

**Carter County Commission
Regular Session
September 21, 2015**

APPROVED
10-19-15

Chairman, Leon Humphrey, called the meeting to order at 9:00 A.M.

The Emergency Egress Plan for the courthouse was presented by Gary Smith, EMA Director.

Roll Call as follows:

Name of Configuration File: C:\RollCall-Pro\Configurations\Commissioner Meeting 092115.rcc
Date and Time of New Session: 9/21/2015 9:04:51 AM

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 present
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
Robert Gobble is present
Cody McQueen is present

Number of Voters PRESENT for Roll Call: 25

Number of Voters ABSENT for Roll Call: 0

Quorum present.

Prayer was led by Willie Campbell, and Bradley Johnson followed with the *pledge to the American flag*.

Recognition of Elected and Appointed Officials/Guests were requested to stand and be recognized by Chairman Humphrey, thanking them for their service.

Public Comments

George Papantoniou—A former member of the Rescue Squad spoke concerning the squad's finances.
Roy Livingston – A resident of Hampton, spoke concerning budgets, finances and the oath of office taken by officials.

Gary Smith-- EMA Director, gave a "shout out" to all Emergency personnel applauding them for exceptional team work.

Sonja Culler-- Commissioner, noted the Budget Calendar began in February.

Election of Commission Officers

A. Chair

Floor was opened for nominations for the position of Commission Chair.

Nomination was made for Leon Humphrey, by Ray Lyons.

Nomination was made for Bradley Johnson, by Danny Ward.

Nomination was made for Buford Peters, by Willie Campbell.

No other nominations were received, therefore nominations ceased.

Discussion was requested. Several Commissioners spoke concerning the duties of the Chairperson and the desire that who is elected, that the Commission strive to work together for the betterment of the County.

Bradley Johnson, respectfully requested that his name be withdrawn from the nominations for Chairman.

Chairman Leon Humphrey called for a roll call vote with Commissioner voicing the name for whom he or she wishes to vote for when called upon.

Roll Call Vote as follows:

Voting for Humphrey: Nancy Brown, Ronnie Trivett, Charles VonCannon, Isaiah Grindstaff, Ross Garland, Timothy Holdren, Randall Jenkins, Larry Miller, John Lewis, Ray Lyons, Scott Simerly, Cody McQueen, Robert Carroll, and Robert Gobble. (14 Votes for Humphrey)

Voting for Peters: Buford Peters, Willie Campbell, Robert Acuff, Mike Hill, Al Meehan, Bradley Johnson, L.C. Tester, Danny Ward, Bobbie Gouge-Dietz, and Sonja Culler. (10 Votes for Peters)

Receiving a majority vote, **Leon Humphrey was elected Chairman of the Carter County Commission for 2015-2016.**

B. Vice Chair

Floor was opened for nominations for the position of Commission Vice Chair.

Nomination was made for Buford Peters, by L. C. Tester.

Nomination was made for Bradley Johnson, by Charles VonCannon.

Nomination was made for Ray Lyons, by Timothy Holdren.

No other nominations were received, therefore nominations ceased.

Ray Lyons respectfully requested that his name be withdrawn from the nominations for Vice Chairman.

Discussion – None.

Chairman Leon Humphrey called for a roll call vote with Commissioner voicing the name for whom they wish to vote for when called upon.

Roll Call Vote as follows:

Voting for Peters: Buford Peters, Willie Campbell, Robert Acuff, Mike Hill, Al Meehan, L.C. Tester, Danny Ward, Ross Garland, Timothy Holdren, Bobbie Gouge-Dietz, Randall Jenkins, Sonja Culler, Scott Simerly, Cody McQueen, and Robert Carroll. (15 Votes for Peters)

Voting for Johnson: Nancy Brown, Bradley Johnson, Ronnie Trivett, Charles VonCannon, Isaiah Grindstaff, Larry Miller, John Lewis, Ray Lyons, and Robert Gobble. (9 Votes for Johnson)

Receiving a majority vote, **Buford Peters was elected Vice-Chairman of the Carter County Commission for 2015-2016.**

Motion was made by John Lewis, seconded by Danny Ward to accept today's Agenda as presented. Recorded on page 100. (Item # 1)

Discussion-- None

Roll Call Vote as follows (Item # 1):

1. Vote Results for: Item No. 1

Time of Vote: 10:04:42 AM

Type of Vote: 50% 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
Robert Gobble voted: Y
Cody McQueen voted: Y

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

Congratulations were extended to Chairman Humphrey and Vice-Chairman Peters upon the re-election as Commission officers.

Acceptance of Minutes from Previous Meeting

Motion was made by Ronnie Trivett, seconded by Isaiah Grindstaff, to accept the minutes of the August 17, 2015 Regular Session Commission Meeting, with corrections as requested below:
Page 40: \$213,00 corrected to \$ 213,000
Page 41: Commission corrected to Commissioner
Page 41: began corrected to begin
Page 47: Admen corrected to Amend
Page 55: Deletion of duplication Account Numbers
(Item # 2)

Roll Call Vote as follows (Item #2):

2. Vote Results for: Item No. 2
Time of Vote: 10:10:45 AM
Type of Vote: 50% 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
 Robert Gobble voted: Y
 Cody McQueen voted: Y

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

Notaries/Bonds

Motion was made by Robert Acuff, seconded by Bobbie Gouge-Dietz, to approve the following Notaries/Bonds as presented. (Item # 3)

Tamra Bare	Veronica Starr Nave	Emily Pearl Asher
Vikki Neugebauer	Lora Shay Hicks	Tammy Gentry
Kimberly Elaine Jones	Cindy I. Gouge	William J. Heathcoat
Cindy Harris	Chrystal R. Hensley	Jennifer Branham
*****	Christa Byrd Interim Financial Director	*****

Roll Call Vote as follows (Item #3):

3. Vote Results for: Item No. 3
 Time of Vote: 10:12:14 AM
 Type of Vote: 50% 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
 Robert Gobble voted: Y
 Cody McQueen voted: Y

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

Motion was made by Ronnie Trivett, seconded by Robert Gobble, to **enter into a ten (10) minute recess.**

By majority voice vote, **motion carried.** Following the recess, Chairman Humphrey **called the meeting back to order.**

Veterans Service Officer Interviews & Appointment

Chairman Humphrey noted that the advertisements and notices had been made. The following had submitted applications:

David K. Batchelder
Donald E. Dykes, Jr.
Howard Cannon (Not Present)
Michael Evanochko (Not Present)
Keely Freeman (Not Present)
Jewella (Jewel) Hawkins
Robert Hopkins
Mark Johnson
Tammy Jones (Not Present)
Mel McKay
Johnny Nelson
Bart Webb
Travis Webb
Charles Eddie Thomason (Application not complete – Not Present)

Commission Bradley Johnson made reference to a Resolution dating 1946 concerning the appointment of this position

County Attorney, Joshua Hardin noted that the State of Tennessee had a more current law which was in existence and was more current.

Motion was made by Bradley Johnson, seconded by Danny Ward, to **defer this action to Subcommittee, the Nominating Committee, with the top three being presented back to the Commission for confirmation.**

However this **motion was withdrawn because of a more current law, and upon the advice of Attorney Hardin.**

The applicants that were present, and approached the podium presenting their qualifications. This was followed with a question/answer session by the Commissioners.

Chairman Humphrey opened the floor for nominations for the Veterans Service Officer appointment.

