

COUNTY COMMISSION MEETING, REGULAR SESSION, JUNE 18, 2007

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BE IT REMEMBERED, that the County Commissioners of Carter County, Elizabethton, Tennessee, met in Regular Session on June 18, 2007, at 7:00 P.M. in the main courtroom of the Carter County Courthouse. Present and presiding were the Honorable Johnny Holder, County Mayor/Chairman; the Honorable Keith Bowers, Jr., County Attorney; and the Honorable Mary Gouge, County Clerk. The following Commissioners were present: Jack Buckles, Gebe Ritchie, Lawrence Hodge, Nancy Brown, Jeff McKinney, R. L. Miller, Jim Whaley, Harry Sisk, Jerry Pearman, L. C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Dickie Renfro, Terry Montgomery, Ken Arney, Larry McKinney, Lynn Tipton, Jack Campbell, Richard Tester, Bill Armstrong, Robert Davis and Robert Gobble.

ROLL CALL.....QUORUM PRESENT

PRAYER.....LAWRENCE HODGE

PLEDGE.....ROBERT DAVIS



Carter County Commission

Johnny L. Holder
County Chairman
Lawrence Hodge
Vice-Chairman

801 E. Elk Avenue
Elizabethton, TN 37643
(423) 542-1801
(423) 542-9279 Fax

PUBLIC NOTICE OF A REGULAR SESSION OF THE CARTER COUNTY COMMISSION

NOTICE IS HEREBY GIVEN to all members of the Carter County Commission, to all residents of the County of Carter, Tennessee, and to all persons interested, that the Regular Session of the Carter County Commission will be held Monday, June 18, 2007, 7:00 p.m., Main Courtroom, Carter County Courthouse, 801 E. Elk Avenue, Elizabethton, Tennessee.

Agenda

- Call to Order
- Roll Call
- Opening Prayer
- Pledge of Flag
- Recognition of Elected Officials/Guests
- Acceptance of Minutes from Previous Meeting
- Public Comments
- Litigation Tax Resolution
- Rules of Ethics
- Committee Reports/Recommendations
- Adjourn

All matters that may be normally considered by the Commission may be taken up and acted on at such meetings.

Johnny Holder, County Chairman
Carter County, Tennessee

Mayor Holder recognized the elected and appointed officials in the audience by asking them to stand. State Representative Kent Williams was recognized by Mayor Holder and gave the Commission an update on recently passed and pending future legislation in Nashville.

On motion by Lawrence Hodge, seconded by Richard Tester and by voice roll call vote, the following Notaries were approved as presented.

WESLEY ALAN TAYLOR	REBA E. BROWN
EEIZABETH WHITEHEAD	CLARA B. PERKINS
GEORGE F. DUGGER, JR.	MARK S. DUGGER
REGINA L. SHEPHERD	CHRISTINA GARLAND
KRISTI LEE PARMER	

Motion was made by Lynn Tipton, seconded by Richard Tester to approve the minutes of the May 21, 2007, meeting of the County Commission as presented.

Roll call vote as follows:

AYES: Jack Buckles, Gebe Ritchie, Lawrence Hodge, Nancy Brown, Jeff McKinney, R. L. Miller, Jim Whaley, Harry Sisk, Jerry Pearman, L. C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Dickie Renfro, Terry Montgomery, Ken Arney, Larry McKinney, Lynn Tipton, Jack Campbell, Richard Tester, Bill Armstrong, Robert Davis & Robert Gobble.

NAYS: 0
PASSING: 0
ABSENT: 0

There being 24 ayes, 0 nays, 0 passing and 0 absent, motion duly carried this June 18, 2007.

Steve Lowrance recognized Randy Lingerfelt with the Veteran's Service who spoke regarding the loss of benefits to Carter County Veterans due to the fact that there was no longer a County Veteran's Service in Carter County. He stated that there were 6,059 living veterans in our County as well as their widows. He said that our veterans were missing out on benefits payable to nursing homes and assisted living because of the absence of a Veteran's Service Officer to make them aware of these benefits.

Motion was made by Bill Armstrong, seconded by Jerry Pearman, to adopt the following Resolution No.466 to increase litigation taxes for General Sessions Court as read by the County Attorney. Roll call vote as follows:

AYES: Jack Buckles, Gebe Ritchie, Lawrence Hodge, Nancy Brown, Jeff McKinney, R. L. Miller, Jim Whaley, Harry Sisk, Jerry Pearman, L. C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Dickie Renfro, Terry Montgomery, Ken Arney, Larry McKinney, Lynn Tipton, Jack Campbell, Richard Tester, Bill Armstrong, Robert Davis & Robert Gobble.

