

BE IT REMEMBERED THAT THE ANDERSON COUNTY BOARD OF COUNTY COMMISSIONERS MET IN REGULAR SESSION ON MAY 21, 2007 WITH THE FOLLOWING COMMISSIONER PRESENT: MURRELL ALBRIGHT, MARK ALDERSON, JOHN ALLEY, ROBIN BILOSKI, DAVID BOLLING, MIKE COX, JERRY CREASEY, CHUCK FRITTS, SCOTT GILLENWATERS, DOUG HAUN, WHITEY HITCHCOCK, MYRON IWANSKI, ROBERT MCKAMEY, JOHN SHUEY, TRACY WANDELL AND JERRY WHITE.

Prayer given by Commissioner Fritts.

Pledge of allegiance was led by Commissioner Bolling.

1. Commissioner Bolling moved to approve minutes from the April 16, 2007 regular session. Seconded by Commissioner Gillenwaters. Motion carried by voice vote.

2. Commissioner Cox moved to accept correspondence from the Community Relation Council the resolution to encourage a positive vote for the Crestpoint retail center. Seconded by Commissioner White. Motion carried by voice vote.

RESOLUTION

WHEREAS, BWXT Y-12, LLC (BWXT) operates the Y-12 National Security Complex located in Oak Ridge, Tennessee; and

WHEREAS, Y-12 has a significant economic impact on the region, with over 6,000 employees and subcontractors, and procurements worth millions of dollars annually; and

WHEREAS, BWXT is a valued member of Oak Ridge's business community and has donated numerous resources throughout the region in the form of time, talent and financial assistance; and

WHEREAS, BWXT has undertaken an aggressive modernization program at Y-12 designed to help secure the facility's capabilities well into the 21st Century; and

WHEREAS, BWXT has established a Community Relations Council (CRC) comprised of business and community leaders, local residents, and environmental interests; and

WHEREAS, the purpose of the CRC is to facilitate communications and involvement with the greater Oak Ridge community; and

WHEREAS, CRC members are volunteers who serve BWXT in an advisory capacity; and

WHEREAS, the CRC, along with BWXT, seeks a vibrant future for the Oak Ridge Community; and

WHEREAS, public education is vital to Y-12's future in order to maintain a highly skilled workforce for current and future national security missions; and

WHEREAS, a private developer has proposed to construct a \$65 million dollar retail complex in Oak Ridge, known as Crestpointe, comprised of more than 400,000 ft² of new retail space; and

WHEREAS, Oak Ridge citizens have cited the lack of shopping as a community problem; and

WHEREAS, according to conservative sales projections, the City should receive \$200,000 annually in new revenue for the Oak Ridge City School system; and the Anderson County and Clinton Schools should receive between \$500,000 and \$600,000 annually in new revenue; and

WHEREAS, the Oak Ridge City Council has voted unanimously to invest up to \$10.5 million to assist with infrastructure and site development at the proposed Crestpointe location; and

WHEREAS, on June 5th, 2007 Oak Ridge citizens will vote whether to issue up to \$6 million in general obligation bonds to provide funds for infrastructure and site improvements in Oak Ridge.


NOW, THEREFORE, BE IT RESOLVED BY THE BWXT COMMUNITY RELATIONS COUNCIL:

That the CRC strongly supports the proposed Crestpointe retail center to assist the City of Oak Ridge and Anderson County in generating new revenues for public education, and encourages eligible BWXT employees and all other eligible Oak Ridge voters to register a positive vote on June 5th, 2007.

BE IT FURTHER RESOLVED that this resolution be transmitted to BWXT Y-12, the Oak Ridge City Council, and the Anderson County Commission.

This the 30th day of April 2007.

APPROVED:


Homer Fisher
Chair, Executive Committee

3. Commissioner Cox moved to approve the agenda as is filed. Seconded by Commissioner Bolling. Amended by Commissioner Biloski to hear from the Budget Committee before the County Law Director. Motion carried by voice vote for the amendment.

Motion carried by voice vote for amended motion.

4. Commissioner Cox moved to approve resolution for Charles W Wheeler. Seconded by Commissioner Albright. Motion carried by voice vote.

Anderson County, Tennessee Board of Commissioners

RESOLUTION NO. 07-279

A RESOLUTION HONORING CHARLES W. WHEELER

WHEREAS, Charles W. Wheeler began his tenure at Briarcliff Health Care Center as the Nursing Home Administrator in August 2002; and

WHEREAS, Briarcliff Health Care Center was chosen *Continuous Quality Improvement Home of the Year* for the Tennessee Region for 2003, 2004 and 2005; and

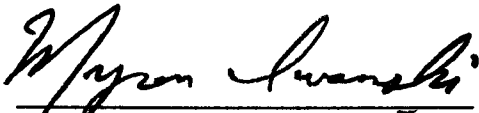
WHEREAS, Briarcliff Health Care Center was selected *Continuous Quality Improvement Home of the Year* for the entire family of Diversicare Management Services consisting of forty-four (44) facilities for 2005; and

WHEREAS, Briarcliff Health Care Center received deficiency free annual surveys in 2004 and 2005. The average number of health deficiencies for facilities in the State of Tennessee was seven (7) during that period of time; and

WHEREAS, Briarcliff Health Care Center was one of only three (3) facilities in Tennessee awarded the coveted *Step I Quality Award* from the American Health Care Association in 2006.

