

Sunset Public Hearing Questions for
Four Lake Regional Industrial Development Authority
Created by Section 64-5-201, *Tennessee Code Annotated*
(Sunset termination June 2014)

1. Provide a brief introduction to the Four Lake Regional Industrial Development Authority, including information about its purpose, statutory duties, staff and administrative attachment.

Legislation creating the Four Lake Regional Industrial Development Authority was passed by public act of the State Legislature on April 15, 1986. The Four Lake Authority was created and established for the purpose of developing the resources of the region (Macon, Smith, Sumner, Trousdale, and Wilson counties) impacted by the halted construction of TVA's world's largest nuclear power plant at Hartsville, TN.

The Authority is directed to cooperate and coordinate with local, regional, state, and federal planning agencies for economic development and the improvement of employment opportunities in the region.

The Authority's staff includes a new Executive Director (as of 03/12/12), a new Assistant Director/Program Manager (beginning 01/02/13), and an Office Manager (since 09/03/90). The administrative attachment for the Authority is with the TN Department of Economic & Community Development.

2. Provide a list of current members of the board of directors and describe how membership complies with Section 64-5-203(a), *Tennessee Code Annotated*. Are there any vacancies on the board? If so, what steps have been taken to fill the vacancies?

A change to Four Lake's Enabling Legislation became effective July 1, 2012 to reduce the size of the Board of Directors from twenty one (21) to seven (7). The new Board is comprised of the five 4L region's County Mayors/Executive, or their appointee; one member appointed by the Speaker of the Senate; and one member appointed by the Speaker of the House. Both the appointed members serve for two-year terms and must reside within the 4L region. The current seven members serving on the 4L Board of Directors are (there are no vacancies):

Chairman – Randall Hutto, Wilson County Mayor
Vice Chairman – Jake West, Trousdale County Mayor
Secretary/Treasurer – Shelvy Linville, Macon County Mayor
Anthony Holt, Sumner County Executive
Michael Nesbitt, Smith County Mayor
Stephen Chambers, Senate Appointee
Tom Arnold, Jr., House Appointee

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?

The Four Lake Authority prohibits discrimination on the basis of race, color, religion, national origin, sex, age, or disability. Therefore, inquiries of such have never been made of the Board membership. However, it is fairly likely that at

least one member is 60 years old or older, but there are no “apparent” racial minorities or females.

4. Has the board established an advisory committee as authorized at Section 64-5-203(c), *Tennessee Code Annotated*? If so, who serves on the committee, how were the members selected, and how long does each member serve?

The Board has not chosen to officially appoint an Advisory Committee. Instead, the Board has utilized an “unofficial” group of professionals made up of representatives from ECD, TVA, GNRC, MTIDA, and UCDD. Representatives from these organizations have regularly attended Board meetings for many years, offering invaluable advise & expertise.

Also, the new Executive Director has established an advisory group (see **Attachment #1** for a list of current members) comprised of representatives from each county’s economic and/or industrial development committees. This group is the 4L Economic Development Advisory Council (EDAC); they meet quarterly.

5. 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 during fiscal years 2011 and 2012?

No Board member has requested travel or expense reimbursement for meetings; therefore, no compensation for such has been disbursed.

6. What were the authority’s revenues (by source) and expenditures (by object) for fiscal years 2011 and 2012?

See pages 18 & 19 of the FY 2010/2011 Annual Report and pages 13 & 14 of the FY 2011/2012 Annual Report located in **Attachment #4**

7. How many times did the board meet in fiscal years 2011 and 2012, and how many members were present at each meeting?

FY 2010/2011	Members Present
07/15/10 (Annual, Full-Board Mtg)	13 of 21
10/15/10 (Qtrly Exec Comm Mtg)	4 of 5
12/17/10 (Qtrly EC Mtg)	5 of 5
02/02/11 (Spec-Called EC Mtg)	5 of 5
03/07/11 (Spec-Called EC Mtg)	5 of 5
04/08/11 (Qtrly EC Mtg)	5 of 5
06/17/11 (Spec-Called EC Mtg)	5 of 5

FY 2011/2012	Members Present
07/05/11 (Spec-Called EC Mtg)	5 of 5
07/15/11 (Annual Full-Bd Mtg)	17 of 21
08/30/11 (Spec-Called EC Mtg)	5 of 5
10/18/11 (Qtrly EC Mtg)	5 of 5
11/17/11 (Spec-Called EC Mtg)	5 of 5
12/06/11 (Spec-Called EC Mtg)	5 of 5
12/15/11 (Qtrly EC Mtg)	5 of 5

02/23/12 (Spec-Called EC Mtg)	5 of 5
04/13/12 (Qtrly EC Mtg)	4 of 5

8. Section 64-5-203(e), *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?

All meetings are posted at each of the five counties' courthouses at least one week prior to the meeting. Public notice is also posted on the Four Lake Authority's website (www.fourlake.org). Minutes are recorded before the next scheduled meeting by the Four Lake Authority's staff, at which time they are reviewed and approved by the Board. The approved Minutes are available to the public at the Four Lake office upon request.

