

Anderson County Board of Commissioners
OPERATIONS COMMITTEE
AGENDA

January 11, 2021
6:00 p.m. Electronic
Room 312

- 1. Call to Order**
- 2. Prayer / Pledge of Allegiance**
- 3. Approval of Agenda**
- 4. Appearance of Citizens**
- 5. Presentation by DA Clark and Melissa Miller**
- 6. Mayor Frank**
 - Resolution No. 21-01-842 authorizing an agreement with DOE for a request for payment-in-lieu-of-taxes for the 2020 tax year.
 - Discussion of option for county to extend leave with recommended monthly extension authorizations by County Commission.
- 7. Discussion of closing the county buildings – deferred from County Commission December meeting**
- 8. Resolutions from Campbell County – requested by Chairman Anderson**
 - Hotel/Motel Tax
 - PCUD Board Members
- 9. Discussion of creating an email or text distribution for citizens – requested by Chairman Anderson**
- 10. Covid-19 Update**

New Business

Old Business

Adjournment

Operations January 2021 Meeting
Mon, Jan 11, 2021 6:00 PM - 8:00 PM (EST)

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ANDERSON COUNTY GOVERNMENT

TERRY FRANK
COUNTY MAYOR

January 6, 2021

Commissioner Tim Isbel
Chairman, Operations Committee

RE: AGENDA

Dear Chairman Isbel and Honorable Members of Commission,

I wish to add the following to the agenda:

1. Motion to approve Resolution No. 21-01-842 authorizing an agreement with the Department of Energy for a request for payment in-lieu-of-taxes for the 2020 tax year. I have attached a copy of 2019's agreement that will be updated to reflect the current year and new calculation*. As 2020 was a reappraisal year, calculations by the Anderson County Property Assessor's office have set the value at \$9,083 per acre. Prior year's valuation was \$8,466 per acre.

**calculation will be based on 2020 county tax rate for Oak Ridge of 2.4560*

2. Provisions of the Families First Coronavirus Response Act (FFCRA) expired December 31, 2020. Discussion of option for county to extend leave with recommended monthly extension authorizations by county commission. (See attached from CTAS)

Sincerely,

A handwritten signature in black ink, appearing to read "Terry Frank", is written over a horizontal line.

Terry Frank

Anderson County, Tennessee
Board of Commissioners

RESOLUTION NO. 21-01-842

A RESOLUTION AUTHORIZING THE COUNTY MAYOR TO ENTER INTO A PAYMENT-IN-LIEU-OF-TAX AGREEMENT WITH THE DEPARTMENT OF ENERGY

WHEREAS, Anderson County has requested that the U.S. Department of Energy (DOE) render financial assistance to the County in the form of a payment-in-lieu-of-taxes on real property acquired for nuclear and other energy purposes; and

WHEREAS, DOE has agreed to aid Anderson County by making a payment-in-lieu-of-taxes in the amount of the ad valorem tax revenue loss for tax year which Anderson County has suffered by virtue of removal of said real property from taxable ownership provided Anderson County will accept such payment in release of tax claims, if any, it may have against DOE or its contractors engaged in the performance of functions of DOE in Anderson County; and

WHEREAS, Anderson County is authorized by state law to accept financial assistance from Federal agencies and to make agreements and execute instruments containing such terms and conditions as may be necessary for the purpose of obtaining such financial assistance.

NOW, THEREFORE, BE IT RESOLVED by the Anderson County Board of Commissioners, meeting in regular session at Clinton, Tennessee, on January 19, 2021, that Anderson County is hereby authorized to accept from DOE payment-in-lieu-of-taxes in full satisfaction and release of any claims for taxes against DOE and its contractors based on or measured by the value of Federal property utilized by such contractors in the performance of activities of DOE in Anderson County, provided that the acceptance of this payment shall not operate in any manner in prejudice of Anderson County's eligibility for payment-in-lieu-of-taxes based on the benefits and burdens test prescribed in Section 168 of the Atomic Energy Act.

BE IT FURTHER RESOLVED that Terry Frank, Anderson County Mayor, is authorized to execute, for and on behalf of Anderson County, the transmittal of a request for payment and an agreement with DOE for payment-in-lieu-of-taxes in the amount of \$ _____ for 2020.

BE IT FURTHER RESOLVED that the calculated payment-in-lieu-of-taxes is based on the number of acres of DOE properties in the respective tax rate location.

ADOPTED this 19th day of January, 2021.