NOW, THEREFORE, BE IT RESOLVED, the Anderson County Board of Commissioners does hereby express our sincere gratitude to Charles W. Wheeler for his many years of meritorious service to the people of Anderson County, Tennessee; and

BE IT FURTHER RESOLVED, that the Anderson County Board of Commissioners meeting in regular session, this 21st day of May, 2007, does hereby acknowledge his retirement as a long-term care administrator and sincerely wish him the very best that life has to offer.


Myron Iwanski, Chairman


Rex Lynch, County Mayor



ATTEST:


Jeff Cole, County Clerk

5. Commissioner Fritts moved to approve notaries. Seconded by Commissioner McKamey. Motion carried by voice vote.

Notaries

Odessa S Anderson	Melissa L Martin
Kristy Lee Bean	Kim McCormick
Sarah H Boring	Anthony Maurice Miller
James M Campbell Jr.	Rebecca S Mounger
Tammie Collier	James Lee Myers
Eddie V Coward Sr.	Kristin Olsen
Gwendolyn S Davis	Darren D Osborne Sr.
Kathleen M Ehinger	Susan M Parton
Stan E Ferguson	Marita A Pratt
Kimberly d Fraker	Penny G Raines
Karen A Green	Barbara Raye Renfro
Jeanette E Harmon	Kimberly Seiber
Ann B Hasting	Teresa G Shannon
Virginia Ann Hicks	Scheryl Smith
Ginger R Hopson	SaraLynn Stooksbury
Maryann McNerney-Hughey	Vicki L Walls
Sandy Benita King	Tonya R Welsh

6. Commissioner Fritts moved to approve notary bonds. Seconded by Commissioner McKamey. Motion carried by voice vote.

Notary Bonds

Western Surety	Universal Surety
Aaron C Bass	Debra Fannin Graham
J Michael Clement	Karen L Dypolt
Larry W Disney	Janette O'Brien
Brenda D Fields	Kathy Pryor
Judy Kelly	
Wanda Marsh	SBCA
Sylvia D Patton	Travis Keller
Regina d Ridenour	Evangeline Stiltner
Kathy O Shoopman	
Katharine J Stout	State Farm
Joanne Stracener	Benita A Ferrell
Melanie B Wells	G R Hicks
	Teresa E York
RLI Surety	Barbara A Freels
Kathy K Branham	
Michelle R Elkins	Tennessee Farmers
Vicki Turner Hinkel	Donna Cook
Diane Mullins	Kristie L Elkins
Carla Foust Taylor	Pamela H Jones
	Jaclyn B Levine-Perkins
Old Republic	
Lynn P Brummett	Notary at Large
Alice G Moore	Teresa L Seivers

7. Commissioner Alderson moved to approve recommendation from the Ethics Committee with approval from the County Law Director the Code of Ethics for Anderson County, Tennessee. Seconded by Commissioner Cox. Motion carried by voice vote.

Code of Ethics

Anderson County, Tennessee

Section 1. Definitions.

(1) "County" means Anderson County Tennessee, which shall include all boards, committees, commissions, authorities, corporations, or any other instrumentalities of Anderson County Government appointed or created by the County, or an official of the County, and including the County School Board, the County Election Commission, the County Health Department, and Utility Districts of the County.

(2) "Official and employee" means and includes any Anderson County official, singular or plural, whether elected or appointed, officer, employee, or any member of any board, agency, commission, authority or corporation (whether compensated or not) or any person employed or appointed by Anderson County.

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

Section 2. Disclosure of Personal Interest in Voting Matters.

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

Section 3. Disclosure of Personal Interest in Non-Voting Matters.

An official or employee who must exercise discretion relative to any matter other than casting a vote; including but not limited to, managing, supervising, or awarding any contract, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of discretion shall disclose, before the exercise of discretion when possible, the personal interest on the authorized Disclosure Form and file that form with the County Clerk. In addition, the official or employee may, to the extent allowed by law, recuse himself or herself from the exercise of discretion in the matter.

Section 4. Acceptance of Gifts and Other Things of Value.

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

- (1) For the performance of an act, or refraining from performance from an act, that he or she would be expected to perform or refrain from performing in the regular course of his or her County duties; or
- (2) That a reasonable person would understand was intended to influence the vote, official action, or judgment of the official or employee in executing County business.

It shall not be considered a violation of this policy for an official or employee to receive entertainment, food, refreshments, meals, health screens, immunizations, vaccines, amenities, or items necessary to the performance of the official or employees' duties that are provided by the County, or in connection with a conference, meeting, or employee fair sponsored by the County, other governmental entity, or an established and recognized state-wide association of county government officials or by an umbrella or affiliate organization of such state-wide association of county government officials, or professional organization, association or licensing board.