NAYS: 0
PASSING: 0
ABSENT: 0

There being 24 ayes, 0 nays, 0 passing and 0 absent, motion duly carried this June 18, 2007.

Resolution No. 466

**RESOLUTION TO INCREASE LITIGATION TAXES FOR
GENERAL SESSIONS COURT IN CARTER COUNTY**

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 resolutions of the Carter 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, Carter County has determined that the six dollar (\$6.00) litigation tax no longer generates sufficient revenue to fund the increases in the general session's judge's compensation mandated by Tennessee Code Annotated, Title 16, Chapter 15, Part 50.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Carter County, Tennessee, meeting in regular session on this 18th day June 2007 in Elizabethton, Tennessee, that :

Section 1. On the effective date provided in Session 3, below, the local litigation tax in effect in general sessions court in Carter County shall be increased by 24 dollars 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 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 sessions court. The increase authorized by this resolution shall remain in effect in Carter 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 July 2006, the public welfare requiring it.

Section 4. The local litigation taxes collected pursuant to this Resolution shall be paid over 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 of the Secretary of State as provided in Tennessee Code Annotated 16-15-5006.

Adopted by a (two-thirds) vote of the Carter County legislative body, this 18th day of June 2007.

Approved:


Johnny Holder, County Mayor

Attest:


Mary Gouge, County Clerk

Motion was made by Lynn Tipton, seconded by Bill Armstrong, to adopt the following Resolution No. 467 to increase litigation taxes for General Sessions Court. Roll call vote as follows:

AYES: Jack Buckles, Gebe Ritchie, Lawrence Hodge, Nancy Brown, Jeff McKinney, R. L. Miller, Jim Whaley, Harry Sisk, Jerry Pearman, L. C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Dickie Renfro, Terry Montgomery, Ken Arney, Larry McKinney, Lynn Tipton, Jack Campbell, Richard Tester, Bill Armstrong, Robert Davis & Robert Gobble

NAYS: 0
PASSING: 0
ABSENT: 0

There being 24 ayes, 0 nays, 0 passing and 0 absent, motion duly carried this June 18, 2007.

**RESOLUTION TO INCREASE LITIGATION TAXES FOR
GENERAL SESSIONS COURT IN CARTER COUNTY**

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 resolutions of the Carter 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, Carter County has determined that the six dollar (\$6.00) litigation tax no longer generates sufficient revenue to fund the increases in the general session's judge's compensation mandated by Tennessee Code Annotated, Title 16, Chapter 15, Part 50.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Carter County, Tennessee, meeting in regular session on this 18th day June 2007 in Elizabethton, Tennessee, that :

Section 1. On the effective date provided in Session 3, below, the local litigation tax in effect in general sessions court in Carter County shall be increased by 16 dollars and 50 cents 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 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 sessions court. The increase authorized by this resolution shall remain in effect in Carter 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 July 2007, the public welfare requiring it.

Section 4. The local litigation taxes collected pursuant to this Resolution shall be paid over 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 of the Secretary of State as provided in Tennessee Code Annotated 16-15-5006.

Adopted by a (two-thirds) vote of the Carter County legislative body, this 18th day of June 2007.

Approved:


Johnny Holder, County Mayor

Attest:


Mary Gouge, County Clerk

On motion by Bill Armstrong, seconded by Lynn Tipton, the following Resolution No. 468 adopting a continuing budget and tax rate for the next fiscal year was adopted. Roll call vote as follows:

AYES: Jack Buckles, Gebe Ritchie, Lawrence Hodge, Nancy Brown, Jeff McKinney, R. L. Miller, Jim Whaley, Harry Sisk, Jerry PEARMAN, L. C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Dickie Reanfro, Terry Montgomery, Ken Arney, Larry McKinney, Lynn Tipton, Jack Campbell, Richard Tester, Bill Armstrong, Robert Davis & Robert Gobble

NAYS: 0
PASSING: 0
ABSENT: 0

There being 24 ayes, 0 nays, 0 passing and 0 absent, motion duly carried this June 18, 2007.

**RESOLUTION TO ADOPT A CONTINUING BUDGET AND TAX RATE
FOR THE FISCAL YEAR BEGINNING JULY 1, 2007, AND
TO AUTHORIZE THE ISSUANCE OF TAX ANTICIPATION NOTES
FOR THE COUNTY OF CARTER**

WHEREAS, it appears that the 2007-2008 fiscal year budget of Carter County, Tennessee will not be approved until the July 2007 term of the Board of County Commissioners;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Carter County, Tennessee that amounts set out in the 2006-2007 Appropriation Resolution are hereby continued until a new 2007-2008 Appropriation Resolution is adopted; and,

