

BE IT REMEMBERED THAT THE ANDERSON COUNTY BOARD OF COUNTY COMMISSION MET IN QUARTERLY SESSION ON NOVEMBER 15, 2010 WITH THE FOLLOWING COMMISSIONERS PRESENT: JOHNNY ALLEY, MARK ANDERSON, ZACK BATES, ROBIN BILOSKI, JERRY CREASEY, CHUCK FRITTS, WHITEY HITCHCOCK, DUSTY IRWIN, TIM ISBEL, ROBERT MCKAMEY, STEVE MEAD, RICK MEREDITH, JOHN SHUEY, TRACY WANDELL, AND JERRY WHITE. ABSENT: MYRON IWANSKI.

Prayer was given by Commissioner Irwin.

Pledge of allegiance was led by Commissioner Shuey.

1. Commissioner Fritts moved to approve the Consent Agenda; November 15, 2010 regular session, Notaries and Bonds, ADA Oversight Committee Minutes, Clinton High School requesting \$900.00 Waste Management Funds for Basketball Program, Seconded by, Commissioner McKamey. Motion carried by voice vote.

Notaries

Teresa Adcock
Sandy Bevill
Sarah Brown
Gale Crowley
Janet B Dicket
Brenda J Farmer
Johnny F Grubbs

Joshua L Phillips
Tanya D Price
Brenda F Smith
Richard K Smith
Stephanie Long Taylor
Patricia Townsend
Victoria P Walker

Notary Bonds

Western Surety Company
Patty M Baldwin
Elisha D Burnette
Wendy K Ekl
Emily Hope James
Frank A Marsh
James McCrary
Aaron McCoy
Wendy Mioduski
Billy Paul Sams
Chelsey Scheer
Bryan Schroeder
Tara Williams
Travelers
Edwin Gary Seepe

SBCA
Austyn Crandell
Patricia B Harp
Aneshia Seese
RLI
Teresa K Marlow
Lisa Rose Sayles
Julie C Wallace
Merchants Bonding Co
Katie Padgette
Tennessee Farmers Mutual
Shela D Gregory
Bobby Joe Higgs
State Farm
Brandy K Brogdon
Margaret Clapp
Melissa Davis

2. Commissioner Fritts moved to approve the regular Agenda. Seconded by Commissioner Meredith. Motion carried by voice vote.

3. Commissioner Fritts moved to refer back to Zoning, the property located at, 2217 Clinton Hwy, Powell, TN. 37849. Seconded by Commissioner Creasey.

4. Commissioner Isbel moved to approve the resolution Honoring Claude David Martin. Seconded by, Commissioner Mead. Motion carried by voice vote.

Board of Commissioners
Anderson County, Tennessee

RESOLUTION No: 10 - 374

**RESOLUTION HONORING CLAUDE DAVID MARTIN FOR HIS EVERLASTING
COMMITMENT AND DEVOTION TO THE VETERANS OF ANDERSON COUNTY**

WHEREAS, Claude Martin is a life-long resident of Anderson County and, after his retirement from the United States Armed Services, he has dedicated his life to our veterans and those county soldiers who made the ultimate sacrifice for our Country; and

WHEREAS, at the age of fifteen (15) years, Mr. Martin volunteered to serve our Country as a member of the United States Air Corps during World War II and has never faltered from his dedication and loyalty to our Country and Armed Forces and is one of the last remaining Anderson County soldiers and citizens who served our Country in World War II; and

WHEREAS, Claude Martin is personally responsible for the solicitations and donations that made the creation of the Anderson County Courthouse Veteran's Memorial possible in an effort to honor our fallen soldiers; and

WHEREAS, after fifty-five (55) years as a member of the Anderson County American Legion Post, Claude Martin still endeavors to support our military veterans through timeless dedication to our military troops and our great Country; and


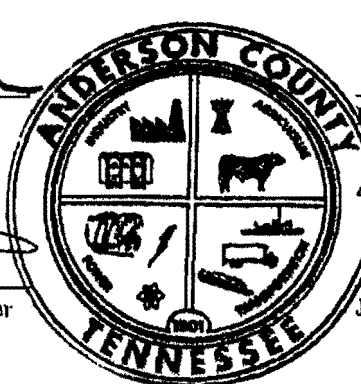
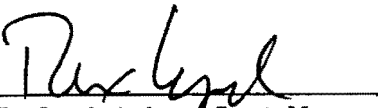


WHEREAS, Claude Martin served our Country valiantly in the Pacific Theater under General Douglas MacArthur in the Philippines, Okinawa, Guam, Hawaii and the post-war invasion of Japan. He is one of the few remaining soldiers who personally heard the departing words from the Pacific Theatre by General Douglas MacArthur, "Old soldiers never die; they just fade away."

