

Anderson County Board of Commissioners
OPERATIONS COMMITTEE
AGENDA

January 8, 2024
6:00 p.m. Room 312

- 1. Call to Order**
- 2. Prayer / Pledge of Allegiance**
- 3. Approval of Agenda**
- 4. Appearance of Citizens**
- 5. HR Resolution No. 23-12-1139 To Amend Previous Resolution Numbers** – requested by Commissioner Yager.
- 6. Board recommendation drafts for the Animal Shelter** – From Dec. 18, County Commission meeting.
- 7. Mayor's Report**
 1. Requesting consideration of a proposal to take advantage for the benefit of our county the changes in tourism related law under T.C.A. § 67-4-1402.
 2. Anderson County Animal Care & Control Director Damon McKenna and Dr. Mark Garrett will provide a community snapshot and status report on animal control.
- 8. Veterans Service Resolution** – from Dec.11, 2023 Operations Committee Minutes.
- 9. Interlocal Agreement for Public Library Services** – from December 11, Operations Committee Minutes.

New Business

Old Business

Adjourn

Anderson County, Tennessee
Board of Commissioners

RESOLUTION NO. 23-12-1139

RESOLUTION TO AMEND PREVIOUS RESOLUTION NUMBERS
Original Resolution 200-03-05
First Amended Resolution 16-10-592.

**A RESOLUTION TO ESTABLISH THE ANDERSON COUNTY HUMAN
RESOURCES DEPARTMENT, HUMAN RESOURCES ADVISORY
COMMITTEE, AND THE POSITION OF HUMAN RESOURCES DIRECTOR.**

WHEREAS, Anderson County Government has a need to establish a centralized department to handle a wide array of human resource issues that develop during the normal course of county government activities; and

WHEREAS, Anderson County desires to create a Human Resources Department and the full-time position of Director of Human Resources to oversee the administration of the Human Resource Department and coordinate personnel related issues system wide; and

WHEREAS, Anderson County recognizes the critical importance of human resource issues that affect the well-being of all county employees; and

WHEREAS, the need exists to have uniform procedures and personnel policies in place for the benefit of county government operations, as a whole; and

WHEREAS, the Human Resources Department requires qualified and competent leadership to approach the increasingly complex administrative requirements needed to address human resource issues, healthcare, insurance, the employee/employer relationship, coordinated risk management and compliance issues; and

WHEREAS, to assist with the creation of the Human Resources Department, and the transition to a centralized and uniform approach to human resources issues, Anderson County wishes to constitute the Human Resources Advisory Committee composed of selected Anderson County Officials.

NOW THEREFORE, BE IT RESOLVED by the Anderson County Legislative Body meeting in regular session this 18th day of December 2023 in Clinton, Tennessee that we amend the original Human Resources Resolution originally passed on March 21, 2005 and previously amended on October 17, 2016 to include the following amendments:

Amendment 1: Amend Section I, Paragraph 1 as follows:

Delete: Upon two-thirds (2/3) majority vote the Advisory Committee will select and recommend a candidate for final confirmation by the County Commission.

Add: The Finance Director shall select and recommend a candidate for final confirmation by the County Commission.

Amendment 2: Amend Section II, Paragraph 3 as follows:

Delete: The Finance Director shall serve as Secretary to the Advisory Committee and shall record and maintain the official minutes.

Add: The Finance Director shall appoint a member of the Finance Department to record and maintain the official minutes.

Amendment 3: Amend Section III, Paragraph 1 as follows:

Delete: The Human Resource Director will be under the day-to-day direction and control of the Chairman of the Human Resources Advisory Committee.

Add: The Human Resources Director will be under the day-to-day direction and control of the Finance Director.

Amendment 4: Amend Section IV –Termination of the Director as follows:

Delete: The Chairman of the Human Resources Advisory Committee may recommend termination of the Director upon the consultation, advice and approval of a two-thirds (2/3) majority vote of the entire Human Resource Advisory Committee.

Add: The Finance Director may terminate the Director at his or her discretion.

BE IT FURTHER RESOLVED that the Amended Resolution shall read in its entirety as follows:

Section I: Human Resource Department. The Anderson County Human Resource Department is hereby established to coordinate and administer system wide human resource activities for Anderson County Government with the exception of the Anderson County Schools.

Section II: Human Resource Advisory Committee. The Human Resource Advisory Committee is hereby created to assist with the implementation and establishment of the Human Resource Department and the development of its policies and procedures. The Human Resource Director will meet with the Advisory Committee to update and notify

the members of recent Human Resource issues within county government at regular intervals to be determined by the Advisory Committee. The Advisory Committee shall monitor the Human Resource Department and its Director for the purpose of providing assistance when needed, evaluation concerns and monitoring for policy compliance purposes. The Human Resource Advisory Committee will develop the job description and required qualifications for the Human Resource Director, and will develop the selection process for the Human Resource Director's position. **The Finance Director shall select and recommend a candidate for final confirmation by the County Commission. (Emphasis Added Temporarily)**

The voting members of the Human Resource Advisory Committee are as follows:

- 1) County Mayor,
- 2) County Attorney,
- 3) County Clerk,
- 4) Circuit Court Clerk,
- 5) Finance Director,
- 6) Highway Superintendent,
- 7) Assessor of Property,
- 8) Register of Deeds,
- 9) Sheriff,
- 10) Trustee,
- 11) Clerk and Master,
- 12) And one (1) member from the County Commission as selected by their membership.

Voting members may select a nonvoting designated representative to serve in his or her absence at designated meetings for informational purposes and the representative may only cast proxy votes for the identified voting member.

The Finance Director shall appoint a member of the Finance Department to record and maintain the official minutes. (Emphasis Added Temporarily)

Section III: Human Resource Director. The position of Human Resource Director is hereby created to oversee the daily operations of the Human Resources Department and administer Human Resource programs and initiatives for all Anderson County Government departments and elected officeholders, with the exception of the School Board. **The Human Resources Director will be under the day-to-day direction and control of the Finance Director. (Emphasis Added Temporarily)** Notwithstanding any provision interpreted to the contrary contained within this Resolution the ultimate authority for individual departmental personnel decisions (outside the Human Resources Department) will rest with the specific elected office holder or department head. The Human Resources Director serves in an advisory capacity to all other offices and departments and shall not have ultimate control and supervision over personnel assigned to other departments or offices in Anderson County Government. The Human Resources Director shall report to

the Human Resources Advisory Committee and the County Commission for status reports as requested.

