

**ANDERSON COUNTY
REGULAR SESSION
COMMISSION MINUTES
JULY 17, 2017**

BE IT REMEMBERED THAT THE ANDERSON COUNTY BOARD OF COMMISSION MET IN REGULAR SESSION ON JULY 17, 2017 WITH THE FOLLOWING COMMISSIONERS PRESENT: CHUCK FRITTS, TRACY WANDELL, MARK ALDERSON, RICK MEREDITH, STEVE EMERT, PHIL WARFIELD, SHAIN VOWELL, TIM ISBEL, ROBERT MCKAMEY, JERRY WHITE, WHITEY HITCHCOCK, STEVE MEAD, JERRY CREASEY, THERESA SCOTT AND PHIL YAGER. ABSENT: NONE.

Prayer was led by Commissioner Vowell.

Pledge of Allegiance was led by Commissioner Mead.

1. Commissioner Scott made a motion to refer to August Operations the discussion of money for fire trucks and equipment. Seconded by Commissioner Isbel. Motion carried by voice vote.
2. Commissioner McKamey made a motion to approve Consent Agenda. Seconded by Commissioner Mead.

Commissioner Scott made a motion to amend Consent Agenda to move the Director of Schools report to the Regular Agenda.

Motion carried by voice vote to approve amended Consent Agenda.

- June 13, 2017 and June 19, 2017 County Commission Minutes
- Notary and Notary Bonds
- Courtesy Resolutions/Proclamations
- Reports
 - Director of Schools
 - Board of Education Minutes (6-15-17)
- Committee Reports
 - None

Notaries

Robert Clinton Davis

Lauren Defore

Linda B Deloach

Geanis Vera Farr

J Philip Harber

Melanie Head

Rebecca Herrin

Jacqueline L King

Lavonda R Lambert

Gerda Leach

Tamara Logan

Tyler M Pyle

Lydia D Robson

Deborah Schenk

Cassandra J Shipley

Tina Strickland

Kelly R Vittatoe

Notary Bonds

Western Surety Company

Lorraine Loy

Rebecca Joy Satterfield

Kelli Diran Houser

Mark A Scott

Melinda Leanne Earnest

Merchants

V Hancock

Jacqueline Ford Harris

RLI

Dawn Foster

3. Commissioner Fritts made a motion to approve Regular Agenda. Seconded by Commissioner Yager. Motion carried by voice vote.

Elections

4. Commissioner Fritts made a motion to accept resignation of Myron Iwanski as County Commissioner. Seconded by Commissioner McKamey. Motion carried by voice vote.

Nominating Committee

5. Commissioner Alderson made a motion to defer voting and filling the vacancy for County Commission for 30 days. Seconded by Commissioner Fritts. Motion carried by voice vote.

Director of Schools

No action at this time.

Mayor

6. Commissioner McKamey made a motion to discuss the Mayors recommendations for the Conservation Board. Seconded by Commissioner White.

Commissioner Warfield made a motion to vote for the candidates individually. Seconded by Commissioner Mead. Motion carried by voice vote.

Earl Cagle: Voting aye: Fritts, Wandell, Alderson, Meredith, Emert, Warfield, Vowell, Isabel, McKamey, White, Hitchcock, Creasey and Scott. Voting no: Mead and Yage. Absent: none. Motion passed.

State Farm

Robyn Grant

Jennifer Lynn Melton

Norma S Sheldon

Danielle R Gamble

Andrea Michelle Tindell

Travelers

Sharon K Jackson

Liberty Mutual

Regina C Dotson

Brenda Currier: Voting aye: Fritts, Wandell, Alderson, Meredith, Emert, Warfield, Vowell, Isbel, McKamey, White, Hitchcock, Mead, Creasey, Scott and Yager. Voting no: none. Absent: none. Motion passed.

Christopher Silver: Voting aye: Fritts and McKamey. Voting no: Wandell, Alderson, Meredith, Emert, Warfield, Vowell, Isbel, White, Hitchcock, Mead, Creasey, Scott and Yager. Absent: none. Motion failed.

Chuck Fritts: Voting aye: Fritts, Wandell, Isbel, McKamey and White. Voting no: Alderson, Meredith, Emert, Warfield, Vowell, Hitchcock, Mead, Creasey, Scott and Yager. Absent: none. Motion failed.