9. What were the major accomplishments of the authority during fiscal years 2011 and 2012? Specifically, what activities has the authority undertaken to carry out the powers, duties and functions set out in Section 64-5-208(7) through (15), *Tennessee Code Annotated*?

Surviving "Wind-Down"! 2011 through 2012 was a particularly tumultuous season for the Authority. Four Lake underwent intense scrutiny followed by changes in management and Board structure. Also, the Four Lake office moved to a more suitable space with separate offices for staff and a small conference room. While the process was less than pleasant, it has yielded a very positive result.

(64-5-208[7-8]) Two new grant programs were authorized by the Board in FY 2010/1011. One 4L Grant Program was developed which appropriates \$20,000/year for each of the five 4L Counties to assist with their individual economic development projects. These funds can be used for economic development projects only. Another grant beginning in (FY 2010/2011) was designated for the new Select TN Site Certification program. Smith, Sumner, and Trousdale counties have already selected sites and utilized the Grant funds for engineering studies required in the Site Certification application. It is the 4L Executive Director's desire for each of 4L's five counties to have a Select TN Certified Site.

(64-5-208[8]) Four Lake provided the North Central Planning Region (comprised of Macon, Smith, and Trousdale counties) with coordinating/liaison support as they completed and submitted their 16th & 17th Annual Progress Reports to the State, with technical assistance from GNRC, UCDD, and TN Dept. of Environment & Conservation, as directed under the 1991 Solid Waste Management Act. Four Lake also provides (at no cost) 32,000 s.f. in building space for their operation.

(64-5-208[9]) Four Lake's incomplete application, filed in 2005, for an Individual Aquatic Resource Alteration Permit was re-opened and is presently awaiting approval. This permit will allow 4Lake to open and operate a Port Facility

at the Power Com Industrial Center. Interest has been expressed from the agriculture industry for this type of facility. Marketing and feasibility studies are being discussed with the Corps of Engineers.

(64-5-208[11]) In cooperation with Middle TN Industrial Development Association, Four Lake continues to assist with updating and distributing “Community Data Profile’s” for 12 communities in the region.

(64-5-208[14]) PowerCom Industrial Center:

- > 4Lakes 54,000 s.f. Spec Building was leased by a very successful PowerCom incubator tenant. The company is presently exploring their purchase option for the building plus 5 additional contiguous acres of land for future expansion.
- > Dual-feed electrical service was finally completed within the PowerCom site. Plans for this project began shortly after the property was purchased from TVA in 2005. It encompassed new metal poles, upgrades to all the electrical lines, and back-up feed from a rehabbed electrical sub-station located on the adjacent TVA property.
- > Waterlines were extended to Village 2 of the PowerCom site. Lines and meters were installed for existing tenants. Plans are underway for installing restrooms in occupied buildings.
- > High speed fiber optics is being installed at the Power Com site and should be completed by Oct 13. Fiber will offer our present tenants major support and will help to draw future prospects to the area. It will also offer citizens in Trousdale County another fiber option.
- > Major site cleanup is in process and will continue yearly. Road paving is being done with assist from the Trousdale Co. Highway Dept.

The 4Lake Authority has made major improvements to the PowerCom Industrial Center. We are beginning to see new interest in the park and the 40 warehouse buildings on site. The infrastructure will need to be completed to draw major employers.

10. 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.

An Ethics Policy was adopted by the Four Lake Executive Committee on 10/15/10 (See Attachment #2). As directed in Section 9, the Chairman appointed an Ethics Committee (current Committee members included with Attachment #2).

11. Section 64-5-209, *Tennessee Code Annotated*, authorizes the authority to “construct and/or operate and maintain any public works project within the region” subject to prior authorization from the county or municipality within whose jurisdiction the project is located. Have any such projects been constructed? If so, please describe.

An off-site 750,000 gallon water tank with its 18” lines serving the PowerCom site were constructed by Four Lake and then dedicated to Hartsville/ Trousdale County Water & Sewer Dept. for operation and maintenance. Within the

PowerCom Industrial Center, utility construction/upgrade projects (including electrical, water, sewer, gas, and fiber optics) are on-going. Following construction/extension of utilities, the maintenance & operation of such utilities is dedicated to the utility provider. Roads within the park, however, are maintained – with the assistance of the Trousdale County Highway Dept. – by the Authority.

12. In Section 64-5-211(a), *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 which has occurred over the last five years.

None have been issued within the last five years.

13. Has the board prepared and transmitted an annual statement of objectives as required by Section 64-5-213(a)? Please attach copies of the fiscal year 2011 and 2012 statements.

Yes – see Attachment #3 for both FY's "Work Plans".

14. Section 64-5-213(b), *Tennessee Code Annotated*, requires the board to report annually to the Governor, the Commissioner of Economic and Community Development, the State Funding Board, the office of legislative budget analysis, and the chairs of the House and Senate Finance, Ways and Means Committees, the House and Senate Government Operations Committees, and the House and Senate State and Local Government Committees, and other committees as directed by the speakers of each house of the General Assembly. Has the board complied with this provision? If so, please attach copies of the last two annual reports.

