

BE IT REMEMBERED THAT THE ANDERSON COUNTY BOARD OF COUNTY COMMISSION MED IN REGULAR SESSION DECEMBER 17, 2012 WITH THE FOLLOWING COMMISSIONER PRESENT: MARK ALDERSON, ZACH BATES, ROBIN BILOSKI, JERRY CREASEY, STEVE EMERT, CHUCK FRITTS, WHITEY HITCHCOCK, DUSTY IRWIN, TIM ISBEL, MYRON IWANSKI, ROBERT MCKAMEY, STEVE MEAD, RICK MEREDITH, JOHN SHUEY, TRACY WANDELL AND JERRY WHITE.

Prayer was led by Commissioner Irwin.

Pledge of Allegiance was led by Commissioner Iwanski.

1. Commissioner Irwin moved to approve the Consent Agenda: November 19, 2012 County Commission minutes; Notaries and Notary Bonds; Industrial Development Board; Health and Educational Facilities Board; Director of Schools Report; County Mayor Report; Law Director Report: Committee Reports; Norwood Elementary School's request for Waste Management funds in the amount of \$500.00 for a network printer; Dutch Valley Elementary School's request for Waste Management funds in the amount of \$500.00 for picnic tables and benches for the pavilion; Norwood Middle School's request for Waste Management funds in the amount of \$500.00 for a BrightLink project. Seconded by Commissioner White. Motion carried by voice vote.

Notaries

Steven James Ailey
Kathy Bailey
Joyce A Couch
Shannon Dean
Tiffany Hanks
Sherry L Jefferson
Deborah J Lamb

Norma E Lindsey
Deborah L Minton
Lola Gail Murphy
Ruby McGinnis O'Kain
Simona Papadopoulos
Chris J Power
J Paul Sanderson

Phillip Thomas Stiles

Notary Bonds

Western Surety
Christy Ann Greider
Amy Huckaby
John E McDonald
Brandy R Sams
Karen A Washburn

State Farm
Claudia Riordan
Melissa Faye Shehan

RLI Surety
Richard Fowler
Shalea Deon Prickett

Notary at Large
Suzanne Brown

Industrial Development Board of Anderson County

Timothy L Sharp November 2018
Robert M Baird November 2018
David L Hopper November 2018
Steve W Pyatt November 2016
Gene A Pack November 2016
Ernest M Bowles November 2016

James R Cooper November 2014
filling the remaining term of J Edwin Birdwell, Jr.

**Health and Educational Facilities Board of the County of Anderson,
Tennessee**

Charles E Price	November 2016
Larry K Egner	November 2016
Herbert Ward	November 2016
Louise B Dunlap	November 2018
Curtis C Sexton, MD	November 2018
Paul E Bostic, Jr.	November 2018
Leslie P Sellers	November 2014
Joseph F Rainey, DDS	November 2014
Edward E Coker	November 2014

2. Commissioner White moved to move the Legislative Committee ahead of the Regular Agenda. Seconded by Commissioner McKamey. Motion carried by voice vote.

Legislative Committee Report

3. Commissioner Creasey moved to approve recommendation from the Legislative Committee requesting our legislators to research the current laws on the books and legislation being proposed this session to see if an amendment could address this issue of underage persons to enable the device used as a deterrent to operating a motor vehicle while impaired. Seconded by Commissioner Irwin. Motion carried by voice vote.

4. Commissioner Creasey moved to approve recommendation from the Legislative Committee requesting the Law Director to research the issue of no allowing smoking in playgrounds and a draft resolution in support of, to be brought back to the Legislative Committee. Seconded by Commissioner Irwin. Motion carried by voice vote.

Nominating Committee Report

5. Commissioner McKamey moved to appoint the nomination of Earl Cagle to service on the Conservation Board for a five year term ending 12/2017. Seconded by Commissioner Mead. Motion carried by voice vote.

School Report

6. Commissioner Meredith moved to schedule a workshop to address Security in all schools including all municipalities. Seconded by Commission White. Motion carried by voice vote.

County Mayor Report

No action taken at this time.

County Law Director

7. Commissioner Irwin moved to approve the Anderson County, Tennessee Employee Benefit Trust. Seconded by Commissioner White. Motion carried by voice vote.

