

6.1 (a) *File Copy*

FAYETTE COUNTY LEGISLATIVE BODY

September 28, 2010

**BE IT REMEMBERED** that the Fayette County Legislative Body met in regular session at the Bill G. Kelley Criminal Justice Complex in Somerville, Tennessee, on the 28<sup>th</sup> day of September, 2010. Present and presiding was Chairman Rhea Taylor. Also present were the following: Sue W. Culver, County Clerk, Richard Rosser, County Attorney, and James R. "Bobby" Riles, Sheriff, and the following County Commissioners: Ed Allen, Joann Allen, Steve Anderson, Charles Brewer, Odis Cox, Lee "Sissy" Dowdle, Willie German, Jr., Ronald Harris, Reggie Howard, Tom Karcher, Bill Kelley, Terry Leggett, David Lillard, Sylvester Logan, Claude Oglesby, Steve Reeves, Raymond Seals, Myles Wilson, and Larry Watkins.

A quorum was met with all commissioners present.

The floor was opened to the public for comments on non-agenda items. Lisa Fowler, Mary Carr, and Wendell Pegram came forth on behalf of the Metro Farms subdivision. Ms. Fowler asked that the Legislative Body implement some type of ordinance to prohibit the irresponsible discharge of firearms in the county, at least in platted subdivisions. A situation has arisen in their area where teenagers are discharging firearms and endangering the lives of people and pets, as well as property. It was suggested that the group bring a civil action against the violators, to effectively implement a "cease fire" status. Then in the next appropriate committee meeting the matter will be discussed to see if an ordinance can be drawn up by the County Attorney. Ms. Fowler asked that someone enforce a cease fire until this matter is resolved. Chairman Taylor stated that right now there is nothing on the books to help, but that a civil action might be the quickest solution for now. He advised Ms. Fowler to talk to the Sheriff to see what he thinks is the best way to handle the matter, but that the matter would definitely be addressed at the next committee meeting on October 12, 2010.

John Bragorgas addressed the Commission regarding the contract with Henson Construction Services Inc to build a new school. He stated that no elementary school should be built with two stories due to safety issues. Mr. Bragorgas further stated that the contract with Henson Construction Services was not valid because at the time the contract was signed the money had not been appropriated. Mr. Bragorgas also informed the Board that he had spoken with a firm, Barnes and Brower, who stated that they could build the school with a better design for \$2.4 million less than the contract with Henson showed, and the firm pledged to hire local people. He said he had been trying to meet with the school board to show them the offer but had not been able to so far. Chairman Taylor invited Mr. Bragorgas to the Special called meeting on Oct 19, 2010, which will be a joint meeting with the County Commission and the School Board.

Commissioner Dowdle moved that the minutes from August 24, 2010, be approved. The motion was seconded by Commissioner Anderson and passed unanimously.

Commissioner Logan moved that the following be approved as notaries public: Stephanie Bishop, Sherri L. Bowen, Rachel Culver, Justin Lewis, Julie Perrine, Barry A. Ryan, and Kathy J. Shemwell. The motion was seconded by Commissioner Anderson and passed unanimously.

Commissioner Anderson moved that the following rules and procedures for the Legislative Body be adopted for the fiscal year 2010-2011, with specific changes to rule 4(a). The motion was seconded by Commissioner German and passed unanimously:

## FAYETTE COUNTY BOARD OF COUNTY COMMISSIONERS 2010-11

### RULES

Rule 1: Convening the County Legislative Body

The County Legislative Body shall conduct its regular meetings at the Bill G. Kelley Justice Complex on the fourth Tuesday of each month at 7:00 p.m. Should any regular meeting fall on a legal holiday, or if an emergency shall arise, the County Legislative Body shall meet on such other date as shall be selected by the Chairman.

Rule 2: Quorum

A quorum for the transaction of business shall be a majority of the duly qualified and acting members of the County Legislative Body and where vacancy or vacancies exist in the County Legislative the same shall not be included in determining the membership of such County Legislative Body.