Section IV: Job Responsibilities. The Director of Human Resources shall be responsible for the following job duties:

- 1) Policies and Procedures. Development, interpretation and administration of policies and procedures for human resource activities for Anderson County Government including, but not limited to, recruitment of a quality workforce and associated hiring process; pay practices; training and development of employees; benefits; staffing and employment resources; compliance with county policies and procedures and state and federal workplace laws,
- 2) Assistance to County Officials. Assists all elected office holders and department heads with human resource issues arising in their respective departments, but at all times the individual elected office holder will make the final decision regarding human resource issues for their respective office.
- 3) Risk Management Program. Develops, implements and administers a Risk Management program for Anderson County Government to include workplace safety, health and environmental concerns.
- 4) Personnel Records. Assist with the employee personnel records, including their storage, maintenance and general upkeep of the files and documents contained within, and answering inquiries related to those records. The Director shall establish a bifurcated system of personnel records separating those records that may be considered protected and privileged under the Health Insurance Portability and Accountability Act (HIPAA) from general personnel files.
- 5) Communication with Workforce. Ensures that effective methodologies and systems are in place to effectively communicate with employees, department managers and elected office holders on Human Resource programs and issues.
- 6) Administrative Guidance. Provides administrative guidance for County offices and staff in the administration of various Human Resource policies and programs.
- 7) Benefit Programs. Analyzes, evaluates, administers and maintains employee benefit programs to meet employee and county government needs, including, but not limited to, assistance programs, holidays as established by the County Commission, vacation, insurance and sick leave policies.

8) Insurance Programs. Administration of all employee insurance programs, the exchange of information regarding these insurance programs and regular updates to the Human Resource Advisory Committee and the County Commission regarding the status and overall performance of the insurance programs.

9) Compensation Surveys. Conducts and analyzes employee compensation and benefit surveys.

10) New Employee Orientation. Responsible for orientation of new employees regarding entrance documents, county policies and procedures, explanation of benefit programs and application for enrollment in benefit programs.

11) Hiring and Termination Procedures. Assists in the establishment and implementation of legally sound procedures for hiring and terminating employees.

12) Application Process. Works closely with County office holders and department heads regarding personnel issues, including, but not limited to, recruitment, advertising positions or openings, application process, administering hiring procedures, evaluating resumes of prospects, administration of entrance exams, maintenance of eligibility lists and training.

13) Compliance with State and Federal Laws. Administers and ensures compliance with all mandated state and federal laws related to Human Resource programs and concerns.

14) Written Communications. Preparation of personnel related letters and memorandums to employees, office holders and department heads to include, office letters, Human Resource program updates, termination, discipline, salary and status changes, insurance and benefit updates and general announcements and employment documents.

15) Training Programs. Conducts staff training programs to improve the overall quality of the governmental workforce.

16) Special Studies and Research. Performs a variety of special studies and analyses for the County Mayor, County Commission, elected office holders and department heads pertaining to Human Resource issues.

17) Maintains Competence. Keeps abreast of Human Resource issues and the legal environment affecting the County workforce.

18) Annual Training Requirement. Attends annual training seminars and conferences on Human Resource topics and concerns as needed.

19) Workers' Compensation Claims. Supervises, files, documents and administers all Workers' Compensation reports. Monitors usage and maintains files for governmental reporting and provides status reports to the Advisory Committee, County Commission and County Attorney's Office when requested.

20) Performance Evaluations and Salary Planning. Provides guidance to elected office holders and department heads regarding employee performance evaluations and salary planning concerns.

21) Reports to Commission and Advisory Committee. Reports to County Commission and the Human Resource Advisory Committee, when requested, on Human Resource and personnel issues.

22) Performance Bonds. Monitors and updates, when needed, all performance bonds for County employees.

23) Drug Testing Program. Administers drug-testing programs for those employees required to be tested by state and federal law.

24) Civil Service Compliance. Recognizes and complies with all Civil Service laws related to employment concerns within the Sheriff's Department.

25) County Attorney Reports and Notifications. Notifies, consults with, and reports to the County Attorney with regard to all lawsuits, claims or potential claims arising from Human Resource activities within Anderson County Government.

26) Miscellaneous Assignments. Performs other miscellaneous job duties as assigned, either verbally or written, which may or may not require a high percentage of incumbent's time.

27) Discrimination Prohibited. Takes preventative measures to ensure that no person seeking employment, or currently employed with Anderson County Government shall be discriminated against on the basis of race, nationality, color, gender, age, handicap, and political or religious preference.

28) Disclosure of Criminal Record and Motor Vehicle Convictions. Requires that all persons seeking employment with Anderson County Government be required to disclose, before employment is offered, all criminal and motor vehicle convictions.

29) Surety Bond Requirement. Safeguards that all persons seeking employment with Anderson County Government shall be bondable for surety and performance bond purposes and required for the particular position sought. No person shall be employed by Anderson County Government that is unfit for surety and performance bond coverage.

30) Presentation of New Employees to Human Resource Director. Requires all elected officials and department heads to present new employees or paid appointees to the Human Resource Department on or before the first day of employment with Anderson County Government. At this time an orientation meeting will take place, including, but not limited to, completion of all employment records, notification and enrollment offered for all applicable county benefits.

31) Required Notifications to Human Resource Department. Ensures that all elected officials and department heads notify the Human Resource Department, as soon as practically possible, when any employee is: hired; suspended; placed on voluntary or involuntary leave, including but not limited to, military, maternity, or Family Medical Leave (FMLA); resigns; retires; terminated; or otherwise material changes in their employment status with Anderson County Government.

32) Employee Medical Clinic and Wellness Program Administers and directs all operations of the on-site employee medical clinic and the employee wellness program.

