



**OAK RIDGE CITY COUNCIL
REGULAR MEETING**

Municipal Building Courtroom

December 13, 2021 - 7:00 PM

AGENDA

I. INVOCATION

II. PLEDGE OF ALLEGIANCE

- a. Jacob Berven - Oak Ridge High School Senior

III. ROLL CALL

IV. PROCLAMATIONS AND PUBLIC RECOGNITIONS

- a. A Proclamation Recognizing Coach Joe Gaddis
[Proclamation - Joe Gaddis.doc](#)
- b. A Proclamation Recognizing the Winners of the First Annual Employee Art Contest.
[Art Contest Proclamation.pdf](#)

V. SPECIAL REPORTS

- a. [City Manager Evaluation Committee Report - Councilmember Chuck Hope, Chair](#)
[City Manager Evaluation Committee Report 2021.pdf](#)
[City Manager Evaluation Summary 2021.pdf](#)
[Resolution - City Manager Evaluation.docx](#)

VI. CONSENT AGENDA

- a. November 8, 2021 Regular Meeting Minutes
[November 8, 2021 Minutes.pdf](#)
- b. [Permission to Apply For and Accept, if Awarded, a Grant from the Governor's Early Literacy Foundation in the Amount of \\$6,000 to Install a Story Trail Along a Portion of the Walking Path in Bissell Park.](#)
[Resolution - Governors Literacy Foundation Grant.docx](#)
- c. [Approval of Bylaws and Rules and Procedures for the Health and Educational Facilities Board](#)
[Bylaws for HEFB - Highlighted Additions.docx](#)
[Resolution - HEFB Bylaws and Rules and Procedures.pdf](#)
- d. [Approval of Bylaws and Rules and Procedures for the Senior Advisory Board](#)

Senior Advisory Board BylawsWithHighlightedChanges.doc
Resolution - Senior Advisory Board Bylaws.pdf

- e. Resolution to Apply for Assistance to Firefighters Grant Program (FEMA FY 2021)
Resolution - FEMA Grant.docx
- f. Resolution Waiving Competitive Bids and Authorizing a Three-Year Agreement with Environmental Systems Research Institute, Inc. (ESRI), Redlands California, for Geographic Information Systems (GIS) Software and Services in the Amount of \$115,500.00
SS Ltr for City of Oak Ridge (SGEA) 6-22-21.pdf
Q-457733-OakRidge_SGEA_2022.pdf
Resolution - ESRI GIS Contract.docx
- g. Annual State Medical Insurance Renewal
20210525_Premium Increases and Benefits Updates for 2022 .pdf
2022 Medical Payroll Rates.pdf
2022 Dental-Vision Payroll Rates.pdf
Resolution - Annual State Medical Insurance.docx
- h. A Resolution Authorizing the Application and Acceptance of an Urban Transportation Planning Grant
Resolution - Urban Transportation Planning Grant.docx
- i. A Resolution Approving Annual Maintenance Fees for Customer Information System, Utility Billing, Enterprise Resource Planning, and Related Third Party Software with Cayenta Company, a Division of Harris Corporation, in the Amount of \$251,284.95.
Cayenta Annual Maintenance Invoice OAKR - MN00136601 (002).pdf
Resolution - Cayenta Annual Maintenance.docx
- j. Unclaimed Property
Resolution - Unclaimed Property.docx
- k. Amendment to the As-Needed Architectural Services Contract
Resolution - BMA.docx

VII. PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

- a. City Code Amendment - Fireworks (City Code Section 7-109)
Bold-Strikethrough of City Code 7-109 - Fireworks.docx
City Code 7-109 - Fireworks.docx
- b. Personnel Ordinance Amendment - Sections 6.1 and 6.2 - Pay Period Cycle Change for Police and Fire Shift Personnel
Bold-Strikethrough - Personnel Ordinance Sections 6.1 and 6.2 - Work Periods for Police and Fire.docx
Personnel Ordinance - Sections 6.1 and 6.2.docx

VIII. FINAL ADOPTION OF ORDINANCES

- a. City Code Section 11-111 Amendment - Expansion of Prohibition on Tobacco Products at Playgrounds to Include Vapor Products and Other Public Property - Substitute Ordinance for Second Reading / Final Adoption of Ordinances
First Reading Memo - City Code Amendment - Smoking and Vaping.pdf
City Code Amendment Section 11-111 - Smoking and Vaping - First Reading Version Bold Strikethrough.docx

Smoking and Vaping - Playgrounds, Parks, Etc. - 2021.docx
Substitute Ordinance for Second Reading - Smoking and Vaping - Playgrounds, Parks,
Etc.docx

IX. RESOLUTIONS

- a. Award of a Contract for Track Resurfacing at Blankenship Field
BlankenshipBidAbstract.pdf
Resolution - Blankenship Field Track.docx
- b. Resolution Amending Resolution 11-123-2021
20211202_Suggs, Jack.pdf
Resolution 11-123-2021.pdf
Resolution - Amendment to Resolution 11-123-2021.docx
- c. Grant Application Approval - TMobile Hometown Grant
OR Downtown Brochure - update 12-30-20.pdf
Resolution - Tmobile Grant.docx
- d. Purchase of Three-Phase Pad Mounted Transformers.
Transformer Bid Abstract.pdf
Resolution - Transformers.docx
- e. A Resolution to Adopt the City of Oak Ridge, Tennessee 2022 State Legislative Agenda to
Inform State Officials of Key Projects, Policies, and Priorities in the City of Oak Ridge, and
to Help Secure Funding for Agreed Upon Priorities of the Community.
Resolution- Legislative Agenda.pdf
- f. Meeting Schedule for Calendar Year 2022
2022 Council Meeting CalendarFINAL.pdf
Resolution - Council Meeting Schedule 2022.docx

X. APPEARANCE OF CITIZENS

ALL CITIZENS ARE GIVEN 3 MINUTES

XI. ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

XII. COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

XIII. SUMMARY OF CURRENT EVENTS

- a. CITY MANAGER'S REPORT
- b. CITY ATTORNEY'S REPORT

XIV. ADJOURNMENT

PROCLAMATION

WHEREAS, on November 15, 2021, Oak Ridge High School head football coach Joe Gaddis announced his retirement after forty-eight years of coaching, with thirty-eight as a head coach; and

whereas, Coach Gaddis holds the title of Oak Ridge's winningest head coach and is one of only ten Tennessee head coaches with over 300 all-time wins; and

whereas, Coach Gaddis spent twenty of his forty-eight year coaching career in Oak Ridge, first coaching the Wildcats from 1988 to 1998 and then again from 2013 to the present; and

WHEREAS, Coach Gaddis also had coaching stints at Tullahoma, Henry County, Pascagoula (Mississippi), Austin (Alabama), Lexington (North Carolina) and Peabody; and

WHEREAS, during his tenure at Oak Ridge, Coach Gaddis, led the 1991 team to the Class AAA state championship, finished as a runner-up in the Class 5A state championship game in 2020 after a nine-game winning streak, and racked up 196 total wins; and

WHEREAS, in 2018, Coach Gaddis was inducted into the Tennessee Football Coaches Hall of Fame; and

WHEREAS, although he is retiring from coaching, Coach Gaddis will continue his tradition of service to Oak Ridge High School and the community by stepping in as Interim Athletic Director for the school; and

WHEREAS, Coach Gaddis has been an essential part of Oak Ridge athletics for the past two decades and leaves behind a legacy of a winning tradition and lasting relationships.

NOW, THEREFORE, be it resolved by the city council of the City of Oak Ridge, TENNESSEE:

That in recognition of distinguished leadership and commitment to the Oak Ridge community, the Oak Ridge City Council recognizes

Coach Joe Gaddis

and wish him the greatest success in all of his future endeavors.

in witness whereof, I have hereunto set my hand and caused the Great Seal of the City of Oak Ridge to be affixed, this the 13th day of December in the year 2021.

Warren L. Gooch, mayor

PROCLAMATION

WHEREAS, the First Annual Employee Art Contest was held October 4th, 2021 through November 17th, 2021; and

WHEREAS, the contest was sponsored by the Oak Ridge Wellness Committee with assistance from other interested staff members; and

WHEREAS, the theme for the inaugural art contest was “City of Oak Ridge Facilities, Services or People”; and

WHEREAS, employees were invited to vote for displayed artwork by making \$1 donations per vote to Project Safe, a program administered by Aid to Distressed Families of Appalachian Counties (ADFAC) to help those in need of assistance with utility bills; and

WHEREAS, due to the level of participation by City employees, Project Safe will receive a \$608 donation, which includes a \$500 donation from the Wellness Committee and \$108 in total votes; and

WHEREAS, voting occurred on Friday, November 19, 2021, with judging conducted by Jim Dodson and Joye Montgomery; and

WHEREAS, 3rd Place and Honorable Mention went to Kayla DeMori from the Public Works Department; 2nd Place and Honorable Mention went to Deputy City Manager Jack Suggs; and the People’s Choice Award and 1st Place went to Jim Sherrill of the Utility Business Office, who also won a \$50 gift card; and

WHEREAS, the Wellness Committee would like to thank everyone who participated through voting and displaying their talents for a worthy cause.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE, that the City celebrate

THE FIRST ANNUAL EMPLOYEE ART CONTEST WINNERS

and encourage all city employees to participate in next year’s contest to benefit Project Safe.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Oak Ridge to be affixed, this the 13th day of December in the year 2021.

WARREN L. GOOCH, MAYOR

OAK RIDGE CITY COUNCIL MEMORANDUM

DATE: December 13, 2021

TO: Mark S. Watson, City Manager

FROM: Beth Hickman , City Clerk

SUBJECT: City Manager Evaluation Committee Report - Councilmember Chuck Hope, Chair

Introduction

As stated in the City Manager's employment agreement, City Council shall complete a performance evaluation of the City Manager on an annual basis. Membership on the City Manager Evaluation Committee is rotated among Councilmembers as specified by Resolution 11-106-07. This year's City Manager Evaluation Committee is comprised of Councilmember Chuck Hope (Chair), Councilmember Jim Dodson, and Mayor Warren Gooch.

Funding

N/A

Background

The City Manager Evaluation Committee met on November 11, 2021 to establish the protocol and timeline for the evaluations, and again on November 30, 2021 to review the evaluations and make a recommendation as to the City Manager's compensation and contract extension. Councilmember Hope submitted the attached report, which outlines the Committee's recommendations. A summary of the evaluations is also attached. City Council will be voting on the attached resolution, which includes the committee's recommendations.

Recommendation

Approval of the attached resolution is recommended.

Attachments:

[City Manager Evaluation Committee Report 2021.pdf](#)

[City Manager Evaluation Summary 2021.pdf](#)

[Resolution - City Manager Evaluation.docx](#)

**CITY MANAGER EVALUATION COMMITTEE
MEMORANDUM**

DATE: December 2, 2021

TO: Fellow Members of City Council

FROM: City Manager Evaluation Committee
Councilmember Chuck Hope, Chair
Councilmember Jim Dodson
Mayor Warren Gooch

SUBJECT: CITY MANAGER EVALUATION COMMITTEE REPORT AND RECOMMENDATIONS

The City Manager Evaluation Committee met on November 11, 2021 to set the protocol for evaluations. The three Committee members were present along with City Manager Mark Watson and City Clerk Mary Beth Hickman.

The Committee met again on November 30, 2021 to review the Council's completed performance evaluations of the City Manager and develop its recommendations to the Council regarding a possible change in compensation, contract extension, and performance bonus. Again, all three Committee members were present, along with City Clerk Mary Beth Hickman.

In the second meeting, the Committee reviewed the evaluation forms and discussed the Council's ratings and comments. A summary of the evaluations is attached. The Committee noted that the overall ratings were very positive, and that the City Manager has gone above and beyond his duties with the City to be actively involved in the Oak Ridge community and to serve in leadership positions in various state organizations working on behalf of municipalities.

The Committee voted unanimously to recommend that the City Manager's salary be increased by three percent (3%), retroactive to the pay period beginning August 9, 2021. Additionally, the Committee agreed by unanimous consent to recommend that the Manager's employment agreement be extended by one year, to August 8, 2024 and that he would receive a one-time cash bonus of \$2,500 for his efforts during the ongoing pandemic. The Committee also recommended an update to the evaluation form in order to make sure it is consistent with the needs of the City, including reviewing templates currently utilized by other cities as part of their evaluation process.

The attached resolution amends the City Manager's Employment Agreement to provide for the recommended salary increase, bonus, and contract extension.

Respectfully submitted,

Councilmember Chuck Hope, Chair
City Manager Evaluation Committee, 2021

Attachments:
Evaluation Summary
Resolution

2021 CITY MANAGER EVALUATION SUMMARY

LEADERSHIP

Takes a proactive approach to issues

Exceeds Expectations – 6

Fully Meets Expectations – 1

Needs Improvement – 0

No Observation – 0

Comments:

Mark has done a great job leading the city – particularly during this pandemic.

Offers new motivation, ideas, processes, and procedure to council, staff and the public

Exceeds Expectations – 4

Fully Meets Expectations – 3

Needs Improvement – 0

No Observation – 0

Comments:

Work closely with the council providing clear guidance on what the issues are and what he intends to do to resolve them.

Provides mentoring and coaching to key staff

Exceeds Expectations - 2

Fully Meets Expectations – 3

Needs Improvement – 0

No Observation – 1

Comments:

We have limited insight into his coaching of the staff. Based on our interaction with the Deputy Manager, it is clear that he provides clear guidance.

Understands his staff's strengths and shapes programs around those.

Exceeds Expectations – 3

Fully Meets Expectations – 3

Needs Improvement – 0

No Observation – 1

Comments:

I believe he has an excellent handle on the strengths and weaknesses of his staff. He has done an excellent job bringing our electric department lead up to speed.

FISCAL MANAGEMENT AND BUDGETING

Ensures purchasing policies are followed and informs council when revisions are needed

Exceeds Expectations – 4

Fully Meets Expectations – 3

Needs Improvement – 0

No Observation – 0

Comments:

The increased availability of purchasing cooperatives has been an opportunity to increase efficiency in purchasing, but I think that Council and staff may need to review City purchasing policies to ensure that our use of these cooperatives continues to be in the best interest of the City.

Always creates an outstanding city budget that is well thought out.

Prepares realistic and understandable budget documents

Exceeds Expectations – 2

Fully Meets Expectations – 5

Needs Improvement – 0

No Observation – 0

Comments:

Budget documents are always clear and easy to follow.

Operates the City's finances in compliance with generally accepted accounting principles

Exceeds Expectations – 5

Fully Meets Expectations – 2

Needs Improvement – 0

No Observation – 0

Comments:

Working closely with our budget director he ensures that all the provided documents meet state standards.

Maximizes all efforts to collect taxes and other revenues and seeks new revenue sources

Exceeds Expectations – 6

Fully Meets Expectations – 1

Needs Improvement – 0

No Observation – 0

Comments:

We need to focus on raising appraised value of blighted commercial and residential property in the coming year.

We scrape up every penny the city is owed.

Manages the budget within the confines of what the council adopted

Exceeds Expectations – 4

Fully Meets Expectations – 3

Needs Improvement – 0

No Observation – 0

Comments:

For those instances where the budget is at variance with what was originally approved, he provides clear guidance why there is a difference.

Makes the best use of available funds, conscious of the need to operate the city efficiently and effectively

Exceeds Expectations – 7

Fully Meets Expectations – 0

Needs Improvement – 0

No Observation – 0

Comments:

Maximizes use of all the available funds

SERVICE DELIVERY AND ADMINISTRATION

Ensures the public receives city services efficiently and effectively

Exceeds Expectations – 2

Fully Meets Expectations – 5

Needs Improvement – 0

No Observation – 0

Comments:

Feedback from citizens to council has always been positive.

Enforces laws and policies adopted by the council and the state

Exceeds Expectations – 6

Fully Meets Expectations – 1

Needs Improvement – 0

No Observation – 0

Comments:

Works very closely with the Police Chief to ensure that state laws are enforced.

Manages resources appropriately to assist staff in performing their duties

Exceeds Expectations – 5

Fully Meets Expectations – 2

Needs Improvement – 0

No Observation – 0

Comments:

I believe that he provides excellent guidance to all the staff to ensure that council directions and those of the state are followed.

Responds appropriately to citizen and employee suggestions and/or concerns

Exceeds Expectations – 3

Fully Meets Expectations – 4

Needs Improvement – 0

No Observation – 0

Comments:

Listens to the comments from citizens and provides feedback where necessary.

CITIZEN AND COMMUNITY RELATIONS

Responsive in completion of duties

Exceeds Expectations – 6

Fully Meets Expectations – 1

Needs Improvement – 0

No Observation – 0

Comments:

Ensures that all his duties are fulfilled.

Gives attention to concerns and opinions of community groups and individuals

Exceeds Expectations – 3

Fully Meets Expectations – 4

Needs Improvement – 0

No Observation – 0

Comments:

His door is always open to community groups and individuals.

Uses sensitivity, diplomacy, and empathy when dealing with the public

Exceeds Expectations – 3

Fully Meets Expectations – 4

Needs Improvement – 0

No Observation – 0

Comments:

He has been a manager in multiple locations and certainly understands how to respond to citizen concerns.

Interacts effectively with federal, state, and other local government representatives to achieve potential benefit for the city

Exceeds Expectations – 6

Fully Meets Expectations – 1

Needs Improvement – 0

No Observation – 0

Comments:

Interaction with other governments is something Mark does well. This year, he deserves extra credit for (1) spearheading the efforts of the Coalition for Better Schools to advocate for Oak Ridge Schools and other high-quality municipal school systems in Tennessee and (2) volunteering for the Tennessee Municipal League board of directors, also to support advocacy for the priorities of Oak Ridge and other cities.

In Oak Ridge, he has to interact often with DOE representatives along with TN government staff.

Demonstrates openness, receptiveness, and approachability in both formal and informal situations

Exceeds Expectations – 4

Fully Meets Expectations – 3

Needs Improvement – 0

No Observation – 0

Comments:

Always comes across as being open to whoever he is working with.

Deals effectively with the media

Exceeds Expectations – 3

Fully Meets Expectations – 3

Needs Improvement – 0

No Observation – 0

Comments:

We have limited media in Oak Ridge, but he is always willing to interact with them.

PERSONAL AND PROFESSIONAL

Projects a positive personal and professional image

Exceeds Expectations – 7

Fully Meets Expectations – 0

Needs Improvement – 0

No Observation – 0

Comments:

Always projects a professional attitude.

Has complete professional integrity and adheres by the ICMA Code of Ethics

Exceeds Expectations – 6

Fully Meets Expectations – 1

Needs Improvement – 0

No Observation – 0

Comments:

Absolutely

Demonstrates continued professional development

Exceeds Expectations – 5

Fully Meets Expectations – 2

Needs Improvement – 0

No Observation – 0

Comments:

Continues to expand his education and experiences

Works toward gaining and maintaining the respect and support of staff.

Exceeds Expectations – 3

Fully Meets Expectations – 3

Needs Improvement – 0

No observation - 1

Comments:

By words and actions, he has been able to maintain the respect of the staff and the citizens he serves.

CITY COUNCIL RELATIONS

Progress toward accomplishing established goals set by the City Manager and the City Council

Exceeds Expectations – 5

Fully Meets Expectations – 2

Needs Improvement – 0

No Observation – 0

Comments:

We as a council need to dedicate more time to setting goals and working with the manager to accomplish these initiatives.

Consistently keeps us up to date with what is happening in the City

Assists by facilitating decision making without overstepping authority

Exceeds Expectations – 2

Fully Meets Expectations – 5

Needs Improvement – 0

No Observation – 0

Comments:

Clearly understands the role of City Manager and the Council

Disseminates complete and accurate information equally to all members in a timely manner.

Exceeds Expectations – 4

Fully Meets Expectations - 3

Needs Improvement – 0

No observation – 0

Comments:

Does an excellent job keeping us apprised about what is happening in and around the city.

Appropriately responds to requests, advice, and constructive criticism

Exceeds Expectations – 4

Fully Meets Expectations – 3

Needs Improvement – 0

No Observation – 0

Comments:

Never an issue bringing up things with him that might have been handled differently

Presents multiple options for Council to consider

Exceeds Expectations – 1

Fully Meets Expectations – 6

Needs Improvement – 0

No Observation – 0

Comments:

He does offer alternatives when asked.

Keeps the council informed of administrative developments

Exceeds Expectations – 5

Fully Meets Expectations – 2

Needs Improvement – 0

No Observation – 0

Comments:

Always keeps us apprised of what is happening around the city.

ADDITIONAL NARRATIVE

What would you identify as the manager's strength(s), expressed in terms of the principal results achieved during the rating period?

His experience and his ability to offer multiple solutions.

Dr. Watson has an excellent record in hiring quality new staff and filling important positions within the city. The City Manager also continues a good relationship with our city schools. The manager is also a creative problem solver which has benefitted Oak Ridge in many instances.

This was an extraordinary year – and an extraordinarily difficult year. The manager deserves a great deal of credit for his dedicated efforts throughout the year to keep the City organization functioning in the face of a variety of serious challenges, while simultaneously managing to make major progress on long-term initiatives such as the planned airport. We benefited in many ways from his wealth of experience in municipal management and his creativity in problem-solving.

Mark is a professional manager and is respected in our state as a leader.

He brings lots of experience from a variety of locations he has served as city manager.

Flexibility during COVID, sensitivity to citizen concern, creativity with managing budget

What performance area(s) would you identify as most critical for improvement?

None at this time

Possibly a more regular communication of current issues as well as an openness to embrace new ideas presented by community groups

Working to maximize economic development opportunities

None

What constructive suggestions or assistance can you offer the City Manager to enhance performance?

His continued approach to people and situations is working.

Continue to work alongside City Council to improve the quality of life in our community while being responsive to the concerns of citizens.

We have too many economic development entities in Oak Ridge. The City of Oak Ridge needs to take control of this activity.

None

What other comments do you have for the City Manager, e.g. priorities, expectations, goals, or objectives for the new rating period?

Continue to set strong goals for both his staff and himself to achieve.

I am glad that the City Manager has recognized the need for increased attention to personnel matters. The coronavirus pandemic is making it all the more important to make adjustments to recruit, train, and retain a high-quality city workforce. I hope that the manager will keep the Council apprised of developments and will be prepared to consider a variety of ideas and options for addressing the new challenges of personnel management in the coming years. Something needs to be done to address unmet mobility needs (including needs of seniors, youth, people with disabilities, and people who cannot afford cars) in the City. This situation has been worsened by the coronavirus pandemic. Instead of going back to "business as usual," let's find a way to leverage the funding we currently receive to pay for paratransit buses, together with other resources, to create a transit/transportation system that works for Oak Ridge. Additionally, the "new downtown" plan for Wilson Street and other elements of the City Blueprint deserve the wholehearted support of the manager and his staff. We should not be afraid to invest City resources to make this vision a reality that will pay dividends in years to come.

Growing our tax base and population is key to the City's future. This needs to be our focus as a City.

None

Please provide recommendations and comments on a possible change in compensation and a contract extension beyond the current expiration date of August 8, 2023.

3.5% pay raise would be my recommendation for the upcoming year.

I would recommend a one-year extension in contract and a 3 percent increase in salary.

I don't believe we have the budget to sufficiently compensate Mark for the extra measure of effort he gave this year. I suggest a compensation increase of 2% and a one-time bonus of \$5,000. A contract extension of one or two years would be appropriate.

A COLA raise or one congruent with what other department head staff received would be reasonable.

Strongly support an extension of his contract. A 5% increase in compensation would be appropriate.

Standard city employee raise and one year contract extension

3% increase and one year extension of employment agreement to 8/8/24

RESOLUTION

A RESOLUTION TO AMEND THE CITY MANAGER'S EMPLOYMENT AGREEMENT TO EXTEND THE TERM BY ONE YEAR, TO PROVIDE FOR A NEW ANNUAL BASE SALARY AMOUNT OF \$187,283.20 AND TO PROVIDE FOR A ONE-TIME CASH BONUS OF \$2,500.00.

WHEREAS, Article V, Section 1, of the City Charter provides that City Council shall appoint a chief administrative officer of the City who shall be entitled City Manager and who shall serve at the pleasure of City Council; and,

WHEREAS, on July 15, 2010, City Council entered into an employment agreement in which City Council agreed to employ Mark S. Watson as the City Manager effective August 9, 2010; and,

WHEREAS, said employment agreement provides that formal evaluations of the City Manager shall be conducted on an annual basis by July 31st of each year, and to this end City Council appointed a City Manager Evaluation Committee (the Committee) to develop an evaluation procedure; and,

WHEREAS, the Committee has completed its work and based upon the evaluation results recommends the following: a one (1) year contract extension, a three percent (3.00%) salary increase, and a one-time cash bonus of \$2,500.00.

NOW, THEREFORE, BE RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the Employment Agreement between the City of Oak Ridge and Mark S. Watson as City Manager is hereby amended as follows:

- Section 2, Term, Subsection C, be amended to provide that the Employment Agreement shall continue in effect until August 8, 2024; and,
- Section 7, Salary, Subsection A, be amended to provide for a new base salary amount of \$187,283.20, which is the equivalent of a three percent (3%) salary increase and shall be effective retroactive to the pay period beginning August 9, 2021.

BE IT FURTHER RESOLVED that the City should pay to Mark S. Watson a one-time bonus of \$2,500.00 in recognition of his performance.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute all necessary legal documents to accomplish the same.

This 13th day of December 2021.

APPROVED AS TO FORM AND LEGALITY:

Tammy M. Dunn, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

OAK RIDGE CITY COUNCIL MEETING
Municipal Building Courtroom

November 8, 2021

Minutes

The regular meeting of the City Council of the City of Oak Ridge, Tennessee convened at 7:00 p.m. on November 8, 2021 in the Municipal Building Courtroom.

INVOCATION

The invocation was given by Pastor Sharon Youngs, First Presbyterian Church.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Alexandra Shanafield, Youth Advisory Board Treasurer.

ROLL CALL

Upon roll call the following Councilmembers were present: Councilmember Kelly Callison; Mayor Pro Tem Rick Chinn; Councilmember Jim Dodson; Mayor Warren Gooch; Councilmember Derrick Hammond; Councilmember Charles J. Hope, Jr. and Councilmember Ellen Smith.

Also present were Mark S. Watson, City Manager; Tammy Dunn, City Attorney; Janice McGinnis, Finance Director; and Mary Beth Hickman, City Clerk.

PROCLAMATIONS AND PUBLIC RECOGNITIONS

(NONE)

CONSENT AGENDA

It was requested that the following items be removed from the Consent Agenda for discussion:

Oak Ridge Heritage Railroad Authority Annual Report 2021 (October 1, 2020 to September 30, 2021)

A RESOLUTION MAKING AN AWARD TO SUMMIT UNIFORMS, KNOXVILLE, TENNESSEE, FOR FURNISHING POLICE DEPARTMENT EMPLOYEE UNIFORMS FOR FISCAL YEAR 2022 IN AN AMOUNT NOT TO EXCEED \$43,400.00.

A RESOLUTION ACCEPTING A GOVERNMENTAL GRANT CONTRACT FROM THE STATE OF TENNESSEE DEPARTMENT OF MILITARY TENNESSEE EMERGENCY MANAGEMENT AGENCY IN THE AMOUNT OF \$17,389.95 AS PARTIAL REIMBURSEMENT FOR COSTS INCURRED TO REPAIR DAMAGE TO THE WATER TREATMENT PLANT ACCESS ROAD CAUSED BY THE HEAVY RAIN EVENT OF FEBRUARY 2019.

A RESOLUTION AUTHORIZING A LEASE AGREEMENT WITH CRAFTER'S BREW MARKET AND SOCIAL, LLC, OF OAK RIDGE, TENNESSEE, TO PERFORM CONCESSION SERVICES AT TENNESSEE CENTENNIAL GOLF COURSE.

A RESOLUTION AUTHORIZING THE CITY TO EXECUTE AN AMENDMENT TO THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT) MULTIMODAL ACCESS GRANT CONTRACT TO EXTEND THE COMPLETION DATE TO MARCH 31, 2022.

A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH CDM SMITH INC., OF KNOXVILLE, TENNESSEE, FOR CONSTRUCTION ENGINEERING AND INSPECTION FOR THE CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT (CMAQ) PHASE II IN AN AMOUNT NOT TO EXCEED \$215,000.00.

Mayor Pro Tem Chinn moved for approval of the Consent Agenda as amended, and Councilmember Hope seconded.

The Consent Agenda was approved as amended unanimously by voice vote with Councilmembers Callison, Dodson, Hammond, Hope, Smith, Mayor Gooch and Mayor Pro Tem Chinn voting "Aye."

Approval of the October 11, 2021 City Council regular meeting minutes

Resolution No. 11-112-2021

A RESOLUTION AUTHORIZING THE CITY TO ACCEPT FEDERAL FUNDING FOR FIRE STATION #4 FIRE PROTECTION SERVICES IN THE ANTICIPATED AMOUNT OF \$7,791,957.73 OVER A FIVE-YEAR PERIOD.

Resolution No. 11-113-2021

A RESOLUTION APPROVING THE CITY MANAGER'S RECOMMENDATION TO HIRE AN ADDITIONAL CODE ENFORCEMENT INSPECTOR AND AUTHORIZING THE CITY MANAGER TO MOVE FORWARD WITH THE HIRING PROCESS FOR SUCH POSITION.

The items that were removed from the Consent Agenda was brought up next.

Oak Ridge Heritage Railroad Authority Annual Report 2021 (October 1, 2020 to September 30, 2021)

Gordon Fee, Chair of the Oak Ridge Heritage Railroad Authority, presented the 2021 Annual Report. Mayor Pro Tem Chinn moved that the report be accepted for the record, and Councilmember Hope seconded.

The report was accepted unanimously by voice vote with Councilmembers Callison, Dodson, Hammond, Hope, Smith, Mayor Gooch and Mayor Pro Tem Chinn voting "Aye."

Resolution No. 11-114-2021

A RESOLUTION MAKING AN AWARD TO SUMMIT UNIFORMS, KNOXVILLE, TENNESSEE, FOR FURNISHING POLICE DEPARTMENT EMPLOYEE UNIFORMS FOR FISCAL YEAR 2022 IN AN AMOUNT NOT TO EXCEED \$43,400.00.

Councilmember Smith moved to approve the resolution, and Mayor Pro Tem Chinn seconded. Police Chief Robin Smith provided an overview of the resolution and answered questions from Council.

The resolution was approved unanimously by voice vote with Councilmembers Callison, Dodson, Hammond, Hope, Smith, Mayor Gooch and Mayor Pro Tem Chinn voting "Aye."

Resolution No. 11-115-2021

A RESOLUTION ACCEPTING A GOVERNMENTAL GRANT CONTRACT FROM THE STATE OF TENNESSEE DEPARTMENT OF MILITARY TENNESSEE EMERGENCY MANAGEMENT AGENCY IN THE AMOUNT OF \$17,389.95 AS PARTIAL REIMBURSEMENT FOR COSTS INCURRED TO REPAIR DAMAGE TO THE WATER TREATMENT PLANT ACCESS ROAD CAUSED BY THE HEAVY RAIN EVENT OF FEBRUARY 2019.

Councilmember Hope moved for approval of the resolution, and Councilmember Mayor Pro Tem Chinn seconded. Public Works Director Patrick Berge provided an overview of the resolution and answered questions from Council.

The resolution was approved unanimously by voice vote with Councilmembers Callison, Dodson, Hammond, Hope, Smith, Mayor Gooch and Mayor Pro Tem Chinn voting “Aye.”

Resolution No. 11-116-2021

A RESOLUTION AUTHORIZING A LEASE AGREEMENT WITH CRAFTER’S BREW MARKET AND SOCIAL, LLC, OF OAK RIDGE, TENNESSEE, TO PERFORM CONCESSION SERVICES AT TENNESSEE CENTENNIAL GOLF COURSE.

Councilmember Dodson moved for approval of the resolution, and Councilmember Smith seconded. City Manager Mark Watson provided an overview of the resolution, and Recreation and Parks Director Jon Hetrick answered questions from Council.

The resolution was approved unanimously by voice vote, with Councilmembers Callison, Dodson, Hammond, Hope, Smith, Mayor Gooch and Mayor Pro Tem Chinn voting “Aye.”

Resolution No. 11-117-2021

A RESOLUTION AUTHORIZING THE CITY TO EXECUTE AN AMENDMENT TO THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT) MULTIMODAL ACCESS GRANT CONTRACT TO EXTEND THE COMPLETION DATE TO MARCH 31, 2022.

Mayor Pro Tem Chinn moved for approval of the resolution, and Councilmember Hammond seconded. Public Works Director Patrick Berge provided an overview of the resolution and answered questions from Council.

The resolution was approved unanimously by voice vote, with Councilmembers Callison, Dodson, Hammond, Hope, Smith, Mayor Gooch and Mayor Pro Tem Chinn voting “Aye.”

Resolution No. 11-118-2021

A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH CDM SMITH INC., OF KNOXVILLE, TENNESSEE, FOR CONSTRUCTION ENGINEERING AND INSPECTION FOR THE CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT (CMAQ) PHASE II IN AN AMOUNT NOT TO EXCEED \$215,000.00.

Councilmember Dodson moved for approval of the resolution, and Councilmember Smith seconded. City Engineer Roger Flynn answered questions from Council regarding the resolution.

The resolution was approved unanimously by voice vote, with Councilmembers Callison, Dodson, Hammond, Hope, Smith, Mayor Gooch and Mayor Pro Tem Chinn voting “Aye.”

