

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION – Chaplain Joe Creek

ROLL CALL

PRESENT PROCLAMATION

Official Radon Action Month – Kathy Glapa, Dept. of Environment and Conservation

APPROVAL OF DECEMBER 14, 2009 MINUTES

VOTE ON ZONING RESOLUTIONS

CZ-31-2009: Application Roy Ogburn from AG to R-1

CZ-32-2009: Application of Hickory Wild LLC c/o Clay Powers from E-1 to R-1

CZ-33-2009: Application of Pat & Rhonda Markham from AG to E-1

VOTE ON OTHER RESOLUTIONS

10-1-1: Resolution Establishing Private Ambulance Operations and Establishing Montgomery County Government as the Exclusive Provider of Emergency Patient Transport within the Borders of Montgomery County

10-1-2: Resolution to Accept Office of Domestic Preparedness State Homeland Security Grant Program 2009-SS-T9-0086, and to Appropriate Funds

10-1-3: Resolution to Accept Tennessee Department of Agriculture, Division of Forestry Volunteer Fire Assistance Grant Program

10-1-4: Resolution of the Montgomery County Board of Commissioners to Apply for a Grant from the Recreation Trail Program (RTP) by the Tennessee Department of Environment and Conservation for Rotary Park

UNFINISHED BUSINESS

REPORTS

1. County Clerk's Report – (requires approval by Commission)

REPORTS FILED

1. December 2009 Permit Revenue and Adequate Facilities Tax Reports
2. Accounts & Budgets Monthly Report
3. Projects & Facilities Report
4. Trustee's Report

NOMINATING COMMITTEE NOMINATIONS – Ginger Miles, Chairperson

COUNTY MAYOR NOMINATIONS AND APPOINTMENTS – Mayor Bowers

ANNOUNCEMENTS

ADJOURN

**RESOLUTION OF THE MONTGOMERY COUNTY BOARD OF
COMMISSIONERS
AMENDING THE ZONE CLASSIFICATION OF THE PROPERTY OF
ROY OGBURN**

WHEREAS, an application for a zone change from AG Agricultural District to R-1 Single Family Residential District has been submitted by Roy Ogburn and

WHEREAS, said property is identified as County Tax Map 082, parcel 028.00, containing 19.8 acres, situated in Civil District 13, located 3688 Trough Springs Road; and

WHEREAS, said property is described as follows:

Beginning at a point in the south right-of-way of Trough Springs Road, said point being 243 +/- feet west of Cedarmont Drive and Trough Springs Road intersection, said point also being the northeast corner of the John Ogburn property; thence with the east and south line of Ogburn in a southerly and westerly direction, 504 +/- feet to a point being in the east line of the Charles Ogburn property; thence with Ogburn's east and south line in a southerly and westerly direction, 440 +/- feet to a point in the east line of the Robert Schutz property; thence with the east line of Schutz and the Thomas Bryant property in a southerly direction, 663 +/- feet to a point in the north right-of-way of Interstate 24 west bound lane; thence with the north right-of-way of Interstate 24 in a southeasterly direction, 1084 +/- feet to a point being the southwest corner of the Billy Powell property; thence with the west line of Powell in a northerly direction 681 +/- feet to a point, said point being the southwest corner of the Nicholas Meriwether property; thence with the west line of Meriwether in a northerly direction, 372 +/- feet to a point; said point being in the west line of the Billy Powell property, thence with the west line of Powell in a northerly direction 343 feet to a point in the south right-of-way of Trough Springs Road thence with the south right of way of Trough Springs Road in a northwesterly direction, 478 +/- feet to the point of beginning, containing 19.8 +/- acres (Tax Map 082, Parcel 028.00).

WHEREAS, the Planning Commission staff recommends APPROVAL and the Regional Planning Commission recommends APPROVAL of said application.

NOW, THEREFORE, BE IT RESOLVED by the Montgomery County Board of County Commissioners assembled in regular session on this 11th day of January, 2010, that the zone classification of the property of Roy Ogburn from AG to R-1 is hereby approved.

Duly passed and approved this 11th day of January, 2010.

Sponsor Andrew Harts
Commissioner _____
Approved _____

Attested: _____
County Clerk

County Mayor

"EXHIBIT A"

Beginning at the intersection of Dunlop Lane and Kirkwood Road thence South 58 degrees 36 minutes 48 seconds East for a distance of 1138.80 feet to a point, said point lying in the south right of way of said Kirkwood Road, said point being the northeast corner of the Hickory Wild, LLC property, as recorded in ORV 1134, Page 463 ROMCT; Thence along said south right of way, South 83 degrees 14 minutes 19 seconds East for a distance of 1496.06 feet to a point; Thence continuing along said right of way, on a curve to the right having a radius of 106.32 feet, an arc length of 169.95 feet, a delta of 91 degrees 34 minutes 55 seconds, a tangent of 109.30 feet, and a chord bearing of South 37 degrees 26 minutes 51 seconds East for a distance of 152.42 feet; Thence along the west right of way of said Kirkwood Road, South 08 degrees 20 minutes 36 seconds West for a distance of 937.09 feet to a point; Thence continuing along said right of way, on a curve to the left having a radius of 148.69 feet, an arc length of 26.92 feet, a delta of 10 degrees 22 minutes 23 seconds, a tangent of 13.50 feet, and a chord bearing of South 03 degrees 09 minutes 25 seconds West for a distance of 26.88 feet; Thence leaving said right of way along a zone line, North 80 degrees 54 minutes 35 seconds West for a distance of 292.45 feet to a point; Thence North 08 degrees 20 minutes 36 seconds East for a distance of 771.23 feet to a point; Thence North 83 degrees 14 minutes 19 seconds West for a distance of 1308.01 feet to a point, said point lying in the east property line of said Hickory Wild, LLC property; Thence leaving said zone line, North 06 degrees 54 minutes 54 seconds East for a distance of 290.00 feet to the point of beginning. Said tract containing 15.78 acres, more or less. Said tract subject to all easements, rights of way, conveyances and restrictions of record and not of record. (Tax Map 34, Parcel 52.02)

Beginning at the intersection of Dunlop Lane and Kirkwood Road thence South 28 degrees 20 minutes 56 seconds East for a distance of 580.06 feet to a point, said point lying in the south right of way of said Kirkwood Road, said point being the northeast corner of the Joseph Fust property, as recorded in ORV 1277, Page 1556 ROMCT; Thence along said south right of way, South 83 degrees 14 minutes 19 seconds East for a distance of 701.61 feet to a point; Thence leaving said right of way, along the west property line of the CPMV Properties, INC, as recorded in ORV 1258, Page 2250 ROMCT, South 06 degrees 54 minutes 54 seconds West for a distance of 290.00 feet to a point, said point lying in the zone line; Thence along said zone line, North 83 degrees 14 minutes 19 seconds West for a distance of 718.48 feet to a point, said point lying in the east property line of said Fust property; Thence continuing along said east property line, North 10 degrees 14 minutes 37 seconds East for a distance of 290.54 feet to the point of beginning. Said tract containing 4.73 acres, more or less. Said tract subject to all easements, rights of way, conveyances and restrictions of record and not of record. (Tax Map 34, Parcel 52.03)

**RESOLUTION OF THE MONTGOMERY COUNTY BOARD OF
COMMISSIONERS
AMENDING THE ZONE CLASSIFICATION OF THE PROPERTY OF
PAT & RHONDA MARKHAM**

WHEREAS, an application for a zone change from AG Agricultural District to E-1 Single Family Estate District has been submitted by Pat & Rhonda Markham and

WHEREAS, said property is identified as County Tax Map 010, parcel 16.01 & 16.02, containing 22.56 +/- acres, situated in Civil District 13, located 330 port Royal Road and Adjacent Parcel to the Northeast. Property begins 130 +/- Feet South of The TN / KY State Line; and

WHEREAS, said property is described as follows:

“EXHIBIT A”

WHEREAS, the Planning Commission staff recommends APPROVAL and the Regional Planning Commission recommends APPROVAL of said application.

NOW, THEREFORE, BE IT RESOLVED by the Montgomery County Board of County Commissioners assembled in regular session on this 11th day of January, 2010, that the zone classification of the property of Pat & Rhonda Markham from AG to E-1 is hereby approved.

Duly passed and approved this 11th day of January, 2010.

