

LOUDON COUNTY COMMISSION
REGULAR MEETING
December 1, 1997

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17. Motion to have attorney to draw resolution in support of amendment to Tennessee Code Annotated, Title 6, Chapter 51, Part 1, relative to annexation
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23. Notaries approved
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25. Adjournment

**LOUDON COUNTY COMMISSION
REGULAR MEETING
December 1, 1997**

**STATE OF TENNESSEE
COUNTY OF LOUDON**

BE IT REMEMBERED, that the Commission of Loudon County, convened in regular session in Loudon, Tennessee on the 1st day of December 1997.

The meeting was called to order by **Chairman Roy Bledsoe**.

(1)
Opening Of
Meeting

Chief Tony Aikens opened Court and led the Pledge of Allegiance to the Flag of the United States of America.

Bob Anderson, a citizen of Loudon County, gave the Invocation.

(2)
Roll Call

Present and presiding was the **Honorable Roy Bledsoe** and the following Commissioners: **Randolph, Bivens, Ledbetter, Maples, Masingo, Bledsoe, Duff, Park, and Twiggs (9)**

Thereupon **Chairman Bledsoe** announced the presence of a quorum. Also present were **Honorable George Miller**, County Executive, **Nancy Richesin**, Budget Director, **Harvey Sproul**, Attorney and **Riley Wampler**, County Court Clerk.

(3)
Motion to
Remove Item
from Agenda

Motion was made by **Commissioner Randolph** with second by **Commissioner Duff** to remove the item on the agenda regarding adoption of A Fair Housing Resolution and defer it to a workshop meeting because of concerns of certain sections of the resolution. Executive Miller stated that the delay in adopting this resolution could delay payment on the CDGB grant for Highland Park.

(4)
Motion to Move
item to end of
Agenda

Motion was made by **Commissioner Ledbetter** with second by **Commissioner Park** to amend the prior motion and move this subject to the end of the agenda for further discussion. Upon voice vote the motion to amend **passed (8-1)**

(5)
Amended
Agenda
Accepted

Motion was made by **Commissioner Park** with second by **Commissioner Ledbetter** to accept the agenda as amended.
Upon voice vote the motion was **passed** unanimously.

(6)
Minutes
Adopted for
Nov. 3, 1997

Motion was made by **Commissioner Park** with second by **Commissioner Masingo** to adopt the minutes of November 3, 1997.
Upon voice vote the motion **passed** unanimously.

(7)
Audience
Comments on
Agenda Items

Chairman Bledsoe asked for any visitor wishing to address the commission regarding items on the planned agenda to come forward. No one wished to speak.

(8)
Audience
Comments on
Non-Agenda
Items

Chairman Bledsoe asked for any visitor wishing to address the commission regarding items not on the planned agenda to come forward. No one wished to speak.

(9)
Personnel
Policies Motion
Passed

County Executive, George Miller, requested discussion and possible action on personnel policies. All county officials are required to adopt personnel policies on the four following topics by December 31, 1997: 1) Leave Policies 2) Wage and Hour Policies 3) Anti-Discrimination and Sexual Harassment Policies 4) Drug Testing Policies. These policies are subject for review and attorney approval.

A **motion** was made by **Commissioner Ledbetter** with second by **Commissioner Masingo** to adopt the four policies.

Upon roll call vote the following commissioners voted Aye: **Randolph, Bivens, Maples, Ledbetter, Masingo, Bledsoe, Duff, Park and Twiggs**.

Thereupon the Chairman announced the motion **Passed** unanimously (9).

(10)
Chamber of
Commerce
Board
Appointment
Resolution
Adopted

Executive Miller requested consideration of adopting A RESOLUTION APPROVING OR ACKNOWLEDGING BOARD OR COMMITTEE APPOINTMENT BY COUNTY EXECUTIVE. **Executive Miller** has recommended that **Commissioner Twiggs** be appointed as a Voting Director on the Board of the Loudon County Chamber of Commerce. A **motion** was made by **Commissioner Randolph** with second by **Commissioner Ledbetter** to adopt this resolution.