Rule 3: Order of Business

1. Call to order by the Presiding Officer
2. Roll Call
3. Invocation
4. Pledge of Allegiance
5. Comments on non-agenda items (10 minute maximum)
6. Reading and approval of minutes of previous meeting
7. Resolutions of memorial, sympathy and commendations
8. Public hearings
9. Elections, Appointment and Confirmations
10. Unfinished Business
  - a. Financial reports
  - b. Reports of Departments and Agencies
  - c. Report of Standing Committees and action thereon
  - d. Report of Special Committees and action thereon
  - e. Other unfinished business
11. New Business
12. Announcements and statements by members, officials and the public
13. Adjournment

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Rule 4: General

Rule 4A: Who May Address the County Legislative Body

It is a Commissioner's right to address the Chairman and the County Legislative Body at any appropriate time after proper recognition by the Chairman, in which recognition will not be arbitrarily denied. Elected and appointed county official with expertise or information necessary for clarification of a matter under consideration by the County Legislative Body may address the County Legislative Body at any appropriate time after proper recognition by the Chair, which recognition will not be arbitrarily denied. Any Commissioner can, after being recognized by the Chair, relinquish his time on the floor to a citizen who has knowledge or expertise concerning the topic being debated. Citizens and their representatives are encouraged to speak for or against any agenda item under consideration and on any non-agenda item following the Pledge of Alliegance. Statements of citizens shall be limited to three (3) minutes per speaker and fifteen (15) minutes total for those speaking in favor and fifteen (15) minutes for those speaking in opposition to an item under consideration. These specified time limits may be extended by majority vote of the County Legislative Body.

Rule 4B: Gaining the Floor

In all cases, the member who shall first raise his hand and address the Chairman shall be entitled to speak first. When two or more members shall raise their hands and address the Chairman at the same time, the Chairman shall name the members who shall speak first followed by the other Member.

Rule 4C: Speaking

When any members wishes to speak in debate, discussion, or deliver any address on any matter whatsoever to the County Legislative Body, they shall respectfully address the Chairman and shall, after being recognized by the Chairman proceed with the remarks, confining such remarks strictly to the question under debate and avoiding all personalities.

Rule 4D: Consent to Yield

While a person is speaking, the speaker shall not be interrupted, except for a question. If the speaker declines to yield, the speaker shall not be interrupted, but shall yield to question at the end of the presentation.

Rule 4E: Points of Order

If any member, speaking or otherwise, transgresses the Rules of the County Legislative Body, the Chairman shall, or any member may, call him into order, in which case the member so-called to order shall immediately cease speaking at which time the point of order shall be at once decided by the Chairman, subject to an appeal to the County Legislative Body. After the decision is rendered, the member having the floor can proceed, subject to the decision made.

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**Rule 4F: Appeal on Ruling**

Any member may appeal to the County Legislative Body any ruling of the Chairman, and a majority vote of the members present shall decide the appeal.

**Rule 4G: Refusal to be in Order**

If any person, member or otherwise, refuses to remain orderly, the Chairman shall have the right to call upon the Sheriff, Deputy Sheriff, or Officer in waiting upon the County Legislative Body to seat such person, and if such person refuses to be seated, or come to order, the Chairman shall have the right to declare such person in contempt and to order his removal from the courtroom. This person may return to the courtroom only on the approval of a majority of the members present.

**Rule 4H: Introduction of a Resolution (Motion)**

Any proposed resolution may be introduced by any member of the County Legislative Body.

**Rule 4I: Committee Referrals**

Any member wishing to introduce a measure which would require consideration or study shall refer the matter to the Chairman and he shall refer it to the appropriate committee without delay.

**Rule 5 Motions and Resolutions****Rule 5A: Introduction and Debate**

Motions may be made only by Commissioners. No motion shall be debated until the same is seconded and stated by the Chairman.

**Rule 5B: Motions in Writing**

When a motion shall be made and seconded, it shall be reduced to writing by the proponent or the Clerk and read by the Chairman prior to any debate or vote.

**Rule 5C: Requiring Roll Call**

Any motion, except a motion involving the appropriation of funds, may be put to the County Legislative Body for a voice vote by the Chairman, provided, however, any member may require a roll call by the raising of the hand or indication otherwise, either before or after the voice vote. All motions concerning appropriation of funds shall require a roll call vote.

**Rule 5D: Vote Required to Pass a Motion**

In order to pass any motion there must be a vote of a majority of the members constituting the County Legislative Body and, not merely a majority of the quorum present.

