
**MINUTES
SUMNER COUNTY BOARD OF COUNTY COMMISSIONERS
FEBRUARY 25, 2013**

The Board of County Commissioners of Sumner County, Tennessee met in regular session on Monday, February 25, 2013, in the Commission Chambers of the Sumner County Administration Building in Gallatin, Tennessee at 7:00 p.m. Present and presiding was the Chairman Merrol Hyde. Also present were the County Clerk Bill Kemp and County Law Director Leah Dennen and the following Commissioners to wit:

Mike Akins
Paul Decker
Paul D. Freels
Frank E. Freels
Billy Geminden
Paul Goode
Michael Guthrie

Ben Harris
Chris Hughes
Merrol N. Hyde
David Kimbrough
Trisha LeMarbre
Joe C. Matthews
Kirk Moser
Bob Pospisil

Baker Ring
David Satterfield
Jo Skidmore
Jerry F. Stone
Paige Brown Strong
Moe Taylor
Jim Vaughn
Shawn Utley

Having a duly constituted quorum, the meeting was opened in due process by Sheriff Sonny Weatherford. Chairman Hyde noted that with twenty-three members seated, a simple majority would be by thirteen votes; and that matters requiring a two-thirds vote would be by sixteen votes during this session. Commissioner Steve Graves was not present for the meeting.

The Invocation was led by Pastor Tim Binion of the Hendersonville Missionary Baptist Church.

The Pledge of Allegiance was led by the County Clerk, Bill Kemp.

APPROVAL OF AGENDA

Commissioner Akins moved, and was duly seconded by Commissioner Geminden, to adopt the agenda. The Commission approved the agenda by unanimous voice vote of the body.

APPROVAL OF MINUTES

The minutes for the meeting of this body held on January 28, 2013, and recorded in the office of the Clerk, Bill Kemp, were approved by unanimous voice vote after Commissioner Skidmore made the motion, seconded by Commissioner Brown. Commissioner Vaughn abstained from the vote.

RECOGNITION OF THE PUBLIC

Chairman Hyde opened the floor to allow the public to speak concerning any matter on the agenda. With no one wishing to speak, recognition of the public was closed.

REPORT OF THE CHAIR

Commissioner Vaughn read the following resolution into the record:

A RESOLUTION HONORING KYLE DEGROOD

WHEREAS, Mr. Kyle DeGrood has earned his Eagle Scout Badge, the highest award a scout can achieve, by building a natural playground at College Heights Baptist Church in Gallatin, Tennessee to be used by children of the area; and

WHEREAS, Kyle DeGrood progressed through the ranks starting as a Tenderfoot, Second Class, First Class, Star, Life and Eagle earning twenty-one merit badges, served as a troop leader for his community and successfully completed an Eagle Scout board of review; and

WHEREAS, Mr. DeGrood, by completing his Eagle Scout project, has entered the top levels of scouting and should be commended for his hard work, leadership, dedication and commitment to our community.

NOW, THEREFORE BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 25th day of February, 2013, that this body does hereby congratulate Mr. Kyle DeGrood for his outstanding achievements and wishes him future success; and

BE IT FURTHER RESOLVED that this resolution is to be spread on the minutes of this body and the Clerk is to furnish a copy of this resolution to the Kyle DeGrood.

Upon motion of Commissioner Vaughn, seconded by Commissioner Stone, Chairman Hyde declared the resolution honoring Mr. DeGrood approved by unanimous voice vote of the body.

Commissioner Vaughn read the following resolution into the record:

A RESOLUTION HONORING NATHANIEL JAMES GETTINGS

WHEREAS, Mr. Nathaniel James Gettings, has reached the level of Eagle Scout, the highest award a Boy Scout can receive; and

WHEREAS, Nathaniel attained this honor by earning twenty-one merit badges, serving as a troop leader for his community and successfully completing an Eagle Scout board of review; and

WHEREAS, Nathaniel, for his project, restored a Civil War era family cemetery in Greenbrier, Tennessee, by removing all overgrown vegetation, raising funds to replace an old fence and hiring a conservator to repair/restore any damaged tombstones.

NOW, THEREFORE BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 25th day of February, 2013, that this body does hereby congratulate Mr. Nathaniel James Gettings for his outstanding performances and wishes him future success; and

BE IT FURTHER RESOLVED that this resolution is to be spread on the minutes of this body and the Clerk is to furnish a copy of this resolution to the Mr. Nathaniel James Gettings.

Upon motion of Commissioner Vaughn, seconded by Commissioner Brown, Chairman Hyde declared the resolution honoring Mr. Gettings approved by unanimous voice vote of the body.

County Executive Anthony Holt read the following resolution into the record:

**A RESOLUTION HONORING
MR. TOM TUCKER**

WHEREAS, Mr. Tom Tucker, after an outstanding career that spanned over thirty-five plus years, is retiring as the Director of Development Services for the city of Goodlettsville; and

WHEREAS, Mr. Tucker, a Vietnam veteran, was a reservist in the 434th Tactical Fighter Squadron and a long-term Young Eagles Flight Leader for Experimental Aircraft Association; and

WHEREAS, Mr. Tucker studied engineering and applied science at the University of Maryland and Indiana University where he received his Bachelor of Science degree, earned an M.B.A. from the Indiana University Graduate School of Business, and further accomplished post-graduate studies; and

WHEREAS, Mr. Tucker has had worldwide experience in new business development in numerous countries throughout Europe and North Africa, and has been an outstanding leader, using his exceptional skills for business recruitment while working hard to retain and expand existing industry and improve workforce development programs offered at local universities and colleges; and

WHEREAS, Mr. Tucker has been married to his wife, Janet, for over forty years, is the father of two, and has been active in his community through church and various community organizations further serving others.

NOW, THEREFORE BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 25th day of February, 2013 that this body does hereby acknowledge Mr. Tucker's many contributions to our county and the city of Goodlettsville, and express our appreciation for the integrity and dedication he has shown throughout his career; and

BE IT FURTHER RESOLVED that this resolution shall be spread on the minutes of this body and the Clerk is to furnish a copy of this resolution to Mr. Tom Tucker.

Upon motion of Commissioner Matthews, seconded by Commissioner LeMarbre, Chairman Hyde declared the resolution honoring Mr. Tucker approved by unanimous voice vote of the body.

CONSENT AGENDA

Commissioner Akins moved, seconded by Commissioner Harris, to approve the following items on the Consent Agenda.

1302-04 A RESOLUTION APPROPRIATING \$4,190.00 FROM COUNTY GENERAL UNASSIGNED FUND BALANCE FOR COMMUNICATION EQUIPMENT FOR EMERGENCY MANAGEMENT AGENCY

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 25th day of February, 2013 that this body hereby appropriates \$4,190.00 from County General Unassigned Fund Balance for communication equipment for Emergency Management Agency as shown on the attachment herewith.

1302-05 A RESOLUTION APPROPRIATING \$6,250.00 CONTRIBUTION FROM FOALS FOR BOOK PURCHASES AND LIBRARY SHELVING FOR THE HENDERSONVILLE LIBRARY

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 25th day of February, 2013, that this body hereby appropriates \$6,250.00 contribution from FOALS to the Hendersonville Library for additional book purchases and library shelving as shown on the attachment herewith.