Upon voice vote the motion **passed** unanimously.
Resolution # 120197, Exhibit # A

(11)
Sex Offender
Registration
Resolution
Adopted

Executive Miller requested consideration of adopting A RESOLUTION SUPPORTING THE 1995 SEX OFFENDER REGISTRATION AND MONITORING ACT.

A **motion** was made by **Commissioner Park** with second by **Commissioner Maples** to adopt the resolution.

Upon voice vote the motion **passed** unanimously.
Resolution # 120197, Exhibit # B

(12)
Motion passed
to adopt the
1998 Meeting
Schedule

Executive Miller requested discussion and possible action regarding the 1998-meeting schedule. **Commissioner Twiggs** made a motion with second by **Commissioner Maples** to accept the proposed meeting schedule for 1998. The motion was **passed** unanimously upon voice vote.

(13)
Motion Passed
to assist paving
at Family Pride
Corp.

A **motion** was made by **Commissioner Duff** with second by **Commissioner Bivens** to assist the Family Pride Corporation on paving of the parking lot at the old hospital. This request is not to exceed \$26,500.

Upon roll call vote the following commissioners voted Aye: **Randolph, Bivens, Maples, Ledbetter, Masingo, Bledsoe, Duff, Park and Twiggs**.

Thereupon the Chairman announced the motion **Passed** unanimously (9).

(14)
Motion Passed
regarding
National Guards
Request

A **motion** was made by **Commissioner Duff** with second by **Commissioner Ledbetter** to grant the use of the Facilities Maintenance site (old armory site) requested by the Tennessee National Guard as an alternate convening point for the Lenoir City Unit. Attorney Sproul commented that the County would have very little legal liability to personal property damage or injury. The **motion** passed unanimously upon voice vote.

(15)
Maintenance
Salary
adjustment
motion passed

A **motion** was made by **Commissioner Park** with second by **Commissioner Twiggs** to adjust the maintenance salaries. The increase would total \$16,000.

After discussion and comments, a **motion to amend** the previous motion was made by **Commissioner Duff** with second by **Commissioner Randolph** for the adjustment to include all departments after a salary study has been done.

Commissioner Twiggs made a **motion** to table the amendment with second by **Commissioner Bivens**. Upon voice vote the motion **passed** (7-1).

Upon a roll call vote for the original motion made by **Commissioner Park** with second by **Commissioner Twiggs** vote the following commissioners voted Aye: **Randolph, Bivens, Maples, Masingo, Bledsoe, Park, Twiggs**.(7)

The following Commissioners voted Nay: **Ledbetter and Duff**. (2)

Thereupon the chairman announced the motion **passed**. (7-2)

(16)
Discussion and Report regarding BZA Code Enforcement

Commissioner Park asked that the item of enforcement of BZA codes be placed on the planning commission agenda. Mr. Pat Phillips gave an update on planning and zoning.

(17)
Discussion of Amendment to Tennessee Code Annotated, Title 6, Chapter 51, Part I

Commissioner Twiggs made a motion with second by **Commissioner Park** to have the county attorney draw a resolution in support of An Act to amend Tennessee Code Annotated, Title 6, Chapter 51, Part 1, relative to annexation, for consideration of adoption at a future commission meeting. Upon voice vote the motion passed unanimously.

(18)
Budget Committee Requests

Nancy Richesin, Director of Budgets and Accounts, asked the commission on behalf of the budget committee to amend the general fund budget by \$16,800 for a sewer line connection at the Justice Center. A motion was made by **Commissioner Duff** with second by **Commissioner Ledbetter** to accept the recommendation by the budget committee. Upon roll call vote the following Commissioners voted Aye: **Randolph, Bivens, Ledbetter, Masingo, Bledsoe, Duff, (6).**

The following commissioners voted Nay: **Maples, Park, and Twiggs (3).**
Thereupon the chairman announced the motion Passed (6-3).