**Anderson County, Tennessee
Employee Benefit Trust**

This AGREEMENT made as of the 17th day of December 2012 by and between Anderson County, Tennessee, a political subdivision of the State of Tennessee, (hereinafter referred to as "County" and officially acting by and through the Anderson County Board of Commissioners), and Terry Frank, County Mayor; Robert McKamey, County Commissioner; Christopher Keith Phillips, Director of Accounts and Budget; Rodney Archer, County Trustee and Member of the Human Resources Advisory Committee and Cathryn Leanne Best, Director of Human Resources (hereinafter referred to as "Board of Trustees"), and (jointly and collectively known as the "Parties" to this Agreement).

WITNESSETH:

WHEREAS, the County desires to establish the Anderson County Employee Benefit Trust (hereinafter called the "Trust") to provide for the various insurance coverages and other employee benefits provided to County employees, and

WHEREAS, the County has adopted or may adopt in the future a plan or plans providing group health, life, accidental death, retirement, disability, dental, vision, prescription drug and excessive stop loss provisions, supplemental policies and other employee insurance benefits (all such plans which are designated and approved by the County Board of Commissioners to participate in this Trust are hereinafter individually or collectively called the "Plan"), for the benefit of eligible employees, elected officials, and the dependents and/or beneficiaries of each (hereinafter collectively called the "Employees"), and

WHEREAS, the County desires for the Board of Trustees to manage, operate, negotiate establish and select insurance plans and brokers, hear Employees' concerns and in all ways administer the Plan.

NOW, THEREFORE, the County and the Board of Trustees hereby agree as follows:

ARTICLE I

1.1 The County hereby establishes with, and conveys to the Board of Trustees and the Board of Trustees hereby accepts the Trust consisting of such cash or other property acceptable to the Trustees as shall be paid or delivered to the Trustees from time to time and the assets of, or contributions, for the purposes of the Trust, together with earnings, income, additions and appreciation thereon and thereto (all of which is hereinafter called the "Trust Fund"). The Trustees shall hold the Trust Fund in trust and manage and administer it in accordance with the terms and provisions of this Agreement and the requirements set forth by the County and Tennessee law. The Board of Trustees shall be under no duty to collect or enforce payment or delivery to it of any contributions from County for the purpose of the Trust without the express consent of the County.

1.2 The purpose of the Trust Fund is for the provision of various Employee insurance benefits, and the Board of Trustees has agreed to act as the required Trustees of the Fund.

ARTICLE II

2.1 The Parties shall have the appropriate legal responsibilities and obligations required by the laws of the State of Tennessee as same pertain to the use and management of County funds and to the powers of the Board of Trustees, including specifically those investment powers set out in T.C.A. Section 35-3-102, et seq. to the extent same do not conflict with any provision of the Tennessee law regarding investment of County funds, and pursuant to the directives and guidance of the County.

2.2 The Board of Trustees shall have the legal title to the Trust Fund and shall be responsible for the administration and control thereof subject to directives and mandates established by the County.

2.3 Withdrawals from the Fund shall be only for benefits as provided under the Plan, premiums for excess or stop-loss insurance as provided by the Plan together with premiums for medical and life insurance or other described insurance policies as necessitated and required by the Trust or Plan or as provided as an incidental benefit, and for such expenses and costs as are reasonable and proper under the law, which shall include, but not be limited to, reasonable compensation for any professional consulting and administrative service provided as in 5.1 below, together with legal fees incurred by the Trust or Plan as a result of operations pursuant to this Trust Agreement.

2.4 Emergency Overrides of the Plan insurance policies and coverage limitations shall only be made for extreme necessity and due cause shown and demonstrated to the Board of Trustees. Approved overrides shall be listed individually, without reference to recipient, on each quarterly report prepared by the Director of Accounts and Budget and submitted to the Board of Commissioners for review.

ARTICLE III

3.1 The Board of Trustees shall be fully indemnified and held harmless by the County for any liability arising from any action taken or suffered by them in reliance upon this Agreement or pursuant to the direction of the County with the exception of criminal offenses involving the Plan and breach of their fiduciary duty to the Plan.

3.2 The liability for any claim or claims is specifically limited to the assets of the Fund. Should the Fund be depleted, the Board of Trustees shall have absolutely no individual liability to pay any further claims or expenses.

3.3 The Board of Trustees may promulgate such rules and regulations as may, in their discretion, be proper or necessary for the sound and efficient administration of the Trust.