Annual Reports are distributed to all attendants/guests at the Annual Board of Directors Meeting each year. Board members representing the Governor, ECD, State House & Senate, and US Congress receive the report at the meeting. The Four Lake Authority also reports yearly to the State Funding Board; Annual Reports are submitted to the Funding Board at that time. See Attachment #4 for the FY 2010/2011 & 2011/2012 Annual Reports.

15. Section 64-5-213(d), *Tennessee Code Annotated*, requires an annual audit of the books of accounts and financial records of the authority. Please attach copies of the last two audit reports.

See Attachment #5

16. In addition to the annual reports and annual audits referenced in the three preceding questions, what other oversight of appropriations and grants to the authority or of the authority's activities is provided by the executive or legislative branch of state government? What oversight is provided by the local governmental entities in the region served by the authority? What other oversight methods, if any, do you believe would be helpful?

The 4L Budgets/Financial Reports are approved and reviewed by the Board of Directors at each quarterly meeting. These meetings are often attended by the 4L region's Senators & Representatives who receive copies of the current

Financial Reports. Also, the 4L Board of Directors adopted a Purchasing Policy on July 12, 2012.

Appropriations/Grants oversight is more than sufficient.

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

The Four Lake Authority has received Impact Funds (Payment of Lieu of Tax) from TVA for several years. These funds have provided most of the infrastructure presently in the PowerCom Industrial Center. The funds are also used to support the Four Lake Grant Program to the five counties in our region. It appears that the Impact Funds will cease in FY 2014/2015 and Legislation will be needed for 4Lake to continue receiving these much-needed funds. The 4Lake Board of Directors will meet soon to discuss this issue with our legislative representatives. Four Lake is represented by six house representatives and two senators.

18. 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?

The Authority has invested in excess of \$9 million toward the improvement of regional economic conditions. These improvements provide the basis for job creation and location – in turn, increased family income and a better quality of life. The absence of the Four Lake Authority would abort the benefits of initial progress to date, as well as future economic development endeavors, obligations presently committed (in excess of \$1 million), and employment opportunities for the communities and citizens residing within the Four Lake region.

19. 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.

A water/sewer and gas infrastructure improvement project for the PowerCom Industrial Center was funded by a USDA/Rural Development Loan in 2004 for \$2,015,000, payable over 20 years @ 4.125% (\$149,916/year).

[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 authority does receive federal assistance, please answer questions 20 through 27. If the authority does not receive federal assistance, proceed directly to question 26.

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

Yes – see [Attachment #6](#)

21. 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.

Yes - the Four Lake Authority's Executive Director, Don Rigsby, is responsible for handling any Title VI issues that may arise and to assure that the Four Lake Authority remains in compliance. Mr. Rigsby can be reached at the Four Lake office, 615-374-4607.

22. 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.

The only agency in which the requirement is monitored is USDA/Rural Development. We submit an Annual Report, Audit, and the FY's approved Budget. The Rural Development Field Director visits the office annually to assure the appropriate Notices are posted and staff are informed and in compliance.

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

The required Title VI non-discrimination notice is posted in the Four Lake office, on the website, and printed on the Four Lake letterhead. The office staff, as well as all elected officials serving on the Four Lake Board of Directors, is aware and sensitive to Title VI requirements.

24. 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.

A Title VI Resolution/Plan has been adopted. As stated previously, full compliance of Title VI requirements is reported annually thru Rural Development. No monitoring/tracking activities have been established for there has never been a Title VI complaint filed.

25. 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).

As stated previously, there has never been any complaint filed.

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

Don Rigsby, Executive Director: Caucasian/male

Charly Lyons, Assistant Director: Caucasian/male

Teresa Carman, Office Manager: Caucasian/female

27. 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 following are contracts authorized and approved by the Four Lake Board of Directors:

- Fiber Optic Project - Grant from the State of Tennessee, Department of Economic and Community Development. The grant is in the amount of \$419,900 and will provide high speed fiber optics from Hartsville, TN to the PowerCom Industrial Center and continue to Hwy 10 joining with fiber optics in Lafayette. The contract was awarded to Tri-County Electric Coop, Lafayette, Tennessee. They are a public utility authorized to install this type of fiber optics.



