

**ANDERSON COUNTY
REGULAR SESSION
COUNTY COMMISSION
AUGUST 20, 2018**

BE IT RESOLVED THAT THE ANDERSON COUNTY BOARD OF COMMISSION MET IN REGULAR SESSION ON AUGUST 20, 2018 WITH THE FOLLOWING COMMISSIONERS PRESENT: CHUCK FRITTS, TRACY WANDELL, MARK ALDERSON, RICK MEREDITH, STEVE EMERT, PHIL WARFIELD, SHAIN VOWELL, TIM ISBEL, JERRY WHITE, CATHERINE DENENBERG, STEVE MEAD, JERRY CREASEY, THERESA SCOTT, PHIL YAGER AND BOB SMALLRIDGE. ABSENT: ROBERT MCKAMEY.

Prayer was led by Commissioner Warfield.

Pledge of Allegiance was led by Commissioner Alderson.

1. Commissioner White made a motion to approve the Consent Agenda. Seconded by Commissioner Warfield. Motion carried by voice vote.

- July 16, 2018 County Commission Minutes
- Notary and Notary Bonds
- Courtesy Resolutions/Proclamations (Exhibit A)
 - Angela "Hoppy" Merryman
 - Commissioner Mark Alderson
 - Commissioner Steve Emert
 - Commissioner Phil Warfield
 - Sheriff Paul White
 - Chief Deputy Mark Lucas
 - Trustee Myron Iwanski
- Reports
 - Director of Schools
 - County Mayor
 - Law Director
- Waste Management Funds
 - Anderson County Career & Technical Center requests funds to help students compete in the 2018 FFA National Career Development Events
- Committee Reports
 - Finance Committee Minutes (8/13/18)
 - Anderson County Employees Insurance Board of Trustees minutes (5/29/18)
 - Human Resource Advisory Board minutes (7/11/18)
 - ADA Oversight Committee Minutes (8/13/18)

Notaries

Nicole Jeannie Alley

Dana Lynne Boucher

Danielle Aslinger

Haley Braden

Sarah Bailes

Stephanie Bruce

Monica A Baird

Lydia C Dabney

Matthew Birdwell

Zach Farrar

Shatina Renee Boone

Jennifer Goins

Molly Hampton
Shawna Haste
Darla Ann Jones
Ralph Kerr
Karen G Leach
Carla Long
Deanna H Lowe
Debra L Lyon
Megan McCrary
Loris L McEntee
Alexander T McLean
Kendahl S Moore

Donna Porter
Laura Lynn Riden
Danielle Roberts
Stephanie Long Taylor
Brittany D Thomas
Rebecca E Varnon
Laura Kathleen Wagner
Sierra Webber
Christy White
Lisa A Wiseman
Kathleen S Phipps

Notary Bonds

Western Surety Company

Latosha Hoskins
Tina M Loflin
Anna Marie Emert
Nicholas J Yeagar
Randi Nichole Brooks
Everette W Daugherty

State Farms

Tausha Trammell
Kelly Elizabeth Dake
Brenda Smith

RLI

Penny Lonetta Hicks

SBCA

Joseph H Van Hook
Angela Buckner
Heather Coin
Kristin C Bridges

Merchants

Vivian L Crandall
Joseph A Sheetz

Old Republic

Linda B Carter
Connie Ball

Travelers

Christie Glymp

2. Commissioner Wandell made a motion to move the Operations Committee report up on Regular Agenda till after the Purchasing Report. Seconded by Commissioner Warfield.

Commissioner Mead made a motion to move the Budget Committee up till after Purchasing Committee and to make that a permanent move. Seconded by Commissioner Wandell.

Law Director Jay Yeager made a request to add a Charter Commission resolution to New Business.

Amended Regular Agenda approved by voice vote.

Purchasing Committee

3. Commissioner Fritts made a motion to approve the following contracts. Seconded by Commissioner Warfield. Motion carried by voice vote.

- Central Knox Technologies, County-Wide- Amendment to update product list and decrease some prices.
- Shaus LLC, Solid Waste-Two year contract to develop a disaster debris management plan.
- E-Gov, Trustee’s Office-One year contract for server maintenance and hardware fees.
- Covenant Health, EMS-Three year contract for Hospice Transport Services.
- Lexis Nexis, Law Director-Three year contract for access to legal research.

4. Commissioner Warfield made a motion to approve the following contract. Seconded by Commissioner Scott. Motion carried by voice vote.

- S&ME, BOE-Three year contract for on-call industrial hygiene services.

5. Commissioner Meredith made a motion to approve surplus property as requested by different departments. Seconded by Commissioner White. Voting aye: Fritts, Wandell, Alderson, Meredith, Emert, Warfield, Vowell, Isbel, White, Denenberg, Mead, Creasey, Scott, Yager and Smallridge. Voting no: none. Absent: McKamey. Motion passed.

6. Commissioner White made a motion to surplus the property at 205 Main Street. Seconded by Commissioner Denenberg. Voting aye: Fritts, Wandell, Alderson, Meredith, Vowell, Isbel, White, Denenberg, Mead, Creasey, Scott, Yager and Smallridge. Voting no: Emert and Warfield. Absent: McKamey. Motion passed.

7. Commissioner Scott made a motion to put out for sealed bid the property at 205 Main Street. Seconded by Commissioner Yager.

Commissioner Meredith made a motion to defer any action on bids for property at 205 Main Street for 30 days. Seconded by Commissioner Emert. Motion carried by voice vote.

Budget Committee

8. Commissioner Fritts made a motion to approve the following school appropriation. Seconded by Commissioner Warfield. Voting aye: Fritts, Wandell, Alderson, Meredith, Emert, Warfield, Vowell, Isbel, White, Denenberg, Mead, Creasey, Scott, Yager and Smallridge. Voting no: none. Absent: McKamey. Motion passed.

Increase Revenue Codes:

141-40210	Local Option Sales Tax	\$530,857.00
141-40275	Mixed Drink Cities	1,525.00

141-46511	Basic Education Program	\$227,000.00
	Total Increased Revenue:	\$759,382.00

Decrease Revenue Codes:

141-40110	County Property Taxes	\$471,274.00
141-40120	Trustee's Collection – Prior Year	39,904.00
141-40130	Circuit C/M Collection – Prior Year	30,474.00
141-46851	State Revenue Sharing – TVA	<u>217,730.00</u>
	Total Decreased Revenue:	\$759,382.00

9. Commissioner Meredith made a motion to approve the following school transfers. Seconded by Commissioner White. Voting aye: Fritts, Wandell, Alderson, Meredith, Emert, Warfield, Vowell, Isbel, White, Denenberg, Mead, Creasey, Scott, Yager and Smallridge. Voting no: none. Absent: McKamey. Motion passed.

