

**Carter County Commission
Regular Session
June 19, 2017**

Call to Order – Chairman, Leon Humphrey, called the meeting to order at 6:00 PM.

Roll Call – Mary Gouge, County Clerk, as follows:

Name of Configuration File: C:\RollCall-Pro\Configurations\June 19 2017 Commission Meeting.rcc
Date and Time of New Session: 6/19/2017 6:05:09 PM

Beginning Roll Call for New Session:

Leon Humphrey is Present
Willie Campbell is Present
Buford Peters is Present
Robert Acuff is Present
Nancy Brown is Present
Mike Hill is Present
Al Meehan is Present
Bradley Johnson is Present
Ronnie Trivett is Present
Charles Von Cannon is Present
Isaiah Grindstaff is Present
L.C. Tester is absent
Danny Ward is Present
Ross Garland is Present
Bobbie Gouge-Dietz is Present
Timothy Holdren is Present
Randall Jenkins is Present
John Lewis is Present
Larry Miller is Present
Sonja Culler is Present
Ray Lyons is Present
Scott Simerly is Present
Robert Carroll is Present
Kelly Collins is Present
Cody McQueen is Present

Number of Voters PRESENT for Roll Call: 24

Number of Voters ABSENT for Roll Call: 1

Leader marked L.C. Tester as present at: 6:06:15 PM

Courthouse – Emergency Egress Plan – was presented by Gary Smith, EMA Director.

Approval of Agenda

Request was made by Chairman Humphrey to amend the Agenda allowing a Mayoral Announcement between Recognition of Elected and Appointed Officials/Guest, and Public Comments.

Motion was made by Charles VonCannon, seconded by John Lewis, to approve tonight's agenda with the addition as requested by Chairman Humphrey, placing Mayoral Announcement on the agenda. (Item # 1) Recorded on page 242

Roll Call Vote as follows (Item # 1):

1. Vote Results for: Item No. 1

Time of Vote: 6:06:54 PM

Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote

Willie Campbell voted: Y

Buford Peters voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill voted: Y
Al Meehan voted: N
Bradley Johnson voted: Y
Ronnie Trivett voted: Y
Charles Von Cannon voted: Y
Isaiah Grindstaff voted: Y
L.C. Tester voted: A
Danny Ward voted: Y
Ross Garland voted: Y
Bobbie Gouge-Dietz voted: Y
Timothy Holdren voted: Y
Randall Jenkins voted: Y
John Lewis voted: Y
Larry Miller voted: Y
Sonja Culler voted: Y
Ray Lyons voted: Y
Scott Simerly voted: Y
Robert Carroll voted: Y
Kelly Collins voted: Y
Cody McQueen voted: Y

Passed (22 Y - 1 N - 2 A - 0 Absent)
Number of Abstain Votes: 2

Opening Prayer – was led by Commissioner, Willie Campbell.

Pledge of Allegiance – was led by Commissioner, Ross Garland.

Recognition of Elected and Appointed Officials/Guest – Chairman Humphrey requested all officials and guests present to stand and be recognized. Chairman Humphrey extended a thank-you to them for their services.

Mayoral Announcement

A letter of **Resignation from Management of the Elizabethton/Carter County Animal Shelter and Advisory Board on behalf of Leon Humphrey** was distributed to commissioners.

Mayor Humphrey spoke that although controversy regarding operations and funding for the shelter continues, he felt that much success had been made at the shelter.

Mayor Humphrey announced, **effective immediately, the County Mayor is withdrawing himself from any managerial duties or administrative roles at the animal shelter.**
See page 243-244

The Mayor also noted he, along with his staff, will continue to work with the Comptroller's office until the investigation concerning the Animal Shelter is completed. It was announced that A Policy and Procedures manual for the Elizabethton/Carter County Animal Shelter Advisory Board had been completed and will be available for the board at their next meeting.

Motion was made by John Lewis, seconded by Ronnie Trivett (and Larry Miller), to let the City of Elizabethton take over (the Animal Shelter), and that we pay \$100,000 like they were going to pay us, to let them see what they can do with it. (See Item # 3)

Point of order noted by Al Meehan stating this item was not listed on the agenda. Chairman Humphrey stated the motion had been duly made and seconded.

Discussion followed noting that there were many unanswered questions concerning this matter.

Motion of appeal was made by Al Meehan, stating the Chairman should not allow consideration of the motion as made by John Lewis. (Item # 2)

The motion was clarified and followed by a Roll Call Vote as follows (Item # 2):

2. Vote Results for: Item No. 2

Time of Vote: 6:38:50 PM

Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey voted: N
Willie Campbell voted: Y
Buford Peters voted: Y
Robert Acuff voted: Y
Nancy Brown voted: N
Mike Hill voted: Y
Al Meehan voted: Y
Bradley Johnson voted: Y
Ronnie Trivett voted: N
Charles Von Cannon voted: N
Isaiah Grindstaff voted: N
L.C. Tester voted: Y
Danny Ward voted: Y
Ross Garland voted: Y
Bobbie Gouge-Dietz voted: Y
Timothy Holdren voted: N
Randall Jenkins voted: N
John Lewis voted: N
Larry Miller voted: N
Sonja Culler voted: Y
Ray Lyons voted: N
Scott Simerly voted: N
Robert Carroll voted: N
Kelly Collins voted: Y
Cody McQueen voted: N

Failed (12 Y - 13 N - 0 A - 0 Absent)

Number of Abstain Votes: 0

Discussion followed with several stating action should be taken very carefully, however quickly, concerning the overseeing of the Animal Shelter.

The motion was back on the floor for consideration and restated by Chairman Humphrey as follows:
To turn the matter (Animal Shelter) over to the city with \$100,000 in budget. (Item # 3)

Roll Call Vote as follows (Item # 3):

3. Vote Results for: Item No. 3

Time of Vote: 6:47:54 PM

Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote
Willie Campbell voted: N
Buford Peters voted: N
Robert Acuff voted: N
Nancy Brown voted: Y
Mike Hill voted: N
Al Meehan voted: N
Bradley Johnson voted: N
Ronnie Trivett voted: Y
Charles Von Cannon voted: Y
Isaiah Grindstaff voted: N
L.C. Tester voted: N
Danny Ward voted: N
Ross Garland voted: N
Bobbie Gouge-Dietz voted: N
Timothy Holdren voted: Y
Randall Jenkins voted: N

John Lewis voted: Y
Larry Miller voted: N
Sonja Culler voted: N
Ray Lyons voted: N
Scott Simerly voted: N
Robert Carroll voted: Y
Kelly Collins voted: N
Cody McQueen voted: Y

Failed (7 Y - 17 N - 1 A - 0 Absent)
Number of Abstain Votes: 1

Motion was made by Mike Hill, to have the oversight of the shelter be tasked to the Animal Advisory Board, our committee. However, the motion did not receive a second. Following discussion, Commissioner Hill withdrew the motion.

Commissioner Peters spoke recommending that someone be appointed overseeing the shelter temporarily.

Motion was made by Ronnie Trivett, seconded by Randall Jenkins, to turn the shelter over to the Health & Welfare Committee. Following discussion the motion was withdrawn.

Chairman Humphrey closed the discussion at this time and moved on to the next item on the agenda.

Public Comments – The following addressed the Commission and spoke on various topics, as listed, for five (5) minutes.

Robert Gobble, a former Commissioner, spoke discouraging any tax increase.

Ken Gough, Parks and Recreation Chairman, spoke concerning budget needs of the committee.

Jean Rhea, spoke concerning animal shelter issues and tax increases.

Jim McGee, resident of Ridgecrest Drive, voiced concern with his property and highway issues.

Joni Cannon, resident of the Third District, spoke concerning animal shelter issues.

Jon Bland spoke concerning animal shelter issues.

Michael Warren praised the Park and Recreation members and volunteer for a job well done. He also spoke concerning budget issues.

Brenda Persinger voiced concern for spay and neutering needs as well as the need for volunteers at the shelter. She also spoke concerning budget request.

Robin McKamey spoke as the “voice for the animals” stating she was excited for the future of the shelter.

Roy Livingston questioned if there were any laws requiring the Mayor to keep the job as overseer of the animal shelter. Attorney Hardin stated the agreement was a contract only.

Tammy Ward, wife of Commissioner Danny Ward, spoke stating, “I love this county.” She encouraged everyone to stop bickering and move forward as the city and county does not need to be divided.

Britney Madden, a business owner, homeowner, and animal shelter volunteer, spoke concerning budgets and tax concerns.

Madleen Demara, a former resident of New York and now residing in Carter County, encouraged everyone to work together. Ms. Demara also volunteers helping animals as well.

Commission Recess

The Commission entered into a ten (10) minute recess. Following the recess, the meeting was called back to order by Chairman Humphrey.

Attorney Tom Jessee – Opioid Litigation Presentation

Attorney, Crystal Jessee (Mrs. Tom Jessee), presented a informative presentation concerning Opioid abuse.

It was requested that the Commission vote allowing the Mayor to approve a contract/resolution joining in litigation to abate and stop Opioid abuse which is a public nuisance.

A question and answer session followed. It was noted that a Resolution had not been recommended and approved by a Committee.

Motion was made by Cody McQueen, seconded by Randall Jenkins, **to temporarily suspend the rules, allowing consideration of the matter at hand, as presented by Attorney Jessee. (Item # 4)**

During discussion, commissioners voiced a desire for additional information and the advice of the County Attorney before entering into any litigation.

Chairman Humphrey called for a Roll Call Vote as follows (Item # 4):

4. Vote Results for: Item No. 4

Time of Vote: 8:32:37 PM

Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote
Willie Campbell voted: N
Buford Peters voted: N
Robert Acuff voted: N
Nancy Brown voted: Y
Mike Hill voted: N
Al Meehan voted: N
Bradley Johnson voted: N
Ronnie Trivett voted: Y
Charles Von Cannon voted: Y
Isaiah Grindstaff voted: N
L.C. Tester voted: N
Danny Ward voted: N
Ross Garland voted: Y
Bobbie Gouge-Dietz voted: N
Timothy Holdren voted: Y
Randall Jenkins voted: Y
John Lewis voted: N
Larry Miller voted: N
Sonja Culler voted: N
Ray Lyons voted: N
Scott Simerly voted: N
Robert Carroll voted: Y
Kelly Collins voted: Y
Cody McQueen voted: Y

Failed (9 Y - 15 N - 1 A - 0 Absent)

Number of Abstain Votes: 1

Motion was made by Randall Jenkins, seconded by Nancy Brown, **to enter into a Attorney/Client closed session concerning the Opioid litigation matter. (Item # 5)**

Roll Call Vote as follows (Item # 5):

5. Vote Results for: Item No. 5

Time of Vote: 8:56:02 PM

Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote
Willie Campbell voted: N
Buford Peters voted: N

Robert Acuff voted: N
Nancy Brown voted: Y
Mike Hill voted: N
Al Meehan voted: N
Bradley Johnson voted: Y
Ronnie Trivett voted: Y
Charles Von Cannon voted: Y
Isaiah Grindstaff voted: N
L.C. Tester voted: N
Danny Ward voted: Y
Ross Garland voted: Y
Bobbie Gouge-Dietz voted: N
Timothy Holdren voted: Y
Randall Jenkins voted: Y
John Lewis voted: N
Larry Miller voted: N
Sonja Culler voted: Y
Ray Lyons voted: Y
Scott Simerly voted: Y
Robert Carroll voted: N
Kelly Collins voted: Y
Cody McQueen voted: Y

Passed (13 Y - 11 N - 1 A - 0 Absent)
Number of Abstain Votes: 1

Chairman, Leon Humphrey, **recessed the meeting** and requested that the Courtroom be cleared of everyone other than Commissioners during the **Attorney/Client session** regarding Opioid Litigation issues.

Following the Attorney/Client session, the meeting was called **back into session** by Chairman Humphrey.

Motion was made by L.C. Tester, seconded by Bobbie Gouge-Dietz, to authorize the County Attorney to research the Opioid Litigation proposal. He will then present information to the Commissioners during a Attorney/Client closed session during the July Commission Meeting to discuss additional consideration (Item # 6)

Roll Call Vote as follows (Item # 6):
6. Vote Results for: Item No. 6
Time of Vote: 8:58:15 PM
Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote
Willie Campbell voted: Y
Buford Peters voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill voted: Y
Al Meehan voted: Y
Bradley Johnson voted: Y
Ronnie Trivett voted: Y
Charles Von Cannon voted: Y
Isaiah Grindstaff voted: Y
L.C. Tester voted: Y
Danny Ward voted: Y
Ross Garland voted: Y
Bobbie Gouge-Dietz voted: Y
Timothy Holdren voted: Y
Randall Jenkins voted: Y
John Lewis voted: Y
Larry Miller voted: N
Sonja Culler voted: Y

Ray Lyons voted: Y
Scott Simerly voted: Y
Robert Carroll voted: N
Kelly Collins voted: Y
Cody McQueen voted: Y

Passed (22 Y - 2 N - 1 A - 0 Absent)
Number of Abstain Votes: 1

Acceptance of Minutes from Previous Meeting

Motion was made by Mike Hill, seconded by Randall Jenkins, to accept as presented, the minutes of the previous meeting, May 15, 2017. (Item # 7)

Roll Call Vote as follows (Item # 7):

7. Vote Results for: Item No. 7

Time of Vote: 8:58:56 PM

Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote
Willie Campbell voted: Y
Buford Peters voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill voted: Y
Al Meehan voted: Y
Bradley Johnson voted: Y
Ronnie Trivett voted: Y
Charles Von Cannon voted: Y
Isaiah Grindstaff voted: Y
L.C. Tester voted: Y
Danny Ward voted: Y
Ross Garland voted: Y
Bobbie Gouge-Dietz voted: Y
Timothy Holdren voted: Y
Randall Jenkins voted: Y
John Lewis voted: Y
Larry Miller voted: Y
Sonja Culler voted: Y
Ray Lyons voted: A
Scott Simerly voted: Y
Robert Carroll voted: Y
Kelly Collins voted: Y
Cody McQueen voted: Y

Passed (23 Y - 0 N - 2 A - 0 Absent)
Number of Abstain Votes: 2

Notaries/Bonds

Motion was made by Ross Garland, seconded by Sonja Culler, to accept and approve as presented the following Notaries/Bonds. (Item # 8)

Jamie M. Magee	Brenda Chambers	Monica Simerly
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Roll Call Vote as follows (Item # 8):

8. Vote Results for: Item No. 8

Time of Vote: 8:59:16 PM

Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote
Willie Campbell voted: Y
Buford Peters voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y

Mike Hill voted: Y
Al Meehan voted: Y
Bradley Johnson voted: Y
Ronnie Trivett voted: Y
Charles Von Cannon voted: Y
Isaiah Grindstaff voted: Y
L.C. Tester voted: Y
Danny Ward voted: Y
Ross Garland voted: Y
Bobbie Gouge-Dietz voted: Y
Timothy Holdren voted: Y
Randall Jenkins voted: Y
John Lewis voted: Y
Larry Miller voted: Y
Sonja Culler voted: Y
Ray Lyons voted: Y
Scott Simerly voted: Y
Robert Carroll voted: Y
Kelly Collins voted: Y
Cody McQueen voted: Y

Passed (24 Y - 0 N - 1 A - 0 Absent)
Number of Abstain Votes: 1

2017 Annual Inflation Adjustment -- Carter County Demolition Landfill

Motion was made by Sonja Culler, seconded by Randall Jenkins to accept as presented, the **2017 Annual Inflation Adjustment of the financial assurance for the Carter County Demolition Landfill, Permit No. DML100000094 as required by the Regulation of the Division of Solid Waste Management. (Item # 9)** Recorded on pages 245 - 247

Roll Call Vote as follows (Item # 9):

9. Vote Results for: Item No. 9

Time of Vote: 9:00:11 PM

Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote
Willie Campbell voted: Y
Buford Peters voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill voted: Y
Al Meehan voted: Y
Bradley Johnson voted: Y
Ronnie Trivett voted: Y
Charles Von Cannon voted: Y
Isaiah Grindstaff voted: Y
L.C. Tester voted: Y
Danny Ward voted: Y
Ross Garland voted: Y
Bobbie Gouge-Dietz voted: Y
Timothy Holdren voted: Y
Randall Jenkins voted: Y
John Lewis voted: N
Larry Miller voted: Y
Sonja Culler voted: Y
Ray Lyons voted: Y
Scott Simerly voted: Y
Robert Carroll voted: Y
Kelly Collins voted: Y
Cody McQueen voted: Y

Passed (23 Y - 1 N - 1 A - 0 Absent)
Number of Abstain Votes: 1

Resolutions

- A. ***Resolution Approving a Certified Adventure Tourism District Plan and Designating Certain Adventure Tourism Districts within Carter County, Tennessee***
- B. ***Resolution to Adopt a Public Records Policy for Carter County, Tennessee***

Motion was made by Ronnie Trivett, seconded by Charles VonCannon, to suspend the reading of **Resolution A. (Item # 10)**

Roll Call Vote as follows (Item # 10):

10. Vote Results for: Item No. 10
Time of Vote: 9:01:08 PM
Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote
Willie Campbell voted: Y
Buford Peters voted: Y
Robert Acuff voted: N
Nancy Brown voted: N
Mike Hill voted: Y
Al Meehan voted: N
Bradley Johnson voted: Y
Ronnie Trivett voted: Y
Charles Von Cannon voted: Y
Isaiah Grindstaff voted: N
L.C. Tester voted: Y
Danny Ward voted: N
Ross Garland voted: Y
Bobbie Gouge-Dietz voted: Y
Timothy Holdren voted: Y
Randall Jenkins voted: Y
John Lewis voted: N
Larry Miller voted: Y
Sonja Culler voted: N
Ray Lyons voted: Y
Scott Simerly voted: N
Robert Carroll voted: Y
Kelly Collins voted: Y
Cody McQueen voted: Y

Passed (16 Y - 8 N - 1 A - 0 Absent)

Number of Abstain Votes: 1

A brief summary of Resolution A was presented by Attorney, Joshua Hardin, prior to the vote.

