

FAYETTE COUNTY LEGISLATIVE BODY

AUGUST 25, 2020

BE IT REMEMBERED that the Fayette County Legislative Body met in regular session on August 25, 2020, at the Bill G. Kelley Criminal Justice Complex in Somerville Tennessee. Present and presiding was County Mayor Rhea Taylor. Also present were Sue W. Culver, County Clerk, and the following County Commissioners: Charles E. Dacus, Jr., Ben Farley, Willie German, Jr., Tim Goodroe, Jimmy Jordan, Terry Leggett, David Lillard, Jim Norton, Claude Oglesby, Tommy Perkins, Kevin J. Powers, Dale Reaves, Steve Reeves, Elizabeth Rice, Robert Sills, Bill Walker, and Larry Watkins.

A quorum was declared with seventeen (17) Commissioners present. Commissioners Sylvester Logan and Ray Seals were absent.

Due to the novel coronavirus pandemic Chairman Taylor made mention that the Fayette County Commission, in accordance with Tennessee Governor Bill Lee's Executive Order 16, has determined that having this meeting by electronic means is necessary to protect the health, safety, and welfare, of Fayette County Citizens in light of the COVID-19 outbreak; that the provisions of Tennessee Code Annotated (TCA), Section 8-44-108, which addresses Open Meetings guidelines, are in effect; and the meeting will be conducted in a manner consistent with Section 19 of the Tennessee Constitution, allowing monitoring by the press.

Commissioner Powers moved to approve the minutes from July 28, 2020, with corrections regarding the County Attorney Contract. The motion was seconded by Commissioner Perkins, and passed unanimously on a roll call vote.

Commissioner Steve Reeves moved to approve the following as Notaries Public: Shana Burch, Rebecca R. Feathers, Jessica N. Ferge, Elizabeth Gallagher, Glenda M. Green, Pamela A. Johnson, Antoine Logan, Daphanie L. Maclin, Towanda Maclin-Brown, Karly K. Ogg, Joseph Creig Richardson, Alicia Rockett, and Anna C. Taylor. The motion was seconded by Commissioner Robert Sills and passed unanimously on roll call vote.

Chairman Taylor reminded Commissioners that financial reports were sent out with Commissioner packets and any questions should be directed to the appropriate official.

Chairman Taylor then reported for the County Mayor's Office, stating that next month Labor Day is on September 7th, which is the date we should be having some of our committee meetings, so for that reason we are going to delay all of the Committee meetings until the next week on the 14th and 15th. Every year we go looking for health insurance and this year we think we have found a product which will save both the County and the employees some money. It is a Blue Cross/Blue Shield product, and there are some reasons we should look at this seriously. It is a State plan. We will have a presentation on this next month. I have asked the fire Chief to look at a five-year plan for the fire department and we will hear from this plan soon, probably not September, but it is a good time to get the discussion started. Another thing the Fire Chief is

going to be bringing information on is a training facility. Also, about a year and a half ago we were discussing jail expansion. Since the pandemic the population has declined somewhat, but it has recently come back up to 100 plus, which is reasonable. We need a plan in place for the future and I will bring something back to you next month for discussion.

The Chronic Wasting Disease facility will not be operational this deer season. It will probably not be in operation until January or February of 2021.

Dr. Connie Smith, Interim Director of Schools, addressed the Board regarding the challenges of opening of schools virtually. She stated that candidates are being interviewed for the Director's position.

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

Commissioner Farley reported that the Development Committee did not meet.

Commissioner Steve Reeves reported that the Health & Welfare Committee met on August 10, 2020, and reviewed the ambulance report. The number 4 ambulance was totaled in an accident, and proceeds from the insurance claim were approximately \$140,000.

Commissioner Lillard stated that the Personnel Committee did not meet.

Commissioner Dacus reported that the Education Committee did not meet.

Commissioner Rice reported that the Criminal Justice/Public Safety Committee did not meet.

Commissioner German reported that the Budget Committee did not meet.

Commissioner German moved that the County spend the additional funds of \$47,000 to combine with the insurance proceeds of \$140,000, to purchase an ambulance to replace the one that was lost in the accident. The motion was seconded by Commissioner Norton and passed unanimously on roll call vote.

Commissioner Farley moved to approve the bid for the Airport Fuel Station from Rebel Services for \$20,200. The motion was seconded by Commissioner Norton and passed unanimously on roll call vote.

Commissioner Oglesby moved to approve the following Madison County Juvenile Court Service Contract. The motion was seconded by Commissioner Goodroe and passed unanimously on roll call vote.

SECURE DETENTION CONTRACT
Between
MADISON COUNTY OFFICE OF JUVENILE COURT SERVICES
And
FAYETTE COUNTY

This contract for secure detention care services for juveniles is by and between Madison County Office of Juvenile Court Services and Fayette County Juvenile Court hereinafter referred to as MCJCS and County.