FOUR LAKE REGIONAL INDUSTRIAL DEVELOPMENT AUTHORITY



Serving the Middle Tennessee Counties of Macon, Smith, Sumner, Trousdale, and Wilson

4L/EDAC Members (*Economic Development Advisory Council*)

702 McMurry
Blvd.
Hartsville, TN
37074

Phone:
615-374-4607
Fax:
615-374-4608

Email:
fourlake@aol.com
Website:
www.fourlake.org

Macon County:

Richard Driver, Mayor of Lafayette
Marcus Smith, Councilman

Smith County:

Pat Geho, MTSU/TN Small Business Development Center
Phillip Piper, Smith County ID Board

Sumner County:

Jimmy Johnston, Forward Sumner
James Fenton, Gallatin Economic Development Agency
Don Long, Hendersonville Economic Development
Denise Geminden, Portland Economic Development
(TBA), Goodlettsville Economic Development
Gerald Herman, City of White House
George Carter, Westmoreland Economic Development
Ethel Lackey, Westmoreland Chamber of Commerce

Trousdale County:

Philip Holder, Trousdale County ID Board
Mark White, Trousdale County ED Committee

Wilson County:

G. C. Hixson, Wilson County Joint Economic & Community Development Board
Kenny Martin, City of Mt. Juliet
Mike Jennings, Mayor of Watertown

ED Regional Organization Professionals:

Rachel Crickmar, TVA/Economic Development
Reggie Mudd, TN/ECD – Northern Middle TN Region
Wolfgang Roeder, TN/ECD – Northern Middle TN Region
Rebecca Smith, TN/ECD – Upper Cumberland Region
Bill Shuff, Middle TN Industrial Development Association
Ed Harlan, TN Dept. of Agriculture/Economic Development
Tim Roach, Greater Nashville Regional Council
Mark Farley, Upper Cumberland Development District



ETHICS POLICY FOUR LAKE REGIONAL INDUSTRIAL DEVELOPMENT AUTHORITY

SECTION 1

PURPOSE: The maintenance of high standards of honesty, integrity, impartiality, and conduct by employees and officials of the Four Lake Regional Industrial Development Authority (Four Lake Authority) is essential to ensure the proper performance of the five-county regional economic development agency's business, as well as the maintenance of confidence by citizens in its region. The avoidance of misconduct and conflicts of interest is indispensable to the maintenance of these standards.

SECTION 2

DEFINITIONS

(1) "Officials and employees" means and includes any official, whether elected or appointed, officer, employee or servant, or any member of any board or committee (whether compensated or not) of the Four Lake Authority.

(2) "Personal interest" means, for the purpose of disclosure of personal interests in accordance with this Ethics Policy, a financial interest of the official or employee, or a financial interest of the official's or employee's spouse or child living in the same household, in the matter to be voted upon, regulated, supervised, or otherwise acted upon in an official capacity.

SECTION 3

APPLICABILITY: This Policy is applicable to all employees and officials of the Four Lake Authority. If any portion of this policy conflicts with applicable state or federal laws and regulations, that portion shall be considered void. The remainder of this Policy shall not be affected thereby and shall remain in full force and effect.

SECTION 4

DISCLOSURE OF PERSONAL INTEREST IN VOTING MATTERS:

An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and to be included in the Minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's or employee's vote on the measure. In addition, the official may, to the extent allowed by law, recuse himself or herself from voting on the measure.

SECTION 5

DISCLOSURE OF PERSONAL INTEREST IN NON-VOTING MATTERS:

An official or employee who must exercise discretion relative to any matter other than casting a vote and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion may, to the extent allowed by law, recuse himself or herself from the exercise of discretion in the matter. Such an official or employee shall make a full disclosure of the matter to the person's superior authority who shall determine the course of action to be followed.

SECTION 6

ACCEPTANCE OF GIFTS AND OTHER THINGS OF VALUE: An official or employee, or an official's or employee's spouse or child living in the same household, may not accept, directly or indirectly, any gift, money, gratuity, or other consideration or favor of any kind from anyone other than the Four Lake Authority:

(1) For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties; or

(2) That a reasonable person would understand was intended to influence the vote, official action, or judgment of the official or employee in executing Four Lake business.

SECTION 7

USE OF INFORMATION: No official or employee shall, directly or indirectly:

(1) Use, disclose, or allow the use of official information which was obtained through or in connection with his or her employment with the Four Lake Authority and which has not been made available to the general public for the purpose of furthering the private interest or personal profit of any person, including the employee; or

(2) Engage in a financial transaction as a result of, or primarily relying upon, information obtained through his or her employment with the Four Lake Authority.

SECTION 8

USE OF GOVERNMENT PROPERTY: No employee shall make use of the facilities, equipment, personnel, or supplies of the Four Lake Authority for private use or gain, except to the extent that the use is incidental, de minimus or is lawfully available to the general public.

SECTION 9

ETHICS COMPLAINTS: An Ethics Committee consisting of five members representing each of the five counties served by the Four Lake Authority shall be appointed by the Chairman of the Four Lake Authority for two-year terms. At least two members of the Committee shall be members of the Executive Committee; the remaining three members may be either members of the Four Lake Board of Directors or Executive Committee or a Four Lake Authority employee. The Ethics Committee shall convene as soon as practicable after their appointment and elect a Chairman and a Vice-Chairman. The records of the Ethics Committee shall be maintained by the Four Lake Executive Director and shall be filed in the office of the Four Lake Authority where they shall be open to public inspection.