Mrs. Richesin also recommended on behalf of the capital projects committee and the budget committee to amend the general fund budget by \$8,500 for preliminary design of the Loudon County jail expansion as proposed by Barge, Waggoner, Sumner & Cannon, Inc. **Commissioner Duff** made a motion to accept this recommendation with second by **Commissioner Randolph.**

Upon roll call vote the following Commissioners voted Aye: **Randolph, Maples, Ledbetter, Masingo, Bledsoe, Duff, Park and Twiggs (8).**

The following commissioner voted Nay: **Bivens (1).**
Thereupon the chairman announced the motion Passed (8-1).

Mrs. Richesin also requested on the recommendation of Howard Luttrell, Maintenance Director, that the maintenance general fund budget be amended by \$37,000 to replace jail doors. **Commissioner Ledbetter** made a motion to accept the recommendation with second by **Commissioner Duff.**

Upon roll call vote the following Commissioners voted Aye: **Randolph, Bivens, Maples, Ledbetter, Masingo, Bledsoe, Duff, Park and Twiggs (9).**

Thereupon the chairman announced the motion Passed unanimously.

Mrs. Richesin reported that the general fund as voted upon is to be amended from 101-39000 by a total of \$104,800. (\$16,800 - sewer line, \$8,500 - jail expansion design, \$16,000 - maintenance wages, \$37,000 - jail doors, \$26,500 - paving)

(19)
County Attorney Sproul's Report

Attorney Harvey Sproul commented on the issue concerning jurisdiction of the Loudon County Regional Planning Commission in relation to the area cities' jurisdiction.

Attorney Sproul also commented that the reporting of accidents and filing of claims for damages to county property would be the responsibility of the department heads to inform the proper person for processing.

(20)
Building Commissioner's Report

Doug Lawrence, Building Commissioner, gave the report totals for November:

Permits issued: 27 Est. Value: \$1,342,500

Amount collected: \$2532 New taxes: \$7,000

(21)
Road Commissioner's Report

Don Palmer, Road Commissioner, had no report.

(22)
Purchasing Agent's Report

Howard Luttrell, Purchasing Agent passed out a work order report for November.

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(23)
Notaries
Approved

Motion was made by Commissioner Masingo with a second by Commissioner Park to approve the following notaries.

Peggy Ann Williams
Terry Brackett
Tammy Sue Spires
Polly Weston
Melissa A. Lawson

William Engle
Marcia Sheppard
Misti Chumly
Michele M. Strickland

Motion Passed unanimously upon voice vote.

(24)
Adoption of A
Fair Housing
Resolution

Motion was made by Commissioner Park with a second by Commissioner Maples to adopt A Fair Housing Resolution that was moved to the end of the agenda by an earlier motion.

Upon roll call vote the following Commissioners voted Aye: **Maples Ledbetter, Masingo, Duff, Park and Twiggs (6).**

The following commissioners voted Nay: **Randolph, Bivens, and Bledsoe (3).**

Thereupon the chairman announced the motion **Passed (6-3).**

Resolution # 120197 Exhibit # C

(25)
Adjournment

Motion being duly made and seconded, the December 1, 1997 meeting stood adjourned at 8:09 p.m.

ATTEST:


CHAIRMAN


COUNTY COURT CLERK


COUNTY EXECUTIVE

LOUDON COUNTY COMMISSION

RESOLUTION NO. 120197

RESOLUTION APPROVING OR ACKNOWLEDGING BOARD OR COMMITTEE APPOINTMENT BY COUNTY EXECUTIVE

WHEREAS, by statute, and/or intergovernmental agreement and/or County Procedural Regulations, the County Executive has authority to make certain committee and board appointments; and

WHEREAS, an appointment (or appointments) is necessary and/or desirable at this time; and

WHEREAS, the County Executive appoints the following as a member of

VOTING DIRECTOR ON THE BOARD OF THE LOUDON COUNTY CHAMBER OF COMMERCE

Appointee
Commissioner David Twiggs

Term Expiration
December 1998

NOW, THEREFORE, BE IT RESOLVED that the County Commission in regular session assembled this 1st day of December, 1997 hereby approves and acknowledges (as appropriate), the said appointment(s).