APPROVED:

Josh Anderson, Commission Chairman

Terry Frank, Anderson County Mayor

ATTEST: _____
Jeff Cole, County Clerk

**Intergovernmental Agreement Between
United States Department of Energy
and
Anderson County, Tennessee
Regarding
Payment in Lieu of Taxes**

This Agreement entered into by the United States Department of Energy's Office of Science Consolidated Service Center (DOE) and the County of Anderson, Tennessee, (Anderson County) concerns the payment of monies in lieu of taxes for tax year 2019.

RECITALS

The Parties acknowledge that:

1. The United States Government has acquired and owns land for use in its nuclear and other energy programs located in Anderson County, which land was previously subject to ad valorem property taxes as agricultural property; and
2. The United States Government has erected facilities on said land in Anderson County, which has been and is being used in carrying on the activities of the Atomic Energy Commission and successor agencies, including DOE, under the Atomic Energy Act of 1954, as amended; and
3. The land and facilities owned by the United States Government are not subject to taxation by Anderson County under the Constitution and laws of the United States and the State of Tennessee, and that Anderson County has suffered the loss of the ad valorem property tax on the land acquired by the Government; and
4. The activities of the United States Government in Anderson County have been and are being carried on, in large part, through contractors in the operation, construction, maintenance, or other utilization of said land and facilities; and
5. It is the opinion of Counsel for DOE and Counsel for Anderson County that such contractors are not liable for taxes on, with respect to, or measured by, the value or other use of such United States Government-owned real property under existing state and federal law; and

6. Under and pursuant to the provisions of the Atomic Energy Act of 1954, as amended, in order to render financial assistance to the states and localities in which the activities of DOE are carried on, and in which DOE has acquired property previously subject to state and local taxation, DOE has been and is authorized to make payments in lieu of property taxes; and

7. Anderson County has requested financial assistance from DOE, and has stated that it will waive and release any claims for tax year 2019 for taxes against DOE and its contractors on, with respect to, or for real property owned by the United States Government; and

8. Anderson County represents that it is authorized to make contracts and execute instruments containing such terms and conditions as may be necessary, proper, or advisable to accomplish the purposes for which it was created.

THEREFORE, the Parties agree as follows:

1. For the purpose of rendering financial assistance to Anderson County, DOE will pay Anderson County, as a payment in lieu of property taxes for public purposes, the sum of \$653,698.77 for the tax year 2019. The payment will occur on or about March 1, 2020. The computation and the basis therefor are shown in more detail in the attached Exhibit 1. This payment represents the amount of the loss of ad valorem tax revenue for public purposes for the tax year 2019 which Anderson County has suffered by reason of the acquisition by the United States of real property in Anderson County for nuclear and other energy purposes. This Agreement does not apply to any other tax years.

2. Such payment shall constitute full satisfaction of any and all claims Anderson County may have for taxes for the tax year 2019 against DOE and DOE's contractors, of any nature whatsoever, on, with respect to, or measured by, the value or use of federally-owned real property which is utilized in carrying on activities of DOE; provided that the acceptance of this payment shall not prejudice eligibility for any payment in lieu of taxes based on the benefits and burdens test prescribed in Section 168 of the Atomic Energy Act. The term "contractors" means and includes the companies and organizations listed in Exhibit 2, and such other contractors and subcontractors who perform work on DOE real property during the tax year.

3. Payments in lieu of taxes are subject to suspension during the pendency of any lawsuit filed by Anderson County which seeks from the federal government any real property taxes or their equivalent.

4. As further consideration for such payment, Anderson County agrees to and hereby waives and releases, as to each and all of said companies and organizations, any and all claims for said taxes for the tax year 2019, and agrees further that, if requested by DOE, Anderson County will join in friendly litigation before a court having jurisdiction of the Parties and subject matter and in the entry of a consent judgment in keeping with the spirit and intent of this Agreement.

5. No member of or delegate to Congress or resident commissioner shall be admitted to any share or part of this Agreement nor to any benefit that may arise therefrom, but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

6. Anderson County agrees that DOE and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to and the right to examine any directly pertinent books, documents, papers, and records of Anderson County involving transactions related to this Agreement until the expiration of three years after final payment under this Agreement, unless DOE authorizes their prior disposition. Nothing in this Agreement shall be deemed to preclude an audit by the Government Accountability Office of any transaction under this Agreement.

7. Any requirement for the payment or obligation of funds by DOE established by this Agreement shall be subject to the availability of funds, and no provision herein shall be interpreted to require obligation or payment of funds in violation of the Anti-Deficiency Act, 31 U.S.C. § 1341.