BE IT FURTHER RESOLVED, that the property tax rate as adopted for the 2006-2007 fiscal year shall remain in effect for the fiscal year beginning July 1 2007 until a new property tax rate is adopted; and,

BE IT FURTHER RESOLVED, that the County Mayor and County Clerk are hereby authorized to borrow money on tax anticipation notes, not exceeding the amount of \$1,000,000.00 to pay for the expenses herein authorized until the taxes and other revenues for the fiscal year 2007 - 2008 have been collected. Such notes shall first be approved by the State Director of Local Finance. The notes evidencing the loans authorized under this section shall be issued under the authority of Title 9, Chapter 21, the loans authorized under this section shall be issued under the authority of Title 9, Chapter 21, *Tennessee Code Annotated*. All of said notes shall mature and be paid in full without renewal not later than June 30, 2008.

BE IT FURTHER RESOLVED that this resolution shall take effect from and after its passage and its provisions shall be in force from and after July 1, 2007.

Adopted this the 18th day of June 2007.

APPROVED:


Johnny Holder, County Mayor

ATTEST:


Mary Gouge, County Clerk

Motion was made by Steve Lowrance, seconded by Lawrence Hodge, to approve the following Resolution No. 469 adopting a Code of Ethics for officials and employees of Carter County Government. Keith Bowers, County Attorney, stated that this resolution created an Ethics Committee which was above and beyond the statute requirements. Roll call vote as follows:

- AYES: Jack Buckles, Gebe Ritchie, Lawrence Hodge, Nancy Brown, Jeff McKinney, R. L. Miller, Jim Whaley, Harry Sisk, Jerry Pearman, L. C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Dickie Renfro, Terry Montgomery, Ken Arney, Larry McKinney, Lynn Tipton, Jack Campbell, Richard Tester, Bill Armstrong, Robert Davis & Robert Gobble
- NAYS: 0
- PASSING: 0
- ABSENT: 0

There being 24 ayes, 0 nays, 0 passing and 0 absent, motion duly carried this June 18, 2007.

RESOLUTION NO. 469
TO ADOPT A CODE OF ETHICS FOR OFFICIALS AND
EMPLOYEES
OF CARTER COUNTY GOVERNMENT

WHEREAS, Section 49 of the Comprehensive Governmental Ethics Reform Act of 2006, 2006 Public Chapter 1 (1st Ex. Sess.), (the "Ethics Reform Act") requires county legislative bodies to adopt certain ethical standards by resolution on or before June 30, 2007; and

WHEREAS, the County Technical Assistance Service (CTAS) is directed to prepare and disseminate a model of ethical standards which may be adopted by counties in compliance with the Ethics Reform Act; and

WHEREAS, Carter County desires to adopt the CTAS model of ethical standards as the Code of Ethics for Carter County;

NOW THEREFORE, BE IT RESOLVED by the Carter County legislative body meeting in general session at Elizabethton, Tennessee, on this 18th day of June, 2007, that:

SECTION 1. The model of ethical standards developed by CTAS and attached to this resolution is hereby adopted as the Code of Ethics for Carter County.

SECTION 2. Upon approval of this resolution, the County Clerk is directed to:

- (a) Mail a copy of this resolution to the State Ethics Commission; and
- (b) Mail a copy of this resolution and the attached Code of Ethics to each county office governed thereby, including all boards, committees, commissions, authorities, corporations or other instrumentalities appointed or created by the county or an official of the county, and specifically including the county school board, the county election commission, the county health department, and utility districts in the county; and
- (c) Post a copy of the Code of Ethics on each public bulletin board in the county courthouse.

SECTION 3. This resolution shall take effect upon its passage and approval, the public welfare requiring it.

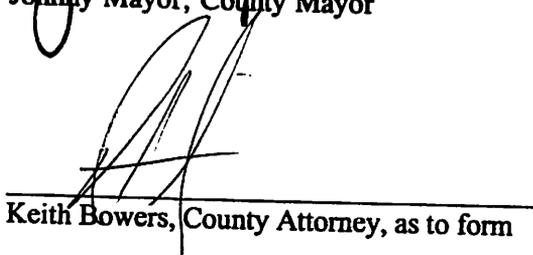
ADOPTED this 18th day of June, 2007.

APPROVED:

ATTEST:


Johnny Mayor, County Mayor


Mary Gouge, County Court Clerk


Keith Bowers, County Attorney, as to form

**Carter County,
Tennessee**

**Model Rules of
Ethics for**

**Public Officials and
Employees**

CODE OF ETHICS CARTER COUNTY, TENNESSEE

Section 1. Definitions.

(1) "County" means Carter County, which includes all boards, committees, commissions, authorities, corporations or other instrumentalities appointed or created by the county or an official of the county, and specifically including the county school board, the county election commission, the county health department, and utility districts in the county.