Motion was made by Randall Jenkins, seconded by Ray Lyons, to accept as presented **Resolution A (Item # 11)**

RESOLUTION No. 670

"A RESOLUTION OF CARTER COUNTY, TENNESSEE APPROVING A CERTIFIED ADVENTURE TOURISM DISTRICT PLAN AND DESIGNATING CERTAIN ADVENTURE TOURISM DISTRICTS WITHIN CARTER COUNTY."
(Item # 11) Recorded on pages 248 - 251

Roll Call Vote as follows (Item # 11):

11. Vote Results for: Item No. 11
Time of Vote: 9:06:39 PM
Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote
Willie Campbell voted: Y
Buford Peters voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill voted: Y
Al Meehan voted: Y
Bradley Johnson voted: Y
Ronnie Trivett voted: Y
Charles Von Cannon voted: Y
Isaiah Grindstaff voted: Y
L.C. Tester voted: Y
Danny Ward voted: Y
Ross Garland voted: Y
Bobbie Gouge-Dietz voted: Y
Timothy Holdren voted: Y
Randall Jenkins voted: Y
John Lewis voted: Y
Larry Miller voted: Y
Sonja Culler voted: Y
Ray Lyons voted: Y
Scott Simerly voted: Y
Robert Carroll voted: Y
Kelly Collins voted: Y
Cody McQueen voted: Y

Passed (24 Y - 0 N - 1 A - 0 Absent)
Number of Abstain Votes: 1

Resolution B.

Resolution to Adopt a Public Records Policy for Carter County, Tennessee

Motion was made by Ronnie Trivett, seconded by Bradley Johnson, to suspend the reading of Resolution B. (Item # 12)

Roll Call Vote as follows (Item # 12):
12. Vote Results for: Item No. 12
Time of Vote: 9:08:44 PM
Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote
Willie Campbell voted: Y
Buford Peters voted: Y
Robert Acuff voted: N
Nancy Brown voted: N
Mike Hill voted: Y
Al Meehan voted: N
Bradley Johnson voted: Y
Ronnie Trivett voted: Y
Charles Von Cannon voted: Y
Isaiah Grindstaff voted: N
L.C. Tester voted: Y
Danny Ward voted: N
Ross Garland voted: N
Bobbie Gouge-Dietz voted: Y
Timothy Holdren voted: Y
Randall Jenkins voted: Y
John Lewis voted: N
Larry Miller voted: Y
Sonja Culler voted: N
Ray Lyons voted: Y

Scott Simerly voted: N
Robert Carroll voted: Y
Kelly Collins voted: Y
Cody McQueen voted: Y

Passed (15 Y - 9 N - 1 A - 0 Absent)
Number of Abstain Votes: 1

Attorney Joshua Hardin, stated the ruling of reading Resolutions in their entirety, could be changed, if desired by the Commission. Everyone was in agreement and authorized Attorney Hardin to proceed with this rule change.

Attorney Hardin presented a brief overview of Resolution B.

Motion was made by Randall Jenkins, seconded by Timothy Holdren, to accept as presented, **Resolution B. (Item # 13)**

Discussion followed. It was noted this position is required by the State to be in by effect July 1, 2017.

RESOLUTION No. 671

"A RESOLUTION TO ADOPT A PUBLIC RECORDS POLICY FOR CARTER COUNTY, TENNESSEE." Recorded on pages 252 - 261

Roll Call Vote as follows (Item # 13):
13. Vote Results for: Item No. 13
Time of Vote: 9:14:40 PM
Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote
Willie Campbell voted: Y
Buford Peters voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill voted: Y
Al Meehan voted: Y
Bradley Johnson voted: Y
Ronnie Trivett voted: Y
Charles Von Cannon voted: Y
Isaiah Grindstaff voted: Y
L.C. Tester voted: Y
Danny Ward voted: Y
Ross Garland voted: Y
Bobbie Gouge-Dietz voted: Y
Timothy Holdren voted: Y
Randall Jenkins voted: Y
John Lewis voted: Y
Larry Miller voted: Y
Sonja Culler voted: Y
Ray Lyons voted: N
Scott Simerly voted: Y
Robert Carroll voted: Y
Kelly Collins voted: Y
Cody McQueen voted: Y

Passed (23 Y - 1 N - 1 A - 0 Absent)
Number of Abstain Votes: 1

Committee Reports/Recommendations

Agricultural Committee – Ross Garland, County Liaison, presented a brief report. However, no recommendations were to be presented.

Budget Committee – Chairwoman, Sonja Culler, presented the following recommendations.

Motion was made by Sonja Culler, seconded by Cody McQueen, to accept May 2017 Donations of \$298.50 to the Sheriff's Department and \$4,684.70 to the Animal Shelter, totaling \$4,983.20. (Item # 14) Recorded on page 262

Roll Call Vote as follows (Item # 14):

14. Vote Results for: Item No. 14

Time of Vote: 9:16:22 PM

Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote

Willie Campbell voted: Y

Buford Peters voted: Y

Robert Acuff voted: Y

Nancy Brown voted: Y

Mike Hill voted: Y

Al Meehan voted: Y

Bradley Johnson voted: Y

Ronnie Trivett voted: Y

Charles Von Cannon voted: Y

Isaiah Grindstaff voted: Y

L.C. Tester voted: Y

Danny Ward voted: Y

Ross Garland voted: Y

Bobbie Gouge-Dietz voted: Y

Timothy Holdren voted: Y

Randall Jenkins voted: Y

John Lewis voted: Y

Larry Miller voted: Y

Sonja Culler voted: Y

Ray Lyons voted: Y

Scott Simerly voted: Y

Robert Carroll voted: Y

Kelly Collins voted: Y

Cody McQueen voted: Y

Passed (24 Y - 0 N - 1 A - 0 Absent)

Number of Abstain Votes: 1

Motion was made by Sonja Culler, seconded by Ross Garland, to reserve the remaining balance of the Mayor's budget and the Buildings and Grounds budget, not to exceed \$25,000. (Item # 15)

Roll Call Vote as follows (Item #15):

15. Vote Results for: Item No. 15

Time of Vote: 9:16:58 PM

Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote

Willie Campbell voted: Y

Buford Peters voted: Y

Robert Acuff voted: Y

Nancy Brown voted: Y

Mike Hill voted: Y

Al Meehan voted: Y

Bradley Johnson voted: Y

Ronnie Trivett voted: Y

Charles Von Cannon voted: Y

Isaiah Grindstaff voted: Y

L.C. Tester voted: Y

Danny Ward voted: Y

Ross Garland voted: Y
Bobbie Gouge-Dietz voted: Y
Timothy Holdren voted: Y
Randall Jenkins voted: Y
John Lewis voted: Y
Larry Miller voted: Y
Sonja Culler voted: Y
Ray Lyons voted: Y
Scott Simerly voted: Y
Robert Carroll voted: N
Kelly Collins voted: Y
Cody McQueen voted: Y

Passed (23 Y - 1 N - 1 A - 0 Absent)
Number of Abstain Votes: 1

Motion was made by Sonja Culler, seconded by Ray Lyons, to allow the Sheriff's Department to reallocate any remaining salary lines to pay out comp-time. (Item # 16)

Roll Call Vote as follows (Item #16):
16. Vote Results for: Item No. 16
Time of Vote: 9:20:27 PM
Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote
Willie Campbell voted: Y
Buford Peters voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill voted: Y
Al Meehan voted: Y
Bradley Johnson voted: Y
Ronnie Trivett voted: N
Charles Von Cannon voted: Y
Isaiah Grindstaff voted: A
L.C. Tester voted: Y
Danny Ward voted: Y
Ross Garland voted: Y
Bobbie Gouge-Dietz voted: Y
Timothy Holdren voted: Y
Randall Jenkins voted: Y
John Lewis voted: Y
Larry Miller voted: Y
Sonja Culler voted: Y
Ray Lyons voted: Y
Scott Simerly voted: Y
Robert Carroll voted: Y
Kelly Collins voted: Y
Cody McQueen voted: Y

Passed (22 Y - 1 N - 2 A - 0 Absent)
Number of Abstain Votes: 2

Motion was made by Sonja Culler, seconded by Robert Acuff, to approve General Fund 101 Amendment # 10 for a total of \$1,029,089.03 with 34 item and nothing coming from Fund Balance. (Item # 17) Recorded on pages 263 - 268

Roll Call Vote as follows (Item # 17):
17. Vote Results for: Item No. 17
Time of Vote: 9:22:11 PM
Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote
Willie Campbell voted: Y

Buford Peters voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill voted: Y
Al Meehan voted: Y
Bradley Johnson voted: N
Ronnie Trivett voted: Y
Charles Von Cannon voted: Y
Isaiah Grindstaff voted: Y
L.C. Tester voted: Y
Danny Ward voted: Y
Ross Garland voted: Y
Bobbie Gouge-Dietz voted: Y
Timothy Holdren voted: Y
Randall Jenkins voted: Y
John Lewis voted: N
Larry Miller voted: Y
Sonja Culler voted: Y
Ray Lyons voted: Y
Scott Simerly voted: Y
Robert Carroll voted: Y
Kelly Collins voted: Y
Cody McQueen voted: Y

Passed (22 Y - 2 N - 1 A - 0 Absent)
Number of Abstain Votes: 1

Motion was made by Sonja Culler, seconded by Mike Hill, to approve Solid Waste Fund 116 Amendment # 14 for a total of \$15,726.20 with 1 item and nothing coming from Fund Balance. (Item # 18) Recorded on page 262

Roll Call Vote as follows (Item # 18):

18. Vote Results for: Item No. 18

Time of Vote: 9:22:45 PM

Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote
Willie Campbell voted: Y
Buford Peters voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill voted: Y
Al Meehan voted: Y
Bradley Johnson voted: Y
Ronnie Trivett voted: Y
Charles Von Cannon voted: Y
Isaiah Grindstaff voted: Y
L.C. Tester voted: Y
Danny Ward voted: Y
Ross Garland voted: Y
Bobbie Gouge-Dietz voted: Y
Timothy Holdren voted: Y
Randall Jenkins voted: Y
John Lewis voted: Y
Larry Miller voted: Y
Sonja Culler voted: Y
Ray Lyons voted: Y
Scott Simerly voted: Y
Robert Carroll voted: Y
Kelly Collins voted: Y
Cody McQueen voted: Y

Passed (24 Y - 0 N - 1 A - 0 Absent)
Number of Abstain Votes: 1

Motion was made by Sonja Culler, seconded by Nancy Brown, to approve Highway 131
**Amendment # 4 for a total of \$273,754.00 with 2 items and nothing coming from Highway
Fund Balance. (Item # 19) Recorded on page 269**

Roll Call Vote as follows (Item # 19):

19. Vote Results for: Item No. 19

Time of Vote: 9:23:24 PM

Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote

Willie Campbell voted: Y

Buford Peters voted: Y

Robert Acuff voted: Y

Nancy Brown voted: Y

Mike Hill voted: Y

Al Meehan voted: Y

Bradley Johnson voted: Y

Ronnie Trivett voted: Y

Charles Von Cannon voted: Y

Isaiah Grindstaff voted: Y

L.C. Tester voted: Y

Danny Ward voted: Y

Ross Garland voted: Y

Bobbie Gouge-Dietz voted: Y

Timothy Holdren voted: Y

Randall Jenkins voted: Y

John Lewis voted: Y

Larry Miller voted: Y

Sonja Culler voted: Y

Ray Lyons voted: Y

Scott Simerly voted: Y

Robert Carroll voted: Y

Kelly Collins voted: Y

Cody McQueen voted: Y

Passed (24 Y - 0 N - 1 A - 0 Absent)

Number of Abstain Votes: 1

Motion was made by Sonja Culler, seconded by Bobbie Gouge-Dietz, to approve General Purpose
**School Fund 141 Amendment # 11 for \$1,041,462.96 with 25 items and \$393,361.38
coming from School's Fund Balance. (Item # 20) Recorded on pages 270 - 273**

Roll Call Vote as follows (Item # 20):

20. Vote Results for: Item No. 20

Time of Vote: 9:24:57 PM

Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote

Willie Campbell voted: Y

Buford Peters voted: Y

Robert Acuff voted: Y

Nancy Brown voted: Y

Mike Hill voted: Y

Al Meehan voted: Y

Bradley Johnson voted: Y

Ronnie Trivett voted: Y

Charles Von Cannon voted: Y

Isaiah Grindstaff voted: Y

L.C. Tester voted: Y

Danny Ward voted: Y

Ross Garland voted: Y

Bobbie Gouge-Dietz voted: Y

Timothy Holdren voted: Y
Randall Jenkins voted: Y
John Lewis voted: N
Larry Miller voted: Y
Sonja Culler voted: Y
Ray Lyons voted: Y
Scott Simerly voted: Y
Robert Carroll voted: N
Kelly Collins voted: Y
Cody McQueen voted: Y

Passed (22 Y - 2 N - 1 A - 0 Absent)
Number of Abstain Votes: 1

Motion was made by Sonja Culler, seconded by L.C. Tester, to approve Federal Projects Fund 142 Amendment # 5 for \$89,399.96 with 3 items and nothing coming from Fund Balance. (Item # 21) Recorded on page 274

Roll Call Vote as follows (Item # 21):
21. Vote Results for: Item No. 21
Time of Vote: 9:25:42 PM
Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote
Willie Campbell voted: Y
Buford Peters voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill voted: Y
Al Meehan voted: Y
Bradley Johnson voted: Y
Ronnie Trivett voted: Y
Charles Von Cannon voted: Y
Isaiah Grindstaff voted: Y
L.C. Tester voted: Y
Danny Ward voted: Y
Ross Garland voted: Y
Bobbie Gouge-Dietz voted: Y
Timothy Holdren voted: Y
Randall Jenkins voted: Y
John Lewis voted: N
Larry Miller voted: Y
Sonja Culler voted: Y
Ray Lyons voted: Y
Scott Simerly voted: Y
Robert Carroll voted: N
Kelly Collins voted: Y
Cody McQueen voted: Y

Passed (22 Y - 2 N - 1 A - 0 Absent)
Number of Abstain Votes: 1

Motion was made by Sonja Culler, seconded by Bobbie Gouge-Dietz, to approve Federal Projects Fund 142 Amendment # 6 for \$30,413.35 with 2 items and nothing coming from Fund Balance. (Item # 22) Recorded on page 275

Roll Call Vote as follows (Item # 22):
22. Vote Results for: Item No. 22
Time of Vote: 9:26:20 PM
Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote
Willie Campbell voted: Y
Buford Peters voted: Y

Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill voted: Y
Al Meehan voted: Y
Bradley Johnson voted: Y
Ronnie Trivett voted: Y
Charles Von Cannon voted: Y
Isaiah Grindstaff voted: Y
L.C. Tester voted: Y
Danny Ward voted: Y
Ross Garland voted: Y
Bobbie Gouge-Dietz voted: Y
Timothy Holdren voted: Y
Randall Jenkins voted: Y
John Lewis voted: N
Larry Miller voted: Y
Sonja Culler voted: Y
Ray Lyons voted: Y
Scott Simerly voted: Y
Robert Carroll voted: N
Kelly Collins voted: Y
Cody McQueen voted: Y

Passed (22 Y - 2 N - 1 A - 0 Absent)
Number of Abstain Votes: 1

**Motion was made by Sonja Culler, seconded by Danny Ward, to approve Food Service Fund 143
Amendment # 3 for \$18,830.00 with 1 item and nothing coming from Fund Balance.
(Item # 23) Recorded on page 276**

Roll Call Vote as follows (Item # 23):
23. Vote Results for: Item No. 23
Time of Vote: 9:26:57 PM
Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote
Willie Campbell voted: Y
Buford Peters voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill voted: Y
Al Meehan voted: Y
Bradley Johnson voted: Y
Ronnie Trivett voted: Y
Charles Von Cannon voted: Y
Isaiah Grindstaff voted: Y
L.C. Tester voted: Y
Danny Ward voted: Y
Ross Garland voted: Y
Bobbie Gouge-Dietz voted: Y
Timothy Holdren voted: Y
Randall Jenkins voted: Y
John Lewis voted: N
Larry Miller voted: Y
Sonja Culler voted: Y
Ray Lyons voted: Y
Scott Simerly voted: Y
Robert Carroll voted: Y
Kelly Collins voted: Y
Cody McQueen voted: Y

Passed (23 Y - 1 N - 1 A - 0 Absent)
Number of Abstain Votes: 1

Motion was made by Sonja Culler, seconded by Kelly Collins, to approve **Head Start Fund 145 Amendment # 2 for \$66,907.97 with 1 item and nothing coming from Fund Balance.**
(Item # 24) Recorded on page 276

Roll Call Vote as follows (Item # 24):