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Rule 5E: Member May Change Vote

Any member of the County Legislative Body may change his vote before the result of a roll call is announced by the Clerk. It shall be the duty of the Clerk at the end of each roll call, to require of those who passed or were absent when the roll was called if they desire to vote; also, if anyone who has voted wishes to change his vote. Then the result shall be announced by the Clerk.

Rule 5F: Reconsideration of a Motion

When a question has been put to a vote, it shall be in order for any member of the prevailing side to move for reconsideration at anytime during that session of the County Legislative Body. The vote to reconsider requires a majority vote.

Rule 6 Elections and Appointments

Rule 6A: Elections with Nomination from the Floor

When the Chairman is to receive nomination from the floor, a member may nominate only one person. The floor will be kept open until every member has had an opportunity to nominate a person if he so desires before the nominations are closed.

Rule 6B: Appointive Office

The persons nominated will be introduced before the County Legislative Body if practical and a discussion of each appointee shall follow.

Rule 6C: Election or Confirmation

All ballots shall be cast by voice vote as each member's name is called by the Clerk. A majority of the full County Legislative Body is required for election or confirmation except as otherwise provided by state or private act.

Rule 6D: Second Ballot

If no one is elected on a given ballot, the person receiving the smallest number of votes will be dropped and the ballots cast again until a person is elected by the required majority.

Rule 7 County Legislative Body Committees

The members of all committees of the County Legislative Body, including standing committees, will be nominated by the County Mayor, and shall be approved by a majority vote of the County Legislative Body. Any commission member may call for a vote on individual approval of committee members. Each and every member shall have the opportunity to serve on one committee. In the event a member is not able to serve, the position shall be filled in the manner the positions were originally filled.

Rule 8 Appropriation Request

Any and all requests requiring expenditure of local county funds shall be submitted in writing to the County Mayor for review by the appropriate committee and shall have an estimated cost included in or attached to the request or resolution. A reasonable summary of the request shall be included in or attached to the agenda which shall be available to all members of the County Legislative Body.

Rule 8A: Appropriations Except by Bond Issue

Any and all appropriation except bond issues, to be assessed or approved must be filed in triplicate, the original with the County Mayor and copies to the Chairman and the Chairman of the appropriate committee at least fifteen days prior to the meeting of the County Legislative Body

Rule 8B: Appropriations by Bond Issue

Notice of all proposed appropriations by bond issue shall be filed in triplicate, the original with County Mayor and copies to the Chairman and Chairman of the appropriate committee at least fifteen days prior to the meeting of the County Legislative Body. The notice shall contain the proposed amount of the bond issue, the purposes for which the bonds are to be issued, and the term of the bond issue.

Rule 8C: Committee Recommendations

The committee to which the request has been referred shall assume one of the following positions: (1) adoption recommended, with or without conditions; (2) rejection recommend; or (3) submitted to the County Legislative Body without recommendation.

Rule 9 Amending or Suspending the Rules

Any rule or rules may be suspended or amended at any time by the county Legislative Body by a two-thirds majority of the members.

Rule 10 Robert's Rules of Order

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All matters not covered herein shall be governed by Robert's Rules of Order as contained in the latest copyrighted edition.

Rule 11 Presiding Officer

Rule 11A: Election

Annually, at its first session in September, the County Legislative Body shall elect a Chairman and a Chairman Pro Tempore. The Chairman may be a member of the County Legislative Body or the County Mayor. If the County Mayor is elected, and accepts the position, then the County Mayor shall have no veto.

Rule 11B: Voting by the Chairman

If the County Mayor serves as Chairman, he may vote only in the case of a tie vote by the County Legislative Body. If a County Legislative Body member serves as Chairman, he or she may vote on all issues coming before the County Legislative Body but may not vote again to break a tie vote.

Rule 11C: Call to Order

The County Legislative Body shall be called to order by the Chairman. In the absence of the Chairman the Chairman Pro Tempore shall preside. In the absence of the Chairman Pro Tempore, the County Legislative Body shall be called to order by the County Clerk, and shall elect one of its members to preside over deliberations.

Rule 11D: Question of Order

The Presiding Officer shall preserve order and decorum. He may speak to points of order in preference to other members, rising from his seat for that purpose. He shall decide questions of order, subject to an appeal to the County Legislative Body by any member.