Section 5. County Ethics Commission.

A County Ethics Commission (hereinafter "Commission") consisting of sixteen (16) voting members shall be appointed to serve two (2) year terms, subject to the initial term provision recited below, with no term limits, and shall consist of the following membership:

- A) County Mayor, or designee;
- B) Chairman of the County Legislative Body, or designee;
- C) County Clerk, or designee;
- D) Circuit Court Clerk, or designee;
- E) Clerk and Master, or designee;
- F) Director of Schools, or designee;
- G) Highway Superintendent, or designee;
- H) Member of the Judiciary – as selected by the Honorable Judges of the County and Seventh (7th) Judicial District, or designee;
- I) Assessor of Property, or designee;
- J) Register of Deeds, or designee;
- K) Sheriff, or designee;
- L) Trustee, or designee;
- M) Member of the County Legislative Body as selected by their membership, or designee;
- N) Member of the County School Board as selected by their membership, or designee;
- O) County Mayor Appointment;
- P) County Legislative Body Appointment; and
- Q) Ombudsman/Law Director, ex officio.

Designees and appointees can be selected from other County Officials, employees or citizens.

Initial Terms shall run from July 1, 2007 until September 30, 2010. Subsequent two (2) year membership terms shall begin on October 1, 2010.

The Commission shall convene as soon as practical after their appointment and elect a Chair and Secretary. All meetings, with the exception of executive sessions, shall be open to the public and publicly noticed in a newspaper of general circulation in the County for at least one time no less than five (5) days prior to the meeting.

A majority of Commission members present shall constitute a quorum. The Commission shall act officially by majority vote of the entire membership. Death of a member and abstentions for stated cause shall reduce the needed majority vote accordingly.

The Commission shall have original jurisdiction to hear and decide all violations of this Code.

Unless specifically governed herein, or by state law, the Commission shall conduct all meetings in accordance with Robert's Rules of Order, most recent edition.

The official records, minutes and closed investigations of the Commission shall be maintained by the Secretary and filed in the Office of the Anderson County Clerk, where they shall be open for public inspection during reasonable business hours.

Section 6. Complaints.

Questions and complaints regarding violations of this Code of Ethics or any violation of state law governing ethical conduct should be directed to the Ombudsman for the Commission. Complaints shall be in writing and signed by the person making the complaint. At least one witness shall sign the complaint attesting to the authenticity of the signature only. All complaints shall be as specific as possible and shall set forth in reasonable detail the facts upon which the complaint is based. Complaints will be received by U.S. Mail only addressed to the following:

Anderson County Ethics Commission
101 South Main Street, Suite 310
Clinton, TN 37716

The Commission or Ombudsman shall investigate any credible complaint against an official or employee charging any violation of this Code of Ethics, or may undertake an investigation on its own initiative when it acquires information indicating a possible violation, and make recommendations for such action to end or seek retribution and/or restitution for any activity that, in the Commission's judgment constitutes a violation of this Code of Ethics. If a member of the Commission or the Ombudsman is the subject of a complaint, such member shall recuse himself or herself from all proceedings involving such complaint. If the Ombudsman is the subject of the complaint, the Chair of the Ethics Commission shall receive and investigate the complaint and otherwise serve and act in the role of Ombudsman.

Section 7. Ombudsman.

The County Law Director shall serve in the position of Ombudsman and shall receive and investigate all complaints regarding violations of this Code of Ethics. The Ombudsman shall make an initial inquiry to determine if the act complained of lies within the original jurisdiction of this Code and Commission, as defined herein. If the Ombudsman determines that jurisdiction is vested with the Commission then the alleged violation will be investigated and referred to the Commission for further action. The Ombudsman shall cause reasonable notice to be given to the affected official or supervising department head when an ethics complaint is received. All ethical violations defined herein will be referred the Commission.

After the investigation is complete, or within ninety (90) days of the postmark on the complaint, whichever comes first, the Ombudsman shall report the matter to:

- 1) The Commission, if the act complained of falls within the original jurisdiction of the Commission; and/or
- 2) The Department Head or Elected Official, Board, or Commission supervising the official or employee for additional action; and/or
- 3) Local law enforcement agency or the District Attorney General if criminal activity is suspected; and/or
- 4) State Ethics Commission or the State Election Commission if the act complained of falls within the appropriate jurisdiction; and/or
- 5) The District Attorney General or Law Director for ouster investigation and appropriate action; or
- 6) The Ombudsman shall dismiss the complaint for lack of reasonable supporting and corroborating evidence, lack of jurisdiction, lack of merit, lack of cooperation from the complainant, or complainant's unwillingness to testify before the Commission or Court of law, or withdrawal of the complaint by the complainant.

Section 8. Enforcement Options.