COUNTY CHAIRMAN

ATTEST:


COUNTY CLERK


COUNTY EXECUTIVE

E. H. ... A

LOUDON COUNTY COMMISSION
RESOLUTION NO. 20197

**A RESOLUTION SUPPORTING THE 1995 SEX OFFENDER REGISTRATION AND
MONITORING ACT.**

BE IT RESOLVED by the county legislative body of Loudon County, Tennessee:

WHEREAS, in 1995, the General Assembly of the State of Tennessee adopted the Sex Offender Registration and Monitoring Act; and

WHEREAS, the act requires that law enforcement officials maintain a registry of convicted sex offenders; and

WHEREAS, the act has recently been challenged in Federal Court by a man convicted of molesting a 5-year-old relative in Greene County; and

WHEREAS, U. S. District Judge Thomas Wiseman has ruled that the public is not to view the registry, stating "The public may very well have an interest in knowing whether there is a dangerous sex offender living in their neighborhood. This interest, however, is not so significant to outweigh the interest of a convicted sex offender in having an opportunity to refute whether he or she actually does pose a danger to the community before that information is released"; and

WHEREAS, the members of the County Legislative Body of Loudon County find that the majority of the citizens of Loudon County support public access to the registry of convicted sex offenders.

NOW THEREFORE, BE IT RESOLVED by the Loudon County Legislative Body meeting in session this 1 day of October, 1997, that the Loudon County representatives on the Tennessee General Assembly are hereby requested to take appropriate steps to redraw this important legislation to allow the public to have access to the registry of convicted sex offenders; and

BE IT FURTHER RESOLVED that President Clinton be encouraged to nominate to Federal Judicial positions people who have more concern for the safety and welfare of the citizens than Judge Wiseman; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to President Clinton, Governor Sundquist, Senator Koella, Representative Clabough and Kerr, and the chairperson of each county legislative body in Tennessee.

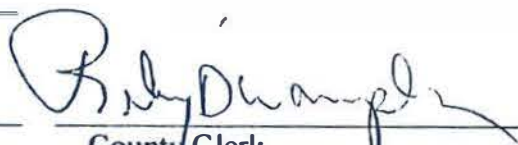
Adopted this 1st day of December, 1997

APPROVED:

ATTEST:


County Chair


County Executive


County Clerk



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LOUDON COUNTY COMMISSION

RESOLUTION NO. 170.197

RESOLUTION APPROVING FAIR HOUSING "ORDINANCE"
(AS REQUIRED FOR HIGHLAND PARK SEWER GRANT)

WHEREAS, Loudon County has been approved for a community development block grant for the purpose of providing sanitary sewer improvements for the Highland Park Elementary School; and

WHEREAS, as a part of the requirements for the completion of this project, the county has been requested to adopt a Fair Housing Ordinance; and

WHEREAS, it appears that most if not all of the requirements in this ordinance are covered in present federal and state statutory and constitutional law;


NOW, THEREFORE, BE IT RESOLVED that the Loudon County Commission, in regular session assembled this 1st day of December, 1997, hereby approves and adopts the "Fair Housing Resolution", and attached to the minutes of this meeting as Exhibit A, to the extent that Loudon County has the legal authority to do so.


COUNTY CHAIRMAN

ACCEPTED:


COUNTY EXECUTIVE

ATTEST:


COUNTY CLERK

Σ Exhibit = C

Loudon County Commission
Resolution No. 120197

RESOLUTION OF FAIR HOUSING

Section 1. Policy

It is the policy of Loudon County to provide, within constitutional limitations, for fair housing throughout the community.