In consideration of the mutual promises and amounts set out below, the parties enter into this contract according to the following provisions:

1. That upon available secure bedroom units within the MCJCS detention facility, MCJCS shall provide detention care services for those juveniles ordered to be detained by the Court having jurisdiction of juvenile cases within the county within the provisions of this contract. This order shall be based on the detention criteria set forth in TCA 37-1-114. Detention care services shall consist of detaining the juvenile in the MCJCS detention facility and providing said juvenile with food, shelter and such other physical necessities as may be determined by the supervisor of the MCJCS detention facility. MCJCS reserves the right to refuse placement of a child under thirteen years of age.
2. That actual placement at the facility will be preceded by a telephone call by County personnel expressing intent and approximate time of arrival and departure. That upon the Judge or Referee of the Court with juvenile jurisdiction not being available or accessible, either of the following persons shall be allowed to place juveniles with a signed and docketed petition or an arrest report and a Detention Order signed by the Juvenile Court Judge and delivered at the time of placement. The designated persons authorized to place juveniles and obligate said county for related cost under this contract are:

Judge Jim Callagher
Melissa Douglass, Youth Services Officer
Kim Heard, Judge's Administrative Assistant

It shall be noted that MCJCS detention facility has the obligation to refuse placement if the call is not placed by one of the aforementioned persons. Thus, these aforementioned persons are the ONLY persons allowed to make arrangements for placement of juveniles.

3. That MCJCS reserves the right to refuse placement under this contract under the following circumstances:
 - a. That, as determined by MCJCS detention facility personnel, secure bedroom space is not available.
 - b. That, as determined by the MCJCS detention personnel, said juvenile is an imminent threat of harm to him/herself or other residents because of his/her emotional or mental state.
 - c. That the alleged offense of the juvenile to be placed is a status offense. It is the expressed intent of MCJCS to provide secure detention care services only for delinquent offenders.
4. The County agrees that it will be responsible for the cost of any emergency, medical, or dental care if determined necessary by the MCJCS detention facility personnel. In the event prolonged medical or dental attention is required, MCJCS detention facility personnel will notify County of such conditions and County shall assume responsibility for and make arrangements for such care. The County agrees to authorize the Judge or Referee of the Court with juvenile jurisdiction or the designated officers as listed herein to sign appropriate forms which would authorize medical attention and local medical facilities for said juveniles in case emergency care is deemed necessary by the MCJCS detention personnel and the appropriate medical personnel.
5. That the County shall, at its own expense, transport all juveniles to and from the MCJCS detention facility.
6. Neither party's liability shall exceed any cap or limitation on damages or liability that exist pursuant to state or federal law. Should County carry liability insurance above the cap or limitation on damages or liability as established by state or federal law, County's liability to any party described herein shall not exceed the existing

coverage afforded to the County under the liability insurance policies for the events giving rise to a claim against the County pursuant to this contract.

7. That MCJCS detention facility personnel are authorized to release duly placed juveniles of said County upon written order or written request from the Judge or Magistrate of Court having juvenile jurisdiction or Officers of the Court as designated herein to law enforcement officers of said County or to party as designated by the written order or request.
8. The regular charges are one hundred seventy dollars (\$170.00) per day for the first seven days and one hundred ninety dollars (\$190.00) per day with placement time exceeding seven days. Any part of the initial day is counted as a full day.
9. The terms of this agreement shall be from July 1, 2020 through June 30, 2021

Prison Rape Elimination Act (PREA) Statement of Compliance

Madison County Juvenile Detention Center shall be committed to a zero tolerance standard for all forms of sexual abuse/assault/misconduct/harassment or rape within the facility and shall be committed to reducing the risk of sexual abuse, sexual harassment, assault, misconduct and rape through implementing the Prison Rape Elimination Act (PREA) as outlined in *Public Law 108-79 standard 115.311*.

- That youth placed in the MCJDC by your county will understand that sexual activity between another youth or staff is prohibited and is subject to criminal disciplinary action.
- That further in Pursuant to *TCA 37-1-403 AND 37-1-605* , any person who has knowledge of or is called upon to render aid to any resident/child who is being abused, sexually, sexually assaulted or sexually harassed has the duty to report such abuse. Therefore your county has the duty to report such abuse whether the abuse happened before, during or after the child was a resident at the MCJDC. All allegations of abuse must be reported to the DCS Abuse Hotline 1-877-237-004.

IN WITNESS WHEREOF, the parties have by their duly authorized representative(s) have set their signatures.

MADISON COUNTY JUVENILE COURT SERVICES

BY: _____, Detention Supervisor DATE: _____

BY: _____, Director DATE: _____

BY: _____, County Mayor DATE: _____

BY: _____, DATE: _____

BY: Fayette County Juvenile Court

CONTRACTED COUNTY

BY: _____ DATE: _____

BY: _____, County Executive DATE: _____

Commissioner Farley moved to allow Commissioner Jordan, as a new Commissioner, to attend whichever committee meetings he would like to for the month of September and he would

be assigned to a committee(s) by next month's meeting. The motion was seconded by Commissioner German and passed unanimously on roll call vote.

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

Rhea Taylor, County Mayor

ATTEST:

Sue W. Culver

