

**Sumner County Election Commission
Special Call Meeting Minutes
Thursday, August 23, 2018**

Members present: Chairman M. Allen Ehmling, Secretary Patricia D. Collins and Members Jeffery B. Hulsey and John W. Smith. Absent was Member J. Michael Fussell. Also present: Lori D. Atchley, Administrator of Elections and Annette Haw, Assistant Administrator of Elections. The meeting convened at 4:00 p.m. in Room 106 in the County Administration Building, Gallatin TN and a quorum was present.

I. Call meeting to Order

The meeting was called to order, motion by Commissioner Smith, seconded by Commissioner Hulsey, and the motion passed 4-0.

II. Approve Agenda

The Agenda was approved with a motion by Commissioner Hulsey, seconded by Commissioner Collins, and the motion passed 4-0.

III. Old Business

None.

IV. New Business

AOE presented the candidates and referendums for approval for the November 06, 2018 General Election. A motion was made by Commissioner Smith and seconded by Commissioner Hulsey to accept the candidates and referendums as presented (a copy of which is attached to these minutes). The motion passed 4-0.

VI. Adjournment

Motion to adjourn by Commissioner Hulsey and seconded by Commissioner Collins and the motion passed unanimously 4-0. The meeting was adjourned at 4:02 p.m.


M. Allen Ehmling, Chairman


Patricia D. Collins, Secretary


Lori D. Atchley, Administrator of Elections

**SUMNER COUNTY MUNICIPAL ELECTIONS
NOVEMBER 6, 2018**

City of Gallatin

**Mayor
Vote for One (1)**

Paige Brown
Independent Candidate

Write-In

**City Recorder
Vote for One (1)**

Connie W. Kittrell
Independent Candidate

Jack Smith
Independent Candidate

Write-In

**Alderman At-Large
Vote for One (1)**

Steve Fann
Independent Candidate

Aaron J. Thomas
Independent Candidate

Write-In

**Alderman Ward 3
Vote for One (1)**

Jimmy Overton
Independent Candidate

Write-In

Alderman Ward 4
Vote for One (1)

Craig Hayes
Independent Candidate

Write-In

Alderman Ward 5
Vote for One (1)

John D. Alexander, Sr.
Independent Candidate

Deondra A. Moore
Independent Candidate

Write-In

City of Gallatin Term Limits Referendum (State will confirm the header)
Vote for One (1)

When two (2) or more persons shall have an equal number of votes for any elective office, the election shall be determined by a majority of the votes of the Council-elect. No person elected and qualified to the office of Mayor, District Alderman, or Alderman-at-Large shall be eligible for the succeeding term in the same office if such person has served more than one-half (1/2) of a four-year term and a consecutive completion of three (3) four-year terms in that particular office. For purposes of this section, the offices of District Alderman and Alderman-at-Large shall be considered separate elected offices.

FOR

AGAINST

City of Goodlettsville

Commissioner At-Large
Vote for Two (2)

Jimmy D. Anderson
Independent Candidate

Stuart Huffman
Independent Candidate

Rusty Tinnin
Independent Candidate

Scott Trew
Independent Candidate

Write-In

City of Hendersonville

**Alderman Ward 1
Vote for One (1)**

Peg Petrelli
Independent Candidate

Eric W. Sitler
Independent Candidate

Write-In

**Alderman Ward 2
Vote for One (1)**

Pat Campbell
Independent Candidate

Write-In

**Alderman Ward 3
Unexpired 2-Year Term
Vote for One (1)**

Charles R. Alexander
Independent Candidate

Russ Edwards
Independent Candidate

Paul Frisbee
Independent Candidate

Write-In

Alderman Ward 3
Vote for One (1)

Arlene Cunningham
Independent Candidate

Angie Hedberg
Independent Candidate

Write-In

Alderman Ward 4
Vote for One (1)

Stephen C. Brown
Independent Candidate

Write-In

Alderman Ward 5
Vote for One (1)

Jonathan Hayes
Independent Candidate

Chris Spencer
Independent Candidate

Write-In

Alderman Ward 6
Vote for One (1)

Eddie Roberson
Independent Candidate

Write-In

City Millersville

Commissioner At-Large
Vote for Two (2)

Bonnie Coleman
Independent Candidate

David Gregory
Independent Candidate

William Luckshis
Independent Candidate

Robert Stone
Independent Candidate

Write-In

City of Mitchellville

Mayor
Vote for One (1)

Bobby W. Worman
Independent Candidate

Write-In

Alderman At-Large
Vote for Three (3)

Susan Barber
Independent Candidate

M. Lynn Hillstrom
Independent Candidate

Darlene Worman
Independent Candidate

Write-In

City of Portland

Mayor
Vote for One (1)

Mike Callis
Independent Candidate

Beverly G. Watson
Independent Candidate

Write-In

**Alderman At-Large
Vote for Three (3)**

Thomas Dillard
Independent Candidate

Gail Gentry
Independent Candidate

Mike Hall
Independent Candidate

Drew Jennings
Independent Candidate

Chuck Lyons
Independent Candidate

Megann Thompson
Independent Candidate

Write-In

Referendum

**City of Portland Local Option Sales Tax Referendum
Vote for One (1)**

Shall Ordinance No. 18-21 (passed April 2, 2018 and April 16, 2018) which increases the city's sales tax from 2.25% to 2.75%, except where the sales tax rate is limited or modified by statute, be approved, with the additional proceeds from the increase in sales tax to be used for Public Safety.

FOR

AGAINST

City of Westmoreland

Mayor

Vote for One (1)

Fredia Carter

Independent Candidate

Jerry D. Kirkman

Independent Candidate

Write-In

Alderman At-Large

Vote for Two (2)

Douglas Brown

Independent Candidate

Gregg Carr

Independent Candidate

Jami Lynn Duff

Independent Candidate

Patricia Hawkes

Independent Candidate

James Brian Smalling

Independent Candidate

Chandra Wilkerson

Independent Candidate

Write-In

City of White House

Mayor

Vote for One (1)

Mike Arnold

Independent Candidate

Keith Futch

Independent Candidate

Write-In

Alderman Ward 2

Vote for One (1)

John W. Decker

Independent Candidate

Michael Wall

Independent Candidate

Write-In

RESOLUTION REQUESTING ELECTION/REFERENDUM ON ISSUE OF AMENDING THE CITY OF GALLATIN'S CHARTER TO PROVIDE FOR TERM LIMITS

RECEIVED
JAN 11 2018
SUMMIT COUNTY
CLERK

10:20 Am

DK

WHEREAS, the City Council for the City of Gallatin approved Ordinance No. O1709-71 requesting that the Tennessee General Assembly allow amendment of the City of Gallatin's Charter to provide for term limits for the offices of Mayor, District Alderman and Alderman-at-Large and requested that such measure be placed on the November 6, 2018 municipal election ballot for approval or non-approval by the qualified voters of the City of Gallatin;

WHEREAS, the 110th General Assembly of Tennessee approved Private Chapter No. 51 on April 24, 2018 allowing the City of Gallatin's Charter to be amended by deleting from the first paragraph of Article III, Section 1, the following language:

; and when two or more persons shall have an equal number of votes for any elective office, the election shall be determined by a majority of the votes of the Council-elect:

and by substituting instead the following:

When two (2) or more persons shall have an equal number of votes for any elective office, the election shall be determined by a majority of the votes of the Council-elect. No person elected and qualified to the office of Mayor, District Alderman, or Alderman-at-Large shall be eligible for the succeeding term in the same office if such person has served more than one-half (1/2) of a four-year term and a consecutive completion of three (3) four-year terms in that particular office. For purposes of this section, the office of District Alderman and Alderman-at-Large shall be considered separate elected offices.

WHEREAS, the Tennessee General Assembly determined that Private Chapter No. 51 shall have no effect unless it is approved by a majority of the number of qualified voters of the City of Gallatin and that the local legislative body shall determine whether such referendum shall be part of the next regularly scheduled election or if a special election shall be called.

NOW THEREFORE BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, that an election shall be called for the qualified voters of Gallatin to determine whether the City of Gallatin's Charter shall be amended to provide for term limits for the offices of Mayor, District Alderman, and Alderman-at-Large as set forth by Act of the 110th Tennessee General Assembly, Private Chapter No. 51. The question to be on the ballot shall be as follows:

QUESTION:

Shall the City of Gallatin's Charter be amended to provide for term limits for the offices of Mayor, District Alderman, and Alderman-at-Large by deleting from the first paragraph of Article III, Section 1, the following language:

; and when two or more persons shall have an equal number of votes for any elective office, the election shall be determined by a majority of the votes of the Council-elect:

and by substituting instead the following:

When two (2) or more persons shall have an equal number of votes for any elective office, the election shall be determined by a majority of the votes of the Council-elect. No person elected and qualified to the office of Mayor, District Alderman, or Alderman-at-Large shall be eligible for the succeeding term in the same office if such person has served more than one-half (1/2) of a four-year term and a consecutive completion of three (3) four-year terms in that particular office. For purposes of this section, the office of District Alderman and Alderman-at-Large shall be considered separate elected offices.

FOR: _____

AGAINST: _____

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, that this resolution shall take effect from and after its final passage, the public welfare requiring such.

IT IS SO ORDERED.

PRESENT AND VOTING

AYE: 4

NAY: 2

DATED: August 21, 2018.