Christine Dixon: Voting aye: Fritts, Wandell, Vowell, McKamey and White. Voting no: Alderson, Meredith, Emert, Warfield, Isbel, Hitchcock, Mead, Creasey, Scott and Yager. Absent: none. Motion failed.

7. Commissioner Wandell made a motion to refer to Operations Committee the discussion of Payments in Lieu of Taxes for DOE. Seconded by Commissioner Scott.

Commissioner Wandell amended his motion to refer it to the Legislative Committee. Motion carried by voice vote.

8. Commissioner Wandell made a motion for the Mayor to draft a resolution for legislation to reallocate existing gas and oil taxes. Seconded by Commissioner Scott. Motion carried by voice vote.

Law Director

9. Commissioner Meredith made a motion to accept the amended Code of Ethics for Anderson County. Seconded by Commissioner Warfield. Motion carried by voice vote.

10. Commissioner Warfield made a motion to accept the amended Senior Center MOU.(Exhibit A) Seconded by Commissioner Mead. Motion carried by voice vote.

11. Commissioner White made a motion to refer to Operation Committee the discussion of finding rooms for the courts for victim witness conference rooms and attorney conference rooms. Seconded by Commissioner Scott. Motion carried by voice vote.

Finance Committee

12. Commissioner Mead made a motion to make part of the County Commission Minutes the following cash management forms and documents: Advanced Bond Refinancing-State Form CT-0253, Capital Outlay Note for \$1.4M-Letter from OSLF, Capital Outlay Note for \$1.4M-State Form CT-0253. Seconded by Commissioner Isbel. Motion carried by voice vote.

13. Commissioner Isbel made a motion to make the July Financial Management Committee Minutes part of the County Commission Minutes. Seconded by Commissioner Isbel. Motion carried by voice vote.

Budget Committee

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

Increase Expenditure Code:

171-91110-712-CHIL Capital Projects-General Admin. Projects \$60,000.00
Heating & Air Conditioning Equip.

Decrease Reserve Code:

171-34690-CP17 Committed Other Purposes- \$60,000.00
Capital Project 17/18

Increase Expenditure Code:

101-51910-499-3001 Preservation of Records-Other \$6,256.00
Supplies & Materials- Archives
Grant

Decrease Reserve Code:

101-39000 Unassigned Fund Balance \$6,256.00
(Amendment will be from 101-34520 and a JE will replenish the reserve for 39000)

Increase Expenditure Code:

101-51720-399-ZNRM Other Contracted Services \$10,000.00

Increase Revenue Code:

101-41520 Building Permits- Enforcement \$10,000.00
Clean up

Decrease Reserve Code:

101-39000 Restricted/Health Dept. \$75,000.00
Improvements

(Amendment will be from 101-34530-2000 and a JE will replenish the reserve for 39000)

Increase Expenditure Code:

101-55110-707-SPNM Local Health Center/Bldg. \$75,000.00
Improvements

Increase Revenue Code:

101-47590-3000 Health Dept. Program- \$55,077.00
Federal Revenue

Decrease Revenue Code:

101-46310-3000 Health Dept. Program \$55,077.00
DGA

Increase Expenditure Codes:

171-91150-715 Capital Projects- Land \$257,000.00
171-91150-732 Capital Projects- Building 337,000.00
Total Increased Expenditures \$595,000.00

Decrease Reserve Code:

171-34635-SCBLG Committed- Social, Cultural & \$595,000.00
Recreational Projects

Increase Expenditure Codes:

171-91130-707-JAIL	Building Improvements	\$10,000.00
171-91110-707-JROOF	Building Improvements	150,000.00
171-91110-708-SWALL	Building Improvements	<u>13,000.00</u>
	Total Expenditures Decreased	\$173,000.00

Decrease Reserve Code:

171-34690-CP17Capital Projects		\$173,000.00
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15. Commissioner Meredith made a motion to approve the following non-school transfers. Seconded by Commissioner White. Voting aye: Fritts, Wandell, Alderson, Meredith, Warfield, Vowell, Isbel, McKamey, White, Hitchcock, Mead, Creasey, Scott and Yager. Voting no: Emert. Absent: none. Motion passed.