The following were nominated:

Travis Winters was nominated by Willie Campbell
David K. Batchelder was nominated by Bradley Johnson
Mark Johnson was nominated by Robert Acuff
Mel McKay was nominated by Charles VonCannon
Robert Hopkins was nominated by Isaiah Grindstaff

Motion was made by Danny Ward, seconded by Scott Simerly, to **cease nominations.** By majority voice vote, **motion carried.**

Chairman Leon Humphrey called for a roll call vote with Commissioner voicing the name for who they wish to vote for when called upon.

Voting for Batchelder: Nancy Brown, Bradley Johnson, Ronnie Trivett, L.C. Tester, Ross Garland, Timothy Holdren, Randall Jenkins, John Lewis, Cody McQueen, Robert Carroll, and Robert Gobble. (Batchelder 11 Votes)

Voting for Hopkins: Isaiah Grindstaff (Robert Hopkins 1 Vote)

Voting for Mark Johnson: Buford Peters, Robert Acuff, Mike Hill, Al Meehan, Danny Ward, Bobbie Gouge-Dietz, Larry Miller, Ray Lyons, and Sonja Culler. (Johnson 9 Votes)

Voting for Mel McKay: Charles VonCannon and Scott Simerly. (McKay 2 Votes)

Voting for Travis Winters: Willie Campbell (Winters 1 Vote)

Chairman Leon Humphrey called for a roll call vote between the two applicants who received the highest vote. Commissioners were to voice the name for whom they wished to vote for when called upon, being David Batchelder or Mark Johnson.

Roll Call Vote as follows:

Voting for David Batchelder: Nancy Brown, Bradley Johnson, Ronnie Trivett, Charles VonCannon, L.C. Tester, Ross Garland, Timothy Holdren, Randall Jenkins, John Lewis, Cody McQueen, Robert Carroll, and Robert Gobble. (Batchelder 12 Votes)

Voting for Mark Johnson: Buford Peters, Willie Campbell, Robert Acuff, Mike Hill, Al Meehan, Isaiah Grindstaff, Danny Ward, Bobbie Gouge-Dietz, Larry Miller, Ray Lyons, Sonja Culler, and Scott Simerly. (Johnson 12 Votes)

David Batchelder and Mark Johnson, both receiving twelve (12) votes, Chairman Leon Humphrey placed the tie breaking vote for **David Batchelder as the Carter County Veterans Service Officer.**

Chairman Leon Humphrey called for a recess until 1:10 PM.

Following the recess, Chairman Humphrey **called the meeting back to order.**

Clerks Note: Leader marked L.C. Tester as absent at: 1:13:39 PM

Tennessee Risk Management Trust Intergovernmental Cooperative Agreement

Interim Financial Director, Christa Byrd being recognized by Chairman Humphrey presented the recommended agreement for consideration. Mrs. Byrd stated this was a standard agreement concerning Workman's Compensation and liability insurance to Carter County.

County Attorney, Joshua Hardin noted that this was the same agreement as held previously for a number of years by the County.

A short discussion followed concerning cost which Mrs. Byrd stated was approximately \$750,000.

Motion was made by Sonja Culler, seconded by Isaiah Grindstaff, to accept as presented, **Tennessee Risk Management Trust – Intergovernmental Cooperative Agreement.** Item # 4
Recorded on pages 101 - 109 .

Roll Call Vote as follows (Item # 4):

4. Vote Results for: Item No. 4

Time of Vote: 1:27:13 PM

Type of Vote: 50% 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: N

Charles Von Cannon voted: Y

Isaiah Grindstaff voted: Y

L.C. Tester was absent

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
Robert Gobble voted: Y
Cody McQueen voted: Y

Passed (20 Y - 3 N - 1 A - 1 Absent)
Number of Abstain Votes: 1

RESOLUTIONS

A. *Northeast Correctional Complex Privatization*

County Attorney, Joshua Hardin read the resolution and presented the same for consideration.

Motion was made by John Lewis, seconded by Randall Jenkins, **to accept as presented,**
***“A RESOLUTION IN OPPOSITION TO PRIVATIZATION OF THE NORTHEAST
CORRECTIONAL COMPLEX AND CARTER COUNTY ANNEX.”*** Item # 5

A short discussion period followed concerning jobs and the impact this resolution would make.

Roll Call Vote as follows (Item 5):

5. Vote Results for: Item No. 5
Time of Vote: 1:33:28 PM
Type of Vote: 50% Needed to Pass

Leon Humphrey does not vote
Willie Campbell voted: Y
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: N
Charles Von Cannon voted: Y
Isaiah Grindstaff voted: N
L.C. Tester was absent
Danny Ward voted: N
Ross Garland voted: N
Bobbie Gouge-Dietz voted: N
Timothy Holdren voted: Y
Randall Jenkins voted: Y
John Lewis voted: Y
Larry Miller voted: Y
Sonja Culler voted: N
Ray Lyons voted: Y
Scott Simerly voted: N
Robert Carroll voted: Y
Robert Gobble voted: Y
Cody McQueen voted: Y

Failed (11 Y - 12 N - 1 A - 1 Absent)
Number of Abstain Votes: 1

Committee Reports/Recommendations

Budget Committee – Chairwoman, Sonja Culler presented the following for consideration.

Ms. Culler stated during the meeting, following a lengthy discussion, it was recommended to ask department heads and Officeholders to compile employees' salaries, years' experience and job description for comparison of pay to that of surrounding counties. It was noted that this would also involve step-raises.

Motion was made by Sonja Culler, seconded by Ronnie Trivett, to accept the August 2015 donations, totaling \$195.00 for the Animal Shelter. (Item # 6) Recorded on page 99.

Discussion – None

Roll Call Vote as follows (Item # 6):

6. Vote Results for: Item No. 6
Time of Vote: 1:35:14 PM
Type of Vote: 50% 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 was absent
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
Robert Gobble voted: Y
Cody McQueen voted: Y

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

Motion was made by Sonja Culler, seconded by Robert Acuff, to approve **General Fund 101 Amendment # 2, for a total of \$179,878.55 with 20 items (exception being Veteran's Service position, Budget Item #7).**
Item # 7 Recorded on pages 110-112.

Let the record show that Commissioners Bradley Johnson, Al Meehan, and Isaiah Grindstaff voiced the Disclaimer for Employees of Carter County, Tennessee before the votes were revealed.

Roll Call Vote as follows (Item # 7):

7. Vote Results for: Item No. 7
Time of Vote: 1:37:18 PM
Type of Vote: 50% 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 was absent
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
Robert Gobble voted: Y
Cody McQueen voted: Y

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

Motion was made by Sonja Culler, seconded by Ronnie Trivett, to **approve General Fund 101 Amendment #2, Item # 7 with 1 item and \$16,299.30 coming from Fund Balance to cover the increase in Veteran's Service Officer's pay being set at \$30,000.00 and restore benefits.** (Item # 8) Recorded on page 111.

Discussion followed noting the increase. It was noted this increase covered benefits, and a set salary of \$30,000.00

Roll Call Vote as follows (Item # 8)

8. Vote Results for: Item No. 8
Time of Vote: 1:40:46 PM
Type of Vote: 50% Needed to Pass

Leon Humphrey does not vote
Willie Campbell voted: Y
Buford Peters voted: Y
Robert Acuff voted: N
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 was absent
Danny Ward voted: Y
Ross Garland voted: Y
Bobbie Gouge-Dietz voted: N
Timothy Holdren voted: Y
Randall Jenkins voted: Y
John Lewis voted: Y
Larry Miller voted: Y
Sonja Culler voted: N
Ray Lyons voted: Y
Scott Simerly voted: Y
Robert Carroll voted: Y
Robert Gobble voted: N
Cody McQueen voted: Y

Passed (19 Y - 4 N - 1 A - 1 Absent)

Number of Abstain Votes: 1

Motion was made by Sonja Culler, seconded by Robert Acuff, to approve **General Purpose School Fund 141 Amendment # 2 with 4 items for a total of \$242,999.92 with \$0 coming from General Purpose School Fund Balance.** Item #4 is to restore funding of State Revenue Sharing money that was decreased in the 2015-2016 budget that was cut based on a miscommunication with County Audit.