(2) "Officials and employees" means and includes any official, whether elected or appointed, officer, employee or servant, or any member of any board, agency, commission, authority or corporation (whether compensated or not), or any officer, employee or servant thereof, of the county.

(3) "Personal interest" means, for the purpose of disclosure of personal interests in accordance with this Code of Ethics, a financial interest of the official or employee, or a financial interest of the official's or employee's spouse or child living in the same household, in the matter to be voted upon, regulated, supervised, or otherwise acted upon in an official capacity.

Section 2. Disclosure of personal interest in voting matters.

An official or employee with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and to be included in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's or employee's vote on the measure. In addition, the official or employee may, to the extent allowed by law, recuse himself or herself from voting on the measure.

Section 3. Disclosure of personal interest in non-voting matters.

An official or employee who must exercise discretion relative to any matter other than casting a vote and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on the attached disclosure form and file the disclosure form with the county clerk. In addition, the official or employee may, to the extent allowed by law, recuse himself or herself from the exercise of discretion in the matter.

Section 4. Acceptance of gifts and other things of value.

An official or employee, or an official's or employee's spouse or child living in the same household, may not accept, directly or indirectly, any gift, money, gratuity, or other consideration or favor of any kind from anyone other than the county:

(1) For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties; or

(2) That a reasonable person would understand was intended to influence the vote, official action, or judgment of the official or employee in executing county business.

It shall not be considered a violation of this policy for an official or employee to receive entertainment, food, refreshments, meals, health screenings, amenities, foodstuffs, or beverages that are provided in connection with a conference sponsored by an established or recognized statewide association of county government officials or by an umbrella or affiliate organization of such statewide association of county government officials.

Section 5. Ethics Complaints.

A County Ethics Committee (the "Ethics Committee") consisting of five members shall be appointed to one-year terms by the County Mayor with confirmation by the county legislative body, to be appointed each year at the same time as internal committees of the county legislative body. At least three members of the committee shall be members of the county legislative body; one member shall be a constitutional county officer or, should no constitutional county officer be willing to accept appointment, an additional member of the county legislative body; and the remaining member may be either a member of a board, committee, commission, authority, corporation, or other instrumentality governed by this policy, or an additional member of the county legislative body. The Ethics Committee shall convene as soon as practicable after their appointment and elect a chair and a secretary. The records of the Ethics Committee shall be maintained by the secretary and shall be filed in the office of the county clerk, where they shall be open to public inspection.

Questions and complaints regarding violations of this Code of Ethics or of any violation of state law governing ethical conduct should be directed to the chair of the Ethics Committee. Complaints shall be in writing and signed by the person making the complaint, and shall set forth in reasonable detail the facts upon which the complaint is based.

The County Ethics Committee shall investigate any credible complaint against an official or employee charging any violation of this Code of Ethics, or may undertake an investigation on its own initiative when it acquires information indicating a possible violation, and make recommendations for action to end or seek retribution for any activity that, in the Committee's judgment, constitutes a violation

of this Code of Ethics. If a member of the Committee is the subject of a complaint, such member shall recuse himself or herself from all proceedings involving such complaint.

The Committee may:

(1) refer the matter to the County Attorney for a legal opinion and/or recommendations for action;

(2) in the case of an official, refer the matter to the county legislative body for possible public censure if the county legislative body finds such action warranted;

(3) in the case of an employee, refer the matter to the official responsible for supervision of the employee for possible disciplinary action if the official finds discipline warranted;

(4) in a case involving possible violation of state statutes, refer the matter to the district attorney for possible ouster or criminal prosecution;
The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this Code of Ethics.

When a violation of this Code of Ethics also constitutes a violation of a personnel policy or a civil service policy, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this Code of Ethics.

Section 6. Applicable State Laws.

In addition to the ethical principles set out in this Code of Ethics, state laws also provide a framework for the ethical behavior of county officials and employees in the performance of their duties. Officials and employees should familiarize themselves with the state laws applicable to their office or position and the performance of their duties. To the extent that an issue is addressed by state law (law of general application, public law of local application, local option law, or private act), the provisions of that state law, to the extent they are more restrictive, shall control. Following is a brief summary of selected state laws concerning ethics in county government. For the full text of these statutes, see the Tennessee Code Annotated (T.C.A.) sections indicated.

Campaign finance—T.C.A. Title 2, Chapter 10. Part One (campaign financial disclosure) requires candidates for public office to disclose contributions and contributors to their campaigns. Part Three (campaign contribution limits) limits the total amount of campaign contributions a candidate may receive from an individual and sets limits on the amount a candidate may receive in cash.