Rule 11E: Members Speaking

Before a member is allowed to speak twice on the same subject, the Presiding Officer shall inquire if there is another member who has not spoken on that subject and who wishes to speak.

Rule 11F: Motions

Once a motion has been made and duly seconded, the motion shall be reduced to writing by the proponent or the Clerk and read by the Presiding Officer so that debate on the motion may begin.

Rule 11G: Putting the Question

The Presiding Officer shall rise to state or put a question and shall clearly state the question before the County Legislative Body before the vote on the question is taken. A member may ask for clarification of the question up until the result of the vote is announced.

Rule 11H: Agenda to Commissioners

A copy of the agenda, attachments, and notice calling each County Legislative Body meeting shall be delivered to each member on Thursday prior to the following Tuesday night.

Rule 12 County Clerk

Rule 12A: Minutes of the County Legislative Body

The County Clerk shall make copies of the minutes of each County Legislative Body meeting and distribute them not later than ten days after the meeting. The minutes shall be distributed as follows:

1. One copy to each member.
2. One copy upon request to each county office, department and/or commission head.
3. One copy upon request to all public, school and university libraries in the county.
4. One copy upon request to all licensed and operating commercial radio and television station in the county.
5. One copy upon request to all newspapers published in the county for sale and distribution to the general public.
6. One or more pages shall be made available to the general public at reasonable cost.

Rule 12B: Roll Call

On all appropriations, the Clerk shall call the roll for "aye" and "No" votes. Names will be called in alphabetical order.

Rule 12C: Change of Vote

It shall be the duty of the Clerk at the end of each roll call, to inquire of those who passed or were absent when the roll was called if they desire to vote; also, if any one who has voted wishes to change his vote. Then the results shall be announced by the Clerk.

Rule 12D: Audio Tape of Meetings

The Clerk shall cause all County Legislative Body meeting and County Legislative Body committee meetings to be tape recorded and shall maintain such tape recordings indefinitely. Members and the public may listen to such tape recordings during the Clerk's normal office hours and copies thereof will be made available at reasonable cost.

Rule 13 The Sheriff

The Sheriff shall attend the County Legislative Body meeting while in session, or designate some other officer for that purpose, to preserve order and carry out the order of the presiding officer of the court.

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Rule 14 County Attorney

The County Attorney shall attend meeting of the County Legislative Body to advise on matters of Law. He shall also attend committee meetings when called upon by the Chairman of the County Commission.

Rule 15 Committees General

Rule 15A: Officers Election

Upon approval to a committee by the County Legislative Body, the members of the committee shall convene and elect a chairman, vice chairman, and a secretary from its membership

Rule 15B: Committee Chairman and Agenda

Standing committee chairmen shall notify the Chairman of the major matters to be reported to the County Legislative Body at the next meeting. This should be done in time for the item to be included on the agenda. Committee agendas will be provided to all commissioners at least 3 days prior to committee meetings.

Rule 15C: Committee Meeting Open to the Public

All committee meetings shall be open to the public and shall allow members of the public a right to address the committee at its meetings.

Rule 15D: Authority of Committees

The role and jurisdiction of a County Legislative Body committee is to investigate and study matters, provide information and to present recommendations, as generally describe in the title of the committee and as more specifically defined in the subject areas listed under the title. Should any question arise as to jurisdiction of any committee, it shall be referred to the County Legislative Body Chairman for determination, subject to an appeal to the County Legislative Body by any County Legislative Body member at the next regular meeting.

Rule 15E: Reporting Procedure

Reports of committees shall be given by the committee chairman at the proper place in the agenda for the County Commission. Recommendations passed by committees shall stand as motions for the Commission to debate and to take action on.

Rule 15F: Duties of Committee and Subcommittee Officers

The chairman's prime responsibility is to call meetings of the committee, to serve as presiding officer, and to serve as spokesman of the committee in any action or reporting to the County Legislative Body. Further, the chairman should fully understand and make the committee aware of its authority and areas of jurisdiction. The vice-chairman is to assume the role and responsibility of the chairman in his absence. The secretary shall be responsible for the taking of minutes, and the filing and distribution of same. The chairman of each committee may vote on all issues coming before the body, just as any other member.