23. Vote Results for: Item No. 23

Time of Vote: 9:26:57 PM

Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote

Willie Campbell voted: Y

Buford Peters voted: Y

Robert Acuff voted: Y

Nancy Brown voted: Y

Mike Hill voted: Y

Al Meehan voted: Y

Bradley Johnson voted: Y

Ronnie Trivett voted: Y

Charles Von Cannon voted: Y

Isaiah Grindstaff voted: Y

L.C. Tester voted: Y

Danny Ward voted: Y

Ross Garland voted: Y

Bobbie Gouge-Dietz voted: Y

Timothy Holdren voted: Y

Randall Jenkins voted: Y

John Lewis voted: N

Larry Miller voted: Y

Sonja Culler voted: Y

Ray Lyons voted: Y

Scott Simerly voted: Y

Robert Carroll voted: Y

Kelly Collins voted: Y

Cody McQueen voted: Y

Passed (23 Y - 1 N - 1 A - 0 Absent)

Number of Abstain Votes: 1

Motion was made by Sonja Culler, seconded by Randall Jenkins, to approve the Sheriff's Department's request to recognize an additional \$12,400 in Salary Supplement funds from the State and budget them into their Salary Supplement line to pay out.
(Item # 25)

Roll Call Vote as follows (Item # 25):

25. Vote Results for: Item No. 25

Time of Vote: 9:29:19 PM

Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote

Willie Campbell voted: Y

Buford Peters voted: Y

Robert Acuff voted: Y

Nancy Brown voted: Y

Mike Hill voted: Y

Al Meehan voted: Y

Bradley Johnson voted: Y

Ronnie Trivett voted: Y

Charles Von Cannon voted: Y

Isaiah Grindstaff voted: Y

L.C. Tester voted: Y

Danny Ward voted: Y

Ross Garland voted: Y

Bobbie Gouge-Dietz voted: Y
Timothy Holdren voted: Y
Randall Jenkins voted: Y
John Lewis voted: Y
Larry Miller voted: Y
Sonja Culler voted: Y
Ray Lyons voted: Y
Scott Simerly voted: Y
Robert Carroll voted: Y
Kelly Collins voted: Y
Cody McQueen voted: Y

Passed (24 Y - 0 N - 1 A - 0 Absent)
Number of Abstain Votes: 1

Motion was made by Sonja Culler, seconded by Ross Garland, to approve the School Department's request to cover dental liability account resulting from not expensing dental in December of 2017. (Item # 26)

Roll Call Vote as follows (Item # 26):
26. Vote Results for: Item No. 26
Time of Vote: 9:30:29 PM
Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote
Willie Campbell voted: Y
Buford Peters voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill voted: Y
Al Meehan voted: Y
Bradley Johnson voted: Y
Ronnie Trivett voted: N
Charles Von Cannon voted: Y
Isaiah Grindstaff voted: Y
L.C. Tester voted: Y
Danny Ward voted: Y
Ross Garland voted: Y
Bobbie Gouge-Dietz voted: Y
Timothy Holdren voted: Y
Randall Jenkins voted: Y
John Lewis voted: N
Larry Miller voted: Y
Sonja Culler voted: A
Ray Lyons voted: Y
Scott Simerly voted: Y
Robert Carroll voted: N
Kelly Collins voted: A
Cody McQueen voted: Y

Passed (19 Y - 3 N - 3 A - 0 Absent)
Number of Abstain Votes: 3

Motion was made by Sonja Culler, seconded by Bobbie Gouge-Dietz, to approve the School Department's request to use \$16,376.76 from the General Purpose School Fund Balance to budget for the cost of architect fees. (Item # 27)

Roll Call Vote as follows (Item # 27):
27. Vote Results for: Item No. 27
Time of Vote: 9:31:39 PM
Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote
Willie Campbell voted: Y
Buford Peters voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill voted: Y
Al Meehan voted: Y
Bradley Johnson voted: Y
Ronnie Trivett voted: Y
Charles Von Cannon voted: Y
Isaiah Grindstaff voted: Y
L.C. Tester voted: Y
Danny Ward voted: Y
Ross Garland voted: Y
Bobbie Gouge-Dietz voted: Y
Timothy Holdren voted: N
Randall Jenkins voted: Y
John Lewis voted: N
Larry Miller voted: Y
Sonja Culler voted: Y
Ray Lyons voted: Y
Scott Simerly voted: Y
Robert Carroll voted: N
Kelly Collins voted: Y
Cody McQueen voted: Y

Passed (21 Y - 3 N - 1 A - 0 Absent)
Number of Abstain Votes: 1

Motion was made by Sonja Culler, seconded by Nancy Brown, to approve the Highway Department's request to recognize \$571,199.83 in revenue from the State Bridge Program and budget the funds into Highway & Bridge Maintenance-Other Contracted Services to pay for the bridge work. (Item # 28)

Roll Call Vote as follows (Item #28):
28. Vote Results for: Item No. 28
Time of Vote: 9:32:50 PM
Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote
Willie Campbell voted: Y
Buford Peters voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill voted: Y
Al Meehan voted: Y
Bradley Johnson voted: Y
Ronnie Trivett voted: Y
Charles Von Cannon voted: Y
Isaiah Grindstaff voted: Y
L.C. Tester voted: Y
Danny Ward voted: Y
Ross Garland voted: Y
Bobbie Gouge-Dietz voted: Y
Timothy Holdren voted: Y
Randall Jenkins voted: Y
John Lewis voted: Y
Larry Miller voted: Y
Sonja Culler voted: Y
Ray Lyons voted: Y
Scott Simerly voted: Y
Robert Carroll voted: Y
Kelly Collins voted: Y

Cody McQueen voted: Y

Passed (24 Y - 0 N - 1 A - 0 Absent)

Number of Abstain Votes: 1

Motion was made by Sonja Culler, seconded by Bobbie Gouge-Deitz, to approve the Landfill's request to use \$58,000 from the operating transfer to cover additional disposal fees (advanced disposal). (Item # 29)

Roll Call Vote as follows (Item #29):

29. Vote Results for: Item No. 29

Time of Vote: 9:44:35 PM

Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote

Willie Campbell voted: Y

Buford Peters voted: Y

Robert Acuff voted: Y

Nancy Brown voted: Y

Mike Hill voted: Y

Al Meehan voted: Y

Bradley Johnson voted: Y

Ronnie Trivett voted: Y

Charles Von Cannon voted: Y

Isaiah Grindstaff voted: Y

L.C. Tester voted: Y

Danny Ward voted: Y

Ross Garland voted: Y

Bobbie Gouge-Dietz voted: Y

Timothy Holdren voted: Y

Randall Jenkins voted: Y

John Lewis voted: N

Larry Miller voted: Y

Sonja Culler voted: Y

Ray Lyons voted: Y

Scott Simerly voted: Y

Robert Carroll voted: N

Kelly Collins voted: Y

Cody McQueen voted: Y

Passed (22 Y - 2 N - 1 A - 0 Absent)

Number of Abstain Votes: 1

Carter County Expenditure Budget Report for the Month of May was provided to Carter County Commissioners by Christa Byrd, Financial Director. Included in the report were the Account Numbers, Account Description, Budget Amounts, Budget Amendments, and Amended Budgets, Month-to-day expenditures, Outstanding encumbrances, and Unencumbered Balances.

Building and Grounds – Chairman, Isaiah Grindstaff, presented a brief report. He stated the signage had been placed at the Courthouse for Veterans Reserved parking. No recommendations were presented for consideration.

Education Committee – Chairman, Danny Ward, presented a brief report. No recommendations were presented for consideration.

Financial Management – Chairman, Ray Lyons presented the following for consideration:

Motion was made by Ray Lyons, seconded by Sonja Culler, to add the following to the County's Employee Handbook:

“As of September 1, 2017, new and current full- and part-time employees, temporary employees and elected officials will be required to participate in mandatory direct

deposit. The County will no longer issue paychecks. In certain cases, the initial pay for a new employee may be provided by paycheck to allow for sufficient time to process direct deposit information with the participating banking institution. An employee who fails to timely complete and submit the direct deposit form shall not receive wages and/or compensation. The employee's wages will be placed in a holding account until such time as the process is completed to establish direct deposit. Once direct deposit information is received payment will be process with the next regular payroll. The employee may have funds deposited into an account at any financial institution that is able to receive electronic payments.”
(Item # 30)

During discussion it was noted that this policy is already in place for any employee hired after 2010, the new policy will make this a requirement for everyone.

Roll Call Vote as follows (Item # 30):

30. Vote Results for: Item No. 30

Time of Vote: 9:47:34 PM

Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote
Willie Campbell voted: Y
Buford Peters voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill voted: Y
Al Meehan voted: A
Bradley Johnson voted: Y
Ronnie Trivett voted: Y
Charles Von Cannon voted: Y
Isaiah Grindstaff voted: A
L.C. Tester voted: Y
Danny Ward voted: Y
Ross Garland voted: N
Bobbie Gouge-Dietz voted: Y
Timothy Holdren voted: Y
Randall Jenkins voted: Y
John Lewis voted: N
Larry Miller voted: N
Sonja Culler voted: Y
Ray Lyons voted: Y
Scott Simerly voted: Y
Robert Carroll voted: Y
Kelly Collins voted: Y
Cody McQueen voted: Y

Passed (19 Y - 3 N - 3 A - 0 Absent)

Number of Abstain Votes: 3

Motion was made by Ray Lyons, seconded by Nancy Brown, to appoint are Animal Shelter transition team, that would exist for 90 to 180 days maximum, made up of the following: Commissioner Buford Peters, (as Liaison), Commissioner Randall Jenkins, A representative from the City of Elizabethton (to be selected by the City), Christa Byrd, Carter County Financial Director (P.O. authorized by Fin. Dir. Only), Shannon Posada, Elizabethton/Carter County Director
(Item # 31)

Ray Lyons clarified the motion. This would be a team to create and finalize, the transition from a government entity to a nonprofit agency. He also recommended that Commissioner Peters utilize his experience and skills to work with the transition team to enhance and form a better relationship with all entities involved. Commissioner Lyons suggested that consideration be given to Commission Peters for the time he will be involved in during this project.

Commissioner Lyons stated that he had spoken to Commissioner Peters about accepting the position during the recess.

Commissioner, Nancy Brown, questioned County Attorney, Joshua Hardin, if the conversation violated the Sunshine Law.

A discussion period followed concerning this transition team.

Following the discussion Commissioner, Nancy Brown, **withdrew her second on the Motion, on the floor.**

Commissioner Peters stated Mr. Lyons only asked if he would be willing to serve as Liaison, no further discussion occurred.

Attorney Hardin replied he felt it was a breach, however the issue could be corrected as long as they had new discussion concerning the shelter in open meeting before any vote be taken on the matter.

A friendly amendment was made by Randall Jenkins, to add to the Animal Shelter transition team an additional representative from the City of Elizabethton, (making it two representatives), and also add Mike Barnett, Animal Shelter Advisory Board Chairman to the team.

The friendly amendment was accepted by Ray Lyons and motion was then seconded by Bobbie Gouge-Deitz.

Motion was then restated by Chairman Humphrey prior to the vote as follows:

To appoint a Animal Shelter transition team, that would exist for 90 to 180 days maximum, made of of the following: Buford Peters, Liaison, Commissioner; Randall Jenkins, County Commissioner; two representatives from the City of Elizabethton (to be selected by the City); Christa Byrd, Carter County Finance Director (and the only one to approve purchase orders for the shelter); Shannon Posada, Elizabethton/Carter County Animal Shelter Director; Mike Barnett, Animal Shelter Advisory Board Chairman.

Roll Call Vote as follows (Item # 31):

31. Vote Results for: Item No. 31

Time of Vote: 10:17:32 PM

Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote

Willie Campbell voted: Y

Buford Peters voted: A

Robert Acuff voted: Y

Nancy Brown voted: A

Mike Hill voted: Y

Al Meehan voted: A

Bradley Johnson voted: Y

Ronnie Trivett voted: Y

Charles Von Cannon voted: Y

Isaiah Grindstaff voted: N

L.C. Tester voted: Y

Danny Ward voted: Y

Ross Garland voted: Y

Bobbie Gouge-Dietz voted: Y

Timothy Holdren voted: Y

Randall Jenkins voted: Y

John Lewis voted: Y

Larry Miller voted: Y

Sonja Culler voted: Y

Ray Lyons voted: Y

Scott Simerly voted: Y

Robert Carroll voted: N

Kelly Collins voted: Y
Cody McQueen voted: Y

Passed (19 Y - 2 N - 4 A - 0 Absent)
Number of Abstain Votes: 4

Compensation for this service/position for Commissioner Peters was discussed. However, this would need additional research by County Attorney, Joshua Hardin, and report to the Budget Committee for consideration.

Health and Welfare Committee --- There were no recommendations presented by Committee Chairman, Timothy Holdren.

Highway Committee - Chairman, Mike Hill, presented a brief report. However, no recommendations were made.

Landfill Committee-- Chairwoman, Bobbie Gouge-Deitz, had no recommendations to present.

Law Enforcement - Chairman, Cody McQueen, presented no recommendations. It was noted by Joshua Hardin, County Attorney, that the new Inmate Contract needed to be presented for consideration.

Nominating Committee - Chairman, Al Meehan, had no recommendations from the committee.

Parks and Recreation - County Liaison, Randall Jenkins, had no recommendations to present.

Rules and By-Laws - Chairman, Randall Jenkins, had no recommendations to be presented.

County Attorney's Report - Joshua Hardin, County Attorney, presented the report. See page 277.

Motion was made by Cody McQueen, seconded by Randall Jenkins, **to accept as presented the Inmate Contract. (Item # 32)** Recorded on pages 278 - 286

Roll Call Vote as follows (Item # 32)
32. Vote Results for: Item No. 32
Time of Vote: 10:19:28 PM
Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote
Willie Campbell voted: Y
Buford Peters voted: Y
Robert Acuff voted: Y
Nancy Brown voted: Y
Mike Hill voted: Y
Al Meehan voted: Y
Bradley Johnson voted: Y
Ronnie Trivett voted: Y
Charles Von Cannon voted: Y
Isaiah Grindstaff voted: Y
L.C. Tester voted: Y
Danny Ward voted: Y
Ross Garland voted: Y
Bobbie Gouge-Dietz voted: Y
Timothy Holdren voted: Y
Randall Jenkins voted: Y
John Lewis voted: N
Larry Miller voted: Y
Sonja Culler voted: Y
Ray Lyons voted: Y
Scott Simerly voted: Y

Robert Carroll voted: Y
Kelly Collins voted: Y
Cody McQueen voted: Y

Passed (23 Y - 1 N - 1 A - 0 Absent)
Number of Abstain Votes: 1

Commissioner Comments

Commissioner, John Lewis, extended "good luck" wishes to Commissioner, Buford Peters, in his position with the Animal Shelter. Commissioner Lewis also spoke against any tax increases.

Motion was made by John Lewis, seconded by Larry Miller, to leave the 2017-2018 budget the same as the 2016-2017 budget, with no tax increase. (Item # 33)

Discussion followed. Financial Director, Christa Byrd responded to questions from Commissioners.

County Attorney, Joshua Hardin, stated a public notice had not been made concerning voting on this issue being taken during this meeting. He made a recommendation that a vote on the tax rate should not be taken tonight.

Discussion followed concerning budget issues.

Roll Call Vote as follows (Item # 33):
33. Vote Results for: Item No. 33
Time of Vote: 10:33:12 PM
Type of Vote: MAJORITY NEEDED TO PASS

Leon Humphrey does not vote
Willie Campbell voted: A
Buford Peters voted: N
Robert Acuff voted: A
Nancy Brown voted: A
Mike Hill voted: N
Al Meehan voted: A
Bradley Johnson voted: N
Ronnie Trivett voted: Y
Charles Von Cannon voted: Y
Isaiah Grindstaff voted: A
L.C. Tester voted: N
Danny Ward voted: N
Ross Garland voted: N
Bobbie Gouge-Dietz voted: N
Timothy Holdren voted: N
Randall Jenkins voted: N
John Lewis voted: Y
Larry Miller voted: Y
Sonja Culler voted: N
Ray Lyons voted: Y
Scott Simerly voted: N
Robert Carroll voted: Y
Kelly Collins voted: N
Cody McQueen voted: Y

Failed (7 Y - 12 N - 6 A - 0 Absent)
Number of Abstain Votes: 6

Motion made by John Lewis, seconded by Robert Carroll, to instruct the Roger Colbaugh, Highway Superintendent, to move stakes off the road right-of-way, in regards to the right-of-way, on Ridgecrest Drive, near the property of Jim McGee.

County Attorney stated this motion was out-of-order. Therefore, no action was taken on the motion.

Commissioner, Ross Garland, spoke in regards to the Wilson Bridge Dedication and invited everyone to attend.

Commissioner, Al Meehan, stated he had been incorrectly reported as being in favor of a wheel tax.

Commissioner, Charles VonCannon, spoke in regards to the Jim McGee property. He stated as for the record, "it says 50 feet on the deed." He also announced that Habit for Humanity will be beginning a house on Parkway Avenue and encouraged those that can to be a part of this endeavor.

Highway Superintendent, Roger Colbaugh, spoke in regards to the handgun policy.

Mayor, Leon Humphrey, announced that an Industrial recruitment video is underway and should be completed and presented by October. A \$20,000 Tourism grant had been received is a positive and other grants are providing funding to Carter County.

