



DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT

WILLIAM F. HAGERTY
COMMISSIONER

BILL HASLAM
GOVERNOR

Sunset Public Hearing Questions for
Local Government Planning Advisory Committee
Created by Section 4-3-727, *Tennessee Code Annotated*
(Sunset termination June 2014)

1. Provide a brief introduction to the committee, including information about its purpose, statutory duties, staff, and administrative attachment.

The General Assembly created the Local Government Planning Advisory Committee by Chapter 542 of the Public Acts of 1972 with additional duties authorized under Chapter 1101 of the Public Acts of 1998. TCA 2-3-727 was further amended in 2011 with the elimination of the Local Planning Assistance Section of the Department of Economic and Community Development. Pursuant to the statutes the Committee has the following duties:

1. **Exercise the powers of regional planning commissions as provided by statute. These powers are: (a) To create, jointly with the Commissioner, planning regions and to define the boundaries of said regions; also to appoint members to certain commissions on receipt of nominations from county executive or other chief elected officers of a region; To create, jointly with the Commissioner, planning regions outside municipalities and to designate the municipal planning commissions as having jurisdiction over these regions.**
2. **Approval of county growth plans submitted by county growth plan coordinating committees or by the Secretary of State through dispute resolution.**
3. **Determine if existing organizations within a county are sufficiently similar to the requirements to serve as the county joint economic and community development board.**

Staff to the Local Government Planning Advisory Committee is provided by the Department of Economic and Community Development, Community and Rural Services Section.

The Committee is attached administratively to the Department of Economic and Community Development.

2. Provide a list of current members of the committee. For each member please indicate who appointed the member, how the member's presence on the committee complies with Section 4-3-727, *Tennessee Code Annotated*, and the member's county of principal residence. Please indicate each member's race and gender and which members, if any, are 60 years of age or older.

As required in TCA 4-3-272 the seven (7) members of the committee are local government officials appointed by the Governor to four (4) year terms. There are no current vacancies.

1. **George James, Springfield City Planner, Robertson County, white male, over 60.**
2. **Tony Burris, Mayor of Trenton, Gibson County, white male.**
3. **Linda Hayes, Mayor of White Bluff, Dickson County, white female.**
4. **Ernst Burgess, County Mayor, Rutherford County, white male, over 60.**
5. **Brent Greer, County Mayor, Henry County, white male.**
6. **John Gentry, County Mayor, McMinn County, white male.**
7. **Dan Eldridge, County Mayor, Washington County, white male.**

3. How many times did the committee meet in fiscal year 2012 and to date for 2013, and how many members were present at each meeting?

May 8, 2013 – six (6) present; one (1) absent (no vacancies)
October 24, 2012 – five (5) present, no absentees (two vacancies)
April 30, 2012 – four (4) present; one (1) absent (two vacancies)
October 26, 2011 – four (4) present; one (1) absent (two vacancies)
July 27, 2011 – four (4) present; one (1) absent (two vacancies)

4. What per diem or travel reimbursement do members receive? How much was paid to committee members during fiscal year 2012 and to date for 2013?

Members receive per diem and travel reimbursement pursuant to regulations promulgated by the Department of Finance and Administration.

Travel costs for the Committee in FY 2012 and FY 2013 are:

FY2012	\$931.37
FY2013	\$638.66
Total	\$1,570.03

5. What were the committee's revenues (by source) and expenditures (by object) for fiscal year 2012 and to date for 2013? Does the committee carry a fund balance and, if so, what is the

total of that fund balance? If expenditures exceeded revenues, and the committee does not carry a fund balance, what was the source of the revenue for the excess expenditures?

The Committee had no revenues in fiscal years 2012 and 2013.

The Committee does not carry a fund balance.

The Committee does not have an excess fund balance.

Committee expenditures were charged to the Community and Rural Services Section.

6. Is the committee subject to Sunshine law requirements (Section 8-44-101 et seq.) for public notice of meetings, prompt and full recording of minutes, and public access to minutes? If so, what procedures does the committee have for informing the public of its meetings and making its minutes available to the public?