WHEREAS, this Resolution is intended to ensure that Claude Martin's legacy and devotion to our fallen soldiers and Country never fades away and that he will never be forgotten in the hearts and minds of all Anderson County veterans and citizens.

NOW THEREFORE BE IT RESOLVED by the Anderson County Board of Commissioners meeting in regular session this 15th day of November, in the year of our Lord 2010 that we will always honor and admire the exemplary service to our Country and the devotion to our veterans that Claude David Martin has displayed throughout his life; and

FURTHERMORE, we proclaim November 19th as "Claude David Martin Day" in honor of his service and dedication to our veterans and our great Country.

RESOLVED DULY PASSED AND APPROVED this 15th day of November, 2010.

 Mark Alderson, Chair, AC Comm.		 Rox Lynch, Anderson County Mayor
 Leon Jaquet, Veteran's Service Officer	ATTEST:	 Jeff Cole, Anderson County Clerk

County Mayor Report

5. Commissioner Meredith moved to approve recommendation from the County Mayor to appoint Von Evans and Dale Cantrell to the Anderson County Development Corporation, term ending 09/17/2014. Seconded by Commissioner Wandell. Motion carried by voice vote.

Law Director Report

6. Commissioner Meredith moved to approve the appointment of Kelvin Rice to the Jail Planning Sub-Committee. Seconded by Commissioner Wandell. Motion carried by voice vote.

7. Commissioner Shuey moved to defer the motion to send a letter to the Tennessee Department of Corrections regarding removal of excess state prisoners from Detention Center. Seconded by Commissioner Isbel. Motion carried by voice vote.

8. Commissioner Mead moved to recapture the former county-owned property located in the David Jones Industrial Park. Seconded by Commissioner Meredith.

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

Budget Committee Report

9. Commissioner McKamey moved to add to the agenda Election Commission budget item. Seconded by Commissioner Creasey. Motion carried by voice vote.

10. Commissioner McKamey moved to approve the request from the Election Commission the following budget item. Seconded by Commissioner Biloski. Motion carried by voice vote.

Early voting workers pay increase;

- a. 18 early poll workers affected, current rate of pay \$55.00 per day
Increase to \$70.00 per day.
- b. Officers pay current rate \$80.00 per day to increase to \$85.00.
- c. Travel per diem of \$20.00 per day for outside the workers area.

11. Commissioner Fritts moved to approve written request from, School Department the following appropriations. Seconded by Commissioner Mead.

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

Increase Revenue Code:

141-47143	Special Education Grants	\$11,958.77
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Increase Expenditure Codes:

141-71200-163	Educational Assistants	\$10,353.02
141-71200-201	Social Security	641.89
141-71200-204	State Retirement	813.74
141-71200-212	Medicare	<u>150.12</u>
	Total Expenditures	\$11,958.77

Decrease Revenue Code:

142.10S-47141 Title I Part A, Revenue \$ 673.02

Decrease Expenditure Codes:

142.10S-71100-429 Instructional Materials & Supplies \$ 657.70
142.10S-99100-504 Indirect Cost 15.32
Total Decreases \$673.02

Decrease Revenue Code:

142.201-47189 Title II Part A Revenue \$7,910.67

Decrease Expenditure Codes:

142.201-71100-195 Substitutes \$3,315.08
142.201-71100-201 Social Security 205.54
142.201-71100-210 Unemployment 17.91
142.201-71100-212 Medicare 48.07
142.201-71100-299 Other Fringes-Workers Comp 14.92
142.201-72210-355 Travel 4,129.03
142.201-99100-504 Indirect Cost-2.33% 180.12
Total Decrease Expenditures \$7,910.67

Decrease Revenue Code:

142.231-47590 Title II Part D - Carry forward funds \$232.64

Decrease Expenditure Codes:

142.231-71100-429 Instructional Materials & Supplies \$227.34
142.231-99100-504 Indirect cost-2.33% 5.30
Total Expenditures \$232.64