Rule 15G: Committee Meeting Minutes

The minutes of all committee meetings shall contain, the day, time and place the committee convenes, the members present, a summary of matters considered, a record of the voting on the action taken on each recommendation to the County Legislative Body, the time of adjournment, and a tape recording of the entire meeting. All recommendations, whether positive or negative, shall be recorded in the minutes that go to the Commissioners in their packer, with no censoring allowed.

Rule 15H: Vacancies on Committees

If for any reason one or more members of any respective committee vacate their position, the Commission Chairman, subject to the approval of the County Legislative Body, shall fill those vacancies in the same manner as the original members.

Rule 15I: Special Committees

The County Legislative Body may from time to time appoint such special committees as the circumstances require, but such a special committee shall be disbanded when its assigned work is completed and in no case shall it exist longer than one year unless extended by the County Legislative Body. No special committee shall be appointed for any purpose when there is a standing committee on the same subject.

Rule 15J: Reporting Referrals

The committee to which a request or resolution has been referred shall make a report to the County Legislative Body at the next regular meeting after its referral unless the County Legislative Body has specified otherwise in its request or resolution.

Rule 15 K: Failure to Meet

If for any reason the chairman of a committee fails to call a meeting, the County Legislative Body Chairman, or two members of a three member committee, or three members of a larger committee may do so.

Rule 15L: Quarterly Reports

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The quarterly reports submitted by the County Officials and departments shall be presented as a part of the appropriate standing committee reports.

Rule 15M: Technical assistance

Committees have any and all authority necessary to request the assistance of county, regional, state and federal governmental departments, commission and agencies. Committees cannot obligate the county involving money without approval of the County Legislative Body.

Rule 16 Standing Committees

The Chairman shall be an ex-officio member of all committees and sub-committees. In this capacity, the Chairman shall offer assistance and advice as needed.

The standing committees of the County Legislative Body are as follows:

Criminal Justice and Public Safety: All matters pertaining to the criminal justice system including law enforcement, courts, and corrections; civil disturbance; juvenile delinquency; alcohol and drug abuse; emergency preparedness; fire prevention and control. (Five members)

Health and Welfare: All matters pertaining to health care, comprehensive health planning, local health services, mental health and emergency medical services; social services and welfare programs, recreation, solid waste management; soil, water, and wildlife conservation; energy conservation, agriculture, flood prevention and control. (Five members)

Education: All matters pertaining to elementary, secondary and adult education; vocational and technical education; library services. (Five members)

County Development: All matters related to general county development; residential, commercial and industrial development; public facilities, subdivision regulation, zoning, building codes; road improvements, highway safety, airport development. (Five members)

Personnel Committee: All general matters related to personnel; compliance with OSHA and TOSHA regulations including reports and training, personnel policy, Equal Employment Opportunity Legislation, job description, salary administration, salary classification, and employee benefits. This does not include budgetary issues regarding personnel salaries, requests for additional personnel, personnel transfers, etc. (five members)

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Budget: Taxation; finance; investments; property and intergovernmental relations, all matters pertaining to the financial resources of the county and reports and audit findings; issues regarding personnel salaries, requests for promotion, additional personnel and personnel transfer; health insurance plans. (Members are the five committee chairman and three other commissioners.)

Rule 17 Conflicts With Law

In the event that any portion of these rules is determined to be in conflict with applicable law, then that portion in conflict shall be null and of no effect and the remainder of the rules shall remain in full force and effect.

The next item on the agenda was the election of a Chairman for the coming year. Chairman Taylor turned the meeting over to Chairman Pro Tempore Ronnie Harris, who asked for nominations. Commissioner Anderson moved that Mayor Rhea Taylor be nominated for the position. Commissioner Claude Oglesby moved that the nomination cease and Mayor Taylor be elected by acclamation. The motion was duly seconded and passed unanimously.

Motion was then made by Commissioner Anderson to set the Chairman's salary at \$0, as it was last year. The motion was seconded by Commissioner Logan and passed unanimously.

Chairman Taylor called for nominations for Chairman Pro Tempore. Commissioner Oglesby nominated Commissioner Ronnie Harris for the position. Commissioner Dowdle moved that the nomination cease and Commissioner Harris be elected by acclamation. The motion was seconded by Commissioner Reeves and passed unanimously.