The Commission may, upon majority vote:

- 1) Refer the matter to the Law Director for a legal opinion and/or recommendation for action; or
- 2) In the case of an official, refer the matter to the County Legislative Body for possible public censure by resolution of the County Legislative Body if such body finds such action warranted;
- 3) In the case of an employee, refer the matter to the official or department head responsible for supervision and control of that employee for possible disciplinary action if the official or department head finds such discipline warranted;
- 4) In a case involving possible violations of state statute, refer the matter to the District Attorney General for possible ouster or criminal prosecution.

When interpreting and enforcing the provisions of this Code the Commission and/or Ombudsman shall use the standard of what an objective reasonable person would have done, or would have perceived was done, under the facts and circumstances given. When a violation of this policy also constitutes a violation of a personnel policy or civil service policy, the violation shall be dealt with as a violation of the personnel or civil service policy provisions rather than a violation of this policy.

Section 9. Applicable State Laws.

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

Campaign Finance – T.C.A. Title 2, Chapter 10. Part 1 (Campaign Financial Disclosure) requires candidates for public office to disclose contributions and contributors to their campaigns. Part 3 (Campaign Contribution Limits) limits the total amount of campaign contributions a candidate may receive from an individual and sets limits on the amount a candidate may receive in cash.

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

Conflict of Interest – T.C.A. §49-6-203 applies to the Department of Education or School Board in all counties and prohibits the direct and indirect conflict of interest in the sale of supplies for use in public schools.

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

Conflict of Interest – T.C.A. §54-7-203 applies in all counties that are governed by the County Uniform Highway Law. It prohibits officials and employees in the Highway Department and members of the County Legislative Body from having any personal interest in purchases of supplies, materials, machinery, and equipment for the Highway Department.

Conflict of Interest – T.C.A. §5-14-114 is part of the **Purchasing Law of 1957**, lawfully adopted and in effect in Anderson County. It prohibits the purchasing agent, members of the purchasing commission, and all county officials from having any financial or personal beneficial interest in any contract or purchase of goods or services for any department or agency of the County.

Conflict of Interest – T.C.A. §§5-5-102 and 12-4-101 govern disclosures and abstentions from voting due to conflicts of interest related to members of the County Legislative Body.

Conflict of Interest Disclosure Statements – T.C.A. §§8-50-501 et seq. requires candidates and appointees to local public offices to file a disclosure statement with the State Ethics Commission listing major sources of income, investments, lobbying activities, professional services provided, bankruptcies, certain loans, and other information, and to keep these statements up to date.

Gifts – T.C.A. § 5-14-114 is part of the **Purchasing Law of 1957**, lawfully adopted and in effect in Anderson County. It prohibits the purchasing agent, members of the purchasing commission, and all county officials from receiving anything of value, directly or indirectly, from anyone who may have or could obtain a contract or purchase order with the County.

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

Private Use of Public Property – T.C.A. §54-7-202 applies to the Anderson County Highway Department. It prohibits the private use of equipment, rock, and other highway materials.

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

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

Rules of the Supreme Court – Tennessee Rules of Professional Conduct, establishes ethical rules for Tennessee attorneys.

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

Consulting Fee Prohibition for Elected County Officials – T.C.A. §§2-10-122 and 2-10-124 prohibit officials from receiving compensation for advising or assisting a person or entity in influencing County legislative or administrative action.

Crimes Involving Public Officials – T.C.A. §§39-16-101 et seq. and the following sections prohibit bribery, soliciting unlawful compensation, and buying and selling in regard to offices.

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

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

Bribery for Votes – T.C.A. §§2-19-121, 2-19-126, and 2-19-127 prohibit bribery of voters in an election.

Misuse of Official Information – T.C.A. §39-16-404 prohibits a public servant from obtaining a benefit or aiding another person in obtaining a benefit from information which was obtained in his/her official capacity and is not available to the public.

Public Official Ouster Law – T.C.A. §8-47-101 sets out conduct that is punishable by ouster from office, including misconduct in office and neglect of duties. Ouster cases may be filed by either the Law Director or District Attorney General.

8. Commissioner Alderson moved to approve recommendation from the Cable TV Committee the Comcast Cable Franchise Agreement for 10 years. Seconded by Commissioner Cox. Motion carried by voice vote. Abstain: McKamey. (See Purchasing Dept)

Nominating Committee

9. Commissioner Cox moved to approve the nominations of Glenda Langenberg and Amelia Tucker for vacancy in the Anderson County School Board 8th District. Seconded by Commissioner Gillenwaters. Motion carried by voice vote.

Voting Langenberg:
Albright
Alderson
Alley

Voting Tucker:
Whitey Hitchcock

Biloski
 Bolling
 Cox
 Creasey
 Fritts
 Gillenwaters
 Haun
 Iwanski
 McKamey
 Shuey
 Wandell
 White

Glenda Langenberg voted Anderson County School Board District 8.

10. Commissioner Cox moved to accept nominations for Constable District 2 as follows Ronald Wallace, Vaughn Becker, Marty Morgan, Leslie Wakefield, Timothy Morgan and Pedro Garcia. Seconded by Commissioner Bolling.