Increase Expenditure Codes:

118-82310-602	Principal on Notes	\$1,775.00
118-82310-604	Interest on Notes	<u>1,199.00</u>
	Total Increased Expenditures	\$2,974.00

Decrease Expenditure Codes:

118-82210-604	Interest on Notes	\$2,511.00
118-55130-709	Data Processing Equipment	<u>463.00</u>
	Total Expenditures Decreased	\$2,974.00

Increase Expenditure Codes:

101-52200-122	Purchasing- Clerk Personnel	\$5,400.00
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Decrease Expenditure Codes:

101-52200-101	Purchasing- Purchasing Agent	\$5,400.00
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16. Commissioner Hitchcock made a motion to approve the following general fund unassigned fund balance appropriations. Seconded by Commissioner Vowell. Voting aye: Fritts, Wandell, Alderson, Meredith, Emert, Warfield, Vowell, Isbel, McKamey, White, Hitchcock, Mead, Creasey, Scott and Yager. Voting no: none. Absent: none. Motion passed.

Increase Reserve Code:

101-39000	Unassigned Fund Balance	\$60,000.00
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Decrease Reserve Code:

101-39000	Unassigned Fund Balance	\$60,000.00
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(Amendment will be from 101-34160-CHIL and a JE will replenish the reserve for 39000)

Increase Expenditure Code:

101-54410-307	Communications	\$2,936.00
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Decrease Reserve Code:

101-39000	Unassigned Fund Balance	\$2,936.00
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Increase Expenditure Codes:

101-51910-169	Preservation of Records-Part Time	\$8,761.00
101-51910-201	Preservation of Records- Social Sec.	543.00
101-51910-210	Preservation of Records-Unemployment	96.00

101-51910-212	Preservation of Records-Medicare	<u>127.00</u>
	Total Increased Expenditures	\$9,527.00
<u>Decrease Reserve Code:</u>		
101-39000	Unassigned Fund Balance	\$9,527.00
<u>Increase Expenditure Code:</u>		
101-51900-305	Other General Administration-Audit Services	\$4,050.00
<u>Decrease Reserve Code:</u>		
101-39000	Unassigned Fund Balance	\$4,050.00
<u>Decrease Reserve Code:</u>		
101-39000	Unassigned Fund Balance	\$10,000.00
<u>Increase Expenditure Code:</u>		
101-52500-790	Other Equipment-Commission Room	\$10,000.00

17. Commissioner McKamey made a motion to discuss Item 6 Stormwater Management. Seconded by Commissioner Warfield.

<u>Increase Expenditure Codes:</u>		
101-57800-105	Supervisor/Director	\$52,998.00
101-57800-201	Social Security	3,286.00
101-57800-204	State Retirement	3,885.00
101-57800-206	Life Insurance	39.00
101-57800-207	Medical Insurance	4,980.00
101-57800-208	Dental Insurance	275.00
101-57800-209	S/T Disability	360.00
101-57800-210	Unemployment	96.00
101-57800-212	Medicare	<u>768.00</u>
	Total Increased Expenditures	\$66,687.00
<u>Decrease Reserve Code:</u>		
101-39000	Unassigned Fund Balance	\$66,687.00

Voting aye to pass this line item: Fritts and McKamey. Voting no: Wandell, Alderson, Meredith, Emert, Warfield, Vowell, Isbel, White, Hitchcock, Mead, Creasey, Scott and Yager. Absent: none. Motion failed

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

<u>Increase Expenditure Codes:</u>		
101-55190-399 Built	Other Contracted Services	\$8,700.00
101-55190-499 Built	Other Supplies & Materials	1,300.00

Decrease Reserve Code:

101-34530-2000

Reserve Code-Restricted for Health Dept.

\$10,000.00

Purchasing Committee

19. Commissioner White made a motion to approve a contract with Hensley Holdings for the County Clerk for a six year contract for the period of 8/13/2017-8/13/2023 for the lease of space in the Hensley Shopping Center. Seconded by Commissioner Scott. Motion carried by voice vote.