33) Exit Interview Requirement. Whenever possible, ensures that all elected officials and department heads present employees who have resigned, retired, terminated or otherwise left employment with Anderson County, for any reason, to the Human Resource Department for the purpose of conducting an exit interview with Anderson County Government. The Human Resource Director shall conduct the exit interview and record the content and findings in the employee's personnel file. The Human Resource Director shall inform the elected official and department head as to pertinent information uncovered and developed in the exit interview.

Section V: Termination of the Human Resource Director.

The Finance Director may terminate the Director at his or her discretion.
(Emphasis Added Temporarily)

Section VI: Conflict with Prior Resolutions. All past Resolutions in conflict with this Resolution are hereby repealed effective immediately.

Section VII: Effective Date. This amended Resolution shall take effect immediately upon passage by the Anderson County Legislative Body, the public welfare requiring it.

AMENDED RESOLVED, adopted and effective this 18th day of December 2023.

H. Tyler Mayes, County Commission Chair

Terry Frank, County Mayor

ATTEST:

Jeff Cole, County Clerk

17. Commissioner McKamey made a motion to approve Resolution No. 23-11-1132 Supporting Operation Green Light for Veterans (EXHIBIT E). Seconded by Commissioner Verran. Motion carries by voice vote.

18. Commissioner Allen made a motion to approve Resolution No. 23-12-1138 as amended to include Oak Ridge, Authorizing the Mayor to Pursue and Negotiate Partnerships with Roane County Government, the City of Oak Ridge, and Other Potential Regional Stakeholders for the Purpose of Establishing a Regional Collaborative Approach to Economic and Workforce Development (EXHIBIT F). Seconded by Commissioner Verran. Motion carries by voice vote.

19. Commissioner Allen made a motion to approve Resolution No. 23-12-1141 Amended to Establish the Anderson County Information Technology Advisory Board. The office of Information Technology, Information Technology Director and Reporting Structure (EXHIBIT G). Seconded by Commissioner Yager. Motion carries by voice vote.

20. Commissioner Allen made a motion to approve Resolution No. 23-12-1142 To Create a Reporting Structure for the Tourism Director (EXHIBIT H). Seconded by Commissioner Yager. Motion carries by voice vote.

21. Commissioner Anderson made a motion to approve Resolution No. 23-12-1140 Urging Congress to Extend the Deadline Application for the Livestock Forage Disaster Program (EXHIBIT I). Seconded by Commissioner Allen. Motion carries by Voice Vote.

22. Commissioner Wandell made a motion to approve Resolution No. 23-12-1143 Requesting the Tennessee General Assembly to Pass Senate Bill 1298/House Bill 0681 to Amend Tennessee Code Annotated, Title 4; Title 8 and Title 68, Relative to Rescue Squads (EXHIBIT J). Seconded by Commissioner Allen. Motion carries by voice vote.

23. Commissioner Wandell made a motion to approve the letter to Ben's Mobile Home Park residents. Seconded by Commissioner Yager. Motion carries by voice vote.

24. Commissioner Wandell made a motion to forward to the next Operations meeting and have the Mayor and the Law Director report back with board recommendation drafts for the Animal Shelter going forward. Seconded by Commissioner Yager. Motion carries by voice vote.

Fire Commission

25. Commissioner Wandell made a motion to temporally suspend the voting rights of the Anderson County Rescue Squad pending the investigation from the Comptroller's Office, District Attorneys Investigation, having an active board for the rescue squad and sending correct paperwork to the Secretary of State's Office. Seconded by Commissioner Beauchamp. Motion carries by voice vote.

Unfinished Business

None.



ANDERSON COUNTY GOVERNMENT

TERRY FRANK
COUNTY MAYOR

January 3, 2024

Commissioner Tim Isbel
Chairman, Operations Committee

RE: AGENDA

Dear Chairman Isbel and Honorable Members of Commission,

I wish to add the following items to the Agenda:

1. I am requesting consideration of a proposal to take advantage for the benefit of our county the changes in tourism related law under T.C.A. § 67-4-1402. This change in state law allows the county to levy, modify, or repeal a privilege tax by resolution (rather than by private act) subject to certain restrictions. I have attached a couple of sheets showing the opportunity to lower the county rate, expand the rate, and the potential revenue increase. See attachments.
2. Anderson County Animal Care & Control Director Damon McKenna and Dr. Mark Garrett will provide a community snapshot and status report on animal control.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry Frank", with a long, sweeping horizontal line extending to the right.

Terry Frank



Hotel/Motel Tax

Hotel/Motel Tax

Hotel/Motel Tax

Reference Number: CTAS-1639

A hotel/motel tax is a tax on the privilege of occupancy of hotel rooms. Under T.C.A. § 67-4-1401(2), the term hotel includes private, public, and government owned hotels, inns, tourist camps, tourist courts, tourist cabins, motels, short-term rental units, primitive and recreational vehicle campsites and campgrounds, or any place in which rooms, lodgings, or accommodations are furnished to transients for consideration. Prior to July 1, 2021, counties levied the hotel/motel tax by private act (with the exception of counties with a metropolitan form of government, which use a general law, T.C.A. § 7-4-101 *et seq.*)

Modifying, Levying, and Repealing Hotel/Motel Tax —Public Chapter 496 became effective on July 1, 2021. The law allows a county (except for those with a metropolitan form of government) to levy, modify, or repeal a privilege tax by resolution (rather than by private act) subject to the following restrictions: (i) the tax must not exceed 4% of consideration charged to the occupant of the hotel; (ii) subject to other provisions discussed below, a hotel/motel tax authorized before the effective date of this act that exceeds the limit remains in full force and effect; and (iii) this does not void or modify a private act, ordinance, or resolution authorizing the levy of the privilege tax. T.C.A. § 67-4-1402.

Under T.C.A. § 67-4-1403, revenue received by the county from the tax must be used for tourism purposes. However, revenue from a tax levied before July 1, 2021, may continue to be used in the same manner described in the private act or resolution. Counties are not authorized to change the use of revenue of a preexisting tax except for tourism purposes. See Title 67, Chapter 4, Part 14 of the Tennessee Code Annotated.