Voting Wallace: 0

Voting Becker: White, Wandell, Alley, Alderson, Cox, Fritts, Creasey, Shuey, Albright, Hitchcock, Haun, Biloski, Iwanski, McKamey and Bolling.

Voting M Morgan: 0

Voting Wakefield: Gillenwaters

Voting T Morgan: 0

Voting Garcia: 0

Vaughn Becker voted Constable District 2.

School Dept. Report

No action taken at this time.

County Mayor Report

11. Commissioner White moved to accept the Five Strategic Economic Development Plan for 2007-2011. Seconded by Commissioner Bolling. Motion carried by voice vote. (See Resolution on addendum page 866A)

Budget Committee Report

12. Commissioner Fritts moved approve request from the Anderson County School Department the following transfers. Seconded by Commissioner Haun. Motion carried by voice vote.

Increase Expenditure Code:

141-71100-163	Educational Assistants	26,858.00
141-71200-116	Teachers	128,000.00
141-71200-128	Homebound Teacher	13,000.00
141-71200-163	Educational Assistants	11,000.00
141-71200-189	Other Salaries	93,000.00
141-72130-123	Guidance Personnel	56,008.36
	Total	327,866.36

Decrease Expenditure Code:

141-71100-116	Teachers	327,866.36
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<u>Increase Expenditure Code:</u>		
141-71100-599	Other Changes	6,000.00
141-71100-722	Regular Instructional Equip.	18,000.00

<u>Decrease Expenditure Code:</u>		
141-72810-499	Other Supplies & Materials	24,000.00

<u>Increase Expenditure Code:</u>		
141-72610-410	Custodial Supplies	6,000.00
141-72620-399	Other Contracted Services	3,000.00

<u>Decrease Expenditure Code:</u>		
141-72620-425	Gasoline	6,000.00
141-72620-335	Maintenance & Repair Services	3,000.00

<u>Increase Expenditure Code:</u>		
141-71300-207	Medical Ins-Voc Teachers/Aides	19,692.43
141-72130-207	Medical Ins-Guidance	1,127.85
141-72210-207	Medical Ins-Reg Instruction	5,354.28
141-72320-207	Superintendent-Secretary	774.15
141-72410-207	Principal-Asst Principal & Sec	935.31
141-72610-207	Medical Ins-Plant Operations	26,632.21
141-72810-207	Medical Ins-Technology	3,154.98
	Total	<u>57,671.21</u>

<u>Decrease Expenditure Code:</u>		
141-71100-207	Medical Ins-Reg Instruction	20,483.04
141-71200-207	Medical Insurance	37,188.21
	Total	<u>57,671.21</u>

13. Commissioner Fritts moved to approve written request for the following Non-School appropriations. Seconded by Commissioner Alderson.

Voting Aye: Albright, Alderson, Alley, Biloski, Bolling, Cox, Creasey, Fritts, Gillenwaters, Haun, Hitchcock, Iwanski, McKamey, Shuey, Wandell and White. Motion carried.

<u>Decrease Expenditure Code:</u>		
115-56500-790-1000	Other Equipment	357.00
115-56500-334-1001	Maintenance Agreements	500.00

<u>Decrease Revenue Code:</u>		
115-35110	Briceville Local Funds Reserved	2,500.00

<u>Increase Expenditure Code:</u>		
115-56500-355-1000	Travel	250.00
115-56500-524-1000	Staff Development	107.00
115-56500-432-1001	Books	500.00
115-56500-499-1001	Other Supplies & Materials	2,500.00

<u>Decrease Code:</u>		
204-39000	Undesignated Fund Balance	25,000.00

<u>Increase Expenditure Code:</u>		
204-58140-790	Other Equipment	25,000.00

<u>Increase Revenue Code:</u>		
131-46420	State Aid Program-Highway	130,000.00

<u>Increase Expenditure Code:</u>		
131-62000-399	Other Contracted Services	16,500.00
131-62000-402	Asphalt	15,000.00
131-62000-436	Other Road Materials	12,000.00
131-62000-443	Road Signs	2,000.00
131-68000-713	State Aid Highway Construction	205,000.00
	Total Increases	<u>250,500.00</u>

Decrease Code:

131-62000	Undesignated Fund Balance	80,500.00
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Decrease Expenditure Code:

131-62000-409	Crushed Stone	40,000.00
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	Total	120,500.00
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Increase Revenue Code:

101-47590-2002	DOE Grant	15,000.00
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Increase Expenditure Code:

101-54410-499-2002	Other Supplies & Materials	15,000.00
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Increase Revenue Code:

101-44520	Insurance	4,728.53
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Increase Expenditure Code:

101-54110-718	Motor Vehicle	4,728.53
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Increase Revenue Code:

101-45590	In Lieu Salary-Sheriff White	716.06
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Increase Expenditure Code:

101-54110-353	Towing Services	716.06
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Increase Revenue Code:

101-47990-2000	Reimbursement Meth Overtime Tennessee Meth Task Force	38,000.00
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Increase Expenditure Code:

101-54110-187-1500	Meth Overtime Tennessee Meth Task Force	38,000.00
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14. Commissioner Fritts moved to approve written request for the following transfer in the County General Fund. Seconded by Commissioner Cox. Motion carried by voice vote.