1302-06 A RESOLUTION APPROPRIATING \$12,000.00 FROM EMPG GRANT FOR EQUIPMENT FOR EMERGENCY RESPONSE COMPLEX

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 25th day of February, 2013 that this body does hereby appropriate \$12,000.00 from EMPG Grant for equipment for Emergency Response Complex as shown on the attachment herewith.

1302-07 A RESOLUTION APPROPRIATING \$2,460.00 IN PASS THROUGH FUNDS FROM THE STATE GRANT FOR THE HENDERSONVILLE PUBLIC LIBRARY

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 25th day of February, 2013, that this body hereby appropriates \$2,460.00 in pass through funds from the State Grant for the Hendersonville Public Library as shown on the attachment herewith.

1302-08 A RESOLUTION APPROPRIATING \$1,520.00 TO THE GALLATIN LIBRARY FROM THE STATE GRANT ACCOUNT

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 25th day of February, 2013, that this body hereby appropriates \$1,520.00 to the Gallatin Library from the State Grant Account as shown on the attachment herewith.

1302-09 A RESOLUTION APPROPRIATING \$4,600.00 FROM THE INSURANCE RECOVERY ACCOUNT LINE TO BE USED FOR VEHICLE PARTS FOR EMERGENCY SERVICES

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 25th day of February, 2013 that this body hereby appropriates \$4,600.00 from the Insurance Recovery Account Line to be used for vehicle parts for Emergency Services as shown on the attachment herewith.

1302-10 A RESOLUTION DECLARING VARIOUS ITEMS FROM THE HIGHWAY DEPARTMENT AS SURPLUS AND AUTHORIZING DISPOSAL OR SALE OF SAME PURSUANT TO EXISTING POLICIES AND PROCEDURES

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 25th day of February, 2013 that this body does hereby declare the items from the Highway Department as surplus as shown on the attachment; and

BE IT FURTHER RESOLVED, that the disposal or sale of the same is authorized pursuant to existing policies and procedures.

1302-11 A RESOLUTION TO ESTABLISH AN UPDATED OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN, DEVISE RULES AND REGULATIONS AND TO PROVIDE FOR A SAFETY DIRECTOR AND THE IMPLEMENTATION OF SUCH PROGRAM PLAN

WHEREAS, in compliance with Public Chapter 561 of the General Assembly of the State of Tennessee for the year 1972, the Sumner County hereby updates the Occupational Safety and Health Program Plan for our employees.

WHEREAS, due to various changes in subsequent years, it has become necessary to amend the program plan to comply with more recent state requirements.

SECTION 1:

NOW, THEREFORE, BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 25th day of February, 2013, that there be and is hereby amended as follows:

TITLE: This section shall be known as "The Occupational Safety and Health Program Plan" for the employees of Sumner County.

PURPOSE: The County of Sumner in electing to update the established Program Plan will maintain an effective and comprehensive Occupational Safety and Health Program Plan for its employees and shall:

- 1) Provide a safe and healthful place and condition of employment that includes:
 - a. Top Management Commitment and Employee Involvement;
 - b. Continually analyze the worksite to identify all hazards and potential hazards;
 - c. Develop and maintain methods for preventing or controlling the existing or potential hazards; and
 - d. Train managers, supervisors and employees to understand and deal with worksite hazards.

- 2) Acquire, maintain and require the use of safety equipment, personal protective equipment and devices reasonably necessary to protect employees.
- 3) Record, keep, preserve and make available to the Commissioner of Labor and Workforce Development or persons within the Department of Labor and Workforce Development to whom such responsibilities have been delegated, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.
- 4) Consult with the Commissioner of Labor and Workforce Development with regard to the adequacy of the form and content of records.
- 5) Consult with the Commissioner of Labor and Workforce Development, as appropriate, regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be achieved under a standard promulgated by the State.
- 6) Provide reasonable opportunity for the participation of employees in the effectuation of the objectives of this Program Plan, including the opportunity to make anonymous complaints concerning conditions or practices injurious to employee safety and health.
- 7) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards and provide for education and notification of all employees of the existence of this Program Plan.

COVERAGE: The provisions of the Occupational Safety and Health Program Plan for the employees of Sumner County shall apply to all employees of each administrative department, commission, board, division or other agency whether part-time or full-time, seasonal or permanent.

STANDARDS AUTHORIZED: The Occupational Safety and Health standards adopted by the Sumner County are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated or which may be promulgated, in accordance with Section 6 of the Tennessee Occupational Safety and Health Act of 1972 (T.C.A. Title 50, Chapter 3).

VARIANCES FROM STANDARDS AUTHORIZED: Upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, we may request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, VARIANCES FROM OCCUPATIONAL SAFETY AND HEALTH STANDARDS, CHAPTER 0800-01-02, as authorized by T.C.A., Title 50. Prior to requesting such temporary variance, we will notify or serve notice to our employees, their designated representatives or interested parties and present them with an opportunity for a hearing. The posting of notice on the main bulletin board shall be deemed sufficient notice to employees.

ADMINISTRATION: For the purposes of this resolution, Tony Southern is designated as the Safety Director of Occupational Safety and Health to perform duties and to exercise powers assigned to plan, develop and administer this Program Plan. The Safety Director shall develop a plan of operation for the Program Plan in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, SAFETY AND HEALTH PROVISIONS FOR THE PUBLIC SECTOR, CHAPTER 0800-01-05, as authorized by T.C.A., Title 50.

FUNDING THE PROGRAM PLAN: Sufficient funds for administering

and staffing the Program Plan pursuant to this resolution shall be made available as authorized by Sumner County.

SEVERABILITY: Section 2.

BE IT FURTHER RESOLVED that if any section, sub-section, sentence, clause, phrase or portion of this resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

AMENDMENTS, ETC: Section 3.

BE IT FURTHER RESOLVED that this resolution shall take effect from and after the date it shall have been passed, properly signed, certified and has met all other legal requirements and as otherwise provided by law, the general welfare of the Sumner County requiring it.

PLAN OF OPERATION FOR THE OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN FOR THE EMPLOYEES OF (City/County/etc) Sumner County
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I. PURPOSE AND COVERAGE

The purpose of this plan is to provide guidelines and procedures for implementing the Occupational Safety and Health Program Plan for the employees of Sumner County.

This plan is applicable to all employees, part-time or full-time, seasonal or permanent.

