

**Anderson County Board of Commissioners
OPERATIONS COMMITTEE
AGENDA**

**November 9, 2020
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**
 - Wolf Valley Convenience Center
 - Update on Sea Cadet partnership/space assignment.
- 7. Law Director**
 - Background Check Resolution Veto
- 8. Homeless Task Force – requested by Chairman Isbel**
- 9. Covid-19 Update – requested by Chairman Isbel**

New Business

Old Business

Adjournment



ANDERSON COUNTY GOVERNMENT

TERRY FRANK
COUNTY MAYOR

November 4, 2020

Commissioner Tim Isbel
Chairman, Operations Committee

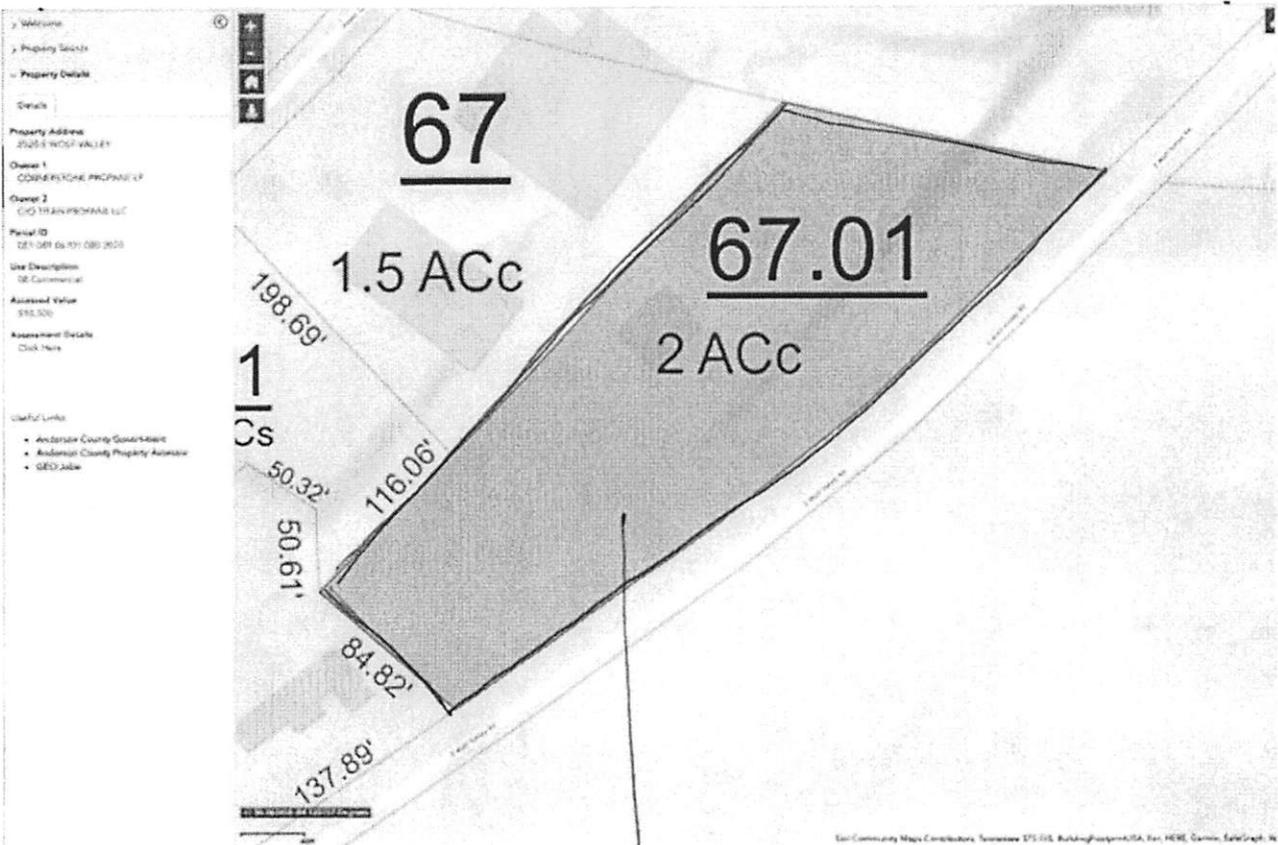
Dear Chairman Isbel,

I wish to add the following items to the agenda:

1. Wolf Valley Convenience Center. As Commission is aware per Commissioner McKamey, Chairman of the Solid Waste Board, the county has been looking into a land purchase that will allow us to construct a larger and safer convenience center. (Parcel information attached) We have conducted a title search. I would like to proceed with a Phase I Environmental review as well as a survey. While a survey is always best practice for a purchase, the title review especially noted that the lines are not clear and strongly recommended a survey. Before proceeding with the above expenditures and investing more into a possible purchase, I wish to request a discussion of authority to negotiate and enter into a contract with the company with certain protective contingencies for the county.
2. Update on Sea Cadet partnership/space assignment.