Increase Expenditure Code:

101-53300-499	Bound Books	265.00
101-53100-307	Communication	62.00
101-53300-348	Postal Charges	1,857.00
101-53100-349	Printing, Stationary & Forms	155.00
101-53100-414	Duplicating Supplies	248.00
101-53100-435	Office Supplies	10.00
101-53100-499	Bound Books	60.00
	Total	2,693.00

Decrease Expenditure Code:

101-53300-349	Printing, Stationary & Forms	420.00
101-53100-317	Data Processing Services	62.00
101-53100-348	Postal Charges	1,857.00
101-53300-435	Office Supplies	354.00
	Total	2,693.00

15. Commissioner Fritts moved approve written request from Sheriff White the following appropriation in 101 County General Fund. Seconded by Commissioner Alderson.

Voting Aye: Albright, Alderson, Alley, Biloski, Bolling, Cox, Creasey, Fritts, Gillenwaters, Haun, Hitchcock, Iwanski, McKamey, Shuey, Wandell and White. Motion carried.

Decrease Code:

101-39000 Undesignated Fund Balance 40,000.00

Increase Expenditure Code:

101-54210-707 Maintenance & Repair Services 40,000.00

County Law Director Report

16. Commissioner Cox moved to approve Soccer Field Lease Agreement for one year. Seconded by Commissioner White. Motion carried by voice. (See Purchasing Dept.)

Amended by Commissioner Gillenwaters to refer the parking issue back to the Operations Committee. Seconded by Commissioner Alley. Motion carried by voice vote.

17. Commissioner Alderson moved to abandoned Iroquois Dr. 25 foot road easement leading to Melton Hill Lake. Seconded by Commissioner Biloski.

Voting Aye: Albright, Alderson, Alley, Biloski, Bolling, Cox, Creasey, Fritts, Gillenwaters, Haun, Hitchcock, Iwanski, McKamey, Shuey, Wandell and White. Motion carried.

18. Commissioner Gillenwaters moved to approve forgive the delinquent property taxes for the HDC of the Clinch Valley in the amount of \$3,420.24. Seconded by Commissioner White. Motion carried by voice vote.

Purchasing Committee Report

19. Commissioner White moved to approve recommendation from the Purchasing Committee the following contracts. Seconded by Commissioner Bolling. Motion carried by voice vote.

Cintas	Two year contract
Linen Services	Three year contract
Business Information Sys.	Five year contract
Dycho Company	Three year contract
Smitty's Surgicial Specialities	Three year contract
Kay Uniforms	Three year contract

20. Commissioner Alderson moved to approve recommendation from the Purchasing Committee the following contracts as approved by County Law Director. Seconded by Commissioner Albright. Motion carried by voice vote.

Suntrust Visa Card	Five year contract
US LEC	Three year contract

"5 minute recess"

Cable TV Committee Report

21. Commissioner Cox moved to approve recommendation from the Cable TV Committee the EG Partnership Resolution. Seconded by Commissioner Alderson. Abstain: Bolling. Motion carried by voice vote.

Anderson County, Tennessee
Board of Commissioners

RESOLUTION NO. 07-278

A PARTNERSHIP RESOLUTION BETWEEN ANDERSON COUNTY GOVERNMENT, THE CITY OF CLINTON, THE TOWN OF OLIVER SPRINGS AND COMCAST CABLE, INC. TO CREATE AND OPERATE AN EDUCATIONAL AND GOVERNMENTAL ACCESS CHANNEL FOR THE USE AND BENEFIT OF THE CITIZENS OF ANDERSON COUNTY.

WHEREAS, Comcast of Tennessee, LP, and Comcast of the South (hereinafter, "Comcast"), hold current and valid franchises to operate and maintain a cable television system in Clinton, Oliver Springs, and Anderson County, Tennessee (individually and collectively, the "Franchisors" or "Communities"), pursuant to Ordinance No. 455 (Clinton), Ordinance No. _____ (Oliver Springs), and Resolution No. 07-278 (Anderson County), respectively (individually and collectively, the "Franchises"), and;

WHEREAS, Franchisors wish to join together in authorizing Comcast to provide a non-exclusive channel position on its cable television system serving the Communities to be shared by and between the Franchisors for non-commercial education and government access purposes (the "EG Channel Position"), subject to the terms of this Education and Government Access Programming Agreement (hereinafter, "Agreement"), and;

WHEREAS, Franchisors desire to have the Anderson County Board of Education (hereinafter, "Board"), provide all of the education and government access programming on the EG Channel Position (hereinafter, "EG Programming"), and;

WHEREAS, Franchisors and Comcast agree that the EG Channel Position and EG Programming as provided for herein shall meet all education and government access obligations, if any, in the Franchises and will not individually or collectively require Comcast, throughout the remaining term of the respective Franchises to provide any additional EG Channel Position, and;