The Sumner County in electing to update and maintain an effective Occupational Safety and Health Program Plan for its employees,

- a. Provide a safe and healthful place and condition of employment.
- b. Require the use of safety equipment, personal protective equipment, and other devices where reasonably necessary to protect employees.
- c. Make, keep, preserve, and make available to the Commissioner of Labor and Workforce Development, his designated representatives, or persons within the Department of Labor and Workforce Development to whom such responsibilities have been delegated, including the Safety Director of the Division of Occupational Safety and Health, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.
- d. Consult with the Commissioner of Labor and Workforce Development or his designated representative with regard to the adequacy of the form and content of such records.
- e. Consult with the Commissioner of Labor and Workforce Development regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be resolved under an occupational safety and health standard promulgated by the State.
- f. Assist the Commissioner of Labor and Workforce Development or his monitoring activities to determine Program Plan effectiveness and compliance with the occupational safety and health standards.
- g. Make a report to the Commissioner of Labor and Workforce Development annually, or as may otherwise be required, including information on occupational accidents, injuries, and illnesses and accomplishments and progress made toward achieving the goals of the Occupational Safety and Health Program Plan.
- h. Provide reasonable opportunity for and encourage the participation of employees in the effectuation of the objectives of this Program Plan, including the opportunity to make anonymous complaints concerning conditions or practices which may be injurious to employees' safety and health.

II. DEFINITIONS

For the purposes of this Program Plan, the following definitions apply:

- a. COMMISSIONER OF LABOR and Workforce Development means the chief executive officer of the Tennessee Department of Labor and Workforce Development. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the Commissioner of Labor and Workforce Development.
- b. EMPLOYER means Sumner County and includes each administrative department, board, commission, division, or other agency of Sumner County.
- c. SAFETY DIRECTOR OF OCCUPATIONAL SAFETY AND HEALTH or SAFETY DIRECTOR means the person designated by the establishing resolution, or executive order to perform duties or to exercise powers assigned so as to plan, develop, and administer the Occupational Safety and Health Program Plan for the employees of Sumner County, Tony Southern.
- d. INSPECTOR(S) means the individual(s) appointed or designated by the Safety Director of Occupational Safety and Health to conduct inspections provided for herein.

If no such compliance inspector(s) is appointed, inspections shall be conducted by the Safety Director of Occupational Safety and Health.

- e. APPOINTING AUTHORITY means any official or group of officials of the employer having legally designated powers of appointment, employment, or removal there from for a specific department, board, commission, division, or other agency of this employer.
- f. EMPLOYEE means any person performing services for this employer and listed on the payroll of this employer, either as part-time, full-time, seasonal, or permanent. It also includes any persons normally classified as □volunteers□ provided such persons received remuneration of any kind for their services. This definition shall not include independent contractors, their agents, servants, and employees.
- g. PERSON means one or more individuals, partnerships, associations, corporations, business trusts, or legal representatives of any organized group of persons.
- h. STANDARD means an occupational safety and health standard promulgated by the Commissioner of Labor and Workforce Development in accordance with Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972 which requires conditions or the adoption or the use of one or more practices, means, methods, operations, or processes or the use of equipment or personal protective equipment necessary or appropriate to provide safe and healthful conditions and places of employment.
- i. IMMINENT DANGER means any conditions or practices in any place of employment which are such that a hazard exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such hazard can be eliminated through normal compliance enforcement procedures.
- j. ESTABLISHMENT or WORKSITE means a single physical location under the control of this employer where business is conducted, services are rendered, or industrial type operations are performed.
- k. SERIOUS INJURY or HARM means that type of harm that would cause permanent or prolonged impairment of the body in that:
 - 1. A part of the body would be permanently removed (e.g., amputation of an arm, leg, finger(s); loss of an eye) or rendered functionally useless or substantially reduced in efficiency on or off the job (e.g., leg shattered so severely that mobility would be permanently reduced), or
 - 2. A part of an internal body system would be inhibited in its normal performance or function to such a degree as to shorten life or cause reduction in physical or mental efficiency (e.g., lung impairment causing shortness of breath).
On the other hand, simple fractures, cuts, bruises, concussions, or similar injuries would not fit either of these categories and would not constitute serious physical harm.
- l. ACT or TOSH Act shall mean the Tennessee Occupational Safety and Health Act of 1972.
- m. GOVERNING BODY means the County Quarterly Court, Board of Aldermen, Board of Commissioners, City or Town Council, Board of Governors, etc., whichever may be applicable to the local government, government agency, or utility to which this plan applies.
- n. CHIEF EXECUTIVE OFFICER means the chief administrative official, County Judge, County Chairman, County Mayor, Mayor, City Manager, General Manager, etc., as may be applicable.

III. EMPLOYERS RIGHTS AND DUTIES

Rights and duties of the employer shall include, but are not limited to, the following provisions:

- a. Employer shall furnish to each employee conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.
- b. Employer shall comply with occupational safety and health standards and regulations promulgated pursuant to Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972.

- c. Employer shall refrain from and unreasonable restraint on the right of the Commissioner of Labor and Workforce Development to inspect the employers place(s) of business. Employer shall assist the Commissioner of Labor and Workforce Development in the performance of their monitoring duties by supplying or by making available information, personnel, or aids reasonably necessary to the effective conduct of the monitoring activity.
- d. Employer is entitled to participate in the development of standards by submission of comments on proposed standards, participation in hearing on proposed standards, or by requesting the development of standards on a given issue under Section 6 of the Tennessee Occupational Safety and Health Act of 1972.
- e. Employer is entitled to request an order granting a variance from an occupational safety and health standard.
- f. Employer is entitled to protection of its legally privileged communication.
- g. Employer shall inspect all worksites to insure the provisions of this Program Plan are complied with and carried out.
- h. Employer shall notify and inform any employee who has been or is being exposed in a biologically significant manner to harmful agents or material in excess of the applicable standard and of corrective action being taken.
- i. Employer shall notify all employees of their rights and duties under this Program Plan.

IV. EMPLOYEES RIGHTS AND DUTIES

Rights and duties of employees shall include, but are not limited to, the following provisions:

- a. Each employee shall comply with occupational safety and health act standards and all rules, regulations, and orders issued pursuant to this Program Plan and the Tennessee Occupational Safety and Health Act of 1972 which are applicable to his or her own actions and conduct.
- b. Each employee shall be notified by the placing of a notice upon bulletin boards, or other places of common passage, of any application for a permanent or temporary order granting the employer a variance from any provision of the TOSH Act or any standard or regulation promulgated under the Act.
- c. Each employee shall be given the opportunity to participate in any hearing which concerns an application by the employer for a variance from a standard or regulation promulgated under the Act.
- d. Any employee who may be adversely affected by a standard or variance issued pursuant to the Act or this Program Plan may file a petition with the Commissioner of Labor and Workforce Development or whoever is responsible for the promulgation of the standard or the granting of the variance.
- e. Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by any applicable standard shall be provided by the employer with information on any significant hazards to which they are or have been exposed, relevant symptoms, and proper conditions for safe use or exposure. Employees shall also be informed of corrective action being taken.
- f. Subject to regulations issued pursuant to this Program Plan, any employee or authorized representative of employees shall be given the right to request an inspection and to consult with the Safety Director or Inspector at the time of the physical inspection of the worksite.
- g. Any employee may bring to the attention of the Safety Director any violation or suspected violations of the standards or any other health or safety hazards.
- h. No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceeding or inspection under or relating to this Program Plan.
- i. Any employee who believes that he or she has been discriminated against or discharged in violation of subsection (h) of this section may file a complaint alleging such discrimination with the Safety Director. Such employee may also, within thirty

(30) days after such violation occurs, file a complaint with the Commissioner of Labor and Workforce Development alleging such discrimination.