8. Payment of funds by DOE in lieu of property taxes are not entitlements and nothing in this Agreement modifies the discretionary authority given to the Secretary of Energy by Section 168 of the Atomic Energy Act of 1954, as amended. Said funds are also subject to legislative or administrative reductions in funding levels.

9. Payment of funds by DOE in lieu of property taxes constitutes financial assistance within the meaning of 10 C.F.R. Part 1040, and Anderson County, therefore, must comply with such regulations. On _____, DOE determined Anderson County to be in compliance.

10. The term "DOE" includes any duly authorized representative of DOE.

11. The effective date of this agreement is the date the agreement is signed by the last signatory.

IN WITNESS WHEREOF, the Parties hereby execute this Agreement by the signatures of their authorized representatives.

UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY

By: _____
Kenneth R. Tarcza, Manager
Office of Science Consolidated
Service Center

Date: _____

COUNTY of ANDERSON

By: _____
Terry Frank
Anderson County Mayor

Date: _____

EXHIBIT 1**Computation and Basis for Payment in Lieu of Taxes**

	Anderson County
Number of Acres (x)	11,464.16
Value per Acre	\$8,466.00
Total Appraised (x)	\$97,055,578.56
Total Assessment (x) (25%)	\$24,263,894.64
Tax Rate (2.69%)	.0269
PILT Due	\$653,698.77
Total PILT Due	\$653,698.77

EXHIBIT 2
DOE Contractors

UT-Battelle, LLC
Managing and Operating Contractor
Oak Ridge National Laboratory
1 Bethel Valley Road
Oak Ridge, TN 37830

Consolidated Nuclear Security, LLC
Managing and Operating Contractor
Y-12 National Security Complex
602 Scarboro Road
Oak Ridge, TN 37830

URS | CH2M Oak Ridge LLC
Cleanup Contractor
East Tennessee Technology Park
2010 TN-58
Oak Ridge, TN 37830

Oak Ridge Associated Universities
ORISE Contractor
100 ORAU Way
Oak Ridge, TN 37830

From: County Technical Assistance Service ctas.support@tennessee.edu
Subject: FFCRA Expiration Notice
Date: January 5, 2021 at 9:31 AM
To: tfrank@andersontn.org



CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.



County Technical Assistance Service INSTITUTE for PUBLIC SERVICE

226 Anne Dallas Dudley Boulevard, Suite 400 Nashville, Tennessee 37219
(615) 532-3555 ctas.tennessee.edu

Dear County Official,

As you may be aware, the provisions of the Families First Coronavirus Response Act (FFCRA) expired December 31, 2020. The FFCRA, which can be found [summarized here](#), created a requirement for qualifying employers to provide paid leave for eligible employees who were unable to work or telework for reasons related to COVID-19.

While the requirement to provide paid leave for COVID-19 related absences lapsed with the expiration of the FFCRA, counties can continue to provide paid leave to employees in accordance with their formally adopted personnel policies. We would recommend that officials review their personnel policies and determine if changes to those policies are necessary based upon how employees with COVID-19 related absences will be treated as of January 1, 2021.

As of the date of this notice, Congress is currently in negotiations regarding a second relief package. However, to our knowledge, that relief package does not currently contain an extension of the paid leave provisions as required by the FFCRA. We will continue to monitor pending legislation and provide further updates as necessary.

CONTACT

(615) 532-3555 ctas.support@tennessee.edu <http://ctas.tennessee.edu>

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226 Anne Dallas Dudley Blvd. Suite 400

14. Commissioner Smallridge made a motion to authorize the Mayor to pursue a USDA Community Facilities Loan and Grant Program for the construction, Furnishing and equipping of a full-sized Animal Shelter. Seconded by Commissioner McKamey. Voting aye: Fritts, Wandell, Jameson, Meredith, Anderson, Vowell, Isbel, McKamey, Denenberg, Mead, Creasey, Scott, Yager and Smallridge. Voting no: Waddell and White. Absent: none. Motion passed.

15. Commissioner Meredith made a motion to approve to put a portrait of former Commissioner Mark Alderson in the back of the Commission room. Seconded by Commissioner Denenberg. Voting aye: Fritts, Wandell, Jameson, Meredith, Waddell, Anderson, Vowell, Isbel, McKamey, Denenberg, Mead, Creasey, Scott Yager and Smallridge. Voting no: White. Absent: none. Motion passed.

16. Commissioner Scott made a motion to close the county buildings to foot traffic and go virtual until the Governor says we can meet in groups of nine or more. Seconded by Commissioner Denenberg.