Sponsor *Amelia Huntz*
Commissioner _____
Approved _____

Attested: _____
County Clerk

County Mayor

"EXHIBIT A"

Beginning at an iron pin (old) in the western right-of-way of Port Royal Road (S.R. 238), said iron pin being 2,448.5 feet, more or less, from the southern right-of-way of U.S. Highway 79, as measured along said western right-of-way, said iron pin being the northeast corner of the James P. Markham, ET UX property, as recorded in Official Record Volume (O.R.V.) 940, Page 298, in the Register's Office of Montgomery County, Tennessee (R.O.M.C.T.); Thence with the western right-of-way of Port Royal Road (S.R. 238), on a curve to the left, said curve having a radius of 6,446.81 feet, an arc length of 101.63 feet, a chord distance of 101.63 feet, a chord bearing of South 46 degrees 35 minutes 49 seconds East, a delta angle of 00 degrees 54 minutes 12 seconds, and a tangent of 50.81 feet to an iron pin (old), said iron pin being the northwest corner of the Bernard Wofford property, as recorded in O.R.V. 25, Page 364, R.O.M.C.T.; Thence leaving the said western right-of-way, and with the western line of the said Wofford property, South 33 degrees 06 minutes 01 second West 491.11 feet to an iron pin (old); Thence continuing with the western line of the said Wofford property, South 03 degrees 50 minutes 06 seconds West 211.35 feet to an iron pin (old), said iron pin being in the northern line of the J & J Properties property, as recorded in O.R.V. 1211, Page 341, R.O.M.C.T.; Thence with the northern line of the said J & J Properties property, South 86 degrees 35 minutes 37 seconds West 273.11 feet to an iron pin (old), said iron pin being the southeast corner of the said James P. Markham, ET UX property; Thence with the eastern line of the said Markham property for the following 3 calls: North 04 degrees 36 minutes 51 seconds East 364.28 feet to an iron pin (old); Thence South 74 degrees 02 minutes 01 second East 198.78 feet to an iron pin (old); Thence North 33 degrees 06 minutes 01 second East 477.40 feet to the point of beginning. Said Tract contains 3.024 Acres (131,727.5 sq. ft.) more or less. Property is subject to all easements, right-of-ways, covenants, and restrictions of record. Property description is based on a physical survey by Billy Ray Suiter, PLS 1837, on November 24, 2009. (Tax Map 010, Parcel 016.01)

Beginning at an iron pin (old) in the western right-of-way of Port Royal Road (S.R. 238), said iron pin being 1,280 feet, more or less, from the southern right-of-way of U.S. Highway 79, as measured along said western right-of-way, said iron pin being the northeast corner of the Joseph Reynolds property, as recorded in Official Record Volume (O.R.V.) 1258, Page 89, in the Register's Office of Montgomery County, Tennessee (R.O.M.C.T.); Thence with the western right-of-way of Port Royal Road (S.R. 238) for the following 3 calls: On a curve to the left, said curve having a radius of 2,676.46 feet, an arc length of 194.66 feet, a chord distance of 194.62 feet, a chord bearing of South 39 degrees 59 minutes 23 seconds East, a delta angle of 04 degrees 10 minutes 02 seconds, and a tangent of 97.37 feet to an iron pin (old); Thence South 42 degrees 04 minutes 24 seconds East 740.53 feet to an iron pin (old); Thence on a curve to the left, said curve having a radius of 6,446.81 feet, an arc length of 233.28 feet, a chord distance of 233.27 feet, a chord bearing of South 45 degrees 06 minutes 31 seconds East, a delta angle of 02 degrees 04 minutes 24 seconds, and a tangent of 116.65 feet to an iron pin (old), said iron pin being the northwest corner of the Rhonda C. Markham property, as recorded in O.R.V. 924, Page 972, R.O.M.C.T.; Thence leaving the said western right-of-way, and with the western line of the said Markham property for the following 3 calls: South 33 degrees 06 minutes 01 second West 477.40 feet to an iron pin (old); Thence North 74 degrees 02 minutes 01 second West 198.78 feet to an iron pin (old); Thence South 04 degrees 36 minutes 51 seconds West 364.28 feet to an iron pin (old), said iron pin being in the northern line of the J & Properties property, as recorded in O.R.V. 1211, Page 341, R.O.M.C.T.; Thence with the northern line of the said J & J Properties property, South 86 degrees 35 minutes 37 seconds West 508.56 feet to an iron pin (old), said iron pin being in the eastern line of the Lawrence Gish property, as recorded in O.R.V. 428, Page 1063, R.O.M.C.T.; Thence with the eastern line of the said Gish property, North 06 degrees 30 minutes 00 seconds East 224.72 feet to an iron pin (old), said iron pin being the southeast corner of the Joseph Reynolds property, as recorded in O.R.V. 1258, Page 89, R.O.M.C.T.; Thence with the eastern line of the said Reynolds property, North 07 degrees 18 minutes 27 seconds East 1,390.01 feet to the point of beginning. Said Tract contains 19.532 Acres (850,823.1 sq. ft.) more or less. Property is subject to all easements, right-of-ways, covenants, and restrictions of record. Property description is based on a physical survey by Billy Ray Suiter, PLS 1837, on November 24, 2009. (Tax Map 010, Parcel 016.02)

**RESOLUTION REGULATING PRIVATE AMBULANCE OPERATIONS
AND ESTABLISHING MONTGOMERY COUNTY GOVERNMENT AS THE
EXCLUSIVE PROVIDER OF EMERGENCY PATIENT TRANSPORT
WITHIN THE BORDERS OF MONTGOMERY COUNTY**

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WHEREAS, pursuant to the legal authority vested in cities and counties under the laws of the State of Tennessee, the Montgomery County Legislative Body hereby promulgates reasonable and legitimate governmental restrictions on private and nonprofit ambulance services operating in the county and formerly declares that that the Montgomery County Emergency Medical Service is the primary provider of emergency patient transport services within the County, and in so adopts regulations to guarantee the integrity and level of competence for emergency medical and patient transport services operating within ~~Montgomery County~~Clarksville-Montgomery County, and

WHEREAS, T.C.A. § 7-61-102 provides that the governing body of any county or city of the State of Tennessee may provide, maintain and do all things necessary to provide ambulance service as a public service, and

WHEREAS, T.C.A. § 7-61-103 states in pertinent part that in order to protect the public health and welfare, any county or city may adopt reasonable regulations to control the provision of private or nonprofit ambulance service, and

WHEREAS, the Montgomery County Legislative Body so declares that the operation of an ambulance service within the borders of ~~Montgomery County~~Clarksville-Montgomery County is a public service and not a business of common right, and the protection of the public health, safety and welfare outweighs the burden of these restrictions on the private and nonprofit entities they are designed to regulate, and

WHEREAS, the operation of a public ambulance service within ~~Montgomery County~~Clarksville-Montgomery County is a reasonable and legitimate governmental interest and so subject to the adoption and enforcement of local regulations and controls designed to protect the health, safety and welfare of the citizens of ~~Montgomery County~~Clarksville-Montgomery County, and

WHEREAS, it is within the legislative discretion of the Montgomery County Legislative Body to so designate an ambulance service as the subject of exclusive primary emergency and 911

service provider rights, and to further operate and maintain an ambulance service for the benefit of the citizens of ~~Montgomery County~~Clarksville-Montgomery County, and

WHEREAS, T.C.A. § 7-61-104 dictates that no county may provide and maintain, license, franchise, or contract for ambulance service within the boundaries of a city or another county, and no city may provide and maintain, license, franchise, or contract for ambulance service outside its corporate boundaries, without the approval of the governing body of the area to be served.

WHEREAS, on the 13th day of June, 1994, the Montgomery County Board of Commissioners adopted a Resolution Regulating Private Ambulance Services (94-5-5).

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NOW, THEREFORE, BE IT RESOLVED by the Montgomery County Board of Commissioners meeting in regular session this 14th 11th day of ~~December, 2009~~ January, 2010, that Resolution 94-5-5 adopted on June 13, 1994 is hereby repealed.

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NOW, THEREFORE, BE IT FURTHER RESOLVED by the Montgomery County Board of Commissioners meeting in regular session this 14th 11th day of ~~December, 2009~~ January, 2010, that this body does hereby adopt the following resolution known as the:

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MONTGOMERY COUNTY AMBULANCE REQUIREMENTS

SECTION I: Scope of Coverage

The provisions of this Resolution shall apply to all ambulance and patient transport services operating in ~~Montgomery County~~Clarksville-Montgomery County, including the Montgomery County Emergency Medical Service and other governmental, private or nonprofit ambulance services. **The provisions of this Resolution shall in no way apply to air medical services operating in ~~Montgomery County~~Clarksville-Montgomery County.**

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SECTION II: Grant of Exclusive Primary Service Provider Rights

The Montgomery County Emergency Medical Services is hereby granted the exclusive primary service right to handle all calls for emergency and 911 patient transport services.

SECTION III: Approval of Municipalities

Local municipalities within the boundaries of ~~Montgomery County~~Montgomery County will be served by the Montgomery County Emergency Medical ~~Service~~Service and subject to all inter-local agreements and contracts currently in effect. All private contracts entered into by Montgomery County Emergency Medical Service to be performed within the corporate boundaries of a municipality shall be approved by the ~~governing body of the area to be served and the~~ Montgomery County Legislative Body.