Questions and complaints regarding violations of this Ethics Policy or of any violation of state law governing ethical conduct should be first directed to the Executive Director of the Four Lake Authority; the Executive Director then refers the complaint to the Chairman of the Ethics Committee. Complaints shall be in writing and signed by the person making the complaint, and shall set forth in reasonable detail the facts upon which the complaint is based.

The Four Lake Ethics Committee shall investigate any credible complaint against an official or employee charging any violation of this Ethics Policy, or may undertake an investigation on its own initiative when it acquires information indicating a possible violation, and make recommendations for action to end or seek retribution for any activity that, in the Committee's judgment, constitutes a violation of this Ethics Policy. If a member of the Committee is the subject of a complaint, such member shall recuse himself or herself from all proceedings involving such complaint; a replacement Committee member will then be appointed by the Chairman of the Four Lake Authority.

The Committee may:

(1) refer the matter to the Four Lake Attorney for a legal opinion and/or recommendations for action;

(2) in the case of an official, refer the matter to the Four Lake Board of Directors or Executive Committee for possible public censure if it finds such action warranted;

(3) in the case of an employee, refer the matter to the official responsible for supervision of the employee for possible disciplinary action if the official finds discipline warranted;

(4) in a case involving possible violation of state statutes, refer the matter to the District Attorney for possible ouster or criminal prosecution;

The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this Ethics Policy. When a violation of this Ethics Policy also constitutes a violation of a personnel policy or a civil service policy, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this Ethics Policy.

SECTION 10

APPLICABLE STATE LAWS: In addition to the ethical principles set out in this Ethics Policy, state laws also provide a framework for the ethical behavior of county officials and employees in the performance of their duties. Officials and employees should familiarize themselves with the state laws applicable to their office or position and the performance of their duties. To the extent that an issue is addressed by state law (law of general application, public law of local application, local option law, or private act), the provisions of that state law, to the extent they are more restrictive, shall control. Following is a brief summary of selected state laws concerning ethics regarding the Four Lake Authority. For the full text of these statutes, see the *Tennessee Code Annotated (TCA)* sections indicated.

Conflict of interest – TCA 12-4-101 is the general conflict of interest statute that applies in all counties. It prohibits anyone who votes for, lets out, or in any manner supervises any work or contract from having a direct financial interest in that contract, purchase or work, and it requires disclosure of indirect financial interests by public acknowledgment.

Conflict of interest – TCA 5-1-125 applies in all counties and prohibits county officials and employees from purchasing surplus county property except where it is sold by public bid.

Conflict of interest – TCA 5-14-114 applies in counties served by the Four Lake Authority that have adopted the County Purchasing Law of 1957. It prohibits the purchasing agent, members of the purchasing commission, and all county officials from having any financial or other personal beneficial interest in any contract or purchase of goods or services for any department or agency of the Four Lake Authority.

Conflict of interest – TCA 5-21-121 applies in counties that have adopted the County Financial Management System of 1981. It prohibits all county officials and employees from having any financial or other personal beneficial interest in the purchase of any supplies, materials or equipment for the Four Lake Authority.

Conflict of interest – TCA 5-5-102 and 12-4-101 govern disclosures and abstentions from voting due to conflicts of interest of members of the Four Lake legislative bodies.

Crimes involving public officials – TCA 39-16-101 and the following sections prohibit bribery, soliciting unlawful compensation, and buying and selling in regard to offices.

Official misconduct – TCA 39-16-402 applies to public servants and candidates for office and prohibits unauthorized exercise of official power, acting in an official capacity exceeding the servant's power, refusal to perform a duty imposed by law, violating a law relating to the servant's office or employment, and receiving a benefit not provided by law.

Official oppression – TCA 39-16-403 prohibits abuse of power by a public official.

Bribery for votes – TCA 2-19-121, 2-19-126, and 2-19-127 prohibit bribery of voters in elections.

Misuse of official information – TCA 39-16-404 prohibits a public servant from attaining a benefit or aiding another person in attaining a benefit from information which was obtained in an official capacity and is not available to the public.

Approved by Executive Committee on October 15, 2010.

**FOUR LAKE REGIONAL INDUSTRIAL DEVELOPMENT AUTHORITY
ETHICS COMMITTEE REPRESENTATIVES**

(Appointed by Randall Hutto, Chairman FY 2012-2013)*

Macon

Shelvy Linville, 4L Board of Directors
Macon County Mayor
Macon County Courthouse, Rm 201
Lafayette, TN 37083
wk: 615-666-2363
maconmayor06@nctc.com

Trousdale

Stephen Chambers, 4L Board of Directors
385 Taylortown Lane
Hartsville, TN 37074
cell: 615-202-2652
hracer11@yahoo.com

Smith

Michael Nesbitt, 4L Board of Directors
Smith County Mayor
122 Turner High Circle, Ste. 101
Carthage, TN 37030
wk: 615-735-2294
mnesbitt@smithcounty.com

Wilson

Randall Hutto, 4L Board of Directors
Wilson County Mayor
228 E. Main St., Rm 104
Lebanon, TN 37087
wk: 615-444-1383
hutto@wilsoncountyttn.com

Sumner

Anthony Holt, 4L Board of Directors
Sumner County Executive
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***ETHICS POLICY**

SECTION 9

ETHICS COMPLAINTS: An Ethics Committee consisting of five members representing each of the five counties served by the Four Lake Authority shall be appointed by the Chairman of the Four Lake Authority for two-year terms. At least two members of the Committee shall be members of the Executive Committee; the remaining three members may be either members of the Four Lake Board of Directors or Executive Committee or a Four Lake Authority employee.