3.4 The County shall appropriate from time to time such needed funds to maintain the financial solvency of the Plan.

ARTICLE IV

4.1 The Board of Trustees shall provide the County a financial statement of the Trust Fund, including all assets and liabilities, at least quarterly per year in such form and at such times, and upon the request of the County, or as the Parties may agree.

4.2 The County shall make payments into the Fund at least annually or as needed and as agreed between the County and the Board of Trustees and/or upon the advice of an independent actuary, insurance company or broker, if needed. The Trust Fund shall include reserves for losses based on accepted actuarial techniques customarily employed by the medical benefits insurance industry and for such expenses as set forth in 2.3 above.

ARTICLE V

5.1 Upon the recommendation of the Board of Trustees the County through its Board of Commissioners shall have the responsibility and authority to contract on behalf of the Trust and the Plan with any and all insurance companies and their brokers, for insurance products, professional assistance, administrative functions including, but not limited to, premium collection, consulting, billing, claims, processing of payments, insurance placement, and such record keeping as its duties may require. Insurance companies and their brokers shall be compensated from the Trust Fund by the Board of Trustees for the reasonable value of its services as determined and agreed to and approved by the County.

5.2 The Board of Trustees shall have the power to construe provisions of the agreement and the terms used herein and any construction adopted by the Board of Trustees in good faith shall be binding upon the County and its Employees.

5.3 The Board of Trustees shall not be individually liable for any action taken pursuant to the Trust Agreement in good faith taken or omitted, or for any acts taken on the advice of competent counsel subject to Section 3.1.

5.5 There shall be five (5) Trustees who shall be the County Mayor, or designee, Director of Accounts & Budget, Director of Human Resources, Member of the Board of Commissioners, or designee, Member of the Human Resources Advisory Committee, or designee, of Anderson County, Tennessee, or their successors in office. This Agreement may be modified from time to time to reflect necessary changes in offices or positions. At all times the County Mayor shall serve as Chairperson for the Board of Trustees.

5.6 In case any Trustee shall become incapable of acting hereunder, resigns or be removed from the designated County office, the individual's successor in office shall be appointed as successor Trustee. In the event that no successor in office is immediately appointed or elected, the remaining Trustees shall have full authority to continue to operate the Trust. Decisions of the Board of Trustees shall be in accordance with majority vote of the members present at any publicly noticed meeting on any issue before the Board where a quorum is present. The majority of Board members constitute a quorum for conducting official business of the Board of Trustees. Meetings of the Board of Trustees shall be publicly noticed in a manner reasonably calculated to give notice to the public and the Employees of the County. At least one public meeting shall be held after 5:00 P.M. during the second quarter of each calendar year.

5.7 Any successor Trustee shall immediately upon his or her appointment as successor Trustee become vested with all property, rights, powers and duties of the Trustee with like effect as if originally named as the Trustee hereunder.

5.8 In any instrument in writing made by the Board of Trustees, the Trust Fund and the Trustees shall be bound by the signature of any Trustee, determined by majority vote, except for checks which may be signed by any person or persons authorized in writing by the Board of Trustees, and all persons and entities may rely thereon that such instrument has been duly authorized as required in this Section.

ARTICLE VI

6.1 The County reserves the right at any time and from time to time, to amend, in whole or in part, any or all of the provisions of this Agreement by written instrument signed by the County and approved by the County, and delivered to and acknowledged by the Board of Trustees.

6.2 The Trust shall continue under the provisions of this Agreement until all funds are depleted or until the County provides the Board of Trustees written notice of the termination of this Trust together with written instructions for the distribution of the Trust Fund.

5.4 The Board of Trustees shall keep true and accurate books of accounts or records of all transactions. These books may be maintained by the professional service organization provided for under Section 5.1 above and/or the Director of Accounts and Budget. The County shall have the right to perform or obtain an independent audit of the Trust Fund at least annually or upon request.

ARTICLE VII

7.1 The Board of Trustees shall have no individual duty to determine the adequacy of any contributions to the Fund nor shall they have any personal responsibility with respect to the application of payments made out of the Fund in connection with claims made under the Plan. All decisions regarding claims shall be made by majority vote of the Board of Trustees.

7.2 No person, corporation, or other entity shall have any right to join the Board of Trustees or Trust Fund as a party to any suit or action against the County or anyone deemed to be a beneficiary hereunder.