SECTION IV: Agreement with Other Counties

The Montgomery County Emergency Medical Service may also enter into agreements with other surrounding counties to provide and operate an ambulance service within another county or portions of other counties, but only with the express consent and approval of the Montgomery County Legislative Body ~~and the governing body of the county to be served.~~

SECTION V: Agreement with Private Entities

The Montgomery County Emergency Medical Service may contract with private entities, and health care facilities for patient transport services subject to the approval of the Montgomery County Legislative Body ~~and governing body of the area to be served.~~

SECTION VI: Private, Nonprofit Service Must Obtain Local Permit

No other private, nonprofit or governmental ambulance service may operate an ambulance service within Clarksville-Montgomery County, except with the proper local permit and compliance with all requirements contained herein. **All permits will expire as of ~~January~~ December 31 of each year. In ~~October~~ September of each year, the Director of EMS shall send a current copy of these Regulations and a blank application by certified mail, return receipt, to the listed address of the Service Provider. All applications shall be postmarked or delivered to the Montgomery County Mayor's Office, 1 Millennium Plaza, Suite 205, Clarksville, Tennessee, 37040 along with payment of a nonrefundable application fee in the amount of Five Hundred Dollars (\$500.00) by ~~December~~ November 1st - 1st so they may be distributed to the Director of EMS at their December meeting. Failure to submit a new application by ~~December~~ November 1st will be considered by the Director of EMS as the desire of the Service Provider that it does not wish that a new Permit be issued to that provider. This issuance of new Permits will be considered by the Director of EMS. All permits will be effective January 1 and expire December 31. Any service provider who applies for a permit during the calendar year will be entitled to a proration of the non-refundable permit fee as applicable to each circumstance, at their January meeting.**

All permitted services shall give notification within seven (7) days of any change of ownership. In any service provider which is operated as a corporation, LLC, or any other business organization which is comprised of individuals who hold representative shares, i.e., shareholders, members, limited partners, etc., a change of ownership shall be defined as a fifty percent (50%) or greater change in ownership composition. Any change of ownership as described above shall necessitate the application for a new permit by new service provider.

Each Service Provider shall also submit payment of a nonrefundable Permit Fee in the amount of Four Thousand Five Hundred Dollars (\$4,500.00) to the Montgomery County Mayor prior to being issued a Permit. Should the Service Provider submit an application for a Permit after December 1, the nonrefundable Permit Fee shall be prorated to the date that the Permit is issued by the Director of Montgomery County EMSEmergency Medical Service,

SECTION VII: Deferred Emergency and/or 911 Calls, Local Permit Required

~~Only those private or nonprofit ambulance services properly permitted and meeting all county requirements and regulations outlined below will be allowed to handle deferred emergency and/or 911 calls for service arising within Clarksville-Montgomery County-Private or nonprofit Basic Life Support ambulance services properly permitted and meeting all county requirements and regulations outlined herein may be allowed to handle emergency and/or 911 calls should the call(s) be deferred by the Director or designee of Montgomery County Emergency Medical Services. Deferral may be made to private or nonprofit ambulance services not properly permitted and/or not meeting all county requirements and regulations outlined below should the Director or designee of Montgomery County~~

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Emergency Medical Services determine at his/her sole discretion that a need exists for special resources not otherwise readily available.

SECTION VIII: Patient's Private Right to Select

Nothing contained within this Resolution shall be interpreted as restricting or interfering with the right of the individual patient to select a private person for their personal patient transport needs, so long as, in the case of a private request for a particular ambulance service, the ambulance service requested must meet the requirements of this Resolution and is ~~authorized~~ permitted in Clarksville-Montgomery County.

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SECTION IX: No Interference with Emergency Medical Care

At no time shall the provisions of this Resolution operate to impede the practical and proper medical care and emergency patient transport needs of any patient, provided that a valid medical necessity was in existence at the time. To wit, no private or non-profit service shall be allowed to respond in an emergency mode to any scene or facility unless otherwise directed to do so as per section VII. An emergency response constitutes that an emergency medical situation exists and Montgomery County Emergency Medical Services' assets should be requested immediately via 911. An "Emergency Medical Condition" is defined as any medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) that in the absence of immediate medical attention could be expected to result in placing the patient's health in serious jeopardy; serious impairment to bodily function; or, serious dysfunction to any body organ or part.

SECTION X: No Denial of Service

No ambulance service or patient transport service operating in Clarksville-Montgomery County shall deny emergency medical treatment or patient transportation services to any individual based on that individual's race, creed, sex, national origin, religious belief, insurance coverage, ability to pay, or any other discriminatory practice. Ambulance services shall be available to all requestors inside the boundaries of Clarksville-Montgomery County commensurate with the terms and provisions of this Resolution.

SECTION XI: Fees Shall Be Reasonable

Fees and total charges for all ambulance services permitted and operating in Clarksville-Montgomery County shall at all times be reasonable and competitive within the Middle Tennessee area, and shall be subject to discretionary review by ~~any agent~~ the Director or designee of Montgomery County Emergency Medical Services and/or the Director or designee of Montgomery County Accounts and Budgets Department. Basic fee information shall be available upon patient request prior to transporting the patient.

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SECTION XII: Health Care Facilities

All health care facilities, including, but not limited to, hospitals, clinics, nursing homes, assisted care or homes for the aged shall consider the Montgomery County Emergency Medical Service as the primary Emergency and/or 911 service provider of patient transport needs in Clarksville-Montgomery County and shall at all times respect and adhere to the terms of this Resolution. ~~Subject to the~~ Any individual patient has the's right to request ~~for~~ a particular person, private, nonprofit ~~or government~~ operated ambulance service to meet that individual's private non-emergency patient's transport needs. All 911 calls or calls meeting the circumstances below (1 and 2) for ambulance service transport needs shall be transmitted to the Montgomery County Emergency Medical Service as the primary ambulance provider. ~~The Montgomery County Emergency Medical Service shall handle the call for service within a reasonable period of time depending on the priority~~

~~status of the call, provided that the Montgomery County Emergency Medical Service currently has the available resources, dependent upon, but not limited to, call volume, staff, ambulance and equipment availability in operation to properly and safely handle the call.~~ If resources are currently not available from the Montgomery County Emergency Medical Service to properly and safely handle the call, such may then defer to another [EMS service as stated in section VII.](#)

~~state and locally authorized ambulance service approved to conduct Montgomery County patient transport services. Only those locally authorized ambulance services will be allowed to operate, conduct patient transport services, and handle deferred calls within Montgomery County.~~

Under the following circumstances Any health care facility transferring a patient to another health care facility via ground transport shall do so by calling 911 for transport by Montgomery County Emergency Medical Service:

1. The patient is in critical condition or an emergency medical condition exists or the patient is at high risk of developing such a condition during transportation; or
2. The patient is being transferred to either an Emergency Room for Emergency Medicine Care, a Trauma Unit for Trauma Care, a Burn Center, a Chest Pain Center, a Stroke Center, a Pediatric Unit, an Intensive Care Unit, a Step Down Unit, a Monitored Bed, a Cath Lab, a Labor and Delivery Unit, an Operating Room or any area in a health care facility where patients with high acuity problems are admitted. The foregoing shall not be considered an all inclusive list of high acuity centers.

Ambulance Services granted a permit under this resolution are not to transport patients falling under the above categories. In the rare event that Montgomery County Emergency Medical Services lacks the proper equipment (i.e. ventilator) to conduct the transfer, Montgomery County Emergency Medical Services shall defer the transfer to a more appropriate service.

Patients not falling under the above patient types in 1 or 2 above may be transported by ambulance services granted a permit under this resolution ~~as a Basic Life Support transfer.~~

SECTION XIII: State License Required

All private or non-profit ambulance services operating in [Clarksville](#)-Montgomery County must be properly licensed by the [State of Tennessee Department of Health Division of Emergency Medical Services](#)~~Tennessee Department of Health / Division of Emergency Medical Service.~~

SECTION XIV: Vehicles Must Comply with State and Local Laws

All vehicles providing ambulance service within the boundaries of [Clarksville](#)-Montgomery County shall adhere to the laws of the State of Tennessee regarding emergency medical services and patient transport requirements, licensing, traffic laws regarding responses to emergencies, provisions of this Resolution and the following rules and regulations adopted by the Montgomery County Legislative Body.

SECTION XV: Local Vehicle Regulations

All ~~emergency~~ vehicles providing patient transport services, except those operated by private citizens pursuant to an individual private patient's request, must conform and comply with all requirements of current and contemporaneous Tennessee law, and the following locally adopted mandates:

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- A) All vehicles must conform to the Tennessee Department of Health State of Tennessee Department of Health Division of Emergency Medical Services Rules and Regulations concerning specifications, licensing and equipment.
- B) Each emergency ambulance must be properly equipped with licensed staff and all equipment and supplies necessary to be at a minimum of a ~~Advanced Life Support~~ Basic Life Support unit as defined by the Tennessee Department of Health, EMS Division State of Tennessee Department of Health Division of Emergency Medical Services Rules and Regulations and shall contain all equipment and supplies listed in Section XVIII of this resolution.
- C) Each ambulance shall be inspected daily for maintenance and repair purposes and compliance with the mandated ambulance inventory of equipment and supplies checklist listed in Section XVIII of this Resolution.
- D) All ambulances must be properly staffed, capable of responding to, and equipped to handle emergency calls and natural disasters when needed and requested by Montgomery County Government, Emergency Management Director or the Montgomery County Emergency Medical Service.
- E) Each ambulance must be equipped with a two-way radio system for both communications with their base dispatcher, hospitals, Montgomery County Emergency Medical Service, 911 Call Center, and Emergency Management Director from inside the ambulance on VHF, UHF, and/or 800 MHz frequencies or such other additional frequencies as may be designated from time to time by the FCC Coordinator.
- F) Provisions of this Resolution shall not preclude Invalid Transport as defined by Tennessee Department of Health State of Tennessee Department of Health Division of Emergency Medical Services Rules and Regulations Emergency Medical (TDH EMS) Rules and Regulations, so long as such Invalid Transport conforms to all state or locally adopted regulations.
- G) Ambulances must have available all necessary equipment needed to allow the ambulance to travel safely in adverse or inclement weather conditions. Each service authorizedpermitted in Montgomery CountyClarksville-Montgomery County shall comply with the Montgomery County Inclement Weather Guidelines and associated provisions of the Montgomery County Emergency Management Agency guidelines and directives.
- H) Each ambulance, with the exception of designated back-up units, must be housed inside if parked and unattended, or kept in an environment as to

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maintain the interior temperature of the ambulance between forty degrees (40°) and ninety degrees (90°) at all times.