Section 2. Definitions

- (a) "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.
- (b) "Family" includes a single individual.
- (c) "Person" includes one or more individuals, corporation, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and judiciaries.
- (d) "To rent" includes to lease, to sublease, and to let and otherwise to grant for a consideration the right to occupy premises owned by the occupant.
- (e) "Discriminatory housing practice" means an act that is unlawful under SECTION 4, 5 or 6

SECTION 3. Unlawful Practice

Subject to the provisions of subsection (b) and SECTION 7, the prohibitions against discrimination in the sale or rental of housing set forth in SECTION 4 shall apply to:

- (a) All dwellings except as exempted by Subsection (b).
- (b) Nothing in SECTION 4 shall apply to:
 - (1) Any single-family house sold or rented by an owner. Provided that such private individual owner does not own more than three such single-family houses at any one time: Provided further that in the case of the sale of any such single-family house by a private individual house owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four month period: Provided further that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time: Provided further that the sale or rental of any such single-family house shall be excepted from the application of this title only if such house is sold or rented (A) without the use in any manner of the sale or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of

any broker, agent salesman, or person and (B) without the publication, posting or mailing, after notice of any advertisement or written notice in violation of SECTION 4(c) of this ordinance, but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, or

(2) Rooms units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

(c) For the purposes of subsection (b), a person shall be deemed to be in the business of selling or renting dwellings if:

(1) he has, within the preceding twelve months, participated as principal in three more transactions involving the sale or rental of any dwelling or any interest therein, or

(2) he has, within the preceding twelve months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or

(3) he is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

SECTION 4. Discrimination in the Sale or Rental of Housing

As made applicable by SECTION 3 and except as exempted by sections 3(b) and 7, it shall be unlawful:

- (a) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny a dwelling to any person because of race, color, religion, sex, national origin, familial status or disability.
- (b) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, national origin, familial status or disability.
- (c) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, national origin, familial status or disability, or an intention to make any such preference, limitation, or discrimination.
- (d) To represent to any person because of race, color, religion, sex, national origin, familial status or disability that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.
- (e) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a persons of a particular race, color, religion, sex, national origin, familial status or disability.
- (f) To refuse to permit, at the expense of the person with a disability, reasonable modifications are necessary to afford that person full enjoyment of the premises.
- (g) To refuse to make reasonable accommodations in rules, policies, practices, or service, when such accommodations are necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling.

SECTION 5. Discrimination in the Financing of Housing

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefore for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, sex, national origin, familial status or disability of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given: Provided, that nothing contained in this Section shall impair the scope or effectiveness of the exception contained in SECTION 3 (b).

SECTION 6. Discrimination in the Provision of Brokerage Services

It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms of conditions of such access, membership, or participation, on account of race, color, religion, sex, national origin, familial status or disability.

SECTION 7. Exemption

Nothing in this ordinance shall prohibit a religious organization, association, or society, or any non-profit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, sex, national origin, familial status or disability. Nor shall anything in this ordinance prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.

SECTION 8. Administration

- (a) The authority and responsibility for administering this Act shall be in the Executive of Loudon County.
- (b) The County Executive may delegate any of these functions, duties, and powers to employees of the County or to boards of such employees, including functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business, or matter under this resolution. The County Executive shall be rule prescribe such rights of appeal from the decisions of his hearing examiners to other hearing examiners or to other hearing examiners or to other officers in the County, to boards of officers or to himself, as hall be appropriate and in accordance with law.

- (c) All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this ordinance and shall cooperate with the County Executive to further such purposes.

SECTION 9. Education and Conciliation

Immediately after the enactment of this ordinance, the County Executive shall commence such educational and conciliatory activities as will further the purposes of this ordinance. He shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this resolution and his suggested means of implementing it, and shall endeavor with their advise to work out programs of voluntary compliance and of enforcement.