Motion to adjourn was made by Sonja Culler. Without objection, Chairman Humphrey **adjourned the meeting. Meeting Ended at: 10:45:53 PM**

AGENDA
CARTER COUNTY, TENNESSEE
Board of County Commissioners
REGULAR SESSION
Monday, June 19, 2017 at 6:00 PM

1. Call to Order
2. Courthouse-Emergency Egress Plan
3. Roll Call-County Clerk
4. Approval of Agenda
5. Opening Prayer
6. Pledge of Allegiance
7. Recognition of Elected and Appointed Officials/Guests
8. Public Comments
9. Attorney Tom Jessee-Opioid Litigation Presentation
10. Acceptance of Minutes from Previous Meeting
11. Notaries/Bonds
12. 2017 Annual Inflation Adjustment-Carter County Demolition Landfill
13. Resolutions
 - A. Resolution Approving a Certified Adventure Tourism District Plan and Designating Certain Adventure Tourism Districts within Carter County, Tennessee.
 - B. Resolution to Adopt a Public Records Policy for Carter County, Tennessee.
14. Committee Reports/Recommendations
15. County Attorney Report
16. Commission Comments
17. Adjourn

801 E. Elk Avenue, Suite 201
Elizabethton, TN 37643



Telephone: 423-542-1801
Fax: 423-542-927
E-mail: mayor@cartercountyttn.gc

LEON HUMPHREY
COUNTY MAYOR

June 19, 2017

Joshua Hardin, Esquire
Carter County Attorney
3863 Highway 19E
Elizabethton, TN 37643

RE: Resignation from Management of the Elizabethton/Carter County Animal Shelter and Advisory Board

Attorney Hardin,

As you know, Attorney Roger Day representing the Elizabethton City Council presented you with a DRAFT AGREEMENT on June 8, 2017 proposing that the City and County Governments enter into a new AGREEMENT pertaining to the Elizabethton/Carter County Animal Shelter ownership, funding, operation, etc.

As you have opined, the original AGREEMENT automatically renewed on September 19, 2016. However, the City Council met on February 9, 2017 and voted unanimously "to nullify" and renegotiate the AGREEMENT. It was then and is now the City Council's opinion that the original agreement expired on February 13, 2017. As you know and is public record, the document the City Council referred to and which was signed on February 13, 2012 was an "amendment only" pertaining to ownership rights, liability and insurance. The amendment did not reset the original 5-year term expiration date nor the automatic renewal provisions. There was absolutely no other modifications or changes addressed in the amendment.

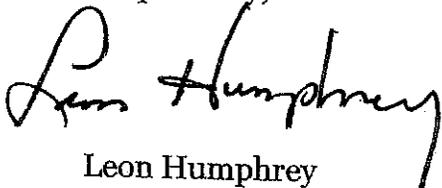
On a number of occasions Budget Committee Chair Person Sonja Culler has requested the County Attorney and Mayor negotiate new terms with the City. Given that both the City Council and a good many of the County Commissioners do not recognize the September 19, 2011 AGREEMENT as being in force and binding, I assert the following:

- 1) The fully executed Animal Shelter By-Laws more specifically Section V item 1 designates the County Mayor as the sole decision maker as to the hiring and firing of the Manager of the Animal Shelter, and therefore, I decline to be a party to any new AGREEMENT and By-Laws.

- 2) As both legislative bodies have now entered into negotiations for a new AGREEMENT, the current By-Laws associated with the original AGREEMENT no longer apply. Thus, as County Mayor and whereas there are no statutory requirements for the County to operate an Animal Shelter nor for the County Mayor to oversee an Animal Shelter, I will not continue in such capacity. Therefore, I resign from all managerial or administrative oversight pertaining to the Animal Shelter effective immediately.
- 3) I and my staff were tasked with the development of Policies, Procedures and Internal Control Guidelines for the Animal Shelter during the April 2017 Advisory Board Meeting. Rest assured the documents will be presented to the Board as promised during their upcoming June 27, 2017 meeting.
- 4) Being the elected official who reported the many financial and operational concerns to the Comptroller, I will continue to assist the State with their on-going investigation.
- 5) I also resign my position on the Animal Shelter Board effective immediately.

In consideration of these points, please present my resignation from the Animal Shelter duties to the County Commission during its meeting this evening in that they can make immediate provisions to appoint one of their own or a sub-committee to serve in the Animal Shelter positions that I have vacated until a new AGREEMENT and By-Laws are executed. I strongly recommend that the new AGREEMENT, By-Laws and the future management and day-to-day operation of the Shelter comply with all Federal, State and Local Laws going forward. My office's investigation has recently discovered, among many things, that the Shelter was never setup as required by Tenn. Code Ann. § 5-1-120 as no County Resolution was ever approved authorizing the operation of the Shelter.

Respectfully,



Leon Humphrey



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
 Division of Financial Responsibility & Business Process Improvement
 William R. Snodgrass Tennessee Tower
 312 Rosa L. Parks Ave., 10th Floor
 Nashville, TN 37243
 (615) 532-0851

June 07, 2017

The Honorable Leon Humphrey
 Carter County Mayor
 801 Elk Avenue
 Elizabethton, TN 37643

RE: 2017 Annual Inflation Adjustment of the financial assurance for the *Carter County Demolition Landfill, Permit No. DML10000094* as required by the Regulations of the Division of Solid Waste Management

Dear Mayor Humphrey:

All county and municipal "Contracts in Lieu of Performance Bonds" must be adjusted annually for inflation by no later than the anniversary date of the issuance of the contract.

Rule Chapters 0400-12-01-.06(8) and 0400-11-01-.03(3) state that the inflation adjustment may be made by recalculating the closure and/or post-closure cost estimate in current dollars or by using an inflation factor derived from the most recent Implicit Price Deflator for the Gross National Product published by the U.S. Department of Commerce in its Survey of Current Business.

The staff of the Division of Financial Responsibility & Business Process Improvement, utilizing data published by the U.S. Department of Commerce, has projected the inflation factor to be used for 2017 inflation adjustments as **1.30%**. The amount of your financial assurance instrument(s) from the Year 2016 must be multiplied by **1.0130**. The permitted facility and/or the Department may reserve the right to adjust this figure later based upon revised data released by the U.S. Department of Commerce during the year.

Effective immediately, any County or Municipal Contract in Lieu of Performance Bond incurring an annual inflation adjustment shall not be processed by amendment until the cumulative amount of the adjustment(s) equals or exceeds TEN THOUSAND DOLLARS (\$10,000.00). This is a change from the previous threshold of Five Thousand Dollars (\$5,000.00). For example, if the inflation adjustment is \$4,000 in year one, \$5,000 in year two, and \$6,000 in year three, the amendment will be processed in year three when the total of adjustments exceeds \$10,000. We will continue to send your inflation adjustment figures annually for your records whether or not a contract amendment is required.

Please review the amount(s) for each permit listed below. If any changes or modifications to your permit(s) have occurred, please contact us as soon as you receive this letter. The due date(s) and projected amount(s) for the inflation adjustment(s) of your financial instrument(s) are as follows:

2017 Inflation Adjustment NOT Required

Facility Permit No.	Financial Instrument Type & No.	Financial Instrument Anniversary Due Date	Present Amount of Financial Assurance On File	Inflation Adjustment/ Increase Required	Inflation Adjustment and Allowable Post-Closure Reduction	Total Required Amount of Financial Assurance
DML10000094	Contract	08/12/17	\$ 407,275.99	\$ 5,294.59	\$ 0.00	\$ 412,570.58

Mayor Humphrey
Carter County
June 07, 2017
Page 2

Please see the attached spreadsheets, which list in detail the amount of financial assurance required due to the 2017 annual inflation adjustment and/or post closure reduction (if applicable) for your permit(s). The spreadsheets also list the current amount of financial assurance on file for each permit.

PLEASE NOTE

- (1) **Any County and/or Municipal Contract In Lieu of Performance Bonds incurring an annual inflation adjustment shall not be processed by amendment until the amount of the adjustment equals or exceeds TEN THOUSAND DOLLARS (\$10,000.00).**

Please submit the inflation adjusted financial instruments to the Division of Financial Responsibility & Business Process Improvement to my attention at the address listed on the letterhead as indicated above. If you have any questions, please call me at (615) 532-8571, or you may email me at Debra.Long@tn.gov.

Respectfully,

Debra F. Long, Financial Analyst

CC: Harry McCann, Manager of Solid Waste Management, Chattanooga Field Office, TDEC

Enclosures: Customer Information Data Sheet, Summary Spreadsheet, Detailed Financial Assurance Information

<http://tn.gov/environment/section/fin-financial-responsibility>

Amendment of Contract in Lieu of Performance Bond

Whereas, Carter County and the State of Tennessee Department of Environment and Conservation, entered into a Contract in Lieu of Performance Bond for proper operation and closure and/or post-closure of the Carter County Demolition Landfill, Permit Number DML10000094; and

Whereas, said contract included a provision allowing the Commissioner of Environment and Conservation to collect up to \$ 412,570.58 from any funds, being disbursed or to be disbursed from the State to Carter County as financial assurance for said proper operation, closure and post-closure; and

Whereas, the State and Carter County, desire to change the amount of said financial assurance from \$ 407,275.99 to \$ 412,570.58.

Paragraph 3 of the Agreement in Lieu of Performance Bond is amended as follows:

The figure \$ 407,275.99 is deleted and the figure "\$412,570.58" is substituted in lieu thereof.

Date of Amendment to Contract _____

(Must have date of Official's signature)

Commissioner
Department of Environment
& Conservation

Title: _____
For the County of: _____

Commissioner
Department of Finance
& Administration

Title: _____
For: _____

Title: _____
For: _____

(Please Type or Complete Form in Ink and Submit Three (3) Signed Originals of this Document)

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR CARTER COUNTY, TENNESSEE

REGULAR MEETING, MONDAY, JUNE 19, 2017

RESOLUTION NO. 670

"A RESOLUTION OF CARTER COUNTY, TENNESSEE APPROVING A CERTIFIED ADVENTURE TOURISM DISTRICT PLAN AND DESIGNATING CERTAIN ADVENTURE TOURISM DISTRICTS WITHIN CARTER COUNTY."

WHEREAS, Tenn. Code Ann. §11-11-204 authorizes the creation of an Adventure Tourism District and an Adventure Tourism District Plan in the county upon approval by a two-thirds (2/3) vote of the Board of County Commissioners; and

WHEREAS, adventure tourism, such as road biking, mountain biking, motorized trail riding, all-terrain vehicles, rowing, kayaking and canoeing, equine activities, rappelling, paragliding, zip-lining, hang-gliding, shooting sports, and other such activities offer economic development opportunities for all businesses in the county; and

WHEREAS, approval as an Adventure Tourism District allows qualified businesses located within the district to earn a jobs tax credit to offset a portion of the Tennessee franchise and excise tax liability; and

WHEREAS, the county will work closely with the State of Tennessee Department of Tourist Development to ensure approval of the Adventure Tourism District Plan.

NOW, THEREFORE BE IT RESOLVED, by the Board of County Commissioners for Carter County, Tennessee, meeting in regular session on this the 19th day of June, 2017, with a lawful quorum of said Board being present and with two-thirds (2/3) of said Board voting in the affirmative as follows:

SECTION I.

That pursuant to the Tennessee Adventure Tourism and Rural Development Act of 2011, Carter County hereby creates the following Adventure Tourism Districts:

The Roan Mountain Adventure Tourism District: comprised of Roan Mountain, Ripshin Mountain, Roan Mountain State Park, the unincorporated community of Roan Mountain, and environs;

The Watauga Lake Adventure Tourism District: comprised of Watauga Lake, its shoreline (including Iron Mountain to its crest), Pond Mountain Wilderness Area, and environs;

The Elizabethton Adventure Tourism District: comprised of the city of Elizabethton;

The Watauga River Adventure Tourism District: comprised of the Watauga River and its environs below Watauga Lake (including Wilbur Lake) to the border with Washington County, and the town of Watauga (excluding lands lying within the Elizabethton Adventure Tourism District);

The Stoney Creek Adventure Tourism District: comprised of the environs of Stoney Creek and surrounding mountains (Holston and Cross Mountains, and Iron Mountain to its crest);

The Doe River Gorge Adventure Tourism District: comprised of the Doe River and its environs (below the Roan Mountain Adventure Tourism District), Doe River Gorge, the unincorporated community of Hampton, Laurel Fork Gorge, Dennis Cove, and environs; and

The Tweetsie Trail Adventure Tourism District: comprised of the Tweetsie Trail and its environs between the border with Washington County and the Elizabethton Adventure Tourism District.

SECTION II.

That the Board of County Commissioners for Carter County, Tennessee approves an Adventure Tourism District Plan set out as follows:

Adventure Tourism District Plan

Carter County, Tennessee

Overview

In a targeted effort to attract growth for our existing Adventure Tourism businesses and to recruit additional Adventure Tourism Businesses with the goal of increasing revenue and generating additional jobs, Carter County has created a number of Adventure Tourism Districts within Carter County.

Carter County has a multitude of natural resources which fit the criteria for building our Adventure Tourism industry. Carter County desires to reduce unemployment and draw tourism, which plays a large part in our economic outlook. We see these district designations as a way to assist in increasing our local and state tax revenue for improved economic growth.

Targeted Business

Tourism is big business across the nation and in Tennessee. One niche area of great impact is Adventure Tourism. This category includes "outdoor recreational opportunities such as equine and motorized trail riding, white-water rafting and kayaking, rappelling, rock climbing, hang-gliding, spelunking, and other such activities."

Products and Services

The Adventure Tourism Districts in Carter County contain a wealth of outdoor recreational assets, including:

- Roan Mountain: one of the highest mountains in the eastern United States, incorporating one of Tennessee's largest state parks, the largest natural rhododendron garden in the world, breathtaking mountain vistas, popular campgrounds, cabins, and other tourist facilities;
- The Tweetsie Trail: Tennessee's longest rail-trail;
- Watauga Lake: TVA's highest and most beautiful reservoir, a popular boating, sailing and fishing destination;
- Wilbur Lake: TVA's smallest reservoir, a little "jewel in the mountains";
- Over 40 miles of the Appalachian Trail: the nation's premier hiking trail, the Overmountain Victory Trail, and many miles of other popular trails;
- Many campgrounds and back-country camping sites;
- The Doe River: a well-known kayaking and fishing destination, including the spectacular Doe River Gorge;
- Dozens of miles of some of the finest cycling roads in the state, including the "Roan Groan", the famous climb up Roan Mountain;
- The beautiful Watauga River: a popular fishing destination and trophy trout stream;
- Hundreds of square miles of mountain wilderness in the Cherokee National Forest;
- Mountain bike trails;
- Acclaimed birding habitat, with over 200 species identified; and
- Nationally-significant historic sites recognizing Carter County's distinction as the first frontier settlement west of the Appalachians, its pivotal role in the southern campaign in the War for Independence, historic homes, Elizabethton's famous covered bridge; and others.

Nonetheless, the tourism industry in Carter County is considered substantially under-developed, with limited lodging and restaurant facilities.

Customer - Target Market

A survey conducted in 2009, in cooperation with George Washington University, Adventure Travel Trade Industry and Xola Consulting, had a goal to 'gain better understanding of the size and characteristics of this market segment.' The study results concluded that the typical adventure traveler is between the ages of 35-47 years, is fairly evenly divided between male and female, 70% of them have post-secondary education, and their trips last between 7-8 days. In addition, their expenditures are trending upwards. This market continues to change; however, one important note is that Adventure Tourism is a subjective activity: what is adventure to one person, may not be to another. A couple of things hold true for this class of the tourism industry

- they are physically active, enjoy interaction with nature, and may include a cultural learning experience or exchange in their adventure.

Summary

Since there are currently limited active businesses in this area that meet this designation, our goal is to provide information and support to potential businesses about the benefits of locating in this designated district.

SECTION III.

That the County Mayor is further authorized and directed to make such changes approved by the County Mayor and the County Attorney to the plan set out herein that do not substantially alter the material provisions of the plan and the execution thereof is conclusive evidence of the approval of such changes.

SECTION IV.

That the County Mayor is authorized and directed to apply for such designation with approval from the Tennessee Department of Revenue and Tennessee Department of Tourist Development by execution of a notarized letter containing the following statement:

I, Leon Humphrey, Mayor of Carter County, Tennessee, hereby confirm that this application, including all attachments, does not contain any representations of fact which are false or misleading in any respect.

SECTION V.

That the County Mayor is authorized and directed to execute all other documents necessary and proper, and to take such acts as necessary, to effectuate the purpose of this Resolution.

SECTION VI.

That the Board of County Commissioners for Carter County, Tennessee finds that the actions authorized by this Resolution are for a public purpose and will promote the health, comfort and prosperity of the citizens of the Carter County.

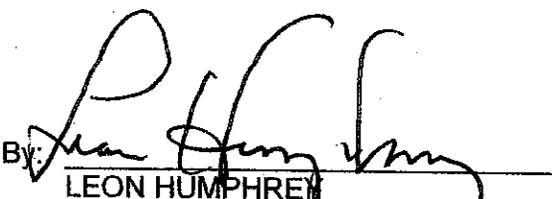
BE IT FURTHER RESOLVED that this Resolution shall take effect from and after the date of its approval, the welfare of the county demanding.

BE IT FURTHER RESOLVED, that all Resolutions of the Board of County Commissioners of Carter County, Tennessee, which are in conflict with this Resolution are hereby repealed.

Adopted this 19th day of June, 2017.