- j. Nothing in this or any other provisions of this Program Plan shall be deemed to authorize or require any employee to undergo medical examination, immunization, or treatment for those who object thereto on religious grounds, except where such is necessary for the protection of the health or safety of others or when a medical examination may be reasonably required for performance of a specific job.
- k. Employees shall report any accident, injury, or illness resulting from their job, however minor it may seem to be, to their supervisor or the Safety Director within twenty-four (24) hours after the occurrence.

V. ADMINISTRATION

- a. The Safety Director of Occupational Safety and Health is designated to perform duties or to exercise powers assigned so as to administer this Occupational Safety and Health Program Plan.
 - 1. The Safety Director may designate person or persons as he deems necessary to carry out his powers, duties, and responsibilities under this Program Plan.
 - 2. The Safety Director may delegate the power to make inspections, provided procedures employed are as effective as those employed by the Safety Director.
 - 3. The Safety Director shall employ measures to coordinate, to the extent possible, activities of all departments to promote efficiency and to minimize any inconveniences under this Program Plan.
 - 4. The Safety Director may request qualified technical personnel from any department or section of government to assist him in making compliance inspections, accident investigations, or as he may otherwise deem necessary and appropriate in order to carry out his duties under this Program Plan.
 - 5. The Safety Director shall prepare the report to the Commissioner of Labor and Workforce Development required by subsection (g) of Section 1 of this plan.
 - 6. The Safety Director shall make or cause to be made periodic and follow-up inspections of all facilities and worksites where employees of this employer are employed. He shall make recommendations to correct any hazards or exposures observed. He shall make or cause to be made any inspections required by complaints submitted by employees or inspections requested by employees.
 - 7. The Safety Director shall assist any officials of the employer in the investigation of occupational accidents or illnesses.
 - 8. The Safety Director shall maintain or cause to be maintained records required under Section VIII of this plan.
 - 9. **The Safety Director shall, in the eventuality that there is a fatality or an accident resulting in the hospitalization of three or more employees insure that the Commissioner of Labor and Workforce Development receives notification of the occurrence within eight (8) hours.**
- b. The administrative or operational head of each department, division, board, or other agency of this employer shall be responsible for the implementation of this Occupational Safety and Health Program Plan within their respective areas.
 - 1. The administrative or operational head shall follow the directions of the Safety Director on all issues involving occupational safety and health of employees as set forth in this plan.
 - 2. The administrative or operational head shall comply with all abatement orders issued in accordance with the provisions of this plan or request a review of the order with the Safety Director within the abatement period.
 - 3. The administrative or operational head should make periodic safety surveys of the establishment under his jurisdiction to become aware of hazards or standards violations that may exist and make an attempt to immediately correct such hazards or violations.
 - 4. The administrative or operational head shall investigate all occupational accidents, injuries, or illnesses reported to him. He shall report such accidents, injuries, or

illnesses to the Safety Director along with his findings and/or recommendations in accordance with APPENDIX IV of this plan.

VI. STANDARDS AUTHORIZED

The standards adopted under this Program Plan are the applicable standards developed and promulgated under Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972. Additional standards may be promulgated by the governing body of this employer as that body may deem necessary for the safety and health of employees. Note: 29 CFR 1910 General Industry Regulations; 29 CFR 1926 Construction Industry Regulations; and the Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, CHAPTER 0800-01-1 through CHAPTER 0800-01-11 are the standards and rules invoked.

VII. VARIANCE PROCEDURE

The Safety Director may apply for a variance as a result of a complaint from an employee or of his knowledge of certain hazards or exposures. The Safety Director should definitely believe that a variance is needed before the application for a variance is submitted to the Commissioner of Labor and Workforce Development.

The procedure for applying for a variance to the adopted safety and health standards is as follows:

- a. The application for a variance shall be prepared in writing and shall contain:
 1. A specification of the standard or portion thereof from which the variance is sought.
 2. A detailed statement of the reason(s) why the employer is unable to comply with the standard supported by representations by qualified personnel having first-hand knowledge of the facts represented.
 3. A statement of the steps employer has taken and will take (with specific date) to protect employees against the hazard covered by the standard.
 4. A statement of when the employer expects to comply and what steps have or will be taken (with dates specified) to come into compliance with the standard.
 5. A certification that the employer has informed employees, their authorized representative(s), and/or interested parties by giving them a copy of the request, posting a statement summarizing the application (to include the location of a copy available for examination) at the places where employee notices are normally posted and by other appropriate means. The certification shall contain a description of the means actually used to inform employees and that employees have been informed of their right to petition the Commissioner of Labor and Workforce Development for a hearing.
- b. The application for a variance should be sent to the Commissioner of Labor and Workforce Development by registered or certified mail.
- c. The Commissioner of Labor and Workforce Development will review the application for a variance and may deny the request or issue an order granting the variance. An order granting a variance shall be issued only if it has been established that:
 1. The employer
 - i. Is unable to comply with the standard by the effective date because of unavailability of professional or technical personnel or materials and equipment required or necessary construction or alteration of facilities or technology.
 - ii. Has taken all available steps to safeguard employees against the hazard(s) covered by the standard.
 - iii. Has as effective Program Plan for coming into compliance with the standard as quickly as possible.
 2. The employee is engaged in an experimental Program Plan as described in subsection (b), section 13 of the Act.

- d. A variance may be granted for a period of no longer than is required to achieve compliance or one (1) year, whichever is shorter.
- e. Upon receipt of an application for an order granting a variance, the Commissioner to whom such application is addressed may issue an interim order granting such a variance for the purpose of permitting time for an orderly consideration of such application. No such interim order may be effective for longer than one hundred eighty (180) days.
- f. The order or interim order granting a variance shall be posted at the worksite and employees notified of such order by the same means used to inform them of the application for said variance (see subsection (a)(5) of this section).

VIII. RECORDKEEPING AND REPORTING

Recording and reporting of all occupational accident, injuries, and illnesses shall be in accordance with instructions and on forms prescribed in the booklet. You can get a copy of the Forms for Recordkeeping from the internet. Go to www.osha.gov and click on Recordkeeping Forms located on the home page.

The position responsible for recordkeeping is shown on the SAFETY AND HEALTH ORGANIZATIONAL CHART, Appendix IV to this plan.

Details of how reports of occupational accidents, injuries, and illnesses will reach the record-keeper are specified by ACCIDENT REPORTING PROCEDURES, Appendix IV to this plan. The Rule of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, OCCUPATIONAL SAFETY AND HEALTH RECORD-KEEPING AND REPORTING, CHAPTER 0800-01-03, as authorized by T.C.A., Title 50.

IX. EMPLOYEE COMPLAINT PROCEDURE

If any employee feels that he is assigned to work in conditions which might affect his health, safety, or general welfare at the present time or at any time in the future, he should report the condition to the Safety Director of Occupational Safety and Health.