WHEREAS, Franchisors and Comcast agree that this Agreement embodies the entire understanding of Comcast and the Franchisors with respect to the subject matter herein and, notwithstanding anything to the contrary in the Franchises, supercedes all education and government access requirements that may be contained in the Franchises, if any;

NOW, THEREFORE, Franchisors and Comcast hereby agree as follows:

1. Franchisors agree to join together in authorizing Comcast to provide the EG Channel Position to be shared by and between the Franchisors for non-commercial education and government access purposes, subject to the terms herein.
2. Comcast Agrees to provide use of a channel position for non-commercial education and government access purposes on the most basic tier of service offered by Comcast in the Communities in accordance with the Cable Act, Section 611. "Channel Position" means a number designation on Comcast's channel lineup regardless of transmission format (analog or digital). Comcast does not relinquish its ownership of or ultimate right of control over a Channel Position by designating it for education and government access use. Further, Franchisors acquire no property or other interest by virtue of the use of a Channel Position so designated.

3. Franchisors agree to allow the Board to provide all of the EG Programming on the EG Channel Position serving the Communities. Franchisors further acknowledge and agree to take responsibility for the selection and content of programming and material (whether audio or video) transmitted on the EG Channel Position and shall indemnify and hold Comcast, its parents, affiliates, officers, employees, and agents harmless from and against any liability, claims, suits, damages, costs, and expenses which arise out of the use of the EG Channel Position or selection or content of EG Programming, including, but not limited to, reasonable attorneys' fees and costs.
4. Comcast agrees to exercise no editorial control over any education or government access use of a Channel Position, except Comcast may refuse to transmit any education or government access program, or portion of a education or government access program, that contains obscenity, indecency, or nudity.
5. Franchisors and Comcast Agree that a blank or under utilized EG Channel Position is not in the public interest. In the event the Board elects not to fully program the EG channel position, Comcast may program unused time on the EG Channel Position subject to reclamation of the EG Channel position by Comcast upon no less than sixty (60) days prior written notice to the Franchisors.
6. Franchisors and Comcast agree that the provision of the EG Channel Position and the EG Programming by the Board shall meet all educational and government access obligations, if any, in each of the Franchises and will not individually or collectively require Comcast, through the remaining term of the respective Franchises to provide any additional EG Channel Positions.
7. The Effective Date of this Agreement shall be July 1, 2007, and the term of this Agreement for each Franchisor shall run concurrently with the term of their respective Franchise with Comcast unless this Agreement is otherwise terminated as provided for below.
8. Franchisors, either individually or collectively, may terminate their participation in this Agreement upon ninety (90) days prior written notice to Comcast and the other parties to this Agreement. In the event of such termination, the original education and government access requirements of the terminating parties' Franchise, if any, shall be held valid and enforceable throughout the remaining term of the Franchise and shall not affect the obligations, rights, and privileges of the other parties to this Agreement.
9. Franchisors agree that the majority of funding to support the EG Channel will come from Anderson County Government; however, the City of Clinton and Oliver Springs agree to proportionally contribute a portion of the operating costs to the County commensurate with their individual programming needs.

IN WITNESS WHEREOF, the parties to this Agreement have set their signature.

Mayor of Clinton, Tennessee

Date

Mayor of Oliver Springs, Tennessee

Date

Mayor of Anderson County, Tennessee

Date

Chairman, A.C. Commission

Date

Comcast of Tennessee, LP

Date

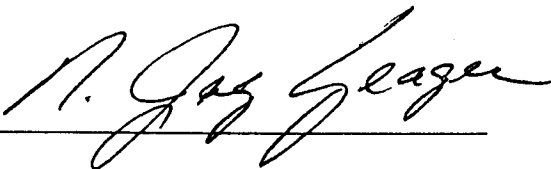
Comcast of the South

Date

By: Comcast Cablevision of the South, L.P., and its general partner
By: COM South, LLC, and its general partner
By: Comcast Cablevision of the South, Inc. its sole member

ATTEST:

APPROVED AS TO LEGAL FORM:



22. Commissioner Cox moved to approve recommendation from the Cable TV Committee to refer to the County's portion of funding for the EG Channel to the Budget Committee of 3 to 5%. Seconded by Commissioner

Legislative Committee Report

23. Commissioner Gillenwaters moved to approve resolution in opposition to the competitive cable and video services Act of 2007 (Senate Bill 1933 and House Bill 1421). Seconded by Commissioner Fritts. Motion carried by voice vote.

**Anderson County, Tennessee
Board of Commissioners**

RESOLUTION NO. 07-280

A RESOLUTION IN OPPOSITION TO THE COMPETITIVE CABLE AND VIDEO SERVICES ACT OF 2007 (SENATE BILL 1933 AND HOUSE BILL 1421)

WHEREAS, the *Competitive Cable and Video Services Act of 2007* is currently pending before the Tennessee General Assembly, and

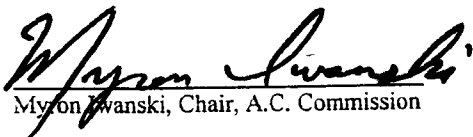
WHEREAS, Anderson County wishes to express its opposition to this proposed legislation, and

WHEREAS, Anderson County encourages competition in the cable industry; however, this proposed legislation seeks to circumvent the provisions of the federal *Cable Act* found at 47 U.S.C. §§ 201 et seq., and

WHEREAS, furthermore, this legislation will decrease local oversight and significantly erode the public accountability of the cable industry.