The Committee is subject to the Sunshine law requirements.

Public notice is placed on the Department of Economic and Community Development web page under upcoming events and placed on the Legislative Plaza bulletin board.

Official minutes are maintained by the Committee. The Director of Rural Development is custodian of the minutes and makes all Committee records available for public access.

7. How does the committee ensure that its members and staff are operating in an impartial manner and that there are no conflicts of interest? If the committee operates under a formal conflict of interest policy, please attach a copy of that policy.

The Committee is subject to the ECD Policy on Ethics and Conflicts of Interest Disclosures for Boards, Commissions, & Committees (see attached). The Committee was subject to the ECD Ethics, Conflicts of Interest, and Acceptance of Gift Policy before the ECD policy for Boards, Commissions and Committees became available.

8. Please detail the committee's activities in advising the Commissioner of Economic and Community Development on the administration of local planning assistance. What types of specific issues does the committee address? What types of information does the committee review? Describe the process by which advice is requested and given.

This responsibility was removed by Public Chapter 509 of 2011 by the elimination of the Local Planning Assistance Section.

9. Describe the committee's activities related to Sections 13-3-101 and 102, *Tennessee Code Annotated*. How have the committee's activities changed in light of the passage of Public Chapter 509, Section 3, Public Acts of 2011?

Since its creation in 1972, the bulk of the Committee's activities have been in regional planning commission creation, regional planning boundary designation and adjustment, and appointment of planning commissioners. The Committee is responsible for 94 county regional planning commissions, 105 municipal extraterritorial regional planning commissions and appointment of planning commissioner to joint regional planning commissions in Carroll County, Gibson County, Chattanooga Hamilton County, Knoxville-Knox County and Clarkville-Montgomery County.

The enactment of the Growth Management Act of 1998 increased the Committee's responsibilities by requiring 92 county growth plans to be approved by the Committee before becoming effective and that all amends must also be approved by the Committee.

The Committee acted to amend the county growth plans for Cheatham, Hardeman, Haywood, Montgomery and Wilson counties. Municipal designated regional planning commissions were approved with the urban growth boundary of White Pine in Jefferson County and Tellico Plains in Monroe County. Municipal-Regional planning boundaries were adjusted to be congruent with the Mt. Juliet urban growth boundary.

10. Describe any items related to the committee that require legislative attention and your proposed legislative changes.

The Department does not recommend changes to the Committee unless related statutes found in Title 13 or Title 6 are altered by action of the General Assembly.

11. Should the committee be continued? To what extent and in what ways would the absence of the committee affect the public health, safety, or welfare?

The Committee should be continued. It performs a very important role in the allocation of regional planning jurisdictions, resolves disputes over those jurisdictions and maintains a permanent record of which entities have regional jurisdictions and under what circumstances they came to be created.

The Committee performs an important role in the review and approval of the ninety-two (92) State mandated county growth management plans under the provisions of Chapter 1101 of the Public Acts of 1998. The Committee insures that each county and its municipalities have complied with the provisions of TCA 6-58-104, 106, 107 and 114. The Committee is one of two official repositories of each county growth plan maintaining permanent records and public access.

12. Please list all committee programs or activities that receive federal financial assistance and, therefore are required to comply with Title VI of the Civil Rights Act of 1964. Include the amount of federal funding received by program/activity.

The Committee has no programs or activities that receive federal financial assistance.

If the committee does receive federal assistance, please answer questions 14 through 21. If the committee does not receive federal assistance, proceed directly to question 20.