I) Each ambulance shall display the company name and ambulance identification number on front, back and both exterior sides of the vehicle's body with a minimum size four (4) inch block letters. Letters should contrast with the primary body color of the vehicle and should be easily readable from a distance of one hundred (100) feet. Unit must conform to all State of Tennessee Department of Health Division of Emergency Medical Services Rules and Regulations~~State of Tennessee Department of Health, Division of EMS, Rules & Regulations.~~

J) All ambulances and equipment shall be kept clean and sanitary at all times. ~~Staff shall be continuously supplied with cleaning equipment, supplies and an area suitable for cleaning and disinfecting the ambulance.~~

K) ~~Ambulances shall be no more than eight (8) years old from the date of new sale or have no more than two hundred thousand (200,000) miles on the odometer, except for established and dedicated back up units. Per J. Edwards consider be more specific and restrictive based on the type of ambulance body used. Based on state rules and regulations. An ambulance cannot be placed into service if it is greater than five (5) model years old or has greater than 200,000 miles on the odometer.~~

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L) All vehicles must comply at all times with State of Tennessee Department of Health Division of Emergency Medical Services Rules and Regulations~~state law TN rules and regulations for maintenance adopted by the Tennessee Department of Health and Tennessee Department of Transportation.~~

M) Vehicles must be maintained by an Automotive Service Excellence or Emergency Vehicle Transport Unit certified Master Automotive Technician. ~~Emergency Vehicle Transport unit technician, industry and other certified: appropriate level of certification.~~

N) Ambulances shall undergo preventative maintenance every Five-thousand (5,000) miles and be repaired immediately when operational deficiencies are identified and reported by staff.

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~~N) O) Private or nonprofit ambulance services must maintain appropriate slogans and logos on their vehicles and shall be subject to discretionary review by the Director or designee of Montgomery County Emergency Medical Services.~~

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~~O) Consider Computer Added Dispatch for tracking Ambulances and GPS~~
~~Per D/C Norfleet, CAD is an added expense for MCEMS to implement but possible.~~

SECTION XVI: Drivers and Attendants

All drivers and attendants must meet the following requirements:

- A) Any ambulance used by a ~~licensed~~ permitted service provider for patient transport services in Clarksville-Montgomery County shall conform to all ~~Class A~~ Basic Life Support ambulance standards as defined by the State of Tennessee Department of Health Division of Emergency Medical Services Rules and Regulations ~~Tennessee Department of Health, Division of Emergency Medical Services (TDH EMS)~~, and must be staffed with a minimum of two (2) licensed Emergency Medical Technicians who are IV certified ~~and licensed~~ when responding to all patient transport calls. Basic Life Support units shall consist of no less than two (2) licensed Emergency Medical Technicians. Paramedics conducting Advanced Life Support transports shall be concurrently certified in Advanced Cardiac Life Support, Basic Trauma Life Support or Pre-hospital Trauma Life Support, and Pediatric Advanced Life Support or Pediatric Emergency Pre-hospital Provider.
- B) Any service requesting ~~authorization to be permitted~~ by Montgomery County shall have no person designated as supervisor or shift captain who is less trained or qualified than the person or persons under their command.
- C) Each Emergency Medical Technician and Paramedic shall be physically able to perform the tasks associated with patient rescue, medical treatment and patient transport.
- D) Each Emergency Medical Technician and Paramedic shall be clean in appearance and dress, and shall at all times display his/her name, certification and company/agency name in an appropriate manner on their uniform. Uniform dress for all personnel is required with an insignia or patch displaying the name of the company or agency on the shirt.
- E) Any service requesting ~~authorization to be permitted~~ shall have only licensed Emergency Medical Technicians, Emergency Medical Technicians – IV, and/or Paramedics, RN and/or a Physician providing patient care and transport services.
- F) Any service requesting ~~authorization to be permitted~~ by Montgomery County shall provide upon request from Montgomery County Emergency Medical Services Director or designee a description of their training program, including training requirements for new employees, continuing education requirements and employee evaluation programs.
- G) Any permitted service shall surrender copies of all state audit documentation within fourteen days of the completion of their audit to

the Director or designee of Montgomery County Emergency Medical Services as well as upon request immediately provide copies of the following but not limited to: Personnel certifications, license, and training compliance documents, shall be provided to the Montgomery County Emergency Medical Service by September 30th of each calendar year.

SECTION XVII: Authorization-Permitting Documents

Each ambulance service requesting a authorization-permit to operate in Clarksville-Montgomery County shall complete an application as well as provide the following documents prior to being considered or receiving approval for a local authorization permit.

- A) The full name and address of the applicant and the owner or owners of the business.
- B) The trade or other business name(s) in which the applicant does business or proposes to do business under and verification of name registration from the Tennessee Secretary of State.
- C) The training or experience of the applicant in the transportation and care of patients, with a minimum requirement of two (2) years experience operating an ambulance service.
- D) Upon request of the Director or designee of Montgomery County Emergency Medical Services, Aa list of employees including current copies of licenses as Emergency Medical Technicians or Paramedics and all certifications to include, but not limited to: Cardio Pulmonary Resuscitation, and other specific advanced certification documents, state license number, motor vehicle record, criminal record and a copy of the employee's Tennessee driver's license.
- E) A description of each ambulance to be utilized in Montgomery CountyClarksville-Montgomery County including the make, model, year of manufacture, current odometer reading, state E.M.S. permit number, vehicle identification number, primary body color, and the length of time the vehicle has been owned by the applicant or company and the amount of years the vehicle has been in service. The applicant shall provide a photograph of each ambulance utilized in Montgomery CountyClarksville-Montgomery County to the Director or designee of the Montgomery County Emergency Medical Service prior to a county authorization permit being granted.
- E)F) Copies of the most recent vehicle and mechanical inspections.
- E)G) The location and address of the company office in Montgomery CountyClarksville-Montgomery County and the primary office address of the company.

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- G)H) Phone numbers to access patient transport services, management and supervisors twenty-four (24) hours per day.
- H)I) Accurate financial records to describe the company's current and historic financial condition. Records may be reviewed by the Montgomery County Accounts and Budgets Director or designee.
- H)J) Copies of the corporate charter and by-laws or the like for the business organization.
- H)K) Name, address and phone number of the individual selected for service of legal process.
- H)L) Name and address of all shareholders/owners holding five percent (5%) or more of the company's shares or ownership assets.
- H)M) The name and address of the Medical Director ~~employed for~~by the service and- a curriculum vitae and/or resume.
- H)N) Each service must provide any documentation requested to verify compliance with any section or term included in this Resolution.
- H)O) Shall provide an affidavit that the dispatch center meets all requirements as defined in section XXV.
- H)P) Each service operating in Montgomery CountyClarksville-Montgomery County shall apply for ~~authorization~~a permit annually to the Montgomery County EMS-Emergency Medical Services Director or designee to ensure it meets all regulations contained in this Resolution and shall update employee records on file with Montgomery County as needed. Any services already operating within Montgomery CountyClarksville-Montgomery County upon adoption of this resolution shall have sixty (60) days to make application and be ~~authorized~~permitted.

SECTION XVIII: Ambulance Inventory and Daily Checklist

The unit supply list shall conform to the required supply list as referenced in the State of Tennessee Department of Health Division of Emergency Medical Services Rules and Regulations~~State of Tennessee EMS Code of Rules & regulations~~ as cited in, Rules of the State of Tennessee Department of Health Division of Emergency Medical Services Rules and Regulations~~Tennessee Department of Health, Bureau of Health Licensure & Regulation, Division of Emergency Medical Services~~, Chapter 1200-12-1-.03

SECTION XIX: Must Respond to Emergencies and Disasters

All permitted providers of service in Clarksville-Montgomery County are required, in all cases of disaster or emergency drill preparedness, to respond to all requests for service from the Montgomery County Government, Montgomery County Emergency Medical Service, Montgomery County Emergency Management Agency and report for coordination and training when requested to do so by

the Director of the Montgomery County Emergency Medical Service or the Incident Commander on scene.

SECTION XX: Insurance Coverage

All ambulance services operating in Clarksville-Montgomery County shall maintain the minimum insurance coverage as required by the State of Tennessee per incident for malpractice, per incident for automobile insurance, and for professional liability and must maintain the statutory minimum limits on worker's compensation insurance. The insurance company must be authorized and licensed to operate in the State of Tennessee. Proof of insurance shall be made available to the Montgomery County Emergency Medical Service Director prior to local authorization being granted. All ambulance services operating in Clarksville-Montgomery County shall submit a claims record for the last five years with any reports of loss or settlements upon request from the Director or designee of Montgomery County Emergency Medical Services. Provider shall give notice of any litigation within thirty (30) days of initiation thereof to the Director or designee of Montgomery County Emergency Medical Services.

SECTION XXI: Restrictions on Trade Name

No ambulance service operating in Montgomery CountyClarksville-Montgomery County shall use or advertise the words "Montgomery CountyClarksville-Montgomery County or Montgomery County" as a part of its trade or business name.