Operations Committee

20. Commissioner Isbel made a motion to approve resolution 17-07-643 that supports an increase in Medicare reimbursement rates to continue the operation of our Anderson County Emergency Medical Services. (Exhibit B) Seconded by Commissioner McKamey. Motion carried by voice vote. Voting no: Emert and Warfield.

21. Commissioner Isbel made a motion to approve the policy supporting funding for clean-up of properties. Seconded by Commissioner Mead. Motion carried by voice vote.

22. Commissioner Isbel made a motion to approve resolution 17-07-645 in support of primary regulation of coal mining in Tennessee.(Exhibit C) Seconded by Commissioner Mead. Motion carried by voice vote.

23. Commissioner White made a motion to approve the lowest bid RFP for the EMS audit which was Fitch & Associates. Seconded by Commissioner Mead. Motion carried by voice vote.

24. Commissioner McKamey made a motion to defer the selection of an EMS Audit Advisory Committee to the Nominating Committee. Seconded by Commissioner Meredith. Motion carried by voice vote.

Commissioner Yager made a motion to amend motion that there be a minimum of five people on EMS Advisory Committee and that they use their discretion on maximum. Seconded by Commissioner Scott. Motion carried by voice vote.

25. Commissioner Warfield made a motion to approve the following twelve people for the EMS Audit Advisory Committee: Ricky Rose, Jerry White, Phil Warfield, Shaine Vowell, Stephen Newby, Chief Kerley, Theresa Scott, Myron Iwanski, Stephanie Fox, Joedy Turner, Dale Isabell and David Anderson Sr. Seconded by Commissioner Scott. Motion carried by voice vote.

26. Commissioner Yager made a motion to withdraw his previous motion to send the selection of the EMS Audit Advisory Committee to the Nominating Committee. Seconded by Commissioner Scott. Motion carried by voice vote.

27. Commissioner Isbel made a motion to select Randy Walters as Project Manager for the EMS audit. Seconded by Commissioner Meredith. Motion carried by voice vote.

28. Commissioner White made a motion to appropriate funds for the EMS audit from unassigned fund balance with the amount not to exceed \$43,900.00. Seconded by Commissioner Meredith. Voting aye: Wandell, Alderson, Meredith, Emert, Warfield, Vowell, Isbel, McKamey, White, Hitchcock, Mead, Creasey, Scott and Yager. Voting no: Fritts. Absent: none. Motion passed.

29. Commissioner McKamey made a motion to send out for bid the Glen Alpine Convenience Center at current location with a bid with and without building enclosure. Seconded by Commissioner Mead. Motion carried by voice vote.

30. Commissioner Meredith made a motion to refer to Purchasing Committee the purchase of a new copier for the Commission Office. Seconded by Commissioner Scott.

Commissioner McKamey made a motion to amend previous motion and go ahead and lease a copier not to exceed \$10,000.00 a year. Seconded by Commissioner Mead. Voting aye: Wandell, Alderson, Meredith, Emert, Warfield, Vowell, Isbel, McKamey, White, Mead, Creasey, Scott and Yager. Voting no: Hitchcock. Absent: Fritts. Motion passed.

Road Committee

31. Commissioner Alderson made a motion to approve the speed limit be changed on Rockhouse Lane to 25 mph. Seconded by Commissioner Isbel. Motion carried by voice vote.

32. Commissioner Alderson made a motion to approve the speed limit be changed on Spink Drive to 20 mph. Seconded by Commissioner White. Motion carried by voice vote.

Old Business

33. Commissioner McKamey made a motion to refer to August Budget and Operations Committee surveying a raise for our Senior Center & Office on Aging Director. Seconded by Commissioner Mead. Motion carried by voice vote.

New Business

34. Commissioner Warfield made a motion that the Director of EMS provide County Commission for this fiscal year a detailed monthly report of expenditure and revenues and that be sent to Operations Committee. Seconded by Commissioner Scott. Motion carried by voice vote.

Meeting adjourned.