Discussion followed with Mrs. Byrd presenting a full explanation concerning the motion as presented.

Motion to amend was made by Sonja Culler, seconded by Robert Acuff, by **changing the amount to \$197,999.92 for General Purpose School Fund 141 Amendment # 2 with 4 items with \$0 coming from General Purpose School Fund Balance.** Item # 9 Recorded on pages 114.

Roll Call Vote as follows (Item # 9):

9. Vote Results for: Item No. 9
Time of Vote: 1:46:35 PM
Type of Vote: 50% 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 was absent
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
Robert Gobble voted: Y
Cody McQueen voted: Y

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

Number of Abstain Votes: 1

Motion was made by Sonja Culler, seconded by Bobbie Gouge-Dietz, to approve **Federal Projects Fund 142 Beginning Budget Recognitions with 1 item for a total of \$95,500.** This is to recognize the beginning budget in federal projects for the school system's Focus School Grant. (Item # 10) Recorded on page 113.

Discussion – None

Roll Call Vote as follows (Item # 10):

10. Vote Results for: Item No. 10
Time of Vote: 1:47:19 PM
Type of Vote: 50% 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 was absent
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
Robert Gobble voted: Y
Cody McQueen voted: Y

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

Motion was made by Sonja Culler, seconded by Ross Garland, to approve Food Service Fund 143 Amendment #1 with 1 item for a total of \$251.00. This is to reallocate within the Food Service budget to place Clerical Personnel on the correct pay scale. (Item # 11)
Recorded on page 113.

Discussion – None

Roll Call Vote as follows (Item #11):

11. Vote Results for: Item No. 11
Time of Vote: 1:48:07 PM
Type of Vote: 50% 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 was absent
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
Robert Gobble voted: Y
Cody McQueen voted: Y

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

Motion was made by Sonja Culler, seconded by Ronnie Trivett, **to approve a 3% across the board bonus for all county employees. This does include the Highway Department. \$240,000 – Sales Tax revenue will be transferred from the General Fund to the Landfill, Highway, Health Department to cover all cost of this bonus.** (Item # 12)

Chairwoman Culler noted that this cannot come from General Fund and must come from Sales Tax at the end of the year in order for money to be put back to cover Sales Tax.

Mrs. Christa Byrd stated that a total number of employees was 260 employees. This bonus of \$900.00 would be less deductions.

Clerks Note: Disclaimer for Employees of Carter County Tennessee was read prior to the vote for Item # 12 being taken by the following: Willie Campbell, Bradley Johnson, Isaiah Grindstaff, Al Meehan.

Roll Call Vote as follows (Item # 12)

12. Vote Results for: Item No. 12
Time of Vote: 1:53:35 PM
Type of Vote: 50% 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 was absent
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
Robert Gobble voted: Y
Cody McQueen voted: Y

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

Gary Smith, Emergency Management Agency Director presented a brief update concerning the Hazard Mitigation Plan Grant. Mr. Smith stated the application had been approved.

Building & Grounds Committee – Ray Lyons, Committee Chairman presented a brief report. It was stated that a request had been made by Ronnie Taylor, Assessor Property to occupy the old Election Commission office on the second floor.

A tour of the old jail was made, as well as the new facility, to determine what needs to be done with this space. A report is to be presented by the Sheriff to the committee in the near future.

Moving location of the Veteran's Service Office to the second floor, the office currently occupied by the Assessor of Property employee was discussed also.

During discussion it was questioned if additional personnel would be needed if the office of Veteran's Services changes its current location.

Chairman Humphrey replied, that he didn't think so.

Financial Management – Ray Lyons, Committee Chairman presented additional information other than what was presented in the minutes.

It was stated the process concerning the filling of the Financial Director and interviews have been made and narrowed down to two applicants. The new Director will be chosen and named at the next at the Financial Management meeting.

During discussion it was confirmed that the applicants were Certified Public Accounts, also the date for the Financial Management Meeting will be changed and notice given, due to schedule conflicts.

Clerks Note: Financial Management meeting was re-scheduled for October 2, 2015 in which the position of Financial Director will be filled.

Health & Welfare Committee – Timothy Holdren, Committee Chairman, spoke concerning a Task Force in reference to the Rescue Squad. A committee to be formed of possibly seven (7), not less than five (5) members, consisting of a representative from the City of Elizabethton, a representative from Carter County Commission, a Certified Public Accountant, an Emergency Medical Technician, a Citizen of Carter County, and an Attorney.

Nominations would be taken from the Commission and sent to the Health and Welfare Committee which would be brought back before full Commission for final confirmation.

Environmental Court was discussed during the Committee meeting also. This would be in reference to planning and code violations.

Clerks Note: Leader marked Randall Jenkins as absent at: 2:15:27 PM

Education Committee – Charles VonCannon, Committee Chairman stated Mike Cole from the Tennessee College of Applied Technology at Elizabethton spoke at the recent meeting. Mr. Cole discussed the TN Promise lottery fund's many uses.

Highway Committee – Committee Chairman Mike Hill reported that no recommendations had been made by the committee. He did however, report that the Railroad Grade Bridge located in Roan Mountain area had been inspected by the State. It was found by the State to be unsafe and would be closed soon.

Landfill Committee – Bobbie Gouge-Dietz, Committee Chairwoman presented the following report and recommendations.

Northeast Correctional Facility has requested used bicycles that come through the Landfill be donated to a program where inmates refurbish them and give to the children of the inmates at Christmas time.

Chairwoman Dietz reported this would free up areas in the landfill and Benny Lyons, Landfill Director, as well as County Attorney, Joshua Hardin had approved this recommendation.

Motion was made by Bobbie Gouge-Dietz, seconded by Mike Hill, to donate bicycles which come through the Landfill to the Northeast Correctional Facility to be refurbished by inmates and be presented to children of the inmates at Christmas. (Item # 13)

Discussion period was held. It was stated this was a way in which items could be refurbished and given back to the community. A representative from the facility would be responsible for picking up the bikes at the Landfill.

Roll Call Vote as follows (Item # 13):

13. Vote Results for: Item No. 13
Time of Vote: 2:24:20 PM
Type of Vote: 50% 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 was absent
Danny Ward voted: Y
Ross Garland voted: Y
Bobbie Gouge-Dietz voted: Y
Timothy Holdren voted: Y
Randall Jenkins was absent
John Lewis voted: Y
Larry Miller voted: Y
Sonja Culler voted: Y
Ray Lyons voted: Y
Scott Simerly voted: Y
Robert Carroll voted: Y
Robert Gobble voted: Y
Cody McQueen voted: Y

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

Mrs. Deitz reported that a field trip to Newton, North Carolina was planned, to tour the Republic Services single stream recycling system and invited any Commissioner interested to attend.

Mrs. Deitz stressed that all Commissioners read the Landfill Minutes and encouraged Commissioners to consider a pay equity scale for all county employees which she felt is needed.

During discussion it was stated that a Recycling Location had been placed on Cottage Avenue and Lynn Avenue by the City of Elizabethton and is available for all citizens.

Law Enforcement Committee – Cody McQueen, Chairman thanked the fellow Commissioners for approval of the County Employee's Bonus.

Records Commission – Cody McQueen announced that a Workshop was set for October 19, 2015 in regards to an Archives Department.