Commissioner Ed Allen moved that the Chairman Pro Tempore's salary also be set at \$0, the same as last year, for the coming fiscal year. The motion was seconded by Commissioner Logan, and passed unanimously.

Chairman Taylor presented a list of committees for the coming year. Commissioner Anderson moved to accept the committees as presented. The motion was seconded by Commissioner Dowdle. Commissioner Joann Allen stated that with 42 years in law enforcement, shouldn't Commissioner Leggett be on the Safety Committee. Chairman Taylor asked if anyone on the safety Committee would like to swap. No one volunteered, and a vote was taken, with all Commissioners voting to accept the committees as presented.

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Each Committee then elected a Chairman. Commissioner Logan moved that Commissioner Wilson be elected Chairman of the Development Committee. Commissioner Reeves moved that the nomination cease and Commissioner Wilson be elected by acclamation. The motion was seconded by Commissioner Karcher, and passed unanimously by the members of that committee.

Commissioner Kelley nominated Commissioner Anderson for chairman of the Safety Committee. With no other nominations Commissioner Kelley moved that the nominations cease and Commissioner Anderson be elected by acclamation. Commissioner Brewer seconded the motion which passed unanimously.

Commissioner Joann Allen nominated Commissioner German as chairman of the Health Committee. Commissioner Leggett moved that the nomination cease and that Commissioner German be elected by acclamation. The motion was seconded and passed unanimously.

Commissioner Dowdle moved that Commissioner Lillard be nominated as chairman of the Education Committee. With no further nominations, Commissioner Dowdle moved that the nominations cease and Commissioner Lillard be elected by acclamation. The motion was seconded by Commissioner Ed Allen and passed unanimously.

Commissioner Kelley nominated Commissioner Oglesby as chairman of the Personnel Committee. With no further nominations, Commissioner Kelley moved that the nominations cease and Commissioner Oglesby be elected by acclamation. The motion was seconded by Commissioner Karcher and passed unanimously.

Commissioner Dowdle moved that Chairman Harris be elected as Chairman of the Budget Committee. The motion was seconded by Commissioner Logan. Commissioner Oglesby moved that the nomination cease and Commissioner Harris be elected by acclamation. The motion was seconded by Commissioner Anderson and passed unanimously.

With the election of these chairmen, the Mayor's County Commission List reads as follows:

County Commission Committees 2010-2011	Mayor's Recommendations				
Budget	Development	Safety	Health	Education	Personnel
Harris	Wilson	Anderson	German	Lillard	Oglesby
Logan	Howard	Brewer	Karcher	Cox	Karcher
Dowdle	Brewer	Kelley	Allen, J	Dowdle	Harris
Wilson	Reeves	Seals	Leggett	Watkins	Kelley
Anderson	Logan	Watkins	Reeve	Allen, E.	Cox
German					
Lillard					
Oglesby					

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MEETING TIMES

Monday (Monday prior to the Second Tuesday in the month) Tuesday (Second Tuesday of the Month)

Development	5:30PM	Education	5:30PM
Health/Welfare	6:15PM	Safety	6:15PM
Personnel	7:00PM	Budget	7:00PM

Chairman Taylor reported for the County Mayor's Office, stating that several town meetings have been set up, including one at 7:00PM on Thursday, September 30, 2010 at Gallaway, and one at Oakland on October 28, 2010, beginning at 6:00PM. These meetings are a good opportunity to bring citizens up to date on what is going on in the County, and for them to meet with local representatives. On October 14, 2010 there will be a public hearing for the schools at 6:00 PM at the Justice Complex., and on October 19, 2010 a special called meeting will be held by the County Legislative Board for the purpose of discussing the Desegregation Lawsuit. The Board of Education will meet with the Commission that night at 6:00 PM.

Commissioner Dowdle moved that the Education Committee meeting at 5:30 on October 12, 2010 be a joint committee meeting, and that Dana Pittman bring those committees up to speed on the proposed building of a new school. The motion was seconded by Commissioner Oglesby and passed unanimously.

Chairman Taylor stated that Fayette County did receive the three star designation that was applied for, and this will help toward getting grants and funding. The three star rating gets preferential treatment.

No Reports were given for the Sheriff's Department, Juvenile Court, Board of Public Works, Board of Education, Trustee's Office, or Planning and Development.