NOW THEREFORE, BE IT RESOLVED by the Anderson County Legislative Body meeting in regular session in Clinton, Tennessee on this the 21st day of May, 2007 that we are opposed to the *Competitive Cable and Video Services Act of 2007* (Senate Bill 1933 and House Bill 1421) and we strongly encourage our legislative delegation to the General Assembly to vote against this measure.

RESOLVED this 21st day of May 2007.


Myron Swanski, Chair, A.C. Commission




Rex Lynch, County Mayor


Jeff Cole, County Clerk

24. Commissioner Gillenwaters moved to approve resolution in support of increased State funding and reimbursement for State inmates housed in County Jails. Seconded by Commissioner Fritts. Motion carried by voice vote.

Anderson County, Tennessee Board of Commissioners

RESOLUTION NO. 07-281

A RESOLUTION IN SUPPORT OF INCREASED STATE FUNDING AND REIMBURSEMENT FOR STATE INMATES HOUSED IN COUNTY JAILS.

WHEREAS, currently several bills are pending before the General Assembly that alter state reimbursement funding to counties for housing state sentenced inmates in county jails; and

WHEREAS, current funding levels are significantly inadequate in that they fail to cover the actual expenses incurred by county governments for housing, feeding and caring for state inmates; and

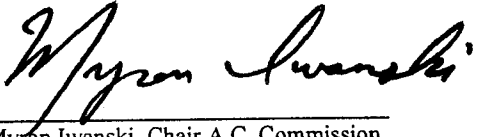
WHEREAS, current funding levels fail to address rising medical expenses associated with inmates in custody; and

WHEREAS, Anderson County urges the General Assembly to pass a *dollar-for-dollar* reimbursement formula for counties that house state inmates so that counties will be reimbursed for all expenses incurred while housing, boarding and caring for state inmates.

NOW THEREFORE, BE IT RESOLVED by the Anderson County Legislative Body meeting in regular session at Clinton, Tennessee on this the 21st day of May 2007 that the Anderson County Legislative Body encourages the General Assembly to increase state funding and reimbursement for state prisoners housed in local jail and that a *dollar-for-dollar* reimbursement formula be instituted that includes all actual living expenses including medical costs.

RESOLVED, this 21st day of May 2007.

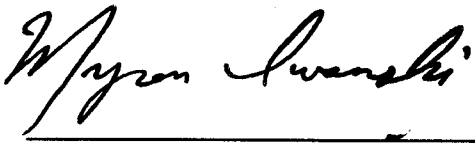

Rex Lynch, County Mayor


Myron Iwanski, Chair A.C. Commission

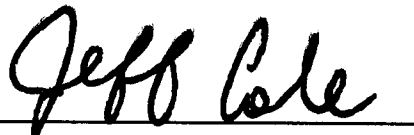
ATTEST:


Jeff Cole, County Clerk

Meeting adjourned.



Myron Iwanski, Chairman
County Commission



Jeff Cole
County Clerk

**RESOLUTION TO ADOPT THE UPDATED FIVE-YEAR STRATEGIC
ECONOMIC DEVELOPMENT PLAN**

WHEREAS, the Three-Star Program was developed to meet the needs and challenges of the evolving economic environment in urban and rural communities and to partner with communities to create opportunities for sustained economic growth; and

WHEREAS, communities seeking certification as a Three-Star community must meet certain criteria, including the adoption of a five-year strategic economic development plan; and

WHEREAS, in achieving the mission of the Three-Star Program, the Department of Economic and Community Development commits to assist communities in developing and implementing a strategic economic plan;

NOW, THEREFORE, BE IT RESOLVED, by the county legislative body of Anderson County, Tennessee, meeting in regular session at Clinton, Tennessee, that:

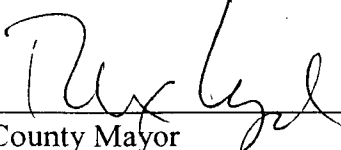
SECTION 1. The legislative body of Anderson County declares that the county has adopted the updated five-year strategic economic development plan originally approved on May 21, 2007.

SECTION 2. The strategic economic development plan includes the county's economic goals in promoting economic growth, a plan to accomplish those goals and a projected timeline in achieving those goals.

SECTION 3. The strategic economic development plan addresses the county's goals pertaining to existing industry, manufacturing recruitment, workforce development, retail/service, tourism, agriculture, infrastructure assessment and educational assessment.

Adopted this 21st day of May, 2007.

APPROVED:



County Mayor

ATTEST:



