

WASHINGTON COUNTY  
BOARD OF COUNTY COMMISSIONERS  
SPECIAL CALLED MEETING  
October 17, 2019 AGENDA

1. Call to order by Chair.
2. Prayer and Pledge to the Flag.
3. Roll Call.
4. Approval of Agenda.
5. Public Comments Regarding Agenda Items.  
*Each individual shall be given three (3) minutes to address the Board regarding Agenda items. Comments shall be limited to items on the meeting's Agenda.*
6. Public Hearings.
  - a.  
*At the conclusion of the public hearings, the Board of County Commissioners will reconvene in regular session.*

*Upon reconvening, the order of business shall continue as follows:*
7. Jonesborough School Project
  - a. Consider Resolution No. 19-10-01 *“Resolution of Support of Town of Jonesborough’s Proposed Terms for a Lease-Purchase Arrangement, and Execution of Inter-Local Agreement and Related Leases.”*
8. Adjournment.

# WASHINGTON COUNTY, TENNESSEE BOARD OF COUNTY COMMISSIONERS

## RESOLUTION No. 19-10-01

### **RESOLUTION OF SUPPORT OF TOWN OF JONESBOROUGH'S PROPOSED TERMS FOR A LEASE-PURCHASE ARRANGEMENT, AND EXECUTION OF INTER-LOCAL AGREEMENT AND RELATED LEASES**

WHEREAS, pursuant to Tenn. Code Ann. §§ 12-9-104 et seq., the County has the power to enter interlocal agreements with a municipality and other public agencies of the state to perform any governmental service, activity or undertaking which each public agency entering into the agreement is authorized by law to perform; and

WHEREAS, pursuant to Tenn. Code Ann. §§ 7-5-901 et seq., the County may contract for the purchase of capital improvements using a contract, lease, or lease/purchase arrangement; and

WHEREAS, on August 15, 2019, the town of Jonesborough introduced a lease-purchase arrangement with Washington County that would result in a new school being constructed to serve Jonesborough students ("the Jonesborough Proposal"). The concept of the Jonesborough Proposal was illustrated in sixty-five (65) pages of documents including: (1) a Question and Answer Document (Page 1-5); (2) a Site Plan (Page 6-7); (3) a Design Process (Page 8); (4) a description of Commitments (Page 9-10); (5) an Agreement between School Board, County and Town (*aka* Inter-Local Agreement) (Page 11-15); (6) a Building Lease (Page 16-40); and a (7) Recreation Facilities Lease (Page 41-65). Collectively, these documents were referred to as the "Proposed Draft Documents," Exhibit A to 19-09-05); and

WHEREAS, the Inter-Local agreement sets out the responsibilities of the Town of Jonesborough, Washington County, and the Washington County Board of Education as contemplating a mutually beneficial relationship to effectively build a community facility to include recreation facilities and a multipurpose building, primarily for use of the Board of Education as a school facility; and

WHEREAS, the Inter-Local Agreement requires the Town to execute a Building Lease, and serve as Lessor of the primary building to be constructed as part of the project, and execute the Recreation Facilities Lease and serve as the Lessor of the grounds and facilities for recreation space; and

WHEREAS, the Inter-Local Agreement requires the County to execute a Building Lease, and serve as Lessee of the primary building to be constructed as part of the project, and execute the Recreation Facilities Lease and serve as the Lessee of the grounds and facilities for recreation space; and

WHEREAS the Building Lease and the Recreation Facilities Lease are referred to collectively as the Leases; and

WHEREAS, the Washington County Board of Education, at its August 29, 2019 Called Meeting considered the Jonesborough Proposal and voted to approve a revised version of the Inter-Local Agreement (the "Revised Inter-Local Agreement", Exhibit B to Resolution 19-09-05), subject to the approval by the Board of Education's attorney as to the form and substance of the Leases after a determination that they do not affect the Board of Education's interests; and

WHEREAS, on September 5, 2019, the Washington County Board of Education brought forward the Revised Inter-Local Agreement for consideration by the Health Education Welfare Committee which moved and voted to put forward to the Budget Committee the Jonesborough Proposal as illustrated by the Revised Inter-Local Agreement, subject to the review and comment by counsel for Washington County; and