- a. The complaint should be in the form of a letter and give details on the condition(s) and how the employee believes it affects or will affect his health, safety, or general welfare. The employee should sign the letter but need not do so if he wishes to remain anonymous (see subsection (h) of Section 1 of this plan).
- b. Upon receipt of the complaint letter, the Safety Director will evaluate the condition(s) and institute any corrective action, if warranted. Within ten (10) working days following the receipt of the complaint, the Safety Director will answer the complaint in writing stating whether or not the complaint is deemed to be valid and if no, why not, what action has been or will be taken to correct or abate the condition(s), and giving a designated time period for correction or abatement. Answers to anonymous complaints will be posted upon bulletin boards or other places of common passage where the anonymous complaint may be reasonably expected to be seen by the complainant for a period of three (3) working days.
- c. If the complainant finds the reply not satisfactory because it was held to be invalid, the corrective action is felt to be insufficient, or the time period for correction is felt to be too long, he may forward a letter to the Chief Executive Officer or to the governing body explaining the condition(s) cited in his original complaint and why he believes the answer to be inappropriate or insufficient.
- d. The Chief Executive Officer or a representative of the governing body will evaluate the complaint and will begin to take action to correct or abate the condition(s) through arbitration or administrative sanctions or may find the complaint to be invalid. An answer will be sent to the complainant within ten (10) working days following receipt of the complaint or the next regularly scheduled meeting of the governing body following receipt of the complaint explaining decisions made and action taken or to be taken.
- e. After the above steps have been followed and the complainant is still not satisfied with the results, he may then file a complaint with the Commissioner of Labor and Workforce Development. Any complaint filed with the Commissioner of Labor and Workforce Development in such cases shall include copies of all related

correspondence with the Safety Director and the Chief Executive Officer or the representative of the governing body.

- f. Copies of all complaint and answers thereto will be filed by the Safety Director who shall make them available to the Commissioner of Labor and Workforce Development or his designated representative upon request.

X. EDUCATION AND TRAINING

a. Safety Director and/or Compliance Inspector(s):

1. Arrangements will be made for the Safety Director and/or Compliance Inspector(s) to attend training seminars, workshops, etc., conducted by the State of Tennessee or other agencies. A list of Seminars can be obtained.
2. Access will be made to reference materials such as 29 CFR 1910 General Industry Regulations; 29 CFR 1926 Construction Industry Regulations; The Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, and other equipment/supplies, deemed necessary for use in conducting compliance inspections, conducting local training, wiring technical reports, and informing officials, supervisors, and employees of the existence of safety and health hazards will be furnished.
- b. All Employees (including supervisory personnel):
A suitable safety and health training program for employees will be established. This program will, as a minimum:
 1. Instruct each employee in the recognition and avoidance of hazards or unsafe conditions and of standards and regulations applicable to the employees work environment to control or eliminate any hazards, unsafe conditions, or other exposures to occupational illness or injury.
 2. Instruct employees who are required to handle or use poisons, acids, caustics, toxicants, flammable liquids, or gases including explosives, and other harmful substances in the proper handling procedures and use of such items and make them aware of the personal protective measures, person hygiene, etc., which may be required.
 3. Instruct employees who may be exposed to environments where harmful plants or animals are present, of the hazards of the environment, how to best avoid injury or exposure, and the first aid procedures to be followed in the event of injury or exposure.
 4. Instruct all employees of the common deadly hazards and how to avoid them, such as Falls; Equipment Turnover; Electrocutation; Struck by/Caught In; Trench Cave In; Heat Stress and Drowning.
 5. Instruct employees on hazards and dangers of confined or enclosed spaces.

i. Confined or enclosed space means space having a limited means of egress and which is subject to the accumulation of toxic or flammable contaminants or has an oxygen deficient atmosphere. Confined or enclosed spaces include, but are not limited to, storage tanks, boilers, ventilation or exhaust ducts, sewers, underground utility accesses, tunnels, pipelines, and open top spaces more than four feet (4) in depth such as pits, tubs, vaults, and vessels.

ii. Employees will be given general instruction on hazards involved, precautions to be taken, and on use of personal protective and emergency equipment required. They shall also be instructed on all specific standards or regulations that apply to work in dangerous or potentially dangerous areas.

iii. The immediate supervisor of any employee who must perform work in a confined or enclosed space shall be responsible for instructing employees on danger of hazards which may be present, precautions to be taken, and use of personal protective and emergency equipment, immediately prior to their entry into such an area and shall require use of appropriate personal protective equipment.

XI. GENERAL INSPECTION PROCEDURES

It is the intention of the governing body and responsible officials to have an Occupational Safety and Health Program Plan that will insure the welfare of employees. In order to be aware of hazards, periodic inspections must be performed.

These inspections will enable the finding of hazards or unsafe conditions or operations that will need correction in order to maintain safe and healthful worksites. Inspections made on a pre-designated basis may not yield the desired results. Inspections will be conducted, therefore, on a random basis at intervals not to exceed thirty (30) calendar days.

- a. In order to carry out the purposes of this Resolution, the Safety Director and/or Compliance Inspector(s), if appointed, is authorized:
 1. To enter at any reasonable time, any establishment, facility, or worksite where work is being performed by an employee when such establishment, facility, or worksite is under the jurisdiction of the employer and;
 2. To inspect and investigate during regular working hours and at other reasonable times, within reasonable limits, and in a reasonable manner, any such place of employment and all pertinent conditions, processes, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any supervisor, operator, agent, or employee working therein.
 - b. If an imminent danger situation is found, alleged, or otherwise brought to the attention of the Safety Director or Inspector during a routine inspection, he shall immediately inspect the imminent danger situation in accordance with Section XII of this plan before inspecting the remaining portions of the establishment, facility, or worksite.
 - c. An administrative representative of the employer and a representative authorized by the employees shall be given an opportunity to consult with and/or to accompany the Safety Director or Inspector during the physical inspection of any worksite for the purpose of aiding such inspection.
 - d. The right of accompaniment may be denied any person whose conduct interferes with a full and orderly inspection.
 - e. The conduct of the inspection shall be such as to preclude unreasonable disruptions of the operation(s) of the workplace.
 - f. Interviews of employees during the course of the inspection may be made when such interviews are considered essential to investigative techniques.
 - g. Advance Notice of Inspections.
 1. Generally, advance notice of inspections will not be given as this precludes the opportunity to make minor or temporary adjustments in an attempt to create misleading impression of conditions in an establishment.
 2. There may be occasions when advance notice of inspections will be necessary in order to conduct an effective inspection or investigation. When advance notice of inspection is given, employees or their authorized representative(s) will also be given notice of the inspection.
 - h. The Safety Director need not personally make an inspection of each and every worksite once every thirty (30) days. He may delegate the responsibility for such inspections to supervisors or other personnel provided:
 1. Inspections conducted by supervisors or other personnel are at least as effective as those made by the Safety Director.
 2. Records are made of the inspections, any discrepancies found and corrective actions taken. This information is forwarded to the Safety Director.
 - i. The Safety Director shall maintain records of inspections to include identification of worksite inspected, date of inspection, description of violations of standards or other unsafe conditions or practices found, and corrective action taken toward abatement. Those inspection records shall be subject to review by the Commissioner of Labor and Workforce Development or his authorized representative.
- XII. IMMINENT DANGER PROCEDURES
- a. Any discovery, any allegation, or any report of imminent danger shall be handled in accordance with the following procedures:
 1. The Safety Director shall immediately be informed of the alleged imminent danger situation and he shall immediately ascertain whether there is a reasonable basis for the allegation.