PUBLIC HEARINGS AND FIRST READING OF ORDINANCES

AN ORDINANCE TO AMEND TITLE 11, TITLED “MUNICIPAL OFFENSES,” CHAPTER 1, TITLED “MISCELLANEOUS,” OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 11-111, TITLED “SMOKING AT PLAYGROUNDS PROHIBITED,” AND SUBSTITUTING THEREFOR A NEW SECTION 11-111, TITLED “SMOKING, USE OF TOBACCO PRODUCTS, AND USE OF VAPOR PRODUCTS AT PARKS, PLAYGROUNDS, GREENWAYS, AND PUBLIC PROPERTY PROHIBITED; EXCEPTIONS,” TO EXPAND THE PROHIBITION AGAINST SMOKING ON PLAYGROUNDS TO INCLUDE THE USE OF VAPING PRODUCTS AND TO PROHIBIT THE USE OF TOBACCO PRODUCTS AND VAPOR PRODUCTS TO PARKS, GREENWAYS, AND OTHER CITY-OWNED PROPERTY THAT IS ACCESSIBLE BY YOUTH.

Councilmember Smith moved for approval of the resolution, and Councilmember Dodson seconded. City Attorney Tammy Dunn provided an overview of the resolution and answered questions from Council. During discussion, it was decided that a substitute ordinance would be brought to Council at the next meeting to address several concerns demonstrated by Council.

Stacey Pratt with ASAP of Anderson, along with two youth ambassadors from ASAP, spoke in favor of the resolution.

The ordinance passed unanimously by board vote with Councilmembers Callison, Dodson, Hammond, Hope, Smith, Mayor Gooch and Mayor Pro Tem Chinn voting “Aye.”

FINAL ADOPTION OF ORDINANCES

Ordinance No. 10-2021

AN ORDINANCE TO AMEND TITLE 7, TITLED “FIRE PROTECTION AND FIREWORKS,” OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 7-104, TITLED “REVISIONS,” SUBSECTION (4) WITHOUT REPLACEMENT TO REMOVE THE ACCESS PROVISIONS THAT ARE MORE RESTRICTIVE THAN THE INTERNATIONAL FIRE CODE 2018 EDITION.

Councilmember Dodson moved to approve the ordinance, and Councilmember Callison seconded.

The ordinance was approved unanimously by board vote with Councilmembers Callison, Dodson, Hammond, Hope, Smith, Mayor Gooch and Mayor Pro Tem Chinn voting “Aye.”

RESOLUTIONS

Resolution No. 11-119-2021

A RESOLUTION APPROVING THE CITY MANAGER’S RECOMMENDATION TO BRING CUSTODIAL SERVICES IN-HOUSE AND AUTHORIZING THE CITY MANAGER TO MOVE FORWARD WITH THE HIRING PROCESS FOR ONE SUPERVISOR POSITION AND FOUR CUSTODIAL POSITIONS.

Mayor Pro Tem Chinn moved for approval of the resolution, and Councilmember Callison seconded. City Manager Mark Watson provided an overview of the resolution and answered questions from Council.

The resolution was approved unanimously by board vote with Councilmembers Callison, Dodson, Hammond, Hope, Smith, Mayor Gooch and Mayor Pro Tem Chinn voting “Aye.”

Resolution No. 11-120-2021

A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH FOXPE, LLC, NASHVILLE, TENNESSEE, FOR DESIGN PHASE AND SRF PLANNING PHASE SERVICES FOR BIOLOGICAL TREATMENT IMPROVEMENTS TO THE TURTLE PARK WASTEWATER TREATMENT PLANT IN AN AMOUNT NOT TO EXCEED \$218,000.00.

Councilmember Dodson moved for approval of the resolution, and Councilmember Callison seconded.

The resolution was approved unanimously by board vote with Councilmembers Callison, Dodson, Hammond, Hope, Smith, Mayor Gooch and Mayor Pro Tem Chinn voting “Aye.”

Resolution No. 11-121-2021

A RESOLUTION AUTHORIZING THE PURCHASE OF A REPLACEMENT SERVER SYSTEM, SUPPORTING EQUIPMENT, AND RECOVERY SYSTEMS FROM DELL TECHNOLOGIES, INC., ROUND ROCK, TEXAS, AND/OR ITS SUBSIDIARIES, IN THE AMOUNT OF \$133,218.14.

Mayor Pro Tem Chinn moved for approval of the resolution, and Councilmember Callison seconded.

City Attorney Tammy Dunn suggested an amendment needed to be made to include the purchase price in the resolution. Mayor Pro Tem Chinn proposed the amendment, and it was agreed to by unanimous consent.

The resolution was approved unanimously by board vote with Councilmembers Callison, Dodson, Hammond, Hope, Smith, Mayor Gooch and Mayor Pro Tem Chinn voting “Aye.”

Resolution No. 11-122-2021

A RESOLUTION DESIGNATING THE SCARBORO COMMUNITY CENTER AS THE CITY'S PREFERRED POLLING PLACE LOCATION FOR THE OAK RIDGE CITY HALL PRECINCT AND DIRECTING THE CITY CLERK TO TRANSMIT THIS RESOLUTION TO THE ANDERSON COUNTY ELECTION COMMISSION FOR THEIR CONSIDERATION AS THEY MAKE THEIR DETERMINATION ON POLLING PLACE LOCATION.

Councilmember Dodson moved for approval of the resolution, and Councilmember Smith seconded. City Manager Mark Watson provided an overview of the resolution and answered questions from Council.

The resolution was approved by board vote with Councilmembers Callison, Dodson, Hammond, Hope, Smith, and Mayor Gooch voting "Aye," and Mayor Pro Tem Chinn voting "No."

Resolution No. 11-123-2021

A RESOLUTION AUTHORIZING MODIFICATIONS TO THE PROPERTY TRANSFER AGREEMENT BETWEEN THE CITY AND TN OAK RIDGE ILLINOIS LLC FOR A NEW DEVELOPMENT CONCEPT FOCUSED ON TWO MULTI-STORY APARTMENT BUILDINGS WITH A RETAIL AND MIXED-USE COMPONENT.

Councilmember Dodson moved for approval of the resolution, and Councilmember Callison seconded. Mayor Pro Tem Rick Chinn left the dais and did not participate in the discussion on this item. Deputy City Manager Jack Suggs provided an overview of the resolution, and developer Daniel Smith answered questions from Council.

The resolution was approved by board vote with Councilmembers Callison, Dodson, Hammond, Hope, Smith, and Mayor Gooch voting "Aye." Mayor Pro Tem Chinn did not vote.

Resolution No. 11-124-2021

A RESOLUTION DELEGATING TO THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF OAK RIDGE THE AUTHORITY TO NEGOTIATE AND ACCEPT PAYMENTS IN LIEU OF AD VALOREM TAX WITH RESPECT TO A CERTAIN PROJECT IN OAK RIDGE, TENNESSEE, AND FINDING THAT SUCH PAYMENTS ARE DEEMED TO BE IN FURTHERANCE OF THE PUBLIC PURPOSES OF THE BOARD AS DEFINED IN TENNESSEE CODE ANNOTATED §7-53-305.

Mayor Gooch moved for approval of the resolution, and Councilmember Callison seconded. Mayor Pro Tem Rick Chinn left the dais and did not participate in the discussion on this item. Deputy City Manager Jack Suggs provided an overview of the resolution and answered questions from Council.

The resolution was approved by board vote with Councilmembers Callison, Dodson, Hammond, Hope, Smith, and Mayor Gooch voting "Aye." Mayor Pro Tem Chinn did not vote.

APPEARANCE OF CITIZENS

(NONE)

ELECTIONS/APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Elections/Appointments

Appointment to Anderson County Regional Solid Waste Planning Board

Mayor Gooch moved to appoint Public Works Director Patrick Berge to the Anderson County Regional Solid Waste Planning Board, and Mayor Pro Tem Chinn seconded. The motion was approved unanimously by voice vote.

Appointment to Budget and Finance Committee

Councilmember Hope moved to confirm the Mayor's appointment of Councilmember Callison (Chair), Mayor Pro Tem Chinn, and Councilmember Smith to the Budget and Finance Committee. Councilmember Hammond seconded, and the motion was approved unanimously by voice vote.

Announcements and Scheduling

City Manager Mark Watson reminded Council about the work session on Tuesday, November 16th and stated there would be no Budget and Finance Committee meeting this month.

COUNCIL REQUESTS FOR NEW BUSINESS ITEMS OR FUTURE BRIEFINGS

Councilmember Dodson requested discussion at a work session on the creation of a Disability Advisory Board.

Councilmember Hammond requested an update on the Wilson Street development.

Councilmember Smith requested that the Budget and Finance Committee work with City staff on future planning in regard to equipment replacement.

SUMMARY OF CURRENT EVENTS

(NONE)

CITY MANAGER'S REPORT

(NONE)

CITY ATTORNEY'S REPORT

(NONE)

ADJOURNMENT: 8:32 p.m.

OAK RIDGE CITY COUNCIL MEMORANDUM

DATE: December 13, 2021

TO: Mark S. Watson, City Manager

FROM: Julie Forkner , Library Director

SUBJECT: Permission to Apply For and Accept, if Awarded, a Grant from the Governor's Early Literacy Foundation in the Amount of \$6,000 to Install a Story Trail Along a Portion of the Walking Path in Bissell Park.

SUPPORTING DEPARTMENT: Recreation and Parks

Introduction

An item for the Council's consideration is a resolution to apply for and accept if awarded a grant from the Governor's Early Literacy Foundation in order to install a story trail in Bissell Park.

Funding

The full anticipated cost of this project should not exceed \$6,000. There is no required match.

Background

Story walks encourage families to be active and to read by posting a story, page by page, on kiosks along a walking trail. By adding reading tips and by using engaging text and colorful illustrations, families with small children have an added incentive to both exercise and read. The walking trail on the east end of Bissell Park that loops from the library's plaza entrance to the Commemorative Walk and back to the playground near the pavilion is an ideal spot for a story walk, connecting the Children's Room at the library to the playground.

Recommendation

Staff recommends approving the attached resolution.

Attachments:

[Resolution - Governors Literacy Foundation Grant.docx](#)

RESOLUTION

A RESOLUTION AUTHORIZING THE CITY TO APPLY FOR AND ACCEPT IF AWARDED A GRANT FROM THE GOVERNOR'S EARLY LITERACY FOUNDATION IN AN AMOUNT NOT TO EXCEED \$6,000.00, WITH NO LOCAL MATCH REQUIRED, TO CONSTRUCT A STORY WALK IN BISSELL PARK.

WHEREAS, grant funds are available from the Governor's Early Literacy Foundation and the City is eligible to apply for such funds with no local match required; and,

WHEREAS, if awarded, the Oak Ridge Public Library and Recreation and Parks Departments intend to construct a Story Walk in Bissell Park on the east end loop of the walking trail; and,

WHEREAS, a Story Walk consists of a series of kiosks displaying a story page-by-page along a trail, the goal of which is to encourage children to read and to exercise in a fun and engaging manner; and,

WHEREAS, the City Manager recommends the City submit the grant application and accept the grant if awarded.

NOW, THEREFORE, BE RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved, and the City is hereby authorized to apply for, and accept if awarded, a grant from the Governor's Early Literacy Foundation in an amount not to exceed \$6,000.00, with no local match required, to construct a Story Walk in Bissell Park.

BE IT FURTHER RESOLVED that the Mayor and/or City Manager are hereby authorized to execute the appropriate legal instruments to accomplish the same.

This 13th day of December 2021.

APPROVED AS TO FORM AND LEGALITY:

Tammy M. Dunn, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

OAK RIDGE CITY COUNCIL MEMORANDUM

DATE: December 13, 2021

TO: Honorable Mayor and City Council

FROM: Tammy Dunn , City Attorney

SUBJECT: Approval of Bylaws and Rules and Procedures for the Health and Educational Facilities Board

SUPPORTING DEPARTMENT: City Clerk

Introduction

An item for the agenda is a resolution to approve the Bylaws and the Rules and Procedures for the Health and Educational Facilities Board.

Funding

No funding is associated with this item.

Background

At the July 12, 2021 meeting, City Council approved two resolutions to establish consistency in operations among the various city boards and commission. Resolution 7-80-2021 approved a standardized template for all boards and commissions to establish Bylaws. Resolution 7-81-2021 approved a standardized template for all boards and commissions to establish Rules and Procedures.

The Health and Educational Facilities Board's existing bylaws were reviewed and language from the existing bylaws was incorporated into the template as appropriate for a new set of updated Bylaws. Additionally, the board's charter and applicable state law provisions were reviewed and incorporated into the updated Bylaws. Since this board has statutory and charter provisions, many of those were noted in the Bylaws as endnotes for reference purposes. The board does not have a separate rules document, therefore the template was used to create Rules and Procedures for the board. For ease of reference, attached to the memorandum is a file for the bylaws showing the additions in yellow highlight. Since the board did not have a prior rules document, the template was used without additions or modifications.

At their November 2, 2021 meeting, the board unanimously approved the updated Bylaws as well as the Rules and Procedures. These documents are being brought to City Council for final adoption. The new Bylaws and Rules and Procedures will become effective upon City Council's approval.

Recommendation

Approval of the attached resolution is recommended.

Attachments:

[Bylaws for HEFB - Highlighted Additions.docx](#)

[Resolution - HEFB Bylaws and Rules and Procedures.pdf](#)

Last Amended: _____
Last Adopted: _____

**BYLAWS OF THE
HEALTH AND EDUCATIONAL FACILITIES BOARD
OAK RIDGE, TENNESSEE**

ARTICLE I – NAME

The name of this board shall be the “Health and Educational Facilities Board of the City of Oak Ridge,” which, for convenience, shall hereafter be referred to as the “Board” in these bylaws.

ARTICLE II – PURPOSE AND GENERAL POWERS

A. Purpose.

The purpose of the Board is to finance, acquire, own, lease, and/or dispose of properties to the end that a measure of assistance and an alternative method through and by which health and educational facilities may be provided to assist in the development and maintenance of the public health of the city, especially the elderly. It is not intended that the Board operate any such facility itself. The purpose and general powers of the Board shall also encompass those purposes and powers specified in:

- (1) Tennessee Code Annotated §48-101-301 et seq. and the Board’s Charter of Incorporation issued by the State of Tennessee on April 19, 1977;
- (2) Applicable sections of the Oak Ridge City Charter and the Oak Ridge Municipal Code, and any amendments and supplements thereto;
- (3) Regulations, rules, bylaws and policies adopted by the Oak Ridge City Council; and
- (4) Per the Board’s Charter, the Board has the power to issue bonds, provided, however, all such bonds shall be payable solely out of the revenues and receipts derived from its projects; and provided further, that any resolution authorizing the issuance of bonds must first be ratified by the City Council before such resolution becomes effective. Subject to the foregoing restriction with respect to bond resolutions, the Board may authorize any action under Tennessee Code Annotated, §48-101-301 et seq. by resolution at any regular or special meeting and such resolution shall take effect immediately and need not be published or posted.

- B. Creation of the Board. The Board has been created by the Oak Ridge City Council by **Resolution Number 4-42-77** pursuant to the provisions of Tennessee Code Annotated **§48-101-303**.

ARTICLE III – MEMBERS

- A. Size. The Board shall consist of **nine (9)** voting members **which are referred to as directors in the Board's charter. All members shall be elected by City Council.**ⁱ
- B. Membership. Members must reside within the city limits of Oak Ridge. **Members must be duly qualified electors of and taxpayers in Oak Ridge and no member shall be an officer of the City of Oak Ridge.**ⁱⁱ Pursuant to the Personnel Ordinance §13.3.e., no active City employee may serve on a City Council appointed board, commission or committee unless they are serving as staff representatives without voting privileges.
- C. Attendance Requirement.
- (1) Expectation of Attendance. Members of the Board are expected to attend all scheduled meetings and are responsible for communicating their inability to attend in a timely fashion to the Chairperson and Staff Liaison along with a reason for the anticipated absence.
 - (2) Attendance Record. The Secretary shall record the full names of those members present and absent in the minutes of each scheduled meeting and shall provide the City Clerk with a signed copy of the minutes upon their approval by the Board. The Secretary shall also maintain a separate attendance record, which shall be provided to the Chairperson of the Board and the City Clerk within seven (7) days after each meeting. If the Board has no Secretary, the person responsible for recording the minutes shall perform this function.
 - (3) Absence from Meetings. When a member of the Board is absent from three (3) regularly-scheduled or regularly-called meetings during the Board's term-year, which is a one-year period beginning on the date of term commencement, the Chairperson shall request that the member provide a written explanation of the absences. The Board shall determine whether to accept or reject the explanation by a majority vote. If the Board votes to accept the explanation, the absences shall be considered "excused" and will not accrue for purposes of removal from the Board. If the Board votes to reject the explanation, the absences will accrue for purposes of removal. If a member is absent from three (3) meetings and makes no efforts to comply with the Chairperson's request for an explanation, those absences will accrue for purposes of removal. Accrual of four (4) unexcused absences shall result in removal from the Board as Article III, Subsection C.(4) below.

- (4) Removal Due to Absences. When a member is absent from four (4) regularly-scheduled or regularly-called meetings during the Board's term-year, and consistent with the procedure set forth in Article III Subsection C.(3), the member shall be notified that he/she has been removed from the Board by a vote of his/her peers. The Chairperson shall notify City Council of the vacancy by letter, and the City Clerk shall schedule an election to fill the vacancy in the customary manner.
- D. Terms of Office. Members shall serve for six (6) year staggered terms (i.e. every two years three members' terms of office are up for re-election). A member will serve until a successor is elected.
- E. Oath of Office. Before assuming the duties of office, each member shall take the Oath or Affirmation of Office through the City Clerk's office.
- F. Vacancies.
- (1) Automatic. Any member of the Board who shall move to a principal residence located outside the city limits of Oak Ridge shall be deemed to have automatically vacated the office.
- (2) Resignation. Any member desiring to resign from the Board shall promptly inform the Chairperson and the City Clerk in writing of his or her intention to resign. Such notice shall state the effective date of resignation and may also state any reason for said resignation. The City Clerk will communicate the resignation and the reason for resignation to the City Manager and City Council.
- (3) Removal from Office. In addition to the circumstances outlined in Article III Subsections F(1) and F(2), a member can also be removed from office for cause by a majority vote of City Council or upon the recommendation of a majority of Board members.
- (4) Replacement. In the event of resignation, death, or removal from office, the vacancy will be filled by City Council at the next regularly scheduled election or as soon as possible if multiple vacancies are affecting the ability to have a quorum.
- G. Ethics. All members shall be subject to the provisions of the ethics policy of the City of Oak Ridge and applicable state ethics laws. Any Board member who has any conflict of interest in any matter or issue brought before the Board shall make such fact known to the Board prior to any vote by the Board on such issue. City Code §21-103 and §21-104 provide additional guidance regarding disclosure of personal interest and recusal.

ARTICLE IV – OFFICERS

- A. Title; Number. The officers of the Board shall consist of a Chairperson, Vice Chairperson, Secretary, Treasurer and such other officers as the Board may deem appropriate, who shall be elected by and from official members of the Board. The duties of Secretary and Treasurer may be performed by the same member.ⁱⁱⁱ
- B. Election. The election of officers shall be held at the annual meeting of the Board. A majority vote of members present shall be required to elect any officer.
- C. Term of Office. Officers of the Board shall serve for a period of one (1) year, or until the next annual meeting, or until such time as a replacement has been duly elected; provided, however, no officer shall be removed from office prior to the next following annual meeting after such officer's election, except by two-thirds vote of the official members of the Board. All officers shall be eligible for re-election for consecutive terms.
- D. Vacancies. In the event any elective office shall become vacant, the Board shall elect a successor at its next regular meeting, in the manner prescribed by Article IV, Section B, above.

ARTICLE V – DUTIES OF OFFICERS

- A. Chairperson.
 - (1) The Chairperson shall preside at all meetings and hearings of the Board, and shall perform such other functions as may be required by law, by these bylaws, and/or those ordinarily performed by a Chairperson, in accordance with parliamentary procedure as prescribed in the current edition of Robert's Rules of Order.
 - (2) Except as otherwise provided by law or authorized by the Board, the Chairperson shall sign all communications from the Board to the City Manager and City Council.
 - (3) The Chairperson shall ensure issuance to all new members of the Board the latest available revision of any current reports and documents necessary to fully inform such new member of the business presently before the Board.
 - (4) The Chairperson shall sign all contracts, bonds, deeds, and other instruments made by the Board. At each meeting, the Chairperson shall submit such recommendations and information and the Chairperson may consider property concerning business affairs and policies of the Board.

B. Vice-Chairperson.

- (1) In the event of a vacancy or absence of the Chairperson, the Vice-Chairperson shall perform the duties of the Chairperson until a new Chairperson is duly elected. Should the Chairperson be unable to perform the duties of office due to disability, absence, or disqualification, the Vice-Chairperson shall perform said duties until such time as they may be performed by the Chairperson or a new Chairperson is elected.
- (2) In addition to the foregoing duties, the Vice-Chairperson shall also perform such other duties as may be designated by the Chairperson.

C. Secretary.

- (1) The Secretary shall prepare such certifications of records and transcripts as required by law or as the Board may direct.
- (2) The Secretary shall record minutes of all meetings of the Board and forward them to the staff liaison of the Board for formatting and placement in the agenda packet for the next meeting.
- (3) In the absence or disqualification of the Chairperson and Vice-Chairperson, the Secretary shall preside at the meetings of the Board.
- (4) The Secretary shall maintain attendance records and distribute them according to the provisions in Article III, Subsection C.(2).
- (5) The Secretary shall ensure in safe custody the seal of the Board (to be placed in the City Clerk's Office) and shall have the power to affix such seal to all contracts and instruments authorized to be executed by the Board.

D. Treasurer.

- (1) The Treasurer shall have the care and custody of all funds of the Board and shall deposit the same in the name of the Board in such bank or banks as the Board may be resolution select.
- (2) The Treasurer shall sign all orders and checks for the payment of money and shall pay out and disburse such moneys under the direction of the Board. Except as otherwise authorized by resolution of the Board, all such orders and checks shall be countersigned by the Chairperson.
- (3) The Treasurer shall keep regular books of accounts showing receipts and expenditures and shall render to the Board, at each regular meeting (or

more often when requested), an account of the Treasurer's transactions and also of the financial condition of the Board.

- (4) The Treasurer shall give such bond for the faithful performance of the Treasurer's duties as the Board may designate.

ARTICLE VI – STAFF LIAISON

- A. Duties. The staff liaison, appointed by the City Manager, or the City Manager's designee, shall assist the Chairperson in setting meetings; preparing the agenda and reports to the City Manager and City Council; and other support functions as needed. The staff liaison shall also ensure that the Board website within the respective department be up to date at all times with agendas, minutes, and other relevant information. The staff liaison shall also perform the duties outlined in Article VII, Section (D)(6) below pertaining to giving proper notice of meetings.

ARTICLE VII – MEETINGS

- A. Meetings Open to the Public. All Board meetings shall be open to the public, and citizens shall have a reasonable opportunity to be heard.
- B. Type; Number. The meetings of the Board shall consist of a regular annual meeting and other regular meetings held each year, together with such special meetings as may be deemed appropriate and called pursuant to these bylaws.
- C. Method of Calling.
 - (1) Regular Meeting. No formal call of a regular meeting shall be necessary, except for the notice of meeting provided for in Article VII, Section D, below.
 - (2) Special Meeting. A special meeting shall be called at such time as may be deemed expedient by the Chairperson or any two members of the Board upon written request to the Chairperson or by approval of a majority of the members present at any meeting. The notice of a special meeting shall be as provided for in Article VII, Section D, below. Special meetings are only for the purpose specified and no other item may be voted on at a special meeting that is not explicitly specified when calling a special meeting.
 - (3) Work Sessions. Board work sessions, if applicable, shall be called by the Chairperson. No formal action will be taken at the work sessions.
- D. Notice.
 - (1) Regular Meetings. Notices of regular meetings shall be delivered to each member of the Board at least forty-eight (48) hours prior to the meeting.

- (2) Special Meetings. The notice of a special meeting for matters shall be delivered to each member of the Board at least twenty-four (24) hours prior to the meeting.
- (3) Work Sessions. The notice of a work session will follow the same procedure as a regular meeting.
- (4) Cancellation of Meetings. Whenever there is no business before the Board, the Chairperson may dispense with a Regular Meeting or Work Session by giving notice to all members not less than forty-eight (48) hours prior to the time set for the meeting. The staff liaison shall also ensure that the City Clerk is notified of the cancelled meeting so that the City Calendar can be updated. When unforeseen or emergency circumstances arise, the Chairperson may cancel meetings with less than forty-eight (48) hours' notice. Cancellation of a meeting due to quorum issues or weather would necessitate a special meeting to be called at a later date.
- (5) Adjourned Meetings. Should the Board not complete the business before it, the Chairperson may adjourn the meeting and schedule a continuation of the same meeting until the agenda has been completed. However, the adjourned meeting must meet the same notice requirements as a Special Meeting.
- (6) Proper Notice. The staff liaison shall be responsible for ensuring compliance with the Tennessee Open Meetings Act and for notifying members and the public reasonably prior to the date and time of each meeting. The staff liaison is required to comply with guidelines pertaining to matters of public notice and scheduling as provided by the City Clerk and shall notify the City Clerk of meetings as soon as possible so that the City Calendar can be updated.

E. Agenda.

- (1) Order of Business. The order of business of all regular meetings shall be as follows:
 1. Call to Order
 2. Roll Call
 3. Approval of Order of Agenda
 4. Approval of Minutes
 5. Officers' Reports
 6. Committee Reports
 7. Unfinished Business
 8. New Business

9. Appearance of Citizens (Non-agenda items)
10. Announcements
11. Adjournment

An agenda section for “Presentations” is optional and may be added to the agenda as needed. Each agenda item to be discussed shall be listed under the appropriate heading on the published agenda, unless the item is brought up according to appropriate parliamentary rules during the meeting.

ARTICLE VIII – QUORUM AND VOTING PROCEDURES

- A. Quorum. A majority of members of the Board shall constitute a quorum for the purpose of transacting all business. The Chairperson shall acknowledge the presence of a quorum and call the meeting to order at the time designated in the notice of the meeting, or upon the arrival of a sufficient number of members to constitute a quorum if that occurs later. If, during the course of any meeting, any member desires to leave, either temporarily or permanently, that member shall announce such intention to the Chairperson. If at any time it shall appear that there are not sufficient members present to constitute a quorum, the Chairperson shall so announce and declare the meeting recessed or adjourned until a quorum is present. There shall be no substantive discussion of agenda items other than procedural matters if a quorum is not present.
- B. Voting. All votes shall be decided by a majority of those present and voting unless otherwise stipulated by the most recent edition of Robert’s Rules of Order. A list of members and any votes taken shall accompany all Board recommendations. If a conflict of interest is claimed, the members claiming such a conflict shall state the conflict for the record. No proxy voting is permitted.

ARTICLE IX – SPECIAL PROVISIONS

- A. Dissolution.^{iv} When the Board determines, by resolution, that the purposes for which the Board was formed have been substantially complied with and all bonds theretofore issued and all obligations theretofore incurred by the Board have been fully paid, the members shall thereupon execute and file for record in the Tennessee Secretary of State’s Office a certificate of dissolution reciting such facts and declaring the Board to be dissolved. Such certificate of dissolution shall be executed under the corporate seal of the Board.
- B. Title to Funds and Properties upon Dissolution. Upon the filing of the certificate of dissolution, the Board shall be dissolved and title to all funds and properties owned by the Board at the time of dissolution shall vest in the City of Oak Ridge, and possession of such funds and properties shall be delivered to the City.

- C. Members Serve without Compensation. The members shall serve without compensation except that they shall be reimbursed for their actual expenses incurred in and about the performance of their duties.
- D. Employment of Personnel. The Board may, from time to time, employ such personnel as it deems necessary to exercise its powers, duties, and functions as prescribed by Tennessee's Health, Educational, and Housing Facility Corporations provisions and all other laws of the State of Tennessee applicable thereto. The selection and compensation of such personnel shall be determined by the Board subject to the laws of the State of Tennessee.
- E. Committees. The Chairperson shall have the power to appoint such committees as the Chairperson, in his or her discretion, may deem advisable. Said committees shall have the power to recommend a course of conduct to the Board but shall have no extraordinary powers to act.
- F. Resolutions. All resolutions of the Board shall be in writing and shall be copied in a journal of the proceedings of the Board.

ARTICLE X – PARLIAMENTARY AUTHORITY

- A. Robert's Rules. The rules contained in the current edition of *Robert's Rules of Order Newly Revised* shall govern the Board in all cases to which they are applicable and in which they are not inconsistent with these bylaws, any special rules the Board may adopt, or any rules approved by City Council governing the operation of the Board.

ARTICLE XI – BYLAWS

- A. Date of Approval. These bylaws and any amendments thereto shall take effect upon their approval by the City Council, as provided in Article III, Section 6, of the City Charter.
- B. Amendments. Amendments to these bylaws may be considered at any regular or special meeting of the Board, provided that any proposed amendment shall have been provided to the Board members at least seven (7) days prior to the meeting at which it is to be considered. Amendment of the bylaws requires a two-thirds vote of the Board members. The Chairperson may designate a committee to review the bylaws, where appropriate.
- C. Official Copies. An official copy of these bylaws and any changes thereto shall be maintained in the City Clerk's office and shall be furnished to any other appropriate body.

APPROVED BY HEALTH AND EDUCATIONAL
FACILITIES BOARD OF THE CITY OF OAK RIDGE

Chairperson

APPROVED BY OAK RIDGE CITY COUNCIL

Mayor

Approved by Resolution _____

Amended: _____

Adopted: _____

- _____
i The number of members is established by the Board's Charter. The Charter can be amended in accordance with state law, however, Tennessee Code Annotated §48-101-307(a) requires a minimum number of seven (7) members.
- ii Tennessee Code Annotated §48-101-307 requires members to be qualified electors and taxpayers. It also prohibits employees and officers of the City from being on the Board. The City's Personnel Ordinance does not prohibit councilmembers from serving on boards, but the applicable state law for this board does.
- iii Tennessee Code Annotated §48-101-307(e) requires a chair, vice chair, secretary, and treasurer. Tennessee Code Annotated §48-101-307(f) allows the secretary and treasurer to be held by the same Board member.
- iv Dissolution of the Board, which is a corporation under the State of Tennessee, is governed by Tennessee Code Annotated §48-101-315.

NUMBER _____

RESOLUTION

A RESOLUTION ADOPTING BYLAWS AND RULES AND PROCEDURES FOR THE HEALTH AND EDUCATIONAL FACILITIES BOARD.

WHEREAS, by Resolution 7-80-2021, City Council approved a standardized template for all boards and commissions to establish bylaws; and,

WHEREAS, by Resolution 7-81-2021, City Council approved a standardized template for all boards and commissions to establish rules and procedures; and,

WHEREAS, utilizing these templates, city staff created a new set of bylaws and rules and procedures for the Health and Educational Facilities Board and incorporated specialized provisions related to the board's statutory and charter provisions; and,

WHEREAS, at their November 2, 2021 meeting, the board approved new Bylaws and new Rules and Procedures; and,

WHEREAS, the board's new Bylaws and new Rules and Procedures are ready for final adoption by City Council.

NOW, THEREFORE, BE RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the attached Bylaws and attached Rules and Procedures for the Health and Educational Facilities Board are hereby adopted.

BE IT FURTHER RESOLVED that the Mayor and/or City Manager are hereby authorized to execute the appropriate legal instruments to accomplish the same.

This 13th day of December 2021.

APPROVED AS TO FORM AND LEGALITY:

Tammy M. Dunn, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

Last Amended: _____
Last Adopted: _____

**BYLAWS OF THE
HEALTH AND EDUCATIONAL FACILITIES BOARD
OAK RIDGE, TENNESSEE**

ARTICLE I – NAME

The name of this board shall be the “Health and Educational Facilities Board of the City of Oak Ridge,” which, for convenience, shall hereafter be referred to as the “Board” in these bylaws.

ARTICLE II – PURPOSE AND GENERAL POWERS

A. Purpose.

The purpose of the Board is to finance, acquire, own, lease, and/or dispose of properties to the end that a measure of assistance and an alternative method through and by which health and educational facilities may be provided to assist in the development and maintenance of the public health of the city, especially the elderly. It is not intended that the Board operate any such facility itself. The purpose and general powers of the Board shall also encompass those purposes and powers specified in:

- (1) Tennessee Code Annotated §48-101-301 et seq. and the Board’s Charter of Incorporation issued by the State of Tennessee on April 19, 1977;
- (2) Applicable sections of the Oak Ridge City Charter and the Oak Ridge Municipal Code, and any amendments and supplements thereto;
- (3) Regulations, rules, bylaws and policies adopted by the Oak Ridge City Council; and
- (4) Per the Board’s Charter, the Board has the power to issue bonds, provided, however, all such bonds shall be payable solely out of the revenues and receipts derived from its projects; and provided further, that any resolution authorizing the issuance of bonds must first be ratified by the City Council before such resolution becomes effective. Subject to the foregoing restriction with respect to bond resolutions, the Board may authorize any action under Tennessee Code Annotated, §48-101-301 et seq. by resolution at any regular or special meeting and such resolution shall take effect immediately and need not be published or posted.

- B. Creation of the Board. The Board has been created by the Oak Ridge City Council by Resolution Number 4-42-77 pursuant to the provisions of Tennessee Code Annotated §48-101-303.