Conflict of interest—T.C.A. § 12-4-101 is the general conflict of interest statute that applies in all counties. It prohibits anyone who votes for, lets out, or in any manner supervises any work or contract from having a direct financial interest in that contract, purchase or work, and it requires disclosure of indirect financial interests by public acknowledgment.

Conflict of interest—T.C.A. § 49-6-2003 applies to the department of education in all counties and prohibits direct and indirect conflicts of interest in the sale of supplies for use in public schools.

Conflict of interest—T.C.A. § 5-1-125 applies in all counties and prohibits county officials and employees from purchasing surplus county property except where it is sold by public bid.

Conflict of interest—T.C.A. § 54-7-203 applies in all counties that are governed by the County Uniform Highway Law. It prohibits officials and employees in the highway department and members of the county legislative body from having any personal interest in purchases of supplies, materials, machinery, and equipment for the highway department.

Conflict of interest—T.C.A. § 5-14-114 applies in counties that have adopted the County Purchasing Law of 1957. It prohibits the purchasing agent, members of the purchasing commission, and all county officials from having any financial or other personal beneficial interest in any contract or purchase of goods or services for any department or agency of the county.

Conflict of interest—T.C.A. § 5-21-121 applies in counties that have adopted the County Financial Management System of 1981. It prohibits all county officials and employees from having any financial or other personal beneficial interest in the purchase of any supplies, materials or equipment for the county.

Conflict of interest—T.C.A. §§ 5-5-102 and 12-4-101 govern disclosures and abstentions from voting due to conflicts of interest of members of county legislative bodies.

Conflict of interest disclosure statements—T.C.A. § 8-50-501 and the following sections require candidates and appointees to local public offices to file a disclosure statement with the state ethics commission listing major sources of income, investments, lobbying activities, professional services provided, bankruptcies, certain loans, and other information, and to keep these statements up to date.

Gifts—T.C.A. § 5-14-114 applies in counties that have adopted the County Purchasing Law of 1957. It prohibits the purchasing agent, members of the purchasing commission, and all county officials from receiving anything of value, directly or indirectly, from anyone who may have or obtain a contract or purchase order with the county.

Gifts—T.C.A. § 5-21-121 applies in counties that have adopted the County Financial Management System of 1981. It prohibits the finance director, purchasing agent, and employees in those departments from accepting anything of value, directly or indirectly, from anyone who furnishes supplies, materials or equipment to the county.

Honoraria—T.C.A. § 2-10-116 prohibits elected officials from accepting an honorarium (including money or anything of value, but not including reimbursement for actual expenses) for an appearance, speech, or article in their official capacity.

Private use of public property—T.C.A. § 54-7-202 applies in counties that are governed by the County Uniform Highway Law. It prohibits the private use of equipment, rock, and other highway materials.

Court sales—T.C.A. § 39-16-405 prohibits judges, clerks of court, court officers, and employees of court, from bidding on or purchasing any property sold through the court for which such person discharges official duties.

Rules of the Supreme Court— Rule 10, Cannon 5 (Code of Judicial Conduct) establishes ethical rules for judges and other court personnel when exercising judicial functions.

Fee statutes—T.C.A. §§ 8-21-101, 8-21-102, and 8-21-103 set out circumstances where fees are authorized, prohibit officials from requiring payment of fees in advance of performance of services except where specifically authorized, and set penalties for charging excessive or unauthorized fees.

Consulting fee prohibition for elected county officials—T.C.A. §§ 2-10-122 and 2-10-124 prohibit officials from receiving compensation for advising or assisting a person or entity in influencing county legislative or administrative action.

Crimes involving public officials—T.C.A. § 39-16-101 and the following sections prohibit bribery, soliciting unlawful compensation, and buying and selling in regard to offices.

Official misconduct—T.C.A. § 39-16-402 applies to public servants and candidates for office and prohibits unauthorized exercise of official power, acting in an official capacity exceeding the servant's power, refusal to perform a duty imposed by law, violating a law relating to the servant's office or employment, and receiving a benefit not provided by law.

Official oppression—T.C.A. § 39-16-403 prohibits abuse of power by a public servant.

Bribery for votes—T.C.A. §§ 2-19-121, 2-19-126, and 2-19-127 prohibit bribery of voters in elections.

Misuse of official information—T.C.A. § 39-16-404 prohibits a public servant from attaining a benefit or aiding another person in attaining a benefit from information which was obtained in an official capacity and is not available to the public.

Ouster law—T.C.A. § 8-47-101 sets out conduct that is punishable by ouster from office, including misconduct in office and neglect of duty.