SECTION XXII: Restrictions on Telephone Numbers; Display of 911

No private or nonprofit ambulance service or patient transport provider shall display or advertise a seven (7) or ten (10) digit telephone number for emergency calls for service. All services shall include the "911" number for emergency calls in any advertising and shall not represent that another telephone number other than "911" should be used to request an emergency ambulance. Any advertising or document, letter head, business card, brochures distributed or generated by the private or nonprofit ambulance service that includes the company's seven (7) or ten (10) digit telephone number should also include a statement or reference that "911" should be used to call for emergency medical care and transportation purposes.

SECTION XXIII: Monitoring Radio Frequency to Obtain Calls

No private or nonprofit ambulance service, or agent thereof, shall cause or permit any ambulance to be dispatched on the basis of information received and obtained by monitoring a radio frequency assigned to law enforcement, ambulance service, rescue squad or other governmental or public agency, except pursuant to specific request and prior arrangement with the coordinating agency responsible for dispatching emergency ambulances.

SECTION XXIV: Physician Medical Director

All services authorizedpermitted and operating in Clarksville-Montgomery County must designate and identify the name, address and phone number of the medical director(s) on staff. A curriculum vitae and/or resume of the designated Medical Director(s) shall be presented as a part of the application process and within fourteen days of any change in medical director. All medical directors must be Tennessee licensed physicians with either board certification in Emergency Medicine or a minimum of two (2) years experience as an EMS Medical Director. The appointed medical director shall at all times work in conjunction with the Montgomery County Emergency Medical Service to ensure that the medical treatment and transport protocol standards are being properly followed by the licensed service and its staff personnel.

SECTION XXV: Dispatcher and Dispatch Center Required

Each service ~~authorized~~permitted and operating in Clarksville-Montgomery County shall provide at all times for a twenty-four (24) hour per day dispatch center and on-duty dispatcher for communication purposes. Dispatchers shall work no more than twelve (12) hour daily shift assignments. All dispatchers are required to be trained and licensed as an Emergency Medical Technician, or Emergency Medical Dispatcher; trained in the operation of, and continually monitor while on duty, a telephone device for the deaf (TDD); must pass a background check provided for and paid by the employing agency. Dispatch center must have standard operating procedures in place for handling all calls and providing for multiple means of communication with Montgomery County~~Clarksville-Montgomery County~~ Government and the Montgomery County Emergency Medical Service. A back-up or emergency radio and electrical generation system must be in place at the dispatch center and available for use at all times. If any call is received by an ~~authorized~~permitted provider's dispatch center that potentially meets the definition of an "Emergency Medical Condition" the provider shall immediately gather pertinent information of the call and then direct the caller to hang up and dial 911. The permitted providers dispatch center should then immediately contact 911 to ensure the call was relayed, if it was not relayed they shall give 911 all of the information they obtained and it's recommended they initiate a non-emergency response until 911 advises them a Montgomery County Emergency Medical Services unit is responding. If a permitted provider arrives on scene prior to a Montgomery County Emergency Medical Services unit they shall stabilize the patient and assist the Montgomery County Emergency Medical Services unit until being released by said unit. All calls and radio transmissions received through an ~~authorized~~permitted company's dispatch center shall be recorded by a digitized recording system, maintained for a minimum of 3 years and shall be subject to inspection upon request from the Montgomery County Emergency Medical Services Director or designee.

SECTION XXVI: Local Business Office

Each service ~~authorized~~permitted and currently operating in Clarksville-Montgomery County must provide a local business office in Montgomery County~~Clarksville-Montgomery County~~ open to the public between the hours of 9:00 A.M. and 5:00 P.M. for the purpose of paying bills, acceptance of complaints and conducting business with the company. The address and phone number of the local Montgomery County~~Clarksville-Montgomery County~~ office shall appear in any advertising, billing information or company brochure distributed or addressed for delivery in Montgomery County~~Clarksville-Montgomery County~~. All permitted services shall have posted signage in the public's view with a minimum of one inch (1") lettering with the following statement: "*Notice To Public* - If you feel we have not adequately resolved your complaint you may register your complaint with Montgomery County EMS by calling 931-920-1800".

SECTION XXVII: Medicare Approved

Each ~~authorized~~permitted ambulance service, ~~or service~~ operating in Clarksville-Montgomery County must be Medicare enrolled and currently approved to provide Medicare reimbursable services. The current Medicare provider number shall be on prominent display in the public portion of the business office of the service at all times the office is open to the public. All services shall be set up to complete electronic billing for Medicare approved patients and shall be able to provide copies of Medicare and other insurance billings to the patient upon request.

SECTION XXVIII: Recruitment of Montgomery County EMS Employees

No private service provider shall recruit employees of Montgomery County Emergency Medical Service who are on active duty status. This shall include any direct or indirect contact with said employees. Private Service providers and/or their employees, agents or assigns are strictly prohibited from entering onto the property of Montgomery County Emergency Medical Services for the purpose of employee recruitment.

SECTION XXIX: Penalties

Violations of this Resolution are enforceable in General Sessions, Chancery or Circuit Courts of Montgomery County. All violations of this Resolution shall be reported immediately to the Montgomery County Emergency Medical Service Director for review and enforcement action. Convictions for violations of this Resolution may carry possible ~~license-permit~~ suspension, revocation or monetary civil fines, remedial and ~~restitutional~~ restitution in nature, not to exceed five-hundred dollars (\$500.00) or punitive fines not to exceed fifty dollars (\$50.00), without trial by jury, for each offense the violator is convicted thereof. Each particular definable offense or each day a continuing offense is allowed to continue constitutes a separate and enforceable act.

SECTION XXX: Conflict with Other Laws

If a particular provision of this Resolution conflicts with a provision of federal or state law, the federal or state law shall be controlling with regard to that particular provision in conflict only. Prior provisions of past county resolutions in conflict with any particular provision contained herein are hereby repealed, and this Resolution should be considered the controlling document with regard to the subject matter covered.

SECTION XXXI: Severability

If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such language or portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity or the remaining portions thereof, unless so noted by the court.

SECTION XXXII: Effective Date

This Resolution shall take effect immediately, the public welfare requiring it.

Duly passed and approved this ~~14th~~ ~~11th~~ day of ~~December, 2009~~ January, 2010.

Formatted: Superscript

Sponsor _____

Commissioner _____

Approved _____

County Mayor

Attested _____

County Clerk

***RESOLUTION REGULATING PRIVATE AMBULANCE OPERATIONS
AND ESTABLISHING MONTGOMERY COUNTY GOVERNMENT AS THE
EXCLUSIVE PROVIDER OF EMERGENCY PATIENT TRANSPORT
WITHIN THE BORDERS OF MONTGOMERY COUNTY***

WHEREAS, pursuant to the legal authority vested in cities and counties under the laws of the State of Tennessee, the Montgomery County Legislative Body hereby promulgates reasonable and legitimate governmental restrictions on private and nonprofit ambulance services operating in the county and formerly declares that that the Montgomery County Emergency Medical Service is the primary provider of emergency patient transport services within the County, and in so adopts regulations to guarantee the integrity and level of competence for emergency medical and patient transport services operating within Clarksville-Montgomery County; and

WHEREAS, T.C.A. § 7-61-102 provides that the governing body of any county or city of the State of Tennessee may provide, maintain and do all things necessary to provide ambulance service as a public service; and

WHEREAS, T.C.A. § 7-61-103 states in pertinent part that in order to protect the public health and welfare, any county or city may adopt reasonable regulations to control the provision of private or nonprofit ambulance service; and

WHEREAS, the Montgomery County Legislative Body so declares that the operation of an ambulance service within the borders of Clarksville-Montgomery County is a public service and not a business of common right, and the protection of the public health, safety and welfare outweighs the burden of these restrictions on the private and nonprofit entities they are designed to regulate; and

WHEREAS, the operation of a public ambulance service within Clarksville-Montgomery County is a reasonable and legitimate governmental interest and so subject to the adoption and enforcement of local regulations and controls designed to protect the health, safety and welfare of the citizens of Clarksville-Montgomery County; and

WHEREAS, it is within the legislative discretion of the Montgomery County Legislative Body to so designate an ambulance service as the subject of exclusive primary emergency and 911 service provider rights, and to further operate and maintain an ambulance service for the benefit of the citizens of Clarksville-Montgomery County; and

WHEREAS, T.C.A. § 7-61-104 dictates that no county may provide and maintain, license, franchise, or contract for ambulance service within the boundaries of a city or another county, and no city may provide and maintain, license, franchise, or contract for ambulance service outside its corporate boundaries, without the approval of the governing body of the area to be served; and

WHEREAS, *on the 13th day of June, 1994, the Montgomery County Board of Commissioners adopted a Resolution Regulating Private Ambulance Services (94-5-5).*

NOW, THEREFORE, BE IT RESOLVED by the Montgomery County Board of Commissioners meeting in regular session this 11th day of January, 2010, that Resolution 94-5-5 adopted on June 13, 1994 is hereby repealed.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Montgomery County Board of Commissioners meeting in regular session this 11th day of January, 2010, that this body does hereby adopt the following resolution known as the:

MONTGOMERY COUNTY AMBULANCE REQUIREMENTS

SECTION I: Scope of Coverage

The provisions of this Resolution shall apply to all ambulance and patient transport services operating in Clarksville-Montgomery County, including the Montgomery County Emergency Medical Service and other governmental, private or nonprofit ambulance services. *The provisions of this Resolution shall in no way apply to air medical services operating in Clarksville-Montgomery County.*

SECTION II: Grant of Exclusive Primary Service Provider Rights

The Montgomery County Emergency Medical Services is hereby granted the exclusive primary service right to handle all calls for emergency and 911 patient transport services.