2. If the alleged imminent danger situation is determined to have merit by the Safety Director, he shall make or cause to be made an immediate inspection of the alleged imminent danger location.
 3. As soon as it is concluded from such inspection that conditions or practices exist which constitutes an imminent danger, the Safety Director or Compliance Inspector shall attempt to have the danger corrected. All employees at the location shall be informed of the danger and the supervisor or person in charge of the worksite shall be requested to remove employees from the area, if deemed necessary.
 4. The administrative or operational head of the workplace in which the imminent danger exists, or his authorized representative, shall be responsible for determining the manner in which the imminent danger situation will be abated. This shall be done in cooperation with the Safety Director or Compliance Inspector and to the mutual satisfaction of all parties involved.
 5. The imminent danger shall be deemed abated if:
 - i. The imminence of the danger has been eliminated by removal of employees from the area of danger.
 - ii. Conditions or practices which resulted in the imminent danger have been eliminated or corrected to the point where an unsafe condition or practice no longer exists.
 6. A written report shall be made by or to the Safety Director describing in detail the imminent danger and its abatement. This report will be maintained by the Safety Director in accordance with subsection (i) of Section XI of this plan.
- b. Refusal to Abate.
1. Any refusal to abate an imminent danger situation shall be reported to the Safety Director and Chief Executive Officer immediately.
 2. The Safety Director and/or Chief Executive Officer shall take whatever action may be necessary to achieve abatement.

XIII. ABATEMENT ORDERS AND HEARINGS

- a. Whenever, as a result of an inspection or investigation, the Safety Director or Compliance Inspector(s) finds that a worksite is not in compliance with the standards, rules or regulations pursuant to this plan and is unable to negotiate abatement with the administrative or operational head of the worksite within a reasonable period of time, the Safety Director shall:
 1. Issue an abatement order to the head of the worksite.
 2. Post or cause to be posted, a copy of the abatement order at or near each location referred to in the abatement order.
- b. Abatement orders shall contain the following information:
 1. The standard, rule, or regulation which was found to violated.
 2. A description of the nature and location of the violation.
 3. A description of what is required to abate or correct the violation.
 4. A reasonable period of time during which the violation must be abated or corrected.
- c. At any time within ten (10) days after receipt of an abatement order, anyone affected by the order may advise the Safety Director in writing of any objections to the terms and conditions of the order. Upon receipt of such objections, the Safety Director shall act promptly to hold a hearing with all interested and/or responsible parties in an effort to resolve any objections. Following such hearing, the Safety Director shall, within three (3) working days, issue an abatement order and such subsequent order shall be binding on all parties and shall be final.

XIV. PENALTIES

- a. No civil or criminal penalties shall be issued against any official, employee, or any other person for failure to comply with safety and health standards or any rules or regulations issued pursuant to this Program Plan.
- b. Any employee, regardless of status, who willfully and/or repeatedly violates, or causes to be violated, any safety and health standard, rule, or regulation or any abatement order shall be subject to disciplinary action by the appointing authority. It shall be the duty of the appointing authority to administer discipline by taking action in one of the following ways as appropriate and warranted:
 1. Oral reprimand.

2. Written reprimand.
3. Suspension for three (3) or more working days.
4. Termination of employment.

XV. CONFIDENTIALITY OF PRIVILEGED INFORMATION

All information obtained by or reported to the Safety Director pursuant to this plan of operation or the legislation (resolution, or executive order) enabling this Occupational Safety and Health Program Plan which contains or might reveal information which is otherwise privileged shall be considered confidential. Such information may be disclosed to other officials or employees concerned with carrying out this Program Plan or when relevant in any proceeding under this Program Plan. Such information may also be disclosed to the Commissioner of Labor and Workforce Development or their authorized representatives in carrying out their duties under the Tennessee Occupational Safety and Health Act of 1972.

XVI. DISCRIMINATION INVESTIGATIONS AND SANCTIONS

The Rule of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, DISCRIMINATION AGAINST EMPLOYEES EXERCISING RIGHTS UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1972 0800-01-08, as authorized by T.C.A., Title 50. The agency agrees that any employee who believes they have been discriminated against or discharged in violation of Tenn. Code Ann § 50-3-409 can file a complaint with their agency or Safety Director within 30 days, after the alleged discrimination occurred. Also, the agency agrees the employee has a right to file their complaint with the Commissioner of Labor and Workforce Development within the same 30 day period. The Commissioner of Labor and Workforce Development may investigate such complaints, make recommendations, and/or issue a written notification of a violation.

XVII. COMPLIANCE WITH OTHER LAWS NOT EXCUSED

- a. Compliance with any other law, statute, resolution, or executive order, which regulates safety and health in employment and places of employment, shall not excuse the employer, the employee, or any other person from compliance with the provisions of this Program Plan.
- b. Compliance with any provisions of this Program Plan or any standard, rule, regulation, or order issued pursuant to this Program Plan shall not excuse the employer, the employee, or any other person from compliance with the law, statute, resolution, or executive order, as applicable, regulating and promoting safety and health unless such law, statute, resolution, or executive order, as applicable, is specifically repealed.

Signature: Safety Director, Occupational Safety and Health and Date

APPENDIX - I WORK LOCATIONS

(ORGANIZATIONAL CHART)

{For this section make a list of each work location wherein (City/County/etc) your employees work, such as Street Department, Fire Hall, City Hall, Courthouse, Jail, Sheriff Department, Each School, etc. covered under this Program Plan. Include, the address for the workplace, phone number at that workplace, and number of employees who work there.}

An Example:

Sheriff Department - 45 employees
1234 Main Street
Chattanooga, TN 37415
423-345-6789

East High School - 82 employees

4567 Garden Avenue
Chattanooga, TN 37415
423-222-5555

TOTAL NUMBER OF EMPLOYEES : 127

{Once each work location has been listed, record the total number of employees that the county employees.}

APPENDIX – II NOTICE TO ALL EMPLOYEES

NOTICE TO ALL EMPLOYEES OF SUMNER COUNTY

The Tennessee Occupational Safety and Health Act of 1972 provide job safety and health protection for Tennessee workers through the promotion of safe and healthful working conditions. Under a plan reviewed by the Tennessee Department of Labor and Workforce Development, this government, as an employer, is responsible for administering the Act to its employees. Safety and health standards are the same as State standards and jobsite inspections will be conducted to insure compliance with the Act.

Employees shall be furnished conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.

Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this Program Plan which are applicable to his or her own actions and conduct.

Each employee shall be notified by the placing upon bulletin boards or other places of common passage of any application for a temporary variance from any standard or regulation.

Each employee shall be given the opportunity to participate in any hearing which concerns an application for a variance from a standard.

Any employee who may be adversely affected by a standard or variance issued pursuant to this Program Plan may file a petition with the Safety Director or Tony Southern.

Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by an applicable standard shall be notified by the employer and informed of such exposure and corrective action being taken.

Subject to regulations issued pursuant to this Program Plan, any employee or authorized representative(s) of employees shall be given the right to request an inspection.