Short-Term Rentals —Short-term rentals are residential dwellings that are rented wholly or partially for a fee for less than 30 continuous days but do not include a hotel defined in T.C.A. § 68-14-302 or a bed and breakfast as defined in T.C.A. § 68-14-502. See T.C.A. § 67-4-1501(5).

Title 7, Chapter 4 and Title 67, Chapter 4 of the Tennessee Code Annotated define a


short-term rental marketplace as a person or entity, (excluding vacation lodging services), that provides a platform for compensation, between a third-party who offers to rent a short-term rental to an occupant. Examples of short-term rental marketplaces are Airbnb and VRBO. Vacation lodging services are engaged in the business of providing management, marketing, booking, and rental or short-term rental units. One example of a vacation lodging service is a cabin rental company.

Hotel/motel taxes on short-term rental units secured through a short-term rental marketplace must be collected and remitted by the short-term rental marketplace to the department of revenue for distribution to the local government levying the tax, in accordance with Title 67, Chapter 4, Part 33, of the Tennessee Code Annotated. Vacation lodging services are not responsible for collecting and remitting hotel/motel taxes to the department of revenue but may be responsible for remitting such taxes to the county if required by private act or resolution.

Hotel/Motel Tax in Metropolitan Counties – Metropolitan Counties follow the general law found at T.C.A. § 7-4-101 et seq. These counties are authorized to impose a hotel/motel tax in an amount not to exceed 3% of the consideration charged by the operator. The privilege tax shall be approved by ordinance of the metropolitan council. T. C. A. § 7-4-102.

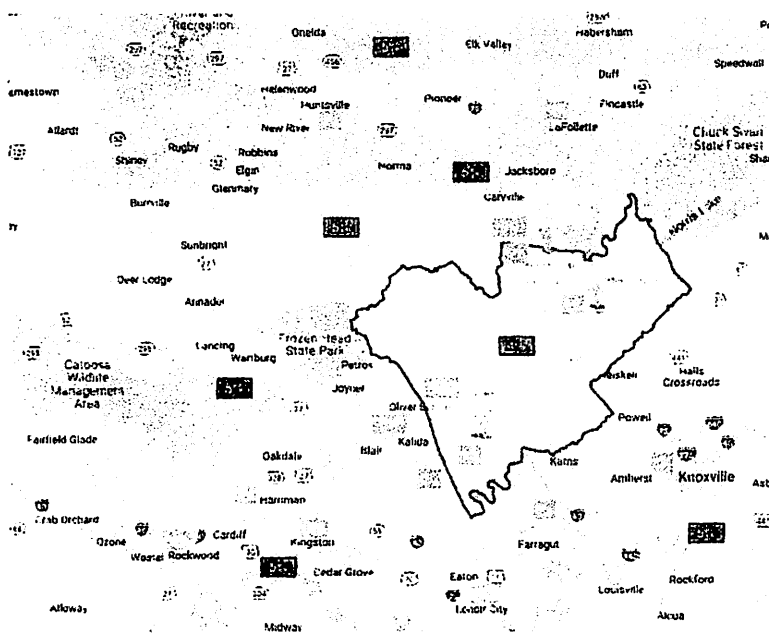
In addition to tax described above, metropolitan counties having population of less than 25,000 according to the 2020 federal census or subsequent federal census are authorized to impose an additional hotel/motel tax not to exceed 3% of the consideration charged by the operator. The additional tax shall be approved by ordinance of the metropolitan council. T. C. A. § 7-4-102.

Source URL: <https://www.ctas.tennessee.edu/eli/hotelmotel-tax>



	<u>5% Current Rate</u>	<u>4% New TCA</u>	3% New TCA	2% New TCA
Hotel	\$ 603,959.88	\$ 969,822.85	\$ 727,367.14	\$ 484,911.43
Short-term rental	87214.69	\$ 147,577.14	\$ 110,682.86	\$ 73,788.57
Total	\$ 691,174.57	<u>\$ 1,117,400.00</u>	\$ 838,050.00	\$ 558,700.00
Percent Change		<u>62%</u>	21%	-19%

Private Act vs. New TCA Potential Tax Volumes



- Opportunity to lower county rate
- Expand rate to Oak Ridge and Rocky Top
- Lower rate in Clinton and Oliver Springs
- Funding would need to support tourism or tourism development

(10) "Tourism" means attracting nonresidents to visit a particular municipality and encouraging those nonresidents to spend money in the municipality, which includes travel related to both leisure and business activities;

(11) "Tourism development" means the acquisition and construction of, and financing and retirement of debt for, facilities related to tourism;

Anderson County Board of Commissioners
OPERATIONS COMMITTEE
MINUTES
December 11, 2023
6:00 PM Room 312

Members Present: Tim Isbel, Denise Palmer, Tracy Wandell, Phil Yager, Joshua Anderson, Stephen Verran, McKamey and Anthony Allen

Members Absent: None

Call to Order: Chairman Isbel called the meeting to order.

Commissioner Vandagriff said the prayer.

Vice-Chairman Palmer led the Pledge of Allegiance.

Commissioner Anderson requested a moment of silence for Dr. Rainey.

No citizens addressed the committee.

Commissioner Anderson requested to move item 6 under the Law Director's report up to 4a. Approval of agenda as amended. Passed.

Susan Fowler, retired teacher, spoke opposing the school vouchers.

Commissioner Anderson made a motion to approve Resolution No. 23-12-1144 Between Anderson County Schools, Clinton City Schools, Oak Ridge City Schools, Clinton City Council, Oak Ridge City Council and the Anderson County Board of Commissioners Opposing the Education Freedom Scholarship Act. Second by Commissioner Verran. Motion passed to forward to full commission for approval.

Commissioner McKamey made a motion to approve the Mayor write a letter to Representatives Burchett, Fleishman and Harshbarger to let them know we are aware of the Weisgarber Distribution Center closing and would like questions answered. Second by Commissioner Wandell. Motion passed unanimous.

Mayor

Commissioner Yager made a motion to approve Resolution No. 23-11-1132 Supporting Operations Green Light for Veterans and Lighting the Courthouse Green Each Year. Second by Commissioner McKamey. Motion passed to forward to full commission for approval.