ARTICLE III – MEMBERS

- A. Size. The Board shall consist of nine (9) voting members which are referred to as directors in the Board’s charter. All members shall be elected by City Council.ⁱ
- B. Membership. Members must reside within the city limits of Oak Ridge. Members must be duly qualified electors of and taxpayers in Oak Ridge and no member shall be an officer of the City of Oak Ridge.ⁱⁱ Pursuant to the Personnel Ordinance §13.3.e., no active City employee may serve on a City Council appointed board, commission or committee unless they are serving as staff representatives without voting privileges.
- C. Attendance Requirement.
- (1) Expectation of Attendance. Members of the Board are expected to attend all scheduled meetings and are responsible for communicating their inability to attend in a timely fashion to the Chairperson and Staff Liaison along with a reason for the anticipated absence.
 - (2) Attendance Record. The Secretary shall record the full names of those members present and absent in the minutes of each scheduled meeting and shall provide the City Clerk with a signed copy of the minutes upon their approval by the Board. The Secretary shall also maintain a separate attendance record, which shall be provided to the Chairperson of the Board and the City Clerk within seven (7) days after each meeting. If the Board has no Secretary, the person responsible for recording the minutes shall perform this function.
 - (3) Absence from Meetings. When a member of the Board is absent from three (3) regularly-scheduled or regularly-called meetings during the Board’s term-year, which is a one-year period beginning on the date of term commencement, the Chairperson shall request that the member provide a written explanation of the absences. The Board shall determine whether to accept or reject the explanation by a majority vote. If the Board votes to accept the explanation, the absences shall be considered “excused” and will not accrue for purposes of removal from the Board. If the Board votes to reject the explanation, the absences will accrue for purposes of removal. If a member is absent from three (3) meetings and makes no efforts to comply with the Chairperson’s request for an explanation, those absences will accrue for purposes of removal. Accrual of four (4) unexcused absences shall result in removal from the Board as Article III, Subsection C.(4) below.

- (4) Removal Due to Absences. When a member is absent from four (4) regularly-scheduled or regularly-called meetings during the Board's term-year, and consistent with the procedure set forth in Article III Subsection C.(3), the member shall be notified that he/she has been removed from the Board by a vote of his/her peers. The Chairperson shall notify City Council of the vacancy by letter, and the City Clerk shall schedule an election to fill the vacancy in the customary manner.
- D. Terms of Office. Members shall serve for six (6) year staggered terms (i.e. every two years three members' terms of office are up for re-election). A member will serve until a successor is elected.
- E. Oath of Office. Before assuming the duties of office, each member shall take the Oath or Affirmation of Office through the City Clerk's office.
- F. Vacancies.
- (1) Automatic. Any member of the Board who shall move to a principal residence located outside the city limits of Oak Ridge shall be deemed to have automatically vacated the office.
- (2) Resignation. Any member desiring to resign from the Board shall promptly inform the Chairperson and the City Clerk in writing of his or her intention to resign. Such notice shall state the effective date of resignation and may also state any reason for said resignation. The City Clerk will communicate the resignation and the reason for resignation to the City Manager and City Council.
- (3) Removal from Office. In addition to the circumstances outlined in Article III Subsections F(1) and F(2), a member can also be removed from office for cause by a majority vote of City Council or upon the recommendation of a majority of Board members.
- (4) Replacement. In the event of resignation, death, or removal from office, the vacancy will be filled by City Council at the next regularly scheduled election or as soon as possible if multiple vacancies are affecting the ability to have a quorum.
- G. Ethics. All members shall be subject to the provisions of the ethics policy of the City of Oak Ridge and applicable state ethics laws. Any Board member who has any conflict of interest in any matter or issue brought before the Board shall make such fact known to the Board prior to any vote by the Board on such issue. City Code §21-103 and §21-104 provide additional guidance regarding disclosure of personal interest and recusal.

ARTICLE IV – OFFICERS

- A. Title; Number. The officers of the Board shall consist of a Chairperson, Vice Chairperson, Secretary, Treasurer and such other officers as the Board may deem appropriate, who shall be elected by and from official members of the Board. The duties of Secretary and Treasurer may be performed by the same member.ⁱⁱⁱ
- B. Election. The election of officers shall be held at the annual meeting of the Board. A majority vote of members present shall be required to elect any officer.
- C. Term of Office. Officers of the Board shall serve for a period of one (1) year, or until the next annual meeting, or until such time as a replacement has been duly elected; provided, however, no officer shall be removed from office prior to the next following annual meeting after such officer's election, except by two-thirds vote of the official members of the Board. All officers shall be eligible for re-election for consecutive terms.
- D. Vacancies. In the event any elective office shall become vacant, the Board shall elect a successor at its next regular meeting, in the manner prescribed by Article IV, Section B, above.

ARTICLE V – DUTIES OF OFFICERS

- A. Chairperson.
 - (1) The Chairperson shall preside at all meetings and hearings of the Board, and shall perform such other functions as may be required by law, by these bylaws, and/or those ordinarily performed by a Chairperson, in accordance with parliamentary procedure as prescribed in the current edition of Robert's Rules of Order.
 - (2) Except as otherwise provided by law or authorized by the Board, the Chairperson shall sign all communications from the Board to the City Manager and City Council.
 - (3) The Chairperson shall ensure issuance to all new members of the Board the latest available revision of any current reports and documents necessary to fully inform such new member of the business presently before the Board.
 - (4) The Chairperson shall sign all contracts, bonds, deeds, and other instruments made by the Board. At each meeting, the Chairperson shall submit such recommendations and information and the Chairperson may consider property concerning business affairs and policies of the Board.

B. Vice-Chairperson.

- (1) In the event of a vacancy or absence of the Chairperson, the Vice-Chairperson shall perform the duties of the Chairperson until a new Chairperson is duly elected. Should the Chairperson be unable to perform the duties of office due to disability, absence, or disqualification, the Vice-Chairperson shall perform said duties until such time as they may be performed by the Chairperson or a new Chairperson is elected.
- (2) In addition to the foregoing duties, the Vice-Chairperson shall also perform such other duties as may be designated by the Chairperson.

C. Secretary.

- (1) The Secretary shall prepare such certifications of records and transcripts as required by law or as the Board may direct.
- (2) The Secretary shall record minutes of all meetings of the Board and forward them to the staff liaison of the Board for formatting and placement in the agenda packet for the next meeting.
- (3) In the absence or disqualification of the Chairperson and Vice-Chairperson, the Secretary shall preside at the meetings of the Board.
- (4) The Secretary shall maintain attendance records and distribute them according to the provisions in Article III, Subsection C.(2).
- (5) The Secretary shall ensure in safe custody the seal of the Board (to be placed in the City Clerk's Office) and shall have the power to affix such seal to all contracts and instruments authorized to be executed by the Board.

D. Treasurer.

- (1) The Treasurer shall have the care and custody of all funds of the Board and shall deposit the same in the name of the Board in such bank or banks as the Board may by resolution select.
- (2) The Treasurer shall sign all orders and checks for the payment of money and shall pay out and disburse such moneys under the direction of the Board. Except as otherwise authorized by resolution of the Board, all such orders and checks shall be countersigned by the Chairperson.
- (3) The Treasurer shall keep regular books of accounts showing receipts and expenditures and shall render to the Board, at each regular meeting (or

more often when requested), an account of the Treasurer's transactions and also of the financial condition of the Board.

- (4) The Treasurer shall give such bond for the faithful performance of the Treasurer's duties as the Board may designate.

ARTICLE VI – STAFF LIAISON

- A. Duties. The staff liaison, appointed by the City Manager, or the City Manager's designee, shall assist the Chairperson in setting meetings; preparing the agenda and reports to the City Manager and City Council; and other support functions as needed. The staff liaison shall also ensure that the Board website within the respective department be up to date at all times with agendas, minutes, and other relevant information. The staff liaison shall also perform the duties outlined in Article VII, Section (D)(6) below pertaining to giving proper notice of meetings.

ARTICLE VII – MEETINGS

- A. Meetings Open to the Public. All Board meetings shall be open to the public, and citizens shall have a reasonable opportunity to be heard.
- B. Type; Number. The meetings of the Board shall consist of a regular annual meeting and other regular meetings held each year, together with such special meetings as may be deemed appropriate and called pursuant to these bylaws.
- C. Method of Calling.
 - (1) Regular Meeting. No formal call of a regular meeting shall be necessary, except for the notice of meeting provided for in Article VII, Section D, below.
 - (2) Special Meeting. A special meeting shall be called at such time as may be deemed expedient by the Chairperson or any two members of the Board upon written request to the Chairperson or by approval of a majority of the members present at any meeting. The notice of a special meeting shall be as provided for in Article VII, Section D, below. Special meetings are only for the purpose specified and no other item may be voted on at a special meeting that is not explicitly specified when calling a special meeting.
 - (3) Work Sessions. Board work sessions, if applicable, shall be called by the Chairperson. No formal action will be taken at the work sessions.
- D. Notice.
 - (1) Regular Meetings. Notices of regular meetings shall be delivered to each member of the Board at least forty-eight (48) hours prior to the meeting.

- (2) Special Meetings. The notice of a special meeting for matters shall be delivered to each member of the Board at least twenty-four (24) hours prior to the meeting.
- (3) Work Sessions. The notice of a work session will follow the same procedure as a regular meeting.
- (4) Cancellation of Meetings. Whenever there is no business before the Board, the Chairperson may dispense with a Regular Meeting or Work Session by giving notice to all members not less than forty-eight (48) hours prior to the time set for the meeting. The staff liaison shall also ensure that the City Clerk is notified of the cancelled meeting so that the City Calendar can be updated. When unforeseen or emergency circumstances arise, the Chairperson may cancel meetings with less than forty-eight (48) hours' notice. Cancellation of a meeting due to quorum issues or weather would necessitate a special meeting to be called at a later date.
- (5) Adjourned Meetings. Should the Board not complete the business before it, the Chairperson may adjourn the meeting and schedule a continuation of the same meeting until the agenda has been completed. However, the adjourned meeting must meet the same notice requirements as a Special Meeting.
- (6) Proper Notice. The staff liaison shall be responsible for ensuring compliance with the Tennessee Open Meetings Act and for notifying members and the public reasonably prior to the date and time of each meeting. The staff liaison is required to comply with guidelines pertaining to matters of public notice and scheduling as provided by the City Clerk and shall notify the City Clerk of meetings as soon as possible so that the City Calendar can be updated.

E. Agenda.

- (1) Order of Business. The order of business of all regular meetings shall be as follows:
 1. Call to Order
 2. Roll Call
 3. Approval of Order of Agenda
 4. Approval of Minutes
 5. Officers' Reports
 6. Committee Reports
 7. Unfinished Business
 8. New Business

9. Appearance of Citizens (Non-agenda items)
10. Announcements
11. Adjournment

An agenda section for “Presentations” is optional and may be added to the agenda as needed. Each agenda item to be discussed shall be listed under the appropriate heading on the published agenda, unless the item is brought up according to appropriate parliamentary rules during the meeting.

ARTICLE VIII – QUORUM AND VOTING PROCEDURES

- A. Quorum. A majority of members of the Board shall constitute a quorum for the purpose of transacting all business. The Chairperson shall acknowledge the presence of a quorum and call the meeting to order at the time designated in the notice of the meeting, or upon the arrival of a sufficient number of members to constitute a quorum if that occurs later. If, during the course of any meeting, any member desires to leave, either temporarily or permanently, that member shall announce such intention to the Chairperson. If at any time it shall appear that there are not sufficient members present to constitute a quorum, the Chairperson shall so announce and declare the meeting recessed or adjourned until a quorum is present. There shall be no substantive discussion of agenda items other than procedural matters if a quorum is not present.
- B. Voting. All votes shall be decided by a majority of those present and voting unless otherwise stipulated by the most recent edition of Robert’s Rules of Order. A list of members and any votes taken shall accompany all Board recommendations. If a conflict of interest is claimed, the members claiming such a conflict shall state the conflict for the record. No proxy voting is permitted.

ARTICLE IX – SPECIAL PROVISIONS

- A. Dissolution.^{iv} When the Board determines, by resolution, that the purposes for which the Board was formed have been substantially complied with and all bonds theretofore issued and all obligations theretofore incurred by the Board have been fully paid, the members shall thereupon execute and file for record in the Tennessee Secretary of State’s Office a certificate of dissolution reciting such facts and declaring the Board to be dissolved. Such certificate of dissolution shall be executed under the corporate seal of the Board.
- B. Title to Funds and Properties upon Dissolution. Upon the filing of the certificate of dissolution, the Board shall be dissolved and title to all funds and properties owned by the Board at the time of dissolution shall vest in the City of Oak Ridge, and possession of such funds and properties shall be delivered to the City.

- C. Members Serve without Compensation. The members shall serve without compensation except that they shall be reimbursed for their actual expenses incurred in and about the performance of their duties.
- D. Employment of Personnel. The Board may, from time to time, employ such personnel as it deems necessary to exercise its powers, duties, and functions as prescribed by Tennessee's Health, Educational, and Housing Facility Corporations provisions and all other laws of the State of Tennessee applicable thereto. The selection and compensation of such personnel shall be determined by the Board subject to the laws of the State of Tennessee.
- E. Committees. The Chairperson shall have the power to appoint such committees as the Chairperson, in his or her discretion, may deem advisable. Said committees shall have the power to recommend a course of conduct to the Board but shall have no extraordinary powers to act.
- F. Resolutions. All resolutions of the Board shall be in writing and shall be copied in a journal of the proceedings of the Board.

ARTICLE X – PARLIAMENTARY AUTHORITY

- A. Robert's Rules. The rules contained in the current edition of *Robert's Rules of Order Newly Revised* shall govern the Board in all cases to which they are applicable and in which they are not inconsistent with these bylaws, any special rules the Board may adopt, or any rules approved by City Council governing the operation of the Board.

ARTICLE XI – BYLAWS

- A. Date of Approval. These bylaws and any amendments thereto shall take effect upon their approval by the City Council, as provided in Article III, Section 6, of the City Charter.
- B. Amendments. Amendments to these bylaws may be considered at any regular or special meeting of the Board, provided that any proposed amendment shall have been provided to the Board members at least seven (7) days prior to the meeting at which it is to be considered. Amendment of the bylaws requires a two-thirds vote of the Board members. The Chairperson may designate a committee to review the bylaws, where appropriate.
- C. Official Copies. An official copy of these bylaws and any changes thereto shall be maintained in the City Clerk's office and shall be furnished to any other appropriate body.

APPROVED BY HEALTH AND EDUCATIONAL
FACILITIES BOARD OF THE CITY OF OAK RIDGE

Chairperson

APPROVED BY OAK RIDGE CITY COUNCIL

Mayor

Approved by Resolution _____

Amended: _____

Adopted: _____

- _____
- i The number of members is established by the Board's Charter. The Charter can be amended in accordance with state law, however, Tennessee Code Annotated §48-101-307(a) requires a minimum number of seven (7) members.
 - ii Tennessee Code Annotated §48-101-307 requires members to be qualified electors and taxpayers. It also prohibits employees and officers of the City from being on the Board. The City's Personnel Ordinance does not prohibit councilmembers from serving on boards, but the applicable state law for this board does.
 - iii Tennessee Code Annotated §48-101-307(e) requires a chair, vice chair, secretary, and treasurer. Tennessee Code Annotated §48-101-307(f) allows the secretary and treasurer to be held by the same Board member.
 - iv Dissolution of the Board, which is a corporation under the State of Tennessee, is governed by Tennessee Code Annotated §48-101-315.

**RULES AND PROCEDURES
OF THE
HEALTH AND EDUCATIONAL FACILITIES BOARD
OAK RIDGE, TENNESSEE**

I. Meetings

- A. Meeting Procedure. All regular meetings will follow the order of the agenda listed in Article VII, Section E of the Board's bylaws. At special meetings, the Board shall transact only such business as that designated in the previously posted meeting agenda.
- B. Right to Speak.
- (1) Members. The Chairperson shall recognize the right of Board members to speak before the body. A Board member shall initiate his/her right to speak by seeking recognition from the Chairperson.
 - (2) Members of the Public. The Chairperson shall recognize a citizen's opportunity to comment on items that are under consideration by the Board as part of the formal agenda.
- C. Time and Place of Meetings. An annual meeting shall be held on the first Tuesday in February at 3:30 p.m., or at such time and place as may be designated by the Chairperson. Regular meetings shall likewise be held on the first Tuesday of each month at 3:30 p.m., or at such other time and place as may be designated by the Chairperson when business items arise. Special meetings shall be held at the time and place designated by the notice of meeting. The Board may decide to reschedule a single meeting without the change having to be approved by City Council, but permanently changing the scheduled meeting dates would require City Council approval. The Board shall decide to reschedule a meeting either at a prior meeting or soon enough so that proper notice can be given of the meeting date change.

II. Agenda

- A. Preparation. The agenda for meetings shall be prepared by the staff liaison from items suggested by members of the Board, City Manager, City Council, or City Staff. If individuals or groups from the general public have suggested items that would require Board action, they shall coordinate with City staff regarding placement on a meeting agenda. Any items which require technical review by staff shall have been submitted in a timeframe in which complete review can be conducted by staff.

- B. Contents. The agenda of a regular meeting shall contain only such items that have been received by a deadline set forth by City staff for timely agenda publication.
- C. Copies. All members shall be furnished a copy of the agenda and as much supporting material as practical prior to any meeting, which material shall be sent to members with the meeting notice referenced in Article VII, Section D of the Board's bylaws.
- D. Publication on website. The entire agenda packet shall be published on the Board's City webpage at least forty-eight (48) hours before a regular meeting and twenty-four (24) hours before a special-called meeting.

III. Public Comment

- A. Public Comment During Regular Meetings. Any person speaking to the Board shall be asked to provide their name and address. Speakers shall address all comments to the Board members and not to other members of the audience. The following time limits for speakers shall be observed:
 - (1) The petitioner or a representative shall speak for no more than ten (10) minutes. This may be extended at the discretion of the Chairperson.
 - (2) Any individual who wishes to speak for or against an agenda item shall have three (3) minutes to address the Board. This may be extended at the discretion of the Chairperson.
- B. Public Comment During Work Sessions. Public comment during work sessions shall be limited to agenda items under consideration by the Board. The same time limits will apply during Work Sessions as in Subsection A. above.
- C. Appearance of Citizens. During the "Appearance of Citizens" section of the meeting agenda pertaining to non-agenda items, the speaker must state their name and address. Speakers shall address all comments to the Board and not to other members of the audience. Speakers shall have three (3) minutes to address the Board. This may be extended at the discretion of the Chairperson.

IV. Voting

- A. Number. Each official member of the Board present shall be entitled to cast one (1) vote.
- B. Required Majority. The decisions of the Board shall be by majority vote of the members present and voting, with a quorum being present. In the event of the member's abstention based on a conflict of interest or other disqualification, the abstention shall count as if that member were absent and the number of persons necessary for a majority shall be reduced accordingly without affecting the quorum.

- C. Method. Except for the election of officers, the Chairperson shall call for a voice vote of “Aye” and “Nay” upon each matter voted upon. Should all voice votes be either “Aye” or “Nay,” such vote shall be deemed a unanimous vote of all members present; provided, however, any member present may request that the minutes show he or she abstained from voting. In the event both “Aye” and “Nay” votes are cast via voice, the Chairperson shall then direct roll call vote or show of hands.
- D. Recording. The Chairperson shall announce the results of all votes and shall direct that the results be recorded in the official minutes of the Board.

V. Motions

- A. The Board adheres to the current edition of Robert’s Rules of Order.

VI. Special Provisions

- A. Advisory Actions of the Board. The Board may provide constructive guidance or suggestions for other action in order to achieve a positive result on an issue under consideration.

VII. Records

- A. Board Files. A file of all materials and decisions of the Board shall be kept by the Legal Department as part of the official records of the Board.
- B. Public Record. All records of the Board shall be public records, with exceptions as provided for by state law.

VIII. Amendments to Rules

- A. These Rules and Procedures may be amended by a majority vote of the members at any Board meeting and shall become effective after approval by City Council.

APPROVED BY HEALTH AND EDUCATIONAL
FACILITIES BOARD OF THE CITY OF OAK RIDGE

Chairperson

APPROVED BY OAK RIDGE CITY COUNCIL

Mayor

Approved by Resolution _____

Amended: _____

Adopted: _____

OAK RIDGE CITY COUNCIL MEMORANDUM

DATE: December 13, 2021

TO: Mark S. Watson, City Manager

FROM: Beth Hickman , City Clerk

SUBJECT: Approval of Bylaws and Rules and Procedures for the Senior Advisory Board

SUPPORTING DEPARTMENT: Recreation and Parks

Introduction

An item for City Council's consideration is a resolution to approve the Bylaws and the Rules and Procedures for the Senior Advisory Board.

Funding

No funding is associated with this item.

Background

At the July 12, 2021 meeting, City Council approved two resolutions to establish consistency in operations among the various city boards and commissions. Resolution 7-80-2021 approved a standardized template for all boards and commissions to establish Bylaws. Resolution 7-81-2021 approved a standardized template for all boards and commissions to establish Rules and Procedures.

The Senior Advisory Board's existing bylaws were reviewed, and language from the existing bylaws was incorporated into the template. The Board did not have a separate rules documents; therefore the template was used to create the Rules and Procedures for the board. Attached to the memorandum is a file for the bylaws showing the additions in yellow highlight.

At the December 6, 2021 meeting, the board unanimously approved the updated Bylaws as well as the Rules and Procedures. These documents are being brought to City Council for final adoption. The new Bylaws and Rules and Procedures will become effective upon City Council's approval.

Recommendation

Approval of the attached resolution is recommended.

Attachments:

[Senior Advisory Board BylawsWithHighlightedChanges.doc](#)

[Resolution - Senior Advisory Board Bylaws.pdf](#)

Last Amended: _____
Last Adopted: _____

**BYLAWS OF THE
SENIOR ADVISORY BOARD
OAK RIDGE, TENNESSEE**

ARTICLE I - NAME

The name of this board shall be the "Senior Advisory Board," which, for convenience, shall hereafter be referred to as the "Board" in these bylaws.

ARTICLE II – PURPOSE AND GENERAL POWERS

A. Purpose.

The purpose of the Board is to provide advice to City Council on senior-related issues including but not limited to: health, nutrition, safety and security, recreational activities and facilities, and transportation, all in order to enrich and enhance the quality of life for seniors in Oak Ridge. The purpose and general powers of the Board shall also encompass those purposes and powers specified in:

- (1) Applicable sections of the Oak Ridge City Charter and the Oak Ridge Municipal Code, and any amendments and supplements thereto; and
- (2) Regulations, rules, bylaws and policies adopted by the Oak Ridge City Council

B. Creation of the Board. The Board has been created by the Oak Ridge City Council by Resolution 7-75-77.

ARTICLE III – MEMBERS

A. Size. The Board shall consist of eleven (11) voting members who are elected by the City Council.

B. Membership. Members must reside within the city limits of Oak Ridge. Members of the Board shall share a concern for the senior members of the community and a preference for membership to reflect a variety of ages as well as knowledge and background in senior interests, such as health, safety, recreational activities, and transportation. Pursuant to Article 13, Section 3(e), no active City employee may serve on a City Council appointed board, commission

or committee unless they are serving as staff representatives without voting privileges.

C. Attendance Requirement

- (1) Expectation of Attendance. Members of the Board are expected to attend all scheduled meetings and are responsible for communicating their inability to attend in a timely fashion to the Chairperson and Staff Liaison along with a reason for the anticipated absence.
- (2) Attendance Record. The Secretary shall record the full names of those members present and absent in the minutes of each scheduled meeting and shall provide the City Clerk with a signed copy of the minutes upon their approval by the Commission. The Secretary shall also maintain a separate attendance record, which shall be provided to the Chairperson of the Board and the City Clerk within seven (7) days after each meeting. If the Commission has no Secretary, the person responsible for recording the minutes shall perform this function.
- (3) Absence from Meetings. When a member of the Board is absent from three (3) regularly-scheduled or regularly-called meetings during the Board's term-year, which is a one-year period beginning on the date of term commencement, the Chairperson shall request that the member provide a written explanation of the absences. The Board shall determine whether to accept or reject the explanation by a majority vote. If the Board votes to accept the explanation, the absences shall be considered "excused" and will not accrue for purposes of removal from the Board. If the Board votes to reject the explanation, the absences will accrue for purposes of removal. If a member is absent from three (3) meetings and makes no efforts to comply with the Chairperson's request for an explanation, those absences will accrue for purposes of removal. Accrual of four (4) unexcused absences shall result in removal from the Board as outlined in Item (3).
- (4) Removal Due to Absences. When a member is absent from four (4) regularly-scheduled or regularly-called meetings during the Board's term-year, and consistent with the procedure set forth in Item (3), the member shall be notified that he/she has been removed from the Board by a vote of his/her peers. The Chairperson shall notify City Council of the vacancy by letter, and the City Clerk shall schedule an election to fill the vacancy in the customary manner.

- D. Terms of office. Each member is elected for a three (3)-year term of office. A member will serve until a successor is elected.
- E. Oath of Office. Before assuming the duties of office, each member shall take the Oath or Affirmation of Office through the City Clerk's office.
- F. Vacancies.
- (1) Automatic. Any member of the Board who shall move to a principal residence located outside the city limits of Oak Ridge shall be deemed to have automatically vacated the office.
 - (2) Resignation. Any member desiring to resign from the Board shall promptly inform the Chairperson and the City Clerk in writing of his or her intention to resign. Such notice shall state the effective date of resignation and may also state any reason for said resignation. The City Clerk will communicate the resignation and the reason for resignation to the City Manager and City Council.
 - (3) Removal from office. In addition to the circumstances outlined in Sections F(1) and F(2), a member can also be removed from office for cause by a majority vote of City Council or upon the recommendation of a majority of Board members.
 - (4) Replacement. In the event of resignation, death, or removal from office, the vacancy will be filled by City Council at the next regularly scheduled election or as soon as possible if multiple vacancies are affecting the ability to have a quorum.
- G. Ethics. All members shall be subject to the provisions of the ethics policy of the City of Oak Ridge and applicable state ethics laws. Any Board member who has any conflict of interest in any matter or issue brought before the Board shall make such fact known to the Board prior to any vote by the Board on such issue. Sections 21-103 and 21-104 of the City Code provides additional guidance regarding disclosure of personal interest and recusal.

ARTICLE IV – OFFICERS

- A. Title; Number. The officers of the Board shall consist of a Chairperson, Vice Chairperson, Secretary, and such other officers as the Board may deem appropriate, who shall be elected by and from official members of the Board.

- B. Election. The election of officers shall be held at the annual meeting of the Board. A majority vote of members present shall be required to elect any officer.
- C. Term of Office. Officers of the Board shall serve for a period of one (1) year, or until the next annual meeting, or until such time as a replacement has been duly elected; provided, however, no officer shall be removed from office prior to the next following annual meeting after such officer's election, except by two-thirds vote of the official members of the Board. All officers shall be eligible for reelection for consecutive terms.
- D. Vacancies. In the event any elective office shall become vacant, the Board shall elect a successor at its next regular meeting, in the manner prescribed by Section B, above.

ARTICLE V – DUTIES OF OFFICERS

- A. Chairperson.
 - (1) The Chairperson shall preside at all meetings and hearings of the Board, appoint membership to such temporary committees as deemed necessary, call special meetings of the Board and shall perform such other functions as may be required by law, by these bylaws, and/or those ordinarily performed by a Chairperson, in accordance with parliamentary procedure as prescribed in the current edition of Robert's Rules of Order.
 - (2) Except as otherwise provided by law or authorized by the Board, the Chairperson shall sign all communications from the Board to the City Manager and City Council.
 - (3) The Chairperson shall ensure issuance to all new members of the Commission the latest available revision of any current reports and documents necessary to fully inform such new member of the business presently before the Board.
- B. Vice-Chairperson.
 - (1) In the event of a vacancy or absence of the Chairperson, the Vice-Chairperson shall perform the duties of the Chairperson until a new Chairperson is duly elected. Should the Chairperson be unable to perform the duties of office due to disability, absence, or disqualification, the Vice-

Chairperson shall perform said duties until such time as they may be performed by the Chairperson or a new Chairperson is elected.

- (2) In addition to the foregoing duties, the Vice-Chairperson shall also perform such other duties as may be designated by the Chairperson.

C. Secretary.

- (1) The Secretary shall prepare such certifications of records and transcripts as required by law or as the Commission may direct.
- (2) The Secretary shall record minutes of all meetings of the Board and forward them to the staff liaison of the Board for formatting and placement in the agenda packet for the next meeting.
- (3) In the absence or disqualification of the Chairperson and Vice-Chairperson, the Secretary shall preside at the meetings of the Board.
- (4) The Secretary shall maintain attendance records and distribute them according to the provisions in Article III, Section C(2).

ARTICLE VI-STAFF LIAISON

- A. Duties. The staff liaison, appointed by the City Manager, or the City Manager's designee, shall assist the Chairperson in setting meetings; preparing the agenda and reports to the City Manager and City Council; and other support functions as needed. The staff liaison shall also ensure that the Board website within the respective department is up to date at all times with agendas, minutes, and other relevant information. The staff liaison shall also perform the duties outlined in Article VII, Section (D)(6) below pertaining to giving proper notice of meetings.

ARTICLE VII – MEETINGS

- A. Meetings Open to the Public. All Board meetings shall be open to the public, and citizens shall have a reasonable opportunity to be heard.
- B. Type; Number. The meetings of the Board shall consist of a regular annual meeting and other regular meetings held each year, together with such special meetings as may be deemed appropriate and called pursuant to these bylaws.
- C. Method of Calling.
- (1) Regular Meeting. No formal call of a regular meeting shall be necessary, except for the notice of meeting provided for in Section D, below.

- (2) Special Meeting. A special meeting shall be called at such time as may be deemed expedient by the Chairperson or any three (3) members of the Board upon written request to the Chairperson or by approval of a majority of the members present at any meeting. The notice of a special meeting shall be as provided for in Section D, below. Special meetings are only for the purpose specified and no other item may be voted on at a special meeting that is not explicitly specified when calling a special meeting.

D. Notice.

- (1) Regular Meetings. Notices of regular meetings shall be delivered to each member of the Board at least forty-eight (48) hours prior to the meeting.
- (2) Special Meetings. The notice of a special meeting for matters shall be delivered to each member of the Board at least twenty-four (24) hours prior to the meeting.
- (3) Cancellation of Meetings. Whenever there is no business before the Board, the Chairperson may dispense with a Regular Meeting by giving notice to all members not less than forty-eight (48) hours prior to the time set for the meeting. The staff liaison shall also ensure that the City Clerk is notified of the cancelled meeting so that the City Calendar can be updated. When unforeseen or emergency circumstances arise, the Chairperson may cancel meetings with less than forty-eight (48) hours' notice. Cancellation of a meeting due to quorum issues or weather would necessitate a special meeting to be called at a later date.
- (5) Adjourned Meetings. Should the Board not complete the business before it, the Chairperson may adjourn the meeting and schedule a continuation of the same meeting until the agenda has been completed. However, the adjourned meeting must meet the same notice requirements as a Special Meeting.
- (6) Proper Notice. The staff liaison shall be responsible for ensuring compliance with the Tennessee Open Meetings Act and for notifying members and the public reasonably prior to the date and time of each meeting. The staff liaison is required to comply with guidelines pertaining to matters of public notice and scheduling as provided by the City Clerk and shall notify the City Clerk of meetings as soon as possible so that the City Calendar can be updated.

E. Agenda.

(1) Order of Business. The order of business of all regular meetings shall be as follows:

1. Call to Order
2. Roll Call
3. Approval of Order of Agenda
4. Approval of Minutes
5. Officers' Reports
6. Committee Reports
7. Unfinished Business
8. New Business
9. Appearance of Citizens (Non-agenda items)
10. Announcements
11. Adjournment

An agenda section for "Presentations" is optional and may be added to the agenda as needed. Each agenda item to be discussed shall be listed under the appropriate heading on the published agenda, unless the item is brought up according to appropriate parliamentary rules during the meeting.

ARTICLE VIII-QUORUM AND VOTING PROCEDURES

- A. Quorum. A majority of members of the Board shall constitute a quorum for the purpose of transacting all business. The Chairperson shall acknowledge the presence of a quorum and call the meeting to order at the time designated in the notice of the meeting, or upon the arrival of a sufficient number of members to constitute a quorum if that occurs later. If, during the course of any meeting, any member desires to leave, either temporarily or permanently, that member shall announce such intention to the Chairperson. If at any time it shall appear that there are not sufficient members present to constitute a quorum, the Chairperson shall so announce and declare the meeting recessed or adjourned until a quorum is present. There shall be no substantive discussion of agenda items other than procedural matters if a quorum is not present.
- B. Voting. All votes shall be decided by a majority of those present and voting unless otherwise stipulated by the most recent edition of Robert's Rules of Order. A list of members and any votes taken shall accompany all Board recommendations. If a conflict of interest is claimed, the members claiming such a conflict shall state the conflict for the record. No proxy voting is permitted.

ARTICLE IX – SPECIAL PROVISIONS

A. Functions and Powers. In performance of its purposes as referenced in Article II, Section A above, the Board is authorized to:

- (1) Recommend and conduct, as required, any studies or reviews as advised regarding assessment of needs, development, and maintenance of a program of activities and services which meet the needs and wishes of senior citizens in Oak Ridge so that seniors may continue to contribute, participate, and share in the life of the community;
- (2) Cooperate with any group or organization in any way that will aid in fulfilling its functions to enhance senior lifestyles;
- (3) Make recommendations regarding policies for (1) use of the Senior Center and (2) the reserving of certain hours for exclusive use by senior citizens;
- (4) Adopt any rules and procedures it feels advisable for the conduct of its meetings;
- (5) Act as a sounding board for senior citizens in the community who seek new or altered opportunities for activities, education, policies, and services;
- (6) Support the use of the Senior Center as a source of education and programming for senior health, nutrition, safety and security, recreational activities, transportation, and intergenerational interaction;
- (7) Engage senior citizens programs in activities that will enhance intergenerational action such as literacy, tutoring, or mentoring programs.

B. Committees. A majority of the members of the Board may establish committees as shall be deemed necessary or appropriate. Such committees shall continue until dissolved by a majority vote of the members of the Board.