No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceedings or inspection under, or relating to, this Program Plan.

Any employee who believes he or she has been discriminated against or discharged in violation of these sections may, within thirty (30) days after such violation occurs, have an opportunity to appear in a hearing before Tony Southern for assistance in obtaining relief or to file a complaint with the Commissioner of Labor and Workforce Development alleging such discrimination.

A copy of the Occupational Safety and Health Program Plan for the Employees of Sumner County is available for inspection by any employee at Risk Management for Sumner County during regular office hours.

Signature: (City/County) MAYOR AND DATE

APPENDIX - III PROGRAM PLAN BUDGET
OR Use This Statement:

STATEMENT OF FINANCIAL RESOURCE AVAILABILITY

Be assured that (Name of local government) Sumner County has sufficient financial resources available or will make sufficient financial resources available as may be required in order to administer and staff its Occupational Safety and Health Program Plan and to comply with standards.

APPENDIX – IV ACCIDENT REPORTING PROCEDURES

- (1-15) Employees shall report all accidents, injuries, or illnesses directly to the Safety Director as soon as possible, but not later than twenty-four (24) hours after the occurrence. Such reports may be verbal or in writing. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Safety Director and/or record keeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The Safety Director will insure completion of required reports and records in accordance with Section VIII of the basic plan.
- (16-50) Employees shall report all accidents, injuries, or illnesses to their supervisor as soon as possible, but not later than two (2) hours after the occurrence. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Safety Director and/or record keeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The supervisor will investigate the accident or illness, complete an accident report, and forward the accident report to the Safety Director and/or record keeper within twenty-four (24) hours of the time the accident or injury occurred or the time of the first report of the illness.
- (51-250) Employees shall report all accidents, injuries, or illnesses to their supervisors as soon as possible, but not later than two (2) hours after the occurrence. The supervisor will provide the Safety Director and/or record keeper with the name of the injured or ill employee and a brief description of the accident or illness by telephone as soon as possible, but not later than four (4) hours, after the accident or injury occurred or the time of the first report of the illness. All fatalities or accidents involving the hospitalization of three (3) or more employees shall be reported to the Safety Director and/or record keeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The supervisor will then make a thorough investigation of the accident or illness (with the assistance of the Safety Director or Compliance Inspector, if necessary) and will complete a written report on the accident or illness and forward it to the Safety Director within seventy-two (72) hours after the accident, injury, or first report of illness and will provide one (1) copy of the written report to the record keeper.
- (251-Plus) Employees shall report all accidents, injuries, or illnesses to their supervisors as soon as possible, but not later than two (2) hours after their occurrence. The supervisor will provide the administrative head of the department with a verbal or telephone report of the accident as soon as possible, but not later than four (4) hours, after the accident. If the accident involves loss of consciousness, a fatality, broken bones, severed body member, or third degree burns, the Safety Director will be notified by telephone immediately and will be given the name of the injured, a description of the injury, and a brief description of how the accident occurred. The supervisor or the administrative head of the accident within seventy-two (72) hours after the accident occurred (four (4) hours in the event of accidents involving a fatality or the hospitalization of three (3) or more employees).
Since Workers Compensation Form 6A or OSHA NO. 301 Form must be completed; all reports submitted in writing to the person responsible for recordkeeping shall include the following information as a minimum:
1. Accident location, if different from employer's mailing address and state whether accident occurred on premises owned or operated by employer.
 2. Name, social security number, home address, age, sex, and occupation (regular job

Insurance Trust Fund, Casualty Insurance Trust Fund, County Trustee Funds, Special Reports: County Dental Insurance Claim Payments, County Health Insurance Claim Payments, County Property Tax Collections, County EMS Billing/Collections/Balances, County Sales Tax Collections, County Wheel Tax Collections, County Tax Rates/Property Values and County School Loan Program Rates. Approval of the filing of these records does not certify to the accuracy of the documents.

Chairman Hyde introduced the following resolution:

1303-NOT

**A RESOLUTION TO APPROVE AND ACCEPT
APPLICATIONS FOR NOTARY PUBLIC POSITIONS AND
PERSONAL SURETY GUARANTORS**

WHEREAS, according to the law of the State of Tennessee, an individual must apply for the office of Notary Public in the county of residence, or of their principal place of business; and

WHEREAS, state statute requires personal sureties making bonds for Notaries publics to be approved by the Sumner County Commission; and

WHEREAS, said applicant must be approved by the County Commission assembled; and

WHEREAS, Bill Kemp, Sumner County Clerk, has certified according to the records of his office that the persons named on the attached listing labeled "SUMNER COUNTY NOTARY PUBLIC APPLICATIONS and SURETY GUARANTORS" have duly applied for the positions so sought; and

**BE IT FURTHER RESOLVED THAT THIS TAKE EFFECT FROM AND
AFTER PASSAGE.**

Upon motion of Commissioner Matthews, seconded by Commissioner Akins, voting was recorded in the following manner:

The electronic vote was recorded in the following manner:

| | | | | | |
|----------|---|-------------|---|-----------|---|
| Akins | Y | Taylor | Y | Geminden | Y |
| Utley | Y | Satterfield | Y | F. Freels | Y |
| Matthews | Y | Harris | Y | Ring | Y |
| Brown | Y | Vaughn | Y | LeMarbre | Y |
| Moser | Y | Decker | Y | Hyde | Y |
| Hughes | Y | Kimbrough | Y | Goode | Y |
| Skidmore | Y | P. Freels | Y | Stone | Y |
| Guthrie | Y | Pospisil | Y | | |

NOTARIES Yes: 23 No: 0 Abs: 0 07:11 PM

Chairman Hyde declared the election of Notaries Public by the body.

COMMITTEE ON COMMITTEES

Commissioner Taylor stated that Commissioner Kirk Moser resigned his position on the Budget Committee and Committee on Committees nominated Commissioner Harris to replace him. Upon motion by Commissioner Taylor, seconded by Commissioner Frank Freels, the nomination was approved by unanimous voice vote of the body.

Commissioner Taylor stated that Commissioner Jerry Stone resigned his position on the Committee on Committees. Committee on Committees nominated Commissioner Kirk Moser to replace Commissioner Stone. Upon motion by Commissioner Taylor, seconded by Commissioner Vaughn, the Commission, by unanimous voice. voted to elect Commissioner Moser to fill the vacancy on the Committee on Committees.

Commissioner Taylor introduced the following citizen (freeholder) position expiring and presently held by Tom Neal. County Executive Anthony Holt recommended that Mr. Neal serve another term. Upon motion of Commissioner Taylor, seconded by Commissioner Geminden, the Commission voted to elect Mr. Neal to another term.

Commissioner Taylor brought forth the recommendation of County Executive Anthony Holt that Terry Smith serve another six-year term on the Hendersonville Industrial Development Board. Upon motion of Commissioner Taylor, seconded by Commissioner LeMarbre, the Commission voted unanimously to elect Mr. Smith for another term.