FOUR LAKE REGIONAL INDUSTRIAL DEVELOPMENT AUTHORITY



Serving the Middle Tennessee Counties of Macon, Smith, Sumner, Frousdale, and Wilson

2011-2012 WORK PLANS

Economic Development Program

- ✓ Continue to market available buildings and properties at the PowerCom Industrial Center (PCIC), including affiliated website updating.
- ✓ Continue infrastructure and facilities development for the PCIC (electrical, telecommunications, and building upgrades).
- ✓ Continue a targeted marketing campaign to attract job creating capital investments to the referenced site.
- ✓ Arrange for site improvements as required for incubator clients, as well as prospects.
- ✓ Provide technical assistance to incubator clients as required (financing, marketing, etc.).
- ✓ Maintain and promote referral exchange & cooperation among elected officials, economic development organizations, and Chambers of Commerce in the region.
- ✓ Continue to develop a Master Concept Plan map for the PowerCom Industrial Center.
- ✓ Finalize Restrictive Covenants for the PowerCom Industrial Center.

Business Development Assistance Program

- ✓ Continue to provide support for the SBA's TN Small Business Development Centers.
- ✓ Continue to support small business development seminars and referrals throughout the five counties.

Workforce Development Program

- ✓ Serve as member of Tennessee Technology Center/Hartsville Advisory Board.
- ✓ Continue to market training services (TTC/Hartsville, VSCC, and TTU) to business and industry in the region.

Program Administration

- ✓ Comply with reporting requirements of the State of TN (Sunset Review & State Funding Board), Executive Committee, funding agencies, and others as necessary.
- ✓ Develop and/or finalize Ethics, Purchasing, and Personnel Policies.
- ✓ Maintain financial reporting and controls.
- ✓ Maintain Four Lake's website - www.fourlake.org.
- ✓ Manage the daily operations of the office.
- ✓ Maintain professional relationships with member governments, funding agencies, TN Dept. of ECD, and other related entities such as Chambers of Commerce, UT/CTAS, the Greater Nashville Regional Council, the Middle Tennessee Industrial Development Association, the Upper Cumberland Development District, TN Economic Development Council, TVA, and the region's electric distributors.

Other

- ✓ Continue to serve as the liaison with North Central Solid Waste Planning Region (NCPR), the TN Dept. of Environment & Conservation, and Development Districts.
- ✓ Support the updating, printing and distribution of Community Data Sheets for the twelve targeted communities in the Four Lake region.
- ✓ Increase public awareness of the Four Lake Authority and its vision for the region.
- ✓ Pursue other regional development opportunities as directed by the Executive Committee.
- ✓ Aggressively pursue new projects and tenants.

702 McMurry Blvd.
Hartsville, TN 37074

Phone: 615-374-4607
Fax: 615-374-4608

Email: fourlake@aol.com
Website: www.fourlake.org



FOUR LAKE REGIONAL INDUSTRIAL DEVELOPMENT AUTHORITY



Serving the Middle Tennessee Counties of Macon, Smith, Sumner, Trousdale, and Wilson

2012-2013 WORK PLANS

702 McMurry
Blvd.
Hartsville, TN
37074

Phone:
615-374-4607
Fax:
615-374-4608

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Economic Development Program

- ✓ Remain diligent in communications with CCA emphasizing the need to fulfill obligations pledged by both Four Lake and CCA while encouraging the continuation of the project.
- ✓ Continued involvement with RPO and TDOT to encourage the completion of the Hwy 141 project.
- ✓ Pursue opportunities to expand Four Lake's footprint throughout the five-county region by assisting individual counties in economic development projects.
- ✓ Continue to market available buildings and properties at the PowerCom Industrial Center (PCIC), including affiliated website updating.
- ✓ Continue infrastructure and facilities development for the PCIC (electrical, water/sewer, telecommunications, and building & road upgrades).
- ✓ Arrange for site improvements as required for incubator clients, as well as prospects.
- ✓ Provide technical assistance to incubator clients as required (financing, marketing, etc.).
- ✓ Maintain and promote referral exchange & cooperation among elected officials, economic development organizations, and Chambers of Commerce in the region.
- ✓ Continue to fine-tune Concept Maps for the PowerCom Industrial Center.
- ✓ Finalize Restrictive Covenants for the PowerCom Industrial Center.
- ✓ Explore possibility of building shell Spec. Building.
- ✓ Develop a plan with the Corps of Engineers for the dredging & preparation of the PCIC/ Cumberland River dock/barge access for future operation.
- ✓ Seek new office space with meeting room.