The Development Committee, Health and Welfare Committee, Personnel Committee, Criminal Justice/Public Safety Committee and the Education Committee did not meet.

Commissioner Harris reported for the Budget Committee, which met on September 14, 2010.

Commissioner Harris moved that the funds for the administrative assistant position in the Election Commission Office that were taken out of the budget last month be restored to the Budget. The motion was seconded by Commissioner Brewer and passed unanimously.

Commissioner Joann Allen stated that since there is nothing in the handbook that says you can't hire a new hire in at full salary for the position for which you are hiring,

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then that needs to be put in the handbook. Chairman Taylor stated that this should be discussed at the next personnel committee meeting.

Nancy Johnson addressed the Board on behalf of the STEP Funding program, the name of which has been changed to the "Ready College Access Program" stating that this program is not a public school program, but rather a county wide program that addresses students. This year the target group is Seniors. Next year Juniors will be the target group, and so on. But anyone in the county, even if that person has already graduated, or obtained a GED, may be included in this program, as may home schooled individuals. Any adult who lives in the county may enter the program. The advisory team is already in place. For \$15000 the Southwest Tennessee Development Initiative Agency trains volunteers to work with adults who have finished high school or are about to, mentoring, and assisting in filling out college application forms and forms for funding, grants, etc. This program is based on the Ayres Funding Program. The \$ 15000 is a one time fee for the training of the mentors. Once three or four volunteers are trained, they will train others. Commissioner Wilson asked why the private schools in the county were not being asked to pay a portion of the fees. Ms. Johnson stated that because this is not a school program. Commissioner Wilson then asked why the public schools had to pay. Ms. Johnson stated that she didn't know because that part had transpired before she came on board.

Commissioner Harris moved that the following agreement with the city of Germantown regarding the clean-up of hazardous materials be approved, subject to the approval of the County Attorney. The motion was seconded by Commissioner German and passed unanimously.

***Fayette County and Germantown Hazardous Materials  
Mutual Aid Response  
Memorandum of Understanding***

I. INTRODUCTION

The purpose of this Memorandum of Understanding (MOU) is to establish the standard procedures in which Fayette County, Tennessee, will respond to and receive advanced Hazardous Materials (Haz-Mat) mutual aid response from the Germantown Fire Department. The Fayette County Fire Services, supported by the Fayette County Emergency Management Agency, provides Operations Level Haz-Mat response for Fayette County, Tennessee. The Germantown, Tennessee, Fire Department has a Technician Level Haz-Mat Response Team (HMRT) that is available to provide mutual aid assistance. The Germantown HMRT is a State-certified Level II Haz-Mat team. This MOU serves to clarify the procedures and expectations in the event of a Haz-Mat response in which assistance may be needed from Germantown's HMRT.

II. SCOPE

This MOU is a voluntary agreement between the Fayette County Fire Services, the Fayette County Emergency Management Agency, and the Germantown Fire Department. Participation in this MOU is strictly voluntary. No member is obligated to participate in the event that circumstances do not permit release of personnel, equipment, or materials. This MOU does not obligate a member to provide mutual aid if it is unable to do so. Mutual Aid response shall be in accordance with Tennessee Code Annotated Title 58 also known as the "Mutual Aid and Emergency and Disaster Assistance Agreement Act of 2004."

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### III. OPERATIONAL GUIDELINES