CARTER COUNTY, TENNESSEE
BOARD OF COUNTY COMMISSIONERS

APPROVED:

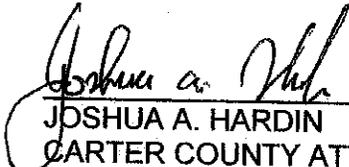
By: 
LEON HUMPHREY
CARTER COUNTY MAYOR &
BOARD OF COUNTY COMMISSIONERS CHAIRMAN

ATTEST:



MARY GOUGE
CARTER COUNTY CLERK

APPROVED AS TO FORM:



JOSHUA A. HARDIN
CARTER COUNTY ATTORNEY

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BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR CARTER COUNTY, TENNESSEE

REGULAR MEETING, MONDAY, JUNE 19, 2017

RESOLUTION NO. 671

"A RESOLUTION TO ADOPT A PUBLIC RECORDS POLICY FOR CARTER COUNTY, TENNESSEE."

WHEREAS, Tenn. Code Ann. § 10-7-503(g), 2016 Public Chapter 722, requires all governmental entities to adopt a public records policy by July 1, 2017; and

WHEREAS, Tenn. Code Ann. § 8-4-604(a)(4), 2016 Public Chapter 722, requires the office of open records counsel (OORC) to establish a model public records policy; and

WHEREAS, the OORC's model public records policy requires governmental entities to make certain selections under the policy; and

WHEREAS, the Board of County Commissioners for Carter County desires to adopt the OORC's model public records policy with the necessary selections on behalf of Carter County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners for Carter County, Tennessee, meeting in regular session on this the 19th day of June 2017, with a lawful quorum of said Board being present and with a majority voting in the affirmative as follows:

1. The model public records policy developed by the OORC with the selections and revisions chosen by the Board of County Commissioners for Carter County, as attached to this Resolution, is hereby adopted as the Public Records Policy for Carter County, Tennessee.

2. The policy attached hereto shall be the public records policy for each and every division or office of Carter County, Tennessee, unless a separate policy is later adopted by any separate division or office of the county government.

BE IT FURTHER RESOLVED, this Resolution in its entirety shall be effective from and after its adoption, and all prior Resolutions in conflict with the provisions of this Resolution are hereby repealed, the welfare of the county demanding.

Sponsored by:


County Commissioner

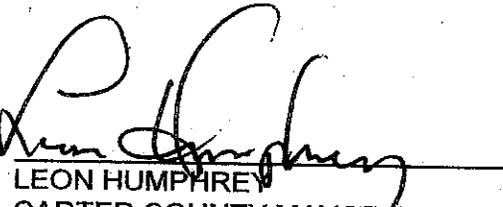
Approved by the Rules & Bylaws Committee on June 6, 2017.


Randall Jenkins
Committee Chairperson

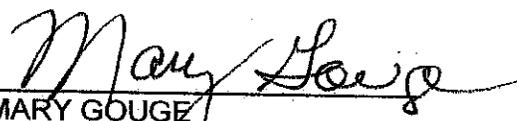
Adopted this 19th day of June, 2017.

CARTER COUNTY, TENNESSEE
BOARD OF COUNTY COMMISSIONERS

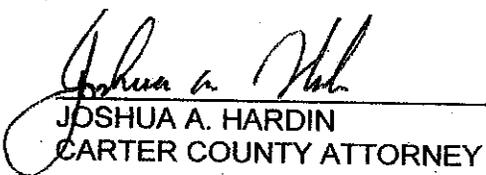
APPROVED:

By: 
LEON HUMPHREY
CARTER COUNTY MAYOR &
BOARD OF COUNTY COMMISSIONERS CHAIRMAN

ATTEST:


MARY GOUGE
CARTER COUNTY CLERK

APPROVED AS TO FORM:


JOSHUA A. HARDIN
CARTER COUNTY ATTORNEY

U://Carter County Attorney/Resolutions/Public Records Policy Resolution.doc

**PUBLIC RECORDS POLICY
FOR
CARTER COUNTY, TENNESSEE**

Pursuant to Tenn. Code Ann. § 10-7-503(g), the following Public Records Policy for Carter County, Tennessee is hereby adopted by the Board of County Commissioners for Carter County to provide economical and efficient access to public records as provided under the Tennessee Public Records Act ("TPRA") in Tenn. Code Ann. § 10-7-501, et seq.

The TPRA provides that all state, county, and municipal records shall, at all times during business hours, which for public hospitals shall be during the business hours of their administrative offices, be open for personal inspection by any citizen of this state, and those in charge of the records shall not refuse such right of inspection by any citizen unless otherwise provided by state law. See Tenn. Code Ann. § 10-7-503(a)(2)(A). Accordingly, the public records of Carter County, Tennessee are presumed to be open for inspection unless otherwise provided by law.

Personnel of Carter County, Tennessee shall timely and efficiently provide access and assistance to persons requesting to view or receive copies of public records. No provisions of this Policy shall be used to hinder access to open public records. However, the integrity and organization of public records, as well as the efficient and safe operation of Carter County, Tennessee, shall be protected as provided by current law. Concerns about this Policy should be addressed to the Public Records Request Coordinator for Carter County, Tennessee or to the Tennessee Office of Open Records Counsel ("OORC").

This Policy is available for inspection and duplication in the office of the Carter County Clerk at 801 E. Elk Avenue, Elizabethton, TN 37643. This Policy is posted online at cartercountyttn.gov. This Policy shall be reviewed annually.

This Policy shall be applied consistently throughout the various offices, departments, and/or divisions of Carter County, Tennessee.

I. Definitions:

- A. **Records Custodian:** The office, official or employee lawfully responsible for the direct custody and care of a public record. See Tenn. Code Ann. § 10-7-503(a) (1) (C). The records custodian is not necessarily the original preparer or receiver of the record.
- B. **Public Records:** All documents, papers, letters, maps, books, photographs, Microfilms, electronic data processing files and output, films, sound recordings, or other material regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency. See Tenn. Code Ann. § 10-7-503(a)(1)(A).
- C. **Public Records Request Coordinator:** The individual, or individuals, designated in Section III, A. 3 of this Policy who has, or have, the responsibility to ensure public record requests are routed to the appropriate records custodian and are fulfilled in accordance with the TPRA. See Tenn. Code Ann. § 10-7-503(a)(1)(B). The Public Records Request

Coordinator may also be a records custodian.

- D. Requestor: A person seeking access to a public record, whether it is for inspection or duplication.

II. Requesting Access to Public Records

- A. Public record requests shall be made to the Public Records Request Coordinator ("PRRC") or his/her designee in order to ensure public record requests are routed to the appropriate records custodian and fulfilled in a timely manner.
- B. Requests for inspection only cannot be required to be made in writing. The PRRC should request a mailing address from the requestor for providing any written communication required under the TPRA.
- C. Requests for inspection may be made orally or in writing using the attached form at the Carter County Finance Department c/o Leisa Wright- Public Record Request Coordinator, 801 E. Elk Avenue, Elizabethton, TN 37643 or by phone at (423) 547-0481.
- D. Requests for copies or requests for inspection and copies shall be made in writing (using the attached Form) at the Carter County Finance Department c/o Leisa Wright- Public Record Request Coordinator, 801 E. Elk Avenue, Elizabethton, TN 37643.
- E. Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license (or photo ID issued by the federal or Tennessee state government containing a residential address) is required as a condition to inspect or receive copies of public records.
- F. Some commonly requested records are posted on the Carter County website at cartercountyttn.gov. These records include public meeting minutes, public notices and finance department information.
- G. Nothing within this policy shall be construed to restrict the ability of each individual elected official or officeholder in his or her sole discretion to produce readily accessible public records to citizens who present in their office(s) without routing requests through the PRRC.

III. Responding to Public Records Requests

- A. Public Record Request Coordinator
1. The PRRC shall review public record requests and make an initial determination of the following:
 - a. If the requestor provided evidence of Tennessee citizenship;
 - b. If the records requested are described with sufficient specificity

- to identify them; and
 - c. If the Governmental Entity is the custodian of the records.
2. The PRRC shall acknowledge receipt of the request and take any of the following appropriate action(s):
- a. Advise the requestor of this Policy and the elections made regarding:
 - i. Proof of Tennessee Citizenship;
 - ii. Form(s) required for copies;
 - iii. Fees, labor threshold and waivers; and
 - iv. Aggregation of multiple or frequent requests.
 - b. If appropriate, deny the request in writing, providing the appropriate ground such as one of the following:
 - i. The requestor is not, or has not presented evidence of being, a Tennessee citizen.
 - ii. The request lacks specificity. (offer to assist in clarification).
 - iii. An exemption makes the record not subject to disclosure under the TPRA. (Provide the exemption in written denial).
 - iv. The Governmental Entity is not the custodian of the requested records.
 - v. The records do not exist.
 - c. If appropriate contact the requestor to see if the request can be narrowed.
 - d. Forward the records request to the appropriate records custodian in Carter County, Tennessee.
 - e. If requested records are in the custody of a different governmental entity, and the PRC knows the correct governmental entity, advise the requestor of the correct governmental entity and PRRC for that entity if known.

3. The designated PRRC is :
 - a. Name or title: Leisa Wright
 - b. Contact information: Carter County Finance Department, 801 E. Elk Avenue, Elizabethton, TN, (423) 547-0481.
4. The PRCC may report to the governing authority as requested or necessary about the Governmental Entity's compliance with the TPRA pursuant to this policy and shall make recommendations, if any, for improvement or changes to this Policy.

B. Records Custodian

1. Upon receiving a public records request, a records custodian shall promptly make requested public records available in accordance with Tenn. Code Ann. § 10-7-503. If the records custodian is uncertain that an applicable exemption applies, the custodian may consult with the PRRC, counsel, or the OORC.
2. If not practicable to promptly provide requested records because additional time is necessary to determine whether the requested records exist; to search for, retrieve, or otherwise gain access to records; to determine whether the records are open; to redact records; or for other similar reasons, then a records custodian shall, within seven (7) business days from the records custodian's receipt of the request, send the requestor a completed Public Records Request Response Form developed by the OORC which is attached hereto.
3. If a records custodian denies a public record request, he or she shall deny the request in writing as provided in Section III.A.2.b. using the Public Records Request Response Form.
4. If a records custodian reasonably determines production of records should be segmented because the records request is for a large volume of records, or additional time is necessary to prepare the records for access, the records custodian shall use the Public Request Response form to notify the requestor that production of the records will be in segments and that a records production schedule will be provided as expeditiously as practicable. If appropriate, the records custodian should contact the requestor to see if the request can be narrowed.
5. If a records custodian discovers records responsive to a records request were omitted, the records custodian should contact the requestor concerning the omission and produce the records as quickly as practicable.

C. Redaction

1. If a record contains confidential information or information that is not open for public inspection, the records custodian shall prepare a redacted copy prior to providing access. If questions arise concerning redaction, the records custodian should coordinate with counsel or other appropriate parties regarding review and redaction of records. The records custodian and the PRCC may also consult with the OORC.
2. Whenever a redacted record is provided, a records custodian should provide the requestor with the basis for redaction. The basis given for redaction shall be general in nature and not disclose confidential information.

IV. Inspection of Records

- A. There shall be no charge for inspection of open existing public records of which copies are not received.
- B. The location for inspection of records within the offices of Carter County, Tennessee should be determined by either the PRRC or the records custodian.
- C. Under reasonable circumstances, the PRRC or a records custodian may require an appointment for inspection or may require inspection of records at an alternate location.

V. Copies of Records

- A. A records custodian shall promptly respond to a public records request for copies in the most economic and efficient manner practicable.
- B. Copies will be available for pickup at a location specified by the records custodian.
- C. Upon payment for postage, copies will be delivered to the requestor's home address by the United States Postal Service.
- D. A requestor will not be allowed to make copies of records with personal equipment.

VI. Fees and Charges and Procedures for Billing and Payment

- A. Fees and charges for copies of public records should not be used to hinder access to public records.
- B. Records custodians shall provide requestors with an itemized estimate of the charges prior to producing copies of records and may require pre-payment of such charges before producing requested records.

- C. The fees for copies and labor may be waived at the discretion of the office holder from which the records are requested and/or obtained if it is determined that such waiver is in the best interest of Carter County, Tennessee and for the public good.
- D. Fees and charges for copies are as follows:
1. \$0.15 per page for letter and legal size black and white copies.
 2. \$0.50 per page for letter and legal size color copies.
 3. Labor when time exceeds one (1) hour at the hourly rate of the employee(s) who locate, retrieve, review, redact, and reproduce the requested records.
 4. If an outside vendor is used, the actual costs assessed by the vendor.
- E. Payment is to be made in any form currently accepted within the office from which the record is obtained and presented to the records custodian.
- F. Payment in advance may be required at the discretion of the office holder from which the records are requested and/or obtained if it is determined that such requirement is in the best interest of Carter County, Tennessee and for the public good.
- G. Aggregation of Frequent and Multiple Requests
1. Carter County, Tennessee will aggregate record requests in accordance with the Frequent and Multiple Request Policy promulgated by the OORC when more than four (4) requests are received within a calendar month (either from a single individual or a group of individuals deemed working in concert).
 2. The aggregation policy is as follows:
 - a. The level at which records requests will be aggregated is for the entire governmental entity of Carter County, Tennessee.
 - b. The PRRC is responsible for making the determination that a group of individuals are working in concert. The PRCC or the records custodian must inform individuals that they have been deemed to be working in concert and that they have the right to appeal the decision to the OORC.
 - c. Routinely released and readily accessible records may be excluded from aggregation (i.e. Public meeting minutes).

PUBLIC RECORDS REQUEST RESPONSE FORM
Carter County, Tennessee
801 E Elk Avenue, Elizabethton, TN 37643

[Date]

[Requestor's Name and Contact Information]

In response to your records request received on _____ [Date requested received], our office is taking the action(s) indicated below:

The public record(s) responsive to your request will be made available for inspection:

Location: _____

Date & Time: _____

Copies of public record(s) responsive to your request are:

Attached;

Available for pickup at the following location: _____

Being delivered via: USPS First- Class Mail Electronically Other _____; or

Your request is denied on the following grounds:

Your request was not sufficiently detailed to enable identification of the specific requested record(s). You need to provide additional information to identify the requested record(s).

No such record(s) exists or this office does not maintain record(s) responsive to your request.

No proof of Tennessee citizenship was presented with your request. Your request will be reconsidered upon presentation of an adequate form of identification.

You are not a Tennessee citizen.

You have not paid the estimated copying/production fees.

The following state, federal, or other applicable law prohibits disclosure of the requested records: _____

It is not practicable for the records you requested to be made promptly available for inspection and/or copying because:

It has not yet been determined that records responsive to your request exist; or

The office is still in the process of retrieving, reviewing, or redacting the requested records.

The time reasonably necessary to produce the record(s) or information and/or make a determination of a proper response to your request is: _____

If you have any additional questions regarding your record request, please contact _____

_____. [Records Custodian or Public Records Request Coordinator].

Sincerely,

[Signature, Name, Title, and Contact Information of Records Custodian or Public Request Coordinator]

May 2017 Donations

May Sheriff Dept K-9 Donation- Cherry Point Animal Hospital	298.50
May Animal Shelter Donation- Snap on Tools	15.40
May Animal Shelter Donation- Carter County Humane Society	4,350.00
May Animal Shelter Donation- Susan Robinson	139.30
May Animal Shelter Donation- Jeffrey Williams	180.00
May Total	\$ 4,983.20
Sheriff Dept. Total	298.50
Animal Shelter Total	\$ 4,684.70

Carter County
Solid Waste Fund 116
Budget Amendment #1
19-Jun-17

Item #1	55732-149 Laborers	\$ 2,000.00	Increase
	55732-201 Social Security	\$ 100.00	Increase
	55732-204 State Retirement	\$ 500.00	Increase
	55732-212 Employer Medicare	\$ 30.00	Increase
	55751-208 Dental Insurance	\$ 0.20	Increase
	55751-307 Communications	\$ 200.00	Increase
	55751-433 Lubricants		
	55751-452 Utilities	\$ 800.00	Increase
	55754-105 Supervisor	\$ 400.00	Increase
	55754-149 Laborers	\$ 3,000.00	Increase
	55754-204 State Retirement	\$ 500.00	Increase
	55754-208 Dental Insurance	\$ 196.00	Increase
	55754-359 Disposal Fees	\$ 8,000.00	Increase
	55754-718 Motor Vehicles		
		\$ 726.20	Increase
		\$ 15,000.00	Decrease

Reallocate within the Solid Waste budget.

Total \$ 15,726.20 \$ 15,726.20

Carter County
General Fund 101
Budget Amendment #10
19-Jun-17

Item #1	41100 Property Tax 51300-540 Tax Relief Program	\$ 40,000.00	\$ 40,000.00	Increase Increase
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Allocate for Tax Relief.

Item #2	53100-169 Part-time Personnel	\$ 1,291.32		Increase
	53100-189 Other Salaries and Wages	\$ 500.00		Increase
	53100-307 Communication	\$ 700.00		Increase
	53100-432 Library Books		\$ 550.00	Decrease
	53100-499 Other Supplies and Materials		\$ 641.40	Decrease
	53100-508 Premiums on Corporate Surety Bonds	\$ 47.00		Increase

Reallocate within the Mayor's budget.

Item #3	51500-106 Deputy(ies)	\$ 1,300.00		Increase
	51500-194 Elections Worker(s)		\$ 1,300.00	Decrease
	51500-351 Rentals	\$ 3,000.00		Increase
	51500-355 Travel	\$ 1,500.00		Increase
	51500-709 Data Processing Equipment		\$ 4,500.00	Decrease

Reallocate within the Election Commission budget.

Item #4	51600-106 Deputy(ies)	\$ 300.00		Increase
	51600-351 Rentals	\$ 300.00		Increase
	51600-435 Office Supplies		\$ 600.00	Decrease

Reallocate within the Register of Deeds budget.