SECTION 10. Enforcement

- (a) Any person who claims to have been injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the County Executive. Complaints shall be in writing and shall contain such information and be in such form as the County Executive requires. Upon receipt of such a complaint, the County Executive shall furnish a copy of the same to the person or persons who allegedly committed or is about to commit the alleged discriminatory housing practice. Within thirty days after receiving a complaint, or within thirty days after expiration of any period of reference under subsection (c), the County Executive shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the County Executive decides to resolve the complaints, he shall proceed to try to eliminate or correct the alleged discriminatory housing practice by information methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this resolution without the written consent of the persons concerned. Any employee of the County Executive who shall make public any information in violation of this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1,000 or imprisoned not more than one year.
- (b) A complaint under subsection (a) shall be filed within one hundred and eighty days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and with the leave of the County Executive, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.
- (c) If within thirty days after a complaint is filed with the County Executive, the County Executive has been unable to obtain voluntary compliance with this ordinance, the person aggrieved may, within thirty days thereafter, file a complaint with the Secretary of the Department of Housing and Urban Development. The County Executive will assist in this filing.
- (d) If the County Executive has been unable to obtain voluntary compliance within thirty days of the complaint, the person aggrieved may, within thirty days hereafter commence a civil action in any appropriate court, against the respondent named in the complaint, to enforce the rights granted or protected by this resolution, insofar as such rights relate to the subject of the complaint. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.

- (e) In any proceeding brought pursuant to this section, the burden of proof shall be on the complaint.
- (f) Whenever an action filed by an individual shall come to trial, the County Executive shall immediately terminate all efforts to obtain voluntary compliance.

SECTION 11. Investigations; Subpoenas; Giving of Evidence

- (a) In conducting an investigation, the County Executive shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation. Provided, however, that the County Executive first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The County Executive may issue subpoenas to compel his access to or the production of such materials, or the appearance of such persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States district court of the district in which the investigation is taking place. The County Executive may administer oaths.
- (b) Upon written application to the County Executive, a respondent shall be intitled to the issuance of a reasonable number of subpoenas by and in the name of the County Executive to the same extent and subject to the same limitations as subpoenas issued by the County Executive himself. Subpoenas issued at the request of a respondent shall show on the face the name and address of such respondent and shall state that they were issued at his request.
- (c) Witnesses summoned by subpoena of the County Executive shall be intitled to the same witness and mileage fees, as are witnesses in proceedings in United States district courts. Fees payable to the witness summoned by a subpoena issued at the request of a respondent shall be paid by him.
- (d) Within five days after service of a subpoena upon any person, such person may petition the County Executive to revoke or modify the subpoena. The County Executive shall grant the petition if he finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.
- (e) In case of contumacy or refusal to obey a subpoena, the County Executive or other person at whose request it was issued may petition for its enforcement in the Municipal or State court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.
- (f) Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if in his power to do so, in obedience to the subpoena or lawful order of the County Executive shall be fined not more than \$1,000 or imprisoned not more than one year or both. Any person who, with intent thereby to mislead the County Executive, shall make or cause to be made any false entry or statement of fact in any report, account, record, or other document submitted to the County Executive pursuant to his subpoena or other order, or shall willfully neglect or fail to make or cause to be made full, true, and correct entries in such reports, accounts, records, or other documents or shall willfully mutilate, alter, or by any other means falsify any documentary evidence, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.
- (g) The County Attorney shall conduct all litigation in which the County Executive participates as a party or as amicus pursuant to the resolution.

SECTION 12. Enforcement by Private Persons

- (a) The rights granted by sections 3,4,5 and 6 may be enforced by civil actions in State or local courts of general jurisdiction. A civil action shall be commenced within one hundred and eighty days after the alleged discriminatory housing practice occurred: Provided, however, that the court shall continue such civil case brought to this section or SECTION 10 (d) from time to time before bringing it to trial or renting dwellings; or
- (b) Any person because he is or has been, or in order to intimidate such person or any other person or any class of person from:
 - (1) participating , without discrimination on account of race, color, religion sex, national origin, familial status or disability, in any of the activities, services, organization or facilities; or
 - (2) affording another person or class of persons opportunity or protection so to participate, or
- (c) any citizens because he is or has been, or in order to discourage such citizens or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, national origin, familial status or disability, in any of the activities, services, organizations or facilities, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate shall be fined not more than \$10,000 or imprisoned not more than ten years, or both; and, if death results, shall be subject to imprisonment for any term of years or for life.

Adopted this 1st Day of December, 1997.

APPROVED:

ATTEST:

George M. Miller

County Executive

Ruby O'Connell

County Clerk