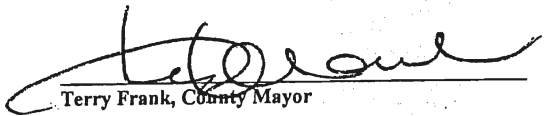
7.3 No person, partnership, corporation or association dealing with the Board of Trustees shall be obligated to see to the application of any funds, or property of the Trust, or to see that the terms of the Trust have been complied with, or be obligated to inquire into the necessity or expediency of any act of the Board Trustee, and every instrument affected by the Board of Trustees shall be conclusive in favor of any person, partnership, corporation or association relying thereon that:

- A. At the time of the delivery of said instrument, the Trust was in full force and effect.
- B. Said instrument was effected in accordance with the terms and conditions of this Agreement.
- C. The Board of Trustees were duly authorized and empowered to execute such instrument.

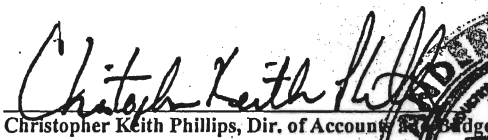
7.4 This Agreement shall be construed in accordance with the laws of the State of Tennessee.

7.5 No interest, right or claim in or to any part of the Trust Fund or any payments there from shall be assignable, transferable or subject to sale, mortgage, pledge, hypothecation, commutation, anticipation, garnishment, attachment, execution or levy of any kind, and the Board of Trustees shall not recognize any attempt to assign, transfer, sell, mortgage, pledge, hypothecate, commute, or anticipate the same, except to the extent required by the law.

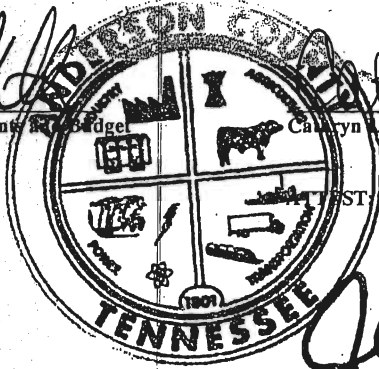
IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed on their behalf by their proper officers as of the date first above written.

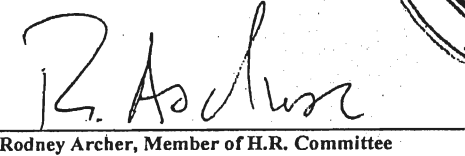

Terry Frank, County Mayor

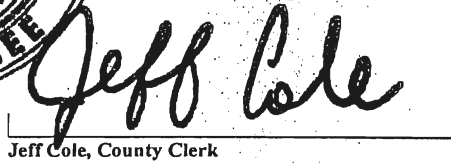

Robert McKamey, County Commission Rep.


Christopher Keith Phillips, Dir. of Accounts & Budget


Carolyn Leanne Best, Dir. of Human Resources




Rodney Archer, Member of H.R. Committee


Jeff Cole, County Clerk

Purchasing Committee Report

8. Commissioner White moved to approve recommendation from the Purchasing Committee with Rock Tenn for a one year contract for the Solid Waste Department for Single Stream Processing of Recycling for the period of July 1, 2012 through June 30, 2013, renewable on that date for an additional three years contingent upon approval by the Anderson County Legislative Body. Seconded by Commissioner Mead.

Voting Aye: Alderson, Bates, Creasey, Emert, Fritts, Irwin, Iwanski, McKamey, Mead, Meredith, Shuey and White. NO: Hitchcock and Wandell. Absent: Isbel. Motion carried.

9. Commissioner Irwin moved to approve the following recommendations from the Purchasing Committee. Motion carried by voice vote.

- Pittsburgh Paints and Sherwin Williams with a three contracts for Paint and Paint Supplies for the period of November 8, 2012 thru June 30, 2015.

- Classworks with a three contracts for subscription agreement for the Anderson County Schools for the of November 8, 2012 thru June 30, 2015. Lexis Nexis with a three year on-line subscription renewal agreement for the County Attorney's Office for a period of November 1, 2012 thru November 30, 2015.

Budget Committee Report

10. Commissioner Irwin moved to approve recommendation from the Budget Committee the following appropriations in the School Department. Seconded by Commissioner Meredith.

Voting Aye: Alderson, Bates, Biloski, Creasey, Emert, Fritts, Hitchcock, Irwin, Iwanski, McKamey, Mead, Meredith, Shuey, Wandell and White. Absent: Isbel. Motion carried.