WHEREAS, on September 11, 2019, the Budget Committee considered the Jonesborough Proposal as illustrated by the Revised Inter-Local Agreement and voted to develop this resolution of support for the concept to work through the due-diligence process, and to provide funding for schematic design of the project facilities; and

WHEREAS, on September 23, 2019, Jonesborough declined the initial funding, and the Washington County Board of Commissioners authorized consideration, investigation, and negotiation without delay, to allow for the identification and review of detail that would allow Washington County to perform its due diligence, to consider the risk, to determine financial impact, to review progress, and to receive the findings of the investigation and negotiation as would be relevant and beneficial to keep this project moving forward under terms and conditions that are in the best interest of Washington County, its citizens, and its taxpayers; and

WHEREAS, the Jonesborough Proposal, though preliminary, was deemed worthy of careful consideration, investigation, and negotiation without delay to allow for the identification and review of detail that allows for Washington County to perform its due diligence, to consider the risk, to determine financial impact, to review progress, and to receive the findings of the investigation and negotiation as would be relevant and beneficial to keep this project moving forward under terms and conditions that are in the best interest of Washington County, its citizens, and its tax payers; and

WHEREAS, on October 1, 2019 the Washington County Board of Commissioners held a workshop to allow for the opportunity to hear from legal counsel for Washington County who addressed Commissioner questions concerning the terms of the Jonesborough proposed lease-purchase arrangement, and an accounting professional specializing in governmental and audit services who provided additional information in response to Commissioner inquiries concerning financial issues; and

WHEREAS, the Washington County Board of Commissioners requested a special meeting to consider the Jonesborough Proposal no later than October 17, 2019; and

WHEREAS, Washington County investigated the financial and legal impact of the Jonesborough Proposal, and negotiated to integrate terms that protect the interest of Washington County, its citizens, and its tax-payers, and provided its most recent set of revised terms to Jonesborough on October 2, 2019; and

WHEREAS, on October 9, 2019 and October 10, 2019, Jonesborough provided Washington County with further revised terms which also incorporated comment by the Board of Education; and

WHEREAS, on October 10, 2019, Washington County posted the Jonesborough's most recent terms in an 82-page document on its website in compliance with Tenn. Code Ann. § 7-51-904(a); and

WHEREAS, Washington County finds the Jonesborough Proposal, as set out in the terms published on October 10, 2019, to be worthy, and in the best interest of Washington County, its citizens, and its taxpayers and therefore seeks to enter the lease-purchase arrangement and inter-local agreement; now therefore

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, TENNESSEE THAT:

SECTION 1. The Washington County Board of Commissioners finds the Jonesborough Proposal, as set out in the terms published on October 10, 2019, to be worthy, and in the best interest of Washington County, its citizens, and its taxpayers.

SECTION 2. The Washington County Mayor is hereby authorized to execute the documents between the Town of Jonesborough and Washington County, Tennessee subject to the review of the County Attorney's Office.

SECTION 3. This Resolution shall take effect from and after the date on which it is approved by the County Mayor or as indicated by certification of the County Clerk, as hereinafter set forth.

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**Introduced by Commissioner:**  
**Seconded by Commissioner:**  
**Commissioners Voting FOR:**  
**Commissioners Voting AGAINST:**  
**Commissioners Abstaining:**  
**Commissioners Absent:**

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ADOPTED BY THE COUNTY LEGISLATIVE BODY, in session duly assembled, on this the 17<sup>th</sup> day of October, 2019.

KATHY STOREY, County Clerk

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GREG MATHERLY, Chair of the Board

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REFERRED to County Mayor this the \_\_\_\_ day of \_\_\_\_\_ 2019.

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KATHY STOREY, County Clerk

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APPROVED by County Mayor on this the \_\_\_\_ day of \_\_\_\_\_ 2019.

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WILLIAM J. GRANDY, County Mayor

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The County Mayor having declined to approve this Resolution, the same became effective on the \_\_ day of \_\_\_\_\_ 2019, pursuant to Tennessee Code Annotated § 5-6-107(b)(5).

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KATHY STOREY, County Clerk

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Approved as to form by the County Attorney this \_\_\_\_ day of \_\_\_\_\_ 2019.

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ALLYSON L. WILKINSON, County Attorney