Increase Revenue Code:

145.13-44990 Other local revenues \$593.00

Increase Expenditure Code:

145.13-73300-599-1000 Other charges \$593.00

Increase Revenue Codes:

145.16-43517 Lunch payments-children \$500.00
145.16-47117 USDA 45,000.00
Total Revenue Increases \$45,500.00

Increase Expenditure Codes:

145.16-73300-422 Food Supplies \$23,000.00
145.16-99100-590 Transfers to Others 22,500.00
Total Expenditure Increases \$45,500.00

Decrease Revenue Code:

142.201-47189 Title II Part A Revenue \$8,377.00

Decrease Expenditure Codes:

142.201-71100-195 Substitutes \$7,535.22
142.201-71100-201 Social Security 467.18
142.201-71100-210 Unemployment 40.69
142.201-71100-212 Medicare 109.26
142.201-71100-299 Other Fringes-Workman's Comp 33.91
142.201-99100-504 Indirect Cost-2.33% 190.74
Total Expenditure Decreases 8,377.00

Board of Commissioners
Anderson County, Tennessee
RESOLUTION NO: 10-_____

A RESOLUTION REGARDING PARTICIPATION IN THE LOCAL GOVERNMENT ENERGY EFFICIENCY LOAN PROGRAM ADMINISTERED BY THE TENNESSEE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT.

WHEREAS, the Tennessee Department of Economic and Community Development (ECD) administers an Energy Efficiency Loan Program for Local Government Facilities; and,

WHEREAS, the Anderson County Board of Education wants to participate in the loan program in order to improve facility energy efficiency, reduce energy costs and improve the conditions for students and faculty working and learning in the facilities covered by this loan.

NOW THEREFORE, BE IT RESOLVED by the Anderson County Board of Commissioners, meeting in regular session this 15th day of November, 2010 in Clinton, Tennessee that:

Section 1: The Anderson County Board of Education is submitting an Energy Efficiency Loan Program Application to ECD for each of the following facilities:

- (a) Norris Middle School, 5 Norris Square, Norris, Tennessee 37828
- (b) Clinton High School, 425 Dragon Drive, Clinton, Tennessee 37716
- (c) Clinton Middle School, 110 North Hicks Street, Clinton, Tennessee 37716
- (d) Claxton Elementary School, 2218 Clinton Highway, Powell Tennessee 37849
- (e) Norwood Elementary School, 809 E Tri-County Boulevard, Oliver Springs, Tennessee 37840
- (f) Norwood Middle School, 655 E Tri-County Boulevard, Oliver Springs, Tennessee 37840
- (g) Lake City Middle School, 1132 South Main Street, Lake City, Tennessee 37769
- (h) Norris Elementary School, 42 East Circle Road, Norris, Tennessee 37828

Section 2: For each of the facilities approved by ECD for financing the Anderson County Board of Education will fully participate in the Energy Efficiency Loan Program and will follow all applicable program rules and guidelines. Full program participation by the Anderson County Board of Education will include the following:

- (a) The Anderson County Board of Education will borrow the approved loan amount from ECD Energy Efficiency Loan program within six (6) months of the date of the loan approval; and,
- (b) The Anderson County Board of Education will implement the approved project/s within one year of the date of the loan approval; and,
- (c) The Anderson County Board of Education will provide ECD with a final work completion report when the approved project is implemented.

Section 3: The principal of this Energy Efficiency Loan will be in an amount not to exceed \$574,192.86, at an interest rate of zero percent (0%). The loan will be paid back over a period of ten (10) years beginning on a date determined after completion of the project.

Section 4: To help determine the level of energy savings produced by the energy efficiency project, the Anderson County Board of Education will send copies of monthly facility energy bill to ECD during the term of the loan for project evaluation purposes.

Section 5: The Anderson County Board of Education will properly operate and maintain the loan financed energy efficiency equipment in order to maximize facility energy savings.

Section 6: The Anderson County Board of Education will send this resolution to ECD, Program Management Division, 312 8th Avenue North, Nashville, Tennessee 37243-405, as an accompanying document to the application for loan program funds.

Section 7: This resolution shall take effect upon approval, the public welfare requiring it.

