

RESOLUTION 2004 - 18**RESOLUTION TO INCREASE THE LITIGATION TAXES FOR
GENERAL SESSIONS COURT IN WEAKLEY COUNTY, TENNESSEE**

WHEREAS, Tennessee Code Annotated § 16-15-5006 authorizes counties to levy an additional litigation tax of up to six dollars (\$6.00) in general sessions court to help fund increases in compensation for general sessions judges required by 1988 Public Chapter 698; and

WHEREAS, Tennessee Code Annotated § 16-15-5006(a) provides further that, if during any fiscal year the amount of revenue generated by the local tax authorized by that section does not sufficiently fund the increase in general sessions judge's compensation mandated by Tennessee Code Annotated, Title 16, Chapter 15, Part 50, the local litigation tax may be raised to an amount more than six dollars (\$6.00) if necessary to fund the mandated increase; provided that such increase be adjusted annually; and

WHEREAS, prior resolution of the Weakley County Legislative Body imposed the additional litigation tax authorized by Tennessee Code Annotated § 16-15-5006 at the six dollar (\$6.00) level; and

WHEREAS, Weakley County has determined that the six dollars (\$6.00) litigation tax no longer generates sufficient revenue to fund the increase in the general sessions judge's compensation mandated by Tennessee Code Annotated Title 16, Chapter 15, Part 50;

NOW, THEREFORE, BE IT RESOLVED by the Weakley County Legislative Body meeting in Regular Session at Dresden, Tennessee, on this 20th day of January, 2004, that:

SECTION 1. On the effective date provided in Section 3, below, the local litigation tax in effect in general sessions court in Weakley County shall be increased by \$4.00 in excess of the six dollars (\$6.00), as authorized by Tennessee Code Annotated § 16-15-5006.

SECTION 2. Taxes levied pursuant to this resolution shall be collected in addition to all state and other county litigation taxes in general sessions court and shall be chargeable upon filing in a civil case and upon conviction in a criminal case in general session court. The increase authorized by this resolution shall remain in effect in Weakley County until the end of the fiscal year during which this increase is enacted and shall be re-enacted, repealed, or adjusted annually to ensure that the revenue generated by this resolution does not exceed the increases in general sessions judge's compensation mandated by Tennessee Code Annotated Title 16, Chapter 15, Part 50.

SECTION 3. This resolution shall be effective and the taxes imposed by this resolution shall take effect on the first day of February, 2004, the public welfare requiring it.

SECTION 4. The local litigation taxes collected pursuant to this Resolution shall be paid over to the County Trustee monthly and deposited in the county general fund.

SECTION 5. If any provision of this resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this resolution which can be given effect without the invalid provision or application and to that end the provisions of this resolution are declared to be severable.

SECTION 6. The presiding officer of this legislative body shall certify the passage of this resolution to the Secretary of State as provided in Tennessee Code Annotated § 16-15-5006

BE IT FURTHER RESOLVED, that this resolution shall take effect upon passage by a two thirds majority of the members of the Board of County Commissioners of Weakley County, Tennessee.

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:

Kevin Miller

SPONSORED BY:

William J. Jones

ACKNOWLEDGED AND APPROVED:

Shel Vincent
Chairman, Public Safety Committee

ACKNOWLEDGED AND APPROVED:

Paul Rahn
Chairman, Finance, Ways, & Means Committee

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

Motion seconded by Commissioner Salmon.

Upon being put to a roll call vote, Motion carried by a vote of 17 Yeas, 0 Nays,

0 Passed and 1 Absent.

APPROVED:

Ron Gifford
Ron Gifford, County Mayor

ATTESTED:

Pat Scarbrough
Pat Scarbrough, County Clerk

This the 20th Day of January 2004.