Sincerely,

Terry Frank



property
is 1.55 acres



1.82 AC

220.29'

75.81'

66

1

67

67.01

2 ACC

1.5 ACC

70.01
0.78 ACS

1.5 acres

70.08
0.50 ACS

110'
110'

120.74'

198.69'

88.96'

124.07'

136.72'

14.21'

128.55'

176.06'

50.32'

50.61'

84.82'

137.89'

Anderson County, Tennessee

Board of Commissioners

RESOLUTION No. 20-10-827

RESOLUTION TO ESTABLISH THE CIRCUIT COURT CLERK AS THE CENTRALIZED PROVIDER OF LOCAL CRIMINAL BACKGROUND CHECK SERVICES.

WHEREAS, Tennessee Code Annotated § 10-7-504 and related statutes mandate that governmental entities restrict the release of personally identifying information, criminal histories, and other private information to authorized persons or entities and restrict such release to qualifying circumstances; and

WHEREAS, several entities of Anderson County Government maintain access to personally identifying information, criminal histories, and other private information; and

WHEREAS, it is the public policy of the State of Tennessee and Anderson County to protect and preserve individual privacy rights consistent with the law of the United States and Tennessee; and

WHEREAS, this policy may be compromised by maintaining multiple points of public access to personally identifying information, criminal histories, and other private information; and

WHEREAS, by the establishment and maintenance of a centralized background check service the conducting entity incurs certain costs; and

WHEREAS, the County Legislative body has determined that it is in the best interest of the County to establish a centralized provider of local criminal background check services to private individuals, and has further determined that the Circuit Court Clerk and his or her designee(s) are best-situated to provide criminal background check services to private individuals.

NOW THEREFORE, BE IT RESOLVED, by the County Legislative Body of Anderson County, meeting in regular session on this 19th day of October, 2020, that:

Section 1. The Anderson County Circuit Court Clerk is empowered to establish and maintain his or her Office as the centralized county governmental provider of local criminal background check services to private individuals.

Section 2. The Circuit Court Clerk is empowered to create policies and procedures for the purpose of establishing and maintaining this service for the citizens of Anderson County in accordance with applicable law. The Circuit Court Clerk shall establish policies and procedures to ensure that no individual citizen's personally identifying information, or other protected private information is unlawfully or inadvertently released. The Circuit Court Clerk is further empowered to take necessary and proper actions for the establishment and maintenance of a local criminal background check service, in accordance with applicable law.

Section 3. A local criminal background check service fee is hereby established in the amount of twenty dollars (\$20.00) for each background check report completed by the Circuit Court Clerk or his or her designee(s). This fee shall be collected prior to the delivery of the background check report. There is created a special account in the County Treasury to be known as the "Background Check Fund." Funds collected

through the local criminal background check service fee shall be placed in this reserved fund, properly identified in accordance with the Tennessee Uniform Chart of Accounts, to be used only by the Circuit Court Clerk for maintaining office equipment, software, hardware, supplies, or resources. Any balance remaining unexpended at the end of the fiscal year in the "Background Check Fund" shall not revert to the general fund, but shall be carried forward to the subsequent fiscal year and maintained in the reserved fund.

Section 4. This Resolution shall have no effect on the lawful exchange of personally identifying information, criminal history, or other private information between and among local, state, and federal government agencies. This Resolution shall have no effect on private conveyors of such information.

BE IT FURTHER RESOLVED, that the County Clerk shall publish this Resolution and the Circuit Court Clerk shall otherwise arrange for public notice of all adopted policies and procedures to implement this Resolution.

RESOLVED, DULY APPROVED AND EFFECTIVE this 19th day of October 2020.



Josh Anderson, Chair

- veto - (4)

Terry Frank, County Mayor

ATTEST:

Jeff Cole, County Clerk



EXHIBIT

C

ANDERSON COUNTY GOVERNMENT

TERRY FRANK
COUNTY MAYOR

October 21, 2020

Via Electronic Mail

Commissioner Josh Anderson, Chairman
and Anderson County Board of Commissioners

RE: NOTICE OF VETO

Dear Chairman Anderson and Honorable Members of Commission,

Pursuant to T.C.A § 5-6-107, If the county mayor does not serve as chairman, the county mayor has veto power over legislative resolutions within 10 days of receiving the legislative resolution from the county commission. If a resolution is vetoed, the county mayor must return it to the commission with reasons for the veto. The commission may override the veto at the next regular meeting of the county commission or within 20 days of receiving the veto, whichever is later.