Increase Expenditure Code:

141-71100-336 Maintenance & Repair Services \$10,000.00

Decrease Reserve Code:

141-39000 Undesignated Reserve-Unassigned \$10,000.00

Increase Expenditure Code:

141-71100-722 Regular Instruction Equipment \$72,765.00

Decrease Reserve Code:

141-39000 Fund Balance-Unassigned \$72,765.00

Increase Expenditure Code:

141-72710-315 Contracts with vehicle owners \$64,137.00

Decrease Reserve Code:

141-39000 Fund Balance-Unassigned \$64,137.00

Increase Revenue Code:

141-43582-3000 Community Service Fees-
Life Development Center \$500.00

Increase Expenditure Codes:

141-73300-399 Other Contracted Services-
Life Development Center \$225.00

141-73300-499 Other Materials & Supplies
Life Development Center 275.00

Total Expenditures Increased \$500.00

Increase Revenue Code:

145.14-44570 Contributions & Gifts \$1,000.00

Increase Expenditure Code:

145.14-73300-499-1000 Other Supplies-Wal-Mart Grant \$1,000.00

Increase Revenue Code:

145.16-43522 Lunch Payments-Adults \$30.00

Increase Expenditure Code:

145.16-73300-422 Food Supplies \$30.00

11. Commissioner Irwin moved to approve recommendation from the Budget Committee the following Non School appropriations. Seconded by Commissioner Biloski.

Voting Aye: Alderson, Bates, Bilsoki, Creasey, Emert, Fritts, Hitchcock, Irwin, Iwanski, McKamey, Mead, Meredith, Shuey, Wandell and White. Absent: Isbel. Motion carried.

Increase Revenue Code:

101-46915 Prisoner Board Bill \$25,000.00

Increase Expenditure Code:

101-54210-425 Gasoline \$25,000.00

Increase Expenditure Code:

101-52200-499-1000 Other Supplies & Materials \$500.00

Increase Revenue Code:

101-44530-1000 Gov. Deals cost to conduct sale \$500.00

Increase Expenditure Code:

101-51910-799 Other Capital Outlay \$26,797.00

Decrease Reserve Code:

101-34610-1000 Records Preservation-Committed \$26,797.00

Increase Expenditure Codes:

171-91130-304-2000	Architects	\$166,798.00
171-91130-706-1000	Building Construction-Dormitory	137,000.00
171-91130-706-1001	Building Construction-Fence	3,259.51
171-91130-706-2001	Building Construction-GEO Services	56,612.00
171-91130-706-2000	Building Construction-Rouse/Evans	9,763,000.00
171-99100-590	Transfers Out-General Fund	<u>50,000.00</u>
	Total Expenditures Increased	\$10,176,669.51

Decrease Reserve Codes:

171-34585-2000	Restricted Encumbrance- Michael Brady/Evans	\$166,798.00
171-34585-1000	Restricted Encumbrance	137,000.00
171-34585	Restricted-Capital Projects	<u>9,872,871.51</u>
	Total Expenditures Decreased	\$10,176,669.51

Increase Expenditure Code:

101-53100-709 Data Processing Equipment \$50,000.00

Increase Revenue Code:

101-49800 Transfer In-Fund 171 \$50,000.00

Increase Expenditure Code:

101-51600-709 Data Processing Equipment \$10,000.00

Decrease Reserve Code:

101-34510 Data Processing Reserve \$10,000.00

Increase Expenditure Code:

128-58110-316-1000 Contribution to Anderson Co
Chamber-Retail \$5,000.00

Decrease Reserve Code:

128-34535-1000	Reserve	\$5,000.00
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12. Commissioner White moved to approve recommendation from the Budget Committee transfer in the Non School (Election Commission). Seconded by Commissioner McKamey. Motion carried by voice vote.

Increase Expenditure Codes:

101-51500-193	Election Workers	\$14,000.00
101-51500-189	Voting Machine Technicians	2,000.00
101-51500-106	Deputy Registrar	1,500.00
101-51500-351	Rentals	<u>775.00</u>
	Total Expenditures Increased	\$18,275.00

Decrease Expenditure Codes:

101-51500-348	Postal Charges	\$12,000.00
101-51500-349	Printings, Stationary, Ballots	5,275.00
101-51500-332	Legal Notices	<u>1,000.00</u>
	Total Expenditures Decreased	\$18,275.00

13. Commissioner Irwin moved to approve the recommendation from Budget Committee the following transfer in the Non School (Accounts & Budgets) for a part-time position in the amount of \$30,000.00. Seconded by Commissioner Mead.