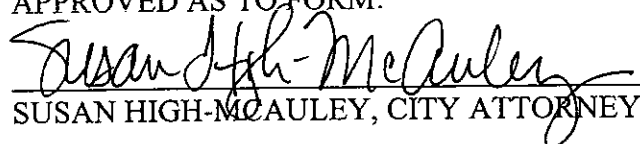

MAYOR PAIGE BROWN

ATTEST:



CONNIE KITTRELL, CITY RECORDER

APPROVED AS TO FORM:



SUSAN HIGH-McAULEY, CITY ATTORNEY



CERTIFICATION

I, CONNIE KITTRELL, hereby certify that I am the City Recorder for the City of Gallatin, Sumner County, Tennessee, duly qualified and elected. I further certify that the foregoing is a true and exact copy of the original document maintained, by this office, in the regular course of business.

Connie Kittrell

City Recorder Connie Kittrell

8-22-18

Date

Re: Language regarding amendment to the Referendum

Lori Atchley

Thu 8/16/2018 1:51 PM

To: Susan High-McAuley (City Attorney) <susan.high-mcauley@gallatintn.gov>;

Cc: 'Beth.Henry-Robertson@tn.gov' <Beth.Henry-Robertson@tn.gov>; Annette Haw <AnnetteHaw@sumnertn.org>;

Based upon the statute governing elections on questions (referendums), if the Sumner County Election Commission receives the resolution timely enough then question can be placed on the November 6th election ballot. The preferred date to receive the resolution is August 23rd, 2018 before the 4pm scheduled Special Called meeting in order to have the Election Commission to review and approve the request.

Lori D. Atchley
Administrator of Elections
Sumner County, TN
Telephone (615) 452-1456
Fax (615) 230-6147
www.votesumnertn.org

From: Susan High-McAuley (City Attorney) <susan.high-mcauley@gallatintn.gov>

Sent: Thursday, August 16, 2018 10:46 AM

To: Lori Atchley

Cc: 'Beth.Henry-Robertson@tn.gov'; Annette Haw

Subject: RE: Language regarding amendment to the Referendum

Lori:

I am preparing a Resolution for our August 21 City Council meeting. I have spoken with Beth again this morning, and I am forwarding the Resolution to her for approval prior to placing it on the agenda.

Beth has advised that we must request a special election, rather than referencing the Nov. 6 municipal election. However, it is my understanding the referendum can still be placed on the Nov. 6 ballot. Please confirm that is correct, as I know the Council will have questions on that issue.

Thanks for your help and let me know if you need anything further from me.

Thanks,
--Susan





SUSAN HIGH-MCAULEY
CITY ATTORNEY

132 WEST MAIN STREET, ROOM 212
GALLATIN, TN 37066
TELEPHONE: (615) 230-0681
FACSIMILE: (615) 230-0657

August 10, 2018

VIA HAND DELIVERY

Ms. Lori Atchley, Administrator of Elections
355 N. Belvedere Dr.
Room 106
Gallatin, TN 37066

Re: Ordinance amending Article III, Section 1 of the City of Gallatin, Tennessee Charter to establish term limits for the Offices of Mayor, Alderman and Alderman-At-Large

Dear Ms. Atchley:

Please find enclosed a certified copy of an ordinance amending Article III, Section 1 of the City of Gallatin's Charter to establish term limits for the offices of mayor, alderman, and alderman-at-large. This charter amendment does not become effective unless approved by a majority of the number of voters of the City of Gallatin in a referendum in the November 6, 2018 municipal election. Therefore, please ensure this measure is placed on the November 6, 2018 ballot as a referendum for the voters of the City of Gallatin.

If I can be of any assistance in this matter, please do not hesitate to contact me.

Sincerely,


Susan High-McAuley

Enclosure



CERTIFICATION

I, CONNIE KITTRELL, hereby certify that I am the City Recorder for the City of Gallatin, Sumner County, Tennessee, duly qualified and elected. I further certify that the foregoing is a true and exact copy of the original document maintained, by this office, in the regular course of business.


City Recorder Connie Kittrell

8-10-18
Date

ORDINANCE NO. 01709-71

**ORDINANCE AMENDING ARTICLE III, SECTION 1 OF THE CITY OF
GALLATIN, TENNESSEE CHARTER AS ESTABLISHED IN CHAPTER 67 OF
THE PRIVATE ACTS OF 1953 AND AS AMENDED THEREAFTER TO ESTABLISH
TERM LIMITS FOR THE OFFICES OF MAYOR, DISTRICT ALDERMAN, AND
ALDERMAN-AT-LARGE**

WHEREAS, the City Council for the City of Gallatin, Tennessee passed Ordinance No. O1701-4 on two readings dated January 17, 2017 and February 7, 2017 requesting an amendment to the Charter to provide term limits of no more than three consecutive terms for the Mayor, District Alderman and Alderman-at-Large, if the Ordinance was approved by referendum vote of the citizens; and

WHEREAS, the City of Gallatin forwarded Ordinance No. O1701-4 to the Tennessee legislature for consideration of the Charter amendment as required by law; and