Commissioner McKamey made a motion to approve Resolution No. 23-12-1138 Authorizing the County Mayor to Pursue and Negotiate Partnerships with Roane County Government and Other Potential Regional Stakeholders for the Purpose of Establishing a Regional, Collaborative Approach to Economic and Workforce Development. Second by Commissioner Allen. Motion passed to forward to full commission for approval.

* Update on schedule change for Director Damon McKenna and Dr. Garrett
No Action.

Law Director

Commissioner McKamey made a motion that we defer action to next month and send resolutions to the different boards for their review on items 1, 2 & 3. Second by Commissioner Anderson. Motion failed.

Commissioner Allen made a motion to approve item 1 the HR Resolution No. 23-12-1139 as presented. Second by Commissioner Palmer. Motion failed.

* To take up next month.

Commissioner Yager made a motion to approve Resolution No. 23-12-1142 To Create a Reporting Structure for the Tourism Director. Motion Second by Commissioner McKamey. Motion passed to forward to full commission for approval.

Commissioner Verran made a motion to defer Resolution No. 23-12-1141 for the IT Department to next month. Second by Commissioner McKamey. Motion failed.

Commissioner Allen made a motion to accept Resolution No. 23-12-1141 as presented. Commissioner Yager seconded the motion. Motion passed to forward to full commission for approval.

Commissioner Anderson made a motion to approve Resolution No. 23-12-1140 Urging Congress to Extend the Deadline Application for the Livestock Forage Disaster Program (LFP) Through the U.S. Department of Agriculture (USDA) Farm Service Agency (FSA). Second by Commissioner Allen. Motion passed to forward to full commission for approval.

Commissioner Wandell made a motion to approve Resolution No. 23-12-1143 Requesting the Tennessee General Assembly to Pass Senate Bill 1298/House Bill 0681 to Amend Tennessee Code Annotated, Title 4; Title 8 and Title 68, Relative to Rescue Squads. Second by Commissioner McKamey. Motion passed to forward to full commission for approval.

* Resolution for the Veterans Service Office to take up next month.

* Interlocal Agreement for Public Library Services to take up next month.

New Business:

911 APP- Discussion to raise awareness of the 911 APP, No Action Taken.

Old Business:

Update on Ben's Mobile Home Park – Commissioner Wandell made a motion to have that letter drafted to all the residents and home owners approved by the Mayor and then send it out. Second by Commissioner McKamey. Motion passed unanimous.

Commissioner McKamey moved to adjourn.

Meeting Adjourned

INTERLOCAL AGREEMENT

Public Library Services

WHEREAS, the Parties hereto, consisting of Anderson County, a governmental entity and political subdivision of the State of Tennessee and the cities of Clinton, Norris and Rocky Top, chartered municipalities organized under the laws of the State of Tennessee desire to enter into an Interlocal Agreement to memorialize their joint and consolidated effort to provide library services to the citizens of Anderson County and the cities of Clinton, Norris and Rocky Top; and

WHEREAS, Tenn. Code Ann. §5-1-113 provides legal authority for interlocal cooperation between counties and municipalities. That statute reads as follows:

The county legislative body of any county and the chief legislative body of any one (1) or more municipalities lying within the boundaries of the county are authorized and empowered to enter into any such agreements, compacts or contractual relations as may be desirable or necessary for the purpose of permitting the county and the municipality or municipalities to conduct, operate or maintain, either jointly or otherwise, desirable and necessary services or functions, under such terms as may be agreed upon by the county legislative body and the chief legislative body of the municipality or the chief legislative bodies of the municipalities.

WHEREAS, Anderson County and the cities of Clinton, Norris and Rocky Top have a long history and commitment to maintain free public libraries to their citizens. Anderson County created the first county library board on April 7, 1941. The Clinton Public Library has existed since 1898 and both the Rocky Top (then Coal Creek) and Norris libraries came into existence in the 1930's. Records reflect that the first Briceville library was formed in the early 1950's; and

WHEREAS, in January of 2004, Anderson County began to transition library operations and personnel under the county umbrella of control and the cities agreed to provide monetary contributions as well as, in-kind contributions in the form of library buildings, maintenance, utilities to the County Library Board to assist with library operations; and

WHEREAS, the new Briceville Library project began with the passage of County Resolution 03-08-299 setting forth the funding through loans and community donations to build the new library on property adjacent to Briceville Elementary School. The new Briceville Library was officially opened in 2017; and

WHEREAS, on August 18, 2008 the Anderson County Legislative Body passed Resolution Number 03-08-308 declaring the official status of library employees as county employees with all rights, privileges and benefits associated therewith; and

WHEREAS, currently, the primary funding mechanism is a property tax levy deposited in a county special revenue account controlled by the Anderson County Finance Department with various amounts of monetary and in-kind contributions made by the cities.

NOW, THEREFORE, BE IT RESOLVED by the Anderson County Legislative Body and the legislative bodies of the City of Clinton, City of Norris and the City of Rocky Top that we agree to the following terms to support free public libraries inside Anderson County:

SECTION 1. Anderson County Government agrees to the following commitments:

A) Funding

Anderson County Government will continue to levy a property tax as the main funding mechanism for the library system not to fall below the minimum amount of \$526,484.00 (contingent upon collections) and previously agreed to and memorialized in the Maintenance of Effort Agreement executed by the County Mayor on October 4, 2022. (See Exhibit 1 – Maintenance of Effort Agreement)

Nothing contained within the Maintenance of Effort Agreement shall prohibit the Anderson County Budget Committee and Legislative Body from adjusting library budget codes provided allocations do not fall below the minimum sums reflected in the Maintenance of Effort Agreement.

B) Status of Employees

All employees of the library system will be considered Anderson County Government employees with all rights, privileges and benefits provided as other county employees. Employees at all times shall adhere to Anderson County personnel policies and rules and regulations adopted by the Anderson County Legislative Body.

C) Utilization of Briceville Library

Anderson County will continue to provide the building utilized as the Briceville Library along with all necessary funding, maintenance and utilities.