Item #5	51720-105 Supervisor/Director	\$ 400.00		Increase
	51720-121 Data Processing Personnel	\$ 150.00		Increase
	51720-141 Foremen		\$ 1,070.00	Decrease
	51720-189 Other Salaries and Wages	\$ 20.00		Increase
	51720-599 Other Charges	\$ 500.00		Increase

Reallocate within the planning budget.

Item #6	51800-166 Custodial Personnel		\$ 18,000.00	Decrease
	51800-204 State Retirement		\$ 2,000.00	Decrease
	51800-307 Communication	\$ 18,000.00		Increase
	51800-335 Maintenance and Repair		\$ 2,846.92	Decrease
	51800-410 Custodial Supplies	\$ 3,500.00		Increase

Reallocate within the Buildings and Grounds budget.

Item #7	52100-106	Deputy(ies)	\$	375.00		Increase
	52100-119	Accountants			\$ 375.00	Decrease
	52100-320	Dues and Memberships	\$	125.00		Increase
	52100-348	Postal Charges	\$	200.00		Increase
	52100-355	Travel	\$	700.00		Increase
	52100-411	Data Processing Supplies	\$	371.95		Increase
	52100-508	Premiums on Corporate Surety Bonds			\$ 400.00	Decrease
	52100-599	Other Charges			\$ 6,501.95	Decrease
	52100-719	Office Equipment	\$	5,505.00		Increase

Reallocate within the Finance Department budget.

Item #8	52310-206	Life Insurance	\$	3.00		Increase
	52310-207	Medical Insurance	\$	653.31		Increase
	52310-208	Dental Insurance	\$	19.60		Increase
	52310-307	Communication	\$	150.00		Increase
	52310-348	Postal Charges			\$ 500.00	Decrease
	52310-355	Travel			\$ 325.91	Decrease
	52310-317	Data Processing Services	\$	2,473.69		Increase
	52300-718	Vehicles			\$ 1,935.12	Decrease
	52300-335	Travel			\$ 538.57	Decrease

Reallocate within the Appraisal/Reappraisal budget.

Item #9	52500-207	Medical Insurance			\$ 4,700.00	Decrease
	52500-334	Maintenance Agreements	\$	4,000.00		Increase
	52500-351	Rentals	\$	700.00		Increase

Reallocate within the County Clerk's budget.

Item #10	53100-207	Medical Insurance			\$ 2,500.00	Decrease
	53100-348	Postal Charges	\$	2,500.00		Increase

Reallocate within the Circuit Court budget.

Item #11	53400-355	Travel			\$ 18.00	Decrease
	53400-719	Office Equipment	\$	18.00		Increase

Reallocate within the Chancery Court budget.

Item #12	53900-338	Maintenance and Repair			\$ 500.00	Decrease
	53900-348	Postal Charges	\$	500.00		Increase

Reallocate within the Jury budget.

Item #13	54110-119	Accountants/Bookkeepers	\$	500.00		Increase
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54110-162	Clerical Personnel	\$	8,000.00		Increase
54110-196	In-Service Training	\$	2,000.00		Increase
54110-207	Medical Insurance			\$ 65,688.06	Decrease
54110-307	Communication	\$	2,500.00		Increase
54110-335	Maintenance and Repair Service	\$	100.00		Increase
54110-338	Maintenance and Repair Service			\$ 6,465.38	Decrease
54110-355	Travel	\$	10,000.00		Increase
54110-399	Other Contracted Services	\$	16,000.00		Increase
54110-513	Workers' Compensation Insurance			\$ 1,403.02	Decrease
54110-599	Other Charges	\$	2,991.08		Increase
54210-160	Guards	\$	106,000.00		Increase
54210-165	Cafeteria Personnel	\$	70.00		Increase
54210-167	Maintenance Personnel			\$ 8,000.00	Decrease
54210-196	In-Service Training			\$ 2,000.00	Decrease
54210-201	Social Security	\$	3,000.00		Increase
54210-204	State Retirement	\$	9,000.00		Increase
54210-207	Medical Insurance			\$ 60,000.00	Decrease
54210-210	Unemployment Compensation			\$ 1,000.00	Decrease
54210-212	Employer Medicare	\$	500.00		Increase
54210-299	Other Fringe Benefits			\$ 4,990.00	Decrease
54210-399	Other Contracted Services	\$	2,000.00		Increase
54210-410	Custodial Supplies			\$ 15,000.00	Decrease
54210-413	Drugs and Medical Supplies			\$ 3,000.00	Decrease
54210-421	Food Preparation Supplies			\$ 9,000.00	Decrease
54210-422	Food Supplies	\$	3,500.00		Increase
54210-441	Prisoners Clothing			\$ 500.00	Decrease
54210-451	Uniforms			\$ 500.00	Decrease
54210-513	Workers' Compensation Insurance	\$	2,514.48		Increase
54210-599	Other Charges	\$	5,267.83		Increase
54210-716	Law Enforcement Equipment	\$	3,603.07		Increase

Reallocate within the Sheriff's and Jail budgets.

Item #14	54210-112	Youth Service Officer(s)	\$	100.00		Increase
	54210-322	Evaluation and Testing			\$ 100.00	Decrease

Reallocate within the Juvenile Services budget.

Item #15	54490-161	Secretary(s)	\$	140.00		Increase
	54490-204	State Retirement			\$ 168.42	Decrease
	54490-207	Medical Insurance	\$	795.54		Increase
	54490-210	Unemployment Compensation			\$ 200.00	Decrease
	54490-307	Communication	\$	300.00		Increase
	54490-348	Postal Charges	\$	10.00		Increase
	54490-351	Rentals	\$	200.00		Increase
	54490-499	Other Supplies and Materials			\$ 1,077.12	Decrease

Reallocate within the EMA budget.

Item #16	54610-210	Unemployment Compensation	\$	80.00		Increase
	54610-355	Travel			\$ 80.00	Decrease

Reallocate within the Coroner's budget.

Item #17	54900-191	Board and Committee Members	\$	600.00		Increase
	54900-210	Unemployment Compensation	\$	5.00		Increase
	54900-322	Evaluation and Testing			\$ 605.00	Decrease

Reallocate within Other Public Safety (Civil Service Board) budget.

Item #18	46310	Health Department Programs			\$ 392,691.11	Increase
	55110-189	Other Salaries and Wages	\$	250,000.00		Increase
	55110-201	Social Security	\$	16,000.00		Increase
	55110-204	State Retirement	\$	37,000.00		Increase
	55110-206	Life Insurance	\$	337.00		Increase
	55110-207	Medical Insurance	\$	69,663.98		Increase
	55110-208	Dental Insurance	\$	2,212.80		Increase
	55110-210	Unemployment Compensation	\$	1,100.00		Increase
	55110-212	Employer Medicare	\$	3,500.00		Increase
	55110-355	Travel	\$	5,500.00		Increase
	55110-599	Other Charges	\$	7,377.33		Increase

Allocate for Health Department's DGA grant.

Item #19	55120-332	Legal Notices	\$	1,200.00		Increase
	55120-335	Maintenance and Repair	\$	15,000.00		Increase
	55120-340	Medical and Dental Services			\$ 1,000.00	Decrease
	55120-355	Travel	\$	100.00		Increase
	55120-401	Animal Food and Supplies			\$ 15,000.00	Decrease
	55120-410	Custodial Supplies			\$ 12,722.21	Decrease
	55120-413	Drugs and Medical Supplies	\$	15,000.00		Increase
	55120-454	Water and Sewer	\$	1,200.00		Increase
	55120-499	Other Supplies and Materials			\$ 2,000.00	Decrease
	55120-599	Other Charges			\$ 1,801.00	Decrease
	55120-718	Motor Vehicles	\$	23.21		Increase

Reallocate within the Rabies and Animal Control budget.

Item #20	40220	Hotel/Motel Tax			\$ 40,000.00	Increase
	58110-316	Contributions (Tourism)	\$	40,000.00		Increase

Recognize additional Hotel/Motel Tax.

Item #21	47660 Federal Home Grant		\$ 165,000.00	Increase
	58130-499 Other Supplies & Materials	\$ 165,000.00		Increase

Recognize Home Grant Funds.

Item #22	39000 Unassigned Fund Balance		\$ 25,400.00	Decrease
	58900-348 Postal Charges	\$ 400.00		Increase
	58900-510 Trustee's Commission	\$ 25,000.00		Increase

Allocate for additional Postage and Trustee's Commission.

Item #23	41590 Other Permits		\$ 25,000.00	Increase
	58900-361 Permits	\$ 25,000.00		Increase

Recognize permit fees paid to the State of Tennessee.

Item #24	45150 Clerk and Master		\$ 4,500.00	Increase
	53400-348 Postal Charges	\$ 4,500.00		Increase

Allocate additional Clerk & Master fees for postal charges.

Item #25	53330-358 Remittance of Revenue Collected	\$ 14,000.00		Increase
	42141 Drug Court Fees		\$ 4,000.00	Increase
	42341 Drug Court Fees		\$ 6,000.00	Increase
	42441 Drug Court Fees		\$ 4,000.00	Increase

Allocate for disbursement of Drug Court fees.

Item #26	44170 Misc. Refunds		\$ 20.00	Increase
	54110-435 Office Supplies	\$ 20.00		Increase

Recognize State of TN payment for medical records.

Item #27	47990 Other Direct Federal Revenue		\$ 5,600.00	Increase
	34990-2 Reserved for Sheriff	\$ 5,600.00		Increase

Reserve Social Security funds received for future Sheriff Department use.

Item #28	44170 Misc. Refunds		\$ 1,606.02	Increase
	54110-108 Investigator(s)	\$ 1,606.02		Increase

Recognize FBI Reimbursement.

Item #29	46870 Emergency Hospital-Prisoners			\$ 4,219.50	Increase
	54210-507 Medical Claims	\$	4,219.50		Increase

Recognize refund of inmate medical.

Item #30	48130 Contributions			\$ 3,863.54	Increase
	54110-106 Deputy(s)	\$	3,150.00		Increase
	54110-201 Social Security	\$	196.50		Increase
	54110-204 Retirement	\$	471.50		Increase
	54110-212 Employer Medicare	\$	45.54		Increase

Allocate for Watauga Deputy reimb.

Item #31	48130 Contributions			\$ 1,364.78	Increase
	34990-2 Reserved for Sheriff	\$	1,364.78		Increase

Recognize City of Elizabethton fingerprint machine reimb.

Item #32	53300-207 Medical Insurance			\$ 7,700.00	Decrease
	53300-320 Dues and Memberships	\$	700.00		Increase
	53300-719 Office Equipment	\$	7,000.00		Increase

Reallocate within General Sessions budget.

Item #33	52400-106 Deputy(ies)	\$	1,000.00		Increase
	52400-162 Clerical Personnel			\$ 1,021.00	Decrease
	52400-206 Life Insurance	\$	21.00		Increase

Reallocate within Trustee's Office

Item #34	52400-106 Deputy(ies)	\$	4,500.00		Increase
	52400-162 Clerical Personnel	\$	2,000.00		Decrease
	52400-207 Medical Insurance	\$	1,400.00		Decrease
	52400-355 Travel	\$	1,000.00		Decrease
	52400-599 Other Charges	\$	100.00		Decrease

~~Allocate for one-time bonus payment to Trustee's office employees. *NOT APPROVED*~~

Item #35	54110-425 Gasoline			\$ 35,000.00	Decrease
	34990-2 Reserved for Sheriff	\$	35,000.00		Increase

Allocate to reserve remaining fuel funds.

Total		\$ 1,029,089.03	\$ 1,029,089.03		
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Carter County
Highway Fund 131
Budget Amendment #4
19-Jun-17

Item #1	61000-103 Assistant(s)	\$ 400.00		Increase
	61000-161 Secretary(s)	\$ 6,000.00		Increase
	61000-212 Employer Medicare	\$ 500.00		Increase
	61000-331 Legal Services		\$ 500.00	Decrease
	61000-332 Legal Notices and Recording		\$ 600.00	Decrease
	61000-435 Office Supplies		\$ 700.00	Decrease
	61000-707 Office Equipment	\$ 4.00		Increase
	62000-141 Foremen	\$ 30,000.00		Increase
	62000-143 Equipment Operators		\$ 93,000.00	Decrease
	62000-147 Truck Drivers	\$ 100,000.00		Increase
	62000-149 Laborers		\$ 66,250.00	Decrease
	62000-409 Crushed Stone	\$ 25,000.00		Increase
	62000-443 Road Signs	\$ 1,000.00		Increase
	62000-446 Small Tools	\$ 250.00		Increase
	62000-499 Other Supplies and Materials	\$ 3,000.00		Increase
	63100-142 Mechanic(s)	\$ 8,000.00		Increase
	63100-201 Social Security	\$ 400.00		Increase
	63100-204 State Retirement	\$ 1,200.00		Increase
	63100-412 Diesel Fuel		\$ 600.00	Decrease
	63100-418 Equipment and Machinery Parts		\$ 11,104.00	Decrease
	63100-424 Garage Supplies	\$ 3,000.00		Increase
	63100-425 Gasoline		\$ 9,000.00	Decrease
	63100-450 Tires and Tubes		\$ 5,000.00	Decrease
	63100-499 Other Supplies and Materials	\$ 5,000.00		Increase
	65000-415 Electricity	\$ 1,800.00		
	65000-454 Water and Sewer	\$ 1,200.00		
	65000-505 Judgements		\$ 3,000.00	
	66000-299 Other Fringe Benefits		\$ 3,000.00	
	66000-322 Evaluation and Testing		\$ 1,000.00	
	66000-513 Worker's Compensation Insurance	\$ 7,000.00		

Allocate within the Highway Department.

Item #2	46410 Bridge Program		\$ 80,000.00	Increase
	68000-321 Engineering Services	\$ 80,000.00		Increase

Allocate Rittertown Bridge Reimb. For additional engineering services.

Total	\$ 273,754.00	\$ 273,754.00
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Carter County
General Purpose School Fund 141
Budget Amendment #11
19-Jun-17

Item #1

73400-116 Teachers	\$ 246.16		Increase
73400-162 Clerical Personnel		\$ 343.00	Decrease
73400-163 Educational Assistants		\$ 385.36	Decrease
73400-189 Other Salaries & Wages		\$ 220.00	Decrease
73400-195 Certified Substitute Teachers		\$ 1,447.50	Decrease
73400-201 Social Security		\$ 338.17	Decrease
73400-204 State Retirement		\$ 1,388.67	Decrease
73400-206 Life Insurance		\$ 28.84	Decrease
73400-207 Medical Insurance		\$ 1,030.52	Decrease
73400-208 Dental Insurance		\$ 3.60	Decrease
73400-210 Unemployment Compensation		\$ 249.47	Decrease
73400-212 Employer Medicare		\$ 155.69	Decrease
73400-307 Communication		\$ 400.00	Decrease
73400-355 Travel		\$ 44.53	Decrease
73400-429 Instructional Supplies & Materials		\$ 366.53	Decrease
73400-524 In-Service/Staff Development	\$ 13.55		Increase
73400-599 Other Charges		\$ 343.16	Decrease
73400-722 Regular Instruction Equipment	\$ 6,485.33		Increase

Recognize the Voluntary Pre-K allocation from the State.

Item #2

39000 Unassigned Fund Balance		\$ 349,900.00	Decrease
76100-304 Architect Fees	\$ 17,900.00		Increase
76100-706 Building Improvements	\$ 332,000.00		Increase

Allocate for Unaka High stadium renovation.

Item #3

82130-610 Principal on Capital Leases	\$ 62,678.66		Increase
82230-611 Interest on Capital Leases		\$ 62,678.66	Decrease

Reallocate for Interest on Capital Leases.

Item #4

71100-116 Teachers	\$ 38,765.80		Increase
71100-201 Social Security		\$ 15,000.00	Decrease
71100-210 Unemployment Compensation	\$ 23,000.00		Increase
71100-299 Other Fringe Benefits		\$ 70,819.91	Decrease
71100-336 Maintenance and Repair Service		\$ 11,000.00	Decrease
71100-399 Other Contracted Services	\$ 7,000.00		Increase
71100-429 Instructional Supplies and Mat		\$ 15,000.00	Decrease
71100-449 Textbooks	\$ 8,000.00		Increase
71100-499 Other Supplies and Materials	\$ 30,000.00		Increase
71100-524 In Service/Staff Development	\$ 3,000.00		Increase
71100-722 Regular Instruction Equipment		\$ 11,000.00	Decrease

Reallocate within Regular Instruction.

Item #5

71150-210 Unemployment Compensation	\$ 250.00		Increase
71150-599 Other Charges		\$ 251.00	Decrease
71150-790 Other Equipment	\$ 1.00		Increase

Reallocate within Alternative Instruction.

Item #6

71300-210 Unemployment Compensation	\$ 2,000.00		Increase
71300-429 Instructional Supplies and Mat		\$ 5,000.00	Decrease
71300-499 Other Supplies and Materials		\$ 9,500.00	Decrease
71300-730 Vocational Instruction Equipment	\$ 12,500.00		Increase

Reallocate within Vocational Education.