Commissioner Yager made a motion to defer the discussion of this topic to the next Operations meeting. Seconded by Commissioner Mead. Voting aye: Fritts, Wandell, Jameson, Meredith, Waddell, Anderson, Vowell, Isbel, McKamey, Mead, Creasey, Scott and Yager. Voting no: White, Denenberg and Smallridge. Absent: none. Motion passed.

Mayor

No action at this time.

Resolutions

17. Commissioner Isbel made a motion to approve resolution 20-12-837 establishing meeting dates and times for the Anderson County Board of Commissioners for 2021. Seconded by Commissioner Mead. Voting aye: Fritts, Wandell, Jameson, Meredith, Waddell, Anderson, Vowell, Isbel, McKamey, White, Denenberg, Mead, Creasey, Scott, Yager and Smallridge. Voting no: none. Absent: none. Motion passed.

New Business

No action taken.

Old Business

No action taken.

Meeting adjourned.



**GENERAL SESSIONS COURT
ANDERSON COUNTY TENNESSEE
SEVENTH JUDICIAL DISTRICT**

Don A. Layton
Judge Division I
Room 303 Courthouse
Clinton, TN 37716
(865) 457-6217

Joeley A. Searle
Judicial Aide

Roger A. Miller
Judge Division II
101 Bus Terminal Rd.
Oak Ridge, TN 37830
(865) 425-0370

Rachel S. Shell
Judicial Aide

December 28, 2020

To: Anderson County Commission

From: Don A. Layton, General Sessions Judge, Division I

Re: Closing of Courthouse

It has been brought to my attention that Commissioner Denenberg indicates I would favor closing the Courthouse. I do not favor this action though the decision is not mine to execute. All the Courts are under the direct Order of the Supreme Court. We are duty bound to insure and protect the Constitutional Rights of the Anderson County citizens.

If you elect to close, I will need access to the Courthouse to fulfill my lawful obligations.

cc: Donald R. Elledge, Criminal Court Judge
Roger A. Miller, General Sessions Judge, Division II
Dave S. Clark, District Attorney General
Anne D. Coria, Public Defender



Anderson County Schools
Every Student, Every Day

Annette Prewitt <aprewitt@acs.ac>

Fwd: Campbell County Resolutions for Hotel/Motel tax and PCUD Board members

1 message

Josh Anderson <joshandersondistrict3@gmail.com>

Tue, Jan 5, 2021 at 11:36 AM

To: Annette Prewitt <aprewitt@acs.ac>, Jay Yeager <jyeager@aclawdirector.com>, Stephanie Wells <stephanie@adventureanderson.com>

Annette,

Can you add these items to the operations agenda? Stephanie, would you be able to come to the next operations meeting and discuss the tax resolution?

Thanks,

Josh

----- Forwarded message -----

From: Tracy Wandell <tlwandell@msn.com>

Date: Wednesday, December 16, 2020

Subject: Fwd: Campbell County Resolutions for Hotel/Motel tax and PCUD Board members

To: "joshandersondistrict3@gmail.com" <joshandersondistrict3@gmail.com>

Josh,

I have been contacted by Commisioner Orick in Campbell County asking if our County would consider these resolutions attached. I told him I would pass these on.

Respectfully,
Tracy

Tracy Wandell
Anderson County Commissioner
District 1
865-388-0921
tlwandell@msn.com

From: rusty.orick <rusty.orick@gmail.com>

Sent: Wednesday, December 16, 2020 6:19:57 PM

To: Tracy Wandell <tlwandell@msn.com>

Subject: FW: Campbell County Resolutions for Hotel/Motel tax and PCUD Board members

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Amanda Grodeman <amandag@CAMPBELLCOUNTYGOV.COM>

Date: 12/4/20 11:42 AM (GMT-05:00)

To: tlwandell@msn.com

Cc: "Rusty Orick (Rusty.orick@gmail.com)" <Rusty.orick@gmail.com>, Johnny Bruce <johnnybruce@CAMPBELLCOUNTYGOV.COM>

Subject: Campbell County Resolutions for Hotel/Motel tax and PCUD Board members

Good morning,

For your review and use, I have provided and attached Resolution #2020-10-19 Requesting The Tennessee Department of Revenue to collect all Hotel/Motel Taxes passed on October 19, 2020, and Resolution #2020-8-18 Request From Campbell County Board of Commissioners to Increase the Number of Members to Serve on the Powell-Clinch Utility Board passed by the Campbell County Commission on August 17, 2020.

