

BE IT REMEMBERED THAT THE ANDERSON COUNTY BOARD OF COUNTY COMMISSION MET IN REGULAR SESSION DECEMBER 16, 2013 WITH THE FOLLOWING COMMISSIONERS PRESENT: ROBIN BILOSKI, JERRY CREASEY, STEVE EMERT, CHUCK FRITTS, WHITEY HITCHCOCK, DUSTY IRWIN, TIM ISBEL, MYRON IWANSKI, ROBERT MCKAMEY, STEVE MEAD, RICK MEREDITH, TRACEY WANDELL AND JERRY WHITE. ABSENT: ZACH BATES AND JOHN SHUEY.

Pray was led by Chaplin Darrell Cook.

Pledge of Allegiance was led by Mark Alderson.

1. Commissioner Iwanski moved to approve the Consent Agenda. Seconded by Commissioner Meredith. Motion carried by voice vote.

- November 18, 2013 County Commission Minutes
- Notaries and Notary Bonds
- Courtesy Resolution – Free Medical Clinic
- Director of Schools Report
- County Mayor Report
- Law Director
- Conservation Board Minutes (11-25-13, 12-09-13)
- \$1,290,000 Rural Elementary School Refunding Bonds, Series 2013

**Notaries**

Christine Baker  
 Nancy B Brown  
 Tanya Yvonne Davidson  
 Angela Elizabeth Eason  
 Deidre M Elkins  
 Kim A Freels  
 Kelly R Hazelhurst  
 Joshua E Hinman  
 Joseph E King  
 Shirley R King

Barbara S Langley  
 Leslie D Mead  
 George Edward Moles  
 Calvin Murray  
 Donna A Newberry  
 Dana L Pemberton  
 Kendra E Phillips  
 Elaine Robinson  
 Cleona P Smith  
 Judith Ann Solomon

Lavada Worthington

**Notary Bonds**

Western Surety  
 Heather N Ashley  
 Connie Brown  
 Betty D Davis  
 Christine Ferguson

RLI Surety  
 Rita Vanesia Cohan  
 Terry Fernandez  
 Autumn Fraley

REGULAR SESSION

DECEMBER 16, 2013

Stan E Ferguson  
David L Flitcroft  
Debbie Kelly  
Suzanne T King  
Terri Russell

Merchants Bonding  
Ralph Lee Vowell

SBCA  
Regina K Dudley  
Patricia Seals

State Farm  
Robin Queener Gentry  
Scott Michael Welch

Notary At Large  
Belinda B Aurin

2. Commissioner Hitchcock moved to accept in the minutes the resolution proclaiming January 2014 "Free Medical Clinic of Oak Ridge Month" in Anderson County, Tennessee. Seconded by Commissioner Irwin. Motion carried by voice vote. (See Exhibit A)

3. Commissioner Iwanski moved to approve the regular agenda. Seconded Commissioner Irwin. Motion carried by voice vote.

#### Public Hearing Zoning

4. Commissioner Biloski moved to approve Zoning resolution for Weigel's the property located at 2339 Clinton Hwy, Powell, TN 37849. Seconded by Commissioner Mead. Motion carried by voice vote. (See Exhibit B)

#### Nominating Committee Report

5. Commissioner McKamey moved to approve recommendation from the Nominating Committee of Brenda L McKamey to serve on the Conservation Board with the term ending 12/2018. Seconded by Commissioner Biloski. Motion carried by voice vote.

#### School Department Report

No action taken at this time.

#### County Mayor Report

6. Commissioner Irwin moved to defer for thirty days the Salary Agreement for the Sheriff's Department. Seconded by Commissioner Mead. Motion carried by voice vote.

#### County Law Director Report

REGULAR SESSION

DECEMBER 16, 2013

7. Commissioner Mead moved to approve Joint resolution requesting the Tennessee General Assembly to enact a Private Act allowing Anderson County and its' Board of Education to transfer, sell, donate or otherwise convey County or School System owned real estate to a Not for Profit Corporation providing educational and vocational services to handicapped citizens upon prior approval by the County Legislative Body of School Board. Seconded by Commissioner Iwanski. Motion carried by voice vote. NO: White. (See Exhibit C Oak Equalization Tank)

#### Purchasing Committee Report

8. Commissioner Irwin moved to approve the following recommendation from the Purchasing Committee 4 contracts. Seconded by Commissioner Creasey.

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

- Clinton Utilities Board - Twenty year extended participation with TVA Green Energy program, for electrical generation thru June 30, 2033.
- Discovery Education - One year subscription agreement for the Anderson County Schools for the period of August 1, 2013 thru July 31, 2014.
- Morristown Automatic Sprinkler Co. - One year contract for annual inspection for three sprinkler systems at the Detention Center for the period of December 17, 2013 thru December 17, 2014.
- Energy Systems Group - Fifteen year contract for installation of energy conservation measure and related upgrades in the schools, through the period of December 31, 2028.

1. Receipt of the valid performance and payment bonds.
2. Receipt of a valid certificate of liability insurance
3. Receipt of exhibit D of the contract on the School department's counsel letterhead.
4. Written notification of School Board approval of the contract.
5. A detailed disposal/asset plan for used equipment removed from buildings being added to the contract.

#### Budget Committee Report

9. Commissioner Irwin moved to approve recommendation from the Budget Committee the following appropriations in the Anderson County School Budget. Seconded by Commissioner Meredith.

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

Increase Revenue Code:

141-47120-CRTN	Adult Basic Education	\$50,937.00
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Increase Expenditure Codes:

141-71600-116-CRTNABE Teachers Salaries.	\$32,588.69
141-71600-189-CRTNABE Other Salaries & Wages	7,163.96
141-71600-201-CRTNABE Social Security	2,464.66
141-71600-204-CRTNABE State Retirement	2,893.88
141-71600-212-CRTNABE Medicare	576.41
141-71600-355-CRTNABE Travel	881.00
141-71600-429-CRTNABE Instructional Material & Supplies	<u>4,368.40</u>
Total Expenditures Increase	\$50,937.00

Increase Revenue Code:

141-46590	Other State Education Funds	\$5,310.00
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Decrease Expenditure Code:

141-72410-599	Office of Principal-Other Charges	\$5,310.00
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10. Commissioner Irwin moved to approve recommendation from the Budget Committee the following appropriations in the County General Fund. Seconded by Commissioner White.

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

Increase Reserve Code:

101-34515	Restricted Co. Clerk	\$1,985.00
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Increase Expenditure Code:

101-52500-307	Communications	\$1,985.00
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**Decrease Expenditure Code:**

115-56500-499-2001	Local Office Supplies/Misc.	\$278.00
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**Decrease Reserve Code:**

115-34635-2000	Clinton Committed Reserve	\$1,520.00
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**Increase Expenditure Codes:**

115-56500-709-2000	Clinton Data Processing Equipment	\$1,520.00
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115-56500-333-2000	Clinton Licenses	<u>278.00</u>
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	Total Expenditures Increase	\$1,798.00
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11. Commissioner Irwin moved to approve recommendation from the Budget Committee the following transfer. Seconded by Commissioner Emert. Motion carried by voice vote.

**Decrease Expenditure Code:**

116-55739-105	Litter Grant Program	\$237.75
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Supervisor/Director

**Increase Expenditure Code:**

116-55739-524	Litter Grant Program	\$237.75
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Staff Development

12. Commissioner Irwin moved to approve recommendation from the Budget Committee the following resolutions for the Anderson County School. Seconded by Commissioner McKamey.

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

**A RESOLUTION AUTHORIZING THE ISSUANCE OF RURAL ELEMENTARY SCHOOL BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED FOUR MILLION FIVE HUNDRED SEVENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$4,575,000) OF ANDERSON COUNTY, TENNESSEE; MAKING PROVISION FOR THE ISSUANCE, SALE AND PAYMENT OF SAID BONDS; ESTABLISHING THE TERMS THEREOF AND THE DISPOSITION OF PROCEEDS THEREFROM; AND PROVIDING FOR THE LEVY OF TAXES FOR THE PAYMENT OF PRINCIPAL OF PREMIUM, IF ANY, AND INTEREST ON THE BONDS.**

**A RESOLUTION AUTHORIZING THE ISSUANCE OF RURAL HIGH SCHOOL BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED FIVE MILLION TWO HUNDRED FIFTY - FIVE THOUSAND AND NO/100 DOLLARS (\$5,255,000) OF ANDERSON COUNTY, TENNESSEE; MAKING PROVISION FOR THE ISSUANCE, SALE AND PAYMENT OF SAID BONDS; ESTABLISHING THE TERMS THEREOF AND THE DISPOSITION OF PROCEEDS THEREFROM; AND PROVIDING FOR THE LEVY OF TAXES FOR THE PAYMENT OF PRINCIPAL OF, PREMIUM, IF ANY, AND INTEREST ON THE BONDS.**

**Legislative Committee Report**

13. Commissioner Creasey moved to approve recommendation from the Legislative Committee Resolution 13-12-477 that the Sheriff's fees are identified, assessed, collected and accounted for. Seconded by Commissioner McKamey. Motion carried by voice vote. (See Exhibit H).

14. Commissioner Creasey moved to approve recommendation from the Legislative Committee Resolution 13-12-476 - Litigation Tax. Seconded by Commissioner McKamey. Motion carried by voice vote. (See Exhibit D).

15. Commissioner Creasey moved to approve recommendation from the Legislative Committee Resolution 13-12-480 - Amend Private Act request to include Board of Education. Seconded by Commissioner Isbel. (See Exhibit E)

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

16. Commissioner Creasey moved to approve recommendation from the Legislative Committee S.1405 Medicare Ambulance Access 2013 & H.R. 809 Field EMS Quality, Innovation and cost Eff. Improvement Act of 2013. Seconded by Commissioner Alderson. Motion carried by voice vote. (See Exhibit F)

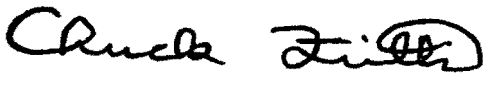
17. Commissioner Creasey moved to approve recommendation from the Legislative Committee to request the General Assembly to take a look at the T.C.A statute concerning Libraries, see if it is constitutionally over broad, and see if this can add an affirmative defense for public libraries. Seconded by Commissioner Irwin. Motion carried by voice vote.

18. Commissioner Creasey moved to approve recommendation from the Legislative Committee the resolution 13-12-479 for Communication Towers in the Briceville and New River Communities. Seconded by Commissioner Isbel. Motion carried by voice vote. Abstain: Creasey. (See Exhibit G).

19. Commissioner Creasey moved to approve recommendation from the Legislative Committee to authorize the removal of the white sign symbolizing no guns in the courthouse because the legal authority for its posting, expired in February 2009. Seconded by Commissioner Hitchcock. Motion carried by voice vote.

Audit Committee Report

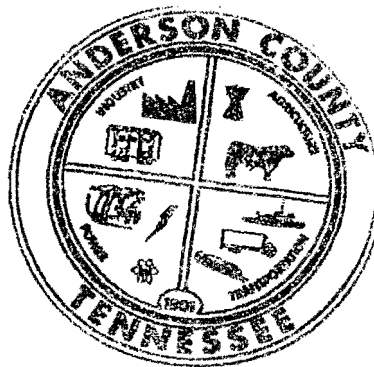
20. Commissioner Iwanski moved to approve recommendation from the Audit Committee to accept the audit as complete and that it fulfills the audit requirement. Seconded by Commissioner Mead. Motion carried by voice vote.



\_\_\_\_\_  
Chuck Fritts, Chairman  
County Commission



\_\_\_\_\_  
Jeff Cole  
County Clerk



A

**Anderson County, Tennessee  
Board of Commissioners**

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION PROCLAIMING JANUARY 2014 "FREE MEDICAL CLINIC OF  
OAK RIDGE MONTH" IN ANDERSON COUNTY, TENNESSEE**

**WHEREAS**, the Free Medical Clinic of Oak Ridge contributes significantly to the good health of the citizens of Oak Ridge, Anderson County and surrounding areas; and

**WHEREAS**, the Free Medical Clinic of Oak Ridge, is a non-profit primarily volunteer staffed organization offering free medical services to those who live in Oak Ridge, Anderson County or surrounding areas, who do not have insurance and cannot afford to pay for medical services due to their income level; and

**WHEREAS**, the Free Medical Clinic of Oak Ridge opened in January 2010 and has served more than 3063 patients during 13,177 visits as the only free clinic in our community; and

**WHEREAS**, the Free Medical Clinic of Oak Ridge physicians, nurses and support staff have volunteered more than 20,000 hours of time and expertise in providing comprehensive care to patients with compassion, dignity and respect; and

**WHEREAS**, in fulfilling its mission, the Free Medical Clinic of Oak Ridge provides treatment to patients needing care for diabetes, high blood pressure, elevated cholesterol and other serious chronic illnesses; and

**WHEREAS**, in offering citizens classes in smoking cessation, nutrition for individuals with diabetes and other subjects promoting healthier life styles, the Free Medical Clinic of Oak Ridge further contributes to the overall wellness of our citizens; and

**WHEREAS**, healthy people create healthy families and are better citizens of the community;

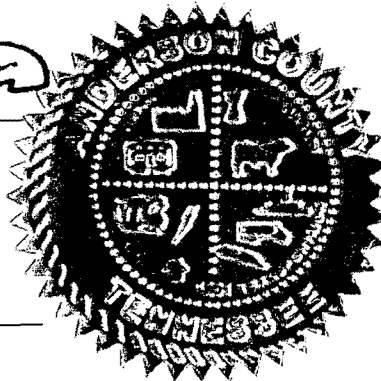
**NOW THEREFORE, BE IT RESOLVED**, by the Anderson County Board of Commissioners meeting in regular session this 16<sup>th</sup> day of December, 2013, does praise the work of the Free Medical Clinic of Oak Ridge and hereby proclaim the month of January, 2014, as the "Free Medical Clinic of Oak Ridge Month", encouraging all citizens to support the Clinic and its programs.

*Chuck Fritts*

\_\_\_\_\_  
Chuck Fritts, Chairman

*Terry Frank*

\_\_\_\_\_  
Terry Frank, County Mayor



ATTEST:

*Jeff Cole*

\_\_\_\_\_  
Jeff Cole, County Clerk



B

**LEGAL NOTICE OF PUBLIC HEARING**  
[Published in Compliance with TCA 13-7-105]

The Anderson County Board of Commissioners will hold a Public Hearing at December 16, 2013 at 6:00 p.m. in Room 312 of the Anderson County Courthouse, 100 N. Main Street, Clinton, Tennessee to consider a request for rezoning the following properties located at 2339 Clinton Hwy, Powell, TN 37849: and can be further described as Anderson County Tax Map 096, parcel 55.

\_\_\_\_\_  
David Crowley,  
Anderson County Building Commissioner

**WHEREAS** the Anderson County Regional Planning Commission has recommended that the property located at 2339 Clinton Hwy, Powell, TN 37849 is to be rezoned from the Residential (R-1) to Commercial (C-1).

**NOW, THEREFORE, BE IT RESOLVED** that the Anderson County Board of Commissioners does hereby amend the Anderson County Zoning Map by rezoning properties further described as Anderson County Tax Map 096, parcel 55 from the Residential (R-1) to Commercial (C-1), Zoning District

**This resolution shall take effect immediately after its notification and passage, the public welfare requiring it.**

*Chuck Fritts*

\_\_\_\_\_  
Chuck Fritts, Chairman

ATTEST:

*Jeff Cole*

\_\_\_\_\_  
Jeff Cole, County Clerk

DATE: 12/16/2013



C

**Anderson County, Tennessee**

**Joint Resolution of the Board of Commissioners and School Board**

**RESOLUTION 13-12-480**

**JOINT RESOLUTION REQUESTING THE TENNESSEE GENERAL ASSEMBLY TO ENACT A PRIVATE ACT ALLOWING ANDERSON COUNTY AND ITS BOARD OF EDUCATION TO TRANSFER, SELL, DONATE OR OTHERWISE CONVEY COUNTY OR SCHOOL SYSTEM OWNED REAL ESTATE TO A NOT-FOR-PROFIT CORPORATION PROVIDING EDUCATIONAL AND VOCATIONAL SERVICES TO HANDICAPPED CITIZENS UPON PRIOR APPROVAL BY THE COUNTY LEGISLATIVE BODY OR SCHOOL BOARD.**

**WHEREAS**, Anderson County and its Board of Education desires to transfer county owned real estate to the Emory Valley Center in an effort to provide necessary educational and vocational services to handicapped citizens; and

**WHEREAS**, the current county owned facility has been utilized by the Emory Valley Center since 1959 and has historic significance as one of the first facilities of its type in the state of Tennessee; and

**WHEREAS**, Anderson County operates under the 1957 Purchasing Act which requires that all sales of county-owned property, real or personal in nature, that has become surplus, obsolete or unusable shall be made by public auction or by sealed bid. Therefore, without passage of this proposed private act and proper legal authority the county would be forced to sell the historic Emory Valley Center to the highest bidder.

**NOW THEREFORE, BE IT RESOLVED** by the Anderson County Board of Commissioners meeting in regular session this 16th day of December 2013 that we respectfully request the Tennessee General Assembly pass a private act allowing Anderson County and its Board of Education to transfer, sell, donate or otherwise convey real estate owned by the county to a registered and approved not-for-profit corporation providing educational and vocational services to handicapped citizens, as recited below.

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**PRIVATE ACTS 2014**

**CHAPTER NO. \_\_\_\_\_**

**AN ACT** to allow Anderson County and the Anderson County Board of Education to transfer, sell, donate or otherwise convey real estate to a not-for-profit corporation providing

educational and vocational services to  
handicapped citizens upon prior approval by  
the county legislative body or school board.

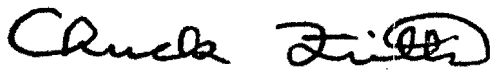
**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF  
TENNESSEE**

**Section 1:** Notwithstanding any law to the contrary, Anderson County or its Board of Education may transfer, sell, donate or otherwise convey real estate owned by the county or school board to a registered and approved not-for-profit corporation providing educational and vocational services to handicapped citizens upon prior approval by the Anderson County Legislative Body or School Board.

**Section 2:** This act shall take effect immediately upon proper passage by the Tennessee General Assembly and subsequent two-thirds (2/3) approval by the Anderson County Legislative Body.

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**APPROVED, DULY PASSED AND RESOLVED** by the Anderson County Board of Education by uniramous vote on the 12<sup>th</sup> day of December and subsequently passed and approved by the Anderson County Board of Commissioners by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ against on the 16th day of December 2013.



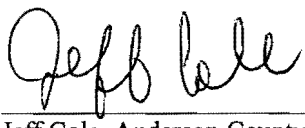
\_\_\_\_\_  
Chuck Fritts, Chair, Anderson Co. Bd. of Comm.

\_\_\_\_\_  
Terry Frank, Anderson County Mayor

ATTEST:



\_\_\_\_\_  
Dr. John Burrell, Chair, Anderson Co. Sch. Board



\_\_\_\_\_  
Jeff Cole, Anderson County Clerk





**Anderson County, Tennessee**  
**Board of Commissioners**  
**RESOLUTION 13-12-476**

**RESOLUTION TO ENACT, IMPOSE, REAFFIRM AND COLLECT A LITIGATION TAX IN ALL CASES BEFORE THE CRIMINAL, CIRCUIT, CHANCERY AND GENERAL SESSIONS COURTS PURSUANT TO TENNESSEE LAW TO PROVIDE FOR JAIL AND COURTHOUSE CONSTRUCTION, RENOVATION, DEBT RETIREMENT AND TO PROVIDE FOR COMPUTER RELATED HARDWARE AND SOFTWARE ASSOCIATED WITH COLLECTING, RECEIVING AND MAINTAINING LAW ENFORCEMENT RECORDS.**

**WHEREAS,** *Tennessee Code Annotated, Section 67-4-601 (b) (1)* provides as follows:

Notwithstanding any other law to the contrary, each county by resolution of its legislative body, adopted by two-thirds (2/3) majority vote, may levy a privilege tax on litigation in all civil and criminal cases instituted in the county, other than those instituted in municipal courts, in addition to all other such privilege taxes authorized by law. Any tax levy adopted under this subsection (b) shall not exceed ten dollars (\$10.00) per case; and the proceeds shall be used exclusively for the purposes of jail or workhouse construction, reconstruction or upgrading, or to retire debt, including principal and interest and related expenses, on such construction, reconstruction or upgrading or for courthouse renovation.

**WHEREAS,** furthermore *T.C.A. § 67-4-601 (b) (2)* states:

Any tax levy adopted under this subsection (b) shall only be effective until such time as all expenses of the construction, reconstruction, upgrading or renovation project have been paid, or until such time as the debt for such project has been retired. For the purposes of this subsection (b), debt includes principal, interest, origination costs and related expenses, as well as any debt issued for the purposes of refinancing the original indebtedness.

**WHEREAS,** additionally *T.C.A. 67-4-601 (b) (5)* allows the following:

Notwithstanding any law to the contrary, upon the adoption of a resolution by a two-thirds (2/3) majority vote of a county legislative body, a privilege tax on litigation in all civil and criminal cases may be levied in an amount not to exceed twenty-five dollars (\$25.00) per case.

**WHEREAS**, the legislative authority to impose a litigation tax for the provision of law enforcement computer hardware and software is codified at *T.C.A. § 67-4-601(7) (b) (i)*. That section provides as follows:

Notwithstanding the exclusive use restriction in subdivision (b)(6), a county that adopts the privilege tax in subdivision (b)(5) or (b)(6), or both, may also adopt a resolution by a two-thirds (2/3) majority vote of the legislative body, to use those funds, in addition to other purposes as permitted under this section, for the purpose of obtaining and maintaining software and hardware associated with collecting, receiving and maintaining records for law enforcement agencies, including county sheriff offices, jails and municipal or metropolitan police departments. This project may include computerizing agency operations, replacing existing systems with high technology systems that collect and share data on criminal activity and historical data with other law enforcement agencies, including fusion centers, and collecting and sharing biometric information for positive criminal or inmate identification. New or replacement systems shall incorporate modern software concepts and architecture, which shall include n-tier architecture, source code compliant with object-oriented programming concepts, and the use of a relational database management system for data storage.

(ii) Any use of a privilege tax for purposes under this subdivision (b)(7)(B) shall only be permitted until such time as all expenses for the purchase, installation, training, maintenance and associated costs for the project as described under subdivision (b) (7) (B) (i) have been paid, or until such time as the debt for that project has been retired.

(iii) For purposes of this subdivision (b)(7)(B), "debt" includes principal, interest, origination costs and related expenses, as well as any debt issued for the purposes of refinancing the original indebtedness.

**NOW THEREFORE, BE IT RESOLVED** by the Anderson County Board of Commissioners meeting in regular session this 16th day of December 2013 that we adopt the following provisions of *T.C.A. § 67-4-601* for the purposes of retiring debt for jail and courthouse construction, or reconstruction and renovation projects, as well as the adoption of *T.C.A. § 67-4-601 (b) (7) (A and B)* for the purpose of providing law enforcement computer related hardware and software.

**Section 1:** Henceforth, a ten dollar (\$10.00) litigation tax will be imposed on all civil and criminal cases instituted in the county, other than those instituted by municipal courts, and the proceeds of such litigation tax shall be exclusively used for the for the purpose of jail or workhouse construction, reconstruction or upgrading, or to retire debt, including principal and

interest and related expenses, on such construction, reconstruction, or for upgrading or for courthouse renovation.

**Section 2.** Pursuant to *T.C.A. § 67-4-601 (b) (5)* a privileged tax of twenty-five dollars (\$25.00) shall be imposed and reaffirmed on all civil and criminal cases per case.

**Section 3.** Furthermore, by the authority set forth in *T.C.A. 67-4-601(b) (7) (A and B)* a privilege tax in the amount of fifteen dollars (\$15.00) per case shall be imposed on all criminal and civil cases for the expressed purpose of providing computer software and hardware associated with collecting, receiving and maintaining law enforcement records for the Anderson County Sheriff's Office and jail.

**Section 4.** The Anderson County Clerk shall provide a copy of this resolution to the Anderson County Clerk and Master and the Circuit, Criminal and Juvenile Court Clerks of court.

**APPROVED, DULY PASSED AND RESOLVED** by a two thirds (2/3) majority this 16th day of December 2013.

*Chuck Fritts*

\_\_\_\_\_  
Chuck Fritts, Chair, Anderson Co. Bd. of Comm.

\_\_\_\_\_  
Terry Frank, Anderson Co. Mayor

ATTEST:



*Jeff Cole*

\_\_\_\_\_  
Jeff Cole, Anderson County Clerk



**Anderson County, Tennessee**

**Board of Commissioners**

**RESOLUTION 13-12-480**

**RESOLUTION REQUESTING THE TENNESSEE GENERAL ASSEMBLY TO ENACT A PRIVATE ACT ALLOWING ANDERSON COUNTY AND ITS BOARD OF EDUCATION TO TRANSFER, SELL, DONATE OR OTHERWISE CONVEY COUNTY OWNED REAL ESTATE TO A NOT-FOR-PROFIT CORPORATION PROVIDING EDUCATIONAL AND VOCATIONAL SERVICES TO HANDICAPPED CITIZENS UPON PRIOR APPROVAL BY THE COUNTY LEGISLATIVE BODY.**

**WHEREAS**, Anderson County and its Board of Education desires to transfer county owned real estate to the Emory Valley Center in an effort to provide necessary educational and vocational services to handicapped citizens; and

**WHEREAS**, the current county owned facility has been utilized by the Emory Valley Center since 1959 and has historic significance as one of the first facilities of its type in the state of Tennessee; and

**WHEREAS**, Anderson County operates under the 1957 Purchasing Act which requires that all sales of county-owned property, real or personal in nature, that has become surplus, obsolete or unusable shall be made by public auction or by sealed bid. Therefore, without passage of this proposed private act and proper legal authority the county would be forced to sell the historic Emory Valley Center to the highest bidder.

**NOW THEREFORE, BE IT RESOLVED** by the Anderson County Board of Commissioners meeting in regular session this 16th day of December 2013 that we respectfully request the Tennessee General Assembly pass a private act allowing Anderson County and its Board of Education to transfer, sell, donate or otherwise convey real estate owned by the county to a registered and approved not-for-profit corporation providing educational and vocational services to handicapped citizens, as recited below.

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**PRIVATE ACTS 2014**

**CHAPTER NO. \_\_\_\_\_**

**AN ACT** to allow Anderson County and the Anderson County Board of Education to transfer, sell, donate or otherwise convey real estate to a not-for-profit corporation providing educational and vocational services to

educational and vocational services to handicapped citizens upon prior approval by the county legislative body or school board.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE**

**Section 1:** Notwithstanding any law to the contrary, Anderson County or its Board of Education may transfer, sell, donate or otherwise convey real estate owned by the county or school board to a registered and approved not-for-profit corporation providing educational and vocational services to handicapped citizens upon prior approval by the Anderson County Legislative Body or School Board.

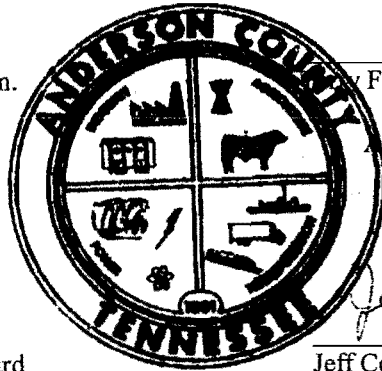
**Section 2:** This act shall take effect immediately upon proper passage by the Tennessee General Assembly and subsequent two-thirds (2/3) approval by the Anderson County Legislative Body.

\*\*\*\*\*

**APPROVED, DULY PASSED AND RESOLVED** by the Anderson County Board of Education by uniramous vote on the 12<sup>th</sup> day of December and subsequently passed and approved by the Anderson County Board of Commissioners by a vote of 13 in favor and 1 against on the 16th day of December 2013.

*Chuck Fritts*

\_\_\_\_\_  
Chuck Fritts, Chair, Anderson Co. Bd. of Comm.



\_\_\_\_\_  
Frank, Anderson County Mayor

TEST:

*John Burrell*

\_\_\_\_\_  
Dr. John Burrell, Chair, Anderson Co. Sch. Board

*Jeff Cole*

\_\_\_\_\_  
Jeff Cole, Anderson County Clerk



F

Anderson County, Tennessee

Board of Commissioners

RESOLUTION 13-12-481

RESOLUTION SUPPORTING THE MEDICARE AMBULANCE ACCESS ACT OF 2013

WHEREAS, the Medicare Ambulance Access Act provides critical supplemental payments to ambulance services across our nation to offset and address chronic shortfalls in Medicare transportation payments; and

WHEREAS, the United States Senate is currently considering Senate Bill 1405 which would extend these vital payments for another five year period; and

WHEREAS, the Anderson County Board of Commissioners wishes to officially endorse and support this bill that would permit the continuance of supplemental payments to ambulance services that perform Medicare transports.

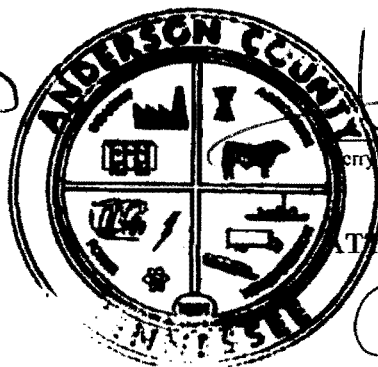
NOW THEREFORE, BE IT RESOLVED by the Anderson County Board of Commissioners this 16<sup>th</sup> day of December 2013 that we support the extension of the Medicare Ambulance Access Act for another five year period and encourage our United States Congressional delegation to endorse Senate Bill 1405 and any accompanying House bills that would provide critical supplemental payments to ambulance service providers that perform Medicare transports.

BE IT FURTHER RESOLVED, that the Anderson County Clerk and Director of Emergency Medical Services are authorized and encouraged to transmit copies of this Resolution to all members of the Tennessee United States Congressional delegation.

RESOLVED, DULY PASSED, APPROVED AND EFFECTIVE this 16<sup>th</sup> day of December 2013.

*Chuck Fritts*

Chuck Fritts, Chair, Anderson Co. Commission



*Berry Frank*

Berry Frank, Anderson County Mayor

ATTEST:

*Jeff Cole*

Jeff Cole, Anderson County Clerk

Anderson County, Tennessee  
Board of Commissioners

G

RESOLUTION NO.: 13-12-479

**RESOLUTION TO ENCOURAGE THE TENNESSEE REGULATORY AUTHORITY, REPRESENTATIVES TO THE TENNESSEE GENERAL ASSEMBLY AND ALL CELL PHONE PROVIDERS TO PROPOSE, PERMIT, ALLOW AND ERECT CELL TOWERS FOR EMERGENCY COMMUNICATIONS IN THE BRICEVILLE AND NEW RIVER COMMUNITIES FOR THE SAFETY AND WELFARE OF ALL VISITORS AND INHABITANTS OF THE AREA.**

**WHEREAS**, wireless phone service is of vital importance to our citizens for emergency communication needs and virtually nonexistent in the Briceville and New River communities of Anderson County, Tennessee; and

**WHEREAS**, several accidents and life threatening incidents have occurred in the vicinity of State Route 116, and due to the lack of cellular phone coverage lives have been lost and injuries aggravated because of the delay in notifying emergency response crews and law enforcement; and

**WHEREAS**, many residents of the Briceville and New River communities in Anderson County are unable to call for emergency services without the availability of a land line; and

**WHEREAS**, wireless phone services are also of the utmost importance in attracting new retail, residential and industrial development; and

**WHEREAS**, permitting the placement and encouragement of cell towers in the Briceville and New River communities in Anderson County would allow for prompt emergency services to the citizens that live in these communities as well as attract new retail, residential and industrial development that these communities desperately need.

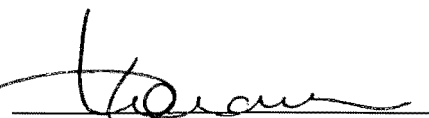
**NOW THEREFORE, BE IT RESOLVED** that the Anderson County Board of Commissioners meeting in regular session this 16<sup>th</sup> day of December, 2013, does encourage and beseech the Tennessee Regulatory Authority, representatives to the Tennessee General Assembly and all cell phone providers to propose, encourage, permit and erect cell towers in the Briceville and New River communities of Anderson County, Tennessee as wireless phone service availability is of vital importance to the public health, safety and welfare of these citizens as well as important to attracting new retail, residential and industrial development to these underserved communities.

**RESOLVED, DULY PASSED AND APPROVED** this 16<sup>th</sup> day of December, 2013.




Chuck Fritts, Chair, AC Comm.



  
Terry Frank, Anderson County Mayor

ATTEST:

  
Jeff Cole, Anderson County Clerk

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Anderson County, Tennessee

Board of Commissioners

RESOLUTION 13-12-477

RESOLUTION TO CONFIRM THAT ALL LEGALLY AUTHORIZED SHERIFF'S FEES ARE IDENTIFIED, ASSESSED, COLLECTED AND ACCOUNTED FOR PURSUANT TO TENNESSEE LAW.

WHEREAS, the Anderson County Legislative Body desires to confirm that all legally authorized fees are submitted to the appropriate court clerk's office by the Sheriff's Office and billed and collected by the appropriate court clerk for the use and benefit of the Anderson County General Fund and Sheriff's Office; and

WHEREAS, to offset ever increasing law enforcement costs and operational appropriations for the Anderson County Sheriff's Office and Detention Facility, it is imperative that all legal fees allowed under Tennessee law be assessed and collected by the appropriate courts; and

WHEREAS, it is the intent of this Resolution to assure these authorized fees are submitted and collected in order to offset and transfer the financial burden from the citizens at large to the individuals that actually utilized the services of the courts and Detention Facility.

WHEREAS, the legally authorized fees will be assessed by the Sheriff's Office and transmitted to the appropriate court clerks for billing and collection.

NOW THEREFORE, BE IT RESOLVED by the Anderson County Board of Commissioners meeting in regular session this 16th day of December 2013 that we respectfully request the Sheriff's Office to assess and transmit all approved fees to the appropriate court clerks for billing and collection as follows:

**Section 1:** *Tennessee Code Annotated, Section 8-21-901* provides explicit legal authority for the collection of fees by Sheriffs and Constables as follows:

(a) Notwithstanding any other provision of law to the contrary, the sheriff or constable is entitled to demand and receive the respective fees for the following services where services are actually rendered:

(1) **Service of Process.** (A) For serving any process except as otherwise provided in this section or other applicable law, whether issued by a clerk for a general sessions, criminal, circuit, chancery or any other court, the sheriff or constable shall be entitled to the following fees, based on the manner in which process is served, for each item of process that must be served separately per person served:

(i) For service in person: \$26.00

(ii) For service by mail: \$10.00

(iii) For service by acceptance or consent or any other authorized method: \$10.00

(B) For summoning jurors in any proceeding: \$5.00

(C) For serving or delivering any other process or notice not related to a judicial proceeding and issued by an entity other than a court: \$10.00

(D) For returning any service of process where the sheriff or constable attempts service but is unsuccessful, the sheriff or constable shall only be entitled to: \$9.00.

**(2) Collection of money; returning, transporting, storing or establishing possession of property.** (A) For a levy of an execution on property or levy of an attachment or other process to seize property for the purpose of securing satisfaction of a judgment yet to be rendered or for executing a writ of replevin or writ of possession: \$40.00.

(B) (i) For collecting money to satisfy a judgment, whether by execution, fieri facias, garnishment or other process, in civil cases each time collection is attempted: \$20.00.

(ii) For purposes of the payment of fees for garnishments as provided in this subdivision (a)(2)(B), all garnishments shall be deemed to be original garnishments and the sheriff or other person authorized by law to serve garnishments shall be entitled to the fee provided for in this subdivision (a)(2)(B) for each such garnishment served.

(C) Whenever the sheriff or constable provides for the storage or maintenance of property including, but not limited to, vehicles, livestock and farm and construction equipment, that has been levied on by execution, attachment or other process, the sheriff or constable is entitled to demand and receive a reasonable per day fee for such services. The sheriff or constable is also entitled to demand and receive reimbursement for costs of transportation of such personal property to a suitable location for storage and maintenance when such action is necessary to secure such property. Any such fees for transportation, maintenance and/or storage shall be approved by the court issuing the execution, attachment or other process.

**(3) Arrest and transportation of prisoners, bail bond.** (A) For executing every capias, criminal warrant, summons or other leading process, making arrests in criminal cases and carrying to jail, prison or other place of incarceration and guarding defendant arrested by warrant

involving taking custody of a defendant: \$40.00.

(B) For citation in lieu of arrest or criminal warrant not involving physical custody of a defendant: \$25.00.

(C) For every bail bond to be paid as cost at the time there is a disposition of the case: \$10.00.

(D) If a sheriff or constable is required to act as a guard to escort prisoners, such sheriff shall be entitled to a per mile fee equal to the mileage allowance granted federal employees. Such fee shall be separate for each prisoner and computed on the distance actually traveled with the prisoner and shall be for no more than two (2) guards. Such fee shall only apply when the sheriff or constable is required to transport a prisoner from county to county or from state to state. Similarly, the sheriff shall be entitled to the same mileage allowance when required to transport a prisoner to a hospital or other mental health facility in another county or state for a judicially ordered evaluation.

(E) When two (2) or more criminal warrants are executed at the same time against the same individual, there shall be but one (1) arrest fee allowed when the fee is chargeable to the county and/or the state.

**(4) Security Services.** (A) (i) For attending on grand jury, or waiting in court: per day \$75.00

(B) For waiting with a sequestered jury: per day \$100

**(5) Data processing services.** (A) For data processing services: per process \$2.00

(B) The revenue from the two-dollar data processing fee levied by subdivision (a)(5)(A), shall be allocated by the sheriff's county for computerization, information systems and electronic records management costs of the sheriff's office. Such funds shall remain earmarked within the general fund and shall be reserved for the purposes authorized in this subdivision (a)(5)(B) at the end of each fiscal year.

(b) Notwithstanding other provisions of this section to the contrary, any fee or mileage allowance permitted under this section, which is assessed against the state or which otherwise represents a cost to the state, shall be limited in amount to the fees allowable immediately prior to May 28, 1977.

(c) The court in its discretion may award recovery of fees for process served by any private process server as part of any judgment rendered in a case but such fees awarded against a party

shall not exceed the like fees as authorized by this section for services provided by sheriffs or constables.

**Section 2.** The Sheriff's Office shall transmit all assessed fees to the appropriate court clerk no less than one time each month.

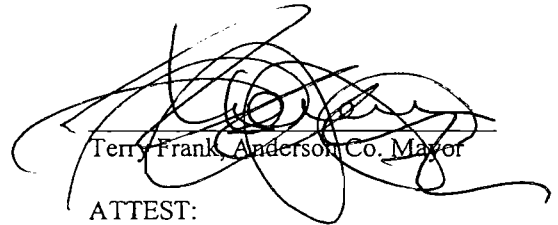
**Section 3.** Representatives from the Sheriff's Office and the various court clerks shall meet within ninety (90) days of passage of this Resolution to design and implement a plan for the identification, assessment, billing and collection of these fees.

**Section 4.** A signed copy of this Resolution shall be transmitted to all court clerks by the County Clerk.

**APPROVED, DULY PASSED AND EFFECTIVE** this 16th day of December 2013.



Chuck Fritts, Chair, Anderson Co. Bd. of Comm.



Terry Frank, Anderson Co. Mayor

ATTEST:





Jeff Cole, Anderson County Clerk