MINUTES
SPECIAL CALLED COUNTY COMMISSION MEETING
OCTOBER 14, 2024

BE IT REMEMBERED THAT THE MAURY COUNTY COMMISSION MET THIS MONDAY EVENING, OCTOBER 14, 2024 IN THE TOM PRIMM COUNTY COMMISSION ROOM IN COLUMBIA, TENNESSEE ACCORDING TO LAW.

IN RE: PRAYER / PLEDGE

Commissioner Strahan offered the prayer and Commissioner Markham led the pledge to the flag.

PRESENT AND PRESIDING WAS CHAIRMAN MARKHAM. ALSO PRESENT WAS: JOEY ALLEN, COUNTY CLERK

THE FOLLOWING COMMISSIONERS ANSWERED PRESENT TO ROLL CALL:

PRESENT: Jerry Strahan, Pam Huffman, Patricia Hollinsworth, Eric Previti, Talvin Barner, Gary Stovall, Connie Green, Kathey Grodi, Aaron Miller, Kenny Morrow, Gabe Howard, Ray Jeter, Jerry Bridenbaugh, Kevin Markham, Tommy Wolaver, and Gwynne Evans.

TOTAL PRESENT: 16

ABSENT: Carl McCullen, Scott Sumners, Brandon Nutt, Cindy Hestla, Danny Grooms, and Chad Brothers.

TOTAL ABSENT: 6

A quorum being declared present by Chairman Markham, the following procedures were had and offered to be entered to record of wit:

IN RE: APPROVAL OF THE AGENDA

A motion was made by Commissioner Howard, seconded by Commissioner Previti.

On a roll call vote with 16 Commissioners present and voting “Aye” the agenda was approved.

IN RE: EXPLANATION OF PUBLIC COMMENT

Chairman Markham explained public comment.

Commissioner McCullen joined the meeting at 6:27 pm. The voting total is now 17.

RESOLUTION NO. 10-24-01S

RESOLUTION APPROVING LEGAL ACTION TO PROTECT WATER SERVICE TERRITORY

WHEREAS, the Maury County Board of Public Utilities ("the Board of Public Utilities") operates the public water system for Maury County, Tennessee ("the County"), pursuant to Tenn. Code Ann. § 5-16-101, *et seq.*;

WHEREAS, the County issued a $2,900,000 Water Revenue and Tax Bond, Series 2006, to the United States of America, acting through Rural Development, to finance improvements and extensions to the water system;

WHEREAS, a substantial portion of this federal loan remains outstanding;

WHEREAS, Columbia Power and Water Systems, acting on behalf of the City of Columbia, Tennessee, has taken steps to provide water service to properties to which the Board of Public Utilities already made water service available;

WHEREAS, the County desires to maintain a strong and independent water system under the Board of Public Utilities and to ensure the repayment of the federal loan from water system revenue; and

WHEREAS, the County Attorney has a conflict of interest that prevents him from representing the County in this matter.

NOW, THEREFORE, BE IT RESOLVED by the Maury County Commission that the County hereby retains and employs the law firm of Herzfeld, Suetholz, Gastel, Leniski, and Wall PLLC to bring legal action against the City of Columbia, Tennessee, and any other appropriate parties to prevent and/or remedy the violation of the County's rights under 7 U.S.C. § 1926(b) and any other applicable law with respect to water service to Rock Springs Road (Map 92, Parcel 12.00) and Rock Springs Road (Map 92, Parcel 12.05).

BE IT FURTHER RESOLVED by the Maury County Commission that authority is hereby delegated to the Board of Public Utilities to decide whether to broaden the scope of the legal action to include other properties.

BE IT FURTHER RESOLVED by the Maury County Commission that the attached Legal Services Agreement is approved, and the Mayor is authorized to execute said document.

This the ____ day of _____, 2024.

_____
SHEILA K. BUTT,
County Mayor

LEGAL SERVICES AGREEMENT

Maury County, Tennessee ("the County"), hereby retains and employs the law firm of Herzfeld, Suetholz, Gastel, Leniski, and Wall PLLC ("the law firm"), to represent the County in litigation against the City of Columbia, Tennessee, and any other appropriate parties to prevent and/or remedy the violation of the County's rights under 7 U.S.C. § 1926(b) and any other applicable law with respect to water service to Rock Springs Road (Map 92, Parcel 12.00), Rock Springs Road (Map 92, Parcel 12.05), and other properties, as determined by the Maury County Commission or the Maury County Board of Public Utilities.

The County agrees to cooperate fully with the law firm in preparing and prosecuting a case for litigation. Specifically, the County agrees to cooperate in the discovery process by providing documents and information to the law firm and making the County's officers and employees available to testify at depositions, hearings, and trial.

For this representation, the law firm will be paid $400 per hour for members, $250 per hour for associates and counsel, and $150 per hour for paralegals. The law firm will also be reimbursed for any out-of-pocket costs and expenses incurred by the law firm on behalf of the County, including postage, courier fees, court fees, court reporter fees, and expert fees. All sums owed to the law firm under this Legal Services Agreement will be paid by the Maury County Board of Public Utilities. The County hereby assigns to the law firm the right to collect and keep any award of attorney's fees, costs, and expenses under 42 U.S.C. § 1988(b) or other law in excess of the fees and reimbursements paid by the Maury County Board of Public Utilities.

The law firm makes no guarantees or promises regarding the outcome of any proceeding. The law firm reserves the right to withdraw from this representation.

MAURY COUNTY, TENNESSEE

By: _____
Sheila K. Butt, County Mayor

Date: _____

HERZFELD, SUETHOLZ, GASTEL, LENISKI, AND WALL PLLC

By: _____
Michael J. Wall, member

Date: _____

A motion was made by Commissioner Previti, seconded by Commissioner Howard and on a roll call vote with 17 Commissioners present and voting "Aye", the above resolution was adopted as presented.

NEW BUSINESS / OLD BUSINESS:

PUBLIC COMMENT:

ANNOUNCEMENTS:

A MOTION WAS MADE BY COMMISSIONER PREVITI TO ADJOURN, SECONDED BY COMMISSIONER MARKHAM; CHAIRMAN MARKHAM DECLARED THE MEETING ADJOURNED.

THERE BEING NO OTHER MATTERS ON THE DOCKET OR COMING ON TO BE HEARD, THE COMMISSION ADJOURNED IN DUE COURSE.

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KEVIN MARKHAM, CHAIRMAN

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JOE H. ALLEN, COUNTY CLERK