

Sunset Public Hearing Questions for
Doe Mountain Recreation Authority, Board of Directors
Created by Section 11-25-103, *Tennessee Code Annotated*
(Sunset termination June 2014)

1. Provide a brief introduction to the Doe Mountain Recreation Authority (DMRA), including information about its purpose, statutory duties, staff and administrative attachment.

The Authority was established to prepare master plans for Doe Mountain and to ensure compliance with such plans; to conserve the land, waters, and wildlife of Doe Mountain in a manner protective of the resource; and to foster economic development for the people by the development and operation of multi-use family oriented outdoor recreation opportunities. The DMRA consists of 15 volunteer Board members, including three officers, and has no paid staff at this time.

2. Provide a list of current members of the board of directors and describe how membership complies with Section 11-25-106(a), *Tennessee Code Annotated*. Are there any vacancies on the board? If so, what steps have been taken to fill the vacancies?
 - a. The Mayor of the county, or the Mayor's designee (Larry Potter);
 - b. The Mayor of the largest municipality within the county, or the Mayor's designee (Lawrence Keeble);
 - c. The Director of the Wildlife Resources Agency, or the Director's Designee (John Gregory, serving as proxy for the Director);
 - d. The Commissioner of the Department of Economic and Community Development, or the Commissioner's designee (Alicia Summers, serving as proxy for the Commissioner);
 - e. The Commissioner of the Department of Environment and Conservation, or the Commissioner's designee (Brock Hill, Deputy Commissioner, serving as proxy for the Commissioner);
 - f. The Commissioner of the Department of Tourism Development, or the Commissioner's designee (Dave Jones, serving as proxy for the Commissioner);
 - g. One (1) member, appointed by the county Mayor from a list of three (3) submitted by the Board of Directors of the county's Chamber of Commerce, who shall serve for a term of two (2) years (Frank Arnold);
 - h. One (1) member, appointed by the county Mayor, who shall be a resident of the county, and active in a locally organized conservation or outdoor recreation organization, who shall serve for a term of two (2) years (Roby Philippi);
 - i. One (1) member, appointed by the Governor, who shall have a background in conservation, who shall serve for a term of three (3) years (Richard Strang);
 - j. One (1) member, appointed by the Governor, who shall have experience in outdoor recreation planning, marketing, or operations, who shall serve for a term of three (3) years (Terry Maughon);

- k. One (1) member, elected by majority vote of the governing body of the county, who shall serve for a term of two (2) years (Jerry Grindstaff);
- l. One (1) member, appointed by the Speaker of the Senate in consultation with the member of the Senate representing the majority of the county's population, who shall serve for a term of two (2) years (Mike Farmer);
- m. One (1) member, appointed by the Speaker of the House of Representatives in consultation with the member of the House of Representatives representing the majority of the county's population, who shall serve for a term of two (2) years (Ray Stout);
- n. One (1) member, appointed by the Governor from a list of three (3) names submitted by The Nature Conservancy, who shall serve for a term of three (3) years (Gabrielle Lynch); and
- o. One (1) member of the public at large, appointed by the Governor, who shall be a resident of the county or an adjoining county and not otherwise affiliated with any of the groups identified above, who shall serve for a term of three (3) years (Carolyn Hawkins).

There are no vacancies on the Authority's board at this time.

3. Does membership include a member who is sixty years of age or older? A member who is a racial minority? A member who is female?

60+ years – YES

Racial minority – NO

Female - YES

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

To date, no funds have been disbursed to members of the board for any purpose.

5. What were the authority's revenues (by source) and expenditures (by object) to date during fiscal year 2013?

The Authority received \$12,434.88 in FY13 revenues:

- \$8,000 Yamaha grant for trail maintenance (granted to Johnson County, then transferred to the DMRA);
- \$2,185 donations from individuals and area businesses;
- \$1,772.88 refund from the State of TN for acquisition expenses related to the Doe Mountain property acquisition;
- \$477 t-shirt and hat sales.

The DMRA had no expenditures in FY13. It should be noted that three individual DMRA board members conducted fundraising activities through their respective organizations in FY13 to benefit the DMRA. However, those sources of revenue have not passed through the DMRA's financial account.

6. Section 11-25-106 (c), *Tennessee Code Annotated*, states that the board “shall meet no less often than monthly its first twelve (12) months of operation, and no less often than once every three (3) months thereafter.” How many times has the board met to date during fiscal year 2013, and how many members were present at each meeting?

The DMRA board has met every month since November, 2012. The board member attendance is as follows:

November, 2012	-	15
December, 2012	-	15
January, 2013	-	15
February, 2013	-	15
March, 2013	-	12
April, 2013	-	15
May, 2013	-	13
June, 2013	-	11
July, 2013	-	15

7. Section 11-25-109(a), *Tennessee Code Annotated*, makes the board subject to the 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 procedures does the board have for informing the public of its meetings, who keeps the official minutes of board meetings and what steps are taken to make the minutes available to the public?

