several occasions the amounts unpaid as of December 31, 2002 are: City of Dresden (\$11,137), City of Gleason (\$2,645), the City of Greenfield (\$15,148), the City of Martin (\$25,811), and the City of Sharon (\$3,117); and

**WHEREAS**, it is in the best interest of all parties that this matter be resolved in an expeditious manner.

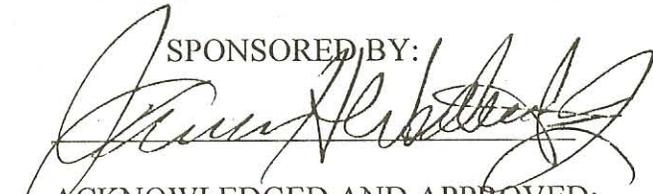
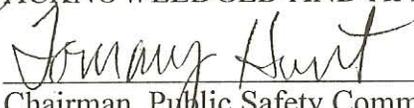
**NOW, THEREFORE, BE IT RESOLVED**, by the county legislature body of Weakley County, Tennessee, assembled in regular session on this the 21<sup>st</sup> day of January 2003, in Dresden, Tennessee, the various towns and cities of Weakley County owing the sheriff fees for the incarceration of DUI prisoners be asked to immediately make payment of such funds in the amount of \$57,858 or make arrangements with the Sheriff and Director of Finance for payment of the amount owed.

**BE IT FURTHER RESOLVED**, that if any city or town desires an audit of these accounts the expense of such audit shall be borne by the city making the request and that the amount determined to be the correct shall be the amount paid whether a lessor or greater amount than that set out above.

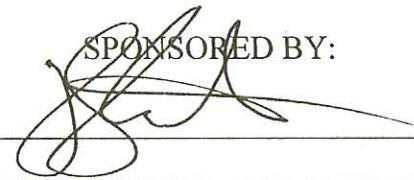
**BE IT FURTHER RESOLVED**, that if any city or town fails to pay or make arrangement to pay the amounts owed within thirty days the County Attorney is instructed to file a suit to recover funds owed.

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:

  
\_\_\_\_\_  
ACKNOWLEDGED AND APPROVED:  
  
\_\_\_\_\_  
Chairman, Public Safety Committee

SPONSORED BY:

  
\_\_\_\_\_  
ACKNOWLEDGED AND APPROVED:  
  
\_\_\_\_\_  
Chairman, Finance, Ways, & Means Committee

Motion made by \_\_\_\_\_ that the foregoing resolution be adopted:

Motion seconded by \_\_\_\_\_.

Upon being put to a roll call vote, Motion \_\_\_\_\_ by a vote of \_\_\_\_\_ Yeas, \_\_\_\_\_ Nays,  
\_\_\_\_\_ Passed and \_\_\_\_\_ Absent.

APPROVED:

\_\_\_\_\_  
Ron Gifford, County Executive

ATTESTED:

\_\_\_\_\_  
Pat Scarbrough, County Clerk

This the 21st day of January 2003