WHEREAS, the 110th General Assembly of the State of Tennessee passed Private Chapter No. 29 on May 8, 2017, allowing amendment of the City of Gallatin's Charter to include term limits, upon approval of a majority of the number of qualified voters of the City of Gallatin voting in an election on the question of whether or not the amendment should be approved; and

WHEREAS, the 110th General Assembly declared that the local legislative body must determine whether such referendum shall be part of the next regularly scheduled election or if a special election shall be called; and

WHEREAS, the City Council for the City of Gallatin has determined no special election shall be called but instead has determined that the referendum should be placed on the November 6, 2018 federal and state general and municipal election ballot rather than the next regularly scheduled election set for May 1, 2018, the Sumner County Primary, as required by Private Chapter No. 29; and

WHEREAS, to clarify the timing of the referendum for approval or non-approval of the voters of the City of Gallatin and to ensure full compliance with Tennessee Code Annotated Section 8-3-202, the City Council for the City of Gallatin hereby requests that the General Assembly for the State of Tennessee approve amendment of its Charter as set forth herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF GALLATIN,
TENNESSEE**, as follows:

1. Chapter 67 of the Private Acts of 1953, as subsequently amended, **Article III, Section 1** is amended by adding the following language immediately after the sentence "When two (2) or more persons shall have an equal number of votes for any elective office, the election shall be determined by a majority of the votes of the Council-elect:"

"No person elected and qualified to the office of Mayor, District Alderman, or Alderman-at-Large shall be eligible for the succeeding term in the same office if such person has served more than one-half of a four (4) year term and consecutive completion of two (2) four (4) year terms in that particular office. For purposes of this section, the office of District Alderman and Alderman-at-Large shall be considered separate elected offices."

2. After passage of this Ordinance by the Tennessee General Assembly, this Ordinance shall have no effect unless it shall receive final approval by a majority of the number of voters of the City of Gallatin in a referendum held for the purpose of approval or non-approval of this Charter amendment in the November 6, 2018 municipal election. Following certification of the results of the referendum by the Sumner County Election Commission, the approval or non-approval of this Ordinance and Charter amendment by referendum shall be certified by the Mayor of the City of Gallatin to the Tennessee Secretary of State.


PASSED FIRST READING: September 5, 2017.

PASSED SECOND READING: September 19, 2017.

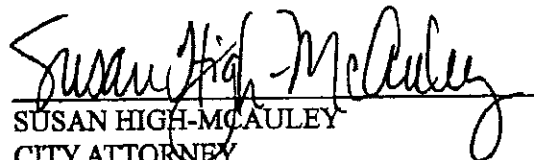
THIRD READING: August 7, 2018.


MAYOR PAIG BROWN

ATTEST:


CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:


SUSAN HIGH-MCAULEY
CITY ATTORNEY

Annette Haw

From: Lori Atchley
Sent: Thursday, May 10, 2018 10:47 AM
To: 'Susan.High-McAuley@gallatin-tn.gov'
Cc: Leah May Dennen; Anthony Holt
Subject: Term Limits
Attachments: image2332.pdf

Susan:

I hope you are doing well! I received the attached signed bill from the Legislature. I spoke with Leah Dennen and Anthony Holt. As we discussed in July of last year, the language of the bill should read “..be scheduled with the next Gallatin municipal election...” the way it is written, it states in Section 3 “The local legislative body shall determine whether such referendum shall be part of the next regularly scheduled election or if a special election shall be called.” The City of Gallatin is the local legislative body. The next election is August 2, 108. As I understand from previous discussions, the City of Gallatin does NOT want to call and pay for a special election, and the City of Gallatin DOES want the election held with the regular Gallatin municipal election, which will be November 6, 2018. My suggestion would be for the City of Gallatin to defer action on the matter until after the August 2 election, and then have the council take action which would result in the referendum being placed on the ballot for the November 6, 2018 election. The other option is to take NO action – which means the private act would expire, as it did before, and it could be taken up next legislative session. However, if the language is not changed and it remains “As Is” , that would place the matter on the ballot on the March, 2020 Presidential Preference Primary.

Please let me know how you would like to proceed.

