

Sunset Public Hearing Questions for
Tennessee Alliance for Fitness and Health
Created by Section 4-40-301, *Tennessee Code Annotated*
(Sunset termination June 2014)

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

Response: The Tennessee Alliance for Fitness and Health (hereinafter referred to as the Alliance) was established in 1991 as a non-profit, 501(c)(3) fiduciary corporation for the Governor's Council on Physical Fitness and Health.

Statutory duties:

- **The corporation may solicit, receive, and disburse funds in order to underwrite, manage, plan, promote, establish, maintain and expand the health promotion and awareness activities and services of the Governor's Council.**
- **The Alliance was authorized and directed to apply for tax exempt status under 26 U.S.C. Section 501(c)(3).**
- **The Alliance may receive funds from the State of Tennessee at such times and in such amounts as appropriated by the General Assembly to be used for its tax exempt purpose.**

The Alliance shall have its own board of directors which shall consist of the members of the Governor's Council on Physical Fitness and Health and a representative of the Attorney General and Reporter. The Executive Director of the Governor's Council is a voting ex-officio member. The board of the Alliance may hire such support staff and name such advisory groups or steering committees as necessary to assist in the promotion, coordination, fund raising and marketing of health and fitness activities; provided, however, that the cost to underwrite such activities shall be born from revenues of the non-profit corporation and no state employee shall benefit from such proceeds.

2. Provide a list of current members of the board of directors. For each member please indicate who appointed the member, how the member's presence on the board of directors complies with Section 4-40-304, *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. Are there any vacancies on the board? If so, what steps have been taken to fill the vacancies?

Response: Membership does comply with Section 4-40-304, *Tennessee Code Annotated* members of the Board of Directors of the Alliance, consisting of members of the Governor's Council on Physical Fitness and Health and ex-officio members. There is one position from the Governor's Council is vacant. The age of members is not known.

Name	Race	Sex	Term End	County of Residence
Senator Jim Tracy	C	M	1/18/2013	Bedford
Representative Bill Sanderson	C	M	1/18/2013	Gibson
Rebecca Johns- Wommack	C	F	Ex-Officio	Ruherford
Laurie Stanton	C	F	Ex-Officio	Williamson
Gerald Parrish	C	M	Ex-Officio	Madison
Jaclyn Austin	C	F	Ex-Officio	Davidson
Stuart Currie	C	M	6/30/2013	Madison
Christopher A. Ayres	C	M	2/28/2013	Washington
Russell Epperson	C	M	2/28/2013	Chester
vacant				
William Roberts	C	M	2/28/2013	Davidson
Leslie Curry-Johnson	C	F	2/28/2013	Davidson
Cynthia Ann Mason	C	F	2/28/2013	Robertson
William McKamey	C	M	2/28/2013	Sullivan
Lonnell Matthews, Jr.	C	F	2/28/2013	Davidson
Amanda McLaughlin	C	F	2/28/2013	Sumner
Rose Miller Grindstaff	C	F	2/28/2016	Williamson
Ms. Soraya C. Parr	C	F	2/28/2013	Williamson
Cheryl Golden	B	F	2/28/2013	Shelby

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

Response: The Alliance met two times in fiscal year 2012 with 7 and 10 members attending, respectively. In 2013, the alliance has convened once for the Shining Star Award banquet with 8 members and approximately 25 guests.

4. What advisory groups or steering committees have been named by the board as authorized in Section 4-40-305, *Tennessee Code Annotated*? What are the duties and responsibilities of those groups or committees, how often have they met in the last two years, and how successful has each been in accomplishing the duties and responsibilities with which it has been charged?

Response: There have been no advisory groups or steering committees named by the board.

5. What per diem or travel reimbursement do members receive? How much was paid to board, advisory group, or steering committee members during fiscal year 2012 and to date for 2013?

Response: During the 2012-2013 fiscal years, the Alliance business has been handled after the regularly scheduled Governor's Council meetings, thus no per

diems or travel reimbursements were paid to the Alliance board. The Governor's Council travel reimbursement is based on the State Travel Reimbursement Rates and was paid through state funding.

6. What were the alliance's revenues (by source) and expenditures (by object) for fiscal year 2012 and to date for 2013? Does the alliance carry a fund balance and, if so, what is the total of that fund balance? If expenditures exceeded revenues, and the alliance does not carry a fund balance, what was the source of the revenue for the excess expenditures?