Nominating Committee --Chairman Ronnie Trivett reported that no recommendations are to be made at this time.

Park & Recreation Committee – No report.

Rules & By-Laws Committee – No report.

Agriculture Committee – Representative Ross Garland, Committee Chairman, presented a brief report concerning the meeting which was held on September 15, 2015. Officers were elected. The duties of the officers and members was discussed. The replacement for Keith Hart was made,

being Ms. Nina Fisher who will begin October 1, 2015 upon recommendation from University of Tennessee with final decision being made by the Committee.

Invitation was extended to Ms. Fisher to be present at the next Commission Meeting.

Carter County Tomorrow – Danny Ward, Committee Co-Chairman presented the report and noted the minutes of the August 25, 2015 were in the packets for review.

Commission Chairman, Leon Humphrey requested that Susan Robinson come to the podium. Ms. Robinson presented a report concerning the Select Tennessee and her role with the program.

Attorney/Client Session – Chairman Leon Humphrey ask that all members of the audience to please exit the courtroom during the Attorney/Client Session of the Commission Meeting.

Chairman Leon Humphrey called the meeting back to session.

Motion was made by Ronnie Trivett, seconded by Willie Campbell, **to set aside up to \$20,000 for the counselor, Attorney Hardin, to go ahead with this lawsuit, with up to \$20,000 to help hire someone, who he needs to, at his discretion to help in this lawsuit.** (Item # 14)

Discussion – Commissioner Danny Ward, stated that he “could not see, using taxpayers money to sue ourselves.”

Chairman Leon Humphrey called for a roll call vote.

Roll Call Vote as follows (Item # 14):

14. Vote Results for: Item No. 14
Time of Vote: 3:36:12 PM
Type of Vote: 50% 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: N
Al Meehan voted: N
Bradley Johnson voted: Y
Ronnie Trivett voted: Y
Charles Von Cannon voted: N
Isaiah Grindstaff voted: Y
L.C. Tester was absent
Danny Ward voted: N
Ross Garland voted: Y
Bobbie Gouge-Dietz voted: Y
Timothy Holdren voted: Y
Randall Jenkins was absent
John Lewis voted: Y
Larry Miller voted: Y
Sonja Culler voted: N
Ray Lyons voted: Y
Scott Simerly voted: N
Robert Carroll voted: Y
Robert Gobble voted: Y
Cody McQueen voted: Y

Passed (16 Y - 6 N - 1 A - 2 Absent)
Number of Abstain Votes: 1

County Attorney Report – Joshua Hardin – Items discussed included the following:

General Litigation update:

1. Litigation pending against PIC and CCT is progressing. Details discussed in Attorney/Client executive session.
2. Obtained default Judgment against all remaining defendants in the 2010-2011 delinquent tax sale. Sale is scheduled for Friday, November 13th at 10:00 AM. It was noted that approximately 90 parcels are scheduled to be sold.
3. County was not named in any new litigation this month.

Other Work performed/ongoing:

1. Research completed this month and opinions rendered for various county offices and Commissioners and multiple meetings attended this month as requested.
2. Drafted the contract to memorialized the county's agreement with CCRS for continued operation.
3. Finalized Tweetsie Trail donation.
4. Completed the initial draft of the updated Rules and procedures of the Commission as requested by the Rules & Bylaws Committee, any necessary revisions will be discussed at the next committee meeting before presentation to the full commission.
5. Prepared the Privatization Resolution for consideration this month and reviewed the contract to be renewed with TRMT.
6. Working with Highway Superintendent, Roger Colbaugh, on the legal issues surrounding the closing of the bridge on Old Railroad Grade Road.

Commissioner Comments included the following items:

Robert Carroll – Disclaimers and its effect of being read or not read during the meeting. Attorney, Joshua Hardin stated that disclaimers should be read at all meetings, however if not read and meeting continues without objection, meeting continues.

Larry Miller – Commissioner pay for attending meetings. Interim Finance Director, Christa Byrd stated that current policy stated that members must be present for one (1) hour or the entire meeting if meeting adjourns in less than one (1) hour.

Charles VonCannon – Encouraged everyone to read the U.S. Constitution, researching the job description of the Supreme Court members.

Robert Gobble – Extended congratulations to Chairman, Leon Humphrey and Vice-Chairman, Buford Peters upon being re-elected as such.

Adjourn

Motion to adjourn was made by Mike Hill, seconded by Robert Gobble. By majority voice vote, **motion carried.**

Meeting Ended at: 3:43:34 PM

August 2015 Donations

Animal Shelter Donation- Pernille Urban	10.00
Animal Shelter Donation- Herbert Reece	25.00
Animal Shelter Donation- Keith Bishop	50.00
Animal Shelter Donation- Julie Galle	100.00
Animal Shelter Donation- Chelsea Smith	10.00
Total	10.00
	<u>\$ 195.00</u>

AGENDA
CARTER COUNTY, TENNESSEE
Board of County Commissioners
REGULAR SESSION
Monday, September 21st at 9:00 AM

1. Call to Order
2. Courthouse-Emergency Egress Plan
3. Roll Call-County Clerk
4. Opening Prayer
5. Pledge of Allegiance
6. Recognition of Elected and Appointed Officials/Guests
7. Public Comments
8. Election of Commission Officers
 - A. Chair
 - B. Vice Chair
9. Acceptance of Minutes from Previous Meeting
10. Notaries/Bonds
11. Veterans Service Officer Interviews & Appointment
12. Tennessee Risk Management Trust Intergovernmental Cooperative Agreement
13. Resolutions
 - A. Northeast Correctional Complex Privatization
14. Committee Reports/Recommendations
15. Attorney Client Session regarding PIC/CCT Litigation
16. County Attorney Report
17. Commission Comments
18. Adjourn

Tennessee Risk Management Trust

INTERGOVERNMENTAL COOPERATIVE AGREEMENT

Effective Date: July 1, 2015

This Intergovernmental Cooperative Agreement (the "Agreement") is made by and among the Boards of Education and Boards and Commissions of the public entities hereinafter identified by written acceptance, each of which may be referred to hereinafter as a "Member" and which, collectively, may be referred to hereinafter as the "Members".

WHEREAS, Tennessee law identified as the Interlocal Cooperation Act (Tenn. Code Ann. §§ 12-9-101, *et seq.*) and the Tennessee Governmental Tort Liability Act (Tenn. Code Ann. §§ 29-20-101, *et seq.*), with special emphasis on section 401, provide that public entities may contract with one another to perform any activity authorized by law.

NOW, THEREFORE, each Member mutually agrees as follows:

ARTICLE I

Establishment and Purpose of Intergovernmental Entity

- 1.1 Pursuant to the provisions of the Tennessee Interlocal Cooperation Act and the Tennessee Governmental Tort Liability Act, and the policies from time to time promulgated by the Board of Trustees, the Members hereby affirm the establishment of the Tennessee Risk Management Trust ("TNRMT" or the "Trust").
- 1.2 The purpose of the Trust is to provide self-insurance and risk management products of various kinds, including but not limited to casualty and property indemnification and to administer some or all insurance coverage and self-insurance protections. Nothing herein shall, nor shall participation in this Trust, constitute a waiver of immunities or defenses provided under the Tennessee Governmental Tort Liability Act or otherwise. The Trust shall also carry out such claim, accident, premium alteration and educational programs, as may be authorized by its Board.
- 1.3 The Members also intend, by the creation of the Trust, to allow Members to equalize annual fluctuations in insurance costs by establishing a program through the Trust whereby reserves may be created and temporary deficits of individual Members covered and, ultimately, to equalize the risks and stabilize the costs of providing casualty and property protections of the type contemplated hereunder.