Steven R. Emert

Steven R Emert, Chairman
County Commission

Jeff Cole

Jeff Cole
County Clerk



EXHIBIT PAGE

JULY 17, 2017

EXHIBIT A: MEMORANDUM OF UNDERSTANDING FOR ANDERSON COUNTY SENIOR CENTER

EXHIBIT B: RESOLUTION 17-07-643 SUPPORT IN INCREASE IN MEDICARE REIMBURSEMENT RATES TO CONTINUE THE OPERATION OF OUR ANDERSON COUNTY EMS

EXHIBIT C: RESOLUTION 17-07-645 IN SUPPORT OF PRIMARY REGULATION OF COAL MINING IN TENNESSEE

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

MEMORANDUM OF UNDERSTANDING ANDERSON COUNTY SENIOR CENTER

This Memorandum of Understanding (MOU) is made this 17th day of July, 2017, and effective on the date signed below, by and between the Parties hereto: Anderson County Government (hereinafter "County"); Michael Farley (hereinafter "Farley"); and the Anderson County Office on Aging and Senior Center (hereinafter "Seniors").

A. Purpose

To provide services, support, activities and programs to Anderson County Seniors and to set forth the rights and obligations of all parties to this MOU.

B. Rights and Obligations of County

County agrees to the following:

- 1) Provide a Director of Senior Programs for the Office on Aging and Senior Center including salary and all employee benefits. This position will be under the direction and control of the County Mayor. The Director will be responsible for the administration of all senior programs, operation of the Senior Center and compliance with all approved county policies and procedures;
- 2) A building suitable for the administration of senior programs to be located in a portion of the existing building at 205 Main Street, Clinton, TN 37716;
- 3) Structural and HVAC repairs will be the responsibility of the County; however, minor building repairs, maintenance, painting, cleaning and renovations will be the responsibility of the Seniors;
- 4) County will provide to the Seniors the large event center room, kitchen area, a minimum of 420 square feet of office space in the portion of the building facing Main Street, and adequate storage and parking areas. The garage area will not be included;
- 5) Mandatory Finance and Purchasing administration including an annual fiscal audit of all Senior accounts;
- 6) Property loss and casualty insurance for building and contents will be obtained by County and effective July 3, 2017;
- 7) County will retain all rent proceeds beginning on July 1, 2017 from existing and future tenants generated from the portion of the building not occupied by the event center;

- 8) County will retain sole and exclusive use of the garage area of the building;
- 9) County may host conferences and events at the Senior Center free of charge provided the event or conference does not conflict with scheduled Senior activities;
- 10) County will provide an additional \$15,000 for purchase from Farley of audio-visual components, lighting, furniture, kitchen utensils, tableware, appliances, game tables and all decorations. These items will become the property of Anderson County Government;
- 11) County agrees not to name the senior center facility in memory of, or in honor of any one specific county commissioner or person unless approved by a two-thirds (2/3) vote of its membership.

C. Rights and Obligations of Seniors

Seniors will provide and receive the following:

- 1) Seniors will receive all rental receipts generated from the event center for use in promoting programs and activities. No funds generated from the property will be retained by any person with the exception of Section C, 10 and C, 12. All funds generated will be timely deposited (within forty-eight (48) hours excepting weekends) and receipted by the County Finance Department without delay. Seniors will maintain a separate accounting of all funds received from event center rentals and expenditures required for operational purposes. The accounting records of the Seniors shall be compared and audited to the records maintained by the Finance Department no less than one time each fiscal year;
- 2) Seniors will take over all scheduling and reservations for the event center on July 1, 2017 and will change all signage and website information to reflect the appropriate contacts for future bookings;
- 3) Seniors will be responsible for scheduling event center usage including preparing the event center and clean-up;
- 4) Event center will be released to the Seniors for scheduling and hosting events no later than July 31, 2017;
- 5) Seniors will be responsible for all basic utilities including: electric, gas, water, telephone, cable and internet service. Utilities shall be transferred to the Seniors on July 31, 2017 and Seniors are responsible for providing notice to the specific providers;