ARTICLE X-PARLIAMENTARY AUTHORITY

A. The rules contained in the current edition of *Robert's Rules of Order Newly Revised* shall govern the Board in all cases to which they are applicable and in which they are not inconsistent with these bylaws, any special rules the Board may adopt, or any rules approved by City Council governing the operation of the Board.

ARTICLE XI – BYLAWS

- A. Date of Approval. These bylaws and any amendments thereto shall take effect upon their approval by the City Council, as provided in Article III, Section 6, of the City Charter.

- B. Amendments. Amendments to these bylaws may be considered at any regular or special meeting of the Board, provided that any proposed amendment shall have been provided to the Board members at least seven (7) days prior to the meeting at which it is to be considered. Amendment of the bylaws requires a two-thirds vote of the Board members. The Chairperson may designate a committee to review the bylaws, where appropriate.

- C. Official Copies. An official copy of these bylaws and any changes thereto shall be maintained in the City Clerk’s office and shall be furnished to any other appropriate body.

APPROVED BY **SENIOR ADVISORY BOARD**

Chairperson

APPROVED BY OAK RIDGE CITY COUNCIL

Mayor

Amended: _____
Adopted: _____

NUMBER _____

RESOLUTION

A RESOLUTION APPROVING THE REVISED BYLAWS AND APPROVING THE ADOPTION OF RULES AND PROCEDURES FOR THE SENIOR ADVISORY BOARD.

WHEREAS, by Resolutions 7-80-2021 City Council approved a standardized template for all boards and commissions to establish bylaws; and,

WHEREAS, by Resolution 7-81-2021, City Council approved a standardized template for all boards and commissions to establish rules and procedures; and,

WHEREAS, utilizing these templates, city staff revised the Bylaws of the Senior Advisory Board and created rules and procedures; and,

WHEREAS, on December 6, 2021, the Senior Advisory Board unanimously approved the revised Bylaws and new Rules and Procedures; and,

WHEREAS, the board's revised Bylaws and new Rules and Procedures are ready for final adoption by City Council.

NOW, THEREFORE, BE RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the attached Bylaws and attached Rules and Procedures for the Senior Advisory Board are hereby adopted.

BE IT FURTHER RESOLVED that the Mayor and/or City Manager are hereby authorized to execute the appropriate legal instruments to accomplish the same.

This 13th day of December 2021.

APPROVED AS TO FORM AND LEGALITY:

Tammy M. Dunn, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

Last Amended: _____

Last Adopted: _____

**BYLAWS OF THE
SENIOR ADVISORY BOARD
OAK RIDGE, TENNESSEE**

ARTICLE I - NAME

The name of this board shall be the "Senior Advisory Board," which, for convenience, shall hereafter be referred to as the "Board" in these bylaws.

ARTICLE II – PURPOSE AND GENERAL POWERS

A. Purpose.

The purpose of the Board is to provide advice to City Council on senior-related issues including but not limited to: health, nutrition, safety and security, recreational activities and facilities, and transportation, all in order to enrich and enhance the quality of life for seniors in Oak Ridge. The purpose and general powers of the Board shall also encompass those purposes and powers specified in:

- (1) Applicable sections of the Oak Ridge City Charter and the Oak Ridge Municipal Code, and any amendments and supplements thereto; and
- (2) Regulations, rules, bylaws and policies adopted by the Oak Ridge City Council

B. Creation of the Board. The Board has been created by the Oak Ridge City Council by Resolution 7-75-77.

ARTICLE III – MEMBERS

A. Size. The Board shall consist of eleven (11) voting members who are elected by the City Council.

B. Membership. Members must reside within the city limits of Oak Ridge. Members of the Board shall share a concern for the senior members of the community and a preference for membership to reflect a variety of ages as well as knowledge and background in senior interests, such as health, safety, recreational activities, and transportation. Pursuant to Article 13, Section 3(e), no active City employee may serve on a City Council appointed board, commission

or committee unless they are serving as staff representatives without voting privileges.

C. Attendance Requirement

- (1) Expectation of Attendance. Members of the Board are expected to attend all scheduled meetings and are responsible for communicating their inability to attend in a timely fashion to the Chairperson and Staff Liaison along with a reason for the anticipated absence.
- (2) Attendance Record. The Secretary shall record the full names of those members present and absent in the minutes of each scheduled meeting and shall provide the City Clerk with a signed copy of the minutes upon their approval by the Commission. The Secretary shall also maintain a separate attendance record, which shall be provided to the Chairperson of the Board and the City Clerk within seven (7) days after each meeting. If the Commission has no Secretary, the person responsible for recording the minutes shall perform this function.
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- (4) Removal Due to Absences. When a member is absent from four (4) regularly-scheduled or regularly-called meetings during the Board's term-year, and consistent with the procedure set forth in Item (3), the member shall be notified that he/she has been removed from the Board by a vote of his/her peers. The Chairperson shall notify City Council of the vacancy by letter, and the City Clerk shall schedule an election to fill the vacancy in the customary manner.

- D. Terms of office. Each member is elected for a three (3)-year term of office. A member will serve until a successor is elected.
- E. Oath of Office. Before assuming the duties of office, each member shall take the Oath or Affirmation of Office through the City Clerk's office.
- F. Vacancies.
- (1) Automatic. Any member of the Board who shall move to a principal residence located outside the city limits of Oak Ridge shall be deemed to have automatically vacated the office.
 - (2) Resignation. Any member desiring to resign from the Board shall promptly inform the Chairperson and the City Clerk in writing of his or her intention to resign. Such notice shall state the effective date of resignation and may also state any reason for said resignation. The City Clerk will communicate the resignation and the reason for resignation to the City Manager and City Council.
 - (3) Removal from office. In addition to the circumstances outlined in Sections F(1) and F(2), a member can also be removed from office for cause by a majority vote of City Council or upon the recommendation of a majority of Board members.
 - (4) Replacement. In the event of resignation, death, or removal from office, the vacancy will be filled by City Council at the next regularly scheduled election or as soon as possible if multiple vacancies are affecting the ability to have a quorum.
- G. Ethics. All members shall be subject to the provisions of the ethics policy of the City of Oak Ridge and applicable state ethics laws. Any Board member who has any conflict of interest in any matter or issue brought before the Board shall make such fact known to the Board prior to any vote by the Board on such issue. Sections 21-103 and 21-104 of the City Code provides additional guidance regarding disclosure of personal interest and recusal.

ARTICLE IV – OFFICERS

- A. Title; Number. The officers of the Board shall consist of a Chairperson, Vice Chairperson, Secretary, and such other officers as the Board may deem appropriate, who shall be elected by and from official members of the Board.

- B. Election. The election of officers shall be held at the annual meeting of the Board. A majority vote of members present shall be required to elect any officer.
- C. Term of Office. Officers of the Board shall serve for a period of one (1) year, or until the next annual meeting, or until such time as a replacement has been duly elected; provided, however, no officer shall be removed from office prior to the next following annual meeting after such officer's election, except by two-thirds vote of the official members of the Board. All officers shall be eligible for reelection for consecutive terms.
- D. Vacancies. In the event any elective office shall become vacant, the Board shall elect a successor at its next regular meeting, in the manner prescribed by Section B, above.

ARTICLE V – DUTIES OF OFFICERS

- A. Chairperson.
 - (1) The Chairperson shall preside at all meetings and hearings of the Board, appoint membership to such temporary committees as deemed necessary, call special meetings of the Board and shall perform such other functions as may be required by law, by these bylaws, and/or those ordinarily performed by a Chairperson, in accordance with parliamentary procedure as prescribed in the current edition of Robert's Rules of Order.
 - (2) Except as otherwise provided by law or authorized by the Board, the Chairperson shall sign all communications from the Board to the City Manager and City Council.
 - (3) The Chairperson shall ensure issuance to all new members of the Commission the latest available revision of any current reports and documents necessary to fully inform such new member of the business presently before the Board.
- B. Vice-Chairperson.
 - (1) In the event of a vacancy or absence of the Chairperson, the Vice-Chairperson shall perform the duties of the Chairperson until a new Chairperson is duly elected. Should the Chairperson be unable to perform the duties of office due to disability, absence, or disqualification, the Vice-

Chairperson shall perform said duties until such time as they may be performed by the Chairperson or a new Chairperson is elected.

- (2) In addition to the foregoing duties, the Vice-Chairperson shall also perform such other duties as may be designated by the Chairperson.

C. Secretary.

- (1) The Secretary shall prepare such certifications of records and transcripts as required by law or as the Commission may direct.
- (2) The Secretary shall record minutes of all meetings of the Board and forward them to the staff liaison of the Board for formatting and placement in the agenda packet for the next meeting.
- (3) In the absence or disqualification of the Chairperson and Vice-Chairperson, the Secretary shall preside at the meetings of the Board.
- (4) The Secretary shall maintain attendance records and distribute them according to the provisions in Article III, Section C(2).

ARTICLE VI-STAFF LIAISON

- A. Duties. The staff liaison, appointed by the City Manager, or the City Manager's designee, shall assist the Chairperson in setting meetings; preparing the agenda and reports to the City Manager and City Council; and other support functions as needed. The staff liaison shall also ensure that the Board website within the respective department is up to date at all times with agendas, minutes, and other relevant information. The staff liaison shall also perform the duties outlined in Article VII, Section (D)(6) below pertaining to giving proper notice of meetings.

ARTICLE VII – MEETINGS

- A. Meetings Open to the Public. All Board meetings shall be open to the public, and citizens shall have a reasonable opportunity to be heard.
- B. Type; Number. The meetings of the Board shall consist of a regular annual meeting and other regular meetings held each year, together with such special meetings as may be deemed appropriate and called pursuant to these bylaws.
- C. Method of Calling.
- (1) Regular Meeting. No formal call of a regular meeting shall be necessary, except for the notice of meeting provided for in Section D, below.

- (2) Special Meeting. A special meeting shall be called at such time as may be deemed expedient by the Chairperson or any three (3) members of the Board upon written request to the Chairperson or by approval of a majority of the members present at any meeting. The notice of a special meeting shall be as provided for in Section D, below. Special meetings are only for the purpose specified and no other item may be voted on at a special meeting that is not explicitly specified when calling a special meeting.

D. Notice.

- (1) Regular Meetings. Notices of regular meetings shall be delivered to each member of the Board at least forty-eight (48) hours prior to the meeting.
- (2) Special Meetings. The notice of a special meeting for matters shall be delivered to each member of the Board at least twenty-four (24) hours prior to the meeting.
- (3) Cancellation of Meetings. Whenever there is no business before the Board, the Chairperson may dispense with a Regular Meeting by giving notice to all members not less than forty-eight (48) hours prior to the time set for the meeting. The staff liaison shall also ensure that the City Clerk is notified of the cancelled meeting so that the City Calendar can be updated. When unforeseen or emergency circumstances arise, the Chairperson may cancel meetings with less than forty-eight (48) hours' notice. Cancellation of a meeting due to quorum issues or weather would necessitate a special meeting to be called at a later date.
- (5) Adjourned Meetings. Should the Board not complete the business before it, the Chairperson may adjourn the meeting and schedule a continuation of the same meeting until the agenda has been completed. However, the adjourned meeting must meet the same notice requirements as a Special Meeting.
- (6) Proper Notice. The staff liaison shall be responsible for ensuring compliance with the Tennessee Open Meetings Act and for notifying members and the public reasonably prior to the date and time of each meeting. The staff liaison is required to comply with guidelines pertaining to matters of public notice and scheduling as provided by the City Clerk and shall notify the City Clerk of meetings as soon as possible so that the City Calendar can be updated.

E. Agenda.

(1) Order of Business. The order of business of all regular meetings shall be as follows:

1. Call to Order
2. Roll Call
3. Approval of Order of Agenda
4. Approval of Minutes
5. Officers' Reports
6. Committee Reports
7. Unfinished Business
8. New Business
9. Appearance of Citizens (Non-agenda items)
10. Announcements
11. Adjournment

An agenda section for "Presentations" is optional and may be added to the agenda as needed. Each agenda item to be discussed shall be listed under the appropriate heading on the published agenda, unless the item is brought up according to appropriate parliamentary rules during the meeting.

ARTICLE VIII-QUORUM AND VOTING PROCEDURES

- A. Quorum. A majority of members of the Board shall constitute a quorum for the purpose of transacting all business. The Chairperson shall acknowledge the presence of a quorum and call the meeting to order at the time designated in the notice of the meeting, or upon the arrival of a sufficient number of members to constitute a quorum if that occurs later. If, during the course of any meeting, any member desires to leave, either temporarily or permanently, that member shall announce such intention to the Chairperson. If at any time it shall appear that there are not sufficient members present to constitute a quorum, the Chairperson shall so announce and declare the meeting recessed or adjourned until a quorum is present. There shall be no substantive discussion of agenda items other than procedural matters if a quorum is not present.
- B. Voting. All votes shall be decided by a majority of those present and voting unless otherwise stipulated by the most recent edition of Robert's Rules of Order. A list of members and any votes taken shall accompany all Board recommendations. If a conflict of interest is claimed, the members claiming such a conflict shall state the conflict for the record. No proxy voting is permitted.

ARTICLE IX – SPECIAL PROVISIONS

- A. Functions and Powers. In performance of its purposes as referenced in Article II, Section A above, the Board is authorized to:
- (1) Recommend and conduct, as required, any studies or reviews as advised regarding assessment of needs, development, and maintenance of a program of activities and services which meet the needs and wishes of senior citizens in Oak Ridge so that seniors may continue to contribute, participate, and share in the life of the community;
 - (2) Cooperate with any group or organization in any way that will aid in fulfilling its functions to enhance senior lifestyles;
 - (3) Make recommendations regarding policies for (1) use of the Senior Center and (2) the reserving of certain hours for exclusive use by senior citizens;
 - (4) Adopt any rules and procedures it feels advisable for the conduct of its meetings;
 - (5) Act as a sounding board for senior citizens in the community who seek new or altered opportunities for activities, education, policies, and services;
 - (6) Support the use of the Senior Center as a source of education and programming for senior health, nutrition, safety and security, recreational activities, transportation, and intergenerational interaction;
 - (7) Engage senior citizens programs in activities that will enhance intergenerational action such as literacy, tutoring, or mentoring programs.
- B. Committees. A majority of the members of the Board may establish committees as shall be deemed necessary or appropriate. Such committees shall continue until dissolved by a majority vote of the members of the Board.

ARTICLE X-PARLIAMENTARY AUTHORITY

- A. The rules contained in the current edition of *Robert's Rules of Order Newly Revised* shall govern the Board in all cases to which they are applicable and in which they are not inconsistent with these bylaws, any special rules the Board may adopt, or any rules approved by City Council governing the operation of the Board.

ARTICLE XI – BYLAWS

- A. Date of Approval. These bylaws and any amendments thereto shall take effect upon their approval by the City Council, as provided in Article III, Section 6, of the City Charter.

- B. Amendments. Amendments to these bylaws may be considered at any regular or special meeting of the Board, provided that any proposed amendment shall have been provided to the Board members at least seven (7) days prior to the meeting at which it is to be considered. Amendment of the bylaws requires a two-thirds vote of the Board members. The Chairperson may designate a committee to review the bylaws, where appropriate.

- C. Official Copies. An official copy of these bylaws and any changes thereto shall be maintained in the City Clerk’s office and shall be furnished to any other appropriate body.

APPROVED BY SENIOR ADVISORY BOARD

Chairperson

APPROVED BY OAK RIDGE CITY COUNCIL

Mayor

Amended: _____
Adopted: _____

**RULES AND PROCEDURES
OF THE
SENIOR ADVISORY BOARD
OAK RIDGE, TENNESSEE**

I. Meetings

A. Meeting Procedure. All regular meetings will follow the order of the agenda listed in Article VII, Section E of the Board bylaws. At special meetings, the Board shall transact only such business as that designated in the previously posted meeting agenda.

B. Right to Speak.

(1) Members. The Chairperson shall recognize the right of Board members to speak before the body. A Board member shall initiate his/her right to speak by seeking recognition from the Chairperson.

(2) Members of the Public. The Chairperson shall recognize a citizen's opportunity to comment on items that are under consideration by the Board as part of the formal agenda.

C. Time and Place of Meetings. An annual meeting shall be held on the first Monday of the month following the election of Board members by City Council, or at such time and place as may be designated by the Chairperson. Regular meetings shall likewise be held on the first Monday of each month at the Senior Center, or at such other time and place as may be designated by the Chairperson. If the regular meeting date is a City holiday, the Board shall meet on the second Monday of the month. Special meetings shall be held at the time and place designated by the notice of meeting. The Board may decide to reschedule a single meeting without the change having to be approved by City Council, but permanently changing the scheduled meeting dates would require City Council approval. The Board shall decide to reschedule a meeting either at a prior meeting or soon enough so that proper notice can be given of the meeting date change.

II. Agenda

A. Preparation. The agenda for meetings shall be prepared by the staff liaison from items suggested by members of the Board, City Manager, City Council, or City Staff. If individuals or groups from the general public have suggested items that would require Board action, they shall coordinate with City staff regarding placement on a meeting agenda. Any items which require technical review by staff shall have been submitted in a timeframe in which complete review can be conducted by staff.

- B. Contents. The agenda of a regular meeting shall contain only such items that have been received by a deadline set forth by City staff for timely agenda publication.
- C. Copies. All members shall be furnished a copy of the agenda and as much supporting material as practical prior to any meeting, which material shall be sent to members with the meeting notice referenced in Article VII, Section D of the Board's bylaws.
- D. Publication on website. The entire agenda packet shall be published on the Board's City webpage at least forty-eight (48) hours before a regular meeting and twenty-four (24) hours before a special-called meeting.

III. Public Comment

- A. Public Comment During Regular Meetings. Any person speaking to the Board shall be asked to provide their name and address. Speakers shall address all comments to the Board members and not to other members of the audience. Any individual who wishes to speak for or against an agenda item shall have three (3) minutes to address the Board. This may be extended at the discretion of the Chairperson.
- B. Appearance of Citizens. During the "Appearance of Citizens" section of the meeting agenda pertaining to non-agenda items, the speaker must state their name and address. Speakers shall address all comments to the Board and not to other members of the audience. Speakers shall have (3) minutes to address the Board. This may be extended at the discretion of the Chairperson.

IV. Voting

- A. Number. Each official member of the Board present shall be entitled to cast one (1) vote.
- B. Required Majority. The decisions of the Board shall be by majority vote of the members present and voting, with a quorum being present. In the event of the member's abstention based on a conflict of interest or other disqualification, the abstention shall count as if that member were absent and the number of persons necessary for a majority shall be reduced accordingly without affecting the quorum.
- C. Method. Except for the election of officers, the Chairperson shall call for a voice vote of "Aye" and "Nay" upon each matter voted upon. Should all voice votes be either "Aye" or "Nay," such vote shall be deemed a unanimous vote of all members present; provided, however, any member present may request that the minutes show he or she abstained from voting. In the event both "Aye" and

“Nay” votes are cast via voice, the Chairperson shall then direct roll call vote or show of hands.

D. Recording. The Chairperson shall announce the results of all votes and shall direct that the results be recorded in the official minutes of the Board.

V. Motions

A. The Board adheres to the current edition of Robert’s Rules of Order except for any rules as approved by City Council.

VI. Special Provisions

A. Advisory Actions of the Board/Commission. The Board may provide constructive guidance or suggestions for other action in order to achieve a positive result on an issue under consideration.

VII. Records

A. A file of all materials and decisions of the Board shall be kept by the Recreation and Parks Department as part of the official records of the Board.

B. All records of the Board shall be public records, with exceptions as provided for by state law.

VIII. Amendments to Rules

A. These Rules and Procedures may be amended by a majority vote of the members at any Board meeting and shall become effective after approval by City Council.

Adopted: _____ Resolution No. _____ Effective: _____

OAK RIDGE CITY COUNCIL MEMORANDUM

DATE: December 13, 2021

TO: Mark S. Watson, City Manager

FROM: Travis Solomon , Fire Chief

SUBJECT: Resolution to Apply for Assistance to Firefighters Grant Program (FEMA FY 2021)

Introduction

An item for City Council's consideration is a resolution authorizing the City to apply for and accept, if awarded, the U.S. Department of Homeland Security Federal Emergency Management Agency's (FEMA) Assistance to Firefighter Grant (AFG) in the total amount of \$90,938.26 for the Oak Ridge Fire Department. The grant will consist of replacing 10 sets of Personal Protective Equipment (PPE) (i.e. bunker gear), swift/flood water rescue equipment, swift/flood water rescue training, and swift/flood water PPE.

Funding

The grant requires a 10% local match, which is an amount of \$9,093.83. This expense is available in the General Fund (Grant Expenditures) for this budget year (FY2022). However, in the event that this is not awarded until next Fiscal Year, the expense will be planned and included in the General Fund (Grant Expenditures) for budget FY2023.

Background

These grant funds will be used to purchase of ten (10) sets of bunker gear (PPE) used for firefighting purposes. This equipment is the protective equipment worn by the firefighters during fire suppression operations and must be replaced at least every 10 years per national standards. The gear is also showing signs of wear and tear, which poses a safety and health hazard for our firefighters. Replacement of the 10 will allow the City to evaluate and budget for the replacement of remaining gear for each employee for future budgets.

The other portion of this grant is for equipment, PPE, and training for the startup of a swift/flood water rescue program. This grant will enhance our rescue services during a water rescue emergencies and allow responders to operate safely during these emergencies.

The AFG grant is a 90/10 matching fund grant where the City will be responsible for ten percent of the cost (\$9,093.83) and FEMA will provide to the City \$81,844.43 for a total expenditure of \$90,938.26. Applications are due by Friday December 17, 2021. Awards will be announced approximately nine months later.

Recommendation

Staff recommends approval of the attached Resolution.

Attachments:

[Resolution - FEMA Grant.docx](#)

RESOLUTION

A RESOLUTION AUTHORIZING THE CITY TO APPLY FOR, AND ACCEPT IF AWARDED, AN ASSISTANCE TO FIREFIGHTERS GRANT FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) IN THE AMOUNT OF \$81,844.43, WITH A TEN PERCENT (10%) LOCAL MATCH REQUIREMENT OF \$9,093.83 FOR A TOTAL PROJECT COST OF \$90,938.26.

WHEREAS, grant funds are available from the U.S. Department of Homeland Security Federal Emergency Management Agency (FEMA) under the Assistance to Firefighters Grant (AFG) Program; and,

WHEREAS, the Fire Department would like to apply for a FEMA FY2022 Assistance to Firefighters Grant in the amount of \$81,844.43, which grant requires a ten percent (10%) (\$9,093.83) local match, for a total project cost of \$90,938.26; and,

WHEREAS, the grant would be used to purchase ten (10) sets of replacement bunker gear, and swift/flood water rescue equipment, training, and personal protective equipment; and

WHEREAS, applications are due December 17, 2021, and are expected to be awarded within the next nine months; and,

WHEREAS, the City Manager recommends the City submit the grant application and accept the grant if awarded.

NOW, THEREFORE, BE RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved, and the City is hereby authorized to apply for, and accept if awarded, an Assistance to Firefighter grant from the U.S. Department of Homeland Security, Federal Emergency Management Agency (FEMA), in the amount of \$81,844.43; said grant requiring a ten percent (10%) local match of \$9,093.83 for a total project cost of \$90,938.26.

BE IT FURTHER RESOLVED that the Mayor and/or City Manager are hereby authorized to execute the appropriate legal instruments to accomplish the same.

This 13th day of December 2021.

APPROVED AS TO FORM AND LEGALITY:

Tammy M. Dunn, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

OAK RIDGE CITY COUNCIL MEMORANDUM

DATE: December 13, 2021

TO: Mark S. Watson, City Manager

FROM: Adam Fiscor

SUBJECT: Resolution Waiving Competitive Bids and Authorizing a Three-Year Agreement with Environmental Systems Research Institute, Inc. (ESRI), Redlands California, for Geographic Information Systems (GIS) Software and Services in the Amount of \$115,500.00

SUPPORTING DEPARTMENT: Government Affairs & Information Services

Introduction

An Item for the Council's consideration is a resolution waiving competitive bids and authorizing the purchase of a 3-year term Enterprise Agreement (EA) (2022-2024), inclusive of software and services, with Environmental Systems Research Institute, Inc. (ESRI). The current 3 Year Enterprise Agreement (EA) (2019-2021) with ESRI is due to expire January 23, 2022. The cost of the new 3 year Enterprise Agreement is \$38,500 per year for a 3-year term, for a total amount of \$115,500, and will grant the City access to ESRI term license software on an unlimited basis, including maintenance, for the term of the agreement. Pricing is based on the population of 25,001 to 50,000 Small Government Term Enterprise License Agreement.

Rather than buying licenses a-la-carte as needed at list pricing, the City will save money by purchasing through the fixed priced EA as the organization's demand for Geographic Information System (GIS) software licenses continues to grow.

Funding

Funding for this purchase is through the Equipment Replacement Rental Fund.

Background

ESRI provides a software maintenance and license program called the Enterprise License Agreement (EA) to minimize an entity's GIS maintenance, upgrades, and new licenses expenditures. The cost is based on population within the City, which puts the City of Oak Ridge in the 25,001 to 50,000 Small Government Term Enterprise License Agreement. This agreement will provide ESRI software support, maintenance, upgrades, and nearly unlimited additional software use at a fixed cost for the next three years of the agreement.

The City of Oak Ridge has been using ESRI GIS Software since 2002. The City started with 1 license of ArcView in the Electric Department and over the last 20 years moved to 41 licenses and 5 servers under support and maintenance. Last year's support and maintenance cost was \$35,000. The increased demand for GIS technology from City departments in their projects and core GIS data sets over the past few years, was aided by having an uncapped number of editor licenses available to meet our needs from the current ESRI EA Agreement (2019-2021). By using the fixed priced EA the City will save money as new software licenses are used, rather than buying one at a time at list pricing.

This agreement will allow the City to further utilize its GIS by being more effective and efficient while minimizing costs. Other benefits of the EA include: uncapped licenses for ArcGIS Server, ArcGIS Server, ArcPRO, ArcGIS Desktop, ArcGIS Spatial Analyst Extension, ArcGIS 3D Analyst Extension, ArcGIS Data Reviewer Extension, ArcGIS Geostatistical Analyst Extension, ArcGIS Schematics Extension and the ArcGIS Workflow Manager Extension software use and maintenance for one license fee, for a term of three years for all City Departments, with annual payments.

The EA also provides 200 (100 Creators & 100 Viewers) ArcGIS Online user licenses, Uncapped number of ArcGIS Enterprise user licenses, and 17,500 ArcGIS online credits providing secure access to information and content creation capabilities either on premises or in the Cloud. The addition of ArcGIS Online and ArcGIS Enterprise will extend our capabilities to deploy applications for mobile field data collection in the day to day business activities as well as disaster preparedness and recovery. Unlimited access to ESRI technical support, online ESRI training and discounted online instructor-led ESRI training.

A significant number of City staff utilize ESRI software in most of their day-to-day functions to produce maps and manage geographic information. This software integrates with the City's existing enterprise GIS platform, software and applications; such as, Electric's GIS ESRI platform (electric lines, transformers, etc.), Public Works Work Management software Infor EAM, Public Works Assets (water mains, laterals, valves, etc.), Community Development and Code Enforcement CityView software (planning, zoning, and land use), Cayenta software project for asset management and work orders, Police Department ESRI platform with Spillman Computer Aided Dispatch, Fire Departments mapping needs and future mobile mapping moreover, City-based data management and creation (streets, addresses, topography, parks, streams, etc.).

Recommendation

Staff recommends approval of the attached resolution.

Attachments:

[SS Ltr for City of Oak Ridge \(SGEA\) 6-22-21.pdf](#)

[Q-457733-OakRidge_SGEA_2022.pdf](#)

SOLE SOURCE LETTER

Environmental Systems Research Institute, Inc. (Esri)
380 New York Street
Redlands, CA 92373



DATE: June 22, 2021

TO: City of Oak Ridge

FROM: Jackie Ricks, Esri Contracts and Legal Services

RE: Esri Sole Source Justification for Small Municipal and County Government Enterprise Agreement

This letter confirms Esri, as owner and manufacturer, is the sole source provider of all U.S. domestic Small Municipal and County Government Enterprise Agreements (EA). The Small Municipal and County Government EA is a bundled package of term limited software licenses and maintenance that includes the right to copy.

Esri is the only source that can grant a right to copy and deploy Enterprise Software within your organization (Enterprise). Also, domestically Esri is the only source of maintenance (updates and technical support) for all Esri[®] software.

If you have further questions, please feel free to call our Contracts and Legal Services Department at 909-793-2853, extension 1990.

Sincerely,

A handwritten signature in blue ink that reads "J. Ricks". The signature is written in a cursive style.

Jackie Ricks
Contract Coordinator



Contracts & Legal Services Dept.
380 New York Street
Redlands, CA 92373
Voice 909.793.2853 Ext. 1-1990
jricks@esri.com



Quotation # Q-457733

Date: November 16, 2021

Customer # 115199 Contract #

City of Oak Ridge
Information Services Dept
200 S Tulane Ave
Oak Ridge, TN 37830-6724

ATTENTION: Amy Davis
PHONE: (865) 425-3595
EMAIL: adavis@oakridgetn.gov

Environmental Systems Research Institute, Inc.
380 New York St
Redlands, CA 92373-8100
Phone: (909) 793-2853 Fax: (909) 307-3049
DUNS Number: 06-313-4175 CAGE Code: 0AMS3

To expedite your order, please attach a copy of this quotation to your purchase order.
Quote is valid from: 11/16/2021 To: 2/14/2022

Material	Qty	Term	Unit Price	Total
168178	1	Year 1	\$38,500.00	\$38,500.00
Populations of 25,001 to 50,000 Small Government Term Enterprise License Agreement				
168178	1	Year 2	\$38,500.00	\$38,500.00
Populations of 25,001 to 50,000 Small Government Term Enterprise License Agreement				
168178	1	Year 3	\$38,500.00	\$38,500.00
Populations of 25,001 to 50,000 Small Government Term Enterprise License Agreement				

Subtotal:	\$115,500.00
Sales Tax:	\$0.00
Estimated Shipping and Handling (2 Day Delivery):	\$0.00
Contract Price Adjust:	\$0.00
Total:	\$115,500.00

Esri may charge a fee to cover expenses related to any customer requirement to use a proprietary vendor management, procurement, or invoice program.

For questions contact: Tyler Nuttall	Email: tnuttall@esri.com	Phone: (909) 793-2853 x5410
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The items on this quotation are subject to and governed by the terms of this quotation, the most current product specific scope of use document found at <https://assets.esri.com/content/dam/esrisites/media/legal/product-specific-terms-of-use/e300.pdf>, and your applicable signed agreement with Esri. If no such agreement covers any item quoted, then Esri's standard terms and conditions found at <https://go.esri.com/MAPS> apply to your purchase of that item. If any item is quoted with a multi-year payment schedule, then unless otherwise stated in this quotation, Customer is required to make all payments without right of cancellation. Third-party data sets included in a quotation as separately licensed items will only be provided and invoiced if Esri is able to provide such data and will be subject to the applicable third-party's terms and conditions. If Esri is unable to provide any such data set, Customer will not be responsible for any further payments for the data set. Federal government entities and government prime contractors authorized under FAR 51.1 may purchase under the terms of Esri's GSA Federal Supply Schedule. Supplemental terms and conditions found at <https://www.esri.com/en-us/legal/terms/state-supplemental> apply to some state and local government purchases. All terms of this quotation will be incorporated into and become part of any additional agreement regarding Esri's offerings. Acceptance of this quotation is limited to the terms of this quotation. Esri objects to and expressly rejects any different or additional terms contained in any purchase order, offer, or confirmation sent to or to be sent by buyer. Unless prohibited by law, the quotation information is confidential and may not be copied or released other than for the express purpose of system selection and purchase/license. The information may not be given to outside parties or used for any other purpose without consent from Esri. Delivery is FOB Origin.

NUTTALLT This offer is limited to the terms and conditions incorporated and attached herein.

Esri Use Only:

Cust. Name _____
Cust. # _____
PO # _____
Esri Agreement # _____



**SMALL ENTERPRISE AGREEMENT
COUNTY AND MUNICIPALITY GOVERNMENT
(E214-2)**

This Agreement is by and between the organization identified in the Quotation ("**Customer**") and **Environmental Systems Research Institute, Inc. ("Esri")**.

This Agreement sets forth the terms for Customer's use of Products and incorporates by reference (i) the Quotation and (ii) the Master Agreement. Should there be any conflict between the terms and conditions of the documents that comprise this Agreement, the order of precedence for the documents shall be as follows: (i) the Quotation, (ii) this Agreement, and (iii) the Master Agreement. This Agreement shall be governed by and construed in accordance with the laws of the state in which Customer is located without reference to conflict of laws principles, and the United States of America federal law shall govern in matters of intellectual property. The modifications and additional rights granted in this Agreement apply only to the Products listed in Table A.