ARTICLE II

Terms and Conditions

- 2.1 The Tennessee Risk Management Trust, pursuant to the authority granted in the Tennessee Interlocal Governmental Cooperation Act and policies from time to time promulgated by its governing board (the "Board" or the "Board of Trustees"), shall hold all assets, obligations and debt of the respective Members from the onset (7-1-1987) of the obligations governed by this Agreement.

ARTICLE III

Section 115 Classification

- 3.1 The TNRMT is entitled to characterization of excludable income pursuant to Section 115 of the Internal Revenue Code. The Trust will derive its income from the performance of essential governmental functions exclusively for political subdivisions of the State of Tennessee.

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ARTICLE IV
Definitions used in this Agreement

- 4.1 Administrator – the manager of the trust's operations with responsibility as further defined in section 9.2 Trust Officers and TNRMT policies.
- 4.2 Account - An account of monies established by the Members and held by the Trust to pay the joint administrative expenses of and fund certain coverages provided to the Members and to purchase aggregate excess, specific excess, or any other insurance as determined by the Board of Trustees. The funds within the Account may also be used to pay premiums or claims for the Members.
- 4.3 Account Funds - Funds within the Account.
- 4.4 Annual Contribution - The amount of money determined to be due annually to fund the account, pay claims and to pay expenses.
- 4.5 Coverage - Those provisions and coverages that are approved and adopted by and for each Member and incorporated herein by reference. Each Member may, from time to time adopt one or more new or substituted coverage administered under this Agreement.
- 4.6 Effective Date - The Member's entry date or July 1 of each year.
- 4.7 Fiscal Year - The twelve-month period commencing on July 1, lasting through June 30 of the year following.
- 4.8 Board - The Board of Trustees of the Tennessee Risk Management Trust.
- 4.9 Chairman - The Chairman of the Board of Trustees of the Tennessee Risk Management Trust.

ARTICLE V
Authority and Duties of the Trust

- 5.1 The Trust shall have the authority and duty to accomplish the purpose set forth in Article I above and, in furtherance of such authority and duty shall:
- (a) Contract for the services of agents, independent contractors, investment counsel, accountants, insurance consultant-claims administrators, attorneys, auditors and such other persons as may be necessary to administer and accomplish the purposes of the Trust; provided, however, that the Trust shall not have the authority to enter into any collective bargaining agreement;
 - (b) Carry out educational and other programs relating to accident and casualty claims reductions;
 - (c) Direct the collection and payment of funds to be used for the administration of the Trust and the provision of coverages hereunder;
 - (d) Cause to be purchased, aggregate excess, specific excess and other types of insurance as recommended by the Administrator;
 - (e) Prepare annual reports of claims filed and paid by the Trust;
 - (f) Obtain annually, an audited report of the financial affairs of the Trust in a form acceptable under State law and regulation;
 - (g) Receive and hold all payments and contributions paid to it;
 - (h) Have authority and discretion to invest and reinvest all or any part of the funds received under this Agreement, subject to the Investment Policy adopted by the Board of Trustees and applicable law;
 - (i) Own, manage, purchase, sell, contract to purchase or sell, transfer and otherwise deal with all property constituting the Account or Account Funds, in such a manner, for such considerations, and on such terms and conditions as the Trust shall decide;
 - (j) Retain in cash any reasonable portion of the Account Funds pending investment, reinvestment or payment of benefits and deposit such cash in any depository selected by it;

- (k) Begin, maintain, or defend any litigation necessary in connection with the investment, reinvestment and administration of the Account or Account Funds;
- (l) Have all rights of an individual owner of property;
- (m) Hold securities or other property in the name of the Trust or its nominee or nominees, or in such other form as it determines best, with or without disclosing the fiduciary relationship, provided the records of the Trust shall indicate the actual ownership of such securities or other property;
- (n) Retain any funds or property subject to any dispute without liability for the payment or delivery thereof until final adjudication is made by a court of competent jurisdiction;
- (o) Pay any estate, inheritance, income or other tax, charge or assessment attributable to any benefit which, in the Board of Trustees' opinion, it shall or may be required to pay out of such benefit; and to require before making any payment such release or other document from any taxing authority and such indemnity from the intended payee as the Trust shall deem necessary for its protection;
 - (1) Furnish the Members with such information in the Trust's possession as the Members may need for related purposes;
 - (2) Perform any and all acts in its judgment necessary or appropriate for the proper and advantageous management, investment and distribution of the Account or Account Funds;
 - (3) Deposit securities with a corporate depository;
 - (4) Maintain a separate and distinct record of the securities owned by the said Trust and to maintain integrity of various program funds as determined by the Board;
- (p) Carry out such other activities as are necessarily implied or required to carry out the purpose of the Trust specified in Article I, or the specific activities enumerated in Article III of this Agreement.

ARTICLE VI Term of Agreement

6.1 The term of this Agreement shall commence on July 1, 2015. This Agreement shall replace all previous Intergovernmental Agreements for the Tennessee School Boards Risk Management Trust, Tennessee School Boards Liability Trust and the Tennessee School Boards Workers Compensation Trust and all other agreements in conflict herewith, provided that the provisions of the prior agreements shall govern the relationship between the Trust and any entity that was a Member of the Trust, but is not a Member as of July 1, 2015.

ARTICLE VII Board of Trustees

7.1 The Trust shall be managed by a Board of Trustees. The Board of Trustees shall consist of individuals identified as follows:

- (a) There shall be nine (9) Trustees. The Trustees shall be elected by the Membership in a manner as prescribed in the policies of the Trust. The term of each Trustee shall be three years.
- (b) Resignation of a Trustee. Any Trustee may resign upon giving notification in writing to the Trust Chairman or the Trust Administrator in accordance with the applicable Trust policy.
- (c) Removal of a Trustee. A Trustee shall be removed by the Board of Trustees according to the policies of the Trust.
- (d) Appointment of Successor Trustees. Upon the death of a Trustee, resignation of a Trustee, or removal of a Trustee, a person shall be appointed to fill the vacant position.
- (e) Amendment of Agreement. The provisions of this Agreement may be amended by the Board of Trustees at any time and from time to time; provided that any amendment shall not be effective until July 1 following the adoption of the Amendment.

7.2 The Board shall carry out the purposes and duties of the Trust, as set forth in Articles I and III of this Agreement, through its Administrator or other agents and employees, including, but not limited to, the following:

- (a) Making changes in policy for the Trust;
- (b) Selecting agents and independent contractors to act for the Trust;
- (c) Determining the compensation for all such agents, and independent contractors;
- (d) Procuring fidelity bonds for employees or other persons, as required by this Agreement or by law;

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- (e) Preparing the annual budget of the Trust and any amendments to that budget;
- (f) Approving education and other programs relating to claim reduction;
- (g) Obtain or preparing and submitting to the Members the financial reports and reports of claims;
- (h) Approving new Members;
- (i) Expelling Members in accordance with the provisions herein;
- (j) Such other activities as are necessarily implied or required to carry out the purposes of the Trust.

7.3 No Trustee shall receive any salary for services from the Trust but each Trustee shall receive a stipend for attendance at any regular or called meeting of the Board of Trustees, the amount of which shall be determined by the Board. In addition, any Trustee or other officer of the Trust may submit to the Trust for approval, and be reimbursed for, expenses incurred in the pursuit of his or her position. Reimbursement for such expenses shall be in accordance with procedures and policies established by the Board of Trustees consistent with the terms of this Agreement.