- 6) All daily cleaning and general maintenance will be the responsibility of the Seniors. At all times property, interior and exterior, will be maintained in a clean and safe condition free of hazards to the general public and seniors;
- 7) Cleaning supplies and paper products will be the responsibility of the Seniors;
- 8) At all times Seniors will comply with any and all directives mandated by ETHRA including timely submission of required forms and grant documents. Funds received from ETHRA will be maintained in a separate budget code from revenues received from the rental of the event center;
- 9) Seniors will comply with all policies and procedures adopted by the County Finance Department and will utilize only those official forms approved by the Finance and Purchasing Departments;
- 10) Seniors may, with specific approval by its board of directors, pay its director or other person or entity of the Board's choosing, the sum of ten percent (10%), but no more than one thousand dollars (\$1,000) per month, to perform the task of event center coordinator, manager and scheduling contact. All money paid to this person or entity shall be generated by event center proceeds exclusively and shall be reported to, and paid by the Finance Department;
- 11) Seniors may engage Michael Farley at any time needed to assist with set-up of various events hosted by seniors at the rate of \$250.00 per event payable only through revenue received from event center;
- 12) Seniors may contract with vendors, caterers, event coordinators, clean-up and maintenance personnel, and other related contractors by following the Purchasing and Finance Policies as approved by the Anderson County Board of Commissioners. All payments shall be generated exclusively from event center proceeds and shall be reported to, and paid by the Finance Department.

D. Rights and Obligations of Farley

Farley agrees to the following:

- 1) Farley shall sell to County all property associated with 205 Main Street, Clinton, TN. (also known as Map: 074J, Group F, Parcel 004.00) and including all real estate, hereditaments, appurtenances and improvements attached thereto and contained thereon (subject to the provisions and limitations contained herein). Sale shall be subject to all terms embodied in the real estate sales contract between Farley and the County dated April 20, 2017;
- 2) Unless agreed to in advance and in writing the closing on the proposed senior building will be no later than July 3, 2017;

- 3) Farley shall also sell to the County for a sum of \$15,000 all audio-visual components, lighting, furniture (20 tables, 160 chairs, all couches), kitchen utensils and tableware (including 30 plus table cloths), appliances, game tables, television and all decorations;
- 4) Farley reserves the right to remove all metal shelving, storage cabinets, car lifts and outbuildings before September 1, 2017;
- 5) Starting on July 1, 2017 Farley will turn over all existing event center reservations to the Seniors;
- 6) Farley shall notify all existing tenants on or before July 1, 2017 to remit all lease payments going forward to:

Anderson County Finance Department
Ms. Natalie Erb, Director
100 North Main Street, Room 210
Clinton, TN 37716

- 7) Farley shall be available to assist the Seniors, upon request, with various set-ups for different types of events and operational advice starting on July 1, 2017 for a sum of \$250.00 per event. Seniors must provide Farley with a minimum two week notice prior to the event when possible;
- 8) Farley agrees to have all personal property removed from the premises by September 1, 2017;
- 9) Farley shall not engage in the business of event hosting for ten (10) years at any other large scale event facility competing for the same type of events, and same, or past clientele within a twenty (20) mile radius of 205 Main Street, Clinton, TN., excluding the F.O.P. Lodge located at 424 Goans Ave., Clinton;
- 10) Farley reserves the right to schedule future events with notice to the Seniors through December 31, 2017; however, Farley will not receive hosting fees, other than the \$250.00 set-up fee when requested for assistance by the Seniors. Seniors will receive all monies generated from the event center rental beginning on July 1, 2017;
- 11) Starting on July 1, 2017 Farley will supply the Seniors with all names and contact information of previous clients, caterers, vendors and maintenance personnel previously serving or using the event center.

E. General Provisions

- 1) **Release.** The parties hereby agree to release and hold County harmless from and against any and all claims, lawsuits, or the like associated with County's performance of this agreement, or as it relates to the past, present, or future financial condition of the County or the performance of services under this Agreement;
- 2) **Default.** In the event of default by the by any of the parties hereto, the County may bring suit against the other parties to enforce the terms of this Agreement. In such event, the prevailing party shall be entitled to recover any remedies available at law and/or equity including reasonable attorney's fees and costs associated with the default;
- 3) **No Oral Modification.** No modification, amendment, supplement to or waiver of this Agreement or any of its provisions shall be binding upon the parties hereto unless made in writing and duly signed by all the parties;
- 4) **Waiver.** A failure of any party to exercise any right provided for herein, shall not be deemed to be a waiver of any right hereunder;
- 5) **Entire Agreement.** This Agreement sets forth the entire understanding of the parties as to the subject matter and may not be modified except in a writing executed by all parties;
- 6) **Severability.** In the event any one or more of the provisions of this Agreement is invalid or otherwise unenforceable, the enforceability of the remaining provisions shall be unimpaired;
- 7) **Cancellation.** In the event any party materially breaches, defaults or fails to perform hereunder, this Agreement may be cancelled by the other party with cause on thirty (30) days written notice to the other, if the event constituting the breach, default, or failure is not cured during that time;
- 8) **Exhibits.** Any Exhibits attached hereto or incorporated herein are made a part of this Agreement for all purposes. The expression "this Agreement" means the body of this Agreement and the Exhibits;
- 9) **Multiple Counterparts; Effectiveness.** This Agreement may be executed in multiple counterparts, each of which shall be deemed an original for all purposes and all of which shall be deemed, collectively, one Agreement. This Agreement shall become effective when executed and delivered by all the parties;