D) Additional Administrative Resources Provided by County

The county will continue with providing budgeting, purchasing, management oversight, human resources and legal support for the library system.

SECTION 2. The City of Clinton will continue to provide the building and adequate space and furnishings utilized for the Clinton Library along with maintenance and utilities. The City of Clinton will also provide a separate annual monetary contribution not to fall below \$80,400.00 as agreed to in the Maintenance of Effort Agreement. (See Exhibit 1- MOE Agreement)

SECTION 3. The City of Norris will continue to provide the building and adequate space and furnishing utilized for the Norris Library along with maintenance and utilities. The City of Norris will also provide a separate annual monetary contribution not to fall below \$32,250.00 as agreed to in the Maintenance of Effort Agreement. (See Exhibit 1 – MOE Agreement)

SECTION 4. The City of Rocky Top will continue to provide the building and adequate space and furnishing utilized by the Rocky Top Library along with maintenance and utilities. The City of Rocky Top will also provide a separate annual monetary contribution not to fall below \$17,665 as agreed to in the Maintenance of Effort Agreement (See Exhibit 1 – MOE Agreement)

SECTION 5. Monetary contributions by the cities will be adjusted annually determined by the percentage of increase in the average Consumer Price Index (CPI) between the previous two calendar years, however, decreases in the CPI will not affect or lower previous contributions.

SECTION 6. The Anderson County Library Board will provide oversight at all times commensurate with Tennessee Code Annotated §§ 10-3-101 *et seq.* and all participating municipalities will have the sole right to select its representative(s) to the Library Board.

SECTION 7. The Anderson County Library system will not affect the operations of the Oak Ridge Public Library.

SECTION 8. The Anderson County Library System will continue to partner with the State of Tennessee, Office of the Secretary of State, Tennessee Library and Archives, as well as the Clinch River Regional Library. *All Rules and Regulations adopted by the Secretary of State and applicable to Regional Libraries shall be followed. (See Exhibit 2, Secretary of State Agreement)*

SECTION 9. This Interlocal Agreement will have no effect unless approved by the Legislative Bodies of all participants.

SECTION 10. *This Agreement shall expire three (3) years after the last execution date below; however, nothing contained within this Agreement shall prevent renegotiations of the terms and contributions embodied herein at any time during the three (3) year effective period subject to the approval of the Parties.*

RESOLVED AND EFFECTIVE on the dates entered below:

ACCEPTANCE BY ANDERSON COUNTY:

Terry Frank, County Mayor

H. Tyler Mayes, Commission Chair

Jeff Cole, County Clerk (ATTEST)

Date Approved

ACCEPTANCE BY THE CITY OF CLINTON:

Scott Burton, City Mayor

Roger Houck, City Manager

(ATTEST)

Date Approved

ACCEPTANCE BY THE CITY OF NORRIS:

Chris Mitchel, Mayor

Adam Ledford, City Manager

Sandy Johnson, Recorder (ATTEST)

Date Approved

ACCEPTANCE BY THE CITY OF ROCKY TOP

Kerry Templin, Mayor

Michael Ellis, City Manager

Amanda Daugherty, Recorder (ATTEST)

Date Approved

2022 - 2023 PUBLIC LIBRARY MAINTENANCE OF EFFORT AGREEMENT

Office of the Secretary of State Tennessee State Library and Archives

Region: Clinch River

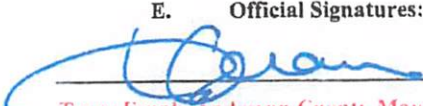

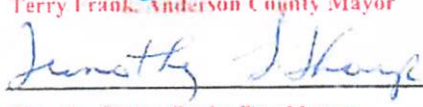
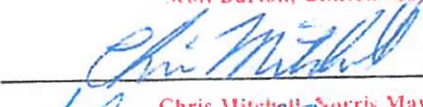
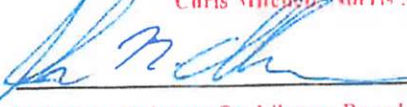
County(ies): Anderson

Library/Library System:

D. Number of library operating hours in a normal week:

Name of Library Building	Main or Branch Library	Number of Hours per Week FY 2020-2021	Number of Hours per Week FY 2021-2022	Number of Hours per Week FY 2022-2023	Comments: Number of days closed for COVID-19
Briceville	Main	30	30	30	0
Clinton	Main	55	55	55	0
Norris	Main	44	44	44	0
Rocky Top	Main	39	39	39	0
Total		168	168	168	

E. Official Signatures:

 10/04/22
 Terry Frank, Anderson County Mayor Date
 9/30/22
 Scott Burton, Clinton Mayor Date
 9/11/22
 Timothy Sharp, Rocky Top Mayor Date
 8/22/22
 Chris Mitchell, Norris Mayor Date
 10/13/22
 Joshua Anderson, Anderson Co. Library Board Chair Date

For State Library Use Only

Reviewed by:

Signature  Date 01-11-2023
 Matthew Jordan, Clinch River Regional Library Director

Additional notes:

Anderson Co. libraries are funded by a property-tax based Special Revenue Fund, as well as city contributions. The county's appropriation is an estimate of the upcoming year's revenue collections, and the expenditures listed are the amounts actually collected by the end of the year. All unspent funds roll over for use by the libraries. Also, the Board Treasurer leaves padding when assigning each library's budget, in case tax collections are less than expected.

Approved by:

Signature  Date 01-23-2023
 James Ritter, State Librarian and Archivist

2022 - 2023 PUBLIC LIBRARY MAINTENANCE OF EFFORT AGREEMENT

Office of the Secretary of State Tennessee State Library and Archives

Due to the Clinch River Regional Library by October 31st

Region: Clinch River

County(ies): Anderson

Library/Library System:

The Office of the Secretary of State, Tennessee State Library and Archives, Regional Library is hereby notified that public funds were appropriated and expended for library services in the fiscal year just completed. This amount will be matched or exceeded during the current fiscal year. In addition, the total number of library operating hours will be maintained, per the *Public Library Service Agreement*. The undersigned acknowledge that failure to meet Maintenance of Effort (MOE) may result in the loss of all regional library services, including materials currently held at the local library(ies) paid for with State and Federal funds, and that responsibility for ensuring compliance with this agreement and the *Public Library Service Agreement* shall be shared by both the local funding entity and the Public Library Board of Trustees.