Response: The Alliance did not receive any revenue in fiscal years 2012 and 2013. This organization is a 501(c)3 organization. The last revenue source was from Vanderbilt University several years ago and the current fund balance is \$854.12 Any remaining funding at sunset would be reverted back to Vanderbilt.

Major Object	Expenditure FY12	Expenditure FY13
Supplies	\$165.00	\$2700.01
<i>Total Expenditures</i>	\$165.00	\$2700.01

***The above reference expenditures were in relation to Governor's Council activities. The difference in the amounts per year is representative of the fact that the Shining Star award banquet was not scheduled within the fiscal year 2012 as it would have typically been.**

7. Is the board subject to Sunshine law requirements (Section 8-44-101 et seq., *Tennessee Code Annotated*) for public notice of meetings, prompt and full recording of minutes, and public access to minutes? What about advisory groups or steering committees named by the board? If so, what procedures do the board, advisory groups, and steering committees have for informing the public of their meetings and making their minutes available to the public?

Response: The Alliance is subject to Sunshine law requirements. Minutes of meetings are taken and are available to the public in the office of the Executive Director of the Governor's Council.

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

Response: The Alliance follows all departmental guidelines and policies as related to conflict of interest.

9. Has the board of directors hired support staff as authorized in Section 4-40-305, *Tennessee Code Annotated*? If so, how many individuals have been hired and what are their duties?

Response: No support staff has been hired.

10. Describe the nature and extent of the alliance's activities and any major accomplishments of the past two years.

Response: The primary activity and focus of the Alliance for the previous two years has been the financial support for the Shining Star Award program. The Governor's Council has established the Shining Star Awards, designed to recognize the efforts of and contribution to the promotion of healthy lifestyles by an individual or group of Tennesseans in the following areas– Where we Live (communities), Work (employers), and Learn (educational settings). Three winners are selected in each category annually. Winners receive a trophy award received at a banquet luncheon where winners are recognized. The Alliance has assumed the financial responsibility for this event annually, covering the participant's travel, the awards banquet and the trophy awards.

11. Describe any items related to the alliance that require legislative attention and your proposed legislative changes.

Response: No items related to the Alliance currently require legislative attention.

12. Does the alliance have policies in place to address potential conflicts of interest by board or advisory group members, or by alliance staff?

Response: The Alliance follows all departmental guidelines and policies as related to conflict of interest.

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

Response: It is not recommended that the Alliance be continued. The purpose of the Alliance for several years has been to serve as the nonprofit/funding arm of the Governor's Council on Physical Fitness and Health. With the recommendation of the Council sunset, the Alliance would also sunset. Very limited fundraising (\$5,000) has taken place in the previous 10 years, and the Alliance currently has a balance of \$845.12, which is not enough to cover one more year of the Shining Star award (the only activity the Alliance and the Council have participated in for many years).

14. Please list all alliance 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.

[Federal financial assistance includes:

- (1) Grants and loans of Federal funds,
- (2) The grant or donation of Federal Property and interests in property,
- (3) The detail of Federal personnel,

(4) The sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient, and

(5) Any federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

28 C.F.R. Sec. 42.102(c)

[The term recipient means any State, political subdivision of any State, or instrumentality of any State or political subdivision, any public or private agency, institution, or organization, or other entity, or any individual, in any State, to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assign, or transferee thereof, but such term does not include any ultimate beneficiary under any such program.

28 C.F.R. Sec. 42.102(f)

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

Response: The Alliance does not receive any federal funding.

14. Does your alliance prepare a Title VI plan? If yes, please provide a copy of the most recent plan.

Response: N/A

15. Does your alliance 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.

Response: N/A

16. To which state or federal agency (if any) does your alliance report concerning Title VI? Please describe the information your alliance submits to the state or federal government and/or provide a copy of the most recent report submitted.

Response: N/A

17. Describe your alliance's actions to ensure that alliance staff and clients/program participants understand the requirements of Title VI.

Response: N/A

18. Describe your alliance's actions to ensure it is meeting Title VI requirements. Specifically, describe any alliance monitoring or tracking activities related to Title VI, and how frequently these activities occur.

Response: N/A

19. Please describe the alliance's procedures for handling Title VI complaints. Has your alliance 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).

Response: N/A

20. Please provide a breakdown of current alliance staff by title, ethnicity, and gender.

Response: The Alliance does not have any staff.

21. Please list all alliance contracts, detailing each contractor, the services provided, the amount of the contract, and the ethnicity of the contractor/business owner.

Response: The Alliance does not have any contracts at this time.