Commissioner Taylor brought forth the Airport Authority members (8) eight vacant and/or holdover positions as follows:

OLD MEMBERS:

- Charles Moore, July 2013*
- Sue McPherson, November 2011
- Tom Graves, July 2015
- Jerry Kirby, November 2013
(resigned)
- Wayne Hooper, July 2014*
- David Hunter, July 2010
- Tim Adair, July 2011
- Dan Downs, July 2014*
- Richard D. Coker, November 2012
- Kevin McCutcheon, July 2012
- David Blankenship, July 2012
(A.A. says July 2013)

NEW MEMBERS AND TERM ENDING:

- Charles Moore, July 2013 (old member)*
- Don Drayton, November 2016 (Pilot)
- John Berwin, July 2015 (Pilot)
- Steve Nelson, November 2013 (Pilot)
- Wayne Hooper, July 2014 (old member)*
- Bill Taylor, July 2015 (Pilot)
- Tim Lynch, Jr. 2016 (Pilot)
- Dan Downs, July 2014*
- Jim Egan, November 2017 (Pilot)
- Ben Williams, July 2017 (managed military air base)
- Don Dickerson, July 2017 or July 2018
(retired Marine)

Upon motion of Commissioner Goode, seconded by Commissioner Akins, the Commission voted unanimously to group the nominations. The motion carried by unanimous voice vote. Commissioner Taylor moved, seconded by Commissioner Geminden, to approve the appointments to the Airport Authority. The motion carried by unanimous voice vote of the body.

Commissioner Taylor noted the following appointments for next month:

- Board of Tourism Expiring Terms of Jimmy Johnston and Charles Brewton, Citizens

HIGHWAY COMMISSION

There was no report from the Highway Commission.

EDUCATION COMMITTEE

Commissioner Decker reported that the new Ad Hoc School Safety And Implementation Committee would take care of the school safety matter.

GENERAL OPERATIONS COMMITTEE

Commissioner Skidmore reported that the General Operations Committee members voted to allocate additional space to Children are People, Inc., on Winchester Street. The additional space soon to be vacated by the Emergency Medical Services Department was designated for the Gallatin Volunteer Fire Department.

EMERGENCY SERVICES COMMITTEE

Commissioner Vaughn stated that the Ad Hoc School Safety Committee will meet February 28, 2013, at the new emergency medical services building on Airport Road in Gallatin.

PUBLIC SERVICES COMMITTEE

There was no report from the Public Services Committee.

LEGISLATIVE COMMITTEE

There was no report from the Legislative Committee.

BUDGET COMMITTEE

Commissioner Stone introduced the following resolution and moved for approval. The motion was seconded by Commissioner Moser.

1302-01 A RESOLUTION APPROVING THE LOW BID SUBMITTED BY GRAU GENERAL CONTRACTING FOR THE RENOVATION OF THE DOUGLAS CLARK HOUSE AND APPROPRIATING \$35,000.00 FOR MATCHING FUNDS FROM THE CAPITAL PROJECT FUNDS SUBJECT TO FINAL TDOT APPROVAL

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 25th day of February, 2013, that this body does hereby, subject to TDOT approval of all final project plans and

procedures; approve the low bid submitted by Grau General Contracting in the amount of \$741,762.00 for the renovation of the Douglas Clark House and appropriating \$35,000.00 from capital project funds for the matching funds for the project as shown on the attachment herewith.

The electronic vote was recorded in the following manner:

| | | | | | |
|----------|---|-------------|---|-----------|---|
| Akins | Y | Taylor | Y | Geminden | Y |
| Utley | Y | Satterfield | Y | F. Freels | Y |
| Matthews | Y | Harris | Y | Ring | Y |
| Brown | Y | Vaughn | Y | LeMarbre | Y |
| Moser | Y | Decker | Y | Hyde | Y |
| Hughes | Y | Kimbrough | Y | Goode | Y |
| Skidmore | Y | P. Freels | Y | Stone | Y |
| Guthrie | Y | Pospisil | Y | | |

1302-01 Yes: 23 No: 0 Abs: 0 07:18 PM

Chairman Hyde declared the resolution approved by the body on the first and final reading.

Commissioner Stone introduced the following resolution and moved for approval. The motion was seconded by Commissioner Frank Freels.

1302-02 A RESOLUTION APPROPRIATING \$92,740.00 FOR ADDITIONAL SCOPE OF WORK FOR ERP CONSULTANTS, FOR WIRING WITHIN THE FINANCE DEPARTMENT AND FOR FURNITURE NEEDS FOR IMPLEMENTATION OF THE 2012 ACT

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 25th day of February, 2013, that this body hereby appropriates \$92,740.00 for additional scope of work for ERP Consultants, for wiring within the Finance Department and for furniture needs for Implementation of the 2012 Act as shown on the attachment herewith.

The electronic vote was recorded in the following manner:

| | | | | | |
|-----------|---|-------------|---|-----------|---|
| Akins | Y | Taylor | Y | Geminden | Y |
| Utley | Y | Satterfield | Y | F. Freels | Y |
| Matthews | Y | Harris | Y | Ring | Y |
| Brown | Y | Vaughn | Y | LeMarbre | N |
| Moser | Y | Decker | Y | Hyde | Y |
| Hughes | Y | Kimbrough | Y | Skidmore | Y |
| P. Freels | Y | Stone | Y | Guthrie | Y |
| Pospisil | Y | | | | |

1302-02 Yes: 21 No: 1 Abs: 0 07:20 PM

Chairman Hyde declared the resolution approved by the body on the first and final reading.

Commissioner Stone introduced the following resolution and moved for approval. The motion was seconded by Commissioner Vaughn.

**1302-03 A RESOLUTION APPROPRIATING \$60,855.00 FROM THE
HOMELAND SECURITY GRANT FOR THE EMERGENCY MANAGEMENT
AGENCY**

BE IT RESOLVED by the Sumner County Board of County Commissioners meeting in regular session on this the 25th day of February, 2013 that this body hereby appropriates \$60,855.00 from the Homeland Security Grant for the Emergency Management Agency as shown on the attachment herewith.

The electronic vote was recorded in the following manner:

| | | | | | |
|-------------|---|-----------|---|-----------|---|
| Akins | Y | Taylor | Y | Geminden | Y |
| Utlely | Y | F. Freels | Y | Matthews | Y |
| Ring | Y | Brown | Y | Vaughn | Y |
| LeMarbre | Y | Moser | Y | Decker | Y |
| Hyde | Y | Hughes | Y | Kimbrough | Y |
| Goode | Y | Skidmore | Y | P. Freels | Y |
| Stone | Y | Guthrie | Y | Pospisil | Y |
| Satterfield | Y | | | | |

1302-03 Yes: 22 No: 0 Abs: 0 07:21 PM

Chairman Hyde declared resolution approved by the body on the first and final reading.

RULES AND PROCEDURES

There was no report from the Rules and Procedures Committee.

FINANCIAL MANAGEMENT COMMITTEE

There was no report from the Financial Management Committee.

ADJOURNMENT

Upon motion of Commissioner Hughes, seconded by Commissioner Taylor, Chairman Hyde declared the Commission meeting adjourned at 7:35 p.m.

BILL KEMP, CLERK

MERROL HYDE, CHAIRMAN

Prepared by Maria A. Savage

Approved on _____