**MODEL ETHICS POLICY
CARTER COUNTY CODE OF ETHICS
CONFLICT OF INTEREST DISCLOSURE STATEMENT**

Instructions:

This form is for reporting personal interests required to be disclosed under Section 3 of the Code of Ethics of this county. Officials and employees are required to disclose personal interests in matters that affect or would lead a reasonable person to infer that it would affect the exercise of discretion of an official or employee.

1. Date of disclosure:

2. Name of official or
employee: _____

3. Office and position: _____

4. Description of personal interest (describe below in detail):

Signature of official or employee

Witness Signature

Printed name of witness

On recommendation of the Highway Committee, motion was made by Jerry Pearman, seconded by Robert Davis, to lower the speed limit from 35 mph to 25 mph on Bear Cage Road in Roan Mountain off of Highway 19-E. By voice roll call vote, motion duly carried this June 18, 2007.

At this time Chris Schuettler, Planning Director, gave a slide presentation reviewing the results of the Carter County Cleanup Day stating that it was a huge success countywide. A plaque of appreciation was presented to Sheriff Chris Mathes, Road Superintendent Jack Perkins and Planning Director Chris Schuettler for their time and efforts. A certificate of appreciation was also given to the many County employees and volunteers, as well as Officers of the Northeast Correctional Facility who participated in the cleanup.

Motion was made by Jack Buckles, seconded by Jerry Pearman, to refer the \$40,000 request from Jack Perkins, Road Superintendent, for salt back to the Budget Committee. By voice roll call vote, motion duly carried this June 18, 2007.

On recommendation of the Highway Department, motion was made by Jerry Pearman, seconded by R. L. Miller, to have the Road Department pave the area on the left going into Roan Mountain where the dumpsters sit while they were working in Roan Mountain. The county would be responsible for buying the asphalt for the price of \$2,500.00. Roll call vote as follows:

AYES: Jack Buckles, Gebe Ritchie, Lawrence Hodge, Nancy Brown, Jeff McKinney, R. L. Miller, Jim Whaley, Harry Sisk, Jerry Pearman, L. C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Dickie Renfro, Terry Montgomery, Ken Arney, Larry McKinney, Lynn Tipton, Jack Campbell, Richard Tester, Bill Armstrong, Robert Davis & Robert Gobble

NAYS: 0
PASSING: 0
ABSENT: 0

There being 24 ayes, 0 nays, 0 passing and 0 absent, motion duly carried this June 18, 2007.

On recommendation of the Planning Commission, motion was made by Jerry Pearman, seconded by Jeff McKinney, to refer the zoning request on Broad Street Extension deferred at the last Commission meeting until a later date, back to the Planning Commission. By voice roll call vote, motion duly carried this June 18, 2007.

Jo Ann Blankenship reported for the Financial Management Committee stating that CTAS had been asked to give them a ruling on the "Conflict of Interest" in the 1981 Act as it relates to Commissioners and to the School Board. She further reported that interviews for the Financial Director position would begin this week and hopefully the final selection would be made next week. This selection to be reported to the Commission at the July meeting.

Jerome Kitchens, Interim Financial Director, presented the budget amendments to the Commissioners for their approval. Due to the fact these amendments had not been approved by the Budget Committee prior to this meeting, motion was made by Richard Tester, seconded by L. C. Tester to refer the amendments back to the Budget Committee for their approval and TABLE any action at this time. Roll call vote to TABLE as follows:

AYES: L. C. Tester, Steve Lowrance, Tom Bowers, Terry Montgomery, Ken Arney, Lynn Tipton, Jack Campbell & Richard Tester

NAYS: Jack Buckles, Lawrence Hodge, Nancy Brown, Jeff McKinney, R. L. Miller, Jim Whaley, Harry Sisk, Jerry Pearman, Jo Ann Blankenship, Charlie Bayless, Dickie Renfro, Larry McKinney, Bill Armstrong, Robert Davis & Robert Gobble

PASSING: Gebe Ritchie

ABSENT: 0

There being 8 ayes, 15 nays, 1 passing and 0 absent, motion to TABLE failed to carry this June 18, 2007.

Motion was made by Bill Armstrong, seconded by Harry Sisk to approve the following Budget Amendments as presented. Roll call vote as follows:

AYES: Jack Buckles, Gebe Ritchie, Lawrence Hodge, Nancy Brown, Jeff McKinney, R. L. Miller, Jim Whaley, Harry Sisk, Jerry Pearman, Jo Ann Blankenship, Charlie Bayless, Dickie Ranfro, Larry McKinney, Jack Campbell, Bill Armstrong, Robert Davis & Robert Gobble

NAYS: L. C. Tester, Steve Lowrance, Tom Bowers, Terry Montgomery, Ken Arney, Lynn Tipton & Richard Tester

PASSING: 0

ABSENT: 0

There being 17 ayes, 7 nays, 0 passing and 0 absent, motion duly carried this June 18, 2007.