The DMRA Board Secretary is Gabrielle Lynch. Ms. Lynch records the minutes of all meetings electronically and provides draft minutes to the DMRA board for approval prior to the next month’s meeting. Immediately after approval (the following business day), the minutes are posted on the DMRA website, www.doemountain.org. Copies of the approved minutes are also filed at the Johnson County Mayor’s office in the courthouse. The original, signed minutes are kept by the Board Secretary.

All board meetings and committee meetings are publicly announced at least five days prior to the meeting date. The venues at which meeting announcements are posted are: a) both local newspapers, *The Tomahawk* and *The Mountain Sentinel*; b) WMCT local AM radio station; c) www.doemountain.org; d) physical posting at the Johnson County courthouse.

8. What were the major accomplishments of the authority to date? Specifically, what activities has the authority undertaken to carry out the powers, duties and functions set out in Section 11-25-107(a)(1) through (26) and 11-25-108(a)(1) through (6), *Tennessee Code Annotated*?

The Authority has completed the following accomplishments since its establishment:

- a. adopted a seal;
- b. adopted by-laws;

- c. established six working committees to address specific DMRA issues;
 - d. registered a charter with the Secretary of State;
 - e. selected a home office;
 - f. accepted title to the Doe Mountain properties from the State of Tennessee;
 - g. created a website (www.doemountain.org) which contains minutes of the Board of Directors, meeting notices, rules, and other relevant information;
 - h. held a rulemaking hearing and adopted rules;
 - i. established a schedule of user fees and User Agreement & Liability Waiver;
 - j. assisted The Nature Conservancy in selecting a qualified consulting firm to facilitate the Doe Mountain Recreation Area Master Plan (planning process to conclude in June 2014);
 - k. collaborated with two universities to begin mapping Doe Mountain's roads and trails, sensitive ecological areas, hydrology features, and develop a trail numbering system;
 - l. engaged the services of a *pro bono* attorney;
 - m. submitted a FY14 Recreation Trails Program (RTP) grant application for funding to develop specific trails and access points on the mountain;
 - n. submitted a USDA Rural Business Enterprise Grant (RBEG) application to help fund the Master Plan's development.
9. Does the board have any policies in place to address potential conflicts of interest by board members, authority employees, or other state employees who work with the authority in any capacity? If yes, please describe.

The Boards by-laws provide as follows:

Section 9. Conflicts of Interest

Board members are officers of the State for purposes of their duties on the Board. As such, they accept the responsibilities of a public trust. Board members must be cognizant of the potential for a conflict of interest or an apparent conflict of interest between an official act and any financial or business interests of the Board member or the Board member's immediate family. No Board member shall participate in any way in any decision, effort, or function which could result in his or her financial benefit.

Any Board member who believes that he/she may have a potential conflict of interest must immediately notify the Chair of the Board and the attorney for the Board of the nature of the conflict. The Executive Committee of the Board, after legal consultation, will determine whether recusal or some other action is required to remedy any conflict or potential conflict.

10. In Section 11-25-115, *Tennessee Code Annotated*, the authority is authorized to issue bonds. Has the authority issued bonds under this statutory provision? If so, please describe the type, amount and purpose of the issuance. If there has been more than one issuance, please describe each.

The Authority has not issued bonds and has no plans to do so at the current time.

11. Has the board prepared and transmitted an annual report of its business affairs and transactions as required by Section 11-25-113(c)? If so, please attach a copy of the latest report.

The Authority has received its Annual Report notice but has not yet filed it; the report is due on or before October 1, 2013.

12. Section 11-25-113(a) and (b), *Tennessee Code Annotated*, requires an annual audit of the books of accounts and financial records of the authority. If the authority has had such an audit prepared to date, please attach a copy.

The Authority has not had a financial audit to date.

13. Describe any items related to the authority that require legislative attention and your proposed legislative changes.

Because the Authority is only in its first year, and a Master Plan will not be completed until June 2014, the Authority is not seeking legislative changes at this time.

14. Should the authority be continued? To what extent and in what ways would the absence of the authority endanger the public health, safety or welfare?

Yes, the Authority should continue. There is much momentum behind developing the Master Plan, outside funds have been raised for that purpose, and work is occurring on the mountain to open trails for public use in 2013.

15. Please list all authority 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.

To date, the Authority has received no federal assistance. It is anticipated that the Authority will begin receiving federal funds from the USDA RBEG program, but not until 2014.

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

No.

17. Does your authority 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.

Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.

21. Please describe the authority's procedures for handling Title VI complaints. Has your authority 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).

Not applicable.

22. Please provide a breakdown of current authority staff by title, ethnicity, and gender.

The Authority has no paid staff.

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

The Authority has no contracts at the present time.