SECTION III: Approval of Municipalities

Local municipalities within the boundaries of Montgomery County will be served by the Montgomery County Emergency Medical Service and subject to all inter-local agreements and contracts currently in effect. All private contracts entered into by Montgomery County Emergency Medical Service to be performed within the corporate boundaries of a municipality shall be approved by the Montgomery County Legislative Body.

SECTION IV: Agreement with Other Counties

The Montgomery County Emergency Medical Service may also enter into agreements with other surrounding counties to provide and operate an ambulance service within another county or portions of other counties, but only with the express consent and approval of the Montgomery County Legislative Body.

SECTION V: Agreement with Private Entities

The Montgomery County Emergency Medical Service may contract with private entities, and health care facilities for patient transport services subject to the approval of the Montgomery County Legislative Body.

SECTION VI: Private, Nonprofit Service Must Obtain Local Permit

No other private, nonprofit or governmental ambulance service may operate an ambulance service within Clarksville-Montgomery County, except with the proper local permit and compliance with all requirements contained herein. *All permits will expire as of December 31 of each year. In September of each year, the Director of EMS shall send a current copy of these Regulations and a blank application by certified mail, return receipt, to the listed address of the Service Provider. All applications shall be postmarked or delivered to the Montgomery County Mayor's Office, 1 Millennium Plaza, Suite 205, Clarksville, Tennessee, 37040 along with payment of a nonrefundable application fee in the amount of Five Hundred Dollars (\$500.00) by November 1st. Failure to submit a new application by November 1st will be considered by the Director of EMS as the desire of the Service Provider that it does not wish that a new Permit be issued to that provider. This issuance of new Permits will be considered by the Director of EMS. All permits will be effective January 1 and expire December 31. Any service provider who applies for a permit during the calendar year will be entitled to a proration of the non-refundable permit fee as applicable to each circumstance. All permitted services shall give notification within seven (7) days of any change of ownership. In any service provider which is operated as a corporation, LLC, or any other business organization which is comprised of individuals who hold representative shares, i.e., shareholders, members, limited partners, etc., a change of ownership shall be defined as a fifty percent (50%) or greater change in ownership composition. Any change of ownership as described above shall necessitate the application for a new permit by new service provider.*

Each Service Provider shall also submit payment of a nonrefundable Permit Fee in the amount of Four Thousand Five Hundred Dollars (\$4,500.00) to Montgomery County prior to being issued a Permit. Should the Service Provider submit an application for a Permit after December 1, the nonrefundable Permit Fee shall be prorated to the date that the Permit is issued by the Director of Montgomery County Emergency Medical Service.

SECTION VII: Deferred Emergency and/or 911 Calls, Local Permit Required

Private or nonprofit Basic Life Support ambulance services properly permitted and meeting all county requirements and regulations outlined herein may be allowed to handle emergency and/or 911 calls should the call(s) be deferred by the Director or designee of Montgomery County Emergency Medical Services. Deferral may be made to private or nonprofit ambulance services not properly permitted and/or not meeting all county requirements and regulations outlined below should the Director or designee of Montgomery County Emergency Medical Services determine at his/her sole discretion that a need exists for special resources not otherwise readily available.

SECTION VIII: Patient's Private Right to Select

Nothing contained within this Resolution shall be interpreted as restricting or interfering with the right of the individual patient to select a private person for their personal patient transport needs, so long as, in the case of a private request for a particular ambulance service, the ambulance service requested must meet the requirements of this Resolution and is permitted in Clarksville-Montgomery County.

SECTION IX: No Interference with Emergency Medical Care

At no time shall the provisions of this Resolution operate to impede the practical and proper medical care and emergency patient transport needs of any patient, provided that a valid medical necessity was in existence at the time. To wit, no private or non-profit service shall be allowed to respond in an emergency mode to any scene or facility unless otherwise directed to do so as per section VII. An emergency response constitutes that an emergency medical situation exists and Montgomery County Emergency Medical Services' assets should be requested immediately via 911. An "Emergency Medical Condition" is defined as any medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) that in the absence of immediate medical attention could be expected to result in placing the patient's health in serious jeopardy; serious impairment to bodily function; or, serious dysfunction to any body organ or part.

SECTION X: No Denial of Service

No ambulance service or patient transport service operating in Clarksville-Montgomery County shall deny emergency medical treatment or patient transportation services to any individual based on that individual's race, creed, sex, national origin, religious belief, insurance coverage, ability to pay, or any other discriminatory practice. Ambulance services shall be available to all requestors inside the boundaries of Clarksville-Montgomery County commensurate with the terms and provisions of this Resolution.

SECTION XI: Fees Shall Be Reasonable

Fees and total charges for all ambulance services permitted and operating in Clarksville-Montgomery County shall at all times be reasonable and competitive within the Middle Tennessee area, and shall be subject to discretionary review by the Director or designee of Montgomery County Emergency Medical Services and/or the Director or designee of Montgomery County Accounts and Budgets Department. Basic fee information shall be available upon request prior to transporting the patient.

SECTION XII: Health Care Facilities

All health care facilities, including, but not limited to, hospitals, clinics, nursing homes, assisted care or homes for the aged shall consider the Montgomery County Emergency Medical Service as the primary Emergency and/or 911 service provider of patient transport needs in Clarksville-Montgomery County and shall at all times respect and adhere to the terms of this Resolution. Any individual patient has the right to request a particular person, private, nonprofit operated ambulance service to meet that individual's private non-emergency patient's transport needs. All 911 calls or calls meeting the circumstances below (1 and 2) shall be transmitted to the Montgomery County Emergency Medical Service as the primary ambulance provider. If resources are currently not available from the Montgomery County Emergency Medical Service to properly and safely handle the call, such may then defer to another EMS service as stated in section VII.

Under the following circumstances any health care facility transferring a patient to another health care facility via ground transport shall do so by calling 911 for transport by Montgomery County Emergency Medical Service:

1. The patient is in critical condition or an emergency medical condition exists or the patient is at high risk of developing such a condition during transportation; or
2. The patient is being transferred to either an Emergency Room for Emergency Medicine Care, a Trauma Unit for Trauma Care, a Burn Center, a Chest Pain Center, a Stroke Center, a Pediatric Unit, an Intensive Care Unit, a Step Down Unit, a Monitored Bed, a Cath Lab, a Labor and Delivery Unit, an Operating Room or any area in a health care facility where

patients with high acuity problems are admitted. The foregoing shall not be considered an all inclusive list of high acuity centers.

Ambulance Services granted a permit under this resolution are not to transport patients falling under the above categories. In the rare event that Montgomery County Emergency Medical Services lacks the proper equipment (i.e. ventilator) to conduct the transfer, Montgomery County Emergency Medical Services shall defer the transfer to a more appropriate service.

Patients not falling under the above patient types in 1 or 2 above may be transported by ambulance services granted a permit under this resolution.

SECTION XIII: State License Required

All private or non-profit ambulance services operating in Clarksville-Montgomery County must be properly licensed by the State of Tennessee Department of Health Division of Emergency Medical Services.

SECTION XIV: Vehicles Must Comply with State and Local Laws

All vehicles providing ambulance service within the boundaries of Clarksville-Montgomery County shall adhere to the laws of the State of Tennessee regarding emergency medical services and patient transport requirements, licensing, traffic laws regarding responses to emergencies, provisions of this Resolution and the following rules and regulations adopted by the Montgomery County Legislative Body.

SECTION XV: Local Vehicle Regulations

All vehicles providing patient transport services, except those operated by private citizens pursuant to an individual private patient's request, must conform and comply with all requirements of current and contemporaneous Tennessee law, and the following locally adopted mandates:

- A) All vehicles must conform to the State of Tennessee Department of Health Division of Emergency Medical Services Rules and Regulations concerning specifications, licensing and equipment.
- B) Each ambulance must be properly equipped with licensed staff and all equipment and supplies necessary to be at a minimum of a Basic Life Support unit as defined by the State of Tennessee Department of Health Division of Emergency Medical Services Rules and Regulations and shall contain all equipment and supplies listed in Section XVIII of this resolution.
- C) Each ambulance shall be inspected daily for maintenance and repair purposes and compliance with the mandated ambulance inventory of equipment and supplies checklist listed in Section XVIII of this Resolution.
- D) All ambulances must be properly staffed, capable of responding to, and equipped to handle emergency calls and natural disasters when needed and requested by Montgomery County Government, Emergency Management Director or the Montgomery County Emergency Medical Service.

