

RESOLUTION 2020-16
RESOLUTION FOR LOCAL GOVERNMENT PARTICIPATION IN THE
ELECTRONIC MONITORING INDIGENCY FUND

WHEREAS, pursuant to Chapter 505 of the 2019 Public Acts, a local government shall have the option to participate in the Electronic Monitoring Indigency Fund (“EMIF”) relative to the payment of costs for eligible transdermal monitoring devices, other alternative drug and alcohol monitoring devices, and global positioning monitoring devices for its indigent defendants (collectively, “Devices”). Participation shall be demonstrated through a resolution legally adopted and approved by the Local Government’s legislative body accepting the liability associated with participation and containing the budgeted amount that the Local Government commits to its participation in the EMIF;

WHEREAS, Weakley County “Local Government” desires to participate in the EMIF relative to the payment of costs associated with Devices until such time as the Local Government withdraws its participation in the EMIF.

WHEREAS, the Local Government agrees that in order to participate in the EMIF for the payment of costs associated with Devices, it shall adopt this resolution containing a budgeted amount for the upcoming fiscal year and sign a memorandum of understanding with the State of Tennessee (“State”) about the payment of costs;

WHEREAS, through the memorandum of understanding between the Local Government and the State, the State may bill the local government for its budgeted amount by drawing from either the Local Government’s Local Government Investment Pool (“LGIP”) account or from a bank account designated by the Local Government for costs associated with Devices;

WHEREAS, the State may also obtain money from participating Local Governments for costs associated with Devices from the Local Government’s state-shared taxes;

WHEREAS, through the Local Government’s participation and for the duration of its participation period, the Local Government will be responsible for fifty percent (50%) of the cost associated with Devices that have been ordered on or after July 1, 2019;

WHEREAS, the Local Government understands through the execution of this document that the State will provide funds matching each Local Government’s budgeted amount for participation in the fund, subject to an appropriation by the State and the solvency of either or both of the accounts contained in the EMIF;

WHEREAS, for each upcoming fiscal year, the Local Government agrees that it will work cooperatively with the State to develop its budgeted amount for participation in the fund prior to approval by the Local Government’s legislative body to determine if the State anticipates having sufficient funds to provide its fifty percent (50%) match;

WHEREAS, for each year of participation subsequent to the Local Government’s initial participation year, and no later than a date certain established by the State Treasurer, the Local Government shall notify the State Treasurer of the budgeted amount that is approved for its continued participation in the EMIF within thirty (30) days after the Local Government budget is approved by the local legislative body along with a copy of the approved budget; said budgeted amount shall appropriate the funds necessary for the Local Government to meet its liabilities;

WHEREAS, to the extent that the Local Government does not pay its costs associated with Devices, the State will cease paying its portion of the costs, and the State will not approve any claims or pay any invoices on a going forward basis until such time that the Local Government has sufficient funds;

WHEREAS, subject to applicable rules, policies, procedures and guidance from the State, a Local Government may amend its budget by reducing and not increasing its budgeted amount;

WHEREAS, the Local Government shall be solely responsible for its liability in its EMIF participation as indicated in applicable laws, rules, this resolution and memorandum of understanding; and

WHEREAS, should a Local Government withdraw its participation from the EMIF, the Local Government shall pay outstanding liabilities for Device invoices for claims that were approved during the period of time the Local Government participated in EMIF.

NOW, THEREFORE BE IT RESOLVED, by the county legislative body of Weakley County, Tennessee assembled in regular session on this the 16th day of September, 2019, that the Weakley County Board of County Commissioners hereby authorizes Weakley County Local Government's participation in EMIF with the Local Government being solely responsible for meeting the requirements, conditions, limitations and restrictions relative to the payment of its liabilities associated with participation in the EMIF. The Weakley County Commission has also adopted a budget appropriating the funds necessary to meet the Local Government's liabilities associated with its participation in EMIF and has committed a budgeted amount of \$2,500 that will be used to fund its participation for the fiscal year beginning July 1, 2019. A copy of the budget is attached hereto.

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

BE IF 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 Commissioner, This Resolution Is Sponsored By The Following Members Of The Weakley County Board of Highway Commissioners:

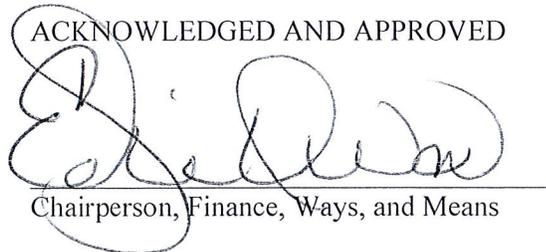
SPONSORED BY:



SPONSORED BY:



ACKNOWLEDGED AND APPROVED


Chairperson, Finance, Ways, and Means

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

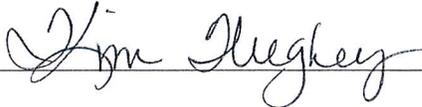
Motion seconded by Commissioner Nanney.

Upon being put to a voice vote, motion carried by a vote of

14 Yeas, 0 Nays, 0 Passed, and 4 Absent.

ATTESTED:

APPROVED:



Kim Hughey, County Clerk



Jake Bynum, Chairperson, County Commission
Weakley County Mayor

THIS THE 16th DAY OF SEPTEMBER, 2019.