Increase Expenditure Codes:

141-71100-499	Other Materials and Supplies	1,500.00
141-72610-415	Electricity	<u>2,600.00</u>
	Total Increased Expenditures:	\$4,100.00

Decrease Expenditure Codes:

141-73300-499	Other Materials and Supplies	\$1,500.00
141-73300-452	Utilities	<u>2,600.00</u>
	Total Decreased Expenditures:	\$4,100.00

Increase Expenditure Codes:

141-72120-105-COSH	Coordinated School Health – Director	\$5,350.00
141-72120-201-COSH	Social Security	5,459.10
141-72120-204-COSH	State Retirement	6,445.26
141-72120-206-COSH	Life Insurance	50.04
141-72120-207-COSH	Medical Insurance	10,824.00
141-72120-210-COSH	Unemployment	75.00
141-72120-212-COSH	Medicare	1,276.73
141-72120-355-COSH	Travel	7,500.00
141-72120-499-COSH	Other Materials & Supplies	<u>0,147.10</u>
	Total Increased Expenditures:	57,127.23

Decrease Expenditure Codes:

141-72120-105	Director	\$5,350.00
141-72120-201	Social Security	5,459.10
141-72120-204	State Retirement	6,445.26
141-72120-206	Life Insurance	50.04
141-72120-207	Medical Insurance	10,824.00
141-72120-210	Unemployment Compensation	75.00
141-72120-212	Medicare	1,276.73
141-72120-355	Travel	7,500.00
141-72120-499	Other Materials & Supplies	<u>20,147.10</u>
	Total Decreased Expenditures:	\$57,127.23

Increase Expenditure Codes:

141-73300-189	Other Salaries and Wages	\$76,600.00
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141-73300-201	Social Security	\$4,749.20
141-73300-204	State Retirement	8,012.36
141-73300-206	Life Insurance	100.08
141-73300-210	Unemployment Compensation	75.00
141-73300-212	Medicare	1,110.70
141-73300-307	Communication	1,030.00
141-73300-355	Travel	5,000.00
141-73300-399	Other Contracted Services	3,500.00
141-73300-499	Other Materials & Supplies	12,419.00
141-73300-524	Staff Development	<u>2,000.00</u>
	Total Increased Expenditures:	\$114,596.34

Decrease Expenditure Codes:

141-72130-189	Other Salaries and Wages	\$76,600.00
141-72130-201	Social Security	4,749.20
141-72130-204	State Retirement	8,012.36
141-72130-210	Unemployment Compensation	175.08
141-72130-212	Medicare	1,110.70
141-72130-307	Communication	1,030.00
141-72130-355	Travel	5,000.00
141-72130-399	Other Contracted Services	3,500.00
141-72130-499	Other Materials & Supplies	12,419.00
141-72130-524	Staff Development	<u>2,000.00</u>
	Total Decreased Expenditures:	\$114,596.34

10. Commissioner Warfield made a motion to approve the following non-school appropriations. Seconded by Commissioner Yager. Voting aye: Fritts, Wandell, Alderson, Meredith, Emert, Warfield, Vowell, Isbel, White, Denenberg, Mead, Creasey, Scott, Yager and Smallridge. Voting no: none. Absent: McKamey. Motion passed.

Increase Revenue Code:

101-49700	Insurance Recovery	\$5,694.65
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Increase Expenditure Code:

101-54110-338	Maintenance & Repair – Vehicles	\$5,694.65
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Increase Expenditure Code:

101-51910-799	Preservation of Records – Other Capital Outlay	\$36,000.00
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Decrease Reserve Code:

101-39000	Unassigned Fund Balance	\$36,000.00
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(amendment will be from 101-34520 Restricted Reserve – Archives and a JE will replenish the reserve for 39000)

Increase Revenue Code:

101-48130-3001	Revenue for Oak Ridge Reservation Community Alliance	\$5,000.00
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Increase Expenditure Code:

101-54410-599-ORRCA	Civil Defense – Other Charges – ORRCA	\$5,000.00
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<u>Increase Revenue Code:</u>		
101-46990-6000	Other State Revenue – Business Tax Processing Fee	\$700.00
<u>Increase Expenditure Code:</u>		
101-52500-709	Data Processing Equipment	\$700.00
<u>Increase Expenditure Code:</u>		
10-52500-709	Data Processing Equipment	\$1,000.00
<u>Increase Revenue Code:</u>		
101-46990-6000	Other State Revenue – County Clerk	\$1,000.00
<u>Increase Revenue Code:</u>		
101-48130	Other Governments & Citizen Groups - Contributions	\$2,500.00
<u>Increase Expenditure Codes:</u>		
101-52200-101	Purchasing – County Official	\$540.00
101-52200-122	Purchasing – Personnel	1,620.00
101-52200-201	Purchasing – Social Security	134.00
101-52200-204	Purchasing – Retirement	160.00
101-52200-209	Purchasing – S/T Disability	15.00
101-52200-212	Purchasing – Employer Medicare	31.00
	Total Increased Expenditures:	\$2,500.00
<u>Increase Expenditure Code:</u>		
101-51900-399-3311	Other General Administration – Other	\$32,360.43
<u>Decrease Expenditure Code:</u>		
101-39000	Unassigned Fund Balance	\$32,360.43
	(amendment will be from 101-34710-BVREM Assigned Reserve – Blockhouse Valley Remediation and a JE will replenish the reserve for 39000)	
<u>Increase Revenue Code:</u>		
131-44990	Other Local Revenue	\$32,360.43
<u>Increase Reserve Code:</u>		
131-39000	Unassigned Fund Balance	\$32,360.43
<u>Decrease Reserve Code:</u>		
116-39000	Unassigned Fund Balance	\$24,920.00
<u>Increase Revenue Code:</u>		
116-46170-CONV	Solid Waste Grants – Convenience Center Grant	\$24,920.00
<u>Increase Expenditure Code:</u>		
116-55732-399-CONV	Other Contracted Services – Convenience Center Grant	\$49,840.00
<u>Increase Revenue Code:</u>		
101-47590-SRTS	Other General Government Grants	\$218,168.39
<u>Increase Expenditure Code:</u>		
101-91130-321-SRTS	Engineering Services – Public Safety Projects	\$20,000.00
101-91130-499-SRTS	Other Supplies & Materials Public Safety Projects	19,198.00

101-91130-791-SRTS Projects	Other Construction – Public Safety	<u>\$178,970.39</u>
	Total Increased Expenditures:	\$218,168.39
<u>Increase Expenditure Codes:</u> 101-58120-316-2001	Industrial Development -- Contributions – Ind. Land Development	\$100,000.00
<u>Decrease Expenditure Codes:</u> 101-39000	Unassigned Fund Balance	\$100,000.00
(amendment will be from 101-34690-1000 Committed Reserve – Industrial/Land Purchase and a JE will replenish the reserve for 39000)		
<u>Increase Revenue Code:</u> 101-47590-OSMGR	Federal Through State - Office Surface Mining Grant	\$285,000.00
<u>Increase Expenditure Codes:</u> 101-91170-309-OSMGR 101-91170-321-OSMGR 101-91170-599-OSMGR 101-91170-791-OSMGR	Contracts with Other Gov. Agencies Engineering Services – OSM Grant Other Charges – OSM Grant Other Construction – OSM Grant	\$20,500.00 26,950.00 21,375.00 <u>216,175.00</u>
	Total Increased Expenditures:	\$285,000.00
<u>Decrease Revenue Code:</u> 156-49800	Education Debt Service – Operating Transfers	\$16,100.00
<u>Decrease Reserve Code:</u> 156-34580	Education Debt Service – Restricted For Debt Service	\$16,100.00
<u>Increase Expenditure Code:</u> 101-54410-316	Civil Defense – Contributions	\$122,470.00
<u>Decrease Reserve Code:</u> 101-34625-5000	Committed Fire Truck Contributions	\$122,470.00

11. Commissioner Wandell made a motion to approve the following non-school transfers. Seconded by Commissioner Scott. Voting aye: Fritts, Wandell, Alderson, Meredith, Emert, Warfield, Vowell, Isbel, White, Denenberg, Mead, Creasey, Scott, Yager and Smallridge. Voting no: none. Absent: McKamey. Motion passed.

<u>Decrease Expenditure Code:</u> 118-55130-131	Medical Personnel	\$20,000.00
<u>Increase Expenditure Code:</u> 118-55130-338	Repairs & Maintenance – Vehicles	\$20,000.00
<u>Increase Expenditure Code:</u> 151-82210-611	General Government – Interest on Capital Leases	\$136.16
<u>Decrease Expenditure Code:</u> 151-82110-610	General Government – Principal on	\$136.16

<u>Increase Expenditure Code:</u>		
151-82110-612-USDA	General Government Principal on Other Loans – USDA	\$2,724.60
151-82210-613-USDA	General Government Interest on Other Loans – USDA	<u>3,131.40</u>
	Total Increased Expenditures:	\$5,856.00
<u>Decrease Expenditure Codes:</u>		
151-82110-612-USDA	General Government Principal on Other Loans – USDA	\$1,764.00
151-82210-613-USDA	General Government Interest on Other Loans – USDA	<u>4,092.00</u>
	Total Decreased Expenditures:	\$5,856.00

12. Commissioner Fritts made a motion to approve the following general fund unassigned fund balance appropriations. Seconded by Commissioner Dennenberg. Voting aye: Fritts, Wandell, Alderson, Meredith, Emert, Warfield, Vowell, Isbel, White, Denenberg, Mead, Creasey, Scott, Yager and Smallridge. Voting no: none. Absent: McKamey. Motion passed.