ARTICLE VIII Meetings of the Board of Trustees

- 8.1 Quarterly meetings of the Board of Trustees shall be held; however, the Board of Trustees may choose to forego certain meetings if no business matters are pending at that time. Any item of business may be considered at a regular meeting.
- 8.2 A meeting may be called at any time by the Chairman or a majority of the Trustees upon giving ten (10) days written notice to all Trustees. An emergency meeting may be called upon agreement of all Trustees or with no less than three (3) days written notice provided that all Trustees have been notified of such a meeting. An agenda specifying the subject of any special meeting shall accompany such notice and only business included on that agenda may be transacted. -
- 8.3 The time, date and location of regular meetings of the Board shall be determined by the Board.
- 8.4 No proxy votes shall be permitted.
- 8.5 A quorum shall consist of a majority of the Trustees. Except as provided in this Agreement, a simple majority of Trustees present and voting at a duly constituted meeting shall be sufficient to pass upon all matters.
- 8.6 The Trustees shall adopt policies which shall govern and control the operation and administration of the Trust which shall not be in conflict with any terms and provisions of this Agreement.
- 8.7 Minutes of all regular and special meetings of the Board shall be sent to all Trustees.
- 8.8 All meetings of the Board shall be conducted in the manner required by law. In the event of any conflict between any provision of this Agreement and any provision of any applicable law, this Agreement shall be deemed modified to the extent necessary to comply with such law. In addition to any notices of meetings required to be served under this Agreement, the Administrator shall cause to be published any schedule or notice of meeting of the Board required by law in the Trust newsletter and/or website.

ARTICLE IX Trust Officers

- 9.1 Officers of the Trust shall consist of a Chairman, a Vice-Chairman, the Administrator and such other officers as are established from time to time by the Board. All officers shall be elected by the Board, except the Administrator, who shall be employed by and serve at the pleasure of the Board.
- 9.2 The Administrator shall be the chief executive officer of the Trust, shall supervise and control the day-to-day operations of the Trust and shall carry out the purpose of the Trust as directed by the Board.

**ARTICLE X
MEMBER CONTRIBUTIONS**

10.1 Payments into the Account will be developed and administered in the following manner:

- (a) The Trustees will determine the amount of total payments from all of the Members necessary to fund current and anticipated costs of the Trust based on recommendations from the administrator, Trust actuaries and underwriters. The factors to be considered in determining each Member's annual payment shall include but not be limited to, all areas of relative claim exposure and claim or loss experience of the Member.

10.2 It is agreed that if the assets in the Account are at any time insufficient, in the opinion of the Trustees, to enable it to discharge its obligations, then the Trust shall have the right and responsibility to assess all Members which have participated in the Trust during any part of the period of insufficiency such total amount as is, in the opinion of the Board of Trustees, required to end the insufficiency and each Member shall have the duty to pay its proportionate amount of the total. Such proportionate share will be determined based on the individual Member's size, relative to the size of the entire group for the year/s where such insufficiency exists.

**ARTICLE XI
Plan of Coverages**

11.1 It is the intent of the Trust to provide indemnity for covered losses. Such indemnity shall be subject to the terms of the Coverage Document, various excess or reinsurance agreements and additional administrative policy as established by the Board of Trustees for each coverage period beginning on July 1 and ending on June 30 of each coverage year.

**ARTICLE XII
Excess Insurance**

12.1 The Trust may cause to be purchased, excess insurance or reinsurance from a company permitted to do business in the State by the Tennessee Department of Commerce and Insurance.

12.2 Membership in the Trust shall not preclude any Member from purchasing any insurance coverage above those amounts determined by the Board of Trustees.

**ARTICLE XIII
Obligations of Participating Members**

13.1 The obligations of each Member shall be as follows:

- (a) To pay promptly all payments to the account at such times and in such amounts as are established within the scope of this Agreement;
- (b) To cooperate fully with the Administrator, Program Manager, claims administrator, the Trust's attorneys and auditors, and any agent, employee, officer, or independent contractor of the Trust in any matter relating to the purpose and powers of the Trust.
- (c) To furnish the Administrator any information reasonably required to carry out the purposes of the Trust as required by the Trust's Policies.

ARTICLE XIV
Liability of Trustees and Officers

- 14.1 The Trustees and the officers of the Trust, including the Administrator, shall use ordinary care and reasonable diligence in the exercise of their authority and in the performance of their duties. They shall not be liable for any mistake of judgment or other action made, taken, or omitted by them in good faith, nor for any action made, taken, or omitted by any agent, employee, or independent contractor selected with reasonable care, nor for loss incurred through investment of the Trust's funds or failure to invest. No Trustee or officer shall be liable for any action taken or omitted by any other Trustee or officer. The Account shall be used to defend, indemnify and hold harmless any Trustee or officer of the Trust for actions taken by the Board or performed by the Trustee or officer within the scope of this authority.
- 14.2 The Trust shall defend, indemnify and hold harmless to the full extent permitted by law any person who is or was a Trustee, officer, employee, or agent of the Trust, provided that actions by the Trustee, officer, employee or agent are consistent with the scope of their responsibilities under this agreement and such actions are not in conflict with formal, written opinions of Trust attorneys. In addition, the Trust may purchase and maintain insurance on behalf of any person who is or was a Trustee, officer, employee or agent of the Trust, against any liability asserted against him or her and incurred by him or her in any such capacity, or arising out of his or her status as such, regardless of whether the Trust would have the power to indemnify him or her against such liability.

ARTICLE XV
Contractual Obligation

- 15.1 The obligations and responsibilities of the Members set forth in this Agreement, including the obligation to take no action inconsistent with this Agreement as originally written or validly amended, shall remain a continuing obligation and responsibility of each Member. This Agreement may be enforced in law or equity, either by the Trust or by any Member. The consideration for the duties imposed upon the Member by this Agreement is based upon the mutual promises and agreements of the Members as set forth herein and the advantages gained by the Members through participation herein.
- 15.2 All governmental subdivisions participating in or benefiting from this Agreement remain liable for their proportionate share of all losses incurred by the Trust during their Membership or participation in the Trust, regardless of their withdrawal from or the complete termination of the Trust. The Members intend, in participation in the Trust, to establish an organization for joint administration of risk management programs within the scope set forth in this Agreement only and do not intend to create between Members any additional relationship of partnership, surety, indemnification or liability for the debts of or claims against another.

ARTICLE XVI
Expulsion of a Member

- 16.1 By a two-thirds (2/3) vote of the entire Board of Trustees, any Member may be expelled from the Trust. Such expulsion, which shall take effect in the manner set out below, may occur whenever,
- (a) a Member fails to perform any obligation under this Agreement,
 - (b) failure or refusal to make payments and supplemental payments due, or
 - (c) activities by a Member detrimental to the purposes of the Trust.
- 16.2 No Member may be expelled except after notice from the Trust of the alleged failure and after a reasonable opportunity of not less than fifteen (15) days to cure the alleged failure. Within such fifteen-day (15) period, the Member may request a hearing before the Board before any decision is made as to whether to expel. The Board shall set the date for such hearing, which shall not be less than fifteen (15) days after expiration of the time to cure. The Board may appoint a hearing officer to conduct such hearing and make a recommendation to the Board based upon findings of fact; provided, however, that if the hearing is conducted by a hearing officer, the Member may request a further hearing before the Board. Such request shall be in writing and addressed to the Chairman.

Approved: 2-15-2015

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If the Board conducts the hearing itself, it may make a decision at the close of the hearing. Expulsion of a Member after notice and hearing set forth in this Section shall be final.