Should you or your secretary need the unsigned word documents capable of editing for Anderson County's adoption of same, please let me know.

Have a wonderful weekend.

Amanda M. Grodeman

Administrative Assistant

Campbell County Commission

Joint Economic and Community Development Board

Industrial Development Board

OFFICE: 423-562-9961 FAX: 423-563-5426 CELL: 423-494-4991

AmandaG@CampbellCountyGov.com

2 attachments



DOC110520-resolution 2020-10-19-11052020105416.pdf
434K



DOC110520-resolution 2020-8-18-11052020105354.pdf
367K

RESOLUTION #2020-10-19
REQUESTING THE TENNESSEE DEPARTMENT OF REVENUE
TO COLLECT ALL HOTEL/MOTEL TAXES

WHEREAS, the Tennessee General Assembly and Governor Bill Lee approved Public Chapter 787 in July 2020 requiring the Tennessee Department of Revenue to begin to collect county and city hotel/motel taxes derived from the rental of short-term rental units secured through a short-term rental unit marketplace such as VRBO effective January 1, 2021 and remit these taxes to the applicable counties and cities net of a collection fee in the same way the Department of Revenue currently collects and remits local option sales tax to counties and cities, and;

WHEREAS, it would be of significant benefit to all counties and cities if the provisions of Public Chapter 787 requiring the Tennessee Department of Revenue to collect county and city hotel/motel taxes derived from the rental of short-term rental units secured through a short-term rental unit marketplace such as VRBO were extended to include the collection of all county and/or city hotel/motel taxes not just the taxes derived from rentals secured through a short-term rental unit marketplace such as VRBO, and;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Campbell County, Tennessee, meeting in regular session on this 19th day of October, 2020, in Jacksboro, Tennessee, that:


Section 1. It is hereby requested that State Senator Ken Yager and State Representative Dennis Powers introduce appropriate legislation at the next legislative session for the consideration of the Tennessee General Assembly to accomplish this much needed measure.

Section 2. Any and all assistance that Senator Yager and Representative Powers can provide in this endeavor is hereby acknowledged and greatly appreciated.

Section 3. Any and all resolutions in conflict herewith are repealed insofar as such conflict exists.


Section 4. This resolution shall become effective on the 19th day of October, 2020, the public welfare requiring it.

APPROVED:




County Mayor

APPROVED:

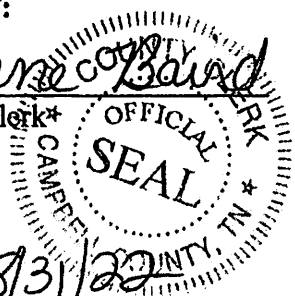


Commission Chairman

ATTEST:



County Clerk


8/31/22

Expiration Date

RESOLUTION NUMBER 2020-8-18

REQUEST FROM CAMPBELL COUNTY BOARD OF COMMISSIONERS TO INCREASE THE NUMBER OF MEMBERS TO SERVE ON THE POWELL-CLINCH UTILITY BOARD

WHEREAS, Powell-Clinch Utility is a natural gas utility for the citizens of Anderson and Campbell counties; and

WHEREAS, Powell-Clinch Utility was established in 1959 and has significantly grown to serve 17,000 customers across the two counties with 800 miles of gas main line; and

WHEREAS, according to the United States Census bureau, Campbell County has grown to a population of 39,842 and Anderson County to a population of 76,978;

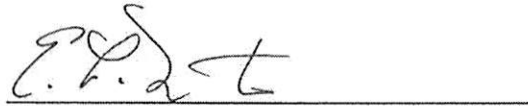
WHEREAS, both counties already exceed the population requirements Tennessee State Law 7-82-602 section 2(c) states that in natural gas districts serving counties with a population of not less than twenty-nine thousand one hundred (29,100) nor more than twenty-nine thousand four hundred (29,400) and not less than thirty-three thousand ten (33,010) nor more than thirty-three thousand five hundred (33,500), according to the 1990 federal census or any subsequent federal census, there shall be five (5) commissioners. Each county shall be represented by at least two (2) commissioners; and

Now, therefore, on this 17th day of August 2020, the Campbell County Board of Commissioners would respectfully request that the Tennessee State Legislation would increase the number of board members from three (3) to five (5) members to give better representation to the natural gas customers it serves.



Johnny Bruce, Commission Chairman


Lawrence "Rusty" Orick, Vice Chairman



E.L. Morton, Campbell County Mayor

ATTEST:



Alene Baird, County Clerk