<u>Increase Expenditure Code:</u>		
101-51310-399	Other Contracted Services	\$2,500.00
<u>Decrease Reserve Code:</u>		
101-39000	Unassigned Fund Balance	\$2,500.00
<u>Increase Expenditure Code:</u>		
101-51310-709	Data Processing Equipment	\$3,819.00
<u>Decrease Expenditure Codes:</u>		
101-51310-499	Other Supplies & Materials	\$800.00
101-51310-435	Office Supplies	500.00
<u>Decrease Reserve Code:</u>		
101-39000	Unassigned Fund Balance	<u>2,519.00</u>
	Total Decreases:	\$3,819.00
<u>Increase Reserve Code:</u>		
101-34610-PARKS	Committed – Restricted for General Government – Parks & Rec.	\$14,800.00
<u>Decrease Reserve Code:</u>		
101-39000	Unassigned Fund Balance	\$14,800.00
<u>Increase Expenditure Code:</u>		
101-58900-399	Other Contracted Services	\$18,500.00
<u>Decrease Reserve Code:</u>		
101-39000	Unassigned Fund Balance	\$18,500.00
<u>Decrease Expenditure Code:</u>		
101-99100-590	Transfers to Other Funds	\$16,100.00
<u>Increase Reserve Code:</u>		
101-39000	Unassigned Fund Balance	\$16,100.00
<u>Increase Expenditure Code:</u>		
101-52100-719	Accounting – Office Equipment	\$2,901.00

Decrease Reserve Code:

101-39000	Unassigned Fund Balance	\$1,901.00
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Decrease Expenditure Codes:

101-52100-435	Accounting – Office Supplies	500.00
101-52100-355	Accounting – Travel	500.00

13. Commissioner Meredith made a motion to approve the following budget amendment. Seconded by Commissioner White. Voting aye: Fritts, Wandell, Alderson, Meredith, Emert, Warfield, Vowell, Isbel, White, Denenberg, Mead, Creasey, Scott, Yager and Smallridge. Voting no: none. Absent: McKamey. Motion passed.

Decrease Code

101.39000	Unassigned Fund Balance	
	Highway	\$5,913.00
	County Clerk	11,853.00
	Total Decrease	17,766.00

Increase Code

101-52600.307	I.T.	17,766.00
	Total Increase	17,766.00

Operations Committee

14. Commissioner Scott made a motion to approve to move the Veterans Day holiday to November 12, 2018. Seconded by Commissioner Warfield. Motion carried by voice vote.

15. Commissioner Scott made a motion to approve the 2019 Anderson County Government holiday schedule. Seconded by Commissioner Mead. Motion carried by voice vote.

16. Commissioner Mead made a motion to have the Law Director write a letter from County Commission regarding the Brooks Gap lift station spill in support of the citizens to ACWA and copy to Representatives Ragan and Powers and Lt. Governor McNally. Seconded by Commissioner Alderson. Motion carried by voice vote.

Commissioner Alderson made a motion to amend the motion to include the response from ACWA from a letter sent to them from the Community of Brushy Valley Road. Seconded by Commissioner Meredith. Motion carried by voice vote.

17. Commissioner Scott made a motion to approve a resolution authorizing full-time Sheriffs and Deputies to retain their service weapon and badge upon retirement or disability after twenty-five years of service to Anderson County. (Exhibit B) Seconded by Commissioner Warfield. Motion carried by voice vote.

18. Commissioner Mead made a motion to approve from a letter from the EMS Plan Task Force and from verbal concurrence with the Mayor to accept conducting 911 and convalescent but in a two division model and to have variable response times. Seconded by Commissioner Warfield. Motion carried by voice vote. Voting no: Scott and Emert.

19. Commissioner Fritts made a motion to have the Zoning Department to put out bids to have house torn down at 126 Pine Ridge Road. Seconded by Commissioner Mead. Motion carried by voice vote.

20. Commissioner Scott made a motion to record a board vote on Item 18 regarding the EMS. Seconded by Commissioner Warfield. Motion carried by voice vote to record.

Voting Aye for Item 18: Fritts, Wandell, Alderson, Vowell, Isbel, White, Denenberg, Mead, Creasey, Smallridge. Voting no: Emert, Warfield, Scott and Yager. Absent: Meredith and McKamey. Motion passed.

Hwy Department

21. Commissioner Fritts made a motion to accept the Anderson County Highway Department's inventory of machinery, equipment, supplies and tools on hand as of July 1, 2018. Seconded by Commissioner Emert. Motion carried by voice vote.

Director of Schools

No action at this time.

Mayor

22. Commissioner Scott made a motion to approve resolution 18-08-701 authorizing Anderson County to make application for a 2018 Education and Outreach Grant through Tennessee Department of Environment and Conservation Division of Solid Waste Management. (Exhibit C) Seconded by Commissioner Fritts. Motion carried by voice vote.

23. Commissioner Scott made a motion to approve agreement between US DOE and Anderson County authorizing Anderson County to submit a request for payment in lieu of taxes for tax year 2018 upon authorization of this agreement the amount entered will be \$629,405.43 as calculated by John K Alley Jr. Anderson County Assessor of Property. Seconded by Commissioner Emert. Motion carried by voice vote.

24. Commissioner Creasey made a motion to forward to the Highway Committee discussion about 105 Walking Horse Trail in Arcadia Springs Subdivision. Seconded by Commissioner Scott. Motion carried by voice vote.

Law Director

25. Commissioner Alderson made a motion to approve resolution 18-08-711 to complete its duties or until the end of any litigation. (Exhibit D) Seconded by Commissioner Mead. Motion carried by voice vote. Voting no Wandell.

Departments-EMS

26. Commissioner Warfield made a motion for the Director of EMS to provide County Commission for this next fiscal year a detailed monthly report of expenditures and revenues. Seconded by Commissioner Denenberg. Motion carried by voice vote.

ADA Committee

No action at this time.

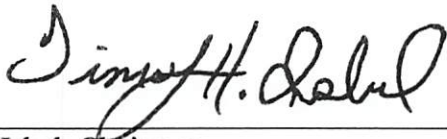
Old Business

No action at this time.

New Business

No action at this time.

Meeting adjourned.



Tim Isbel, Chairman
County Commission



Jeff Cole
County Clerk



EXHIBIT PAGE

AUGUST 20, 2018

EXHIBIT A: RESOLUTIONS HONORING: CHIEF DEPUTY MARK LUCAS, ANDERSON COUNTY SHERRIFF PAUL WHITE, TRUSTEE MYRON IWANSKI, COMMISSIONER PHIL WARFIELD, COMMISSIONER STEVE EMERT, COMMISSIONER MARK ALDERSON AND ANGELA "HOPPY" MERRYMAN.

EXHIBIT B: RESOLUTION 18-08-702 AUTHORIZING FULL-TIME SHERIFFS AND DEPUTIES TO RETAIN THEIR SERVICE WEAPON AND BADGE UPON RETIREMENT OR DISABILITY AFTER TWENTY-FIVE YEARS OF SERVICE TO ANDERSON COUNTY

EXHIBIT C: RESOLUTION 18-08-701 AUTHORIZING ANDERSON COUNTY TO MAKE APPLICATION FOR A 2018 EDUCATION AND OUTREACH GRANT THROUGH TENNESSEE DEPARTMENT OF ENVIROMENTAL AND CONSERVATION, DIVISION OF SOLID WASTE MANAGEMENT

EXHIBIT D: RESOLUTION 18-08-711 TO EXTEND TIME FOR THE COUNTY CHARTER COMMISSION TO COMPLETE ITS DUTIES OR UNTIL THE END OF ANY LITAGATION

***ALL ORIGINAL CERTIFIED COPIES OF DOCUMENTS ARE FILED IN THE COUNTY CLERKS CLINTON LOCATION LOCATED IN COURTHOUSE ROOM 111.**

Anderson County
Board of Commissioners

RESOLUTION 18-08-704

**RESOLUTION HONORING ANDERSON COUNTY CHIEF DEPUTY
MARK LUCAS**

WHEREAS, Chief Lucas started his law enforcement career over forty (40) years ago and has devoted his entire professional life to serving the citizens of Anderson County; and

WHEREAS, of his many accolades and awards during the course of his prestigious career, none is more impressive than his selection to serve in the chief deputy capacity for three (3) different sheriffs; and

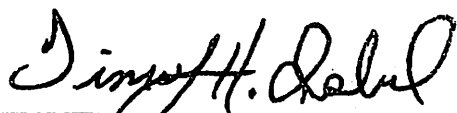
WHEREAS, among his lengthy list of professional training certificates, Mark graduated from the Tennessee Law Enforcement Training Academy with honors and the F.B.I. National Law Enforcement Management program; and

WHEREAS, Mark has been the consummate professional, demonstrating impeccable ethical standards, and a continued lifelong commitment to reducing crime and making Anderson County a better place to live and work.

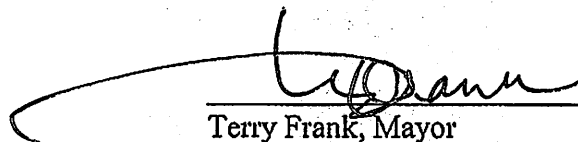
NOW THEREFORE, BE IT RESOLVED by the Anderson County Board of Commissioners meeting in regular session this 20th day of August 2018 that we honor the dedicated service of Chief Deputy Mark Lucas and his forty (40) year career serving the citizens of our great county. His tireless work ethic and relentless commitment to making our county a safer place for all will never be forgotten.

BE IT FURTHER RESOLVED that we declare Friday, August 24th, 2018 as: "Chief Deputy Mark Lucas Day" in Anderson County to further honor his distinguished service to Anderson County.

DULY PASSED AND APPROVED this 20th day of August 2018.

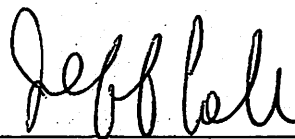


Tim Isbel, Chair, A.C. Commission

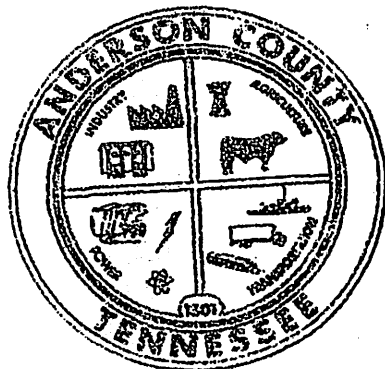


Terry Frank, Mayor

ATTEST:



Jeff Cole, County Clerk



Anderson County
Board of Commissioners

RESOLUTION 18-08-705

**RESOLUTION HONORING ANDERSON COUNTY SHERIFF
PAUL WHITE**

WHEREAS, since 1802 Anderson County has been honored to have many successful sheriffs serve our county, however, none have been more prolific in their abilities to reduce crime than Sheriff Paul White;

WHEREAS, August 31st, 2018 marks the retirement and final watch for Sheriff Paul White ending a forty-two (42) year law enforcement career and legacy of one of the most effective sheriffs in the history of Tennessee; and

WHEREAS, when Sheriff White took office in 2006 Anderson County was suffering through a methamphetamine epidemic that had ravaged our county for more than a decade and scarred many families across our great county. Anderson County was infamously known as the *Meth Capital of the South*. Crime was at an all-time high causing the county detention facility to be dangerously overcrowded; and

WHEREAS, today, clandestine meth production in Anderson County has been virtually eliminated and crime rates have decreased dramatically due to the efforts of Sheriff White and the entire Sheriff's Office.

NOW THEREFORE, BE IT RESOLVED by the Anderson County Board of Commissioners meeting in regular session this 20th day of August 2018 that we congratulate Sheriff Paul White on his retirement and express our deepest gratitude for his tremendous efforts and accomplishments. He has truly gone beyond the call of duty in making Anderson County a safer place for all citizens to live and work.


BE IT FURTHER RESOLVED that we declare Friday, August 31st, 2018 as:

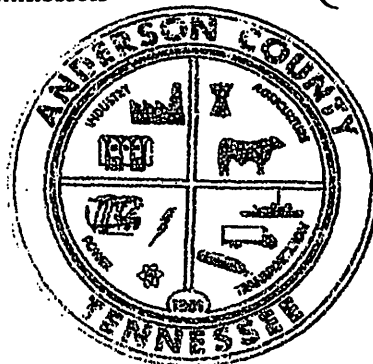
"Sheriff Paul White Day"

in honor of his distinguished career and service to the citizens of Anderson County.


DULY PASSED AND APPROVED this 20th day of August 2018.


Tim Isbel, Chair, A.C. Commission


Terry Frank, Mayor



ATTEST:


Jeff Cole, County Clerk

Anderson County
Board of Commissioners

RESOLUTION 18-08-706

RESOLUTION HONORING MYRON IWANSKI

WHEREAS, August 31, 2018 marks the retirement of one of Anderson County's most beloved statesmen, Myron Iwanski; and

WHEREAS, Myron has devoted his entire professional career to serving the citizens of our county and our great Nation, first as an admired employee of the Tennessee Valley Authority, and since 1994, an admired and respected leader in Anderson County government; and

WHEREAS, Myron began his service with Anderson County as a County Commissioner in 1994 and quickly rose as a proven leader and voice of reason among commissioners; and

WHEREAS, his impeccable reputation for solving the county's most difficult issues became his trademark and legacy; and

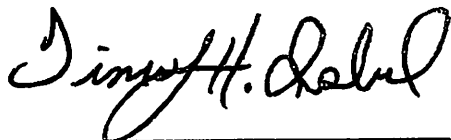
WHEREAS, many times during the course of his career he was chosen by his peers on the Anderson County Commission to serve in important pivotal roles and on the County's most important committees. Myron has served as Chair for the Board of Commissioners, Finance, Audit, Budget, Legal Services Committees and the EMS Audit Committee, and served with distinction on numerous other county government committees; and

WHEREAS, over the years Myron became the *go to guy* when the difficult issues and vacancies arose. He was chosen by his peers as the interim County Mayor in 2011 and Trustee in 2017.

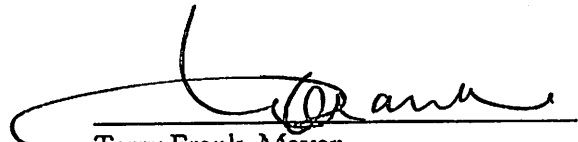
NOW THEREFORE, BE IT RESOLVED by the Anderson County Board of Commissioners meeting in regular session this 20th day of August 2018 that we salute the career of Myron Iwanski and thank him for his dedicated service to our great county. Myron will always be missed in the Anderson County Courthouse but his legacy will live on and he will be never forgotten.

BE IT FURTHER RESOLVED that we declare September 1, 2018 as "Myron Iwanski Day" in Anderson County for his dedicated service and continued role in making Anderson County a better place to live and work.

DULY PASSED AND APPROVED this 20th day of August 2018.

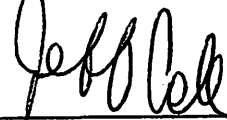


Tim Isbel, Chair, A.C. Commission



Terry Frank, Mayor

ATTEST:



Jeff Cole, County Clerk



Anderson County
Board of Commissioners

RESOLUTION 18-08-707

RESOLUTION HONORING COMMISSIONER PHIL WARFIELD

WHEREAS, Phillip Leroy Warfield has devoted his entire professional life to making Anderson County a better place to live and work for all citizens; and

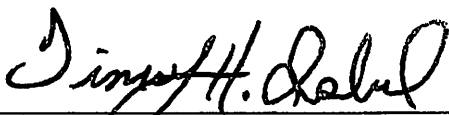
WHEREAS, the Anderson County Board of Commissioners was honored to have Commissioner Warfield serve with distinction since 2014 and witnessed firsthand his passionate efforts representing the citizens of District 3; and

WHEREAS, Commissioner Warfield has taught the young adults of our community for over thirty-two (32) years as an agricultural science instructor at Anderson County High School. He received his formal education from the University of Tennessee where he earned Bachelors and Masters Degrees in Agricultural Science; and


WHEREAS, Commissioner Warfield has been committed to conservation issues for many years and presently serves as the Chairman of the Conservation Board overseeing Anderson County Parks. During his tenure he was instrumental in the final stages of the Blockhouse Valley Nature Preserve Remediation Program, and as a result of his efforts the park will soon be returned to our citizens for their use and enjoyment.

NOW THEREFORE, BE IT RESOLVED by the Anderson County Board of Commissioners meeting in regular session this 20th day of August 2018 that we have been honored to have Commissioner Warfield as one of our members and applaud the tireless efforts and commitment he demonstrated to the citizens of District 3 and the entire county. His service will be deeply missed but never forgotten.

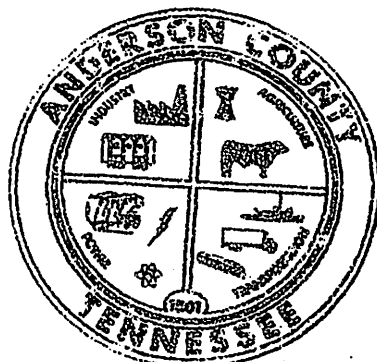
DULY PASSED AND APPROVED this 20th day of August 2018.




Tim Isbel, Chair, A.C. Commission



Terry Frank, Mayor



ATTEST:



Jeff Cole, County Clerk

Anderson County
Board of Commissioners

RESOLUTION 18-08-708

RESOLUTION HONORING COMMISSIONER STEVE EMERT

WHEREAS, unfortunately, our dear friend Steve Emert will be retiring from the Board of Commissioners and public service on August 31st leaving a legacy as one of the most respected members to ever serve on the Anderson County Board of Commissioners; and

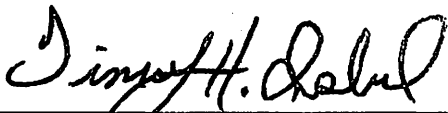
WHEREAS, Steve began serving as a County Commissioner representing District 3 in 2012 after being chosen to fill the unexpired term of the late Murrell Albright; and

WHEREAS, Steve quickly began to impress his peers with his sound reasoning and gentlemen-like attitude on many important issues facing Anderson County. He was soon elected Chairman by his fellow commission members and served two terms directing the efforts of the Board of Commissioners; and

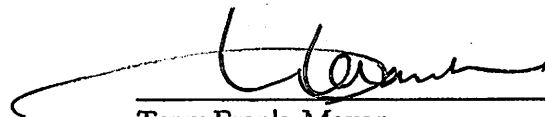
WHEREAS, during Steve's tenure he helped lead Anderson County through many landmark projects including, but not limited to, transition to the 1981 Fiscal Management Act, relocation of the North Anderson County Convenience Center, completion of the final stages of the Blockhouse Valley Nature Preserve, renovation of the Daniel Arthur Building and the relocation of the General Sessions Division II Court and the new Senior Center; and

NOW THEREFORE, BE IT RESOLVED by the Anderson County Board of Commissioners meeting in regular session this 20th day of August 2018 that we have all been honored to serve with Commissioner Emert and applaud his many accomplishments as a member of the Board of Commissioners. His calm demeanor and professional judgment has been a blessing to us all. We wish Steve and his family well on their future endeavors and thank you for a job well-done!

DULY PASSED AND APPROVED this 20th day of August 2018.

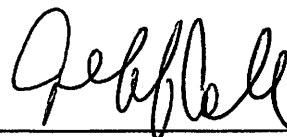


Tim Isbel, Chair, A.C. Commission

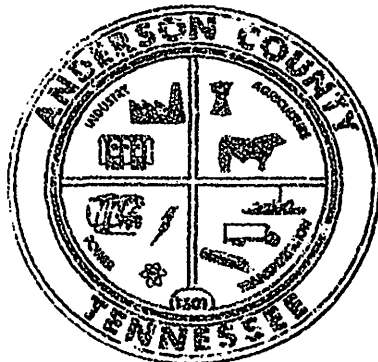


Terry Frank, Mayor

ATTEST:



Jeff Cole, County Clerk



Anderson County
Board of Commissioners

RESOLUTION 18-08-709

RESOLUTION HONORING COMMISSIONER MARK ALDERSON

WHEREAS, many men and women have served as members of the Anderson County Board of Commissioners, but no one has left a legacy quiet like Commissioner Mark Alderson; and

WHEREAS, Commissioner Alderson began his service on the Board of Commissioners in 1998 and quickly earned a reputation as a voice of reason and garnered great admiration from his fellow commissioners; and

WHEREAS, during the course of his career Mark slowly etched a reputation and everlasting legacy for sound decisions, a calming demeanor and above all, fiscal management; and

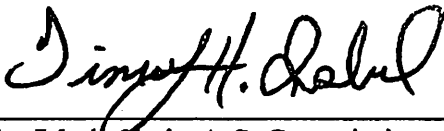
WHEREAS, Commissioner Alderson led this county through some of the more difficult times: as Chair of the Jail Planning Expansion project; the creation of the highly successful Alternatives to Incarceration Program; leading the county through the Clinton annexation resolution and serving as County Mayor after the loss of the former mayor; and

WHEREAS, he earned the respect of his peers and was chosen as the County Commission Chair, Operations Committee Chair, Nominating Committee Chair; Highway Committee Chair, Budget Committee Chair and Purchasing Committee Chair.

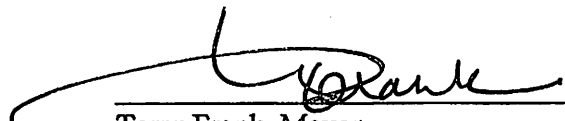
NOW THEREFORE, BE IT RESOLVED by the Anderson County Board of Commissioners meeting in regular session this 20th day of August 2018 that we have all been honored to have served with such a remarkable man who has led this county through difficult times with his calm demeanor and earning immense respect from his fellow commissioners, county officials and the citizens he served. The Anderson County Board of Commissioners will certainly be at a loss without the leadership of Commissioner Mark Alderson.

BE IT FURTHER RESOLVED that we declare September 4, 2018 as: "Mark Alderson Day" in Anderson County in honor of his twenty (20) year career serving the citizens of Anderson County. His remarkable service has truly left a positive impact on all citizens of our great county.

DULY PASSED AND APPROVED this 20th day of August 2018.

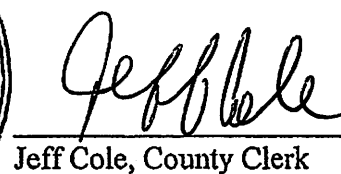


Tim Isbel, Chair, A.C. Commission



Terry Frank, Mayor

ATTEST:



Jeff Cole, County Clerk

Anderson County
Board of Commissioners

RESOLUTION 18-08-710

**RESOLUTION HONORING ANGELA "HOPPY" MERRYMAN
FOR HER DEDICATED SERVICE TO THE STUDENTS OF ANDERSON COUNTY**

WHEREAS, the Anderson County Board of Commissioners believes that classroom success is immediately attributable to the dedicated teachers who make up the foundation for Anderson County Schools. One such teacher stands above all benchmark standards for educational excellence and is directly responsible for the success of many Anderson County students entering college; and

WHEREAS, Ms. Hoppy Merryman has served as the Program Director for the highly successful GEAR UP (Gaining Early Awareness and Readiness for Undergraduate Programs) since its inception in 2012; and

WHEREAS, the GEAR UP program is designed to increase the number of low-income students who are prepared to enter and succeed in postsecondary education; and

WHEREAS, due to the remarkable efforts and outstanding achievements of Hoppy, the School System was recently awarded over \$900,000 to continue this highly successful program through the 2024 school year; and

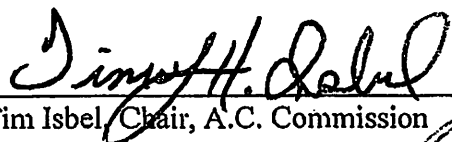
WHEREAS, since the inception of the GEAR UP Program, Hoppy has worked with over 3,500 Anderson County School students helping with college campus visits, career education, FAFSA nights for students and parents and academic celebrations to reward those who have excelled in the program; and

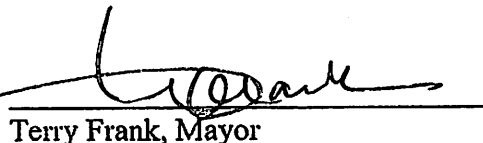
WHEREAS, Hoppy's diligent work ethic fosters profound results and the proof lies in the testing. To wit, Anderson County has seen its average ACT score dramatically increase, which in turn means more financial support for students entering college; and

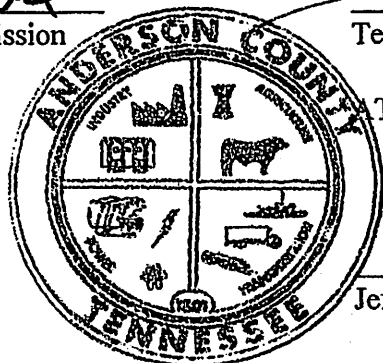
WHEREAS, Hoppy has seen many of her students go on to further their education and succeed in the college classroom. She has seen students accepted to a variety of schools including, MIT, Princeton, Duke, University of Richmond, Berea College, Alabama, Auburn and the University of Tennessee, just to name a few.

NOW THEREFORE, BE IT RESOLVED by the Anderson County Board of Commissioners meeting in regular session this 20th day of August 2018 that we honor and greatly admire the prolific work of Hoppy Merryman in helping our students achieve excellence long after they leave the Anderson County School System. Thank you for a job well-done!

DULY PASSED AND APPROVED this 20th day of August 2018.


Tim Isbel, Chair, A.C. Commission


Terry Frank, Mayor



WITNESSETH:


Jeff Cole, County Clerk

Anderson County Board of Commissioners

RESOLUTION 18-08-702

RESOLUTION AUTHORIZING FULL-TIME SHERIFFS AND DEPUTIES TO RETAIN THEIR SERVICE WEAPON AND BADGE UPON RETIREMENT OR DISABILITY AFTER TWENTY-FIVE YEARS OF SERVICE TO ANDERSON COUNTY.

WHEREAS, *Tenn. Code Ann. § 8-8-218* provides that the county sheriff and deputies are authorized to retain their service weapon and badge upon retirement or disability in recognition of their many years of good and faithful service; and

WHEREAS, the Anderson County Board of Commissioners honors and sincerely appreciates the dedicated service of all deputies employed by the Anderson County Sheriff's Office (ACSO); and

WHEREAS, to pay tribute to these officers who have given their entire professional careers to Anderson County, the Board of Commissioners desires to allow each deputy who retires or is disabled after twenty-five (25) years of service to retain their issued service weapon and badge in recognition of their dedication and devotion to health, safety and welfare of the citizens of this county.

NOW THEREFORE, BE IT RESOLVED by the Anderson County Board of Commissioners meeting in regular session this 20th day of August 2018 that we hereby authorize the sheriff and deputies of the Anderson County Sheriff's Office to retain their service weapon and badge upon retirement or disability after twenty-five (25) years of service to the citizens of Anderson County.

BE IT FURTHER RESOLVED that the Anderson County Purchasing Agent is authorized to remove all weapons subject to this Resolution from the official inventory of assets and officially transfer ownership of said weapon to the appropriate retiring or disabled deputy.

BE IT FURTHER RESOLVED that this Resolution take effect immediately upon passage by two-thirds (2/3) vote of the Board of Commissioners.

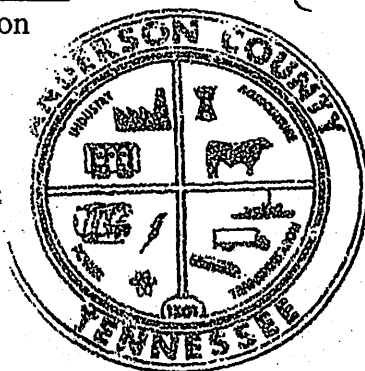
DULY PASSED AND APPROVED this 20th day of August 2018.



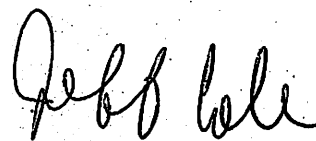
Tim Isbel, Chair, A.C. Commission



Terry Frank, Mayor



ATTEST:



Jeff Cole, County Clerk

Anderson County, Tennessee
Board of Commissioners

RESOLUTION NO. 18-08-701

A RESOLUTION AUTHORIZING ANDERSON COUNTY TO MAKE APPLICATION
FOR A 2018 EDUCATION AND OUTREACH GRANT THROUGH TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION, DIVISION OF SOLID
WASTE MANAGEMENT

WHEREAS, the Education and Outreach Grant Program as administered by the Tennessee Department of Environment and Conservation, Division of Solid Waste Management offers grants to local jurisdictions to fund equipment needs in recycling; and

WHEREAS, Anderson County has need for new equipment including signage for use at all convenience centers;

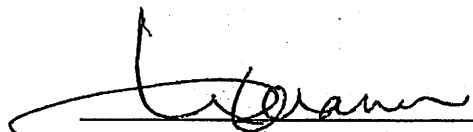
NOW, THEREFORE, BE IT RESOLVED that the Anderson County Board of Commissioners does hereby commit to applying for an Education and Outreach Grant, not to exceed \$50,000.00; and

BE IT FURTHER RESOLVED, the Anderson County Board of Commissioners will commit to provide matching funds in the amount of 50% or \$25,000.00 of the total eligible project costs.

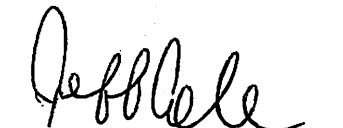
DULY PASSED AND APPROVED by the Anderson County Board of Commissioners meeting in regular session this 20th day of August, 2018, in Anderson County, Tennessee.

APPROVED:


Tim Isbel, Co. Commission Chairman


Mrs. Terry Frank, County Mayor

ATTEST:


Jeff Cole, Anderson County Clerk



Anderson County, Tennessee Board of Commissioners

RESOLUTION NO. 18-08-711

RESOLUTION TO EXTEND TIME FOR THE COUNTY CHARTER COMMISSION TO COMPLETE ITS DUTIES OR UNTIL THE END OF ANY LITIGATION

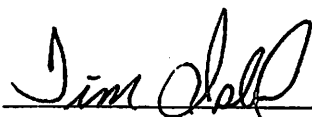
WHEREAS, *Tennessee Code Annotated § 5-1-208* specifies that each charter commission shall prepare and file the charter proposed by it not later than nine (9) months after the date of its initial meeting, or within such extended limit of time as may be authorized by resolution of the legislative body of the county; and

WHEREAS, the Anderson County Charter Commission respectfully requests the Anderson County Legislative Body to extend the time needed to fully evaluate all aspects of county government operations in order to complete a thorough and exhaustive examination of proposed charter provisions, legal construction requirements and possible court orders; and

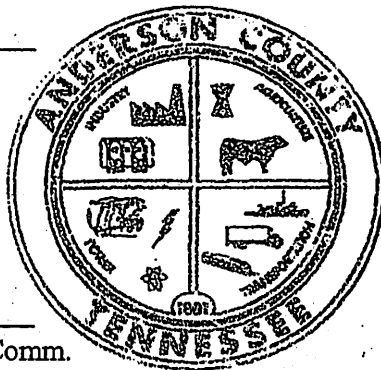
WHEREAS, pursuant to *Tenn. Code Ann. § 5-1-208* the Charter Commission would request an extension until the end of any current or future litigation to complete its due diligence and review all components of Anderson County Government to determine if a charter form of government is needed and in the best interests of Anderson County citizens.

NOW THEREFORE, BE IT RESOLVED by the Anderson County Legislative Body meeting in regular session this 20th day August, 2018 that the time needed to evaluate and review all aspects of County Government operations and to prepare and file any documents shall be extended until the end of any litigation involving the charter commissioners.

RESOLVED, DULY PASSED AND APPROVED this 20th day of August 2018.

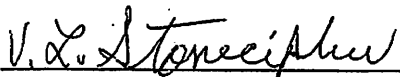


Tim Isbel, Chair, AC Comm.

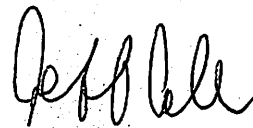


Terry Frank, County Mayor

ATTEST:



V.L. Stonecipher, Chair, Charter Comm.



Jeff Cole, County Clerk



ANDERSON COUNTY GOVERNMENT

TERRY FRANK
COUNTY MAYOR

August 28, 2018

County Clerk Jeff Cole
Anderson County Board of Commissioners

Re: Veto of Resolution 18-08-711

Dear County Clerk Cole, Commission Chairman Isbel, and Honorable Members of Commission,

Pursuant to TCA, the County Mayor may issue a veto for a resolution passed by Commission. It is not my desire to hold up any process, nor prevent the extension of time to allow the Charter Commissioners to work on a proposed Charter to present to the voters of Anderson County; however, the process for the presentation of the attached Resolution No. 18-08-711 gives me pause. I have spent the last several days turning over in my mind whether to return the document to the Clerk unsigned, or whether to issue a veto.

It is my hope a veto can 1. help focus attention on the procedural issues associated with the passage of this Resolution; 2. give us additional time to ensure Anderson County is not compounding any issues related to the execution of duties by the Charter Commission due to the language contained in Resolution No.18-08-711; and 3. give us additional time to ensure Anderson County is not found at fault in the process.

I have issued a veto because of procedural concerns regarding the resolution presented for passage and the language contained in the second and third "Whereas" sections.

To summarize, the veto is issued because 1. the Charter Commission has not met since February 2018 and minutes do not reflect the group's request for additional time, 2. Despite language of Resolution 18-08-711, Charter Commission reviewed all departments over a span of twelve months and asked that a draft be presented that reflects structures already in place, 3. I am uncertain if the current board is still considered active.

For an expanded clarification, in June of 2017, the Charter Commission requested an extension of time to fulfill their duties. That extension expired August 1, 2018. Minutes of the June 2017 Charter Commission meeting note,

3. Resolution for extension of time – Upon motion made by Commissioner Mead, seconded by Commissioner Stanley and passed to forward Resolution No. 17-6-642 to full Commission with a recommendation for approval.

In the case of the Resolution No. 18-08-711 presented in August of 2018, my concerns are related to the following:

1. The Charter Commission has not met since February 15, 2018. In reviewing the minutes, I note that there was no second request or motion by the Charter Commission to extend the time. Can Anderson County pass a resolution to extend the time without the Charter Commission requesting such an extension through a vote of its board?
2. Since the extension authorized by Anderson County Commission expired on August 1, 2018, is the current body still an active Charter Commission?
3. In reviewing the minutes, there was a motion approved in February of 2017 that noted, "3. *Unfinished Business – Commissioner Mead discussed the time-line for preparing and submitting a draft of the charter government. Commissioner Alderson made a motion, seconded by Commissioner Mead, for the Law Director, Mr. Yeager, to prepare a draft pursuant to the statutes of each department already in place and according to TCA Code. To my knowledge, a draft charter document has not been prepared. Is that the case? Or, has a charter document been drafted and not presented as of yet?*"
4. The second "Whereas" of Resolution No. 18-08-711 requests an extension to "fully evaluate all aspects of government operations..." yet, Charter Commission minutes indicate Charter Commissioners conducted a complete interview process and requested a draft be created that reflected existing structure with no changes.
5. The third "Whereas" section of Resolution No. 18-08-711 grants an extension for an indeterminable amount of time, specifically leaving open the door for "future" events not even known or envisioned at this time. My concern is that such an open-ended extension instead of separate requests along the way, leaves Anderson County vulnerable to challenges or arguments that it is avoiding fulfillment of duties.
6. The third "Whereas" section of Resolution No. 18-08-711 also requests time to review "if a charter form of government is needed," while Tennessee Attorney General Opinion No. 18-36 states the Charter Commission has a duty to produce a charter.

In summary, the Charter Commission has made clear since February of 2017, over 19 months ago, that its intent was to produce a document to reflect our existing structure of government and present it to the voters of Anderson County. A motion at their last meeting in February of 2018 reflected a similar motion. Though one member submitted his own individual opinion for the minutes that no charter be drafted, the Attorney General issued an opinion that there is in fact, a duty to present a charter. (attached Opinion No. 18-36)

February 2018 motion: Commissioner White made a motion to offer no changes. Motion was seconded by Isabel. Motion carried by roll call vote. Next a motion was made to include Commissioner Mead's "supporting document" into the minutes. That motion carried and his document was added to the minutes.

From the February 6, 2017 meeting: Commissioner Alderson stated, "Mr. Chairman, I'd like to make a motion that our county attorney start a draft and take the example that's stated in TCA Codes pursuant to each department or elected office—the statutes of each department or elected office already in place until we have a full draft according to TCA Code, prior to, if possible, I know it may take a long time, but basically copy the statutes for each office and present that as a draft." (February 6, 2017, Commissioner Alderson made a motion, seconded by Commissioner Mead, for the Law Director, Mr. Yeager, to prepare a draft pursuant to the statutes of each department already in place and according to TCA Code.)

It appears the work requested by Charter Commission members speaking through its motions and recorded minutes has not been accomplished. I believe they have made an earnest effort to review departments and request that an appropriate charter be drafted to reflect the existing structure.

In conclusion, I believe Anderson County Commission should research its role and relationship to the Charter Commission. Given that Commission can allow for an extension of time and is required to provide funds for the drafting of the document, it would appear to me that Commission's duty is to assist in the fulfillment of the motions of the Charter Commission, but to what extent? And how?

In reviewing the minutes of the Charter Commission, a document should be drafted that reflects the existing structure of our government to present to the voters of Anderson County. If that work has not been performed, what role does County Commission have in seeing that work accomplished? In helping Charter Commissioners complete their duties?

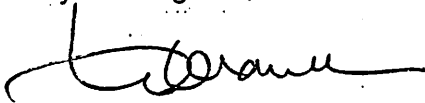
Anderson County should also inquire if the current Charter Commissioners are still empowered to act. That is, do they continue to hold office until their duties are fulfilled, or did their office expire upon the expiration of the extension authorized by County Commission? I ask because one Charter Commissioner writing me has stated he believes his office expired on July 31, 2018.