Business Development Assistance Program

- ✓ Continue to provide support for the SBA's TN Small Business Development Centers.
- ✓ Continue to support small business development seminars and referrals throughout the five counties.

Workforce Development Program

- ✓ Continue to serve as member of Tennessee Technology Center/Hartsville Advisory Board.
- ✓ Continue to market training services (TTC/Hartsville, VSCC, and TTU) to business and industry in the region.

EOE

Four Lake prohibits discrimination on the basis of race, color, religion, national origin, sex, age, or disability.

Program Administration

- ✓ Comply with reporting requirements of the State of TN (Sunset Review & State Funding Board), Board of Directors, funding agencies, and others as necessary.
- ✓ Maintain financial reporting and controls.
- ✓ Maintain and continually upgrade Four Lake's website - www.fourlake.org.
- ✓ Manage the daily operations of the office.
- ✓ Oversight & management of the PowerCom Industrial Center
- ✓ Maintain professional relationships with member governments, funding agencies, TN Dept. of ECD, and other related entities such as Chambers of Commerce, UT/CTAS, the Greater Nashville Regional Council, the Middle Tennessee Industrial Development Association, the Upper Cumberland Development District, TN Economic Development Council, TVA, and the region's electric distributors.

Other

- ✓ Continue to serve as the liaison with North Central Solid Waste Planning Region (NCPR), the TN Dept. of Environment & Conservation, and Development Districts.
- ✓ Support the updating, printing and distribution of Community Data Sheets for the twelve targeted communities in the Four Lake region.
- ✓ Increase public awareness of the Four Lake Authority and its vision for the region.
- ✓ Pursue other regional development opportunities as directed by the Board of Directors.
- ✓ Aggressively pursue new projects and tenants.



**RESOLUTION OF THE EXECUTIVE COMMITTEE OF THE
FOUR LAKE REGIONAL INDUSTRIAL DEVELOPMENT AUTHORITY
PERTAINING TO TITLE VI OF THE CIVIL RIGHTS ACT OF 1964**

Whereas, the Authority has previously approved an Equal Opportunity Agreement (Form RD 400-1, OMB No. 0575-0018) and Assurance Agreement (Form RD 400-4, OMB No. 0575-0018).

Now therefore, Be it resolved that the Executive Director is designated as the Title VI Coordinator for the Authority and is responsible for ensuring that the Authority remains in compliance with all requirements of Title VI of the Civil Rights Act of 1964.

Be it further resolved that in the event a decision is made by the Title VI Coordinator which is not satisfactory to any person having standing to object to the decision, the person may appeal the decision to the Executive Committee of the Authority for review. The Committee shall either affirm, reverse or modify the decision of the Title VI Coordinator.

Adopted this 21st day of June, 2010.



Shely Linyille, Chairman

Attest: 

Anthony Holt, Secretary/Treasurer

EQUAL OPPORTUNITY AGREEMENT

This agreement, dated 6-10-2004 between
FOUR LAKE REGIONAL INDUSTRIAL DEVELOPMENT AUTHORITY

(herein called "Recipient" whether one or more) and United States Department of Agriculture (USDA), pursuant to the rules and regulations of the Secretary of Labor (herein called the "Secretary") issued under the authority of Executive Order 11246 as amended, witnesseth:

In consideration of financial assistance (whether by a loan, grant, loan guaranty, or other form of financial assistance) made or to be made by the USDA to Recipient, Recipient hereby agrees, if the cash cost of construction work performed by Recipient or a construction contract financed with such financial assistance exceeds \$10,000 - unless exempted by rules, regulations or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965.

1. To incorporate or cause to be incorporated into any contract for construction work, or modification thereof, subject to the relevant rules, regulations, and orders of the Secretary or of any prior authority that remain in effect, which is paid for in whole or in part with the aid of such financial assistance, the following "Equal Opportunity Clause":

During the performance of this contract, the contractor agrees as follows:

- (a) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin. Such action shall include, but not be limited, to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the USDA setting forth the provisions of this nondiscrimination clause.
- (b) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.
- (c) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the USDA, advising the said labor union or workers' representative of the contractor's commitments under this agreement and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- (d) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of all rules, regulations and relevant orders of the Secretary of Labor.
- (e) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, rules, regulations, and orders, or pursuant thereto, and will permit access to his books, records, and accounts by the USDA Civil Rights Office, and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
- (f) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation or order of the Secretary of Labor, or as otherwise provided by Law.
- (g) The contractor will include the provisions of paragraph 1 and paragraph (a) through (g) in every subcontract or purchase order, unless exempted by the rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the USDA may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, that in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the USDA, the contractor may request the United States to enter into such litigation to protect the interest of the United States.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0575-0018. The time required to complete this information collection is estimated to average 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