**Table A
List of Products**

Uncapped Quantities

Desktop Software and Extensions (Single Use)

ArcGIS Desktop Advanced
ArcGIS Desktop Standard
ArcGIS Desktop Basic
ArcGIS Desktop Extensions: ArcGIS 3D Analyst, ArcGIS Spatial Analyst, ArcGIS Geostatistical Analyst, ArcGIS Publisher, ArcGIS Network Analyst, ArcGIS Schematics, ArcGIS Workflow Manager, ArcGIS Data Reviewer

Enterprise Software and Extensions

ArcGIS Enterprise and Workgroup (Advanced and Standard)
ArcGIS Monitor
ArcGIS Enterprise Extensions: ArcGIS 3D Analyst, ArcGIS Spatial Analyst, ArcGIS Geostatistical Analyst, ArcGIS Network Analyst, ArcGIS Schematics, ArcGIS Workflow Manager

Enterprise Additional Capability Servers

ArcGIS Image Server

Developer Tools

ArcGIS Engine
ArcGIS Engine Extensions: ArcGIS 3D Analyst, ArcGIS Spatial Analyst, ArcGIS Engine Geodatabase Update, ArcGIS Network Analyst, ArcGIS Schematics
ArcGIS Runtime (Standard)
ArcGIS Runtime Analysis Extension

Limited Quantities

One (1) Professional subscription to ArcGIS Developer
Two (2) ArcGIS CityEngine Single Use Licenses
100 ArcGIS Online Viewers
100 ArcGIS Online Creators
17,500 ArcGIS Online Service Credits
100 ArcGIS Enterprise Creators
3 ArcGIS Insights in ArcGIS Enterprise
3 ArcGIS Insights in ArcGIS Online
10 ArcGIS Tracker for ArcGIS Enterprise
10 ArcGIS Tracker for ArcGIS Online
3 ArcGIS Parcel Fabric User Type Extensions (Enterprise)
3 ArcGIS Utility Network User Type Extensions (Enterprise)
3 ArcGIS Trace Network User Type Extensions (Enterprise)

OTHER BENEFITS

Number of Esri User Conference registrations provided annually	3
Number of Tier 1 Help Desk individuals authorized to call Esri	3
Maximum number of sets of backup media, if requested*	2
Five percent (5%) discount on all individual commercially available instructor-led training classes at Esri facilities purchased outside this Agreement	

*Additional sets of backup media may be purchased for a fee

Customer may accept this Agreement by signing and returning the whole Agreement with (i) the Quotation attached, (ii) a purchase order, or (iii) another document that matches the Quotation and references this Agreement ("**Ordering Document**"). **ADDITIONAL OR CONFLICTING TERMS IN CUSTOMER'S PURCHASE ORDER OR OTHER DOCUMENT WILL NOT APPLY, AND THE TERMS OF THIS AGREEMENT WILL GOVERN.** This Agreement is effective as of the date of Esri's receipt of an Ordering Document, unless otherwise agreed to by the parties ("**Effective Date**").

Term of Agreement: Three (3) years

This Agreement supersedes any previous agreements, proposals, presentations, understandings, and arrangements between the parties relating to the licensing of the Products. Except as provided in Article 4—Product Updates, no modifications can be made to this Agreement.

Accepted and Agreed:

(Customer)

By: _____
Authorized Signature

Printed Name: _____

Title: _____

Date: _____

CUSTOMER CONTACT INFORMATION

Contact: _____

Telephone: _____

Address: _____

Fax: _____

City, State, Postal Code: _____

E-mail: _____

Country: _____

Quotation Number (if applicable): _____

1.0—ADDITIONAL DEFINITIONS

In addition to the definitions provided in the Master Agreement, the following definitions apply to this Agreement:

"Case" means a failure of the Software or Online Services to operate according to the Documentation where such failure substantially impacts operational or functional performance.

"Deploy", "Deployed" and "Deployment" mean to redistribute and install the Products and related Authorization Codes within Customer's organization(s).

"Fee" means the fee set forth in the Quotation.

"Maintenance" means Tier 2 Support, Product updates, and Product patches provided to Customer during the Term of Agreement.

"Master Agreement" means the applicable master agreement for Esri Products incorporated by this reference that is (i) found at <https://www.esri.com/en-us/legal/terms/full-master-agreement> and available in the installation process requiring acceptance by electronic acknowledgment or (ii) a signed Esri master agreement or license agreement that supersedes such electronically acknowledged master agreement.

"Product(s)" means the products identified in Table A—List of Products and any updates to the list Esri provides in writing.

"Quotation" means the offer letter and quotation provided separately to Customer.

"Technical Support" means the technical assistance for attempting resolution of a reported Case through error correction, patches, hot fixes, workarounds, replacement deliveries, or any other type of Product corrections or modifications.

"Tier 1 Help Desk" means Customer's point of contact(s) to provide all Tier 1 Support within Customer's organization(s).

"Tier 1 Support" means the Technical Support provided by the Tier 1 Help Desk.

"Tier 2 Support" means the Esri Technical Support provided to the Tier 1 Help Desk when a Case cannot be resolved through Tier 1 Support.

2.0—ADDITIONAL GRANT OF LICENSE

2.1 Grant of License. Subject to the terms and conditions of this Agreement, Esri grants to Customer a personal, nonexclusive, nontransferable license solely to use, copy, and Deploy quantities of the Products listed in Table A—List of Products for the Term of Agreement (i) for the applicable Fee and (ii) in accordance with the Master Agreement.

2.2 Consultant Access. Esri grants Customer the right to permit Customer's consultants or contractors to use the Products exclusively for Customer's benefit. Customer will be solely responsible for compliance by consultants and contractors with this Agreement and will ensure that the consultant or contractor discontinues use of Products upon completion of work for Customer. Access to or use of Products by consultants or contractors not exclusively for Customer's benefit is prohibited. Customer may not permit its consultants or contractors to install Software or Data on consultant, contractor, or third-party computers or remove Software or Data from Customer locations, except for the purpose of hosting the Software or Data on Contractor servers for the benefit of Customer.

3.0—TERM, TERMINATION, AND EXPIRATION

3.1 Term. This Agreement and all licenses hereunder will commence on the Effective Date and continue for the duration identified in the Term of Agreement, unless this Agreement is terminated earlier as provided herein. Customer is only authorized to use Products during the Term of Agreement. For an Agreement with a limited term, Esri does not grant Customer an indefinite or a perpetual license to Products.

3.2 No Use upon Agreement Expiration or Termination. All Product licenses, all Maintenance, and Esri User Conference registrations terminate upon expiration or termination of this Agreement.

3.3 Termination for a Material Breach. Either party may terminate this Agreement for a material breach by the other party. The breaching party will have thirty (30) days from the date of written notice to cure any material breach.

3.4 Termination for Lack of Funds. For an Agreement with government or government-

owned entities, either party may terminate this Agreement before any subsequent year if Customer is unable to secure funding through the legislative or governing body's approval process.

3.5 Follow-on Term. If the parties enter into another agreement substantially similar to this Agreement for an additional term, the effective date of the follow-on agreement will be the day after the expiration date of this Agreement.

4.0—PRODUCT UPDATES

4.1 Future Updates. Esri reserves the right to update the list of Products in Table A—List of Products by providing written notice to Customer. Customer may continue to use all Products that have been Deployed, but support and upgrades for deleted items may not be available. As new Products are incorporated into the standard program, they will be offered to Customer via written notice for incorporation into the Products schedule at no additional charge. Customer's use of new or updated Products requires Customer to adhere to applicable additional or revised terms and conditions in the Master Agreement.

4.2 Product Life Cycle. During the Term of Agreement, some Products may be retired or may no longer be available to Deploy in the identified quantities. Maintenance will be subject to the individual Product Life Cycle Support Status and Product Life Cycle Support Policy, which can be found at <https://support.esri.com/en/other-resources/product-life-cycle>. Updates for Products in the mature and retired phases may not be available. Customer may continue to use Products already Deployed, but Customer will not be able to Deploy retired Products.

5.0—MAINTENANCE

The Fee includes standard maintenance benefits during the Term of Agreement as specified in the most current applicable Esri Maintenance and Support Program document (found at <https://www.esri.com/en-us/legal/terms/maintenance>). At Esri's sole discretion, Esri may make patches, hot fixes, or updates available for download. No Software other

than the defined Products will receive Maintenance. Customer may acquire maintenance for other Software outside this Agreement.

a. Tier 1 Support

1. Customer will provide Tier 1 Support through the Tier 1 Help Desk to all Customer's authorized users.
2. The Tier 1 Help Desk will be fully trained in the Products.
3. At a minimum, Tier 1 Support will include those activities that assist the user in resolving how-to and operational questions as well as questions on installation and troubleshooting procedures.
4. The Tier 1 Help Desk will be the initial point of contact for all questions and reporting of a Case. The Tier 1 Help Desk will obtain a full description of each reported Case and the system configuration from the user. This may include obtaining any customizations, code samples, or data involved in the Case.
5. If the Tier 1 Help Desk cannot resolve the Case, an authorized Tier 1 Help Desk individual may contact Tier 2 Support. The Tier 1 Help Desk will provide support in such a way as to minimize repeat calls and make solutions to problems available to Customer's organization.
6. Tier 1 Help Desk individuals are the only individuals authorized to contact Tier 2 Support. Customer may change the Tier 1 Help Desk individuals by written notice to Esri.

b. Tier 2 Support

1. Tier 2 Support will log the calls received from Tier 1 Help Desk.
2. Tier 2 Support will review all information collected by and received from the Tier 1 Help Desk including preliminary documented troubleshooting provided by the Tier 1 Help Desk when Tier 2 Support is required.
3. Tier 2 Support may request that Tier 1 Help Desk individuals provide verification of information, additional information, or answers to additional questions to

supplement any preliminary information gathering or troubleshooting performed by Tier 1 Help Desk.

4. Tier 2 Support will attempt to resolve the Case submitted by Tier 1 Help Desk.
5. When the Case is resolved, Tier 2 Support will communicate the information to Tier 1 Help Desk, and Tier 1 Help Desk will disseminate the resolution to the user(s).

6.0—ENDORSEMENT AND PUBLICITY

This Agreement will not be construed or interpreted as an exclusive dealings agreement or Customer's endorsement of Products. Either party may publicize the existence of this Agreement.

7.0—ADMINISTRATIVE REQUIREMENTS

7.1 OEM Licenses. Under Esri's OEM or Solution OEM programs, OEM partners are authorized to embed or bundle portions of Esri products and services with their application or service. OEM partners' business model, licensing terms and conditions, and pricing are independent of this Agreement. Customer will not seek any discount from the OEM partner or Esri based on the availability of Products under this Agreement. Customer will not decouple Esri products or services from the OEM partners' application or service.

7.2 Annual Report of Deployments. At each anniversary date and ninety (90) calendar days prior to the expiration of this Agreement, Customer will provide Esri with a written report detailing all Deployments. Upon request, Customer will provide records sufficient to verify the accuracy of the annual report.

8.0—ORDERING, ADMINISTRATIVE PROCEDURES, DELIVERY, AND DEPLOYMENT

8.1 Orders, Delivery, and Deployment

- a. Upon the Effective Date, Esri will invoice Customer and provide Authorization Codes to activate the nondestructive copy protection program that enables Customer to download,

operate, or allow access to the Products. If this is a multi-year Agreement, Esri may invoice the Fee up to thirty (30) calendar days before the annual anniversary date for each year.

- b. Undisputed invoices will be due and payable within thirty (30) calendar days from the date of invoice. Esri reserves the right to suspend Customer's access to and use of Products if Customer fails to pay any undisputed amount owed on or before its due date. Esri may charge Customer interest at a monthly rate equal to the lesser of one percent (1.0%) per month or the maximum rate permitted by applicable law on any overdue fees plus all expenses of collection for any overdue balance that remains unpaid ten (10) days after Esri has notified Customer of the past-due balance.

- c. Esri's federal ID number is 95-2775-732.

- d. If requested, Esri will ship backup media to the ship-to address identified on the Ordering Document, FOB Destination, with shipping charges prepaid. Customer acknowledges that should sales or use taxes become due as a result of any shipments of tangible media, Esri has a right to invoice and Customer will pay any such sales or use tax associated with the receipt of tangible media.

8.2 Order Requirements. Esri does not require Customer to issue a purchase order. Customer may submit a purchase order in accordance with its own process requirements, provided that if Customer issues a purchase order, Customer will submit its initial purchase order on the Effective Date. If this is a multi-year Agreement, Customer will submit subsequent purchase orders to Esri at least thirty (30) calendar days before the annual anniversary date for each year.

- a. All orders pertaining to this Agreement will be processed through Customer's centralized point of contact.

- b. The following information will be included in each Ordering Document:

- (1) Customer name; Esri customer number, if known; and bill-to and ship-to addresses
- (2) Order number
- (3) Applicable annual payment due

9.0—MERGERS, ACQUISITIONS, OR DIVESTITURES

If Customer is a commercial entity, Customer will notify Esri in writing in the event of (i) a consolidation, merger, or reorganization of Customer with or into another corporation or entity; (ii) Customer's acquisition of another entity; or (iii) a transfer or sale of all or part of Customer's organization (subsections i, ii, and iii, collectively referred to as "**Ownership Change**"). There will be no decrease in Fee as a result of any Ownership Change.

- 9.1** If an Ownership Change increases the cumulative program count beyond the maximum level for this Agreement, Esri reserves the right to increase the Fee or terminate this Agreement and the parties will negotiate a new agreement.
- 9.2** If an Ownership Change results in transfer or sale of a portion of Customer's organization, that portion of Customer's organization will transfer the Products to Customer or uninstall, remove, and destroy all copies of the Products.
- 9.3** This Agreement may not be assigned to a successor entity as a result of an Ownership Change unless approved by Esri in writing in advance. If the assignment to the new entity is not approved, Customer will require any successor entity to uninstall, remove, and destroy the Products. This Agreement will terminate upon such Ownership Change.

RESOLUTION

A RESOLUTION WAIVING COMPETITIVE BIDS AND AUTHORIZING A THREE-YEAR AGREEMENT WITH ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC., REDLANDS, CALIFORNIA, FOR GEOGRAPHIC INFORMATION SYSTEM (GIS) SOFTWARE AND SERVICES IN THE AMOUNT OF \$115,500.00.

WHEREAS, the City has been using Geographic Information System (GIS) software from Environmental Systems Research Institute, Inc., (ESRI) since 2002 to produce maps and manage geographic information; and,

WHEREAS, through Resolution 1-2-2019, City Council authorized the City to transition to ESRI's Enterprise License Agreement to minimize the City's maintenance, upgrades, and new licenses expenditures; and,

WHEREAS, the City wishes to now renew that Enterprise Licensing Agreement for another three-year term; and,

WHEREAS, ESRI has submitted a quote for a three-year term, inclusive of software and services, to grant the City access to ESRI term license software on an unlimited basis for \$38,500.00 per year, totaling \$115,500.00 over the three-year term, which price includes maintenance for the term of the agreement; and,

WHEREAS, the City Manager recommends that competitive bids be waived, and award be made to ESRI.

NOW, THEREFORE, BE RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager to waive competitive bids is approved and the City is hereby authorized to enter into a three-year agreement with Environmental Systems Research Institute, Inc., 380 New York Street, Redlands, California 92373, for unlimited access to their term license software, including maintenance, at a cost of \$115,500.00 billed in three annual installments of \$38,500.00.

BE IT FURTHER RESOLVED that the Mayor and/or City Manager are hereby authorized to execute the appropriate legal instruments to accomplish the same.

This 13th day of December 2021.

APPROVED AS TO FORM AND LEGALITY:

Tammy M. Dunn, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

OAK RIDGE CITY COUNCIL MEMORANDUM

DATE: December 13, 2021

TO: Mark S. Watson, City Manager

FROM: Janice Harris , Personnel Director

SUBJECT: Annual State Medical Insurance Renewal

Introduction

An item for City Council's consideration is a resolution to extend the contract with the State of Tennessee Local Government Health Insurance Program to purchase employee medical, dental, hearing, and vision insurance for Calendar Year 2022, in an amount not to exceed \$4,800,000.00.

Funding

Funds are available in the FY2022 Budget for the City's portion of premiums. On June 25, 2021, the State informed the City that there will be an aggregated average health insurance premium increase of 4.4%; premium increases will vary within the products and coverage tiers.

Background

The City of Oak Ridge has engaged the State of Tennessee Local Government Health Insurance Program for the provision of health insurance since 1999 and for dental, vision, and hearing insurance since 2020. Current health, dental, vision, and hearing insurance offerings to employees for Calendar Year 2022 are the same options as employees had for Calendar Year 2021: Premier PPO, Standard PPO, Limited PPO, and CDHP/HSA); however, there are now four provider networks (BlueCross BlueShield, BlueCross BlueShield Network-S and Network-P, CIGNA LocalPlus, and CIGNA Open Access) for health insurance, CIGNA pre-paid plan or Delta Dental for dental insurance, and DavisVision-Basic or DavisVision-Expanded for vision and hearing.

Employees were advised that the annual enrollment transfer period began October 1, 2021 and ran through October 30, 2021. During that time, employees were made aware of the option changes and given the ability to change plans, medical providers, enroll dependents without a qualifying event, or cancel insurance coverage.

Recommendation

Approval of the attached resolution is recommended.

Attachments:

[20210525_Premium Increases and Benefits Updates for 2022 .pdf](#)

[2022 Medical Payroll Rates.pdf](#)

[2022 Dental-Vision Payroll Rates.pdf](#)



STATE OF TENNESSEE
DEPARTMENT OF FINANCE AND ADMINISTRATION
BENEFITS ADMINISTRATION

312 Rosa L. Parks Avenue
Suite 1900 William R. Snodgrass Tennessee Tower
Nashville, Tennessee 37243-1102
Phone (615) 741-3590 or (800) 253-9981
FAX (615) 253-8556

Butch Eley
COMMISSIONER

Laurie Lee
EXECUTIVE DIRECTOR

June 25, 2021

TO: Agency Heads – Local Government

FROM: Laurie Lee, Executive Director

SUBJECT: Premium Increases and Benefits Updates for 2022

I know many of you are working on your budgets for next fiscal year. The State Group Insurance Program's Local Education Insurance Committee recently met and made a number of decisions for the 2022 plan year.

- Based upon the projected claims and plan performance and the anticipated continuing impact of COVID-19, the Committee approved an aggregated average **health insurance premium increase of 4.4%**.
 - The 2022 health insurance premium increase percentage is in the aggregate; premium increases will vary within the products and coverage tiers. For example, the employee + spouse tier for all plan options will have slightly higher premium increases, and **most** of the other coverage tiers will have slightly lower premium increases than the aggregate percentage listed above.
- Health insurance copays, coinsurance and deductibles are staying the same in 2022. However, the out-of-network, out-of-pocket maximum for all plan options will increase.
- For those agencies who offer the state's dental insurance, we can share the following about the dental contracts.
 - The Dental Health Maintenance Organization (DHMO) (Prepaid Provider) carrier will continue to be Cigna in 2022. There will be **no increase** in the Cigna premium rates for the DHMO insurance program for the next year.
 - For the Dental Preferred Provider Organization (DPPO), Benefits Administration has been advised by the Central Procurement Office that a protest to the contract award for Preferred Dental (DPPO) has been filed. Until the protest has been resolved, BA is on hold with moving forward with a new contract. When BA is able to share information, we will provide it as appropriate.
- For those agencies who offer the state's Davis Vision insurance, there will be **no premium increase** in 2022 for either the Basic or Expanded plans.
- The insurance carriers for pharmacy, behavioral health/EAP and health savings accounts will remain the same in 2022.

- BlueCross BlueShield and Cigna will remain the health insurance carriers. However, our carrier networks will change:
 - **In 2022, members will have four health insurance carrier network options.** We will still offer the same three networks we do now but will add BlueCross BlueShield Network P as another broad network option. There will be two narrow networks, BlueCross Network S and Cigna LocalPlus, and two broad networks, Cigna Open Access Plus and BlueCross Network P. It will cost members more if they select one of the broad networks.
 - **Broad network costs:** The additional monthly premium cost for the broad networks will change and go up slightly to \$65 for employee only and employee + child(ren) tiers or \$130 for employee + spouse and employee + spouse + child(ren) tiers (up from \$40/\$80). As we expect you will collect this additional monthly premium from your employees, **this cost should not affect your budget planning.**

I hope this information is helpful to you. We value your agency's participation in the State Group Insurance Program and the opportunity to meet the needs of your employees. If you have any questions about the above information or any other aspect of our health plan, please email me at benefits.info@tn.gov.

Thank you.

CC: Agency Fiscal Officers
Agency Benefits Coordinators

CITY OF OAK RIDGE
Medical Insurance Premiums – Employee Payroll Deductions
Effective January 1, 2022

Blue Cross Blue Shield-Network S (#1)

	Employee	+Child(ren)	+Spouse	+Spouse/Child(ren)	Dual Employees
Standard PPO	\$ 47.15	\$ 146.35	\$ 207.42	\$ 254.77	\$ 193.50
Premier PPO	\$ 68.38	\$ 179.12	\$ 254.03	\$ 312.00	\$ 247.50
Limited PPO	\$ 12.16	\$ 18.88	\$ 26.77	\$ 32.88	\$ 31.04
CDHP-HSA	\$ 11.01	\$ 17.05	\$ 24.18	\$ 29.72	\$ 28.06

Blue Cross Blue Shield-Network P (#2)

	Employee	+Child(ren)	+Spouse	+Spouse/Child(ren)	Dual Employees
Standard PPO	\$ 51.65	\$ 155.35	\$ 225.42	\$ 272.77	\$ 207.00
Premier PPO	\$ 72.88	\$ 188.12	\$ 272.03	\$ 330.00	\$ 261.00
Limited PPO	\$ 13.66	\$ 20.38	\$ 29.77	\$ 35.88	\$ 34.04
CDHP-HSA	\$ 12.51	\$ 18.55	\$ 27.18	\$ 32.72	\$ 31.06

CIGNA LocalPlus

	Employee	+Child(ren)	+Spouse	+Spouse/Child(ren)	Dual Employees
Standard PPO	\$ 47.15	\$ 146.35	\$ 207.42	\$ 254.77	\$ 193.50
Premier PPO	\$ 68.38	\$ 179.12	\$ 254.03	\$ 312.00	\$ 247.50
Limited PPO	\$ 12.16	\$ 18.88	\$ 26.77	\$ 32.88	\$ 31.04
CDHP-HSA	\$ 11.01	\$ 17.05	\$ 24.18	\$ 29.72	\$ 28.06

CIGNA Open Access

	Employee	+Child(ren)	+Spouse	+Spouse/Child(ren)	Dual Employees
Standard PPO	\$ 51.65	\$ 155.35	\$ 225.42	\$ 272.77	\$ 207.00
Premier PPO	\$ 72.88	\$ 188.12	\$ 272.03	\$ 330.00	\$ 261.00
Limited PPO	\$ 13.66	\$ 20.38	\$ 29.77	\$ 35.88	\$ 34.04
CDHP-HSA	\$ 12.51	\$ 18.55	\$ 27.18	\$ 32.72	\$ 31.06

Premier PPO – Primary Care/Specialist office visits \$25/\$45 copay; \$500/\$1,250 deductible; 10% coinsurance; maximum out-of-pocket \$3,600/\$9,000

Standard PPO – Primary Care/Specialist office visits \$30/\$50 copay; \$1,000/\$2,500 deductible; 20% coinsurance; maximum out-of-pocket \$4,000/\$10,000

Limited PPO – Primary Care/Specialist office visits \$35/\$55 copay; \$1,800/\$3,600 deductible; 30% coinsurance; maximum out-of-pocket \$6,800/\$13,600 (Medical and RX combined)

CDHP-HSA – Primary Care/Specialist office visits must pay 100% until deductible is met, \$2,000/\$4,000 deductible; 30% coinsurance; maximum out-of-pocket \$5,000/\$10,000

Dual Employees – both spouses are City employees under one family plan contract

CITY OF OAK RIDGE
Dental and Vision Insurance Premiums – Employee Payroll Deductions
Effective January 1, 2022

The City will provide an \$18.00 contribution per pay period toward your dental and/or vision premium. The employee will be responsible for paying the difference.

DENTAL INSURANCE

	Employee	+Child(ren)	+Spouse	+Spouse/Child(ren)
CIGNA PREPAID PLAN	\$ 6.39	\$ 13.27	\$ 11.33	\$ 15.57
DELTA DENTAL PPO PLAN	\$ 9.15	\$ 24.32	\$ 17.99	\$ 37.26

CIGNA PREPAID PLAN – Must select and use a general dentist from the prepaid dental plan list for each covered family member. The network is a select number of dentists in CIGNA Dental HMO. Referrals to specialists are required. No Maximum benefit levels, except orthodontics. No deductibles. No charge for oral exams, routine semi-annual cleanings, most x-rays and fluoride treatments; however, an office visit copay will apply.

DELTA DENTAL DPPO PLAN – Use any dentist, but you receive maximum benefits when visiting an in-network Delta Dental DPPO provider. Maximum benefit per calendar year, per person is \$1,500. Referrals to specialists are not required. Benefits for covered services paid at the lesser of the dentist charge or the scheduled amount. Some services require waiting periods of up to one year and limitations and exclusions apply. Lifetime benefit maximum of \$1,250 for orthodontia.

VISION INSURANCE

	Employee	+Child(ren)	+Spouse	+Spouse/Child(ren)
DAVIS VISION – BASIC PLAN	\$ 1.42	\$ 2.83	\$ 2.69	\$ 4.16
DAVIS VISION – EXPANDED PLAN	\$ 2.57	\$ 5.13	\$ 4.88	\$ 7.55

Both plans offer routine eye exam once every calendar year. Frames once every two calendar years. Choice of eyeglass lenses or contact lenses once every calendar year. Discount on LASIK/Refractive surgery.

BASIC PLAN – you pay a discounted rate or the plan pays a fixed-dollar allowance for services and materials. 30% discount off retail for an additional pair of eyeglasses, except at Walmart, Sam’s Club or Costco Locations.

EXPANDED PLAN – Provides services with a combination of copays, allowances and discounted rates. 40% discount off retail for an additional pair of eyeglasses, except at Walmart, Sam’s Club or Costco Locations.

NOTE: If you receive vision services and materials that exceed the covered benefit, you will be responsible for paying the difference for the actual services and materials you receive.

RESOLUTION

A RESOLUTION TO EXTEND THE EMPLOYEE MEDICAL, DENTAL, VISION, AND HEARING INSURANCE CONTRACT BETWEEN THE CITY OF OAK RIDGE AND THE STATE OF TENNESSEE LOCAL GOVERNMENT HEALTH INSURANCE PROGRAM FOR THE PERIOD OF JANUARY 1, 2022 THROUGH DECEMBER 31, 2022, IN AN AMOUNT NOT TO EXCEED \$4,800,000.00.

WHEREAS, the City desires to ensure its employees have affordable medical insurance coverage for themselves and their families; and,

WHEREAS, by Resolution 9-148-98, City Council approved a contract with the State of Tennessee for the purchase of employee medical insurance, which contract has been annually extended, and dental, vision, and hearing insurance was added in Calendar Year 2020; and,

WHEREAS, the insurance plan options/structure for Calendar Year 2022 have not changed, with employees and retirees still able to choose from the following: four plans (Premier PPO, Standard PPO, Limited PPO, and CDHP/HSA), however there are now four provider networks (BlueCross BlueShield Network-S, BlueCross BlueShield Network-P, CIGNA LocalPlus, and CIGNA Open Access) for health insurance, CIGNA pre-paid plan or Delta Dental for dental insurance, and DavisVision-Basic or DavisVision-Expanded for vision and hearing; and,

WHEREAS, the City has the option to extend said contract for Calendar Year 2022, which contract the City Manager recommends be extended and will include medical, dental, vision, and hearing insurance.

NOW, THEREFORE, BE RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and the contract between the City of Oak Ridge and the State of Tennessee Local Government Health Insurance Program, Nashville, Tennessee, to provide employee medical, dental, vision, and hearing insurance is hereby extended for Calendar Year 2022 (January 1, 2022 through December 31, 2022) in an amount not to exceed \$4,800,000.00.

BE IT FURTHER RESOLVED that the Mayor and/or City Manager are hereby authorized to execute the appropriate legal instruments to accomplish the same.

This 13th day of December 2021.

APPROVED AS TO FORM AND LEGALITY:

Tammy M. Dunn, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

OAK RIDGE CITY COUNCIL MEMORANDUM

DATE: December 13, 2021

TO: Mark S. Watson, City Manager

FROM: Jack Suggs , Deputy City Manager

SUBJECT: A Resolution Authorizing the Application and Acceptance of an Urban Transportation Planning Grant

Introduction

An item for Council consideration is a resolution authorizing the City Manager to apply for and accept if awarded, an Urban Transportation Planning Grant to aid in the visioning of the Oak Ridge General Aviation Airport. The exact value of the grant is unknown, but is expected to be approximately \$50,000.

Funding

Acceptance of the grant will require a 10% local match. Staff intends to use available funds designated for the airport for this match. No tax generated funding is anticipated to be used.

Background

As the City moves forward with the planning and development of the Oak Ridge General Aviation Airport, the importance of developing a coherent vision for the airport and its place in the community becomes clear. No place was this more clearly demonstrated than in a October 26, 2021 virtual meeting where industry leaders from around the country convened virtually to discuss how to make the proposed airport successful. Leaders from airport manufactures, aviation technology creators, business aircraft owners associations, education and others all agreed that establishing a clear vision early in the process would be paramount to envision the airport's success. To develop this vision, staff anticipates assembling a working group made up of community leaders, educators and industry experts to carefully examine the proposed airport including its weaknesses and strengths.

Staff would like to apply for this grant to aid us in engaging the services of a firm skilled and experienced in this type of work. We anticipate the cost being approximately \$50,000. The grant has a maximum award of \$200,000.

The Urban Transportation Planning Grant program is intended to assist jurisdictions to identify needs and promote solutions that lead to the interconnection of efficient modes of transportation. This grant is provided through the Metropolitan Planning Organization (MPO) and administered through Tennessee Department of Transportation. Unlike many other grants, staff's experience with administration of this type of grant has been very positive, with very little overhead or staff time required.

Recommendation

Staff recommends approval of the attached resolution.

Attachments:

[Resolution - Urban Transportation Planning Grant.docx](#)

RESOLUTION

A RESOLUTION AUTHORIZING THE CITY TO APPLY FOR, AND ACCEPT IF AWARDED, AN URBAN TRANSPORTATION PLANNING GRANT FROM THE METROPOLITAN PLANNING ORGANIZATION AND ADMINISTERED BY THE TENNESSEE DEPARTMENT OF TRANSPORTATION.

WHEREAS, Urban Transportation Planning Grant funds are available in an amount up to \$200,000.00 with a ten percent (10%) required local match from the Metropolitan Planning Organization (MPO) and administered through the Tennessee Department of Transportation (TDOT) to identify needs and promote solutions that lead to the interconnection of efficient modes of transportation; and,

WHEREAS, the City desires to apply for such grant funds to aid in the visioning of the proposed Oak Ridge General Aviation Airport; and,

WHEREAS, the City will use funds already designated for the Oak Ridge General Aviation Airport project for the ten percent (10%) local match, therefore no tax-generated dollars will be required; and,

WHEREAS, staff anticipates assembling a working group of community leaders, educators, and industry experts to examine the proposed Oak Ridge General Aviation Airport and identify weaknesses and strengths and anticipates the cost of this visioning project to be approximately \$50,000.00; and,

WHEREAS, the City Manager recommends the City submit the grant application and accept the grant if awarded.

NOW, THEREFORE, BE RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved, and the City is hereby authorized to apply for, and accept if awarded, an Urban Transportation Planning grant from the Metropolitan Planning Organization and administered by the Tennessee Department of Transportation to aid in the visioning of the proposed Oak Ridge General Aviation Airport in an amount up to \$200,000.00; said grant requiring a ten percent (10%) local match.

BE IT FURTHER RESOLVED that the Mayor and/or City Manager are hereby authorized to execute the appropriate legal instruments to accomplish the same.

This 13th day of December 2021.

APPROVED AS TO FORM AND LEGALITY:

Tammy M. Dunn, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

OAK RIDGE CITY COUNCIL MEMORANDUM

DATE: December 13, 2021

TO: Mark S. Watson, City Manager

FROM: Amy Fitzgerald , Information Services Director

SUBJECT: A Resolution Approving Annual Maintenance Fees for Customer Information System, Utility Billing, Enterprise Resource Planning, and Related Third Party Software with Cayenta Company, a Division of Harris Corporation, in the Amount of \$251,284.95.

SUPPORTING DEPARTMENT: -None-

Introduction

An item for the December 13th City Council agenda is a resolution authorizing payment to Harris Computer Corporation, parent company of Cayenta, in the amount of \$251,284.95 for annual maintenance fees for the period January 1 through December 31, 2022.

Funding

Funding for this project is divided among the Electric Fund, Waterworks Fund (Water and Wastewater), General Fund, Equipment Replacement Rental Fund, and Capital Projects Fund based on proportional usage allocation.

Background

City Council Resolution 8-91-2017 authorized the City Manager to proceed with the purchase of financial management, utility billing, and enterprise management software and implementation services to replace the City's JD Edwards financial software, as well as the utility billing system developed in-house during the 1980s. The replacement of the software is needed to modernize business operations, improve efficiencies, enhance customer service, and support compliance with Tennessee Valley Authority (TVA) and other financial and legal requirements.

Among the set of contracts signed with the vendor in July 2018 is a Support and Maintenance Agreement that includes a five-year schedule for annual support and maintenance fees. The first-year maintenance service fees were included in the initial purchase price; subsequent years will be billed annually.

The project is now approaching Year Four, so the fourth year of support and maintenance is due. During contract negotiations, staff successfully included two significant cost-saving

measures in the Support and Maintenance Agreement. First, the average annual increase between Years Two and Five was negotiated at an approximately 2.88 percent annually, with the annual support and maintenance fees beyond Year Five capped at four percent annually. Second, the project is being implemented in two phases, and staff negotiated the phasing of the software based on the when it would be utilized.

In prior years, the City was billed only for software utilized in Phase One. The remaining Enterprise Resource Planning (ERP) software modules were installed in July 2021 as the final implementation phase was initiated. City Council Resolution Number 10-107-2021 authorized the 6 month pro-rated maintenance fees for this ERP software. The current invoice includes the ERP maintenance for 2022. Maintenance for the CityView software will be invoiced separately and should be submitted for Council consideration in January 2022. Staff anticipates the CityView maintenance will be incorporated into the next annual invoice for calendar year 2023.