**THE CARTER COUNTY COMMISSIONERS
ARE RESPECTFULLY REQUESTED TO
APPROVE THE FOLLOWING AMENDMENTS**

18-Jun-07

101 General Fund

40120	Trustee's Collection -Prior Year	51100-191	\$	1,000.00
	Fees, legal's & travel	51100-332	\$	600.00
		51100-355	\$	3,000.00
40210	Local Option Sales Tax	51300-432	\$	220.00
	Library Books County Mayor			
40210	Local Option Sales Tax	51400-331	\$	1,000.00
	County Attorney Fees			
42210	Fines	53900-599	\$	1,400.00
	Jury Fees			
40210	Local Option Sales Tax	54240-309	\$	16,300.00
	Juvenile Service Contract			
42210	Fines	54900-191	\$	600.00
	Civil Service Board Members Fees			
40210	Local Option Sales Tax	57700-499	\$	3,500.00
	Haz Mat Information			
46840	Alcoholic Beverage Tax	58300-316	\$	10,000.00
	Donation to Veterans Walk of Honor			
40210	Local Option Sales Tax	58900-348	\$	2,500.00
	Postage			
44170	Alliance of Business & Training	51300-599	\$	3,877.90
	Reimburse travel to County Mayor			
48130	State of Tennessee	54490-499-31	\$	18,823.20
	Homeland Security Grant			
47660	State of Tennessee	58130-321	\$	695.50
	HOME Grant	58130-499	\$	13,910.00
		58130-599	\$	1,035.23

46420	State of Tennessee Little Milligan Water Line	58190-321-61 58190-599-61	\$ \$	23,076.92 5,000.00
45610	Trustee Fees Trustee Commission	58900-510	\$	36,000.00
40120	Local Option Sales Tax Travel Board of Equalization	51210-355	\$	300.00
44160	Retiree's Insurance Insurance	58600-205	\$	15,980.79
51600-106	Register of Deeds Funds to repair old deed books	51600-499	\$	20,000.00
53100-189	Circuit Court Payroll correction	53100-162	\$	5,000.00
53400-162	Chancery Court Funds to repair of will books/ computer lines	53400-435 53400-719	\$ \$	2,500.00 4,500.00
51500-193	Election Commission Election payroll	51500-189	\$	2,059.00
54110-718	Sheriff's Dept Payroll Adjustments	54110-108	\$	8,700.00
54110-106	Sheriff's Dept Payroll Adjustments	54110-169	\$	700.00
54110-718	Sheriff's Dept Payroll Adjustments	54110-148	\$	1,550.00
Total Fund 101			\$	203,828.54

Courthouse & Law Library 112

40260 Litigation Tax	58900-510	\$	25.00
Trustee's Commission			

Total Fund 112

		\$	25.00
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Solid Waste 116

43110 Tipping Fees	55751-336	\$	12,000.00
Equipment Repairs at Recycle			

43109 Transfer Station Fees	55754-149	\$	2,100.00
Payroll and Benefits	55754-204	\$	11,100.00
	55754-205	\$	12,400.00

43109 Transfer Station Fees	55754-307	\$	3,800.00
Phone System Upgrade			

43109 Transfer Station Fees	55754-322	\$	20,500.00
Soil Testing at Landfill			

43109 Transfer Station Fees	55754-336	\$	25,000.00
Equipment Repairs			

43109 Transfer Station Fees	55754-351	\$	290.00
Rentals			

43110 Tipping Fees	55754-409	\$	6,800.00
Stone			

43110 Tipping Fees	55754-412	\$	1,600.00
Diesel Fuel			

43110 Tipping Fees	55754-451	\$	1,200.00
Uniforms			

44170 Refunds	55754-433	\$	2,120.00
Lubricants			

44170 Refunds	55754-435	\$	2,300.00
Office Supplies			

44170 Refunds	55754-452	\$	700.00
Utilities			

44170 Refunds Trustee's Commission	58900-510	\$	2,724.73
44170 Refunds Other Charges	55754-599	\$	10,000.00
46190 State of TN Grant	55754-599	\$	2,500.00
39000 Fund Balance Other Charges	55754-599	\$	19,500.00
39000 Fund Balance Disposal Fees	55754-359	\$	68,500.00
Total Fund 116		\$	205,134.73