Thank You –

Lori D. Atchley
Administrator of Elections
Sumner County
355 N Belvedere Dr Rm 106
Gallatin, TN 37066
Office (615) 452-1456
Cell (615) 406-7221
latchley@sumnertn.org



SUSAN HIGH-MCAULEY
CITY ATTORNEY

132 WEST MAIN STREET, ROOM 212
GALLATIN, TN 37066
TELEPHONE: (615) 230-0681
FACSIMILE: (615) 230-0657

August 10, 2018

VIA HAND DELIVERY

Ms. Lori Atchley, Administrator of Elections
355 N. Belvedere Dr.
Room 106
Gallatin, TN 37066

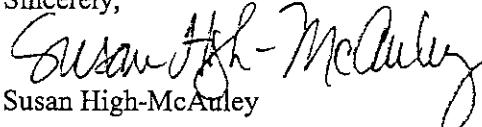
Re: Ordinance amending Article III, Section 1 of the City of Gallatin, Tennessee Charter to establish term limits for the Offices of Mayor, Alderman and Alderman-At-Large

Dear Ms. Atchley:

Please find enclosed a certified copy of an ordinance amending Article III, Section 1 of the City of Gallatin's Charter to establish term limits for the offices of mayor, alderman, and alderman-at-large. This charter amendment does not become effective unless approved by a majority of the number of voters of the City of Gallatin in a referendum in the November 6, 2018 municipal election. Therefore, please ensure this measure is placed on the November 6, 2018 ballot as a referendum for the voters of the City of Gallatin.

If I can be of any assistance in this matter, please do not hesitate to contact me.

Sincerely,


Susan High-McAuley

Enclosure

RECEIVED

AUG 10 2018

CLERK OF COURT

GALLATIN, TENNESSEE

RECEIVED

MAY 16 2018

SUMNER COUNTY
ELECTION COMMISSION

MAYOR:
Kenneth Wilber

VICE MAYOR:
Mike Callis

**BOARD OF
ALDERMEN:**
David Andrews
Brian Harbin
Andrew Jennings
John Kerley
Jody McDowell
Beverly Watson



OFFICE OF THE MAYOR
100 SOUTH RUSSELL STREET
PORTLAND, TENNESSEE 37148
Telephone 615/325-6776
Fax 615/325-5345
Email Address: Kmayor@cityofportlandtn.gov

May 14, 2018

Ms Lori Atchley
Sumner County Registrar
355 North Belvedere Dr
Gallatin, Tennessee 37066

RE: City of Portland Sales Tax Referendum

Ms Atchley:

Ordinance #18-21 was approved on second reading by the governing body on April 16, 2018 and a copy is enclosed for your file.

Please take the necessary steps to place this on the November 2018 ballot.

Should you have questions regarding this matter, please contact my office.

Thank you,

A handwritten signature in black ink, appearing to read "Ken Wilber", is written over the typed name.

Kenneth Wilber
Mayor

ORDINANCE

CITY OF PORTLAND, TENNESSEE

No. 18 - 21

SECOND READING

AN ORDINANCE CALLING FOR A REFERENDUM ON THE PROPOSITION TO INCREASE THE LOCAL OPTION SALES TAX RATE

WHEREAS, the City of Portland recognizes that pursuant to the authorization in T.C. A. § 67-6-701, et seq., the Local Option Revenue Act, municipalities may, upon approval of a majority of its citizens voting on the issue, levy a local option sales tax rate up to 2.75%; and

WHEREAS, the present local option sales tax rate in the City of Portland is 2.25%; and

WHEREAS, it is deemed to be in the best interests of the City for the local option sales tax rate to be increased by .50 % to 2.75%; and

NOW THEREFORE BE IT ORDAINED, by the Mayor and City Council of the City of Portland, Tennessee:

Section 1. Subject to the referendum required by the Local Option Revenue Act, the local sales and use tax is hereby increased from 2.25% to 2.75%.

Section 2. The Sumner County and Robertson County Election Commissions are hereby requested to hold a referendum on whether to increase the local option sales tax as described in Section 1 above, as required by law.

Section 3. If a majority of those voting in said referendum vote for the tax rate imposed by this ordinance, collection of the increased tax levied by this ordinance shall begin on the first day of the month occurring thirty (30) days after the Election Commission makes its official canvass of the election returns.

Section 4. The Tennessee Department of Revenue shall collect the additional tax imposed by this ordinance, concurrent with the collection of the state and local tax now being collected for the City of Portland, in accordance with the rules and regulations which may be amended, added, or rescinded by the department.

Section 5. The City Recorder of the City of Portland is designated to receive any notice of a payment made under protest, and shall be the official against whom suit, if any, may be brought for recovery of any tax, penalty, and interest which the Tennessee Department of Revenue has collected and which is alleged by the taxpayer to be illegal or improper.

Section 6. A certified copy of this ordinance shall be transmitted to the Tennessee Department of Revenue and the Robertson County and Sumner County Election Commissions. The Voter Registrars of the respective counties are requested that the following question be placed on the November 2018 general election:

Shall Ordinance No. 18-21 (passed on April 2, 2018 and April 16, 2018) which increases the city's sales tax from 2.25% to 2.75%, except where the sales tax rate is limited or modified by statute, BE APPROVED, with the additional proceeds from the increase in the sales tax to be used for Public Safety.

FOR

AGAINST

Section 7. This Ordinance shall take effect thirty (30) days from and after its passage, the public welfare requiring it.

Dated this the 16th day of April, 2018.