- E) Each ambulance must be equipped with a two-way radio system for both communications with their base dispatcher, hospitals, Montgomery County Emergency Medical Service, 911 Call Center, and Emergency Management Director from inside the ambulance on VHF, UHF, and/or 800 MHz frequencies or such other additional frequencies as may be designated from time to time by the FCC Coordinator.
- F) Provisions of this Resolution shall not preclude Invalid Transport as defined by State of Tennessee Department of Health Division of Emergency Medical Services Rules and Regulations, so long as such Invalid Transport conforms to all state or locally adopted regulations.
- G) Ambulances must have available all necessary equipment needed to allow the ambulance to travel safely in adverse or inclement weather conditions. Each service permitted in Clarksville-Montgomery County shall comply with the Montgomery County Inclement Weather Guidelines and associated provisions of the Montgomery County Emergency Management Agency guidelines and directives.
- H) Each ambulance, with the exception of designated back-up units, must be housed inside if parked and unattended, or kept in an environment as to maintain the interior temperature of the ambulance between forty degrees (40°) and ninety degrees (90°) at all times.
- I) Each ambulance shall display the company name and ambulance identification number on front, back and both exterior sides of the vehicle's body with a minimum size four (4) inch block letters. Letters should contrast with the primary body color of the vehicle and should be easily readable from a distance of one hundred (100) feet. Unit must conform to all State of Tennessee Department of Health Division of Emergency Medical Services Rules and Regulations.
- J) All ambulances and equipment shall be kept clean and sanitary at all times.
- K) An ambulance cannot be placed into service if it is greater than five (5) model years old or has greater than 200,000 miles on the odometer.
- L) All vehicles must comply at all times with State of Tennessee Department of Health Division of Emergency Medical Services Rules and Regulations.
- M) Vehicles must be maintained by an Automotive Service Excellence or Emergency Vehicle Transport Unit certified Master Automotive Technician.
- N) Ambulances shall undergo preventative maintenance every Five-thousand (5,000) miles and be repaired immediately when operational deficiencies are identified and reported by staff.

- O) Private or nonprofit ambulance services must maintain appropriate slogans and logos on their vehicles and shall be subject to discretionary review by the Director or designee of Montgomery County Emergency Medical Services.

SECTION XVI: Drivers and Attendants

All drivers and attendants must meet the following requirements:

- A) Any ambulance used by a permitted service provider for patient transport services in Clarksville-Montgomery County shall conform to all Basic Life Support ambulance standards as defined by the State of Tennessee Department of Health Division of Emergency Medical Services Rules and Regulations, and must be staffed with a minimum of two (2) licensed Emergency Medical Technicians who are IV certified when responding to all patient transport calls. Basic Life Support units shall consist of no less than two (2) licensed Emergency Medical Technicians. Paramedics conducting Advanced Life Support transports shall be concurrently certified in Advanced Cardiac Life Support, Basic Trauma Life Support or Pre-hospital Trauma Life Support, and Pediatric Advanced Life Support or Pediatric Emergency Pre-hospital Provider.
- B) Any service requesting to be permitted by Montgomery County shall have no person designated as supervisor or shift captain who is less trained or qualified than the person or persons under their command.
- C) Each Emergency Medical Technician and Paramedic shall be physically able to perform the tasks associated with patient rescue, medical treatment and patient transport.
- D) Each Emergency Medical Technician and Paramedic shall be clean in appearance and dress, and shall at all times display his/her name, certification and company/agency name in an appropriate manner on their uniform. Uniform dress for all personnel is required with an insignia or patch displaying the name of the company or agency on the shirt.
- E) Any service requesting to be permitted shall have only licensed Emergency Medical Technicians, Emergency Medical Technicians – IV, Paramedics, RN and/or a Physician providing patient care and transport services.
- F) Any service requesting to be permitted by Montgomery County shall provide upon request from Montgomery County Emergency Medical Services Director or designee a description of their training program, including training requirements for new employees, continuing education requirements and employee evaluation programs.
- G) Any permitted service shall surrender copies of all state audit documentation within fourteen days of the completion of their audit to

the Director or designee of Montgomery County Emergency Medical Services as well as upon request immediately provide copies of the following but not limited to: Personnel certifications, license, and training compliance documents.

SECTION XVII: Permitting Documents

Each ambulance service requesting a permit to operate in Clarksville-Montgomery County shall complete an application as well as provide the following documents prior to being considered or receiving approval for a local permit.

- A) The full name and address of the applicant and the owner or owners of the business.
- B) The trade or other business name(s) in which the applicant does business or proposes to do business under and verification of name registration from the Tennessee Secretary of State.
- C) The training or experience of the applicant in the transportation and care of patients, with a minimum requirement of two (2) years experience operating an ambulance service.
- D) Upon request of the Director or designee of Montgomery County Emergency Medical Services, a list of employees including current copies of licenses as Emergency Medical Technicians or Paramedics and all certifications to include, but not limited to: Cardio Pulmonary Resuscitation, and other specific advanced certification documents, state license number, motor vehicle record, criminal record and a copy of the employee's Tennessee driver's license.
- E) A description of each ambulance to be utilized in Clarksville-Montgomery County including the make, model, year of manufacture, current odometer reading, state E.M.S. permit number, vehicle identification number, primary body color, and the length of time the vehicle has been owned by the applicant or company and the amount of years the vehicle has been in service. The applicant shall provide a photograph of each ambulance utilized in Clarksville-Montgomery County to the Director or designee of the Montgomery County Emergency Medical Service prior to a county permit being granted.
- F) Copies of the most recent vehicle and mechanical inspections.
- G) The location and address of the company office in Clarksville-Montgomery County and the primary office address of the company.
- H) Phone numbers to access patient transport services, management and supervisors twenty-four (24) hours per day.

- I) Accurate financial records to describe the company's current and historic financial condition. Records may be reviewed by the Montgomery County Accounts and Budgets Director or designee.
- J) Copies of the corporate charter and by-laws or the like for the business organization.
- K) Name, address and phone number of the individual selected for service of legal process.
- L) Name and address of all shareholders/owners holding five percent (5%) or more of the company's shares or ownership assets.
- M) The name and address of the Medical Director for the service and a curriculum vitae and/or resume.
- N) Each service must provide any documentation requested to verify compliance with any section or term included in this Resolution.
- O) Shall provide an affidavit that the dispatch center meets all requirements as defined in section XXV.
- P) Each service operating in Clarksville-Montgomery County shall apply for a permit annually to the Montgomery County Emergency Medical Services Director or designee to ensure it meets all regulations contained in this Resolution and shall update employee records on file with Montgomery County as needed. Any services already operating within Clarksville-Montgomery County upon adoption of this resolution shall have sixty (60) days to make application and be permitted.

SECTION XVIII: Ambulance Inventory and Daily Checklist

The unit supply list shall conform to the required supply list as referenced in the State of Tennessee Department of Health Division of Emergency Medical Services Rules and Regulations as cited in, Rules of the State of Tennessee Department of Health Division of Emergency Medical Services Rules and Regulations, Chapter 1200-12-1-.03

SECTION XIX: Must Respond to Emergencies and Disasters

All permitted providers of service in Clarksville-Montgomery County are required, in all cases of disaster or emergency drill preparedness, to respond to all requests for service from the Montgomery County Government, Montgomery County Emergency Medical Service, Montgomery County Emergency Management Agency and report for coordination and training when requested to do so by the Director of the Montgomery County Emergency Medical Service or the Incident Commander on scene.

SECTION XX: Insurance Coverage

All ambulance services operating in Clarksville-Montgomery County shall maintain the minimum insurance coverage as required by the State of Tennessee per incident for malpractice, per incident for automobile insurance, and for professional liability and must maintain the statutory minimum limits on worker's compensation insurance. The insurance company must be authorized and licensed to operate in the State of Tennessee. Proof of insurance shall be made available to the

Montgomery County Emergency Medical Service Director prior to local authorization being granted. All ambulance services operating in Clarksville-Montgomery County shall submit a claims record for the last five years with any reports of loss or settlements upon request from the Director or designee of Montgomery County Emergency Medical Services. Provider shall give notice of any litigation within thirty (30) days of initiation thereof to the Director or designee of Montgomery County Emergency Medical Services.

SECTION XXI: Restrictions on Trade Name

No ambulance service operating in Clarksville-Montgomery County shall use or advertise the words “Clarksville-Montgomery County or Montgomery County” as a part of its trade or business name.

SECTION XXII: Restrictions on Telephone Numbers; Display of 911

No private or nonprofit ambulance service or patient transport provider shall display or advertise a seven (7) or ten (10) digit telephone number for emergency calls for service. All services shall include the “911” number for emergency calls in any advertising and shall not represent that another telephone number other than “911” should be used to request an emergency ambulance. Any advertising or document, letter head, business card, brochures distributed or generated by the private or nonprofit ambulance service that includes the company’s seven (7) or ten (10) digit telephone number should also include a statement or reference that “911” should be used to call for emergency medical care and transportation purposes.

SECTION XXIII: Monitoring Radio Frequency to Obtain Calls

No private or nonprofit ambulance service, or agent thereof, shall cause or permit any ambulance to be dispatched on the basis of information received and obtained by monitoring a radio frequency assigned to law enforcement, ambulance service, rescue squad or other governmental or public agency, except pursuant to specific request and prior arrangement with the coordinating agency responsible for dispatching emergency ambulances.

SECTION XXIV: Physician Medical Director

All services permitted and operating in Clarksville-Montgomery County must designate and identify the name, address and phone number of the medical director(s) on staff. A curriculum vitae and/or resume of the designated Medical Director(s) shall be presented as a part of the application process and within fourteen days of any change in medical director. All medical directors must be Tennessee licensed physicians with either board certification in Emergency Medicine or a minimum of two (2) years experience as an EMS Medical Director. The appointed medical director shall at all times work in conjunction with the Montgomery County Emergency Medical Service to ensure that the medical treatment and transport protocol standards are being properly followed by the licensed service and its staff personnel.

