

A RESOLUTION MAKING APPROPRIATIONS FOR THE VARIOUS FUNDS, DEPARTMENTS, INSTITUTIONS, OFFICES, AND AGENCIES OF MONTGOMERY COUNTY, TENNESSEE, FOR THE FISCAL YEAR BEGINNING JULY 1, 2007 AND ENDING JUNE 30, 2008 (FY08) AND APPROVING THE FUNDING OF NON-PROFIT CHARITABLE ORGANIZATIONS IN ACCORDANCE WITH TCA §5-9-109

SECTION 1. BE IT RESOLVED by the Board of County Commissioners of Montgomery County, Tennessee, assembled in business session on the 9th day of July 2007 that the amounts hereafter set out are hereby appropriated for the purpose of meeting the expenses of the various funds, departments, institutions, offices, and agencies of Montgomery County, Tennessee, for capital outlay, and for meeting the payment of principal and interest on the County's debt maturing during the fiscal year beginning July 1, 2007 and ending June 30, 2008 according to **Schedule 1** of this resolution. The budget approved by the Clarksville-Montgomery County Board of Education for Federal Projects will be the approved Federal Project Fund Budget for budgetary purposes.

SECTION 2. BE IT FURTHER RESOLVED, that the appropriations herein made and expenditures authorized are predicated upon estimated fund balances as of July 1, 2007 and revenues expected to be realized during the fiscal year 2007-2008, schedules of which accompany this resolution and are made a part hereof by reference. If at any time during the fiscal year, it should appear that the availability of any fund will be less than the original estimate, it shall be the duty of the County Mayor, Director of Accounts and Budgets, and the Budget Committee to impound appropriations as required by Section 5-12-110(c) of Tennessee Code Annotated.

SECTION 3. BE IT FURTHER RESOLVED, that expenditures shall not be made from appropriations made by this resolution which cover capital outlays to be funded from the proceeds of borrowed money until this Board of County Commissioners has duly adopted and appropriated resolution authorizing the issuance of appropriate bonds or notes pursuant to applicable provisions of Tennessee Code Annotated.

SECTION 4. BE IT FURTHER RESOLVED, that there are also hereby appropriated certain commissions and fees for collecting taxes and licenses and for administering other funds which the County Trustee, County Clerk, Sheriff, Register, Circuit Court Clerk, and the Clerk

and Master and their officially authorized deputies and assistants may severally be entitled to receive under state laws heretofore or hereinafter enacted. Expenditures out of commissions and/or fees collected by the County Trustee, County Clerk, Circuit Clerk, Clerk and Master, Sheriff, and the Register may be made only as now expressly authorized by existing law or by valid order of any court having power to make such authorizations. Any such commissions and/or fees collected shall be paid over to the County Trustee for credit to the County General Fund as provided by law.

SECTION 5. BE IT FURTHER RESOLVED, that if the need shall arise,

1. The Transfer of expenditures levels within a categorical appropriation, as hereinabove reflected for the General Purpose School Fund, may be made by majority vote of the Board of Education meeting in regular or called sessions, but transfers between said categorical appropriations may be authorized only by the County Board of County Commissioners. In all cases, the aforesaid authorizations shall be reduced to writing.

2. The Budget Committee may, with the consent of any officials, head of any department or division which may be affected, transfer any amount from any item of appropriation to any other item of appropriation within such department, division, or major functional activity. Be it further provided that such transfer shall be authorized in writing and signed by the County Mayor, the Budget Committee and the departmental or divisional head concerned. In all cases, the aforesaid authorizations shall be reduced to writing and one copy of any such authorization shall be filed with the County Clerk, one copy with the Chairman of the Budget Committee, one copy with the Director of Accounts and Budgets, and one with each departmental or divisional head concerned. Said authorizations shall clearly state the reasons for the transfers.

SECTION 6. BE IT FURTHER RESOLVED, that any appropriation made by this resolution which covers the same purpose for which a specific appropriation is made by statute is made in lieu of, but not in addition to, said statutory appropriation. The salary, wages, or remuneration of each officer, employee or agent of the County, shall not be in excess of the amounts authorized by existing law or as set forth in the estimate of expenditures which accompanies this resolution. But provisions for such salaries, wages, or other remuneration hereby authorized, shall in no case be constructed to permitting expenditures for any department, agency, or division of the County in excess of that appropriation herein made for such department, division, or agency, and such appropriation shall constitute the limit for the

expenditures and encumbrances of any department, division and agency during the fiscal year ending on June 30, 2008. The aggregate encumbrances and expenditures with respect to any item of appropriation shall in no instance be more than the amount herein appropriated for such item.

SECTION 7. BE IT FURTHER RESOLVED, that any resolution which may hereafter be presented to the Board of County Commissioners providing for appropriations in addition to those made by this Budget Appropriation Resolution shall specifically provide sufficient revenue or other funds, actually to be provided during the fiscal year in which the expenditure is to be made, to meet such additional appropriation. Said appropriating resolution shall be submitted to and approved by the State Director of Local Finance after its adoption as provided by Section 9-11-101 to 9-11-119, inclusive, of the Tennessee Code Annotated.

SECTION 8. BE IT FURTHER RESOLVED, that if the need shall arise, the County Mayor and Director of Accounts & Budgets are hereby authorized to borrow money on tax anticipation and/or revenue anticipation notes, provided such notes are first approved by the State Director of Local Finance, to pay for the expenses herein authorized until the taxes and other revenues for the fiscal year 2007-2008 have been collected, not exceeding 60% of the appropriations of each individual fund. The proceeds of loans for each individual fund shall be used only to pay the expenses and other requirements of the fund for which the loan is made and the loan shall be paid out of revenue of the fund for which money is borrowed. The notes evidencing the loans authorized under this section shall be issued under the authority of Title 9-Chapter 21, Tennessee Code Annotated. Said notes shall be signed by the County Mayor and countersigned by the County Clerk and shall mature and be paid in full without renewal no later than June 30, 2008.