Approved this 15th day of November, 2010

Approved: _____

Tim Lynd

COUNTY MAYOR

Attest: _____

Jeff Cole

COUNTY CLERK



Increase Revenue Code:

141-47120	Adult Education	\$30,000.00
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Increase Expenditure Codes:

141-71600-116	Teachers	\$25,706.94
141-71600-201	Social Security	1,593.83
141-71600-204	State Retirement	2,326.48
141-71200-212	Medicare	<u>372.75</u>
	Total Expenditures	\$30,000.00

12. Commissioner Fritts moved approve written request from the Anderson County School Department the following transfer. Seconded by Commissioner White.

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

Increase Expenditure Codes:

142.101-71100-116	Teacher Salaries	\$3,338.00
142.101-71100-201	Social Security	206.95
142.101-71100-204	State Retirement	302.09
142.101-71100-212	Medicare	48.50
142.101-71100-299	Other Fringes-Workman's Comp	<u>15.02</u>
	Total Expenditures Increases	\$3,910.56

Decrease Expenditure Codes:

142.101-71100-429	Instructional Materials & Supplies	\$3,400.23
142.101-99100-504	Indirect cost-2.33%	<u>510.33</u>
	Total Expenditure Increases	\$3,910.56

13. Commissioner Fritts moved to approve the written request from the Courthouse Security, Highway Department, Sheriff's Department, Community Action, ADA Construction the following appropriations. Seconded by Commissioner White.

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

Increase Expenditure Code:

101-53920-791	Courthouse Security Construction	\$13,805.88
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Decrease Reserve Codes:

101-34158	Reserved-Courtroom Security	\$6,455.05
101-35140	Designated-Courthouse Security	<u>7,350.83</u>
	Total Reserve Decreases	\$13,805.88

Increase Expenditure Codes:

131-63100-450	Tires and Tubes	\$15,000.00
131-63100-424	Garage Supplies	<u>1,000.00</u>
	Total Expenditure Increases	\$16,000.00

Decrease Reserve Code:

131-39000	Undesignated Fund Balance	\$16,000.00
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Decrease Expenditure Codes:

101-54110-302	Advertising	\$100.00
101-54210-499	Other Supplies	3,000.00
101-54990-307	Communications	<u>4,100.00</u>
	Total Expenditure Decreases	\$7,200.00

Increase Expenditure Codes:

101-54110-320	Dues & Memberships	\$100.00
101-54210-431	Law enforcement	3,000.00
101-54490-309	Contract with Government Agencies	<u>4,100.00</u>
	Total Expenditures Increase	\$7,200.00

Decrease Reserve Code:

101-34157	Sexual Offender Registration Reserve	\$6,054.16
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Increase Expenditure Codes:

101-54210-431-5700	Law Enforcement Supplies/Sex Off.	\$1,054.16
101-54210-435-5700	Office Supplies/Sexual Offender	500.00
101-54210-451-5700	Uniforms/Sexual Offender	500.00
101-54210-599-5700	Other Charges/Sex Offender (TBI)	1,000.00
101-54210-709-5700	Data Processing Equipment/Sex Off.	1,000.00
101-54210-711-5700	Furniture & Fixtures/Sexual Offender	500.00
101-54210-716-5700	Law Enforcement Equip/Sex Offender	<u>1,500.00</u>
	Total Expenditure Increase	\$6,054.16

Decrease Reserve Code:

101-34168	Data Processing Reserve	\$4,043.85
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Decrease Expenditure Code:

101-54110-709	Data Processing Equipment	<u>500.00</u>
	Total Reserve/Expenditures	\$4,543.85

Increase Expenditure Code:

101-54110-411	Data Processing Supplies	\$4,543.85
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Decrease Reserve Code

101-35120	Commissary Reserve	\$2,500.00
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Increase Expenditure Code

101-54260-711	Furniture and Fixtures	\$2,500.00
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Increase Revenue Code:

101-44170	Insurance Recovery	\$1,826.14
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Increase Expenditure Code:

101-54110-338	Maintenance & Repairs-vehicles	\$1,826.14
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Increase Revenue Code:

101-47590-8000	Other Federal State/BZPP Grant	\$84,969.00
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Increase Expenditure Codes:

101-54110-431-8000	Law Enforcement Supplies	\$17,464.00
101-54110-716-8000	Law Enforcement Equipment	<u>67,505.00</u>
	Total Expenditure Increases	\$84,969.00

Increased Revenue Code:

101-47590-8000	Other Federal State/ BZPP Grant	\$84,969.00
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Decrease Reserve Code:

101-35210	Designated-Community Action	\$7,370.00
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Increase Expenditure Code:

101-58500-351	Rent	\$7,370.00
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Increase Expenditure Code:

101-51800-791-3000	ADA Construction	\$7,000.00
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Decrease Reserve Code:

101-35141	Designated ADA	\$7,000.00
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14. Commissioner Fritts moved to approve the written request from Rex Lynch, County Mayor the following appropriation. Seconded by, Commissioner Biloski.