A steering committee continues to meet on a regular basis to help ensure project goals and schedule are being met, and that costs align with projections. The steering committee appreciates the continued involvement and expertise of Councilman Kelly Callison in the project.

Recommendation

Staff recommends approval of the attached resolution.

Attachments:

[Cayenta Annual Maintenance Invoice OAKR - MN00136601 \(002\).pdf](#)

[Resolution - Cayenta Annual Maintenance.docx](#)



Invoice MN00136601
Date 10/31/2021
Page 1 of 1

Remit To: N. Harris Computer Corporation
 62133 Collections Center Drive
 Chicago, IL 60693-0621

Bill to
 City of Oak Ridge
 Amy Fitzgerald
 200 South Tulane RM 103
 Oak Ridge, TN 37830
 USA

Ship To
 City of Oak Ridge
 Amy Fitzgerald
 200 South Tulane RM 103
 Oak Ridge, TN 37830
 USA

PO Number	Customer No.	Salesperson ID	Shipping Method	Payment Terms
	OAKR		LOCAL DELIVERY	

Ordered	Item Number	Description	Unit Price	Ext Price
1.00	CAY - MAINT	Customer Information System (CIS): 1/1/2022 to 12/31/2022	US\$ 72,559.04	US\$ 72,559.04
1.00	CAY - MAINT	Web portals ("Connect") - part of FMS: 1/1/2022 to 12/31/2022	US\$ 2,550.00	US\$ 2,550.00
1.00	CAY - MAINT	Mobile Work Management (CIS/WMS): 1/1/2022 to 12/31/2022	US\$ 13,265.10	US\$ 13,265.10
1.00	CAY - TPM	Cognos Report Writing Software: 1/1/2022 to 12/31/2022	US\$ 8,489.66	US\$ 8,489.66
1.00	CAY - TPM	Planet Press Bill print workflow: 1/1/2022 to 12/31/2022	US\$ 3,183.62	US\$ 3,183.62
1.00	CAY - TPM	Uniface: 1/1/2022 to 12/31/2022	US\$ 24,641.25	US\$ 24,641.25
1.00	CAY - MAINT	FMS - Financial Management System: 1/1/2022 to 12/31/2022	US\$ 55,600.20	US\$ 55,600.20
1.00	CAY - MAINT	Cayenta - GIS Connector: 1/1/2022 to 12/31/2022	US\$ 4,681.80	US\$ 4,681.80
1.00	CAY - MAINT	HCM - Human Capital Management: 1/1/2022 to 12/31/2022	US\$ 25,939.62	US\$ 25,939.62
1.00	CAY - MAINT	WMS - Work Management System: 1/1/2022 to 12/31/2022	US\$ 27,624.66	US\$ 27,624.66
1.00	CAY - TPM	Cognos BI / Budgeting (TM1) - Maintenance: 1/1/2022 to 12/31/2022	US\$ 12,750.00	US\$ 12,750.00

Payment is due before the maintenance period start date. Therefore, please allow at least 10 business days prior to the due date to mail your payment. Failure to make payment by maintenance period start date may result in inability to receive support and product updates / upgrades.

Invoice Questions? Please call Jeimy Vanegas at 819-578-6307 or email jvanegasaguirre@harriscomputer.com

Subtotal	US\$ 251,284.95
Misc	US\$ 0.00
Tax	US\$ 0.00
Freight	US\$ 0.00
Trade Discount	US\$ 0.00
Total	US\$ 251,284.95

RESOLUTION

A RESOLUTION APPROVING ANNUAL MAINTENANCE FEES FOR CUSTOMER INFORMATION SYSTEM, UTILITY BILLING, ENTERPRISE RESOURCE PLANNING, AND RELATED THIRD PARTY SOFTWARE WITH CAYENTA COMPANY, A DIVISION OF HARRIS CORPORATION, IN THE AMOUNT OF \$251,284.95.

WHEREAS, City Council Resolution 8-91-2017 authorized the City Manager to proceed with the purchase of financial management, utility billing, and enterprise management software and implementation services to replace the City's JD Edwards financial software, as well as the utility billing system developed in-house during the 1980s; and,

WHEREAS, Cayenta Company, a division of Harris Corporation, was selected as the company that best met the City's overall needs; and,

WHEREAS, this project is an intensive multi-year effort that will require significant staff resources over several phases; and,

WHEREAS, fourth-year maintenance fees in the amount of \$251,284.95 are due for the term January 1, 2022 through December 31, 2022 for this software package; and

WHEREAS, the City Manager recommends payment of the maintenance fees associated with the software project.

NOW, THEREFORE, BE RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and City Council hereby authorizes payment of \$251,284.95 to Cayenta Company, a division of Harris Corporation, for annual support and maintenance fees for the term January 1, 2022 through December 31, 2022.

BE IT FURTHER RESOLVED that the Mayor and/or City Manager are hereby authorized to execute the appropriate legal instruments to accomplish the same.

This 13th day of December 2021.

APPROVED AS TO FORM AND LEGALITY:

Tammy M. Dunn, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

OAK RIDGE CITY COUNCIL MEMORANDUM

DATE: December 13, 2021
TO: Mark S. Watson, City Manager
FROM: Janice McGinnis , Finance Director
SUBJECT: Unclaimed Property

Introduction

An item for City Council's consideration is a resolution requesting that the State return to the City all unclaimed property (cash) remitted to the State that has not been claimed by the owner. This includes all unclaimed property the State holds, regardless of the year originally filed and remitted by the City to the State.

Funding

There is no funding associated with this item.

Background

Under Tennessee State Law, a resolution must be passed by the governing body each year that a claim is filed by the City with the State of Tennessee. The City's unclaimed property is comprised of checks issued by the City that never cleared the City's bank account. This is primarily utility deposits for which the refund check was never cashed and property tax overpayments or duplicate payments for which the refund check to the appropriate individual was never cashed. The State lists the unclaimed property on a statewide website for owners to claim the refund. The State holds the property for at least 18 months and if the property remains unclaimed it is eligible for return back to the local government.

Recommendation

Staff recommends approval of the attached resolution. This resolution allows the City rather than the State to retain unclaimed property. The City is required to maintain records regarding ownership of the returned unclaimed property so that if a claimant comes forward the City can make payment of the claim.

Attachments:

[Resolution - Unclaimed Property.docx](#)

RESOLUTION

A RESOLUTION TO REQUEST UNCLAIMED BALANCE OF ACCOUNTS REMITTED TO STATE TREASURER UNDER UNCLAIMED PROPERTY ACT.

WHEREAS, Tennessee Code Annotated § 66-29-146(c) provides that a municipality or county in Tennessee may request payment for the unclaimed balance of funds reported and remitted by the local government if it exceeds \$100.00, less a proportionate share of the cost of administering the program; and,

WHEREAS, the City of Oak Ridge has remitted unclaimed accounts to the State Treasurer in accordance with the Uniform Unclaimed Property Act; and,

WHEREAS, the City of Oak Ridge agrees to meet all of the requirements of Tennessee Code Annotated § 66-29-101 et seq. and to accept liability for future claims against accounts represented in funds paid to it; and,

WHEREAS, it is agreed that the City of Oak Ridge will retain a sufficient amount to insure prompt payment of allowed claims and that the balance of funds will be deposited in the City's general fund.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the City Council of the City of Oak Ridge requests the State Treasurer to pay the unclaimed balance of funds to it in accordance with the provisions of Tennessee Code Annotated § 66-29-146(c) and a list of remittances made by or on behalf of the City of Oak Ridge and its agencies is attached.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be transmitted to the State of Tennessee Treasurer.

This 13th day of December 2021.

APPROVED AS TO FORM AND LEGALITY:

Tammy M. Dunn, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

OAK RIDGE CITY COUNCIL MEMORANDUM

DATE: December 13, 2021

TO: Mark S. Watson, City Manager

FROM: Eric Ault , Assistant to the City Manager

SUBJECT: Amendment to the As-Needed Architectural Services Contract

Introduction

An item for the agenda is a resolution amending the professional services agreement with BarberMcMurry Architects, Knoxville, Tennessee, for as-needed architectural services for various upcoming city/school projects to add renewal options as well authorize an initial 18-month renewal for January 1, 2022 through June 30, 2023 to place this agreement on the City's fiscal year.

Funding

Anticipated total cost of these projects are not to cumulatively exceed \$100,000.00 and funds are allocated in the budget for these projects. Major project costs exceeding the estimated amount will be brought back before City Council for approval. Funds for ongoing projects will come from a bond issuance approved by City Council on August 9, 2021.

Background

On December 14, 2020, City Council approved a contract with BarberMcMurry Architects (BMA) for as needed architectural services. The contract that the City and BMA entered was not to exceed \$100,000 and would expire on December 31, 2021. Under this contract, BarberMcMurry and the City have begun work on a variety of projects.

BMA is currently working with the City to design an expansion of the existing Finance Department offices within the Central Services Complex. Coinciding with this project, BMA is also designing a new SCADA Lab for the Electric Department to also be built at the Central Services Complex. The City and BMA plan to take these projects to construction bidding this month. Additionally, BMA has submitted a proposal to begin design on the ADA renovation of the library bathrooms. The combined obligations of the ongoing projects are \$66,575.00. We anticipate additional funds to accumulate this year as renovation plans continue for the Oak Ridge Library.

The original Request for Qualifications that lead to the selection of BarberMcMurry intended to renew annually over a period of five years. To ensure continuation of ongoing projects, City Staff is requesting approval of a renewal of the contract with BarberMcMurry. Staff is also requesting a modification to the contract so that the new term period would expire on June 30. As such, the next contract period would be from January 1, 2022, through June 30, 2023. This will allow the contract to line up with the budget period. Additionally, City Staff is requesting that the renewal options be built into the contract to allow renewal with the City Manager's approval, pending that budgeted funds are available. To fulfill the original 5-year period laid out in the RFQ, the contract would have 3, 1-year renewal options. Subsequent years, the contract period would be July 1 through June 30.

The initial 18-month renewal term will be at a compensation level not to exceed \$150,000.00.
The additional 1-year renewal options will be at a compensation level not to exceed \$100,000.00.

Recommendation

Approval of the attached resolution is recommended.

Attachments:

[Resolution - BMA.docx](#)

RESOLUTION

A RESOLUTION AUTHORIZING THE CITY TO AMEND THE PROFESSIONAL SERVICES AGREEMENT (FY2021-074) WITH BARBERMcMURRAY ARCHITECTS, KNOXVILLE, TENNESSEE, FOR AS-NEEDED ARCHITECTURAL SERVICES FOR VARIOUS PROJECTS THROUGHOUT THE CITY TO ADD RENEWAL OPTIONS.

WHEREAS, through Resolution 12-112-2020, City Council approved a Professional Services Agreement (FY2021-074) with BarberMcMurray Architects (BMA) to perform as-needed architectural services which agreement is set to expire on December 31, 2021; and,

WHEREAS, working under that agreement, BMA and the City are currently engaged in multiple projects throughout the City, including work at the Library, Central Services, and the Municipal Building; and,

WHEREAS, the original Request for Qualifications that lead to the selection of BMA intended to provide for renewal options over a period of five years, which renewal options were not part of the City's initial agreement with BMA; and,

WHEREAS, the City desires to amend the agreement to provide for an initial 18-month renewal option to place this agreement on the City's fiscal year at a compensation level not to exceed \$150,000.00 and to provide for three (3) additional one-year renewal options at a compensation level not to exceed \$100,000.00; and,

WHEREAS, the City Manager recommends approval of the amendments.

NOW, THEREFORE, BE RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved, and the City is hereby authorized to amend the Professional Services Agreement (FY2021-074) with BarberMcMurray Architects, 505 Market Street, Suite 300, Knoxville, Tennessee 37902, as follows:

- To provide for an initial 18-month renewal option (January 1, 2022 through June 30, 2023) to place this agreement on the City's fiscal year at a compensation level not to exceed \$150,000.00; and
- To provide for three (3) additional one-year renewal options (July 1 through June 30) at a compensation level not to exceed \$100,000.00.

BE IT FURTHER RESOLVED that the City Manager is authorized to execute renewal options if budgeted funds allow.

BE IT FURTHER RESOLVED that the Mayor and/or City Manager are hereby authorized to execute the appropriate legal instruments to accomplish the same.

This 13th day of December 2021.

APPROVED AS TO FORM AND LEGALITY:

Tammy M. Dunn, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

OAK RIDGE CITY COUNCIL MEMORANDUM

DATE: December 13, 2021

TO: Honorable Mayor and City Council

FROM: Tammy Dunn , City Attorney

SUBJECT: City Code Amendment - Fireworks (City Code Section 7-109)

SUPPORTING DEPARTMENT: Fire

Introduction

An item for the agenda is an ordinance to amend City Code §7-109 to clarify the City's prohibition on the sale and discharge of fireworks within the city limits.

Funding

No funding is associated with this item.

Background

Under the authority given in Tennessee Code Annotated §68-104-116, City Code §7-109 prohibits the discharge of fireworks in the city limits (without obtaining a permit) and prohibits the sale of fireworks within the city limits. There can be some confusion with this ordinance when reading it in conjunction with the International Fire Code (IFC), therefore, it is proposed to remove the reference to the IFC and instead reference the State's fireworks permitting process.

Public safety concerns are the driving factor for City Code §7-109. Fireworks are explosive devices that can result in accidental fires, serious injury, or even death if proper safety protocols are not followed. City Code §7-109 prohibits the general public from discharging fireworks while still allowing professional firework shows to take place upon obtaining the required permit from the State Fire Marshal's Office in coordination with the City's Fire Marshal. The proposed amendment clarifies this intent by removing the reference to the IFC and instead referencing the state permit. A bold-strikethrough of the proposed amendment is attached.

Recommendation

Approval of the attached ordinance is recommended.

Attachments:

[Bold-Strikethrough of City Code 7-109 - Fireworks.docx](#)

[City Code 7-109 - Fireworks.docx](#)

**PROPOSED AMENDMENT TO CITY CODE §7-109
(FIREWORKS)**

Section 7-109. Fireworks – Discharge **and Sale** Prohibited; **Exceptions.**

- (1) **Discharge of Fireworks.** The discharge of fireworks is prohibited within the City Limits ~~without a permit, as set forth in Chapter 56, *Explosives and Fireworks*, of the International Fire Code.~~
Exception – It is lawful to discharge fireworks with a permit issued by the State of Tennessee Fire Marshal’s Office, in coordination with the City’s Fire Marshal, as set forth in Tennessee Code Annotated §68-104-102 et seq.
- (2) **Sale of Fireworks Prohibited.** The sale of fireworks is prohibited within the City Limits.

TITLE

AN ORDINANCE TO AMEND TITLE 7, TITLED "FIRE PROTECTION AND FIREWORKS," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 7-109, TITLED "FIREWORKS – DISCHARGE PROHIBITED," AND SUBSTITUTE THEREFORE A NEW SECTION 7-109, TITLED "FIREWORKS – DISCHARGE AND SALE PROHIBITED: EXCEPTIONS," TO CLARIFY THE PROHIBITION ON DISCHARGING FIREWORKS BY CONSUMERS AND ALLOWING THE DISCHARGE OF FIREWORKS BY PROFESSIONALS WITH PROPER PERMITS IN PLACE.

WHEREAS, City Code §7-109 prohibits the discharge and sale of fireworks, but allows fireworks to be discharged under a permit; and

WHEREAS, this amendment clarifies the permit process for fireworks, which is a State of Tennessee Fire Marshal Office permit process issued in conjunction with the City's Fire Marshal, in an effort to make the ordinance more reader-friendly.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

Section 1. Title 7, titled "Fire Protection and Fireworks," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 7-109, titled "Fireworks – Discharge Prohibited," and substituting a new Section 7-109, titled "Fireworks – Discharge and Sale Prohibited; Exceptions," which new section shall read as follows:

Section 7-109. Fireworks – Discharge and Sale Prohibited; Exceptions.

- (1) Discharge of Fireworks. The discharge of fireworks is prohibited within the City Limits. Exception – It is lawful to discharge fireworks with a permit issued by the State of Tennessee Fire Marshal's Office, in coordination with the City's Fire Marshal, as set forth in Tennessee Code Annotated §68-104-102 et seq.
- (2) Sale of Fireworks Prohibited. The sale of fireworks is prohibited within the City Limits.

Section 2. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:

Tammy M. Dunn, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

First Reading: _____
 Publication Date: _____
 Second Reading: _____
 Publication Date: _____
 Effective Date: _____

OAK RIDGE CITY COUNCIL MEMORANDUM

DATE: December 13, 2021

TO: Mark S. Watson, City Manager

FROM: Janice Harris , Personnel Director

SUBJECT: Personnel Ordinance Amendment - Sections 6.1 and 6.2 - Pay Period Cycle Change for Police and Fire Shift Personnel

Introduction

An item for City Council's consideration is an ordinance to amend the Personnel Ordinance pertaining the work period of certain Police and Fire Department personnel.

Funding

There is no funding associated with this item. Departments will still be required to cover personnel salary and overtime costs within their existing budgets.

Background

At present, there are three different work period pay cycles within the City, which pays on a biweekly basis equating to twenty-six (26) pay periods. Police Department shift workers operate on a 28-day work period, while Fire Department shift workers operate on a 27-day work period and all other employees—including administrative employees within the Police and Fire Departments—have a defined 40-hour/7-day work period. These varying pay cycles are the root cause of numerous recurring payroll overtime misalignments, salary misinterpretations, payroll administration processing, overproduction, and rework issues within the Finance, Personnel, Fire, and Police Departments.

The proposed amendment realigns the Police and Fire Departments' work period to a 14-day day work period pay cycle and synchronizes this pay period with other City employees. Such realignment is permissible and in accordance with the Fair Labor Standards Act, which provides that employees engaged in "fire protection activities" or "law enforcement activities" may be paid on a work period anywhere from 7- to 28-consecutive days in length. The 14-day work period will change overtime calculations for applicable fire personnel (over 106 hours) and applicable police personnel (over 86 hours).

Realigning these pay cycles will create a more-predictable work and overtime schedule for first responder employees, will ease the administrative burden of payroll administration—including payroll errors, and make the transition to the Cayenta payroll system overall smoother. The City will also have to make payroll adjustments necessary to bring the pay cycles in sync. Personnel, Police, and Fire are coordinating to minimize the impact to employees and determined the best pay period to implement these changes will be February 20, 2022.

The Personnel Advisory Board (PAB) will meet on this proposed ordinance on December 14, 2021. The ordinance will be modified to include PAB's recommendation prior to second reading of the ordinance.

Recommendation

Approval of the attached ordinance is recommended.

Attachments:

[Bold-Strikethrough - Personnel Ordinance Sections 6.1 and 6.2 - Work Periods for Police and Fire.docx](#)

[Personnel Ordinance - Sections 6.1 and 6.2.docx](#)

BOLD-STRIKETHROUGH OF PROPOSED ORDINANCE AMENDMENT
(CHANGE POLICE AND FIRE TO 14-DAY WORK PERIOD)

ARTICLE 6 – HOURS OF WORK, OVERTIME, AND PREMIUM COMPENSATION

6.1 WORK PERIOD

- a. The City pays on a biweekly basis and there are normally twenty-six (26) pay periods per fiscal year. The annual rate of pay for Fire Department shift positions shall be divided by 2,912 hours and rounded up to the nearest whole cent to determine the basic hourly rate. The annual rate for all other positions shall be divided by 2,080 and rounded up to the nearest whole cent to determine the basic hourly rate.
- b. The normal work period shall be formally established and made available to each regular full-time employee. In order to meet the needs of the City, a formal schedule shall be evaluated by the head of the department and determined to meet the requirements of the Fair Labor Standards Act (FLSA). Employees will be advised of changes to the normal work schedule as soon as practicable.
- c. In accordance with Section 207(k), as amended, of the FLSA ~~Fair Labor Standards Act~~, the work period for employees engaged in "law enforcement activities" as defined by the FLSA will be eighty-six (86) hours in a fourteen (14) day period ~~employees' time will be computed on the basis of a twenty-eight (28) day work period for employees engaged in law enforcement activities.~~
- d. In accordance with Section 207(k), as amended, of the FLSA ~~Fair Labor Standards Act~~, the work period for employees engaged in "fire protection activities" as defined by the FLSA will be one hundred six (106) hours in a fourteen (14) day period ~~employees' time will be computed on the basis of a twenty-seven (27) day work period for employees engaged in fire protection activities.~~
- e. The normal work period for all other employees will consist of a total of forty (40) hours per defined seven (7) day period for all regular full-time employees and shall meet all FLSA guidelines.
- f. In any conflict between any of the provisions of this article and the FLSA, the FLSA shall control.

6.2 OVERTIME

- a. Overtime Administration. The City Manager may prescribe periods of overtime work to meet operational needs and shall issue such procedures as necessary to implement the provisions of Article 6.
- b. Overtime Compensation. Overtime compensation will be calculated in accordance with the FLSA. When a non-exempt ~~full-time~~ employee is required by their supervisor or another person in the employee's line of supervision to work in excess of ~~the normal schedule in a~~ the hours established for the employee's work period, the employee is entitled to overtime compensation. Employees may not elect on their own to work in excess of ~~their normal schedule in a~~ the hours established for the employee's work

period. Holiday leave will be considered as hours worked in calculating overtime compensation. All other types of leave (ex. General, Emergency, Injury, Leave Without Pay, Military, Civil, Administrative Emergency, etc.) will not be considered as hours worked in calculating overtime compensation. In the event of an emergency as determined by the City Manager or the City Manager's designee, the City Manager or the City Manager's designee may include other types of leave as hours worked for the purposes of calculating overtime compensation. An emergency is defined as an unforeseen circumstance beyond the control of the City which presents a real, immediate, and material threat to the public interests or property of the City.

The formula for calculating the hourly rate is shown below:

$$\frac{(\text{Regular Pay Rate} + \text{Supplemental Pay}) \times \text{Regular Hours Worked} + \text{Stand-by Pay}}{\text{Regular Hours Worked}}$$

~~Overtime will be paid for any hours worked over the regularly scheduled hours in a defined twenty-eight (28) day period after 171 hours for Police Department employees and in a defined twenty-seven (27) day work period after 204 hours for Fire Department employees meeting the requirements of section 207(k) of the Fair Labor Standards Act (FLSA). All other employees must work forty (40) hours during a workweek prior to receiving overtime payments. The Police Department and Fire Department work day period schedule is adopted pursuant to Section 207(k) of the FLSA and 29 CFR Part 553.~~

All overtime compensation will be at the rate of one and one-half times the hourly rate. The City may offer an employee compensatory time off equivalent to one and one-half times the number of extra hours worked. It is the employee's decision whether to accept compensatory time off instead of overtime, however, that decision must be made at the time the offer of compensatory time is made. Said compensatory time may be accrued up to a maximum of forty (40) hours.

Exempt employees are not eligible for overtime compensation.

TITLE

AN ORDINANCE TO AMEND ORDINANCE NO. 27-85, TITLED "A PERSONNEL PLAN FOR EMPLOYEES OF THE CITY OF OAK RIDGE, TENNESSEE," AS AMENDED, BY UPDATING THE FOLLOWING SECTIONS: SECTION 6.1, TITLED "WORK PERIOD," AND SECTION 6.2, TITLED "OVERTIME," FOR THE PURPOSE OF CHANGING THE WORK PERIODS FOR EMPLOYEES WHO ARE ENGAGED IN LAW ENFORCEMENT ACTIVITIES AND FIRE PROTECTION ACTIVITIES.

WHEREAS, the City's Personnel Ordinance currently establishes a 28-day and 27-day work period for employees who are engaged in law enforcement activities and fire protection activities, respectively; and

WHEREAS, in order to provide for a more predictable work and overtime schedule for these employees, as well as ease the administrative burden of payroll administration and assist in the transition to the new Cayenta payroll system, the City desires to change the work periods for both these employees to a 14-day work period, which is allowable under the Fair Labor Standards Act (FLSA); and

WHEREAS, implementing this change requires an amendment to Personnel Ordinance §6.1, Work Period, and §6.2, Overtime; and

WHEREAS, at their December 14, 2021 meeting, the Personnel Advisory Board _____ the proposed amendments to the Personnel Ordinance for Council's approval; and

WHEREAS, the City Manager recommends that the Personnel Ordinance be amended as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

Section 1. Ordinance No. 27-85, titled "A Personnel Plan for Employees of the City of Oak Ridge, Tennessee," is hereby amended by deleting Section 6.1, titled "Work Period," in its entirety and substituting therefor a new Section 6.1, titled "Work Period," which new section shall read as follows:

6.1 WORK PERIOD

- a. The City pays on a biweekly basis and there are normally twenty-six (26) pay periods per fiscal year. The annual rate of pay for Fire Department shift positions shall be divided by 2,912 hours and rounded up to the nearest whole cent to determine the basic hourly rate. The annual rate for all other positions shall be divided by 2,080 and rounded up to the nearest whole cent to determine the basic hourly rate.
- b. The normal work period shall be formally established and made available to each regular full-time employee. In order to meet the needs of the City, a formal schedule shall be evaluated by the head of the department and determined to meet the requirements of the Fair Labor Standards Act (FLSA). Employees will be advised of changes to the normal work schedule as soon as practicable.
- c. In accordance with Section 207(k), as amended, of the FLSA, the work period for employees engaged in "law enforcement activities" as defined by the FLSA will be eighty-six (86) hours in a fourteen (14) day period effective with the February 20, 2022 pay period.
- d. In accordance with Section 207(k), as amended, of the FLSA, the work period for

employees engaged in "fire protection activities" as defined by the FLSA will be one hundred six (106) hours in a fourteen (14) day period effective with the February 20, 2022 pay period.

- e. The normal work period for all other employees will consist of a total of forty (40) hours per defined seven (7) day period for all regular full-time employees and shall meet all FLSA guidelines.
- f. In any conflict between any of the provisions of this article and the FLSA, the FLSA shall control.

Section 2. Ordinance No. 27-85, titled "A Personnel Plan for Employees of the City of Oak Ridge, Tennessee," is hereby amended by deleting Section 6.2, titled "Overtime," in its entirety and substituting therefor a new Section 6.2, titled "Overtime," which new section shall read as follows:

6.2 OVERTIME

- a. Overtime Administration. The City Manager may prescribe periods of overtime work to meet operational needs and shall issue such procedures as necessary to implement the provisions of Article 6.
- b. Overtime Compensation. Overtime compensation will be calculated in accordance with the FLSA. When a non-exempt employee is required by their supervisor or another person in the employee's line of supervision to work in excess of the hours established for the employee's work period, the employee is entitled to overtime compensation. Employees may not elect on their own to work in excess of the hours established for the employee's work period. Holiday leave will be considered as hours worked in calculating overtime compensation. All other types of leave (ex. General, Emergency, Injury, Leave Without Pay, Military, Civil, Administrative Emergency, etc.) will not be considered as hours worked in calculating overtime compensation. In the event of an emergency as determined by the City Manager or the City Manager's designee, the City Manager or the City Manager's designee may include other types of leave as hours worked for the purposes of calculating overtime compensation. An emergency is defined as an unforeseen circumstance beyond the control of the City which presents a real, immediate, and material threat to the public interests or property of the City.

All overtime compensation will be at the rate of one and one-half times the hourly rate. The City may offer an employee compensatory time off equivalent to one and one-half times the number of extra hours worked. It is the employee's decision whether to accept compensatory time off instead of overtime, however, that decision must be made at the time the offer of compensatory time is made. Said compensatory time may be accrued up to a maximum of forty (40) hours.

Exempt employees are not eligible for overtime compensation.

Section 3. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it, however implementation of the new work period for employees engaged in law enforcement activities and employees engaged in fire protection activities will not occur until February 20, 2022 in order to start the new work periods at the beginning of a new pay period.

APPROVED AS TO FORM AND LEGALITY:

Tammy M. Dunn, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

First Reading: _____
Publication Date: _____
Second Reading: _____
Publication Date: _____
Effective Date: _____

OAK RIDGE CITY COUNCIL MEMORANDUM

DATE: December 13, 2021

TO: Honorable Mayor and City Council

FROM: Tammy Dunn , City Attorney

SUBJECT: City Code Section 11-111 Amendment - Expansion of Prohibition on Tobacco Products at Playgrounds to Include Vapor Products and Other Public Property - Substitute Ordinance for Second Reading / Final Adoption of Ordinances

Introduction

A substitute ordinance is offered for City Council's consideration for second reading of this ordinance. This substitute addresses concerns raised at the November 8, 2021 meeting and discussed at the November 16, 2021 work session.

Funding

No funding is associated with this item.

Background

The attached substitute ordinance contains two modifications from the ordinance approved on first reading:

1. Removes "parking areas" from the definition of "Grounds" in §11-111(3)B. This is to address Council's concern about the ordinance applying to individuals who are smoking or vaping inside their vehicles while parked in city-owned parking lots.
2. Adds a new Section 2 to the ordinance to delay enforcement of the ordinance until February 1, 2022 to allow city staff time to communicate the ordinance to the public.

The substitute ordinance is intended to address Council's concerns that were mentioned during first reading and the subsequent work session discussion.

Recommendation

Approval of the attached substitute ordinance is recommended.

Attachments:

[First Reading Memo - City Code Amendment - Smoking and Vaping.pdf](#)

[City Code Amendment Section 11-111 - Smoking and Vaping - First Reading Version Bold Strikethrough.docx](#)

[Smoking and Vaping - Playgrounds, Parks, Etc. - 2021.docx](#)

[Substitute Ordinance for Second Reading - Smoking and Vaping - Playgrounds, Parks, Etc.docx](#)

OAK RIDGE CITY COUNCIL MEMORANDUM

DATE: November 08, 2021

TO: Honorable Mayor and City Council

FROM: Tammy Dunn , City Attorney

SUBJECT: City Code Sect. 11-111 Amendment - Expansion of Prohibition on Tobacco Products at Playgrounds to Include Vapor Products and Other Public Property

Introduction

An item for the agenda is an ordinance to amend City Code §11-111 pertaining to smoking at playgrounds to expand the prohibition to include vaping and to expand the prohibition to include additional public properties.

Funding

No funding is associated with this item.

Background

City Code §11-111 prohibits smoking on the grounds of any city-owned playground. This ordinance went into effect August 20, 2020 and was adopted by Ordinance 7-2020 in response to Public Chapter 529 which amended Tennessee Code Annotated §39-17-1551 to allow local governments to prohibit smoking on their playgrounds by a two-thirds vote of the legislative body. Through the adoption of Public Chapter 574, effective July 1, 2021, the General Assembly has again amended Tennessee Code Annotated §39-17-1551 relative to the ability of local governments to prohibit the use of tobacco on public property. The statute has expanded a local government's ability to regulate the type of products as well as the properties that can be included in the prohibition.

This legislation does two things: (1) expands the prohibition at playgrounds to include vapor products in addition to smoking, and (2) expands the list of properties to which the prohibition on the use of tobacco/vaping products can apply to include public parks, public greenways, and any public property that is accessible to use by youth. "Tobacco product," "vapor product," "playground," and "greenway" are all terms defined by the statute.

Work Session Updates

The proposed ordinance was discussed during the October 19, 2021 work session. A few modifications have been incorporated in light of the work session discussion.

Concern That the Prohibition Cannot Apply to Sidewalks and Parking Lots. The statutory language defines "grounds" to specifically exclude buildings, sidewalks, and roads. However, this is limited to the authority contained in subsection (f) of the statute. The authority regarding playgrounds under subsection (e) does not contain similar language. Therefore, the proposed ordinance now specifies the language pertaining to playgrounds is enacted under the authority of subsection (e) which means the prohibition on smoking and vaping applies to the sidewalks within the playgrounds. The remaining properties (parks, greenways, etc.) are specifically

enacted under subsection (f) which means the prohibition on the use of tobacco products and/or vapor products would not apply to the sidewalks within those properties. Parking lots are included within the prohibition for all properties.

Ability to Designate a Smoker Area. The proposed ordinance now includes a subsection allowing the City Manager to designate areas for smoking/vaping with proper signage. In speaking with Jon Hetrick, Director of Recreation and Parks, he will first consider the properties such as ballfields that are used by both adults and youth for designated smoking/vaping areas. This will allow the ordinance to move forward while each property is evaluated for possible designated areas that will still offer protection to the youth.

Recommendation

Approval of the attached ordinance is recommended. This will require a two-thirds vote of Council for approval due to separating out the playground authority under Tennessee Code Annotated §39-17-1551(e)(1).

The ordinance implements the full authority given by statute. If approved, the City will update current signage at playgrounds to including vaping and will install new signage at parks, greenways, etc. In addition, an education campaign will be started as a joint effort with the Recreation and Parks Department, the Police Department, and the City's Senior Public Information Officer to notify the public of the new ordinance.

Attachments:

[Bold Strikethrough of City Code Â§11-111 - Updated from Work Session.pdf](#)

[Smoking and Vaping - Playgrounds, Parks, Etc. - 2021.pdf](#)

**PROPOSED AMENDMENT TO CITY CODE §11-111
SMOKING AT PLAYGROUNDS PROHIBITED**

Section 11-111. Smoking, **Use of Tobacco Products, and Use of Vapor Products** at Parks, Playgrounds, **Greenways, and Public Property** Prohibited; **Exceptions**.