- A. Incident Command: All Haz-Mat incidents shall be managed in accordance with the National Incident Management System (NIMS). The local authority having jurisdiction shall maintain command of the incident. Normally, this will be the local Fire Department. In the event a mutual aid response by the Germantown HMRT, the Germantown HMRT will be incorporated into the Incident Command System (ICS). The Germantown HMRT will remain under operational direction from the local Incident Commander, although it will continue to adhere to Germantown Fire Department policies and procedures as applicable.
- B. Haz-Mat Operations Response: Normally, the Fayette County Fire Services, or other responsible agency, will provide Operations level Haz-Mat Response within Fayette County. The Germantown HMRT will normally not be requested for response to an Operations level Haz-Mat incident. However, the Germantown HMRT or other Germantown Fire Department personnel may be contacted for assistance as deemed necessary.
- C. Decontamination: The Fayette County Fire Services has developed a Haz-Mat Decontamination Team that can assist with Haz-Mat operations. This Team may be utilized as needed for a Haz-Mat incident. The Germantown HMRT also has decontamination equipment, supplies and procedures. Both agencies will strive to follow similar decontamination procedures to enable optimal joint operations.
- D. Haz-Mat Technician Level Response: In the event that Fayette County deems a Technician Level response necessary, they may request the response of the Germantown HMRT. The personnel on the Germantown HMRT may be insufficient to handle all responsibilities necessary for a full Haz-Mat incident, especially if Level A or B entry is necessary. Fayette County personnel shall provide assistance as needed. This will generally include providing additional personnel to support the Haz-Mat Operations, including:
  1. Haz-Mat Technicians: Fayette County Fire Department Haz-Mat Technicians may be used to fill additional needed positions, including entry and back-up team personnel, Haz-Mat Planning, etc.
  2. Decontamination: Personnel to coordinate and handle the decontamination responsibilities for the incident. The Germantown HMRT will determine the appropriate decontamination method. This may involve the use of the Germantown HMRT Decon equipment or the Fayette County Decon Team.
  3. Medical/Rehab: Fayette County will provide adequate emergency medical personnel (EMTs and/or Paramedics) as needed to provide medical monitoring and oversight of the incident. This will include pre- and post-entry medical monitoring, as well as rehab of personnel. If deemed necessary, an ambulance shall be requested to standby at the incident to assure safety of personnel.
  4. Safety: The local Incident Commander shall provide a Safety Officer to oversee the incident. Additionally, if a specific Haz-Mat Safety Officer is requested by the HMRT, the incident Commander will provide such.
  5. SCBA/Air Support: Fayette County Fire Services shall provide SCBA Air support for the incident as needed. This may include providing a means to refill the SCBA cylinders as used by the Germantown HMRT. Currently, the Germantown HMRT utilizes 4500 psi Draeger SCBA.
- E. Training: Fayette County will assure that their personnel are properly trained to meet their response needs and capabilities. This will include training on the Germantown HMRT Operational Procedures. Additionally, joint training will be conducted between Fayette County and Germantown to develop a cohesive Haz-Mat response team.
- F. Haz-Mat Technicians: Fayette County and Germantown Haz-Mat Technicians shall be certified through the Tennessee Emergency Management Agency. This will help assure consistency in training and qualifications level.
- G. Cost Recovery: Fayette County will facilitate reimbursement of costs for supplies, equipment, and other expenses used by the Germantown HMRT to handle an incident within Fayette County. Normally, this reimbursement will be charged to the individual company or other party found responsible for the leak. The Germantown HMRT can assist with obtaining a Recovery Agreement with the responsible party, but it will be the direct responsibility of Fayette County to obtain.

- I. Communications: Fayette County will coordinate the Communications for the incident. A common frequency should be provided for the Haz-mat entry operations. Currently Fayette County Fire Services and Germantown Fire Department utilize VHF radios. VHF Interoperability Channels or other common channels may be used as necessary. Fayette County authorized Germantown Fire Department to include Fayette County operating radio channels in their radios. Additionally, Fayette County Emergency Management Agency may provide their Communications Trailer to coordinate Communications. This may include providing a gateway connection between different radio systems.
- J. EQUIPMENT AND PROCEDURES: Fayette County and Germantown will strive to use similar Haz-Mat equipment and procedures in the future. This will improve interoperability during joint operations.

#### IV. TERM

This MOU shall continue from year to year unless canceled upon thirty (30) days written notice by any party. No further obligation or liabilities shall be imposed after such termination.

The undersigned commit to the spirit and intent of this MOU and agree to participate in the process to the best of their ability. The undersigned warrant that they are official representatives of their agency.

Commissioner Anderson moved that the sheriff be allowed to hold an auction for seized vehicles on November 19, 2010. The fire department also has some items to be put in the auction. The motion was seconded by Commissioner Logan and passed unanimously.

Somerville Public Works has a problem with a culvert inside the city and they have requested permission to talk with the County Public Works on how to best solve the problem. Motion was made by Commissioner Harris to forward this request to Public Works to allow that department to decide how best to handle it, seconded by Commissioner Oglesby, and passed unanimously to allow same.

With no further business before the Board the meeting was adjourned.

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Rhea Taylor, County Mayor

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Sue W. Culver, County Clerk