SECTION 9. BE IT FURTHER RESOLVED, that the delinquent County property taxes for the year 2005 and prior years and interest and penalty thereon collected during the year ending June 30, 2008 shall be apportioned to the various County funds according to the subdivision of the tax levy for the year 2006. The Clerk & Master of Chancery Court and the County Trustee are hereby authorized and directed to make such apportionment accordingly.

SECTION 10. BE IT FURTHER RESOLVED, that all unencumbered balances of appropriations remaining on June 30, 2008 shall lapse, and be of no further force and effect. However, the unencumbered and unexpended balances of previously-appropriated capital projects funds will remain in force and effect without reappropriation until closed.

SECTION 11. BE IT FURTHER RESOLVED, that the County Budget Committee is hereby authorized and instructed to provide for the investment of any idle funds in the County General Fund, General Road Fund, General Purpose School Fund, Debt Service Fund, Capital Projects Funds, Bi-County Landfill, Nursing Home, 19th Judicial District Drug Task Force and Unemployment Compensation Tax Fund, the specific type of investment to be made with a view to safety of principal, demand for liquidity, and the best return on such investment, and otherwise in the best judgment by the County Trustee to the County General Fund, the Unemployment Compensation Tax Fund, Montgomery County Nursing Home, Bi-County Landfill, 19th Judicial District Drug Task Force, or Capital Projects Fund as may be appropriate, all pursuant to authority vested by law, including but not limited to Sections 5-8-301 to 5-8-302, Tennessee Code Annotated.

SECTION 12. BE IT FURTHER RESOLVED, that any resolution or part of a resolution, which has heretofore been passed by the Board of County Commissioners is in conflict with any provision in this resolution be and the same is hereby repealed.

SECTION 13. BE IT FURTHER RESOLVED, that the following special provisions apply to this budget:

1. That the property taxes levied in support of the Capital Projects Funds shall be used only to provide funding for projects and expenditures specifically approved by the County Commission, either in this resolution, the corresponding budget book, or by future resolution of the County Commission; and that any property tax levied that is not spent for such purposes will revert to the fund balance of that capital projects fund.
2. In the event that revenues are not collected to support the General Fund expenditures for the 2007-08 budget, any amount up to \$2,000,000.00 may be transferred from the debt service fund.

SECTION 14. BE IT FURTHER RESOLVED, that if the fiscal year 2007-2008 budget of Montgomery County, Tennessee is not be approved during the July 2007 term of the Board of County Commissioners:

1. Amounts set out in the FY 2006-2007 Appropriation Resolution are continued, and its provisions will be in force, until a new FY 2007-08 Appropriation Resolution is adopted.

2. The property tax rate as adopted for fiscal year 2006-2007 shall remain in effect for FY 2007-08 until a new property tax rate is adopted.

3. The County Executive and County Clerk are hereby authorized to borrow money on tax anticipation notes, not exceeding 60% of the appropriations of each individual fund of the continuing budget, to pay for the expenses herein authorized until the taxes and other revenues for 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, *Tennessee Code Annotated*. All of said notes shall mature and be paid in full without renewal not later than June 30, 2008.

SECTION 15. BE IT FURTHER RESOLVED, that the County Government complies with Titles VI, VII, and IX of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1975, the Americans with Disabilities Act, and the Age Discrimination Act of 1975. No person shall be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination in the execution of this budget or in the employment practices of the County on the grounds of disability, age, race, color, religion, sex, national origin, or any other classification protected by Federal, Tennessee State constitutional, or statutory law.

SECTION 16. BE IT FURTHER RESOLVED, that the Board of County Commissioners, recognizing that the various non-profit charitable organizations located in Montgomery County have great need of funds to carry on their non-profit charitable work, hereby makes appropriations to non-profit charitable organizations as listed in **Schedule 2** of this resolution, in accordance with Section 5-9-109, inclusive, Tennessee Code Annotated, and that all appropriations enumerated in Schedule 2 are made subject to the following conditions:

1. That the non-profit charitable organizations to which funds are appropriated shall file with the County Clerk and the disbursing officials a copy of an annual report of its business affairs and transactions and the proposed use of the County's funds in accordance with rules promulgated by the Comptroller of the Treasury, Chapter 0380-2-7. Such annual report shall be

prepared and certified by the chief financial officer of such nonprofit organization in accordance with Section 5-9-109(c), Tennessee Code Annotated.

2. That said funds must only be used by the named non-profit charitable organization in furtherance of their non-profit charitable purpose benefiting the general welfare of the residents of the County.

3. That it is the expressed interest of the Board of County Commissioners in providing these funds to the above named non-profit charitable organizations to be fully in compliance with Chapter 0380-2-7 of the Rules of the Comptroller of the Treasury, and Section 5-9-109, inclusive, Tennessee Code Annotated and any and all other laws which may apply to county appropriations to non-profit organizations, and so this appropriation is made subject to compliance with any and all of these laws and regulations.

SECTION 17. 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. This resolution shall be spread upon the minutes of the Montgomery County Board of County Commissioners.

Duly passed and approved the 9th day of July 2007.

Sponsor: _____

Commissioner: _____

Approved: _____

County Mayor

Attested: _____

County Clerk