- 16.3 After expulsion, the former Member shall continue to be fully liable for any payment due to the Account and any unfulfilled obligation as if it were still a Member of the Trust.
- 16.4 The Trust shall have no obligation with respect to claims incurred under the terminated coverage of an expelled Member after the effective date of such expulsion.
- 16.5 The obligation of the Trust to administer claims incurred under the coverage of an expelled Member prior to the effective date of expulsion shall continue for such claims as may have been or may be validly filed. Within sixty (60) days after an expulsion, or within sixty (60) days of the resolution of all outstanding claims if such occurs later, a final accounting of payments owed by or claim payments owing to said expelled Member shall take place and any amount found to be owed by such expelled Member shall be immediately paid into the Account by such Member and any amount found to be owed to such former Member shall be immediately paid from the Account to such former Member. An expelled Member will not have any right, title, or interest in any funds of the Trust other than explained in this paragraph except upon termination of the Trust as detailed in Article XVIII below.

ARTICLE XVII

Withdrawal from the Trust

- 17.1 No Member shall have the right to withdraw from the Trust during the twelve (12) month period immediately following the Member's initial effective date. Thereafter, a Member may withdraw effective June 30 of any year by providing written notice of withdrawal to the Trust. To be effective, the notice must be received at least sixty (60) days prior to July 1st of the program year. The Members acknowledge that this notice requirement is necessary in order to avoid irreparable financial jeopardy to the other Members of the Trust. Therefore, withdrawal without such notice will not be accepted.
- 17.2 The obligation of the Trust to administer claims incurred under the coverage of a withdrawing Member prior to the effective date of withdrawal shall continue for such claims as may have been or may be validly filed. Within sixty (60) days after such withdrawal, or within sixty (60) days of the resolution of all outstanding claims if such occurs later, a final accounting of payments owed by or claim payments owing to said withdrawing Member shall take place and any amount found to be owed by such withdrawing Member shall be immediately paid into the Account by such Member and any amount found to be owed to such former Member shall be immediately paid from the Account to such former Member. A withdrawing Member will not have any right, title, or interest in any funds of the Trust other than explained in this paragraph except upon termination of the Trust as detailed in Article XVIII below.

ARTICLE XVIII

Termination of the Trust

- 18.1 The Trust shall survive in perpetuity or upon the occurrence of any one of the following events:
- (a) A final determination by a court of competent jurisdiction, after all appeals have been exhausted or time for appeal has expired, that the Trust is invalid or contrary to law.
 - (b) The Board of Trustees determines that the number of Members is not sufficient to support the appropriate spread of risk.
- 18.2 Upon termination of the Trust, the rights and duties of the Trust to each Member and the rights and duties of each Member to the Trust shall be the same as those with respect to a withdrawing Member for purposes of claim administration and resolution.
- 18.3 Upon termination of the Trust, all assets of the TNRMT shall be liquidated. All funds as a result of such liquidation, including all cash assets of the Trust, shall be used to pay outstanding claims and administration of

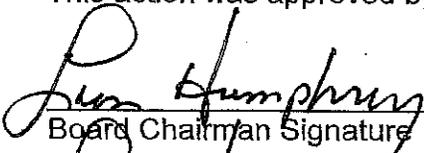
such claims until all claims are permanently adjudicated and settled. After all obligations of the Trust are met, a determination shall be made by Trust actuarial consultant (the "Actuary") as to whether a surplus or deficit exists. In the event of surplus, the Actuary shall determine the surplus position of the Trust for all historical years of operation. Any amounts available in those historical years of operation will be distributed to Members and former Members who held valid Membership during such surplus years. Those Members entitled to receive a distribution shall receive funds relative to the Member's size from the year of participation and surplus relative to that year as determined by the Actuary and the Trust's accountants. Likewise, such Members and former Members will be assessed for any year of participation in which a deficit existed, as determined by the Actuary and the Trust's accountants, after all obligations of the Trust are met after termination. The determination of the Actuary and the Trust's accountants shall be final and binding upon all parties.

ARTICLE XIX Miscellaneous

- 19.1 **Section Headings.** The section headings inserted in this Agreement are for convenience only and are not intended to, and shall not be construed to limit, enlarge or affect the scope or intent of this Agreement or the meaning of any provision hereof.
- 19.2 **Validity and Savings Clause.** In the event any provision of this Agreement shall be declared by a final judgment of a Court of competent jurisdiction to be unlawful or unconstitutional or invalid as applied to any Member, the lawfulness, constitutionally or validity of the remainder of this Agreement shall not be deemed affected thereby.
- 19.3 **Counterpart.** This Agreement, and any amendments thereto, may be executed in any number of separate documents which taken together shall constitute a single instrument.
- 19.4 **Notice.** Any notice required by this Agreement shall be in writing and shall be deemed to have been given when:
- (a) notice is sent via United States Post Office, registered or certified mail, postage prepaid, return receipt requested, and addressed as follows:
 - If to the Trust: To such address as is specified by the Trustees.
 - If to the Members: To the address as the Members from time to time offer for publication.
 - (b) notice is sent via electronic mail addressed as follows:
 - If to the Trust: To the e-mail address last specified on the Trust's website
 - If to the Members: General notice is posted on the Trust's website and specific notice to Members is sent to the last known e-mail address for such Member.
- 19.5 **Authorized Signatures.** This Agreement shall be executed on behalf of the Member by its duly authorized officer and shall be forwarded, in duplicate, to the Tennessee Risk Management Trust.
- 19.6 **Acknowledgement and Acceptance.** The Trust shall acknowledge receipt of this Agreement and acceptance hereof by noting hereon in the space provided the Effective Date of its acceptance and shall return a fully executed copy hereof to the Member.
- 19.7 **Obligations of the Parties.** The obligations and rights of the parties under this Agreement shall commence upon the effective date of the Trust's acceptance noted hereon.

Signature Page
Page number 10 of 10 Pages
TNRMT Intergovernmental Agreement
Effective date: 7-1-2015

This action was approved by the Carter County Commission at a meeting held on September 21, 2015
(political subdivision)


Board Chairman Signature

9/22/2015
Date


Chief Executive Signature

9/22/2015
Date

RECEIVED AND ACCEPTED BY THE TENNESSEE RISK MANAGEMENT TRUST:

EFFECTIVE DATE: _____

SIGNED TITLE DATE

Carter County
General Fund 101
Budget Amendment #2
21-Sep-15

Item # 1	49700 Insurance Recovery				
	54110-338 Maintenance and Repair- Vehicles	\$	479.40	\$	479.40 Decrease Increase

Recognize insurance reimbursement for damage to SO vehicle.

Item # 2	44170 Miscellaneous Refunds				
	54240-309 Contracts with Government Agencies	\$	27.43	\$	27.43 Decrease Increase

Recognize refund for juvenile medication.

Item #3	41120 Animal Registration				
	51600-719 Other Contracted Services	\$	1,260.00	\$	1,260.00 Decrease Increase

Reallocate funds received for spay/neuter services.

Item #4	47180 Community Development				
	58190-399-061 Other Supplies & Materials	\$	4,000.00	\$	4,000.00 Decrease Increase

Recognize CDBG for water system improvements.

Item #5	51600-499 Other Supplies & Materials				
	51600-719 Office Equipment	\$	100.00	\$	100.00 Decrease Increase

Reallocate funds within the Register of Deeds budget.

Item #6	34166 Reserved for Automation-Clerk & Master				
	53400-320 Dues & Memberships	\$	105.00	\$	16,755.00 Decrease Increase
	53400-348 Postal Charges	\$	2,100.00		Increase
	53400-399 Other Contracted Services	\$	7,000.00		Increase
	53400-719 Office Equipment	\$	7,550.00		Increase

Reallocate funds reserved from previous year for data conversion & office equipment purchase.