Movant: Vice Mayor Callis

Seconded by: Alderman Kerley

Vote Tally: For: 7 Against: 0 Abstained: 0

K. Wilber
Kenneth Wilber, Mayor

D. Yoeckel
Doug Yoeckel, City Recorder

First Reading: April 2, 2018
Second Reading: April 16, 2018

MAYOR:
Kenneth Wilber

VICE MAYOR:
Mike Callis

**BOARD OF
ALDERMEN:**
David Andrews
Brian Harbin
Andrew Jennings
John Kerley
Jody McDowell
Beverly Watson



OFFICE OF THE MAYOR
100 SOUTH RUSSELL STREET
PORTLAND, TENNESSEE 37148
Telephone 615/325-6776
Fax 615/325-5345
Email Address: Kmayor@cityofportlandtn.gov

April 4, 2018

Ms Leah Dennen
Sumner County Law Director
Belvedere Drive
Gallatin, Tennessee 37066

**RE: Request to Appear on Agenda of Sumner County Commission, Legislative Committee
And Sumner County Commission Agenda**

Ms Dennen:

The Portland City Council approved first reading of an ordinance on April 2, 2018 to place a referendum on the ballot for a sales tax increase for the November 2018 General Election.

We understand that this item must first be presented to the Legislative Committee of the Sumner County Commission, scheduled to meet on April 9, 2018.

We further understand that if approved by the Legislative Committee, it will then be moved to the full Sumner County Commission, scheduled to meet on April 16, 2018.

The Portland City Council is also scheduled to meet on April 16. Presumably, the ordinance will be approved on second reading in that meeting.

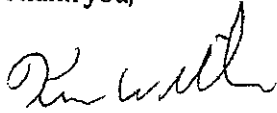
A copy of the ordinance is attached to this request.

This institution is an equal opportunity provider and employer. If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.

Ms Leah Dennen
Page 2

Please contact my office should you have questions or further instructions for accomplishing this.

Thank you,



Kenneth Wilber
Mayor

C: Ms Lori Atchley, SC Registrar

ORDINANCE

CITY OF PORTLAND, TENNESSEE

No. 18 - 21

FIRST READING

AN ORDINANCE CALLING FOR A REFERENDUM ON THE PROPOSITION TO INCREASE THE LOCAL OPTION SALES TAX RATE

WHEREAS, the City of Portland recognizes that pursuant to the authorization in T.C. A. § 67-6-701, et seq., the Local Option Revenue Act, municipalities may, upon approval of a majority of its citizens voting on the issue, levy a local option sales tax rate up to 2.75%; and

WHEREAS, the present local option sales tax rate in the City of Portland is 2.25%; and

WHEREAS, it is deemed to be in the best interests of the City for the local option sales tax rate to be increased by .50 % to 2.75%; and

NOW THEREFORE BE IT ORDAINED, by the Mayor and City Council of the City of Portland, Tennessee:

Section 1. Subject to the referendum required by the Local Option Revenue Act, the local sales and use tax is hereby increased from 2.25% to 2.75%.

Section 2. The Sumner County and Robertson County Election Commissions are hereby requested to hold a referendum on whether to increase the local option sales tax as described in Section 1 above, as required by law.

Section 3. If a majority of those voting in said referendum vote for the tax rate imposed by this ordinance, collection of the increased tax levied by this ordinance shall begin on the first day of the month occurring thirty (30) days after the Election Commission makes its official canvass of the election returns.

Section 4. The Tennessee Department of Revenue shall collect the additional tax imposed by this ordinance, concurrent with the collection of the state and local tax now being collected for the City of Portland, in accordance with the rules and regulations which may be amended, added, or rescinded by the department.

Section 5. The Finance Director of the City of Portland is designated to receive any notice of a payment made under protest, and shall be the official against whom suit, if any, may be brought for recovery of any tax, penalty, and interest which the Tennessee Department of Revenue has collected and which is alleged by the taxpayer to be illegal or improper.

Section 6. A certified copy of this ordinance shall be transmitted to the Tennessee Department of Revenue and the Robertson County and Sumner County Election Commissions. The Voter Registrars of the respective counties are requested that the following question be placed on the November 2018 general election:

Shall Ordinance No. 18-21 (passed on April 2, 2018 and April __, 2018) which increases the city's sales tax from 2.25% to 2.75%, except where the sales tax rate is limited or modified by statute, BE APPROVED, with the additional proceeds from the increase in the sales tax to be used for Police and Fire Departments.

FOR

AGAINST

Section 7. This Ordinance shall take effect thirty (30) days from and after its passage, the public welfare requiring it.

Dated this the ___ day of April, 2018.

Movant: _____

Seconded by: _____

Vote Tally: For: _____ Against: _____ Abstained: _____

Kenneth Wilber, Mayor

Doug Yoeckel, City Recorder

First Reading April 2, 2018

Second Reading April __, 2018

Annette Haw

From: Lori Atchley
Sent: Thursday, August 23, 2018 9:20 AM
To: 'John Bradley'
Subject: RE: Language on Portland Referendum

Thank You!

-----Original Message-----

From: John Bradley [<mailto:jrbradley@comcast.net>]
Sent: Thursday, August 23, 2018 9:04 AM
To: Lori Atchley
Subject: Re: Language on Portland Referendum

Lori:

Please use the language in the ordinance as adopted on second reading. The sales tax revenue is for Public Safety.

Thanks.

John

> On Aug 23, 2018, at 8:50 AM, Lori Atchley <latchley@sumnertn.org> wrote:

>

> John -

>

> I apologize if I missed it- we have been having some e-mail issues. Can you please confirm in writing the language on the referendum for the sales tax -

>

> Thank You!

>

> Lori

> <winmail.dat>

Annette Haw

From: Annette Haw
Sent: Tuesday, August 21, 2018 10:36 AM
To: 'jrbradley@comcast.net'
Cc: Lori Atchley; Bethany Browning; leahmay@sumnercountylaw.com
Subject: FW: Need in writing please...Portland Sales Tax Ref "end language"

Mr. Bradley:

The Election Commission will need in writing from you stating, per our conversation and per you this morning in the Election Office that we will use the 2nd reading language ending in ".....Public Safety" for the Sales Tax referendum Ordinance No 18-21 that was approved April 16, 2018 and attached to the letter May 14, 2018 (received May 16, 2018 by this office) from Mayor Wilbur.

We will need to receive this in writing from you by noon, August 23, 2018 please before our 4:00 pm Special Call meeting that same day, Thursday, August 23rd scheduled at 4:00pm approving the Nov 6th ballot content.

Thanks for working with us.

*Annette Haw
Asst. Administrator of Elections
615-452-1456 * fax 615-230-6147
355 N Belvedere Drive #106
Gallatin, TN 37066
Website: votesumner.tn.org*

*I'm registered
to vote.
Are you?*

www.sumner.tn.gov

"It is the Mission of the Sumner County Election Commission to conduct accurate, secure, fair and accessible elections with the highest level of professionalism and integrity; to protect the will of the people and democracy as a concept and form of government; to provide a comprehensive and uniform election procedure; and to encourage maximum citizen participation in the electoral process."

CONFIDENTIALITY NOTICE: This message is for the benefit of the named person(s) only; it may contain confidential, proprietary or legally privileged information. No confidentiality or privilege is waived or lost by any mistransmission. Do not, directly or indirectly, use, disclose, distribute, print, or copy any part of this message if you are not the intended recipient; if you receive this message in error, please immediately delete it and all copies of it from your system, destroy any hard copies of it, and notify the sender of its mistransmission.

-----Original Message-----

From: Lori Atchley
Sent: Tuesday, August 21, 2018 10:16 AM
To: Annette Haw
Subject: Fw: Portland Sales Tax Referendum Question

Lori D. Atchley
Administrator of Elections
Sumner County, TN
Telephone (615) 452-1456

Fax (615) 230-6147
www.votesumner.tn.org

From: Lori Atchley
Sent: Monday, August 20, 2018 11:08 AM
To: John Bradley
Cc: Annette Haw; 'Leah May Dennen'; 'Beth.Henry-Robertson@tn.gov'
Subject: Portland Sales Tax Referendum Question

John:

Please see below. When we began processing the November ballot approval, we caught a discrepancy in Ordinance 18-21. The first reading that passed on April 2, 2018 language ended with "Police and Fire Department." The second reading language ended with "Public Safety." The State has indicated that this is a determination to be made by the City of Portland. Please advise how you would like to continue. I am out of town until Wednesday.

Thank You!

Lori D. Atchley
Administrator of Elections
Sumner County, TN
Telephone (615) 452-1456
Fax (615) 230-6147
www.votesumner.tn.org

From: Annette Haw
Sent: Monday, August 20, 2018 10:35 AM
To: Lori Atchley
Subject: FW: Call David Ammonette.....Approve Language please

-----Original Message-----

From: Beth Henry-Robertson [mailto: Beth.Henry-Robertson@tn.gov]
Sent: Monday, August 20, 2018 10:20 AM
To: Annette Haw
Subject: RE: Approve Language please

Annette,

If there is a discrepancy in the wording for the ballot, the city attorney will have to advise you as to how to resolve it. According to Tenn. Code Ann. § 2-5-208(f)(2)(A), the city attorney is responsible for any summary which is required for a municipal question on the ballot.

I hope this information proves to be helpful. If you have additional questions regarding this issue or any other election issue in Tennessee, do not hesitate to contact me.

Have a wonderful day.