Health Dept Fund 117

46310 State of Tennessee Tobacco Grant	55110-499-52	\$	600.00
46310 State of Tennessee DGA Grant Program	55110-189	\$	160,972.52
	55110-201	\$	64,702.22
	55110-355	\$	2,300.00
39000 Fund Balance Director/Medical Personnel/ Benefits	55110-105	\$	260.00
	55110-131	\$	3,420.00
	55110-201	\$	3,000.00
39000 Fund Balance Phone System Up-grade	55110-307	\$	5,900.00
39000 Fund Balance Postage	55110-348	\$	635.00
39000 Fund Balance Electric/Gas/Water	55110-452	\$	2,000.00
39000 Fund Balance Other Supplies & Materials	55110-499	\$	4,900.00

39000 Fund Balance	55110-599	\$ 5,200.00
Other Charges		
Total Fund 117		\$ 253,889.74
Drug Control 122		
44570 Contributions & Gifts	54110-401	\$ 20,000.00
Donation for 2 drug dogs		
42340 Drug Control Fines	54110-599	\$ 11,847.00
Finger Print Machine		
42140 Drug Control Fines	58900-510	\$ 375.00
Trustee's Commission		
Total Fund 122		\$ 32,222.00
Debt Service 151		
39000 Fund Balance	82210-604-94	\$ 9,500.00
Interest & Fees on Jail Loan	82200-699-94	\$ 4,400.00
Total Fund 151		\$ 13,900.00

Respectfully Submitted,



Jerome Kitchens
Interim Director of Finance

Under Commissioner Comments, Jeff McKinney recommended that the Landfill Committee provide free dumpster service in the County. Jim Whaley urged the Commissioners to advertise for the Veteran's Service Officer position and stated that the County was without a Coroner at this time. Bill Armstrong urged the Mayor to try and find someone that would be willing to act as County Historian, a non-paying position.

Jeff McKinney questioned the approval of \$48,000 by the Budget Committee for the Planning Commission. Jack Buckles explained that \$27,400 was for a one time expense for the GIS system that would benefit various City and County offices. He stated that the rest was for pay increases and benefits. He said one pay increase was for \$2,000 and one was for \$5,000. Motion was then made by Jeff McKinney, seconded by Nancy Brown to refer this matter back to the Budget Committee. Roll call vote as follows:

AYES: Jack Buckles, Gebe Ritchie, Lawrence Hodge, Nancy Brown, Jeff McKinney, R. L. Miller, Jim Whaley, Harry Sisk, Jerry Pearman, L. C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship, Charlie Bayless, Dickie Renfro, Terry Montgomery, Ken Arney, Larry McKinney, Lynn Tipton, Jack Campbell, Richard Tester, Robert Davis & Robert Gobble

NAYS: 0

PASSING: Bill Armstrong

ABSENT: 0

There being 23 ayes, 0 nays, 1 passing and 0 absent, motion duly carried this June 18, 2007.

Commissioner Gebe Ritchie addressed Sheriff Mathes asking him how many prisoners were presently in jail. His answer was approximately 275 inmates. He then asked how many of those inmates were in jail because of violations of probation through Crossroads. Sheriff Mathes stated he would be merely guessing but more than we should have. Commissioner Ritchie stated that 800 people were enrolled at Crossroads at \$27.00 a "whack" each time they had a probation appointment. Commissioner Ritchie went on to say that there was an awful lot of money out there and nobody could tell him where it was going but that the jail was overcrowded and some of that money was suppose to be coming back to the jail to help with operation. He then made a motion which was seconded by Steve Lowrance, to place this matter in the hands of the Special Investigation's Committee to have them find out who is in charge of Crossroads and where the money goes and where it is suppose to go. Steve Lowrance testified to Mr. Ritchie's comments saying that as a member of the Work Release Committee, he heard from inmates every week that they were there for violation of probation by Crossroads. He stated that one man was 1 minute late for Crossroads and was ordered back to jail. He told of one man who missed his appointment because he was in the hospital and was taken back to jail. He went on to say that the overcrowded situation at the jail was the reason the County was in a lawsuit and that people being stuck back in jail for reasons already mentioned deserved being looked into. Roll call vote on Mr. Ritchie's motion as follows:

AYES: Jack Buckles, Gebe Ritchie, Lawrence Hodge, Nancy Brown,
Jeff McKinney, R. L. Miller, JimWhaley, Harry Sisk, Jerry Pearman,
L. C. Tester, Steve Lowrance, Tom Bowers, Jo Ann Blankenship,
Charlie Bayless, Dickie Renfro, Terry Montgomery, Ken Arney,
Larry McKinney, Lynn Tipton, Jack Campbell, Richard Tester,
Bill Armstrong, Robert Davis & Robert Gobble
NAYS: 0
PASSING:0 0
ABSENT: 0

There being 24 ayes, 0 nays, 0 passing and 0 absent, motion duly carried
this June 18, 2007.

On motion by Robert Davis, seconded by Bill ARMstrong and by voice
roll call vote, Court was adjourned.