2. To be bound by the above equal opportunity clause with respect to its own employment practices when it participates in federally assisted construction work: Provided, that if the organization so participating is a State or local government, the above equal opportunity clause is not applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract.
3. To notify all prospective contractors to file the required 'Compliance Statement', Form RD 400-6, with their bids.
4. Form AD-425, Instructions to Contractors, will accompany the notice of award of the contract. Bid conditions for all nonexempt federal and federally assisted construction contracts require inclusion of the appropriate "Hometown" or "Imposed" plan affirmative action and equal employment opportunity requirements. All bidders must comply with the bid conditions contained in the invitation to be considered responsible bidders and hence eligible for the award.
5. To assist and cooperate actively with USDA and the Secretary in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and rules, regulations, and relevant orders of the Secretary, that will furnish USDA and the Secretary such information such as, but not limited to, Form AD-560, Certification of Nonsegregated Facilities, to submit the Monthly Employment Utilization Report, Form CC-257, as they may require for the supervision of such compliance, and that it will otherwise assist USDA in the discharge of USDA's primary responsibility for securing compliance.
6. To refrain from entering into any contract or contract modification subject to such Executive Order 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and Federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by USDA or the Secretary of Labor pursuant to Part II, Subpart D, of the Executive Order.
7. That if the recipient fails or refuses to comply with these undertakings, the USDA may take any or all of the following actions: Cancel, terminate, or suspend in whole or in part this grant (contract, loan, insurance, guarantee); refrain from extending any further assistance to the organization under the program with respect to which the failure or refund occurred until satisfactory assurance of future compliance has been received from such organization; and refer the case to the Department of Justice for appropriate legal proceedings.

Signed by the Recipient on the date first written above.

Recipient

Recipient

(CORPORATE SEAL)

FOUR LAKE REGIONAL INDUSTRIAL DEV AUTH
Name of Corporate Recipient

Attest:

Gay Clift
Secretary

By Michael J. Revitt
President

USDA
Form RD 400-4
(Rev. 3-97)

ASSURANCE AGREEMENT
(Under Title VI, Civil Rights Act of 1964)

FORM APPROVED
OMB No. 0575-0018

The Four Lake Regional Industrial Development Authority
(name of recipient)

P.O. Box 464, Hartsville, TN 37074
(address)

("Recipient" herein) hereby assures the U. S. Department of Agriculture that Recipient is in compliance with and will continue to comply with Title VI of the Civil Rights Act of 1964 (42 USC 2000d et. seq.), 7 CFR Part 15, and Rural Housing Service, Rural Business-Cooperative Service, Rural Utilities Service, or the Farm Service Agency, (hereafter known as the "Agency") regulations promulgated thereunder, 7 C.F.R. § 1901.202. In accordance with that Act and the regulations referred to above, Recipient agrees that in connection with any program or activity for which Recipient receives Federal financial assistance (as such term is defined in 7 C.F.R. § 14.2) no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination.

1. Recipient agrees that any transfer of any aided facility, other than personal property, by sale, lease or other conveyance of contract, shall be, and shall be made expressly, subject to the obligations of this agreement and transferee's assumption thereof.
2. Recipient shall:
 - (a) Keep such records and submit to the Government such timely, complete, and accurate information as the Government may determine to be necessary to ascertain our/my compliance with this agreement and the regulations.
 - (b) Permit access by authorized employees of the Agency or the U.S. Department of Agriculture during normal business hours to such books, records, accounts and other sources of information and its facilities as may be pertinent to ascertaining such compliance.
 - (c) Make available to users, participants, beneficiaries and other interested persons such information regarding the provisions of this agreement and the regulations, and in such manner as the Agency or the U. S. Department of Agriculture finds necessary to inform such persons of the protection assured them against discrimination.
3. The obligations of this agreement shall continue:
 - (a) As to any real property, including any structure, acquired or improved with the aid of the Federal financial assistance, so long as such real property is used for the purpose for which the Federal financial assistance is made or for another purpose which affords similar services or benefits, or for as long as the Recipient retains ownership or possession of the property, whichever is longer.
 - (b) As to any personal property acquired or improved with the aid of the Federal financial assistance, so long as Recipient retains ownership or possession of the property.
 - (c) As to any other aided facility or activity, until the last advance of funds under the loan or grant has been made.
4. Upon any breach or violation this agreement the Government may, at its option:
 - (a) Terminate or refuse to render or continue financial assistance for the aid of the property, facility, project, service or activity.
 - (b) Enforce this agreement by suit for specific performance or by any other available remedy under the laws of the United States or the State in which the breach or violation occurs.

Rights and remedies provided for under this agreement shall be cumulative.

In witness whereof, Four Lake Regional Industrial Development Authority on this
(name of recipient)

date has caused this agreement to be executed by its duly authorized officers and its seal affixed hereto, or if a natural person, has hereunto executed this agreement.

Michael L. Herth Recipient
June 10, 2004 Date
Chairman Title

(SEAL)
 Attest: Gary Clift
 Title

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0570-0018. The time required to complete this information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.