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

Increase Expenditure Code:

101-51900-321	Engineering Services	\$10,000.00
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Decrease Reserve Code:

101-39000	Undesignated Fund Balance	\$10,000.00
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15. Commissioner Fritts moved to approve written request from Rex Lynch, County Mayor the following appropriation. Seconded by, Commissioner Shuey.

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

Increase Revenue Code:

101-47180-2002	Claxton CDBG Grant	\$500,000.00
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Decrease Reserve Code:

101-39000	Undesignated Fund Balance	\$74,714.00
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Increase Expenditure Codes:

101-91170-312-2002	Construction	\$397,950.00
101-91170-321-2002	Engineering	28,652.00
101-91170-322-2002	Evaluation	55,800.00
101-91170-399-2002	Other Contracted Services	54,760.00
101-91170-499-2002	Other Supplies & Materials	<u>37,552.00</u>
	Total Expenditures	\$574,714.00

Legislative Committee Report

16. Commissioner Creasey moved to approve the recommendation from the legislative committee to approve the Bottle Bill Resolution. Seconded by, Commissioner Biloski.

Amended by, Commissioner Isbel to defer back to the Legislative Committee. Seconded by, Commissioner Creasey.

Voting to defer:

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

Voting to defer:

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

Voting for original Motion:

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

17. Commissioner Wandell moved to approve the recommendation from the legislative Committee to move ahead and request the Law Director to draft specific wording to include Anderson County in the (f) and (g) sections of Tennessee Code Annotated 10-7-515 Social security identification numbers on documents.—REDACTION. Seconded by McKamey. Motion carried by voice vote.

Non-Profit Committee Report

18. Commissioner Hitchcock moved to approve to amend the current policy by adding two (2) new items. Seconded by, Commissioner Shuey.

a. #6 Applications must be typed or computer generated. Handwritten applications will not be accepted.

b. #7 Applicants will be considered independent of any in-kind services or other county funding.

Amended by Commissioner Creasey to defer back to the Non-Profit Committee. Seconded by Commissioner Meredith. Motion failed by voice vote.

Voting for original Motion

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

19. Commissioner Hitchcock moved to approve the recommendation for approval of Wednesday, February 9, 2011 at noon as the deadline to apply for Non-Profit Funding. Seconded by Commissioner Wandell. Motion carried by voice vote.

Operations Committee report

20. Commissioner McKamey moved to approve mandatory payroll direct deposit for payroll checks with a start date of January 1, 2011. Seconded by Commissioner Meredith. Motion carried by voice vote.

21. Commissioner McKamey moved to approve the recommendation to re-organize the Communications Committee with representatives from the following:

County Commission	Jerry Creasey
Sheriff's Department	Mark Lucas
Emergency Services	Peter Sexton
Emergency Management	Steve Payne
Fire Commission	
Highway Department	
School Department	
City of Oak Ridge	
City of Clinton	
City of Lake City	
City of Norris	
Town of Oliver Springs	
Amateur Radio	Bob Madewell

22. Commissioner McKamey moved to approve to start the process of adopting the updated International Building Codes. Seconded by, Commissioner Fritts. Motion carried by voice vote.

23. Commissioner McKamey moved to approve the recommendation for approval of the MOU for the Anderson County Hazardous Materials Response Truck with additional changes agreed to by the Law Director. Seconded by, Commissioner Biloski. Motion carried by voice vote.

MEMORANDUM OF UNDERSTANDING

Anderson County Hazardous Materials Response Truck

THIS AGREEMENT in the form of a Memorandum of Understanding ("M.O.U.") is made and entered into this the _____ day of November, 2010 by and between the "Parties" of Anderson County, Tennessee ("County"), the City of Oak Ridge, Tennessee ("City").

WHEREAS, the Tennessee General Assembly has provided legal authority for cooperation between local governments or public agencies in times of emergency through the Interlocal Cooperation Act, codified at Tennessee Code Annotated (TCA) Title 12, Chapter 9, and specifically for Mutual-Aid agreements through TCA 58-2-112; and

WHEREAS, the undersigned Parties to this agreement desire to avail themselves to the authority conferred by Tennessee law as referenced above; and

WHEREAS, it is the intention of the undersigned Parties to establish a predetermined plan and procedures by which each might request and/or render aid to the other Party in cases of the need for the Hazardous Materials Response Truck or other emergency which demands the services of the two Parties or other governmental entities to a degree beyond the existing capabilities of either one of the two Parties or other governmental agencies or public agency desiring the need of the Hazardous Materials Response Truck; and

WHEREAS, it is deemed in the public interest for the Parties hereto to enter into this M.O.U. for the mutual aid between local governments and public agencies to assure each Party of adequate services to address the needs of their residents in times of emergency; and

WHEREAS, the Federal Emergency Management Agency (FEMA) has established, pursuant to the Response and Recovery Policy Number 9523.6, Mutual Aid Agreements for Public Assistance, a requirement that in order for FEMA to reimburse costs arising from disaster assistance provided to one governmental entity by another government that there must be a written agreement between the Parties requiring the reimbursement of costs generated from response to the emergency; and

WHEREAS, the United States government through the Department of Homeland Security has mandated that governmental entities, agencies and other emergency responders develop plans, share resources and work together in response to local emergencies and disasters; and

WHEREAS, County currently owns a Hazardous Materials Response Truck acquired through a Department of Homeland Security grant and City has expressed a desire to use and store this apparatus to respond to hazardous materials emergency calls within the City limits and also mutual aid calls from County and other governmental entities and public agencies; and

WHEREAS, City operates the largest career fire department in County, has the trained personnel necessary to operate the hazardous material truck and facilities to safely store and secure the apparatus.

NOW, THEREFORE, in consideration of the mutual covenants, promises of support, reimbursements and conditions set forth herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, it is agreed by the Parties to this M.O.U. as follows:

SECTION 1. Hazardous Materials Response Truck

At all times during the term of this M.O.U. the Parties agree that County owns the Hazardous Materials Response Truck and shall be responsible for acquiring proper insurance on the vehicle and naming City and its employees as the operators of the vehicle. The Hazardous Material Truck at issue in this M.O.U. is manufactured by Ferrara (VIN# 1F951472958H140321).

SECTION 2. Term of Agreement

This M.O.U. shall commence on the date signed for a period of five (5) years with an additional five (5) year option to renew upon the agreement of the Parties. If the vehicle becomes unserviceable or unusable during the term of this M.O.U., County will have no obligation to replace the vehicle in order to comply with the contractual terms embodied herein.

SECTION 3. City Operation and Storage

City agrees to operate the Hazardous Materials Response Truck with City Fire Department personnel and safely store and secure the apparatus inside when the vehicle is not in use. City shall respond with vehicle and available operational staff to all hazardous materials response calls within City, County and Roane County under existing mutual aid agreements and shall assist other communities when needed under the authority of the Tennessee Emergency Management Act.

SECTION 4. Maintenance, Fuel and Service

City agrees to provide routine inspections, maintenance, fuel and required periodic service for the vehicle free of charge to County. The Parties agree that all repairs and deductibles in excess of one thousand dollars (\$1,000) will be shared equally.

SECTION 5. Operational Costs for Emergency Responses

Cost of apparatus operation, hazmat supplies and equipment will be the responsibility of either the governmental entity requesting the apparatus or the governmental or private entity causing the need for the operation of the apparatus outside the city limits. At all times the City will bear the entire operational costs associated with emergency response inside the Oak Ridge City limits. Recovery of operational costs from other governmental entities, public agencies or private entities outside of the City of Oak Ridge will be the sole responsibility of the Anderson County Emergency Management Office who will have the authority to dispatch the vehicle to a mutual aid request inside or outside

Anderson County. Reimbursement payments shall be paid within forty-five (45) days of invoicing from County. The Anderson County Office of Emergency Management shall contribute \$6,000.00 annually toward the replacement and maintenance of equipment and supplies which will expire or fail annual testing. The City of Oak Ridge shall also contribute \$6,000.00 towards the equipment testing and maintenance. Oak Ridge Fire Department shall be responsible to perform all required testing and maintenance of the emergency response equipment carried on the vehicle. Maintenance expenses above \$3,000.00 for any single item shall be reviewed and agreed upon between both parties before the equipment is repaired or replaced.