13. Does your committee prepare a Title VI plan? If yes, please provide a copy of the most recent plan.
14. Does your committee have a Title VI coordinator? If yes, please provide the Title VI coordinator's name and phone number and a brief description of his/her duties. If not, provide the name and phone number of the person responsible for dealing with Title VI issues.
15. To which state or federal agency (if any) does your committee report concerning Title VI? Please describe the information your committee submits to the state or federal government and/or provide a copy of the most recent report submitted.
16. Describe your committee's actions to ensure that committee staff and clients/program participants understand the requirements of Title VI.
17. Describe your committee's actions to ensure it is meeting Title VI requirements. Specifically, describe any committee monitoring or tracking activities related to Title VI, and how frequently these activities occur.
18. Please describe the committee's procedures for handling Title VI complaints. Has your committee received any Title VI-related complaints during the past two years? If yes, please describe each complaint, how each complaint was investigated, and how each complaint was resolved (or, if not yet resolved, the complaint's current status).
19. Please provide a breakdown of current committee staff by title, ethnicity, and gender.
20. Please list all committee contracts, detailing each contractor, the services provided, the amount of the contract, and the ethnicity of the contractor/business owner.

The Committee has no contracts.



POLICY ON ETHICS AND CONFLICTS OF INTEREST DISCLOSURES FOR BOARDS, COMMISSIONS, & COMMITTEES

SUBJECT: DEPARTMENTAL POLICY AND PROCEDURES

EFFECTIVE DATE: November 1, 2012

POLICY: Any and all members selected to serve on a departmental board, commission, or committee will comply with the attached Conflict of Interest Policy.

I. PURPOSE: To provide assurance that the individual interests and actions of all members serving any board, commission, or committee attached to the department, have no conflicts of interest nor do they have the appearance of conflicting with the provision of unbiased service to the public while serving in their respective positions.

II. APPLICABILITY: This policy shall apply to all individuals serving on the following-

- Building Finance Committee
- Local Government Planning Advisory Committee
- Tennessee Technology Development Corporation Board of Directors
- Tennessee Film, Entertainment, & Music Commission

III. DEFINITIONS:

A. Conflict of Interest---

1. A circumstance in which a member's individual interest impairs, or gives the appearance of impairing, his or her ability to make unbiased decisions or provide unbiased public services.
2. Any matter before the governing body in which a member has a financial or personal interest, which is in conflict or gives the appearance of conflict with the discharge of the member's duties.

B. Financial interest ---

1. Ownership by a member of two percent (2%) or more of the stock of a corporation or any other business entity, or
2. Where the company is a business entity, which does not use stock for ownership, the legal or beneficial ownership of two percent (2%) or more of the business.
3. This interest applies to the member or the member's relatives. For the purposes of this policy, a relative includes spouses, parents, siblings, or children.

C. Personal interest --- Any interest in a contract which comes before the governing body or any interest in a contract, employment or work in which the member has a public duty to vote for, let out, overlook, or in any manner to oversee any work.

D. Conduct---

1. A member shall not engage in an action which impairs or has the appearance of impairing, the member's ability to make an unbiased decision or provide unbiased public service.
2. A member shall not knowingly take any action, which might prejudice his /her ability, or another member's ability, to make an unbiased decision on any matter in which the member or the member's relatives have a financial or personal interest.
3. A member shall abstain from voting on any matter involving a person or entity in which the member or the member's relatives have a financial or personal interest.
4. A member who is employed by, or has contracted to provide services to a person or entity seeking specific approval or action, shall abstain from voting on the approval or action.
5. A member shall not participate as an expert witness in a contested case before his or her governing body.
6. A member shall not solicit or accept any gift, gratuity, favor, entertainment, loan, or unusual discount from any person or entity, which has obtained or is seeking to obtain a decision on any matter from the governing body. NOTE: This prohibition does not include food or drink or other entertainment as part of a meal or event if the value of such items does not exceed Fifty Dollars (\$50.00) per occasion; nor does it include items of insignificant value routinely given in the ordinary course of business.
7. A member shall not accept honoraria or other compensation for activities, which are, or should be, performed as part of one's official duties, except as provided by the Comprehensive Travel Regulations of the Department of Finance and Administration.

E. DISCLOSURE---

1. All members shall annually review the Conflict of Interest Policy, and/or submit their Conflict of Interest Policy

Acknowledgment forms and Conflict of Interest Disclosure forms to the Commissioner's designees. The Commissioner's Designees shall provide copies of said forms to the presiding officers of the boards, commissions, or committee. These forms will be available for public review on request.

2. The presiding officer or legal counsel will remind all members to disclose their financial or personal interests in keeping with the Conflict of Interest Policy before any transaction of business by any board, commission, or committee.
3. Any member, upon determining that a matter taken up by a board, commission, or committee presents a conflict of interest under this policy shall immediately notify the presiding officer and publicly acknowledge such conflict.
4. All members shall make every reasonable effort to avoid even the appearance of a conflict of interest.
5. The vote of any such member having a conflict of interest who does not so inform the board, commission, or committee of such conflict may be voidable if challenged.
6. If and when a challenge occurs, the board, commission, or committee will investigate the circumstances. They will determine whether or not a conflict exists and decide what action should be taken given the circumstances.

IV. PROCEDURES:

- A. All members serving on a departmental board, commission, or committee will receive a copy of the Conflict of Interest Policy, Conflict of Interest Policy Acknowledgment form, and Conflict of Interest Disclosure form.
- B. All members will be required to sign the Conflict of Interest Policy Acknowledgment form, and complete the Conflict of Interest Disclosure form annually. These forms will be returned to the Commissioner's Designees who will keep the signed copies on file.
- C. The Commissioner's Designees and their respective departmental boards, commissions, and committee will be as follows:
 - Building Finance Committee
 - Local Government Planning Advisory Committee
 - Tennessee Technology Development Corporation Board of Directors
 - Tennessee Film, Entertainment, & Music Commission
- D. The Commissioner's Designees shall make copies of the forms and provide copies of said forms to the presiding officers of the governing bodies. Said forms shall be available for public review.

- E. Prior to the transaction of business by any governing body, all members shall be reminded by the presiding officer or legal counsel to disclose their financial or personal interests in accordance with the Conflict of Interest Policy.



**CONFLICT OF INTEREST POLICY ACKNOWLEDGMENT
FOR
BOARDS, COMMISSIONS, AND COMMITTEE**

Name: _____
(PLEASE PRINT)

Name of Board, Commission or Committee:

I hereby certify that I have received and read the Conflict of Interest Policy. I have reviewed said policy, and I agree to abide by its terms. I am now reporting my financial interest(s) on the attached Conflict of Interest Disclosure form. I understand that I will be required to always publicly acknowledge my interest(s) whenever my governing body considers a related matter. I also understand that I have an annual obligation to report my interest(s).

Signature

Date

I certify that the information contained in this disclosure statement is true and that it is a complete and accurate report

Signature

Date



**Department of Economic and Community Development
Ethics, Conflicts of Interest, and Acceptance of Gifts Policy
Local Government Planning Advisory Committee Member
Acknowledgement Statement**

I, Ernest G. Burgess (print full name), the undersigned, a board/committee member of the Department of Economic and Community Development, hereby certify that I have received a copy of the Department of Economic and Community Development's policy on "Ethics, Conflicts of Interest, and Acceptance of Gifts", that I have read or had the policy read to me, and that I agree to abide by the terms of the policy as a condition of employment. I also acknowledge and certify that I have received and read a copy of Executive Order #3 concerning ethics, conflicts of interest, and acceptance of gifts on behalf of executive branch employees. By my signature below, I affirm that I understand that failure to comply with either the policy or Executive Order #3 shall be grounds for disciplinary action, up to and including dismissal, where appropriate.

If, during my employment to the Department of Economic and Community Development, my circumstances relative to any of the above statements change, I will immediately disclose such information to my supervisor and immediately submit a new disclosure form incorporating the new circumstance(s).

By my signature below, I affirm that all the above and below is true to the best of my knowledge and belief, and I acknowledge that any material misstatement herein shall be adequate grounds for disciplinary action, up to and including dismissal, where appropriate.

