

**CITY CLERK MEMORANDUM**

**11-50**

**DATE:** October 10, 2011  
**TO:** Honorable Mayor and Members of City Council  
**FROM:** Diana R. Stanley, Acting City Clerk  
**SUBJECT:** PROPOSED ADDITION OF A RESOLUTION TO THE OCTOBER 10, 2011 CITY COUNCIL MEETING AGENDA

Councilmember Ellen D. Smith has requested that the attached resolution be added to the October 10, 2011 City Council Meeting Agenda.

Copies of this memo and attachment have also been placed in your mailboxes in the Municipal Building.

  
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Diana R. Stanley

Attachment

cc: Mark S. Watson, City Manager  
Ken R. Krushenski, City Attorney  
Amy S. Fitzgerald, Gov't and Public Affairs Coordinator

**RESOLUTION**

A RESOLUTION IN OPPOSITION OF THE LOCAL OVERSIGHT COMMITTEE'S (LOC) DISSOLUTION UNTIL SUCH TIME AS A NEW ORGANIZATION STRUCTURE HAS BEEN DEFINED, A NEW INTER-LOCAL AGREEMENT HAS BEEN NEGOTIATED AND APPROVED BY COUNCIL AND THE GOVERNING BODIES OF THE OTHER INVOLVED JURISDICTIONS, AND A NEW GRANT AGREEMENT WITH THE STATE OF TENNESSEE HAS BEEN NEGOTIATED; AND FURTHER PROHIBITING THE MAYOR OR THE MAYOR'S ALTERNATE FROM VOTING FOR DISSOLUTION OF THE LOC UNTIL SUCH TIME AS THESE CONDITIONS ARE MET.

WHEREAS, the Local Oversight Committee (LOC) is a non-profit regional organization representing the interests of local governments and their citizens with respect to U.S. Department of Energy (DOE) environmental decisions on the Oak Ridge Reservation (ORR), formed in 1991 when the State of Tennessee entered into an oversight agreement with DOE to independently monitor ORR environmental restoration and waste management activities; and

WHEREAS, DOE environmental decisions and activities on the ORR are a matter of vital interest to the City of Oak Ridge and its citizens; and

WHEREAS, the structure and governance of the LOC was determined in the early 1990s by agreement among elected officials of the City of Oak Ridge and four nearby counties and the organization is currently governed by a board consisting of the mayors, or their alternates, of the City of Oak Ridge and seven nearby counties, plus the chairs of the LOC Citizens' Advisory Panel (CAP), Oak Ridge Environmental Quality Advisory Board (EQAB), and Roane County Environmental Review Board (RCERB); and

WHEREAS, members of the Oak Ridge City Council have been actively involved with the direction of the LOC since its inception, with the Mayor or the Mayor's alternate serving as the board's chairman for all but a brief period in the organization's 20-year history; and

WHEREAS, a number of Oak Ridge citizen volunteers have given freely of their time, energy, and technical expertise as members of the LOC's CAP, which also includes citizen volunteers from neighboring jurisdictions; and

WHEREAS, the LOC operates with grant funding provided through a contract with the State of Tennessee to carry on its work and represent local concerns and interests to DOE, the U.S. Environmental Protection Agency, and the State of Tennessee; and

WHEREAS, knowledgeable observers respect the quality and independence of the LOC's work, have said the organization offers the only independent, technically capable review of what DOE is doing in the Oak Ridge area, and have urged the continuation of its volunteer citizen review function; and

WHEREAS the City of Oak Ridge and the other local governments do not have the resources to duplicate the capabilities provided by the LOC; and

WHEREAS, on September 9, 2011, the LOC board passed a resolution calling for the organization to transition from its current nonprofit structure to an entity under a government fiscal agent and for the mayors of the involved jurisdictions to form a new inter-local agreement outlining the roles and responsibilities of the fiscal agent along with the new approach of local oversight of DOE operations; and

WHEREAS, the mayors of two counties have called for a special meeting to be held October 14, 2011, to designate a government to serve as fiscal agent and immediately dissolve the LOC without first establishing a new inter-local agreement or negotiating a new grant agreement with the State of Tennessee; and

WHEREAS, an interruption of activity and funding would not be in the best interests of the citizens of City of Oak Ridge and the surrounding communities.

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

That the Local Oversight Committee (LOC) should not be dissolved until such time as a new organization structure has been defined, a new inter-local agreement has been negotiated and approved by this City Council and the governing bodies of the other involved jurisdictions, and a new grant agreement with the State of Tennessee has been negotiated.

BE IT FURTHER RESOLVED that neither the Mayor nor the Mayor's alternate is authorized to vote for the dissolution of the LOC until such time as these conditions are met.

This the 10th day of October 2011.

APPROVED AS TO FORM AND LEGALITY:

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Kenneth R. Krushenski, City Attorney

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Thomas L. Beehan, Mayor

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Diana R. Stanley, Acting City Clerk