SECTION 6. Payment Invoices.

Reimbursement Invoices for Payment by County under the terms of this M.O.U. shall be forwarded to:

Anderson County Accounts and Budget Director
Room 210, Anderson County Courthouse
100 North Main Street
Clinton, TN 37716

Correspondence concerning City should be sent to:

Oak Ridge Finance Department
200 South Tulane Avenue
P.O. Box 1
Oak Ridge, TN 37830

SECTION 7: Default.

In the event of default by City or County under this M.O.U. either Party may bring suit against the defaulting Party to enforce the terms of this M.O.U. provided that any alleged default is not cured by the defaulting Party after thirty (30) days written notice sent by the non-defaulting Party. The prevailing Party shall be entitled only to actual damages lost and any remedies available at law and/or equity including reasonable attorney's fees and costs associated with the default.

SECTION 8: No Oral Modification.

No modification, amendment, supplement to or waiver of this M.O.U. or any of its provisions shall be binding upon the Parties hereto unless made in writing and duly signed by all Parties.

SECTION 9: Waiver.

A failure of any Party to exercise any right provided for herein, shall not be deemed to be a waiver of any right hereunder.

SECTION 10: Entire Agreement.

This M.O.U. sets forth the entire understanding of the Parties as to the subject matter and may not be modified except in a writing executed by all Parties.

SECTION 11: Severability.

In the event any one or more of the provisions of this M.O.U. is invalid or otherwise unenforceable, the enforceability of remaining provisions shall be unimpaired.

SECTION 12: Cancellation.

This M.O.U. is subject to cancellation by the legislative body of either government with sixty (60) days written notice to the other Party.

SECTION 13: Exhibits

Any Exhibits attached hereto or incorporated herein are made a part of this M.O.U. for all purposes. The expression "this M.O.U." means the body of this M.O.U. and the Exhibits.

SECTION 14: Multiple Counterparts; Effectiveness.

This M.O.U. may be executed in multiple counterparts, each of which shall be deemed an original for all purposes and all of which shall be deemed, collectively, one M.O.U. This M.O.U. shall become effective when executed and delivered by all the Parties.

SECTION 15: Jurisdiction.

Each Party hereby irrevocably consents to the jurisdiction of all state courts sitting in Anderson County, Tennessee or all federal courts sitting in Knoxville, Tennessee and agrees that venue for any legal action brought in connection with this M.O.U. shall lie exclusively in such courts.

SECTION 16: Binding Effect.

This M.O.U. shall be binding upon and inure to the benefit of the Parties and upon their respective successors, heirs or assigns.

SECTION 17: Choice of Law.

This M.O.U. shall be governed and construed in accordance with the laws of the State of Tennessee.

SECTION 18: Notice.

Any notice required or provided pursuant to this M.O.U. shall be in writing and sent or delivered to the Parties by return receipt U.S. Mail.

SECTION 19: Titles and Subtitles.

Titles of paragraphs and subparagraphs are for convenient reference only and shall not have the effect of modifying, amending or changing the express terms of this M.O.U.

SECTION 20: Assignment.

This M.O.U. shall be assignable only upon the written consent of the non-assigning Party. Consent to an assignment shall not be unreasonably withheld. In the event of

assignment or succession, the terms and conditions of this M.O.U. shall be binding upon the Parties and their successors, assigns, heirs, executors and/or administrators.

SECTION 21: Further Documentation.

The Parties agree for themselves and their successors and assigns to execute any and all instruments in writing which are or may become necessary or proper to carry out the purpose and intent of this M.O.U.

SECTION 22: Release and Hold Harmless.

The Parties agree that they shall and do hereby release, forever discharge and hold harmless one another as well as the employees, agents and counsel for one another from any and all claims whatsoever, both known and unknown that may have existed prior to the execution of this M.O.U. Furthermore, the Parties agree to indemnify each other losses, damages or judgments rendered caused by the negligent or intentional acts of the other Party. The only claim between the Parties that shall survive this M.O.U. is compliance with the terms and provisions of this M.O.U.