- I declare no conflict of interest
- I declare the following potential conflict of interest:

Sign and complete the following:

Ernest G. Burgess
Member Signature

1/29/13
Date



**Department of Economic and Community Development
Ethics, Conflicts of Interest, and Acceptance of Gifts Policy
Local Government Planning Advisory Committee Member
Acknowledgement Statement**

I, Tony Burriss (print full name), the undersigned, a board/committee member of the Department of Economic and Community Development, hereby certify that I have received a copy of the Department of Economic and Community Development's policy on "Ethics, Conflicts of Interest, and Acceptance of Gifts", that I have read or had the policy read to me, and that I agree to abide by the terms of the policy as a condition of employment. I also acknowledge and certify that I have received and read a copy of Executive Order #3 concerning ethics, conflicts of interest, and acceptance of gifts on behalf of executive branch employees. By my signature below, I affirm that I understand that failure to comply with either the policy or Executive Order #3 shall be grounds for disciplinary action, up to and including dismissal, where appropriate.

If, during my employment to the Department of Economic and Community Development, my circumstances relative to any of the above statements change, I will immediately disclose such information to my supervisor and immediately submit a new disclosure form incorporating the new circumstance(s).

By my signature below, I affirm that all the above and below is true to the best of my knowledge and belief, and I acknowledge that any material misstatement herein shall be adequate grounds for disciplinary action, up to and including dismissal, where appropriate.

- I declare no conflict of interest
 I declare the following potential conflict of interest:

Sign and complete the following:

Tony Burriss . 1/29/13
Member Signature Date



TENNESSEE
Ready to Work

**Department of Economic and Community Development
Ethics, Conflicts of Interest, and Acceptance of Gifts Policy
Local Government Planning Advisory Committee Member
Acknowledgement Statement**

I, DANIEL J. ELDRIDGE (print full name), the undersigned, a board/committee member of the Department of Economic and Community Development, hereby certify that I have received a copy of the Department of Economic and Community Development's policy on "Ethics, Conflicts of Interest, and Acceptance of Gifts", that I have read or had the policy read to me, and that I agree to abide by the terms of the policy as a condition of employment. I also acknowledge and certify that I have received and read a copy of Executive Order #3 concerning ethics, conflicts of interest, and acceptance of gifts on behalf of executive branch employees. By my signature below, I affirm that I understand that failure to comply with either the policy or Executive Order #3 shall be grounds for disciplinary action, up to and including dismissal, where appropriate.

If, during my employment to the Department of Economic and Community Development, my circumstances relative to any of the above statements change, I will immediately disclose such information to my supervisor and immediately submit a new disclosure form incorporating the new circumstance(s).

By my signature below, I affirm that all the above and below is true to the best of my knowledge and belief, and I acknowledge that any material misstatement herein shall be adequate grounds for disciplinary action, up to and including dismissal, where appropriate.

- I declare no conflict of interest
 I declare the following potential conflict of interest:

Sign and complete the following:

Daniel J. Eldridge
Member Signature

1/31/13
Date



**Department of Economic and Community Development
Ethics, Conflicts of Interest, and Acceptance of Gifts Policy
Local Government Planning Advisory Committee Member
Acknowledgement Statement**

I, John Mark Gentry (print full name), the undersigned, a board/committee member of the Department of Economic and Community Development, hereby certify that I have received a copy of the Department of Economic and Community Development's policy on "Ethics, Conflicts of Interest, and Acceptance of Gifts", that I have read or had the policy read to me, and that I agree to abide by the terms of the policy as a condition of employment. I also acknowledge and certify that I have received and read a copy of Executive Order #3 concerning ethics, conflicts of interest, and acceptance of gifts on behalf of executive branch employees. By my signature below, I affirm that I understand that failure to comply with either the policy or Executive Order #3 shall be grounds for disciplinary action, up to and including dismissal, where appropriate.

If, during my employment to the Department of Economic and Community Development, my circumstances relative to any of the above statements change, I will immediately disclose such information to my supervisor and immediately submit a new disclosure form incorporating the new circumstance(s).

By my signature below, I affirm that all the above and below is true to the best of my knowledge and belief, and I acknowledge that any material misstatement herein shall be adequate grounds for disciplinary action, up to and including dismissal, where appropriate.

- I declare no conflict of interest
 I declare the following potential conflict of interest:

Sign and complete the following:

John Mark Gentry 1/28/13
Member Signature Date