Report only public tax dollars appropriated and expended for operation of local libraries. Do not include capital or one-time appropriations or expenditures, donated funds, grant funds or pass-through money appropriated by another County or City.

A. Appropriated and Expended by the County(ies):

County(ies)	Appropriated FY 2020-2021	Expended FY 2020-2021	Appropriated FY 2021-2022	Expended FY 2021-2022	Appropriated FY 2022-2023
Anderson	\$478,362.00	\$493,896.00	\$503,782.00	\$503,782.00 529,494	526,484.00
TOTAL	\$478,362.00	\$493,896.00	\$503,782.00	503,782 529,494	526,484.00

B. Appropriated and Expended by the City(ies):

City(ies)	Appropriated FY 2020-2021	Expended FY 2020-2021	Appropriated FY 2021-2022	Expended FY 2021-2022	Appropriated FY 2022-2023
Clinton	\$80,400.00	\$80,400.00	\$80,400.00	\$80,400.00	80,400.00
Rocky Top	\$17,665.00	\$17,665.00	\$17,665.00	\$17,665.00	17,665.00
Norris	\$32,250.00	\$32,250.00	\$32,250.00	\$32,246.00	32,250.00
TOTAL	\$130,315.00	\$130,315.00	\$130,315.00	130,311	130,315

C. Totals:

	Appropriated FY 2020-2021	Expended FY 2020-2021	Appropriated FY 2021-2022	Expended FY 2021-2022	Appropriated FY 2022-2023
TOTAL	\$608,677.00	\$624,211.00	\$634,097.00	634,093 659,805	656,799

* 2021-22 expenditures corrected for actual expenditures

** The 3 cities' expenditures are equivalent to their appropriations because they are pass-through funds to the county.

** Norris expenditures 2021-22 were \$4 short due to a clerical error. Has been corrected for 2022-23.



Department of State
Tennessee State Library and Archives
1001 Rep. John Lewis Way N
Nashville, Tennessee 37219-1115
(615) 741-7996

PUBLIC LIBRARY SERVICE AGREEMENT

Clinch River Regional Library

Anderson County

FY2023-24

Responsibilities of the following Public Library(ies): Briceville, Clinton, Norris and Rocky Top

The Public Library Board of Trustees will:

1. Confirm and provide proof (upon request) that the library has been legally established in accordance with Tennessee Code Annotated 10-3-101.
2. Furnish annual documents for participation in the Tennessee State Library and Archives Regional System, including:
 - The Public Library Maintenance of Effort Agreement
 - The Public Library Service Agreement
 - The Official Public Library Service Area Population Agreement
 - Official Library Board Appointment form
 - The Public Library Statistics Survey (Data Collection)
 - Tennessee Non-Metropolitan Public Library Standards Survey
 - Board of Trustees minutes and other reports made to the County or City governing body
 - A Long-Range Plan for Library Services and Technology
 - Bylaws and Policy Manual
3. Support the allocation of locally appropriated public funds at a level not less than the amount appropriated in the last fiscal year, as well as the expenditure of locally appropriated funds at a level not less than the total amount expended in the last fiscal year. This is referred to as "Maintenance of Effort" (MOE) in various documents and also applies to library operating hours as detailed in item 5 of this document. (T.C.A. 10-3-102)
4. Ensure compliance with the Public Library Maintenance of Effort agreement and this Public Library Service Agreement.
5. Maintain a schedule of service hours that best meets the needs of the residents and

that will not fall below the level set in the preceding year. (T.C.A. 10-3-102) Note: Unduplicated branch hours are included in the service hours provided system-wide.

6. Follow all local, state and federal laws and regulations, including display, provision and transmission of the mail-in or online Application for Voter Registration within the library facilities. (See National Voter Registration Act of 1993)
7. Provide basic library services free to the inhabitants of the city or county. Extend the privileges and facilities of the library to persons residing outside the County or City upon such terms as the County or City may deem proper. (T.C.A. 10-3-107)
8. Adopt written bylaws and library usage policies. Bylaws must be reviewed every 3 years. With the exception of those policies listed below, usage policies must be reviewed at least every other year and filed with the region as revised and dated. The list of recommended policies can be found in the Standards for Public Libraries (*Tennessee Standards for Public Libraries 2018: Governance 3-8*). The following policies are essential for every library and must be reviewed and approved by the board annually:
 - Collection Development Policy (Includes Reconsideration of Materials Policy) –
 - Internet Safety Policy (Recognizes the Children’s Internet Protection Act – CIPA)

See Attached Collection Development and Internet Safety Policy Minimum Requirements.

9. For all applicable meetings, including committee meetings, follow Open Meetings Law, including adequate public notices (T.C.A. 8-44-103 & 112), a period for public comment (Public Chapter 300, 2023), and minutes properly recorded and distributed (T.C.A. 8-44-104).
10. Include Regional Director, or regional designee, in all board meetings as a non-voting participant, and provide information related to the meetings to Regional Director, or regional designee, in a timely manner. Such information should include official acts of the board and other pertinent information related to the library.
11. Participate in trustee continuing education and training provided by the Regional Library and the Tennessee State Library and Archives, including Trustee Workshops and the Tennessee Trustee Certification Program.
12. Require library staff to participate in a minimum number of hours of annual training and to report the number of hours of annual training. Training may include a combination of in person and online training.
 - a. Administrative staff: Library directors and administration will receive a

minimum of 25 hours of library related training annually, of which at least 20 hours must be regionally or state sponsored.

- b. Paid staff working 20 hours or more: Staff working 20 hours or more per week will receive a minimum of 10 hours of library related training annually, of which at least 5 hours must be regionally or state sponsored.
- c. Paid staff working less than 20 hours per week will receive a minimum of 5 hours of library related training annually, of which at least 2 hours must be regionally or state sponsored.

13. Provide complete and correct MARC records compatible with the statewide catalog database (ShareIT), which facilitates the statewide interlibrary loan program.