IN WITNESS WHEREOF, the Parties hereto, each acting under due and proper authority, have executed this M.O.U.

ACCEPTANCE BY ANDERSON COUNTY:

ACCEPTANCE BY CITY OF OAK RIDGE:

Rex Lynch, County Mayor

Mark S. Watson, City Manager

Date: _____

Date: _____

ATTEST:

ATTEST:

Jeff Cole, County Clerk

Jacquelyn Bernard, City Clerk

Steve Payne, Director of Emergency Services

Mack Bailey, City Fire Chief

APPROVED AS TO FORM:

APPROVED AS TO FORM:

N. Jay Yeager, County Law Director

Ken Krushenski, City Attorney

24. Commissioner McKamey moved to approve the Resolution establishing property tax exemption for real property held by a charitable organization for the purpose of constructing low-income housing. Seconded by, Commissioner Fritts. Motion carried by voice vote.

Board of Commissioners
Anderson County, Tennessee
RESOLUTION NO: 10-_____

**RESOLUTION ESTABLISHING PROPERTY TAX EXEMPTION FOR
REAL PROPERTY HELD BY A CHARITABLE ORGANIZATION FOR
THE PURPOSE OF CONSTRUCTING LOW-INCOME HOUSING**

WHEREAS, Tennessee Code Annotated § 67-5-221 provides legal authority for tax exempt status for property being held by charitable organizations for the purpose of constructing low-income housing for qualifying families upon two-thirds (2/3) approval by the county legislative body.

NOW THEREFORE, BE IT RESOLVED by the Anderson County Board of Commissioners meeting in regular session this 15th day of November, 2010 that we endorse and approve tax exempt status for real property held by a charitable organization for the purpose of constructing low-income housing for qualifying families subject to the following provisions:

Section 1. Tax Exempt Status, Application Requirements

Subject to the application requirements of § 67-5-212, land, including buildings on the land, owned by a charitable institution and held for the purpose of constructing one (1) or more single family dwellings to be conveyed for use as the residence of a low-income household as defined in § 13-23-103(12), shall be exempt during the period of its ownership by the charitable institution until the date it is conveyed to the adult head of the low-income household, but not to exceed the periods established in subsections (2) and (3). The effective date of exemption shall be determined under § 67-5-212. If a dwelling is not constructed and conveyed as provided in this section within such periods, the property shall be encumbered by the full amount of taxes together with penalties and interest that would otherwise have been due.

Section 2. Single Family Home Lot Limitation Period

If the property purchased is a single lot on which only a single family home may be constructed, the property is exempt for a period not to exceed eighteen (18) months.

Section 3. Subdivision Multiple Lots Limitation Period

If the property is planned for subdivision into multiple single family lots according to plans filed by the organization with the Anderson County Regional Planning Commission and recorded with the Register of Deeds, the period of exemption shall be eighteen (18) months plus six (6) months for each additional lot planned beyond the first. If a lot is not developed as planned, a

proportionate share of taxes that would have been due upon the lot, including delinquency penalties and interest, shall accrue from the date of acquisition of the property by the organization. Taxes shall accrue on individual lots within a multi-lot development at the time each lot is conveyed as provided in this section.

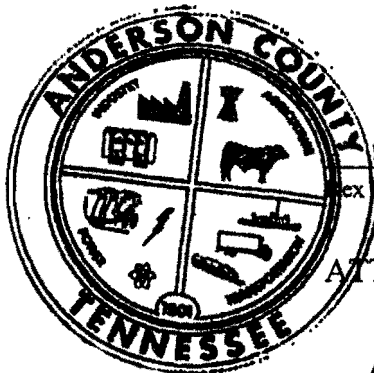
Section 4. Approval by Two-Thirds Vote Required

The provisions of this Resolution shall be implemented upon the adoption and approval of this Resolution by two-thirds (2/3) vote of the Anderson County Board of Commissioner.

RESOLVED, DULY PASSED AND APPROVED this 15th day of November, 2010.

Mark Alderson

Mark Alderson, Chair, AC Comm.



Tex Lynch

Tex Lynch, Anderson County Mayor

ATTEST:

Jeff Cole

Jeff Cole, Anderson County Clerk

Adjourned

Mark Alderson

Mark Alderson, Chairman
County Commissioner

Jeff Cole

Jeff Cole
County Clerk