Voting Aye: Alderson, Bates, Creasey, Emert, Irwin, Isbel, Mead and White. NO: Biloski, Fritts, Hitchcock, Iwanski, McKamey, Meredith, Shuey and Wandell. Motion failed.

14. Commissioner Meredith moved to recommended that the \$12,000 for the ROTC sent to the Budget Committee. Seconded by Commissioner Wandell. Motion carried by voice vote.

Operations Committee Report

15. Commissioner Biloski moved to approve resolution endorsing and supporting the Tennessee Department of Transportation's Safe Routes to School Program. Seconded by Commissioner Wandell. Motion carried by voice vote.

Anderson County, Tennessee

Board of Commissioners

RESOLUTION NO. _____

**RESOLUTION ENDORSING AND SUPPORTING THE TENNESSEE
DEPARTMENT OF TRANSPORTATION'S SAFE ROUTES TO SCHOOL
PROGRAM**

WHEREAS, Safe Routes to School (SRTS) is a federally funded program focusing on the benefits of children walking and biking to school. These programs aim to improve safety for children and the community and provide opportunities to increase physical activity. SRTS funds activities and safe infrastructure in addition to efforts that encourage healthy options for children, and

WHEREAS, Congress provided SRTS funding to states through the federal surface transportation bill, the SAFE, Accountable, Flexible and Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU) for federal fiscal years 2005-2009. The Tennessee Department of Transportation (TDOT) received approximately \$10.8 million for the SRTS program from the Federal Highway Administration. Projects or activities are 100% federally funded; no match is permitted, and

WHEREAS, SRTS projects have been growing in popularity all over the country in recent years due to increased obesity trends. A model program integrates health, fitness, traffic relief, environmental awareness, and safety under one program. SRTS provides an opportunity to work closely with schools, the community, and local government to create a healthy lifestyle for children and a safer, cleaner environment for everyone, and

WHEREAS, the Anderson County Schools have applied to the SRTS Program to receive a grant for Andersonville, specifically for Andersonville Elementary School, because the lack of sidewalks, crosswalks and traffic calming signs in the community impedes safe routes to and from the school, and

WHEREAS, this grant will provide much needed infrastructure to Andersonville, a community that struggles with very limited resources for local improvements. Andersonville Elementary School will benefit from the project when more students can safely walk and bicycle to and from the school. The addition of sidewalks in the vicinity will also encourage much needed physical activity, known to reduce obesity and improve overall health, and

WHEREAS, the encouragement programs funded by this grant will be the key to getting more students to school under their own power, as they will foster the formation of walking and bicycling in groups among students and parents. The grants education programs will reinforce important bicycle and pedestrian safety messages to students and to drivers in and around the Andersonville community. The development and visibility of a Safety Patrol and walking school bus will help ease safety concerns of parents who currently disallow their child to walk or bike to and from school.

NOW THEREFORE, BE IT RESOLVED, by the Anderson County Board of Commissioners meeting in session in Clinton, Tennessee on December 17, 2012 that:

SECTION 1: The Anderson County Board of Commissioners strongly supports and encourages the Tennessee Department of Transportation's Safe Routes to School Program for the community of Andersonville as a means to provide a safe, healthy way for students of Andersonville Elementary School to traverse to and from school.

SECTION 2: The Anderson County Board of Commissioners pledges its support and assistance in this important project that affects all the families with school age children in the Andersonville community.

RESOLVED, DULY PASSED AND APPROVED this 17th day of December, 2012.

APPROVED



Chuck Fritts, Anderson County Commission Chairman



Terry Frank, Anderson County Mayor



ATTEST:



Jeff Cole, Anderson County Clerk

16. Commissioner Biloski moved to approve recommendation from Operations Committee to allow the Alternatives to Incarceration Department and the Human Resources Department to switch office space on the first floor. Seconded by Commissioner Wandell. Motion carried by voice vote.

New Business

17. Commissioner McKamey moved to audit the Andersonville Volunteer Fire Department. Seconded by Commissioner Hitchcock.

Commissioner Iwanski moved to refer the audit to the Audit Committee and the Budget Committee for recommendation to proceed. Seconded by Commissioner Mead. Motion carried by voice vote.



Chuck Fritts, Chairman
County Commission



Jeff Cole
County Clerk