- 10) **Jurisdiction.** Each party hereby irrevocably consents to the jurisdiction of all state courts sitting in Tennessee or all federal courts sitting in Knoxville, Tennessee and agrees that venue for any legal action brought in connection with this Agreement shall lie exclusively in such courts;
- 11) **Binding Effect.** This Agreement shall be binding upon and inure to the benefit of the parties and upon their respective successors, heirs, or assigns;
- 12) **Choice of Law.** This Agreement shall be governed and construed in accordance with the laws of the State of Tennessee;
- 13) **Notice.** Any notice required or provided pursuant to this Agreement shall be in writing and sent or delivered to the parties;
- 14) **Titles and Subtitles.** Titles of paragraphs and subparagraphs are for convenient reference only and shall not have the effect of modifying, amending, or changing the express terms of this Agreement;
- 15) **Assignment.** This Agreement shall be assignable only upon the written consent of the non-assigning party. Consent to an assignment shall not be unreasonably withheld. In the event of assignment or succession, the terms and conditions of this Agreement shall be binding upon the parties and their successors, assigns, heirs, executors, and/or administrators;
- 16) **Further Documentation.** The parties agree for themselves and their successors and assigns to execute any and all instruments in writing which are or may become necessary or proper to carry out the purpose and intent of this Agreement;
- 17) **Reversion.** If Seniors fail to comply with the terms, provisions, policies and procedures contained or referenced herein the building usage, real estate and contents will revert to County upon approval by the Anderson County Board of Commissioners;
- 18) **Amendments.** Any future amendments to this MOU must be agreed to in writing by the parties affected and approved by the Anderson County Board of Commissioners.

By affixing their signature below the parties hereto acknowledge they have read this agreement, they have authority to execute and accept the terms embodied herein.

For County:

Steven R. Emert

Steven R. Emert, Chair, County Comm.

Date Signed: 7/21/17

Terry Frank

Terry Frank, County Mayor

Date Signed: 7/21/17

For Seniors:

Stephen Griffith

Stephen Griffith, President

Date Signed: 7-21-17

Cherie Phillips

Cherie Phillips, Director

Date Signed: 7/21/17

For Michael Farley:

Michael Farley

Date Signed: _____

**Anderson County Board of Commissioners
Anderson County, Tennessee**

Resolution 17-07-643

WHEREAS, the Census Bureau reported that the median age of Americans — the age at which half are older and half are younger — rose nationally from just over 35 years to nearly 38 years in the years between 2000 and 2016, driven by the aging of the "baby boom" generation; and

WHEREAS, the number of residents age 65 and older grew from 35 million to 49.2 million during those 16 years, jumping from 12 percent of the total population to 15 percent; and

WHEREAS, we know those residents are moving to Medicare, government health care for seniors and younger people with disabilities, which accounted for \$1 out of every \$7 in federal spending last year, according to the Kaiser Family Foundation; and

WHEREAS, Anderson County's U.S. Census data reported the persons over 65 years of age in 2005 was 16.4%; 17.4% in 2010; and July 1, 2015 was reported as 19.2% and expected to continue to grow because of the "baby boom" generation; and

WHEREAS, the Anderson County Emergency Medical Service (ACEMS) provides quality care and service to the aging population of Anderson County; and

WHEREAS, Anderson County's Emergency Medical Service (ACEMS) wishes to continue to provide quality medical care and service to Anderson County's growing aging population; and