Item #7

72120-131	Medical Personnel	\$ 5,000.00		Increase
72120-195	Certified Substitues	\$ 15,000.00		Increase
72120-201	Social Security	\$ 6,000.00		Increase
72120-204	State Retirement	\$ 1,700.00		Increase
72120-206	Life Insurance	\$ 19.88		Increase
72120-208	Dental Insurance	\$ 870.20		Increase
72120-210	Unemployment Compensation	\$ 1,157.03		Increase
72120-212	Employer Medicare	\$ 300.00		Increase
72120-355	Travel		\$ 4,500.00	Decrease
72120-413	Drugs and Medical Supplies		\$ 3,000.00	Decrease
72120-499	Other Supplies and Materials	\$ 400.00		Increase
72120-524	In Service	\$ 1,300.00		Increase
72120-599	Other Charges		\$ 2,000.00	Decrease

Reallocate within the Health Services budget.

Item #8	72130-123	Guidance Personnel	\$ 23,000.00		Increase
	72130-204	State Retirement	\$ 4,000.00		Increase
	72130-210	Unemployment Compensation	\$ 1,000.00		Increase
	72130-322	Evaluation & Testing	\$ 5,000.00		Increase

Reallocate within Other Student Support.

Item #9	72210-105	Supervisor	\$ 35,000.00		Increase
	72210-129	Librarians		\$ 20,000.00	Decrease
	72210-189	Other Salaries & Wages	\$ 15,000.00		Increase
	72210-201	Social Security	\$ 4,000.00		Increase
	72210-204	State Retirement	\$ 5,000.00		Increase
	72210-210	Unemployment Compensation	\$ 500.00		Increase
	72210-355	Travel		\$ 2,000.00	Decrease
	72210-399	Other Contracted Services	\$ 4,000.00		Increase
	72210-499	Other Supplies and Materials	\$ 700.00		Increase
	72210-524	In Service		\$ 5,500.00	Decrease
	72210-599	Other Charges	\$ 3,000.00		Increase

Reallocate within Regular Instruction.

Item #10	72215-105	Supervisor/Director	\$ 1,000.00		Increase
	72215-161	Secretary(s)	\$ 1,000.00		Increase
	72215-204	State Retirement	\$ 250.00		Increase
	72215-210	Unemployment Compensation	\$ 600.00		Increase
	72215-399	Other Contracted Services	\$ 200.00		Increase
				\$ 1,000.00	Decrease

Reallocate within Alternative Instruction.

Item #11	72230-105	Supervisor/Director	\$ 1,000.00		Increase
	72230-201	Social Security	\$ 65.00		Increase
	72230-204	State Retirement	\$ 410.00		Increase
	72230-207	Medical Insurance		\$ 1,681.00	Decrease
	72230-208	Dental Insurance	\$ 1.00		Increase
	72230-210	Unemployment Compensation	\$ 45.00		Increase
	72230-336	Maintenance and Repair Service	\$ 810.00		Increase
	72230-499	Other Supplies and Materials		\$ 3,150.00	Decrease
	72230-524	In Service		\$ 1,500.00	Decrease
	72230-599	Other Charges	\$ 5,000.00		Increase
	72230-790	Other Equipment		\$ 1,000.00	Decrease

Reallocate within Vocational Education.

Item #12	72310-320	Dues and Memberships	\$ 4,300.00		Increase
	72310-506	Liability Insurance	\$ 15,887.00		Increase

72310-513	Worker's Compensation	\$	12,375.00	Increase
72310-524	In Service	\$	3,960.00	Increase
72310-599	Other Charges	\$	3,000.00	Increase

Reallocate within Board of Education.

Item #13	72320-210	Unemployment Compensation	\$	200.00	Increase
	72320-307	Communication	\$	7,000.00	Decrease
	72320-320	Dues and Memberships	\$	4,300.00	Decrease
	72320-336	Maintenance and Repair Service	\$	2,500.00	Decrease
	72320-348	Postal Charges	\$	2,000.00	Decrease
	72320-399	Other Contracted Services	\$	11,000.00	Increase
	72320-524	In Service	\$	75.00	Increase

Reallocate within Director of Schools.

Item #14	72410-104	Principals	\$	75,000.00	Increase
	72410-139	Assistant Principals	\$	3,500.00	Increase
	72410-189	Other Salaries and Wages	\$	15,000.00	Increase
	72410-206	Life Insurance	\$	10.00	Increase
	72410-210	Unemployment Compensation	\$	2,500.00	Increase

Reallocate within Office of the Principal.

Item #15	72510-701	Administration Equipment	\$	4,000.00	Decrease
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Reallocate within Fiscal Services.

Item #16	72610-166	Custodial Personnel	\$	4,500.00	
	72610-204	State Retirement	\$	4,500.00	
	72610-210	Unemployment Compensation	\$	1,200.00	
	72610-366	Maintenance and Repair Services	\$	50.00	
	72610-399	Other Contracted Services	\$	20,000.00	
	72610-434	Natural Gas	\$	180,000.00	
	72610-454	Water and Sewer	\$	27,000.00	

Reallocate within Operation of Plant.

Item #17	72620-167	Maintenance Personnel	\$	7,000.00	
	72620-201	Social Security	\$	900.00	
	72620-329	Laundry Service	\$	4,000.00	
	72620-335	Maintenance and Repair Services	\$	16,000.00	
	72620-399	Other Contracted Services	\$	9,000.00	
	72620-426	General Construction Materials	\$	8,000.00	
	72620-499	Other Supplies and Materials	\$	8,000.00	
	72620-599	Other Charges	\$	500.00	

Reallocate within Maintenance of Plant.

Item #18	72710-142	Mechanics	\$	400.00	
	72710-204	State Retirement	\$	10,000.00	
	72710-210	Unemployment Compensation	\$	2,000.00	
	72710-313	Contracts with Parents	\$	7,000.00	
	72710-329	Laundry Service	\$	6,000.00	
	72710-338	Maintenance and Repair Service	\$	5,000.00	
	72710-340	Medical and Dental Services	\$	5,000.00	
	72710-355	Travel	\$	2,000.00	
	72710-399	Other Contracted Services	\$	5,000.00	
	72710-412	Diesel Fuel	\$	30,000.00	
	72710-425	Gasoline	\$	65,000.00	
	72710-499	Other Supplies and Materials	\$	20,000.00	
	72710-599	Other Charges	\$	9,000.00	

Reallocate within Transportation.

Item #19	72810-204	State Retirement		\$	2,700.00	
	72810-210	Unemployment Compensation	\$	500.00		
	72810-336	Maintenance and Repair Services	\$	2,200.00		

Reallocate within Central and Other (Technology).

Item # 20	71200-116	Teachers	\$	2,000.00		
	71200-310	Contract with Other Public Agencies			\$	15,930.00
	71200-429	Instructional Supplies and Materials	\$	1,547.40		
	71200-499	Other Supplies and Materials	\$	4,100.00		
	71200-599	Other Charges			\$	3,847.40
	71200-725	Special Education Equipment	\$	10,000.00		
	72220-499	Other Supplies and Materials	\$	6,500.00		
	72220-599	In Service			\$	5,200.00
	72220-790	Other Equipment	\$	830.00		

Reallocate within Special Education.

Item #21	49700	Insurance Recovery			\$	7,500.00	Increase
	76100-707	Building Improvements	\$	7,500.00			Increase

Recognize insurance reimbursement for Cloudland High awning.

Item #22	49700	Insurance Recovery			\$	1,698.57	Increase
	72810-499	Other Supplies and Materials	\$	1,698.57			Increase

Recognize insurance reimbursement for lightning damage @ Unaka Elem.

Item #23	48610	Donations			\$	4,100.00	Increase
	71100-449	Textbooks	\$	4,100.00			Increase

Recognize donations for literacy.

Item #24	48610	Donations			\$	1,000.00	Decrease
	73300-599	Other Charges	\$	1,000.00			Increase

Recognize Kiwanis Club Headstart Donation.

Item #25	39000	Unassigned Fund Balance			\$	43,461.38	Decrease
	73300-599	Other Charges	\$	43,461.38			Increase

Allocate for CACFP & Registration Fees that should have been reserved.

Total \$ 1,041,462.96 \$ 1,041,462.96

Carter County
Federal Projects Fund 142
Budget Amendment #5
19-Jun-17

Item #1

72210-189-130	Instructional Supplies & Materials		\$ 3,999.99	Decrease
71100-195-130	Certified Substitute Teachers	\$ 1,649.96		Increase
71100-198-130	Non-Certified Substitute Teachers	\$ 3,000.00		Increase
71100-201-130	Social Security	\$ 280.00		Increase
71100-212-130	Employer Medicare	\$ 70.00		Increase
72210-201-130	Other Salaries & Wages		\$ 409.99	Decrease
72210-204-130	Social Security		\$ 499.99	Decrease
72210-212-130	State Retirement		\$ 89.99	Decrease

Reallocate within the Read to Be Ready Coaching Network Allocation.

Item #2

71100	116	101 Teachers	\$ 27,000.00	Increase
71100	163	101 Educational Assistants	\$ 13,000.00	Increase
71100	204	101 State Retirement	\$ 6,000.00	Increase
71100	207	101 Medical Insurance		\$ 5,000.00 Decrease
71100	429	101 Instructional Supplies & Materials		\$ 56,000.00 Decrease
71100	722	101 Regular Instruction Equipment	\$ 15,000.00	Increase
72210	189	101 Other Salaries & Wages	\$ 3,000.00	Increase
72210	207	101 Medical Insurance		\$ 3,000.00 Decrease
72210	499	101 Other Supplies & Materials		\$ 400.00 Decrease
72210	790	101 Other Capital Outlay	\$ 400.00	Increase

Reallocate within Title I-A.

Item #3

71100	116	201 Teachers		\$ 20,000.00 Decrease
72210	524	201 In-Service/Staff Development	\$ 20,000.00	Increase

Recognize the Title II-A Allocation for 16-17.

Total	\$ 89,399.96	\$ 89,399.96
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Carter County
Federal Projects Fund 142
Budget Amendment #6
19-Jun-17

Item #1

71100	116	120 Teachers		\$ 7,400.00	Decrease
71100	201	120 Social Security		\$ 2,100.15	Decrease
71100	204	120 State Retirement		\$ 2,600.00	Decrease
71100	207	120 Medical Insurance		\$ 900.00	Decrease
71100	212	120 Employer Medicare		\$ 530.00	Decrease
71100	429	120 Instructional Supplies	\$ 13,530.15		Increase

Reallocate Within the Focus Schools grant.

Item #2

71200	163	911 Educational Assistants	\$ 1,308.90		Increase
71200	201	911 Social Security	\$ 535.00		Increase
71200	204	911 State Retirement	\$ 150.00		Increase
71200	207	911 Medical Insurance	\$ 100.00		Increase
71200	208	911 Dental Insurance	\$ 50.00		Increase
71200	212	911 Employer Medicare	\$ 100.00		Increase
71200	429	911 Instructional Supplies & Materials		\$ 3,400.00	Decrease
71200	499	911 Other Supplies & Materials		\$ 3,082.20	Decrease
71200	725	911 Special Education Equipment		\$ 8,900.00	Decrease
72220	355	911 Travel		\$ 600.00	Decrease
72220	399	911 Other Contracted Services	\$ 14,639.30		Increase
72220	524	911 In Service/Staff Development		\$ 900.00	Decrease

Reallocate within the IDEA Preschool grant.

\$ 30,413.35 \$ 30,412.35

Carter County
Food Service Fund #143
Budget Amendment # 3
19-Jun-17

Item #1

73100-105	Supervisor/Director	\$ 1,300.00	
73100-299	Other Fringe Benefits		\$ 18,830.00
73100-320	Dues & Members	\$ 250.00	
73100-335	Maintenance and Repair Service	\$ 80.00	
73100-336	Maintenance and Repair Service	\$ 15,000.00	
73100-355	Travel	\$ 1,000.00	
73100-451	Uniforms	\$ 1,200.00	

Reallocate within Food Service budget.

Total \$ 18,830.00 \$ 18,830.00

Carter County
Head Start Fund 145
Budget Amendment #2
19-Jun-17

Item #1

	48140 Other Education/ Contracted Services		\$ 56,901.85	Increase
73400	163 Educational Assistants	\$ 845.32		Increase
73400	195 Certified Substitute Teachers		\$ 2,000.00	Decrease
73400	198 Non-certified Substitute Teach		\$ 5,000.00	Decrease
73400	201 Social Security	\$ 3,000.00		Increase
73400	204 State Retirement	\$ 1,800.00		Increase
73400	206 Life Insurance		\$ 252.30	Decrease
73400	207 Medical Insurance		\$ 1,789.32	Decrease
73400	208 Dental Insurance		\$ 664.50	Decrease
73400	210 Unemployment Compensation	\$ 400.00		Increase
73400	355 Travel	\$ 9,000.00		Increase
73400	429 Instructional Supplies and Mat	\$ 19,162.65		Increase
73400	499 Other Supplies and Materials		\$ 300.00	Decrease
73400	524 In Service/Staff Development	\$ 2,700.00		Increase
73400	599 Other Charges	\$ 30,000.00		Increase

Recognize Upper East Funds to be used in FY 16-17

\$ 66,907.97 \$ 66,907.97

COUNTY ATTORNEY REPORT
June 2017

General Litigation update:

1. James Wilson v. Johnny Blankenship, et al.- Appeal dismissed by Sixth Circuit Court of Appeals.

Compliance update:

1. Public Chapter 467 (Firearm possession)
2. Public Chapter 722 (Public Records Policy)

Other Work performed/ongoing:

1. Research completed and opinions rendered for various county office holders and commissioners as requested.
2. Circuit Court Clerk- Research regarding open records issues.
3. Sheriff's Office- State inmate Contract review and negotiation; Research regarding execution issue; Misc. contract review.
4. Conducted meeting with County officeholders regarding Public Records Policy.
5. Highway Committee- Attended committee meeting; Correspondence with U.S. Forest Service officials re: trail access parking area; Completion of ROW acquisition for Miller Hollow Road relocation.
6. Animal Shelter – Research regarding various issues; Correspondence with City Attorney Roger Day concerning contract issues; Attended Animal Shelter Advisory Board meeting.
7. Courtroom Security Committee- Attended committee meeting.
8. Industrial Development Board- Attended meeting; Research and redraft of Amended Bylaws.
9. Finance Department- Research and correspondence re: hotel/motel tax issue; Research Budget issues and policy change issues.
10. Law Enforcement Committee- Attended committee meeting.
11. Health & Welfare Committee- Attended committee meeting.
12. Rules & Bylaws Committee- Attended committee meeting.
13. Buildings & Grounds Committee - Attended committee meeting;
14. Edit of Public Records Policy and Form; Draft Resolution to adopt.
15. Draft/Edit of Adventure Tourism Resolution.



CONTRACT

(fee-for-service contract with a federal or Tennessee local or quasi-governmental entity)

Begin Date July 1, 2017	End Date June 30, 2020	Agency Tracking # 32904-20247	Edison Record ID		
Contractor Legal Entity Name Carter County			Edison Vendor ID		
Subrecipient or Vendor <input type="checkbox"/> Subrecipient <input checked="" type="checkbox"/> Vendor		CFDA #			
Service Caption (one line only) Housing Felons					
Funding —					
FY	State	Federal	Interdepartmental	Other	TOTAL Contract Amount
2018	1,304,000.00				1,304,000.00
2019	1,369,000.00				1,369,000.00
2020	1,437,000.00				1,437,000.00
TOTAL:	4,110,000.00				4,110,000.00
American Recovery and Reinvestment Act (ARRA) Funding:				<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
Budget Officer Confirmation: There is a balance in the appropriation from which obligations hereunder are required to be paid that is not already encumbered to pay other obligations.				OCR USE - GU	

**CONTRACT
BETWEEN THE STATE OF TENNESSEE,
DEPARTMENT OF CORRECTION
AND
CARTER COUNTY, TENNESSEE**

This Contract, by and between the State of Tennessee, Department of Correction, hereinafter referred to as the "State" and Carter County, Tennessee, hereinafter referred to as the "Contractor," is for the provision of housing convicted State Felons, as further defined in the "SCOPE OF SERVICES."

Contractor Edison Registration ID # 62-60000518-12

A. SCOPE OF SERVICES:

- A.1. The Contractor shall provide all service and deliverables as required, described, and detailed herein and shall meet all service and delivery timelines as specified by this Contract.
- A.2. The parties acknowledge and agree that this contract is executed pursuant to *Tennessee Code Annotated*, §4-3-603, which states, in part, "... when it appears to the commissioner, in the commissioner's sole discretion, that the available facilities and institutions of the department which are designed for the custody of prisoners are overcrowded, the commissioner shall endeavor to alleviate such overcrowded conditions by contracting with local governmental entities, when possible, for the care, custody, and control in local jails, workhouses, penal farms or other such facilities, of prisoners who have been committed to the department, or by any other means permitted by law."
- A.3. The Contractor agrees to provide proper safekeeping, care, custody, control, and housing for the following categories of convicted male and female felons sentenced to the State (hereinafter referred to as felons).
- A.4. In the event any felon becomes a disciplinary problem or security risk sufficient to require closer security and/or custody than can be provided by the Contractor, the Contractor may request transfer of such felon to the State. Such request shall be in writing and directed to the Director of Classification for TDOC. The Contractor shall be responsible for transporting such felon to the required State facility.
- A.5. Felons housed by the Contractor under this Contract shall be housed at the Contractor Jail located in CARTER County, ELIZABETHTON, Tennessee, hereafter referred to as the Facility.
- A.6. The Contractor agrees to promptly transfer any felon sentenced to the State who is being housed in the Contractor's Facility awaiting transfer to the State when requested to do so by the Commissioner or the Commissioner's designee; provided such request is made in writing and states the date the State will accept transfer of the felon. No compensation shall be paid to the Contractor for any felon the Contractor fails to transfer in violation of this section.
- A.7.a. The Contractor agrees to reserve 20 beds at the Facility for housing felons, sentenced to the Tennessee Department of Correction, pursuant to this Contract. If the number of felons should exceed this number, and the Contractor requests removal, the State shall remove within 60 days of such notice being given to the State's Director of Classification or his designee.
 - b. Provided, however, in the event the Commissioner, in the Commissioner's sole discretion, determines that the Department does not need the number of contract beds to supplement the available facilities and institutions of the department designed for the custody of prisoners, the department may reduce the number of felons below the minimum by notifying the Contractor in writing at least ninety (90) days in advance.
 - c. The Contractor shall be compensated monthly for the actual number of inmates housed.