In accordance with the above, this letter is notice of veto for Resolution No. 20-10-827:
"Resolution to Establish the Circuit Court Clerk as the Centralized Provider of Local Criminal Background Check Services."

The reasons for the veto are as follows:

1. The resolution passed establishes a service fee of \$20.00 that was not discussed at the Operations Committee meeting or full commission meeting.

After being presented the resolution yesterday for my signature, I checked with the Sheriff's Department regarding their charges to make sure this resolution was maintaining consistency with existing charges. I was informed they charge \$5.00 for this service. Resolution No. 20-10-827 increases the fee 300% to \$20.00

Normally, there are anywhere from 30 to 50 requests a month. These requests are related to housing, school or job related requirements, DCS, or requirements to serve in volunteer capacities such as Boys & Girls Club, health care, etc.

Most of the requirements necessitating a background check are for positive reasons—that is, getting a job; finding housing; volunteering for the benefit of children, elderly or those in need of assistance. It is my belief that this fee should not be a punitive fee. Commission may have a different view, but at the least, I wanted to make sure you had the opportunity to weigh and/or discuss these considerations.

2. I apologize for raising these issues in the format of a veto. That is never my preference nor desire, which is why I make it a priority to attend meetings even when I have nothing on the agenda.

However, the Resolution was not available on the Operations agenda or in the full County Commission agenda and the fee was not mentioned at the meeting. My intent is not to criticize the process, but only point out that had I known this was part of formalizing the background process, I would have raised the issue at Operations or at full commission, or even through conversation prior to a meeting—a more polite way of approaching the matter. So again, I apologize for the veto format.

I do believe if we are increasing fees, there should be additional diligence to ensuring the document is shared publicly for comment prior to passage.

Please reach out to me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry Frank", with a stylized flourish at the end.

Terry Frank

Cc: Jeff Cole, Anderson County Clerk



Anderson County Schools
Every Student, Every Day

Annette Prewitt <aprewitt@acs.ac>

Operations Agenda

2 messages

Annette Prewitt <aprewitt@acs.ac>

Wed, Nov 4, 2020 at 10:21 AM

To: CC - Bob Smallridge <rjsmal@yahoo.com>, CC - Catherine Denenberg <cdenenberg@andersontn.org>, CC - Chuck Fritts <cf3533@msn.com>, CC - Denver Waddell <denverwaddell@gmail.com>, CC - Jerry Creasey <jacreasey@bellsouth.net>, CC - Jerry White <jwhite@andersontn.org>, CC - Joshua Anderson <joshandersondistrict3@gmail.com>, CC - Phil Yager <philyageracc8@gmail.com>, CC - Rick Meredith <rick@andersoncountychamber.org>, CC - Robert Jameson <robjam333@comcast.net>, CC - Robert McKamey <robertmckamey@comcast.net>, CC - Shain Vowell <jsvowell1@gmail.com>, CC - Steve Mead <meadsteven@att.net>, CC - Theresa Scott <scottacc7@gmail.com>, CC - Tim Isbel <isbelt@ymail.com>, CC - Tracy Wandell <tlwandell@msn.com>, Terry Frank <tfrank@andersontn.org>, "CC - ZZ Jay Yeager, Law Director" <jyeager@aclawdirector.com>

Just a reminder that today at noon is the deadline for items for the Operations Agenda.

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Annette R. Prewitt
Chief Deputy to the Anderson County Commission
Phone: (865) 463-6866
Fax: (865) 264-6264
Web Site: www.andersontn.org

Jay Yeager <jyeager@aclawdirector.com>

Wed, Nov 4, 2020 at 10:59 AM

To: Annette Prewitt <aprewitt@acs.ac>

Annette:

Please add the Background Check Resolution Veto to the Operations Agenda. I would prefer to work with the mayor to get her concerns resolved instead of the veto override option. Of course, the final decision is up to Commission but I think we can find some middle ground that is acceptable to all.

Thanks,

Jay

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Anderson County Schools
Every Student, Every Day

Annette Prewitt <aprewitt@acs.ac>

operations

1 message

Timothy Isbel <isbelt@ymail.com>
Reply-To: Timothy Isbel <isbelt@ymail.com>
To: Annette Prewitt <aprewitt@acs.ac>

Tue, Nov 3, 2020 at 7:06 AM

Annette please add discussion on the Homeless Task Force and Covid 19 update. Thank You

Tim Isbel
Anderson County Commissioner
District 4
Rocky Top, TN