WE, THE ANDERSON COUNTY BOARD OF COMMISSIONERS, hereby acknowledge that existing, limited Medicare reimbursement rates and standards have placed a financial strain on Anderson County's Emergency Medical Service (ACEMS) and systems across the state and nation, especially in rural areas with low population density;

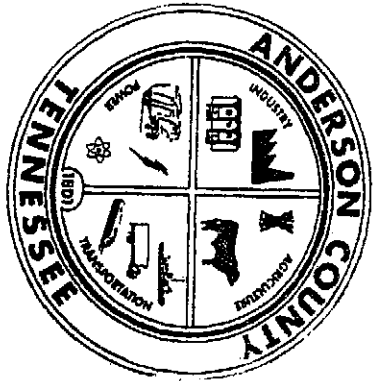
NOW THEREFORE BE IT RESOLVED, that meeting this 17th day of July, 2017, the Anderson County Board of Commissioners do hereby express our support for the reimbursement for providing medical treatment, support those Anderson County citizens served by Medicare, and support an increase in Medicare reimbursement rates to continue the operation of our Anderson County Emergency Medical Service.

NOW, THEREFORE BE IT FURTHER RESOLVED, that we authorize the submission of this resolution to Congressman Chuck Fleischmann, Senator Lamar Alexander and Senator Bob Corker.

APPROVED:


Steve Emert, Commission Chairman


Mrs. Terry Frahm, County Mayor



ATTEST:

Jeff Cole, Anderson County Clerk

Anderson County Board of Commissioners
Anderson County, Tennessee

Resolution No. 17-07-645

**A RESOLUTION IN SUPPORT OF PRIMARY REGULATION OF COAL MINING IN
TENNESSEE**

WHEREAS, Tennessee's diverse geology and geography has blessed the state with a variety of mineral resources; and

WHEREAS, mineral resources represent a significant economic contribution to the state of Tennessee through commercial sales and tax bases; and

WHEREAS, coal has been mined in Tennessee since the 18th Century and mining is a source of pride for generations of miners; and

WHEREAS, active coal mining contributes significantly to some of Tennessee's most economically-distressed counties by injecting tens of millions of dollars in capital investments, employing hundreds of mining professionals and paying millions of dollars in severance taxes to the counties from which the coal is severed and on which the highway and school departments of those counties depend; and

WHEREAS, modern reclamation practices restore the impacts from legacy mining operations, create wildlife habitats, restore native, hardwood forests, and facilitate the development of post-mining recreational and industrial opportunities; and

WHEREAS, Tennessee is the only state to actively mine coal which does not operate its own regulatory program; and

WHEREAS, the lack of local regulatory oversight puts Tennessee at a competitive disadvantage due to the inefficient and ineffective permitting through the federal Office of Surface Mining and Reclamation, where permits take two – fourteen times longer to receive than those same permits from state agencies; and

WHEREAS, without the reliability of a functioning regulatory system, it is impractical for Tennessee's miners to pursue permits without any certainty as to when and if the permits will be approved; and

WHEREAS, without mining permits, employment and tax bases in the most rural and economically-depressed areas of our state suffer, reclamation activities are not pursued and mineral resources are left stranded; and

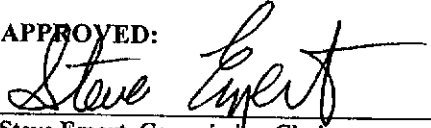
WHEREAS, Tennessee has the ability to gain primary regulatory oversight of the coal mining industry from the federal government as envisioned by the passage of the Surface Mining Control and Reclamation Act of 1977; and

WHEREAS, local control of mineral resource development allows for the most efficient and effective means of utilization; and

WHEREAS, Tennessee should strive to exert local control over its economic and environmental fortunes

NOW THEREFORE BE IT RESOLVED, that meeting this 17th day of July, 2017, the Anderson County Board of Commissioners do hereby express our support for the proposal of gaining primary regulatory oversight of the coal mining industry, which will allow coal mining to continue to be a driver of economic development, provider of employment, generator of revenue, community partner and wildlife and environmental steward.

APPROVED:


Steve Emert, Commission Chairman


Mrs. Terry Frank, County Mayor

ATTEST:


Jeff Cole, Anderson County Clerk