SECTION XXV: Dispatcher and Dispatch Center Required

Each service permitted and operating in Clarksville-Montgomery County shall provide at all times for a twenty-four (24) hour per day dispatch center and on-duty dispatcher for communication purposes. Dispatchers shall work no more than twelve (12) hour daily shift assignments. All dispatchers are required to be trained and licensed as an Emergency Medical Technician, or Emergency Medical Dispatcher; trained in the operation of, and continually monitor while on duty, a telephone device for the deaf (TDD); must pass a background check provided for and paid by the employing agency. Dispatch center must have standard operating procedures in place for handling all calls and providing for multiple means of communication with Clarksville-Montgomery County

Government and the Montgomery County Emergency Medical Service. A back-up or emergency radio and electrical generation system must be in place at the dispatch center and available for use at all times. If any call is received by a permitted provider's dispatch center that potentially meets the definition of an "Emergency Medical Condition" the provider shall immediately gather pertinent information of the call and then direct the caller to hang up and dial 911. The permitted providers dispatch center should then immediately contact 911 to ensure the call was relayed, if it was not relayed they shall give 911 all of the information they obtained and it's recommended they initiate a non-emergency response until 911 advises them a Montgomery County Emergency Medical Services unit is responding. If a permitted provider arrives on scene prior to a Montgomery County Emergency Medical Services unit they shall stabilize the patient and assist the Montgomery County Emergency Medical Services unit until being released by said unit. All calls and radio transmissions received through a permitted company's dispatch center shall be recorded by a digitized recording system, maintained for a minimum of 3 years and shall be subject to inspection upon request from the Montgomery County Emergency Medical Services Director or designee.

SECTION XXVI: Local Business Office

Each service permitted and currently operating in Clarksville-Montgomery County must provide a local business office in Clarksville-Montgomery County open to the public between the hours of 9:00 A.M. and 5:00 P.M. for the purpose of paying bills, acceptance of complaints and conducting business with the company. The address and phone number of the local Clarksville-Montgomery County office shall appear in any advertising, billing information or company brochure distributed or addressed for delivery in Clarksville-Montgomery County. All permitted services shall have posted signage in the public's view with a minimum of one inch (1") lettering with the following statement: "*Notice To Public* - If you feel we have not adequately resolved your complaint you may register your complaint with Montgomery County EMS by calling 931-920-1800".

SECTION XXVII: Medicare Approved

Each permitted ambulance service operating in Clarksville-Montgomery County must be Medicare enrolled and currently approved to provide Medicare reimbursable services. The current Medicare provider number shall be on prominent display in the public portion of the business office of the service at all times the office is open to the public. All services shall be set up to complete electronic billing for Medicare approved patients and shall be able to provide copies of Medicare and other insurance billings to the patient upon request.

SECTION XXVIII: Recruitment of Montgomery County EMS Employees

No private service provider shall recruit employees of Montgomery County Emergency Medical Service who are on active duty status. This shall include any direct or indirect contact with said employees. Private Service providers and/or their employees, agents or assigns are strictly prohibited from entering onto the property of Montgomery County Emergency Medical Services for the purpose of employee recruitment.

SECTION XXIX: Penalties

Violations of this Resolution are enforceable in General Sessions, Chancery or Circuit Courts of Montgomery County. All violations of this Resolution shall be reported immediately to the Montgomery County Emergency Medical Service Director for review and enforcement action. Convictions for violations of this Resolution may carry possible permit suspension, revocation or monetary civil fines, remedial and restitution in nature, not to exceed five-hundred dollars (\$500.00) or

punitive fines not to exceed fifty dollars (\$50.00), without trial by jury, for each offense the violator is convicted thereof. Each particular definable offense or each day a continuing offense is allowed to continue constitutes a separate and enforceable act.

SECTION XXX: Conflict with Other Laws

If a particular provision of this Resolution conflicts with a provision of federal or state law, the federal or state law shall be controlling with regard to that particular provision in conflict only. Prior provisions of past county resolutions in conflict with any particular provision contained herein are hereby repealed, and this Resolution should be considered the controlling document with regard to the subject matter covered.

SECTION XXXI: Severability

If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such language or portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity or the remaining portions thereof, unless so noted by the court.

SECTION XXXII: Effective Date

This Resolution shall take effect immediately, the public welfare requiring it.

Duly passed and approved this 11th day of January, 2010.

Sponsor _____

Commissioner _____

Approved _____

County Mayor

Attested _____

County Clerk

RESOLUTION TO ACCEPT OFFICE OF DOMESTIC PREPAREDNESS STATE HOMELAND SECURITY GRANT PROGRAM 2009-SS-T9-0086, AND TO APPROPRIATE FUNDS

WHEREAS, the Montgomery County Emergency Management Agency was awarded a grant from the Department of Military, Tennessee Emergency Management Agency, in the amount of seven hundred eighty one thousand thirty eight dollars and sixty four cents (\$781,038.64) which includes:

1. One hundred ninety four thousand seven hundred eighty dollars (\$194,780.00) for law enforcement and terrorism prevention oriented activities to include training for Tennessee Homeland Security District 7 which is comprised of representatives of emergency services from Montgomery, Stewart, Robertson, Cheatham, Dickson, Houston and Humphreys counties; and

2. One hundred ninety five thousand seven hundred eighty dollars (\$195,780.00) for Hazmat Air Monitoring training, Urban Search and Rescue training, exercise planning and overtime/back pay for non-law enforcement agencies in District 7; and

3. Three hundred eighty seven thousand eight hundred eighty five dollars and eighty one cents (\$387,885.81) for interoperable communications upgrade, radio cache, additional repeater site, tactical equipment and explosive training for District 7; and

6. Two thousand five hundred ninety two dollars and eighty three cents (\$2,592.83) for equipment and supplies for the Montgomery County Community Emergency Response Team (CERT) to continue training our citizens to prepare for and survive, and to assist others during and immediately following an emergency or disaster; and

WHEREAS, the grant period is from August 1, 2009 until May 31, 2012; and

WHEREAS, this grant consists of all pass-through federal dollars and will not require any matching county funds and there are no continuation project requirements.

NOW, THEREFORE, BE IT RESOLVED by the Montgomery County Board of Commissioners assembled in regular session on this 11th day of January, 2010 that the following appropriations are approved.

**RESOLUTION TO ACCEPT TENNESSEE DEPARTMENT OF AGRICULTURE,
DIVISION OF FORESTRY VOLUNTEER FIRE ASSISTANCE GRANT PROGRAM**

WHEREAS, the Montgomery County Fire Service has been awarded a grant from the State of Tennessee, Department of Agriculture, Division of Forestry, Volunteer Fire Assistance Grant Program, in the amount of three thousand dollars (\$3,000.00); and

WHEREAS, the funds will be used to purchase 60 Bullard Wildfire Full Brim Helmets and 60 Bullard Full Face Shrouds for further protection of our volunteers while combating wild land/brush fires in the rural unincorporated area of Montgomery County; and

WHEREAS, this is a 50/50 matching grant and the matching portion of this grant was included in the original budget that was approved on August 3, 2009 in account 101-54310, and

WHEREAS, the grant period begins November 6, 2009 and expires June 30, 2010 and the grant will not require any continued funding after the expiration.

NOW, THEREFORE, BE IT RESOLVED by the Montgomery County Board of Commissioners assembled in regular session on this 11th day of January 2010 that the following appropriation be approved.

County General Fund

**Revenue
Other State Grants**

101-54310-00000-54-46980	\$3,000
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**Expenditure
County Fire Service**

101-54310-00000-54-54510	Uniforms	\$3,000
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Duly passed and approved this 11th day of January 2010.

Sponsor

Commissioner

Approved

County Mayor

Attested

County Clerk

**RESOLUTION OF THE MONTGOMERY COUNTY
BOARD OF COMMISSIONERS A RESOLUTION TO APPLY FOR A GRANT FROM
THE RECREATION TRAIL PROGRAM (RTP) BY THE TENNESSEE DEPARTMENT OF
ENVIRONMENT AND CONSERVATION FOR ROTARY PARK.**

WHEREAS, the Tennessee Department of Environment and Conservation has established the Recreation Trail Program (RTP) for eligible local governmental entities for the use of capital projects in parks, natural areas and greenways; and

WHEREAS, the Montgomery County Parks and Recreation Department is applying for a grant from the Recreation Trail Program; and

WHEREAS, the grant application states that a resolution from the Montgomery County Board of Commissioners is required to indicate the amount of the funds requested, designate the source of said funds, and to assure the County's commitment to match the requested amount of the grant; and

NOW, THEREFORE, BE IT RESOLVED by the Montgomery County Board of County Commissioners assembled in Regular Session on this 11th day of January 2010 that **the Commission hereby authorizes the Mayor or her representatives to prepare an application to the RTP to fund in the amount of \$80,000 for the proposed project at Rotary Park. This grant is an 80% / 20% matching funds grant. Montgomery County will match the RTP grant at the required percentage up to \$20,000 for this project with funds taken from the capital improvements budget and other in-kind matching sources.**

Duly passed and approved this 11th day of January 2010.

Sponsor _____

Commissioner _____

Approved _____

County Mayor

Attested _____

County Clerk