Item #7	39000 Unassigned Fund Balance		\$	16,299.30	Decrease
	58300-105 Supervisor/Director	\$	7,910.90		Increase
	58300-201 Social Security	\$	490.48		Increase
	58300-204 State Retirement	\$	1,181.89		Increase
	58300-207 Medical Insurance	\$	6,366.12		Increase
	58300-208 Dental Insurance	\$	235.20		Increase
	58300-212 Employer Medicare	\$	114.71		Increase

Allocate funds for Veteran's Service position.

Item #8-	64000-160 Guards	\$	3,576.40		Increase	
	64000-196 In-Service Training			\$	2,000.00	Decrease
	64000-201 Social Security	\$	221.74		Increase	
	64000-204 State Retirement	\$	2,892.38		Increase	
	64000-206 Life Insurance	\$	27.00		Increase	
	64000-207 Medical Insurance	\$	4,774.59		Increase	
	64000-208 Dental Insurance	\$	176.40		Increase	
	64000-210 Unemployment			\$	177.59	Decrease
	64000-212 Employer Medicare	\$	51.87		Increase	
	64000-336 Maintenance & Repair Service			\$	250.00	Decrease
	64000-355 Travel	\$	250.00		Increase	
	64000-499 Other Supplies & Materials			\$	6,896.40	Decrease
	64000-599 Other Charges			\$	2,646.39	Decrease

Reallocate within Litter funds for full time position.

Item #9	34170 Reserved for Buildings and Grounds		\$	9,436.53	Decrease
	51800-335 Maintenance & Repair- Buildings	\$	9,436.53		Increase

Reallocate funds reserved from previous year.

Item #10	34990-90 Reserved for Litter Donation		\$	1,000.00	Decrease
	64000-599-90 Other Charges	\$	1,000.00		Increase

Reallocate Clean Teens Donation from previous year.

Item #11	34990-27 Reserved for Jail Garden		\$	107.57	Decrease
	54210-599-27 Other Charges	\$	107.57		Increase

Reallocate Jail Garden Donation from previous year.

Item #12	34990-32 Reserved for Sheriff		\$	75,250.00	Decrease
	54110-718 Motor Vehicles	\$	75,250.00		Increase

Reallocate 14-15 SRO funds from Sheriff Reserve for purchase of vehicles.

Item #13	34157 Reserved for Sexual Offender Registration		\$	24,000.00	Decrease
	54110-716 Law Enforcement Equipment	\$	24,000.00		Increase

Reallocate from Sheriff Reserve for purchase of visitor management system to be placed in schools.

Item #14	34990-34 Reserved for Other Gen Purposes-Securis		\$	17,000.00	Decrease
	54210-716 Law Enforcement Equipment	\$	17,000.00		Increase

Allocate funds from Securis Reserve for purchase of radios for the jail.

Item #15	34990-36 Reserved for Other Gen Purposes-Commissary		\$	14,786.85	Decrease
	54210-716 Law Enforcement Equipment	\$	14,786.85		Increase

Allocate funds from Commissary Reserve for purchase of radios for the jail.

Item #16	44170 Miscellaneous Refunds		\$	73.83	Decrease
	54210-422 Food Supplies	\$	73.83		Increase

Recognize refund from PFG Hale.

Item #17	44170 Miscellaneous Refunds		\$	6.00	Decrease
	54110-435 Office Supplies	\$	6.00		Increase

Recognize refund from Progressive Insurance for report costs.

Item #18	44170 Miscellaneous Refunds		\$	15.40	Decrease
	54110-435 Office Supplies	\$	15.40		Increase

Recognize refund for inmate records request.

Item #19	44170 Miscellaneous Refunds		\$	75.00	Decrease
	54110-338 Towing Services	\$	75.00		Increase

Recognize refund for towing services.

Item #20	44170 Miscellaneous Refunds		\$	35.16	Decrease
	54110-435 Office Supplies	\$	35.16		Increase

Recognize refund from Office Depot.

Item #21	44170 Miscellaneous Refunds		\$	3,500.00	Decrease
	54110-307 Communication	\$	3,500.00		Increase

Allocate Sheriff's Dept. calendar money for wireless internet access to patrol vehicles.

Total	\$	196,177.85	\$	196,177.85	
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Carter County
Federal Projects Fund #142
Beginning Budget Recognitions
21-Sep-15

Item # 1	47141-120 Title I-Focus School Grant				
	71100-116-120 Teachers	\$	25,000.00	\$	95,500.00 Increase
	71100-163-120 Educational Assistance	\$	20,910.00		Increase
	71100-198-120 Non-certified Substitute Teachers	\$	2,500.00		Increase
	71100-201-120 Social Security	\$	3,080.00		Increase
	71100-204-120 State Retirement	\$	5,500.00		Increase
	71100-206-120 Life Insurance	\$	60.00		Increase
	71100-207-120 Medical Insurance	\$	13,500.00		Increase
	71100-208-120 Dental Insurance	\$	580.00		Increase
	71100-210-120 Unemployment	\$	120.00		Increase
	71100-212-120 Employer Medicare	\$	750.00		Increase
	71100-429-120 Instructional Supplies & Materials	\$	500.00		Increase
	72210-524-120 In-service/Staff Development	\$	23,000.00		Increase
 To recognize Focus School Grant for Happy Valley Elementary.					
	Total	\$	95,500.00	\$	95,500.00

Carter County Schools
Food Service Fund 143
Budget Amendment #1
21-Sep-15

Item # 1	73100-162 Clerical Personnel	\$	251.00		Decrease
	73100-299 Other Fringe Benefits			\$	251.00 Increase
 Reallocate funds within Food Service Budget to place Clerical Personnel on correct pay scale.					
	Total	\$	251.00	\$	251.00

Carter County
General Purpose School Fund 141
Budget Amendment #2
21-Sep-15

Item #1	72320-161 Secretary(s)		25,700.00	Decrease
	72320-201 Social Security		1,593.40	Decrease
	72320-204 State Retirement		3,839.58	Decrease
	72320-206 Life Insurance		25.20	Decrease
	72320-207 Medical Insurance		5,196.20	Decrease
	72320-208 Dental Insurance		256.40	Decrease
	72320-210 Unemployment Compensation		80.00	Decrease
	72320-212 Employer Medicare		372.65	Decrease
	72710-161 Secretary(s)	25,700.00		Increase
	72710-201 Social Security	1,593.40		Increase
	72710-204 State Retirement	3,839.58		Increase
	72710-206 Life Insurance	25.20		Increase
	72710-207 Medical Insurance	5,196.20		Increase
	72710-208 Dental Insurance	256.40		Increase
	72710-210 Unemployment Compensation	80.00		Increase
	72710-212 Employer Medicare	372.65		Increase

Reallocate from Director's Budget to Transportation Budget for reassigned employee.

Item #2	49700 Insurance Recovery		\$ 5,778.49	Increase
	72620-399 Other Contracted Services	\$ 1,784.88		Increase
	72810-336-190 Maintenance and Repair Services	\$ 3,993.61		Increase

Recognize insurance reimbursement for lightning damage.

Item #3	44170 Miscellaneous Refunds		\$ 158.00	Increase
	72710-412 Diesel Fuel	\$ 158.00		Increase

Recognize fuel reimbursement from Voc Rehab.

Item #4	46851 State Revenue Sharing - T.V.A.		\$ 155,000.00	Increase
	76100-707 Building Improvements	\$ 155,000.00		Increase

Recognize State Revenue Sharing- T.V.A. funds, allocated to a roofing project at Unaka Elementary

Total	\$ 197,999.92	\$ 197,999.92		
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