- (1) **Under the authority granted by Tennessee Code Annotated §39-17-1551(e)(1), it is a violation for any person to smoke and/or use vapor products on the grounds of any City-owned playground.**¹
- (2) **Under the authority granted by Tennessee Code Annotated §39-17-1551(f)(1), is a violation for any person to use tobacco products and/or vapor products on the grounds of any public park, public greenway, or any public property that is accessible to use by youth (ex. library, civic center) provided such property is owned or controlled by the city.**
- ~~(2)~~ (3) As used in this section:
 - A. "Playground" is any indoor or outdoor facility that is intended for recreation of children.²
 - B. ~~"Smoking"~~ **Smoke** means the burning of a tobacco product, hemp product, or any other drug or substance, but does not include the use of a vapor product.
 - C. **"Tobacco product" means any product that contains tobacco and is intended for human use.**²
 - D. "Grounds" means the entire real property upon which a **park, playground, greenway, or public property** is located, as determined by the property lot lines, including the parking areas and any permanent or temporary restroom facilities. **"Grounds" specifically does not include buildings, sidewalks, or roads for all public property other than playgrounds.**³
 - E. **"Greenway" means (1) an open space area following a natural or man-made linear feature designed to be used for recreation, transportation, and conservation, and to link services or facilities; and/or (2) a paved, gravel-covered, woodchip-covered, or wood-covered path that connects one greenway entrance with another greenway entrance.**²
 - F. "Youth" means persons under twenty-one (21) years of age.²
 - G. **"Vapor product" means (1) any noncombustible product containing nicotine or any other substance that employs a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce or emit a visible or non-visible vapor, and/or (2) includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product, and any vapor cartridge, any substance used to refill a vapor cartridge, or other container of a solution containing nicotine or any other substance that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product. "Vapor product" specifically does not include any product regulated under Chapter V of the Food, Drug, and Cosmetic Act (21 U.S. C. §351 et seq.).**^{3 4}
- (4) **Exceptions. The City Manager is authorized, but not required, to establish designated areas within these properties where smoking and/or the use of tobacco products and/or vapor products are permitted. Such areas will be designated by appropriate signage.**

End Notes:

- ¹ It is proposed to keep the playground language separate from remaining public properties and to clarify that the playground prohibition is governed by Tennessee Code Annotated §39- 17-1551(e)(1). This subsection does not include the limiting language that is contained in Tennessee Code Annotated §39-17-1551(f)(1) regarding sidewalks, which means the prohibition on smoking and the use of vapor products would apply to the sidewalks inside of playgrounds thereby offering greater protection to children.
- ² These are defined terms within Tennessee Code Annotated §39-17-1551.
- ³ Tennessee Code Annotated §39-17-1551(f)(2) specifically states the prohibition against the use of tobacco products and vapor products does not apply to buildings, sidewalks, and roads. This is only applicable to the properties listed in subsection (f). Keeping the playgrounds under the authority of subsection (e) allows sidewalks inside of playgrounds—but not the other properties—to be subject to the prohibition.
- ³ Vapor product is a defined term in Tennessee Code Annotated §39-17-1503.
- ⁴ In the ordinance as proposed for adoption, the definitions have been organized alphabetically.

TITLE

AN ORDINANCE TO AMEND TITLE 11, TITLED "MUNICIPAL OFFENSES," CHAPTER 1, TITLED "MISCELLANEOUS," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 11-111, TITLED "SMOKING AT PLAYGROUNDS PROHIBITED," AND SUBSTITUTING THEREFOR A NEW SECTION 11-111, TITLED "SMOKING, USE OF TOBACCO PRODUCTS, AND USE OF VAPOR PRODUCTS AT PARKS, PLAYGROUNDS, GREENWAYS, AND PUBLIC PROPERTY PROHIBITED; EXCEPTIONS," TO EXPAND THE PROHIBITION AGAINST SMOKING ON PLAYGROUNDS TO INCLUDE THE USE OF VAPING PRODUCTS AND TO PROHIBIT THE USE OF TOBACCO PRODUCTS AND VAPOR PRODUCTS TO PARKS, GREENWAYS, AND OTHER CITY-OWNED PROPERTY THAT IS ACCESSIBLE BY YOUTH.

WHEREAS, in light of the CDC's and U.S. Surgeon General's publications on secondhand smoke, City Council adopted City Code §11-111 to prohibit smoking on playgrounds under the authority granted by Tennessee Code Annotated §39-17-1551(e); and

WHEREAS, through the adoption of Public Chapter 574, effective July 1, 2021, Tennessee Code Annotated §39-17-1551 was amended to allow local governments the ability to prohibit the use of tobacco products and vapor products on public parks, playgrounds, greenways, and other public property accessible for use by youth as long as the property is owned or controlled by the local government; and

WHEREAS, the City Council desires to utilize the full authority granted by this new legislation.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

Section 1. Title 11, titled, "Municipal Offenses," Chapter 1, titled "Miscellaneous," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 11-111, titled "Smoking at Playgrounds Prohibited," and substituting therefor a new Section 11-111, titled "Smoking, Use of Tobacco Products, and Use of Vapor Products at Parks, Playgrounds, Greenways, and Public Property Prohibited; Exceptions," said new section to read as follows:

Section 11-111. Smoking, Use of Tobacco Products, and Use of Vapor Products at Parks, Playgrounds, Greenways, and Public Property Prohibited; Exceptions.

- (1) Under the authority granted by Tennessee Code Annotated §39-17-1551(e)(1), it is a violation for any person to smoke and/or use vapor products on the grounds of any City-owned playground.
- (2) Under the authority granted by Tennessee Code Annotated §39-17-1551(f)(1), is a violation for any person to use tobacco products and/or vapor products on the grounds of any public park, public greenway, or any public property that is accessible to use by youth (ex. library, civic center) provided such property is owned or controlled by the city.
- (3) As used in this section:
 - A. "Greenway" means (1) an open space area following a natural or man-made linear feature designed to be used for recreation, transportation, and conservation, and to link services or facilities; and/or (2) a paved, gravel-covered, woodchip-covered, or wood-covered path that connects one greenway entrance with another greenway entrance.
 - B. "Grounds" means the entire real property upon which a park, playground, greenway, or public property is located, as determined by the property lot lines, including the parking areas and any permanent or temporary restroom facilities. "Grounds" specifically does not include buildings, sidewalks, or roads for all public property other than playgrounds.

- C. "Playground" is any indoor or outdoor facility that is intended for recreation of children.
- D. "Smoke" means the burning of a tobacco product, hemp product, or any other drug or substance, but does not include the use of a vapor product.
- E. "Tobacco product" means any product that contains tobacco and is intended for human use.
- F. "Vapor product" means (1) any noncombustible product containing nicotine or any other substance that employs a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce or emit a visible or non-visible vapor, and/or (2) includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product, and any vapor cartridge, any substance used to refill a vapor cartridge, or other container of a solution containing nicotine or any other substance that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product. "Vapor product" specifically does not include any product regulated under Chapter V of the Food, Drug, and Cosmetic Act (21 U.S. C. §351 et seq.).
- G. "Youth" means persons under twenty-one (21) years of age.

- (4) Exceptions. The City Manager is authorized, but not required, to establish designated areas within these properties where smoking and/or the use of tobacco products and/or vapor products are permitted. Such areas will be designated by appropriate signage.

Section 2. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:

 Tammy M. Dunn, City Attorney

 Warren L. Gooch, Mayor

 Mary Beth Hickman, City Clerk

First Reading: _____
 Publication Date: _____
 Second Reading: _____
 Publication Date: _____
 Effective Date: _____

SUBSTITUTE ORDINANCE

ORDINANCE NO. _____

TITLE

AN ORDINANCE TO AMEND TITLE 11, TITLED "MUNICIPAL OFFENSES," CHAPTER 1, TITLED "MISCELLANEOUS," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE, BY DELETING SECTION 11-111, TITLED "SMOKING AT PLAYGROUNDS PROHIBITED," AND SUBSTITUTING THEREFOR A NEW SECTION 11-111, TITLED "SMOKING, USE OF TOBACCO PRODUCTS, AND USE OF VAPOR PRODUCTS AT PARKS, PLAYGROUNDS, GREENWAYS, AND PUBLIC PROPERTY PROHIBITED; EXCEPTIONS," TO EXPAND THE PROHIBITION AGAINST SMOKING ON PLAYGROUNDS TO INCLUDE THE USE OF VAPING PRODUCTS AND TO PROHIBIT THE USE OF TOBACCO PRODUCTS AND VAPOR PRODUCTS TO PARKS, GREENWAYS, AND OTHER CITY-OWNED PROPERTY THAT IS ACCESSIBLE BY YOUTH.

WHEREAS, in light of the CDC's and U.S. Surgeon General's publications on secondhand smoke, City Council adopted City Code §11-111 to prohibit smoking on playgrounds under the authority granted by Tennessee Code Annotated §39-17-1551(e); and

WHEREAS, through the adoption of Public Chapter 574, effective July 1, 2021, Tennessee Code Annotated §39-17-1551 was amended to allow local governments the ability to prohibit the use of tobacco products and vapor products on public parks, playgrounds, greenways, and other public property accessible for use by youth as long as the property is owned or controlled by the local government; and

WHEREAS, the City Council desires to utilize the authority granted by this new legislation.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

Section 1. Title 11, titled, "Municipal Offenses," Chapter 1, titled "Miscellaneous," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by deleting Section 11-111, titled "Smoking at Playgrounds Prohibited," and substituting therefor a new Section 11-111, titled "Smoking, Use of Tobacco Products, and Use of Vapor Products at Parks, Playgrounds, Greenways, and Public Property Prohibited; Exceptions," said new section to read as follows:

Section 11-111. Smoking, Use of Tobacco Products, and Use of Vapor Products at Parks, Playgrounds, Greenways, and Public Property Prohibited; Exceptions.

- (1) Under the authority granted by Tennessee Code Annotated §39-17-1551(e)(1), it is a violation for any person to smoke and/or use vapor products on the grounds of any City-owned playground.
- (2) Under the authority granted by Tennessee Code Annotated §39-17-1551(f)(1), is a violation for any person to use tobacco products and/or vapor products on the grounds of any public park, public greenway, or any public property that is accessible to use by youth (ex. library, civic center) provided such property is owned or controlled by the city.
- (3) As used in this section:
 - A. "Greenway" means (1) an open space area following a natural or man-made linear feature designed to be used for recreation, transportation, and conservation, and to link services or facilities; and/or (2) a paved, gravel-covered, woodchip-covered, or wood-covered path that connects one greenway entrance with another greenway entrance.
 - B. "Grounds" means the entire real property upon which a park, playground, greenway, or public property is located, as determined by the property lot lines, including any permanent or temporary restroom facilities but exclusive of the parking areas. "Grounds" specifically does not include buildings, sidewalks, or roads for all public property other than playgrounds.

- C. "Playground" is any indoor or outdoor facility that is intended for recreation of children.
- D. "Smoke" means the burning of a tobacco product, hemp product, or any other drug or substance, but does not include the use of a vapor product.
- E. "Tobacco product" means any product that contains tobacco and is intended for human use.
- F. "Vapor product" means (1) any noncombustible product containing nicotine or any other substance that employs a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce or emit a visible or non-visible vapor, and/or (2) includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product, and any vapor cartridge, any substance used to refill a vapor cartridge, or other container of a solution containing nicotine or any other substance that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product. "Vapor product" specifically does not include any product regulated under Chapter V of the Food, Drug, and Cosmetic Act (21 U.S.C. §351 et seq.).
- G. "Youth" means persons under twenty-one (21) years of age.

- (4) Exceptions. The City Manager is authorized, but not required, to establish designated areas within these properties where smoking and/or the use of tobacco products and/or vapor products are permitted. Such areas will be designated by appropriate signage.

Section 2. The City shall make efforts to educate the public regarding this ordinance through the use of media outlets and other communications tools. While warnings may be issued by law enforcement as part of the education effort, enforcement through the use of citations shall not occur prior to February 1, 2022.

Section 3. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:

 Tammy M. Dunn, City Attorney

 Warren L. Gooch, Mayor

 Mary Beth Hickman, City Clerk

First Reading: _____
 Publication Date: _____
 Second Reading: _____
 Publication Date: _____
 Effective Date: _____

OAK RIDGE CITY COUNCIL MEMORANDUM

DATE: December 13, 2021

TO: Mark S. Watson, City Manager

FROM: Jon Hetrick , Recreation & Parks Director

SUBJECT: Award of a Contract for Track Resurfacing at Blankenship Field

Introduction

Track resurfacing at Blankenship Field is a component of the Blankenship Field Revitalization Project, an ongoing collaboration between the City of Oak Ridge and the Blankenship Field Revitalization Foundation. Track resurfacing is one of the final phases of the project that is being funded in part through a grant from the Tennessee Department of Environment and Conservation (TDEC).

Funding

This project is funded in part by a Local Parks and Recreation Fund (LPRF) grant administered by the Tennessee Department of Environment and Conservation (TDEC) Recreational Services (RES) Division. This is a 50/50 matching grant, with the match provided by the Blankenship Field Revitalization Foundation.

Background

In 2016, the City and the Blankenship Field Revitalization Foundation partnered to apply for an LPRF grant from TDEC for the Blankenship Field Revitalization project. The project was approved for grant funding and a fully executed grant contract began on January 1, 2018. Initial phases of the project included installation of a synthetic turf playing surface for the football field, construction of a new fence securing the field and the installation of an accessible restroom to serve both Blankenship Field and users of the adjacent Cedar Hill Greenway access. The initial grant expired on June 30, 2020.

Two phases of the project remain incomplete; resurfacing of the track around the field and the construction of an accessible path to the greenway trailhead. A second contract for the remainder of the TDEC grant funding was executed, with a beginning date of September 15, 2021.

A request for bids was advertised by the city in October 2021. In addition to advertising the project, sixteen (16) potential bidders were contacted. Four (4) bidders were present at the mandatory pre-bid meeting held on November 2, 2021. Sealed bids were opened on November 18, 2021. One bidder, Baseline Sports Construction, LLC, submitted a bid for the project. Baseline Sports Construction is a well-known contractor in East Tennessee and has previously done quality work for the city. Approval of this contract will allow the completion of one of the two final phases of the Blankenship Field Revitalization project.

Recommendation

Staff recommend approval of a contract with Baseline Sports Construction, LLC of Knoxville Tennessee for resurfacing of the walking/running track at Blankenship Field, pending approval of the Tennessee Department of Environment and Conservation (TDEC) Recreational Education Services (RES) Division to accept the Baseline Sports bid and issue a Notice to

Proceed.

Attachments:

[BlankenshipBidAbstract.pdf](#)

[Resolution - Blankenship Field Track.docx](#)

**CITY OF OAK RIDGE, TENNESSEE
Abstract of Bids**

FY2022-065

OPENING DATE: November 18, 2021 2:00 P.M.

FOR --- Blankenship Revitalization Project - Track Resurfacing			BIDDER: Baseline Sports Construction, LLC 3600 Henson Road Knoxville, TN 37921		BIDDER:		BIDDER:		BIDDER:	
DESCRIPTION			UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL
FURNISH ALL LABOR, MATERIALS, TOOLS, AND EQUIPMENT NECESSARY TO PERFORM ALL WORK AND SERVICES FOR BLANKENSHIP REVITALIZATION PROJECT - TRACK RESURFACING PER THE SPECIFICATIONS PROVIDED BY THE CITY OF OAK RIDGE RECREATION AND PARKS DEPARTMENT				\$ 49,568.00						
TOTAL PRICE			align="right">\$ 49,568.00							
TERMS			align="right">Net 30							
DELIVERY			align="right">Per Contract							
F.O.B.			align="right">Oak Ridge							
VIA			align="right">Best Way							

Advertised on the City's website for 39 days.

OTHER BIDDERS CONTACTED:

Competition Athletic Surfaces, Inc. - Chattanooga, TN
 Advance Athletic Surfaces, LLC - Woodstock, GA
 SealMaster of Nashville - Nashville, TN
 Abacus Sports Installers, LTD - Lancaster, PA
 Pro Track and Tennis - Omaha, NE
 Sport Surfaces - West Palm Beach, FL

Keystone Sports Construction - Exton, PA
 Hellas Construction, Inc.- Austin, TX
 Americourt Sport Surfaces, Inc. - Raleigh, NC
 All American Tracks Corporation - Amherst, OH
 Vasco Sports - Massillon, OH
 ATT Sports, Inc. - Berlin, NJ

Beynon - Hunt Valley, Maryland
 Merit Construction - Knoxville, TN
 PolySport - Nashville, TN
 First Place Finish - Oak Ridge, TN

BIDS OPENED AND RECORDED BY---

Lyn Majeski
 Lyn Majeski
 Purchasing Manager

REASON FOR AWARD:

ONLY BID RECEIVED	<input checked="" type="checkbox"/>
LOW PRICE	<input type="checkbox"/>
BETTER OR REQUIRED DESIGN	<input type="checkbox"/>
EARLY DELIVERY	<input type="checkbox"/>
LOWEST TOTAL COST	<input type="checkbox"/>

RECOMMEND AWARD BE MADE TO:

Baseline Sports Construction, LLC
3600 Henson Road
Knoxville, TN 37921

BIDS REVIEWED BY---

Dallas Dyce
 Dallas Dyce
 Accounting Manager

RESOLUTION

A RESOLUTION AWARDING A CONTRACT (FY2022-065) TO BASELINE SPORTS CONSTRUCTION, LLC, KNOXVILLE, TENNESSEE, FOR THE RESURFACING OF THE WALKING/RUNNING TRACK AT BLANKENSHIP FIELD IN AN AMOUNT NOT TO EXCEED \$49,568.00.

WHEREAS, by Resolution 8-86-2021, City Council authorized acceptance of a Local Parks and Recreation Fund (LPRF) grant in an amount up to \$500,000.00 from the Tennessee Department of Environment and Conservation (TDEC) for remaining improvements to Blankenship Field, said grant requiring a fifty percent (50%) local match provided by the Blankenship Field Revitalization Foundation; and,

WHEREAS, the City issued an invitation to bid for the furnishing of all labor, tools, materials, and equipment necessary to resurface the walking/running track at Blankenship Field which is one of two remaining improvements on the property; and,

WHEREAS, bids were received and publicly opened on November 18, 2021, with Baseline Sports Construction, LLC, submitting the sole bid, which bid the City Manager recommends be accepted.

NOW, THEREFORE, BE RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved, and a contract is hereby awarded to Baseline Sports Construction, LLC, 3600 Henson Road, Knoxville, Tennessee 37921, for all tools, materials, equipment, and labor necessary to resurface the walking/running track at Blankenship Field; said award in strict accordance with FY2022-065, the required specifications, and the bid as publicly opened on November 18, 2021, and in an amount not to exceed \$49,568.00.

BE IT FURTHER RESOLVED that said contract will be funded through a Local Parks and Recreation Fund grant administered by the Tennessee Department of Environment and Conservation, with the local match provided by the Blankenship Field Revitalization Foundation.

BE IT FURTHER RESOLVED that, prior to issuance of a notice to proceed, the contractor's bid must be approved by the Tennessee Department of Environment and Conservation Recreational Education Services Division.

BE IT FURTHER RESOLVED that the Mayor and/or City Manager are hereby authorized to execute the appropriate legal instruments to accomplish the same.

This 13th day of December 2021.

APPROVED AS TO FORM AND LEGALITY:

Tammy M. Dunn, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

OAK RIDGE CITY COUNCIL MEMORANDUM

DATE: December 13, 2021
TO: Honorable Mayor and City Council
FROM: Jack Suggs , Deputy City Manager
SUBJECT: Resolution Amending Resolution 11-123-2021

Introduction

An item for Council consideration is a Resolution amending Resolution 11-123-2021 regarding modifications to the Property Transfer Agreement for Parcels 002.00 and 003.00, Anderson County Control Map 099N, Group 8. The modifications are required due to the business plan for development of the Parcels.

Funding

Adoption of the resolution does not have financial cost and does not modify the taxing and TIFF conditions as explained in Agenda Item IX.e from the November 8, 2021 meeting.

Background

At its November 8, 2021 meeting, City Council approved two items related to the development of property along Tulane Avenue between the existing Main Street Lofts and Illinois Avenue. The action supported a development concept focused on two multi-story apartment buildings, a mixed use component and 19,100 SF of retail development.

On December 1, staff was contacted by the potential developer requesting changes to one of these Council approved actions, Resolution 11-123-2021. The changes do not affect the development concepts, the proposed tax abatement or impact the repayment of the TIFF loans. Neither do they further delay minimum tax payments due.

As adopted, Resolution 11-123-2021 allows assignment of the Property Transfer Agreement between the City of Oak Ridge and Oak Ridge Illinois, LLC (approved and then previously modified by resolutions 12-93-2016, 7-79-2019 and 8-99-2019, respectively) to Main Street Capital Partners, LLC.

In an email dated December 1, 2021, Mr. Daniel Smith stated that the entity for the project is actually "Mainstreet Capital Partners 3, LLC" instead of "Mainstreet Partners, LLC" and requested the resolution be modified to recognize this new entity. Additionally, while the resolution authorized assignment to "Mainstreet Partners, LLC" he request that the assignment be made to R&R Enterprises, who would then contribute the actual property as an equity contribution to Mainstreet Capital Partners 3, LLC.

To facilitate this business arrangement, the assignment of Resolution 11-123-2021 needs to be amended to allow assignment of the Property Transfer Agreement to "R&R Enterprises and assigns."

Staff has reviewed this request and believes that it does not affect the intent of City Council or

change the nature of the development concept. Further, there are no known negative impacts to the City or the proposed development as a result of this change.

Recommendation

Staff recommends approval of the attached resolution.

Attachments:

[20211202_Suggs, Jack.pdf](#)

[Resolution 11-123-2021.pdf](#)

[Resolution - Amendment to Resolution 11-123-2021.docx](#)

Suggs, Jack

From: Daniel Smith <daniel@smithlawtn.com>
Sent: Wednesday, December 1, 2021 8:58 PM
To: Suggs, Jack
Subject: Language of Resolutions Re: Amendment of Property Transfer Agreement

Jack,

We've noticed a few problems with the language of the ordinance that unfortunately needs to get fixed before the land can be purchased from Realty Link.

For tax reasons, R&R Enterprises is going to purchase the land and contribute it as an equity contribution in and to Mainstreet Capital Partners 3, LLC.

However, the property transfer agreement ("PTA") does not permit the sale of the property. The recent resolution to amend the PTA changes this; but only as to the sale and transfer of Parcel 1 to Mainstreet Capital Partners, LLC (which owns Mainstreet Phase 1 and can't own any other property per our deed of trust).

Therefore, we need to amend the resolution as follows:

- a. The second bullet point regarding the sale and transfer of Parcel 1 needs to replace mainstreet capital partners, llc with "R&R Enterprises and assigns" (so it can ultimately be transferred by R&R and to Mainstreet Capital Partners 3, LLC).
- b. The first bullet point also needs to be amended to allow assignment to "R&R Enterprises and assigns" for the same reason.
- c. The 4th whereas / recital needs to be amended by replacing the reference to "Mainstreet Capital Partners, LLC" with "Mainstreet Capital Partners 3, LLC).

The resolution involving the PILOT does not require any amendments.

If you have any questions or concerns, please give me a call at the number below.

Best regards,

Daniel Smith, Esq.
PO BOX 50124
Knoxville, TN 37950
865-406-0938

RESOLUTION

A RESOLUTION AUTHORIZING MODIFICATIONS TO THE PROPERTY TRANSFER AGREEMENT BETWEEN THE CITY AND TN OAK RIDGE ILLINOIS LLC FOR A NEW DEVELOPMENT CONCEPT FOCUSED ON TWO MULTI-STORY APARTMENT BUILDINGS WITH A RETAIL AND MIXED-USE COMPONENT.

WHEREAS, by Resolution 12-93-2016, City Council authorized an Agreement for the Transfer of Real Property (the "Agreement") between the City and TN Oak Ridge Illinois LLC for the transfer of land previously known as Parcels 482 and 483 and now known as Parcels 002.00 and 003.00, Anderson County Control Map 099N, Group 8, ("Parcel 1" and "Parcel 2"), upon which the former American Museum of Science and Energy was located; and,

WHEREAS, by Resolution 7-79-2019, City Council authorized modifications to the Agreement to allow for the intended development of Parcel 2 to move forward, which development is now known as Main Street Lofts; and,

WHEREAS, by Resolution 8-99-2019, City Council authorized modifications to the Agreement regarding tax revenue conditions and community oriented amenities; and,

WHEREAS, Main Street Capital Partners, LLC, the developer of Main Street Lofts, has expressed its desire to purchase Parcel 1 for development of multi-story mixed-use apartment and retail facilities; and,

WHEREAS, the City Manager, TN Oak Ridge Illinois LLC, and Main Street Capital Partners, LLC, have negotiated modifications to the Agreement to allow the development of Parcel 1 to move forward, which the City Manager recommends City Council approve.

NOW, THEREFORE, BE RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved, and the City is hereby authorized to amend the Agreement for the Transfer of Real Property (the "Agreement") as originally authorized by Resolution 12-93-2016 and amended by Resolutions 7-79-2019 and 8-99-2019, as follows:

- Allow assignment of the entire Agreement to Main Street Capital Partners, LLC.
- Modify Section 5 to allow for transfer of both Parcel 1 and the associated tax revenue requirements from TN Oak Ridge Illinois LLC to Mainstreet Capital Partners, LLC, and delay the requirement of at least \$140,000.00 per year in new property taxes by Tax Year 2022 to Tax Year 2023.
- Modify paragraph 2c provisions regarding subdivision of Parcel 1 into outparcels as required.


BE IT FURTHER RESOLVED that the Mayor and/or City Manager are hereby authorized to execute the appropriate legal instruments to accomplish the same.

This 8th day of November 2021.

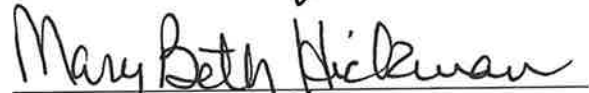
APPROVED AS TO FORM AND LEGALITY:



Tammy M. Dunn, City Attorney



Warren L. Gooch, Mayor



Mary Beth Hickman, City Clerk

RESOLUTION

A RESOLUTION TO AMEND RESOLUTION 11-123-2021, WHICH RESOLUTION MODIFIES THE PROPERTY TRANSFER AGREEMENT BETWEEN THE CITY AND TN OAK RIDGE ILLINOIS LLC TO FACILITATE A NEW DEVELOPMENT CONCEPT FOCUSED ON TWO MULTI-STORY APARTMENT BUILDINGS WITH A RETAIL AND MIXED-USE COMPONENT, TO CORRECT ENTITY NAMES REGARDING THE PROJECT.

WHEREAS, by Resolution 11-123-2021, City Council authorized an amendment to the Transfer of Real Property (the "Agreement") between the City and TN Oak Ridge Illinois LLC for the transfer of land previously known as Parcels 482 and 483 and now known as Parcels 002.00 and 003.00, Anderson County Control Map 099N, Group 8, ("Parcel 1" and "Parcel 2"), upon which the former American Museum of Science and Energy was located; and

WHEREAS, said Resolution 11-123-2021 modified the Agreement as follows: (1) allowed the assignment of the Agreement to Main Street Capital Partners LLC, (2) modified Section 5 to allow for the transfer of Parcel 1 and the associated tax revenues requirements to Mainstreet Capital Partners, LLC, and delay the requirement of at least \$140,000.00 per year in new property taxes by Tax Year 2022 to Tax Year 2023, and (3) modified Paragraph 2c provisions regarding subdivision of Parcel 1 into outparcels as required; and,

WHEREAS, the City has been notified by the developer that amendments to Resolution 11-123-2021 are necessary due to the business plan for the development – the entity name needs to change from "Main Street Capital Partners, LLC" to "R&R Enterprises and assigns," with respect to the assignment of the agreement and transfer of the parcel, and the entity name needs to change from "Main Street Capital Partners, LLC" to "Mainstreet Capital Partners 3, LLC" with respect to the last recital regarding negotiations of the modifications; and,

WHEREAS, the requested amendments to Resolution 11-123-2021 do not affect the development concepts, the proposed tax abatement, or impact the repayment of the Tax Increment Financing (TIF) loans.

NOW, THEREFORE, BE RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the Resolution 11-123-2021 is hereby amended as follows:

- To replace the entity name "Main Street Capital Partners, LLC" in the first two bullet points with the phrase "R&R Enterprises and assigns," and
- To replace the entity name "Main Street Capital Partners, LLC" with "Mainstreet Capital Partners 3, LLC" in the final recital (whereas) regarding negotiations of the modifications.

BE IT FURTHER RESOLVED that the Mayor and/or City Manager are hereby authorized to execute the appropriate legal instruments to accomplish the same.

This 13th day of December 2021.

APPROVED AS TO FORM AND LEGALITY:

Tammy M. Dunn, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

OAK RIDGE CITY COUNCIL MEMORANDUM

DATE: December 13, 2021

TO: Mark S. Watson, City Manager

FROM: Wayne Blasius , Community Development Director

SUBJECT: Grant Application Approval - TMobile Hometown Grant

SUPPORTING DEPARTMENT: Community Development

Introduction

In keeping with the City Blueprint objective of being 'Uniquely Oak Ridge,' the plan for Wilson Street includes various design cues and icons to ensure that our future 'downtown' corridor is unmistakably 'us.' One element is the idea of adorning intersections with icons of the 'values' of the Blueprint Plan – science, education, nature. An example might be an intersection with an atom or periodic table in the center, and DNA strands as crosswalks. (see attached plan brochure for examples) This grant, if received, would pay to do the first intersection.

This grant, from the T-Mobile phone company, does not require local matching funds.

Funding

No local funds are required.

Background

As noted, the downtown vision calls for creating a place that locals will take pride in, and visitors will recognize as special, by way of icons and adornment that say 'Oak Ridge,' vs 'anywhere-USA.' One highly visible element in the plan, is to depict the 'values' of the Blueprint plan on the corridor's intersections. This allows the street itself to help tell our story. It also is a unique attraction that helps businesses market themselves as part of something special, therefore accelerating the success of the district. If awarded, this grant could fund the completion of the intersection nearest the proposed new development under the Oak Ridge Land Bank recent Request for Proposals.

The work would be accomplished by application of high-grade thermoplastic that is adhered to the asphalt. City staff have conferred with other cities that have used the product and found it to be safe, durable and attractive.

Recommendation

Resolution authorizing Community Development to apply for a non-matching grant from TMobile, to be used for intersection improvement at Wilson ST & Main Street East, in accordance with the Downtown Vision.

Attachments:

[OR Downtown Brochure - update 12-30-20.pdf](#)

[Resolution - Tmobile Grant.docx](#)

Re-Imagine Oak Ridge!

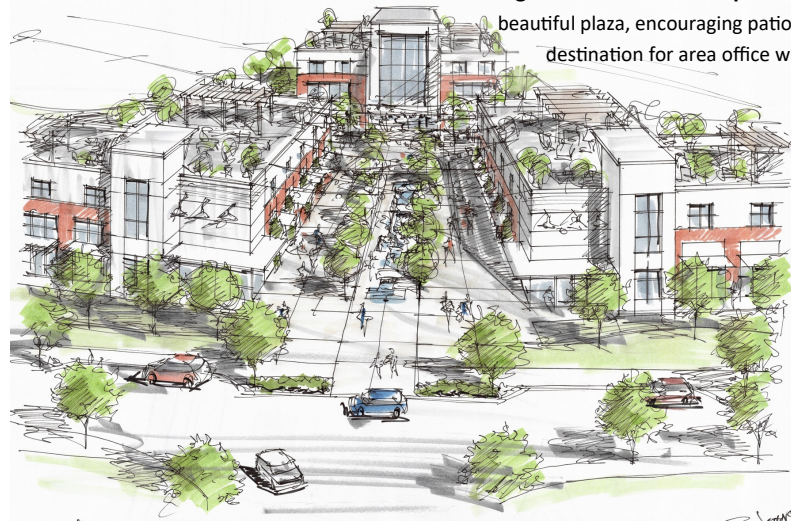
Our new Downtown can provide a place for Oak Ridgers to gather, celebrate, eat, drink, live, work and play!

With design elements that are uniquely Oak Ridge, we can create a heart that locals and visitors alike will recognize as a special place.



Bird's Eye View
from high above the new AMSE, looking west toward the existing Staples and Starbucks.

Looking south from the Turnpike along Main Street West New shops and restaurants surround a beautiful plaza, encouraging patio dining, a safe place for children to run and play, and a daytime destination for area office workers to gather for meetings over coffee or lunch with friends.



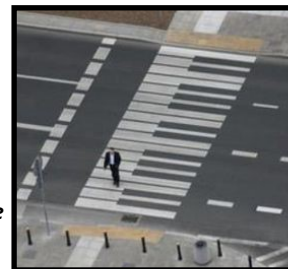
A new roundabout on Rutgers Avenue can provide a beautiful entrance to Downtown and Main Street shopping and make it easier for Woodland neighbors to cross on foot, biking or pushing a stroller.



View looking east into our new downtown area. This location provides easy access to and from Bissell Park/Municipal Building/Library/Senior Center.



The design can incorporate **uniquely Oak Ridge** symbolism.



a Development-Oriented Vision for DOWNTOWN OAK RIDGE

Oak Ridge was born during the Manhattan Project without a centralized, mixed-use downtown. Over the decades, multiple plans have called for creating such a place - where Oak Ridgers can live, work and play! The Wilson Street corridor, bordering Main Street shopping near the new American Museum of Science & Energy (AMSE) location and easily accessible from the Turnpike and A.K. Bissell Park, provides a great opportunity to finally have a distinctive, uniquely Oak Ridge place for us to gather. The existence of a more urban environment, featuring apartments, condos, restaurants, local shops, offices and beautiful green space, will attract new and different businesses to Oak Ridge — helping to fortify our tax base. The vision shown here is intended to inform and engage citizens, property owners and investors, to create support and new development activity.