While not a reason for my veto, I would like to take the opportunity to express one other note. Resolution No. 18-08-711 did not appear on the Agenda for the regularly scheduled August 2018 meeting, thus the public nor interested citizens had public notice that the item would be discussed. While it is not a requirement to publish an agenda, Anderson County's Rules of Procedure note, *"the Commission Chairman shall prepare and distribute an agenda listing the items of business in their proper order by the Wednesday afternoon prior to the meeting. These shall include a listing of the committees, boards, and commissions scheduled to report with the names of those who will present the report; elections to be held; and resolutions/motions under unfinished business and new business filed with the Clerk of Commission by 12:00 noon on the Wednesday before the meeting. The agenda may be amended by a vote of 2/3 majority (11) of Commission."*

In addition, *"Only for unpredictable emergencies should information or requests presented to Commission less than five days before the regular monthly Commission meeting, be considered."*

In addition, as I have noted on many occasions both verbally and in writing, the office/position of County Mayor is an ex-officio member of the Board of Commissioners and should be included in the distribution of documents that are presented to commission. The Mayor's Office was not presented the document until after its passage and until its presentation by the office of the County Clerk. I believe including the Office of the County Mayor can help Commission in its fulfillment of duties as well as goals and could have given me time to get some of these questions answered prior to the full Commission meeting instead of raising them afterwards. It can also help me do a better job as Mayor. I feel that we have made great progress in this area, however, there was a lapse on this occasion.

My best regards,



Terry Frank
County Mayor

**STATE OF TENNESSEE
OFFICE OF THE ATTORNEY GENERAL**

July 30, 2018

Opinion No. 18-36

Duties of a Charter Commission

Question 1

Once elected, do members of a charter commission have a duty to prepare and file a charter for consideration by the people?

Opinion 1

Yes.

Question 2

May a county legislative body extend the time period a charter commission has to submit its proposed charter more than once or take other actions if a charter commission fails to perform its duty to prepare and file a charter?

Opinion 2

The applicable statutes place no limits on a county legislative body's authority to extend the time a charter commission has to prepare and file its proposed charter. State law does not provide any other specific remedies for a charter commission's failure to fulfill its duty, but a county legislative body has some implied authority over the continued existence of the commission.

ANALYSIS

The Limited Constitutional Convention of 1977 amended the Tennessee Constitution to allow the General Assembly to provide for new forms of county government, including the "right to charter." Tenn. Const. art. VII, § 1; *see Jordan v. Knox Cty.*, 213 S.W.3d 751, 766-67 (Tenn. 2007). In 1979, after these constitutional changes had been ratified by the people, the General Assembly enacted legislation "to provide for the right to charter for counties as an alternate form of government" and to establish the procedures and requirements applicable to any county wishing to adopt a charter form of government. Tenn. Code Ann. § 5-1-201; *see also Jordan*, 213 S.W.3d at 767.

Under this statutory scheme, the initial step for a county wishing to adopt a charter form of government is to create a charter commission. *See* Tenn. Code Ann. § 5-1-204(a). A county may create a charter commission in one of three ways: (1) the legislative body may adopt a resolution

to create the commission, *id.* § 5-1-204(b); (2) the county mayor may issue a proclamation creating a commission and appointing its members, so long as the proclamation is ratified by the county legislative body, *id.* § 5-1-204(c); or (3) voters may submit a petition to the legislature for a resolution to establish a charter commission, *id.* § 5-1-204(d). If the county legislative body adopts a resolution creating a charter commission, either on its own initiative or pursuant to a voter petition, the county election commission must hold an election for the members of the charter commission. *Id.* §§ 5-1-204(b)(6), (d)(2); 5-1-205(a).

1. Once established, a charter commission has a duty to prepare and file a charter. Section 5-1-208(a) directs that “[e]ach charter commission *shall* prepare and file the charter proposed by it not later than nine (9) months after the date of its initial meeting, or within such an extended limit of time as may be authorized by resolution of the legislative body of the county.” (emphasis added). “When ‘shall’ is used in a statute or rule, the requirement is mandatory.” *Bellamy v. Cracker Barrel Old Country Store, Inc.*, 302 S.W.3d 278, 281 (Tenn. 2009); *see also Stubbs v. State*, 216 Tenn. 567, 393 S.W.2d 150, 154 (1965) (“When ‘shall’ is used . . . it is ordinarily construed as being mandatory and not discretionary.”). Accordingly, a charter commission “must prepare and file a proposed charter.” Tenn. Att’y Gen. Op. 97-96 (July 1, 1997).

Moreover, the statutes require that a resolution or proclamation creating a charter commission include a provision indicating that the charter commission is established “to propose to the people an alternative form of county government.” Tenn. Code Ann. § 5-1-204(b)(3), (c)(3). In other words, although a charter commission is ultimately governed by the county resolution or proclamation establishing it, state law mandates that “[t]he basic purpose of the Charter Commission” must be “to prepare a proposed . . . charter to be submitted to a special referendum election in a particular county.” Tenn. Att’y Gen. Op. 83-477 (Nov. 8, 1983).

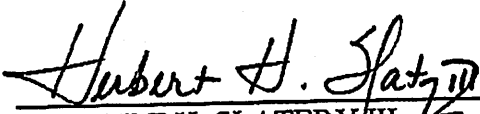
In short, the singular purpose of the creation of a charter commission is to propose a charter form of government. Accordingly, a charter commission has a duty to prepare and file a proposed charter as directed by the resolution or proclamation.

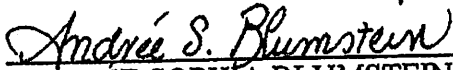
2. If a charter commission fails to prepare and file a proposed charter within nine months of its first meeting as directed by § 5-1-208(a), the county legislative body may extend the time for filing a proposed charter.

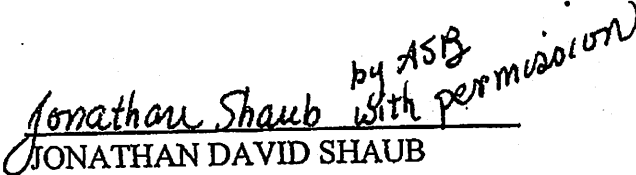
Section 5-1-208(a) specifically allows the county legislative body to extend the time the charter commission has to submit its proposed charter. The charter commission must prepare and file the proposed charter within nine months of its first meeting “or within such extended limit of time as may be authorized by resolution of the legislative body of the county.” Tenn. Code Ann. § 5-1-208(a). The statute does not limit the number of times a legislative body may extend the time a charter commission has to propose a charter, nor does it limit the length of any extension. As long as the time period is extended “by resolution of the legislative body of the county,” there are no state law limitations on the number or length of the extensions.

State law does not expressly provide for other remedies that the county legislative body may take if a charter commission fails to perform its duty to prepare and file a charter. Nor does state law provide any specific remedies for a charter commission’s failure to propose a charter.

But the county legislative body may have implied authority to dissolve a charter commission that fails to perform the singular function for which it was created. As a matter of statutory construction, a local government has any authority that is “necessarily implied or necessarily incident to the powers expressly granted” to it. *See Southern Constructors, Inc. v. Loudon County Bd. of Educ.*, 58 S.W.3d 706, 710 (Tenn. 2001). The authority to create a commission and to extend the time it has to perform its statutory duty necessarily implies that the county legislative body has some authority over the continued existence of the charter commission, particularly if the commission was created at the initiative of the legislative body itself. *See State ex rel. Patton v. Mayor & Bd. of Aldermen*, 626 S.W.2d 5, 6 (Tenn. 1981) (holding that a grant of authority to a municipality to create a utility board necessarily included the authority to dissolve the board); 56 Am. Jur. 2d Municipal Corporations § 356 (“The power of a municipal corporation to enact ordinances generally implies the power to repeal them by means of an act of equal dignity.”).


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