- d. The Contractor will not be reimbursed for a day during which the Felon is transferred from the Facility, is permanently released from the Facility, is not housed for a minimum of four (4) hours during a twenty-four (24) hour period, or is housed in the Contractor's facility in violation of A.6.
 - e. The Contractor shall be responsible for the cost of providing routine medical, mental health, and dental services at a cost not to exceed one thousand dollars (\$1,000.00) per felon per fiscal year, for felons housed at the Facility.
 - f. Pursuant to *Tennessee Code Annotated* §41-4-115(b), the state shall be liable for expenses incurred from emergency hospitalization and medical treatment, provided the felon is admitted to the hospital.
 - g. The State shall be responsible for providing, or paying for the provision of medical, dental, and mental health treatment services, other than those provided pursuant to item 7.e. Provided, however, notwithstanding any provision contained herein to the contrary, any medical expense for any felon resulting from the negligence or willful wrongdoing of the Contractor, its officer, agents, or employees, shall be fully paid for by the Contractor.
 - h. The Contractor shall immediately, in writing, notify the State if medical, mental health, or dental treatment services beyond the scope of 7.e. are needed by a felon. The State shall, with the exception of emergency services, reserve the right to determine the site at which services will be provided. Transportation of the felon shall be the responsibility of the Contractor. The State may return the felon to the Contractor once the medical, mental health condition has been stabilized.
- A.8. The Contractor agrees that the Facility will achieve and retain certification from the Tennessee Corrections Institute. If the Facility is not certified on the effective date of this Contract, the Contractor agrees to make such changes or adopt such measures as are necessary to achieve certification within one (1) year. If the Facility loses certification at any time during the term of this Contract, the Contractor agrees to notify the State and to take such measures as are necessary to achieve certification within six (6) months of such loss of certification. Failure to obtain certification may result in the termination of this contract.
- A.9. The Contractor shall provide for the collection and entry of felony offender data into the Tennessee Offender Management Information System (TOMIS) in accordance with the requirements of the State. Such entry shall provide information for generation by the State of monthly service statistics which will serve as the Contractor's invoice (jail bill) for housing services rendered in that month. Information on other services rendered shall be submitted within forty-five (45) days after the month of service.
- A.10. On a monthly basis, a Correction Facility Summary Report (CFSR) shall be completed according to the guidelines established by the Tennessee Department of Correction and submitted to the Judicial Cost Accountant.
- A.11. Contractor will comply with the Prison Rape Elimination Act of 2003, 42 U.S.C. 15601 et seq., [PREA] and with all applicable PREA Standards for preventing, detecting, monitoring, investigating, and eradicating any form of sexual abuse in the performance of the Contract.
- B. TERM OF CONTRACT:**
- B.1. This Contract shall be effective on July 1, 2017 ("Effective Date"), and extend for a period of (36) months after the Effective Date ("Term"). The State shall have no obligation for goods or services provided by the Contractor prior to the Effective Date.
- B.2. Renewal Options. This Contract may be renewed upon satisfactory completion of the Term. The State reserves the right to execute up to two (2) renewal options under the same terms and conditions for a period not to exceed twelve (12) months each by the State, at the State's sole option. In no event, however, shall the maximum Term, including all renewals or extensions, exceed a total of sixty (60) months.

C. PAYMENT TERMS AND CONDITIONS:

C.1. **Maximum Liability.** In no event shall the maximum liability of the State under this Contract exceed Four Million, One Hundred Ten Thousand Dollars (\$4,110,000.00). The payment rates in section C.3 shall constitute the entire compensation due the Contractor for all service and Contractor obligations hereunder regardless of the difficulty, materials or equipment required. The payment rates include, but are not limited to, all applicable taxes, fees, overheads, and all other direct and indirect costs incurred or to be incurred by the Contractor.

The Contractor is not entitled to be paid the maximum liability for any period under the Contract or any extensions of the Contract for work not requested by the State. The maximum liability represents available funds for payment to the Contractor and does not guarantee payment of any such funds to the Contractor under this Contract unless the State requests work and the Contractor performs said work. In which case, the Contractor shall be paid in accordance with the payment rates detailed in section C.3. The State is under no obligation to request work from the Contractor in any specific dollar amounts or to request any work at all from the Contractor during any period of this Contract.

C.2. **Compensation Firm.** The payment rates and the maximum liability of the State under this Contract are firm for the duration of the Contract and are not subject to escalation for any reason unless amended.

C.3. **Payment Methodology.** The Contractor shall be compensated based on the payment rates herein for units of service authorized by the State in a total amount not to exceed the Contract Maximum Liability established in section C.1.

- a. The Contractor's compensation shall be contingent upon the satisfactory completion of units, milestones, or increments of service defined in section A.
- b. The Contractor shall be compensated for said units, milestones, or increments of service based upon the following payment rates:

Service Description	Amount (per compensable increment)
Per Felon Per Day	\$ 39.00

C.4. **Travel Compensation.** The Contractor shall not be compensated or reimbursed for travel, meals, or lodging.

C.5. **Invoice Requirements.** The Contractor shall invoice the State only for completed increments of service and for the amount stipulated in section C.3, above, and present said invoices no more often than monthly, with all necessary supporting documentation, to:

Tennessee Department of Correction
 320 Sixth Avenue North
 Nashville, TN 37219

- a. Each invoice shall clearly and accurately detail all of the following required information (calculations must be extended and totaled correctly).
 - (1) Invoice Number (assigned by the Contractor)
 - (2) Invoice Date
 - (3) Contract Number (assigned by the State)
 - (4) Customer Account Name: Tennessee Department of Correction – Fiscal
 - (5) Customer Account Number (assigned by the Contractor to the above-referenced Customer)

- (6) Contractor Name
- (7) Contractor Tennessee Edison Registration ID Number Referenced in Preamble of this Contract
- (8) Contractor Contact for Invoice Questions (name, phone, and/or fax)
- (9) Contractor Remittance Address
- (10) Description of Delivered Service
- (11) Complete Itemization of Charges, which shall detail the following:
 - i. Service or Milestone Description (Including name & title as applicable) of each service invoiced
 - ii. Number of Completed Units, Increments, Hours, or Days as applicable, of each service invoiced
 - iii. Applicable Payment Rate (as stipulated in Section C.3.) of each service invoiced
 - iv. Amount Due by Service
 - v. Total Amount Due for the invoice period

b. The Contractor understands and agrees that an invoice under this Contract shall:

- (1) include only charges for service described in Contract Section A and in accordance with payment terms and conditions set forth in Contract Section C;
- (2) only be submitted for completed service and shall not include any charge for future work;
- (3) not include sales tax or shipping charges; and
- (4) initiate the timeframe for payment (and any discounts) only when the State is in receipt of the invoice, and the invoice meets the minimum requirements of this section C.5.

C.6. Payment of Invoice. A payment by the State shall not prejudice the State's right to object to or question any payment, invoice, or matter in relation thereto. A payment by the State shall not be construed as acceptance of any part of the work or service provided or as approval of any amount invoiced.

C.7. Invoice Reductions. The Contractor's invoice shall be subject to reduction for amounts included in any invoice or payment theretofore made which are determined by the State, on the basis of audits conducted in accordance with the terms of this Contract, not to constitute proper remuneration for compensable services.

C.8. Deductions. The State reserves the right to deduct from amounts, which are or shall become due and payable to the Contractor under this or any contract between the Contractor and the State of Tennessee any amounts, which are or shall become due and payable to the State of Tennessee by the Contractor.

C.9. Prerequisite Documentation. The Contractor shall not invoice the State under this Contract until the State has received the following documentation properly completed.

- a. The Contractor shall complete, sign, and present to the State the "Authorization Agreement for Automatic Deposit Form" provided by the State. By doing so, the Contractor acknowledges and agrees that, once this form is received by the State, payments to the Contractor, under this or any other contract the Contractor has with the State of Tennessee, may be made by ACH; and
- b. The Contractor shall complete, sign, and return to the State the State-provided W-9 form. The taxpayer identification number on the W-9 form must be the same as the Contractor's Federal Employer Identification Number or Social Security Number referenced in the Contractor's Edison registration information.

D. **STANDARD TERMS AND CONDITIONS:**

- D.1. **Required Approvals.** The State is not bound by this Contract until it is signed by the contract parties and approved by appropriate officials in accordance with applicable Tennessee laws and regulations (depending upon the specifics of this contract, said officials may include, but are not limited to, the Commissioner of Finance and Administration, the Commissioner of Human Resources, and the Comptroller of the Treasury).
- D.2. **Modification and Amendment.** This Contract may be modified only by a written amendment signed by all parties hereto and approved by both the officials who approved the base contract and, depending upon the specifics of the contract as amended, any additional officials required by Tennessee laws and regulations (said officials may include, but are not limited to, the Commissioner of Finance and Administration, the Commissioner of Human Resources, and the Comptroller of the Treasury).
- D.3. **Termination for Convenience.** The State may terminate this Contract without cause for any reason. Said termination shall not be deemed a breach of contract by the State. The State shall give the Contractor at least thirty (30) days written notice before the effective termination date. The Contractor shall be entitled to compensation for satisfactory, authorized service completed as of the termination date, but in no event shall the State be liable to the Contractor for compensation for any service which has not been rendered. Upon such termination, the Contractor shall have no right to any actual general, special, incidental, consequential, or any other damages whatsoever of any description or amount.
- D.4. **Termination for Cause.** If the Contractor fails to properly perform its obligations under this Contract in a timely or proper manner, or if the Contractor violates any terms of this Contract, the State shall have the right to immediately terminate the Contract and withhold payments in excess of fair compensation for completed services. Notwithstanding the above, the Contractor shall not be relieved of liability to the State for damages sustained by virtue of any breach of this Contract by the Contractor.
- D.5. **Subcontracting.** The Contractor shall not assign this Contract or enter into a subcontract for any of the services performed under this Contract without obtaining the prior written approval of the State. If such subcontracts are approved by the State, each shall contain, at a minimum, sections of this Contract below pertaining to "Conflicts of Interest," "Nondiscrimination," and "Records" (as identified by the section headings). Notwithstanding any use of approved subcontractors, the Contractor shall be the prime contractor and shall be responsible for all work performed.
- D.6. **Conflicts of Interest.** The Contractor warrants that no part of the total Contract Amount shall be paid directly or indirectly to an employee or official of the State of Tennessee as wages, compensation, or gifts in exchange for acting as an officer, agent, employee, subcontractor, or consultant to the Contractor in connection with any work contemplated or performed relative to this Contract.
- D.7. **Nondiscrimination.** The Contractor hereby agrees, warrants, and assures that no person shall be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination in the performance of this Contract or in the employment practices of the Contractor on the grounds of handicap or disability, age, race, color, religion, sex, national origin, or any other classification protected by Federal, Tennessee State constitutional, or statutory law. The Contractor shall, upon request, show proof of such nondiscrimination and shall post in conspicuous places, available to all employees and applicants, notices of nondiscrimination.
- D.8. **Records.** The Contractor shall maintain documentation for all charges under this Contract. The books, records, and documents of the Contractor, insofar as they relate to work performed or money received under this Contract, shall be maintained for a period of three (3) full years from the date of the final payment and shall be subject to audit at any reasonable time and upon reasonable notice by the State, the Comptroller of the Treasury, or their duly appointed representatives. The financial statements shall be prepared in accordance with generally accepted accounting principles.

- D.9. Prevailing Wage Rates. All contracts for construction, erection, or demolition or to install goods or materials that involve the expenditure of any funds derived from the State require compliance with the prevailing wage laws as provided in *Tennessee Code Annotated, Section 12-4-401 et seq.*
- D.10. Monitoring. The Contractor's activities conducted and records maintained pursuant to this Contract shall be subject to monitoring and evaluation by the State, the Comptroller of the Treasury, or their duly appointed representatives.
- D.11. Progress Reports. The Contractor shall submit brief, periodic, progress reports to the State as requested.
- D.12. Strict Performance. Failure by any party to this Contract to insist in any one or more cases upon the strict performance of any of the terms, covenants, conditions, or provisions of this Contract shall not be construed as a waiver or relinquishment of any such term, covenant, condition, or provision. No term or condition of this Contract shall be held to be waived, modified, or deleted except by a written amendment signed by the parties hereto.
- D.13. Independent Contractor. The parties hereto, in the performance of this Contract, shall not act as employees, partners, joint venturers, or associates of one another. It is expressly acknowledged by the parties hereto that such parties are independent contracting entities and that nothing in this Contract shall be construed to create an employer/employee relationship or to allow either to exercise control or direction over the manner or method by which the other transacts its business affairs or provides its usual services. The employees or agents of one party shall not be deemed or construed to be the employees or agents of the other party for any purpose whatsoever.
- The Contractor, being a Tennessee governmental entity, is governed by the provisions of the Tennessee Government Tort Liability Act, *Tennessee Code Annotated, Sections 29-20-101 et seq.*, for causes of action sounding in tort. Further, no contract provision requiring a Tennessee political entity to indemnify or hold harmless the State beyond the liability imposed by law is enforceable because it appropriates public money and nullifies governmental immunity without the authorization of the General Assembly.
- D.14. State Liability. The State shall have no liability except as specifically provided in this Contract.
- D.15. Force Majeure. The obligations of the parties to this Contract are subject to prevention by causes beyond the parties' control that could not be avoided by the exercise of due care including, but not limited to, natural disasters, riots, wars, epidemics, or any other similar cause.
- D.16. State and Federal Compliance. The Contractor shall comply with all applicable State and Federal laws and regulations in the performance of this Contract.
- D.17. Governing Law. This Contract shall be governed by and construed in accordance with the laws of the State of Tennessee. The Contractor agrees that it will be subject to the exclusive jurisdiction of the courts of the State of Tennessee in actions that may arise under this Contract. The Contractor acknowledges and agrees that any rights or claims against the State of Tennessee or its employees hereunder, and any remedies arising therefrom, shall be subject to and limited to those rights and remedies, if any, available under *Tennessee Code Annotated, Sections 9-8-101 through 9-8-407.*
- D.18. Completeness. This Contract is complete and contains the entire understanding between the parties relating to the subject matter contained herein, including all the terms and conditions of the parties' agreement. This Contract supersedes any and all prior understandings, representations, negotiations, and agreements between the parties relating hereto, whether written or oral.
- D.19. Severability. If any terms and conditions of this Contract are held to be invalid or unenforceable as a matter of law, the other terms and conditions hereof shall not be affected thereby and shall

remain in full force and effect. To this end, the terms and conditions of this Contract are declared severable.

D.20. Headings. Section headings of this Contract are for reference purposes only and shall not be construed as part of this Contract.

E. **SPECIAL TERMS AND CONDITIONS:**

E.1. Conflicting Terms and Conditions. Should any of these special terms and conditions conflict with any other terms and conditions of this Contract, these special terms and conditions shall control.

E.2. Communications and Contacts. All instructions, notices, consents, demands, or other communications required or contemplated by this Contract shall be in writing and shall be made by certified, first class mail, return receipt requested and postage prepaid, by overnight courier service with an asset tracking system, or by EMAIL or facsimile transmission with recipient confirmation. Any such communications, regardless of method of transmission, shall be addressed to the respective party at the appropriate mailing address, facsimile number, or EMAIL address as set forth below or to that of such other party or address, as may be hereafter specified by written notice.

The State:

Landon Kenderdine, Judicial Cost Accountant
Department of Correction
3rd Floor, Rachel Jackson Building
320 Six Avenue North
Nashville, TN 37243-0465
landon.kenderdine@tn.gov
Telephone # 615.253.8108

The Contractor:

Leon Humphrey, County Mayor
Carter County
801 Elk Avenue
Elizabethton, TN 37643
mayor@cartercountyttn.gov

Telephone # 423.542.1801
FAX # 423.542.9279

All instructions, notices, consents, demands, or other communications shall be considered effectively given upon receipt or recipient confirmation as may be required.

E.3. Subject to Funds Availability. The Contract is subject to the appropriation and availability of State and/or Federal funds. In the event that the funds are not appropriated or are otherwise unavailable, the State reserves the right to terminate the Contract upon written notice to the Contractor. Said termination shall not be deemed a breach of Contract by the State. Upon receipt of the written notice, the Contractor shall cease all work associated with the Contract. Should such an event occur, the Contractor shall be entitled to compensation for all satisfactory and authorized services completed as of the termination date. Upon such termination, the Contractor shall have no right to recover from the State any actual, general, special, incidental, consequential, or any other damages whatsoever of any description or amount.

IN WITNESS WHEREOF,

CARTER COUNTY, TENNESSEE:

Leon Humphrey
LEON HUMPHREY, MAYOR

6/20/17
DATE

Leon Humphrey County Mayor
PRINTED NAME AND TITLE OF CONTRACTOR SIGNATORY (above)

DEPARTMENT OF CORRECTION:

Tony Parker, Commissioner

DATE

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