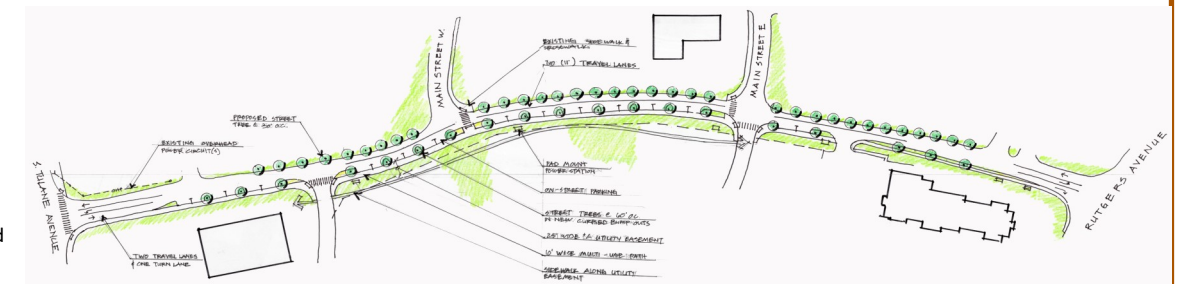
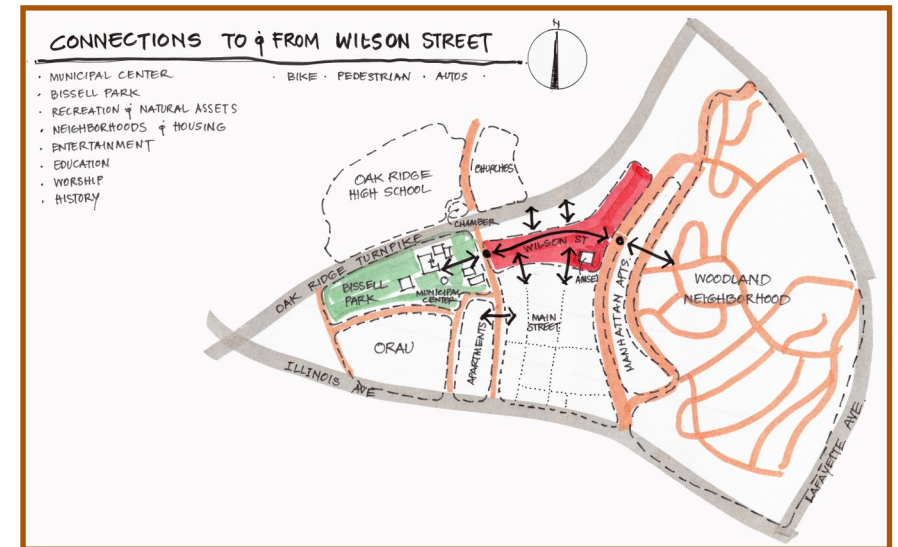
Design Objectives

The planning represented here was guided by recent Main Street Plan (PUD) amendments to ensure that the corridor will have a consistent character. The intention is to transform a suburban-style street into our new downtown and include the following characteristics:

- **MIXED-USE:** include a mixture of retail, restaurant, residential, and/or offices, with **residential element being a critical ingredient;**
- **MULTI-STORY:** define the street with multi-story buildings located at back of sidewalk (i.e. no parking lots between buildings and street);
- **STREETScape:** install attractive landscaping, sidewalks, street furniture, etc. to provide a beautiful setting for pedestrians, bicyclists, shoppers and residents;
- **PEDESTRIAN CONNECTIVITY:** emphasize connectivity from Wilson Street to the core of the Main Street development, nearby Bissell Park, and surrounding neighborhoods and retail.

The street lanes will be narrowed and on-street parking and street trees added, resulting in a more pedestrian and bike-friendly environment. This reimagined environment along with new, higher density lofts and apartments will create 24/7 activity and demand for new shops and restaurants. Local residents and visitors alike will enjoy new choices for eating, drinking, shopping, and community gathering in an inviting setting.

A tree-lined street, featuring generous sidewalks, bikeway, benches, landscaping, and on-street parking, can create a place that invites shopping, strolling and meeting friends and neighbors.



Planning work was conducted through a grant from the **Tennessee Department of Transportation**, administered via the regional **Transportation Planning Organization**.

Consultants: AECOM; IBI Placemaking (former CRJA); Johnson Architecture; Sizemore Group; Ben Johnson, Illustration; Noell Consulting Group

Prepared by the City of Oak Ridge:

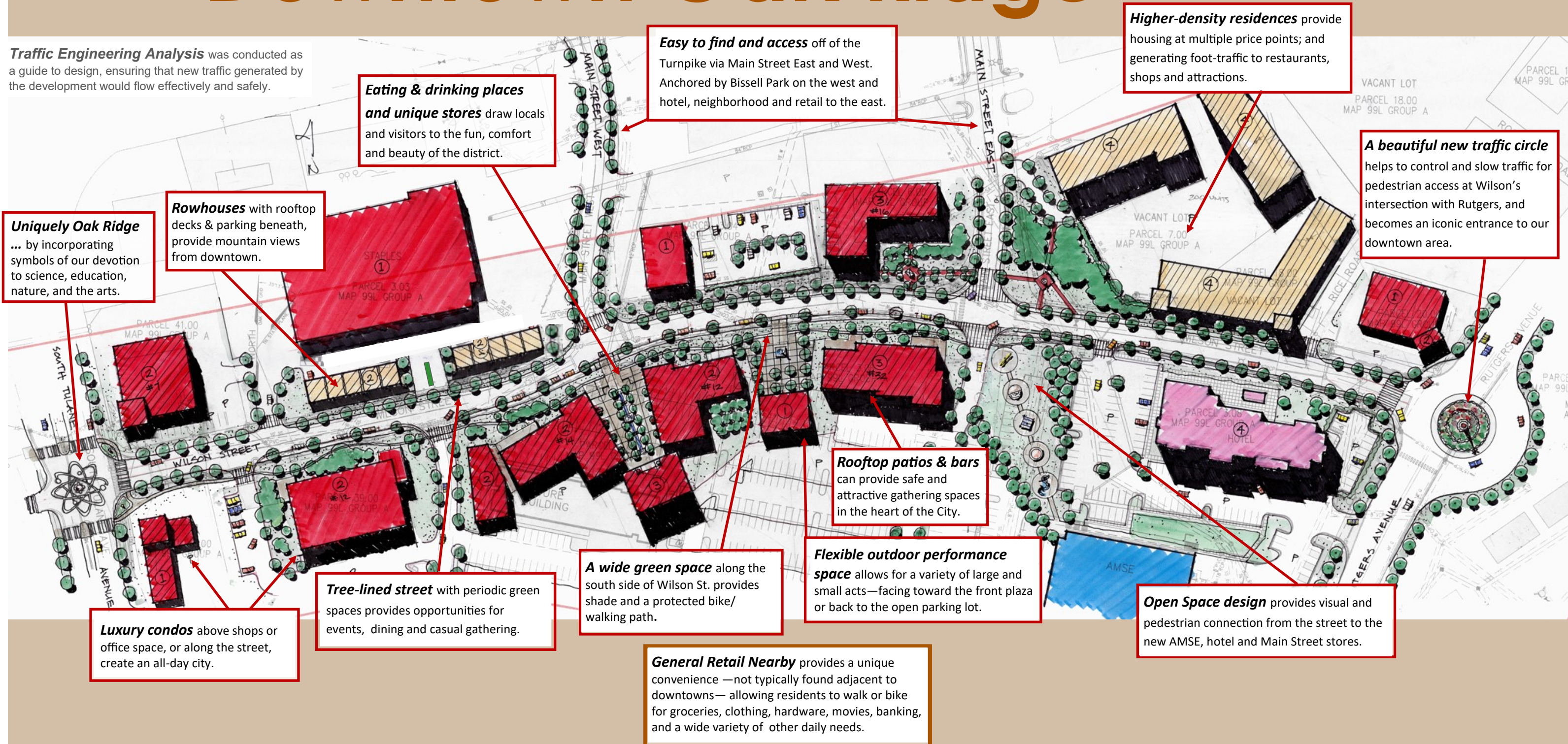
Mark Watson, City Manager
Rick Chinn, Mayor Pro Tem/Stakeholder Group Convener
Wayne Blasius, Community Development Director
Nathalie Schmidt, Senior Planner
Bryan Mills, PE, Civil Engineer
Missy Shehan, Senior Engineering Technician

a Development-Oriented
VISION

for
Downtown Oak Ridge

This is not a prescriptive plan, but a vision for an intimate, walkable and urban place with buildings addressing the street, flanked by generous sidewalks and streetscapes. Restaurants, shops, offices, apartments, condominiums, and green spaces combine to make a vibrant new district. Parking is easily accessible on-street and behind or under buildings.

Traffic Engineering Analysis was conducted as a guide to design, ensuring that new traffic generated by the development would flow effectively and safely.



Uniquely Oak Ridge
... by incorporating symbols of our devotion to science, education, nature, and the arts.

Rowhouses with rooftop decks & parking beneath, provide mountain views from downtown.

Eating & drinking places and unique stores draw locals and visitors to the fun, comfort and beauty of the district.

Easy to find and access off of the Turnpike via Main Street East and West. Anchored by Bissell Park on the west and hotel, neighborhood and retail to the east.

Higher-density residences provide housing at multiple price points; and generating foot-traffic to restaurants, shops and attractions.

A beautiful new traffic circle helps to control and slow traffic for pedestrian access at Wilson's intersection with Rutgers, and becomes an iconic entrance to our downtown area.

Rooftop patios & bars can provide safe and attractive gathering spaces in the heart of the City.

A wide green space along the south side of Wilson St. provides shade and a protected bike/walking path.

Flexible outdoor performance space allows for a variety of large and small acts—facing toward the front plaza or back to the open parking lot.

Open Space design provides visual and pedestrian connection from the street to the new AMSE, hotel and Main Street stores.

Luxury condos above shops or office space, or along the street, create an all-day city.

Tree-lined street with periodic green spaces provides opportunities for events, dining and casual gathering.

General Retail Nearby provides a unique convenience —not typically found adjacent to downtowns— allowing residents to walk or bike for groceries, clothing, hardware, movies, banking, and a wide variety of other daily needs.

RESOLUTION

A RESOLUTION AUTHORIZING THE CITY TO APPLY FOR, AND ACCEPT IF AWARDED, A T-MOBILE HOMETOWN GRANT FOR AN INTERSECTION IMPROVEMENT AT WILSON STREET AND MAIN STREET EAST IN ACCORDANCE WITH THE VISION FOR DOWNTOWN OAK RIDGE.

WHEREAS, grant funds are available from the T-Mobile Hometown Grant Program to fund small town (populations less than 50,000) community projects up to \$50,000.00 per town, with no local match requirement; and,

WHEREAS, by Resolution 1-7-2020, City Council endorsed a vision for the Wilson Street Corridor, known as the vision for "Downtown Oak Ridge," to use as a guideline for the City to create an area that is uniquely Oak Ridge; and,

WHEREAS, one of the elements of the vision for Downtown Oak Ridge is incorporating images depicting the values of science, nature, education, and arts, such as the installation of graphics on the asphalt at intersections or DNA strands as crosswalks; and,

WHEREAS, the City would like to apply for a T-Mobile Hometown grant to install an image using high-grade thermoplastic at the intersection of Wilson Street and Main Street East in accordance with the vision for Downtown Oak Ridge; and,

WHEREAS, applications are accepted on a quarterly basis with the current quarter's applications due by December 31, 2021, and grants are expected to be awarded in February 2022; and,

WHEREAS, the City Manager recommends the City submit the grant application and accept the grant if awarded.

NOW, THEREFORE, BE RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved, and the City is hereby authorized to apply for, and accept if awarded, a T-Mobile Hometown Grant in an amount not to exceed \$50,000.00 for an intersection improvement at Wilson Street and Main Street East in accordance with the vision for Downtown Oak Ridge; said grant requiring no local match.

BE IT FURTHER RESOLVED that the Mayor and/or City Manager are hereby authorized to execute the appropriate legal instruments to accomplish the same.

This 13th day of December 2021.

APPROVED AS TO FORM AND LEGALITY:

Tammy M. Dunn, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

OAK RIDGE CITY COUNCIL MEMORANDUM

DATE: December 13, 2021

TO: Mark S. Watson, City Manager

FROM: Ardo Ba , Electric Director

SUBJECT: Purchase of Three-Phase Pad Mounted Transformers.

Introduction

An item for City Council's consideration is a resolution making an award to Power Supply Company, LLC, Chattanooga, Tennessee, in an amount not to exceed \$747,275.85 for the purchase of eleven three-phase pad mounted transformers in the sizes and voltages specified.

Funding

Funding is through the Electric Fund. Funding was included under "Routine Expansion, Maintenance, Replacement and Minor Additions including Transformers" in the 2022 budget document.

Background

The electric system uses distribution transformers to provide power at voltages needed by its customers. We purchase three different types of transformers; single-phase pole mounts, single-phase pad mounts and three-phase pad mount units. We strive to maintain a reasonable stock of the various sizes and voltage configurations for new customers and for emergency replacements.

Three-phase pad mount transformers are used primarily to serve larger commercial and industrial loads. Typical loads for these sizes and types of transformers include the Oak Ridge Methodist Medical Center, Jackson Plaza, Oak Ridge High School, Manufacturing Sciences Corporation, among others. The units being ordered will be placed in stock for new loads and will be used for system maintenance and emergency replacement purposes. Demand for the units depends a great deal on the development taking place and the severity of the weather. Based on our experience, we believe the number of units purchased will meet our needs for the next 12 to 18 months. The last similar order was placed in 2018.

Transformer bids are not evaluated on the basis of low bid but rather based on the Total Life Cycle Cost. Total Life Cycle Cost includes not only the purchase price of the unit, but also the value of the energy used by the unit itself over its lifetime (termed losses). Typically, more efficient transformers cost more to manufacture than those that have poor energy efficiency. Using Total Life Cycle Cost as the award criteria balances the two factors to the economic benefit of the system. As a side benefit, more efficient transformers are generally quieter and may resist mechanical failure better. This technique for transformer award is a standard industry practice of which the bidders are advised before the bid.

Failure to approve this resolution will result in the Electric Department either making purchases at higher cost under emergency conditions or not meeting our customer's electric needs.

Recommendation

Approval of the attached resolution is recommended.

Attachments:

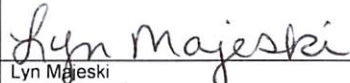

[Transformer Bid Abstract.pdf](#)

[Resolution - Transformers.docx](#)

**CITY OF OAK RIDGE, TENNESSEE
Abstract of Bids**

RFQ 174377

OPENING DATE: November 23, 2021 2:00 P.M.

FOR: THREE PHASE PAD MOUNT TRANSFORMERS			BIDDER: Power Supply Company, LLC 1907 Daisy Street Chattanooga, TN 37406		BIDDER: Wesco Distribution, Inc. 427 Parks Village Road Knoxville, TN 37923		BIDDER: Technology International, Inc. 1349 S. International Parkway Suite 2411 Lake Mary, FL 32746		BIDDER: Gresco Supply 448 Brick Church Park Drive Nashville, TN 37207		
DESCRIPTION	ITEM #	QUANTITY	UNIT COST / LIFE CYCLE UNIT COST	TOTAL / TOTAL	UNIT COST / LIFE CYCLE UNIT COST	TOTAL / TOTAL	UNIT COST / LIFE CYCLE UNIT COST	TOTAL / TOTAL	UNIT COST / LIFE CYCLE UNIT COST	TOTAL / TOTAL	
THE FURNISHING OF THREE PHASE PAD MOUNT TRANSFORMERS FOR FY2022 PER THE SPECIFICATIONS PROVIDED BY THE CITY OF OAK RIDGE ELECTRIC DEPARTMENT											
MANUFACTURER:			WEG		ABB		Southwest Electric Company		ERMCO		
3-PAD-1000-480/277 1000 kVA <i>Evaluated Life Cost (Memo Only)</i>	1	4	\$ 27,843.00 <i>\$ 48,151.60</i>	\$ 111,372.00 <i>\$ 192,606.40</i>	\$ 39,487.30 <i>\$ 58,987.20</i>	\$ 157,949.20 <i>\$ 235,948.80</i>	\$ 42,840.00 <i>\$ 64,667.50</i>	\$ 171,360.00 <i>\$ 258,670.00</i>	\$ 47,290.00 <i>\$ 66,896.85</i>	\$ 189,160.00 <i>\$ 267,587.40</i>	
3-PAD-2000-480/277 2000 kVA <i>Evaluated Life Cost (Memo Only)</i>	2	4	\$ 36,290.00 <i>\$ 64,835.75</i>	\$ 145,160.00 <i>\$ 259,343.00</i>	\$ 51,580.50 <i>\$ 78,989.85</i>	\$ 206,322.00 <i>\$ 315,959.40</i>	\$ 61,230.00 <i>\$ 93,880.00</i>	\$ 244,920.00 <i>\$ 375,520.00</i>	\$ 71,760.00 <i>\$ 103,825.75</i>	\$ 287,040.00 <i>\$ 415,303.00</i>	
3-PAD-2500-480/277 2500 kVA <i>Evaluated Life Cost (Memo Only)</i>	3	3	\$ 55,766.00 <i>\$ 98,442.15</i>	\$ 167,298.00 <i>\$ 295,326.45</i>	\$ 78,502.40 <i>\$ 121,238.50</i>	\$ 235,507.20 <i>\$ 363,715.50</i>	\$ 84,480.00 <i>\$ 132,195.00</i>	\$ 253,440.00 <i>\$ 396,585.00</i>	\$ 84,910.00 <i>\$ 125,873.35</i>	\$ 254,730.00 <i>\$ 377,620.05</i>	
TOTAL PURCHASE ORDER PRICE			\$ 423,830.00	\$ 423,830.00	\$ 599,778.40	\$ 599,778.40	\$ 669,720.00	\$ 669,720.00	\$ 730,930.00	\$ 730,930.00	
<i>TOTAL EVALUATED LIFE CYCLE COST</i>			<i>\$ 747,275.85</i>	<i>\$ 747,275.85</i>	<i>\$ 915,623.70</i>	<i>\$ 915,623.70</i>	<i>\$ 1,030,775.00</i>	<i>\$ 1,030,775.00</i>	<i>\$ 1,060,510.45</i>	<i>\$ 1,060,510.45</i>	
TERMS			NET 30 DAYS	NET 30 DAYS	NET 30 DAYS	NET 30 DAYS	NET 30 DAYS	NET 30 DAYS	NET 30 DAYS	NET 30 DAYS	
DELIVERY			44 - 46 WEEKS	44 - 46 WEEKS	30 - 32 WEEKS	30 - 32 WEEKS	38 - 42 WEEKS	38 - 42 WEEKS	30 - 35 WEEKS	30 - 35 WEEKS	
F.O.B.			OAK RIDGE, TN	OAK RIDGE, TN	OAK RIDGE, TN	OAK RIDGE, TN	OAK RIDGE, TN	OAK RIDGE, TN	OAK RIDGE, TN	OAK RIDGE, TN	
VIA			BEST WAY	BEST WAY	BEST WAY	BEST WAY	BEST WAY	BEST WAY	BEST WAY	BEST WAY	
Advertised on the City's Website for 28 days OTHER BIDDERS CONTACTED: Irby Electrical Distributor - La Vergne, TN (Howard Industries) The above Bidder also submitted a Bid. Border States Industries, Inc. - Nashville, TN (GE PROLEC)							BIDS OPENED AND RECORDED BY---  Lyn Majeski Purchasing Manager				
REASON FOR AWARD: ONLY BID RECEIVED <input type="checkbox"/> LOW PRICE <input type="checkbox"/> BETTER OR REQUIRED DESIGN <input type="checkbox"/> EARLY DELIVERY <input type="checkbox"/> LOWEST TOTAL COST <input type="checkbox"/> LOWEST EVALUATED LIFE COST <input checked="" type="checkbox"/>			RECOMMEND AWARD, BASED ON TOTAL LIFE CYCLE COST Power Supply Company, LLC 1907 Daisy Street Chattanooga, TN 37406				BIDS REVIEWED BY---  Janice McGinnis Finance Director				

NUMBER _____

RESOLUTION

A RESOLUTION AUTHORIZING THE PURCHASE OF THREE-PHASE PAD MOUNTED TRANSFORMERS FROM POWER SUPPLY COMPANY, LLC, CHATTANOOGA, TENNESSEE, IN AN AMOUNT NOT TO EXCEED \$747,275.85 FOR USE BY THE ELECTRIC DEPARTMENT.

WHEREAS, the City of Oak Ridge operates an electric distribution utility, providing electricity to its citizens, such system requiring transformers for the delivery of electric power at usable voltages; and,

WHEREAS, the City of Oak Ridge has issued invitations to bid for the purchase of three-phase pad mounted transformers for use in its electric distribution system; and,

WHEREAS, bids were received and publicly opened on November 23, 2021, with Power Supply Company, LLC, Chattanooga, Tennessee, submitting the lowest and best bid based upon life cycle cost, which bid the City Manager recommends be accepted.

NOW, THEREFORE, BE RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved, and award is hereby made to Power Supply Company, LLC, 1907 Daisy Street, Chattanooga, Tennessee, 37406, for the furnishing of eleven (11) three-phase pad mounted transformers; said award in strict accordance with Request No. 174377, the required specifications, and the bid as received and publicly opened on November 23, 2021, and in an amount not to exceed \$747,275.85.

BE IT FURTHER RESOLVED that the Mayor and/or City Manager are hereby authorized to execute the appropriate legal instruments to accomplish the same.

This 13th day of December 2021.

APPROVED AS TO FORM AND LEGALITY:

Tammy M. Dunn, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk

OAK RIDGE CITY COUNCIL MEMORANDUM

DATE: December 13, 2021

TO: Mark S. Watson, City Manager

FROM: Amy Fitzgerald , Information Services Director

SUBJECT: A Resolution to Adopt the City of Oak Ridge, Tennessee 2022 State Legislative Agenda to Inform State Officials of Key Projects, Policies, and Priorities in the City of Oak Ridge, and to Help Secure Funding for Agreed Upon Priorities of the Community.

SUPPORTING DEPARTMENT: -None-

Introduction

An item for the December 13th City Council agenda is the approval of the City of Oak Ridge, Tennessee 2022 State Legislative Agenda. The resolution also authorizes transmittal to members of the Tennessee General Assembly as the official 2022 state legislative agenda for the City of Oak Ridge.

Funding

There is no funding associated with this item.

Background

Each year the City develops a list of projects, policies, and priorities that are submitted to our representatives in the Tennessee General Assembly to assist them in advocating on behalf of the City of Oak Ridge.

The draft was developed with an emphasis on current City initiatives, staff input, and a review of agendas of other local governments and key organizations.

While the agenda is intended to be comprehensive, issues may arise during the year that require further action. Once approved, the agenda will be distributed to the appropriate officials.

Recommendation

Approval of the attached resolution.

Attachments:

[Resolution- Legislative Agenda.pdf](#)

NUMBER _____

RESOLUTION

A RESOLUTION TO ADOPT THE *CITY OF OAK RIDGE, TENNESSEE 2022 STATE LEGISLATIVE AGENDA* TO INFORM STATE OFFICIALS OF KEY PROJECTS, POLICIES, AND PRIORITIES IN THE CITY OF OAK RIDGE, AND TO HELP SECURE FUNDING FOR AGREED UPON PRIORITIES OF THE COMMUNITY.

WHEREAS, the Oak Ridge City Council desires to develop a state legislative agenda as an instrument to inform state officials of key projects, policies, and priorities in the City of Oak Ridge, and to help secure funding for agreed upon priorities of the community; and,

WHEREAS, the City Manager recommends the approval of the *City of Oak Ridge, Tennessee 2022 State Legislative Agenda* to inform state officials of key projects, policies, and priorities in the City of Oak Ridge, and to help secure funding for agreed upon priorities of the community; and,

WHEREAS, while the *City of Oak Ridge, Tennessee 2022 State Legislative Agenda* is intended to be comprehensive, issues may arise during the course of the year that require further action.

NOW, THEREFORE, BE RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and the attached *City of Oak Ridge, Tennessee 2022 State Legislative Agenda* is hereby adopted to inform state officials of key projects, policies, and priorities in the City of Oak Ridge, and to help secure funding for agreed upon priorities of the community.

BE IT FURTHER RESOLVED that the Mayor and City Manager are hereby authorized to execute the appropriate legal instruments to accomplish the same.

BE IT FURTHER RESOLVED that the *City of Oak Ridge, Tennessee 2022 State Legislative Agenda* be transmitted to members of the Tennessee General Assembly as the official 2022 state legislative agenda for the City of Oak Ridge.

This 13th day of December 2021.

APPROVED AS TO FORM AND LEGALITY:

Tammy M. Dunn, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk



City of Oak Ridge, Tennessee
2022 State Legislative Agenda

- (1) Continue funding and support for the proposed general aviation airport in Oak Ridge.
- (2) Include municipal governments with school systems in the decision-making process regarding Basic Education Program (BEP) reforms. Thirty-nine (39) municipal school systems represent some of the best performing schools within the state and have expertise on key issues such as fiscal impacts, local capacity, and maintenance of effort. Currently, no municipal government officials have been appointed to the Funding Review Subcommittee, the Fiscal Responsibility Subcommittee, or the Suburban District/Municipals Subcommittee. This oversight excludes a major stakeholder group which provides funding for school systems in Tennessee.
- (3) Support the Tennessee Municipal League initiative to authorize local governments to provide remote participation in meetings of government bodies to conduct city business during times when the requirement for physical presence can impede the conduct of city business if a quorum cannot be achieved.
- (4) Include funding for the replacement of the City's Water Treatment Plant in Tennessee's American Rescue Plan Water Infrastructure Investment Plan. The project is shovel ready and should be considered among the state's highest priorities, both in demonstrated need and return on investment. The State's Plan should authorize direct funding of municipal projects to help ensure that funding is spent on urgent needs of municipal systems, to enhance procedural efficiencies, and to reduce unnecessary administrative costs.
- (5) Support the Tennessee Advisory Council on Intergovernmental Relations (TACIR)'s systematic review of the grant implementation and enforcement process in Tennessee. The study is to include recommendations on how the grant system can work more efficiently and be less burdensome, particularly with additional work stemming from the ARPA and federal infrastructure programs.
- (6) Support funding and prioritization by TDOT for the Edgemoor Road construction project, and work with City officials on final designs to incorporate pedestrian and bicycle traffic, and fire station site.
- (7) Ensure Oak Ridge's participation in Tennessee Department of Environment and Conservation decisions related to federal facilities in Oak Ridge.

(8) Actively comment to state agencies on school financing proposals and their financial impacts upon the Oak Ridge Community.

(9) Oppose school voucher programs and urge the General Assembly to limit implementation until impacts are systematically examined and mitigated.

(10) Support the effective use of infrastructure grants, technical training, and related incentives to promote local economic development, investment, scientific innovations, and job creation.

(11) Utilize local governments as partners in accomplishing state projects and to assist in coordination of implementation.

(12) Oppose legislation which preempts local government; promote local opt-in/opt-out choices on legislative initiatives, such as the new law authorizing prohibition of vaping on public playgrounds.

OAK RIDGE CITY COUNCIL MEMORANDUM

DATE: December 13, 2021

TO: Mark S. Watson, City Manager

FROM: Beth Hickman , City Clerk

SUBJECT: Meeting Schedule for Calendar Year 2022

SUPPORTING DEPARTMENT: City Manager

Introduction

An item for City Council's consideration is a resolution establishing a time and location of all regular City Council meetings and work session, which includes provisions to adjust meeting dates, times, and locations as needed.

Funding

N/A

Background

In reviewing Article II, Section 1 of the City Charter, it states "The council shall hold regular meetings in Oak Ridge at least once monthly. Increased frequency, time of day, and place of its meetings shall be established by resolution." Since 2013, the resolution establishing the meeting scheduled has had built-in flexibility. The proposed resolution for the 2022 calendar year continues to provide flexibility to schedule meeting dates of City Council in correlation with city business. A sample calendar has been drafted outlining when the meeting dates/times will typically occur. The historical practice of scheduling the regular City Council meetings on the second Monday of each month has been continued. Work session meetings have been continued typically on the third Tuesday of each month and will continue to be held in the Municipal Building Courtroom for the foreseeable future. There are exceptions to the third Tuesday of the month meeting days on the 2022 calendar in February and March so that the work sessions will not be held one day after the City Council meetings. Also, in November and December, it is proposed that no work session be scheduled, as they would either fall the day after the Council meetings or during the holiday week. Additionally, it is proposed that regular meetings begin at 7:00 p.m. and work sessions begin at 6:00 p.m. Work sessions are targeted for a duration of two (2) hours.

As before, the resolution contains a provision allowing the City Manager to reschedule regular meetings upon ample notification to Council and the public. There are several advantages to allowing the rescheduling of regular meetings, including the ability to conduct city business in time-sensitive cases, completing complex items/projects requiring close calendar coordination, allowing for presence of a quorum, and saving money on advertising costs on ads that merely note a date, time, or location change.

The resolution does not impact special meetings of Council. Per Article II, Section 2 of the City Charter, special meetings may be called upon written request of the City Manager, the Mayor, or any two (2) councilmembers upon twenty-four hours' written notice. Business

transacted at special meetings is limited to the subject(s) specified in the meeting notice.

In 2022, the National League of Cities' Congressional City Conference and the Tennessee Municipal League Legislative Conference occur at the same time, March 14-16, and the March City Council meeting falls within the meeting time of both conferences. Should attendance at any conferences affect the regular Council meeting or work session, the meetings can be rescheduled in accordance with the approved resolution. The proposed calendar for 2022 will also include dates for upcoming Energy Communities Alliance meetings, Tennessee Municipal League conferences, and Tennessee and International City Managers' Association meetings. Dates for many conferences are yet to be determined at this time.

The month of June includes two scheduled meetings for public hearings and first and second reading on the proposed budget. A special called meeting for the presentation of the budget would be scheduled at a later date after coordinating with the Board of Education. As proposed, Monday, June 6, 2022 would be the public hearing and first reading of the budget ordinance, and the agenda for Monday, June 13, 2022 would include a second public hearing and second reading of the budget ordinance.

Recommendation

Approval of the attached resolution is recommended.

Attachments:

[2022 Council Meeting CalendarFINAL.pdf](#)

[Resolution - Council Meeting Schedule 2022.docx](#)

2022 - COUNCIL CALENDAR

January						
S	M	T	W	T	F	S
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31						

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25	26	27	28	29	30	31

OBSERVED HOLIDAYS

January 1	New Year's Day
January 17	Martin Luther King Day
February 21	President's Day
April 15	Good Friday
May 30	Memorial Day
July 4	Independence Day
September 5	Labor Day
November 24 -25	Thanksgiving
December 23 -26	Christmas

COUNCIL MEETINGS

7:00 p.m.	Municipal Building Courtroom Second Monday of Each Month
June 6 & 13	Public Hearings, Budget Approval

COUNCIL WORK SESSIONS

6:00 p.m.	Municipal Building Courtroom Third Tuesday of Each Month
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ADDITIONAL DATES / CONFERENCES

	ECA Annual Meeting (Location and Date TBD)
March 14 -16	NLC - Congressional City Conference Washington, DC
March 14 -15	TML 2022 Legislative Conference Doubletree, Nashville, TN
April 6 -8	TCMA Spring Conference Franklin, TN
	ECA Meeting (Date and Location TBD)
August 13 -16	TML 2022 Annual Conference Gatlinburg, TN
September 18 -21	ICMA Annual Conference Columbus, OH
	ECA National Cleanup Workshop Location and Date TBD
October 26 -28	TCMA Fall Conference Gatlinburg, TN
	Intergovernmental Meeting/ECA Board Meeting (Location and Date TBD)
	NLC Annual Summit (Location and Date TBD)
November 8	Election Day

RESOLUTION

A RESOLUTION TO GENERALLY ESTABLISH MONTHLY REGULAR CITY COUNCIL MEETINGS AND MONTHLY WORK SESSION MEETINGS FOR CALENDAR YEAR 2022.

WHEREAS, Article II, Section 1, of the Charter of the City of Oak Ridge, Tennessee, provides that City Council shall hold regular meetings at least once monthly, and that increased frequency, time of day, and place of its meetings shall be established by resolution; and

WHEREAS, City Council meetings have traditionally been held on the second Monday of each month in the Municipal Building Courtroom and work session meetings are scheduled for the third Tuesday of each month in order to not conflict with Oak Ridge Board of Education (BOE) meetings; and

WHEREAS, the City Manager desires to not commit City Council to a rigid monthly meeting schedule, but to allow for some flexibility to address matters such as emergency situations and time sensitive business; and

WHEREAS, the City Manager has prepared and recommends adoption of a proposed schedule for Calendar Year 2022.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

That the recommendation of the City Manager is approved and meetings of City Council are hereby established as follows: as required by Article II, Section 1, of the City Charter, City Council will hold a regular meeting once a month and these regular meetings will typically occur on the second Monday of each month in the Municipal Building Courtroom beginning at 7:00 p.m.

BE IT FURTHER RESOLVED that the City Manager may alter the date of a regular City Council meeting fourteen (14) days in advance of a proposed change to verify scheduling with City Council and coordination, if applicable, with the audio/visual crew.

BE IT FURTHER RESOLVED that the City Manager may alter the time or location of a regular City Council meeting with forty-eight (48) hours' advance notice to City Council and the media due to special needs or an emergency situation.

BE IT FURTHER RESOLVED that the City Manager may schedule work sessions with City Council and other meetings at which no formal action can be taken by City at his discretion, with those meetings typically occurring on the third Tuesday of each month at 6:00 p.m., provided however said meetings can be cancelled, altered, or rescheduled as needed without any formal action.

BE IT FURTHER RESOLVED that this resolution does not alter in any way the process for calling a special meeting of City Council per Article II, Section 2, of the City Charter.

This 13th day of December 2021.

APPROVED AS TO FORM AND LEGALITY:

Tammy M. Dunn, City Attorney

Warren L. Gooch, Mayor

Mary Beth Hickman, City Clerk