The following resources, available upon request, will be helpful to public libraries in meeting these responsibilities:

- Tennessee Code Annotated, Title 10
- Tennessee Standards for Public Libraries, 2018

Responsibilities of the State Library and Its Regional Libraries

Subject to availability of resources, the State will:

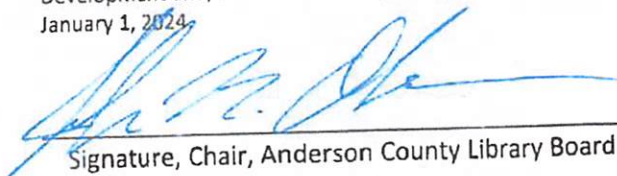
1. Assist County and City officials and library boards in developing a unified system of public library service for all residents of a county or city.
2. Provide professional library consultant services to local public library boards and staff, which may include:
 - Planning and Development
 - Personnel Management
 - Policy Development
 - Recruitment and Hiring of Library Directors
 - Collection Management
 - Grant Preparation Guidance
 - Automation Guidance
 - Facilities Management and Construction Guidance
3. Upon request, furnish technical and technology assistance to local public library boards and staff, which may include:
 - Materials Acquisitions
 - Original Cataloging
 - Data Collection and Analysis
 - Computer Hardware/Software Problem Resolutions
 - Shared ILS Problem Resolutions
4. Allocate and monitor State funds for a collection of library materials on indefinite loan.

5. Facilitate access to R.E.A.D.S. (Regional eBook and Audiobook Download System) or other digital resources provided by the regional library system.
6. Provide an annual summer reading program workshop and selected library participant materials for promotion and implementation.
7. Purchase and maintain a collection of print and online professional materials to support the improvement of library and management skills of local public library boards and staff.
8. Supply statistical information and data concerning the operation and use of the library.
9. Offer training specific to public library trustees, including the annual Tennessee Trustee Workshops and the Tennessee Trustee Certification program.
10. Offer a minimum of 30 hours of workshops and training for library boards and staff. Training may include in-services, workshops, roundtables, or online training.

If you wish to participate in the Regional Library System this year (July 1, 2023 through June 30, 2024), please acknowledge and agree to the Library Service Agreement as soon as possible, and any policy revisions that need to be made as indicated above, may be completed by January 1, 2024.

____ We currently meet and agree to all provisions in this agreement, and acknowledge that our Collection Development and Internet Safety Policy meet the new minimum requirements.

☒ We currently meet and agree to all provisions in this agreement, except potentially for the Collection Development and/or Internet Safety Policy minimum requirements, which we agree to review and update by January 1, 2024.


Signature, Chair, Anderson County Library Board

Date 9/1/23

Joshua N. Anderson
Print Name

Bessie Davis
Bessie Davis, Director of Regional Libraries

Date 9/5/2023

References:
Tennessee Code Annotated, Title 10
Tennessee Standards for Public
Libraries, 2018

Revised form: 5/22/2023

Tennessee Regional Library System

Collection Development and Internet Safety Policy Minimum Requirements

Local libraries must ultimately make the decision on what materials to purchase. The Tennessee Regional Library System, however, recognizes that state and federal funds are often used by the local libraries to purchase materials, either directly or through the Regional Library System, and this guidance is intended to ensure that no state and federal funds are used to purchase books and materials that are harmful to minors. To be eligible to receive funding from the Tennessee Regional Library System, public libraries in the Regional Library System must include certain requirements in their Collection Development Policies and Internet Safety Policies, as discussed below.

Collection Development Policy: Every library participating in the Tennessee Regional Library System must have a Collection Development Policy that reflects the following:

1. All materials are selected by the local public library in accordance with the individual public library's full Collection Development Policy;
2. The public library's Collection Development Policy is approved by the public library's Board of Trustees (or equivalent governing body) at least annually;
3. All books selected for purchase by the individual public library, through the Regional Library System or otherwise, are reviewed by the public library's director before purchase, with the library director then sharing a list or lists of newly purchased materials with the public library's Board of Trustees (or equivalent governing body);
4. No funds received are used to purchase, nor will the library otherwise acquire, material that constitutes "child pornography," is "pornographic for minors," or is "obscene;"
5. Books and materials that contain sexual themes or content are reviewed by the public library independently for age-appropriateness and cataloged accordingly – even if this overrides the age-appropriateness recommended by the publisher;
6. The library has a written, publicly accessible library materials challenge policy that (a) defines which parties may dispute or challenge the library's age-appropriate designation on materials, with such definition, at a minimum, including a parent or guardian of a minor within the library district, (b) defines the process by which a materials challenge can be initiated, and (c) provides for the results of any such dispute or challenge to be disclosed in the public library's official Board of Trustee minutes.

Internet Safety Policy: Every library taking part in the Tennessee Regional Library System must have an Internet Safety Policy that reflects the following:

1. The policy must include an acknowledgment that the public library is aware of, and adheres to, the Children's Internet Protection Act (CIPA),

<https://www.fcc.gov/consumers/guides/childrens-internet-protection-act>, which in part states:

Libraries subject to CIPA are required to adopt and implement an Internet safety policy addressing:

- a. Access by minors to inappropriate matter on the Internet;
 - b. The safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications;
 - c. Unauthorized access, including so-called "hacking," and other unlawful activities by minors online;
 - d. Unauthorized disclosure, use, and dissemination of personal information regarding minors; and
 - e. Measures restricting minors' access to materials harmful to them.
2. Annually, the public library's Board of Trustees must meet to discuss the library's Internet Safety Policy in an open-to-the-public Board Meeting and document the approval of the policy in the minutes of such meeting. (This is required to maintain CIPA compliance).
 3. The public library's Board of Trustees must review compliance with CIPA annually and must specifically acknowledge compliance under one of the following methods:

Method of compliance (Please Select One):

1. ☒ Filtering software is in use for all PCs in the library, and an Internet Usage Policy is in place, which establishes measures to restrict minors from gaining access to material that is pornographic to minors, as determined by community standards.
2. ☐ The Library is not supported with federal funding.
3. ☐ The Library does not offer Internet Access.