Beth

Beth Henry-Robertson
Assistant Coordinator of Elections

Division of Elections

Office of Tennessee Secretary of State Tre Hargett
312 Rosa L. Parks Avenue, 7th Floor Snodgrass Tower
Nashville, TN 37243
(615) 741-7956 (phone)
(615) 741-1278 (fax)

This electronic mail may be subject to the Tennessee Public Records Act, Tenn. Code Ann. § 10-7-503. Any reply to this email may also be subject to this act.

The Mission of the Office of the Secretary of State is to exceed the expectations of our customers, the taxpayers, by operating at the highest levels of accuracy, cost-effectiveness, and accountability in a customer-centered environment.

Secretary of State Social Media Links:

www.facebook.com/TennesseeSecretaryofState

www.facebook.com/TNStateLibraryArchives/timeline

-----Original Message-----

From: Annette Haw [mailto:AnnetteHaw@sumnertn.org]
Sent: Friday, August 17, 2018 7:17 PM
To: Beth Henry-Robertson
Cc: Lori Atchley
Subject: Re: Approve Language please

How do we end the referendum with "public safety" OR with "Police and Fire Departments"?

The 1st and 2nd reading referendum language ended above two different ways.

Thanks. Annette Haw

Sent from my iPhone

> On Aug 17, 2018, at 5:22 PM, Beth Henry-Robertson <Beth.Henry-Robertson@tn.gov> wrote:

>

> Annette,

>

> Based on the attached ordinance, Section 6 states the ballot language and was adopted by the Board of Mayor and Alderman.

>

> I hope this information proves to be helpful. If you have additional questions regarding this issue or any other election issue in Tennessee, do not hesitate to contact me.

>

> Have a wonderful day.

>

> Beth

> -----

> Beth Henry-Robertson

> Assistant Coordinator of Elections

> [cid:image002.png@01D17ACC.E2C651E0]

> Division of Elections

> Office of Tennessee Secretary of State Tre Hargett
> 312 Rosa L. Parks Avenue, 7th Floor Snodgrass Tower Nashville, TN
> 37243
> (615) 741-7956 (phone)
> (615) 741-1278 (fax)
>
> This electronic mail may be subject to the Tennessee Public Records Act, Tenn. Code Ann. § 10-7-503. Any reply to this email may also be subject to this act.
>
> The Mission of the Office of the Secretary of State is to exceed the expectations of our customers, the taxpayers, by operating at the highest levels of accuracy, cost-effectiveness, and accountability in a customer-centered environment.
>
> Secretary of State Social Media Links:
> www.facebook.com/TennesseeSecretaryofState<<http://www.facebook.com/TennesseeSecretaryofState>>
> www.facebook.com/TNStateLibraryArchives/timeline<<http://www.facebook.com/TNStateLibraryArchives/timeline>>
>
>
>
> From: Annette Haw [mailto:AnnetteHaw@sumnertn.org]
> Sent: Friday, August 17, 2018 10:17 AM
> To: Beth Henry-Robertson
> Cc: Lori Atchley; leahmay@sumnercountylaw.com
> Subject: Approve Language please
>
>
> *** This is an EXTERNAL email. Please exercise caution. DO NOT open
> attachments or click links from unknown senders or unexpected email -
> STS-Security. ***
> Beth:
>
> Can you please approve the sales tax referendum language for Portland to be:
>
> City of Portland Local Option Sales Tax Referendum Vote for One (1)
>
> Shall Ordinance No. 18-21 (passed April 2, 2018 and April 16, 2018) which increases the city's sales tax from 2.25% to 2.75%, except where the sales tax rate is limited or modified by statute, be approved, with the additional proceeds from the increase in sales tax to be used for Public Safety.
>
> FOR
>
> AGAINST
> ===
> Just on observation on the attached April 2nd first reading ended with ..
> "...Police and Fire Departments"
>
> The one on April 16th ended with
> "...Public Safety"
>
> Thanks for your help.
>

- > Annette Haw
- > Asst. Administrator of Elections
- > 615-452-1456 * fax 615-230-6147
- > 355 N Belvedere Drive #106
- > Gallatin, TN 37066
- > Website: votesumner.tn.org

>

> [cid:image001.png@01D09C45.9C095C40] "It is the Mission of the Sumner County Election Commission to conduct accurate, secure, fair and accessible elections with the highest level of professionalism and integrity; to protect the will of the people and democracy as a concept and form of government; to provide a comprehensive and uniform election procedure; and to encourage maximum citizen participation in the electoral process."

> CONFIDENTIALITY NOTICE: This message is for the benefit of the named person(s) only; it may contain confidential, proprietary or legally privileged information. No confidentiality or privilege is waived or lost by any mistransmission. Do not, directly or indirectly, use, disclose, distribute, print, or copy any part of this message if you are not the intended recipient; if you receive this message in error, please immediately delete it and all copies of it from your system, destroy any hard copies of it, and notify the sender of its mistransmission.

- >
- > <image001.png>
- > <image002.png>
- > <image2300.pdf>