

Sunset Public Hearing Questions for  
**Memphis Regional Megasite Authority**  
Created by Section 64-6-101, *Tennessee Code Annotated*  
(Sunset termination June 2016)

1. *Provide a brief introduction to the Memphis Regional Megasite Authority, including information about its purpose, statutory duties, staff and administrative attachment.*

The Tennessee Regional Megasite Authority Act of 2007, as amended, (T.C.A. § 64-6-101 et seq.) provides a mechanism through which either local governments or ECD can create a regional megasite authority for the purpose of “acquiring land, improving, financing, operating, maintaining and marketing” a megasite. The Memphis Regional Megasite Authority (“Authority”) was created by ECD in 2009 under the authority of T.C.A. 64-6-110 following the identification of a viable megasite location in Haywood County (“Megasite”). Under the Megasite Authority Act of 2007, a megasite authority is endowed with powers similar to an industrial development board, including the ability to “acquire a project site by gift, purchase, lease, or condemnation, and transfer any project site to a corporation by sale, lease, or gift.” T.C.A. § 7-53-310. A megasite authority also has the power to accept federal, state, or municipal funds, provide technical assistance to municipalities for the development of a megasite, and issue bonds upon approval of the state funding board. A megasite authority has the power to enter into PILOT agreements for potential tenants of the megasite. Under the bylaws of the Memphis Regional Megasite Authority, the Authority has the power to acquire, improve, maintain, equip, and furnish a “project” (i.e. tenant of the Megasite), enter into sale or lease agreements for the Megasite, sell or convey any Megasite property, and borrow funds from a municipality. The board is constituted according to T.C.A. § 64-6-110 but currently employs no additional staff. While the board is not administratively attached to ECD, ECD does facilitate various activities related to the development of the Megasite including acquisition of utility services and marketing efforts.

2. *Provide a list of current members of the board of directors and describe how membership complies with Section 64-6-105, Tennessee Code Annotated. Are there any vacancies on the board? If so, what steps have been taken to fill the vacancies?*

Please see the attached list of current members of the board of directors. The board of directors was appointed according to T.C.A. § 64-6-110. This section provided an alternative method to the method for constituting a board of directors under T.C.A. § 64-6-105. Under this method, ECD acted as incorporator of the Memphis Regional Megasite Authority. There are currently no vacancies on the board.

3. *How many times has the board of directors met? How many board members were present at each meeting?*

Originally, the Authority met every two months. In September 2012, the Authority voted to switch to quarterly meetings. ECD has record of 11 meetings of the board since its incorporation, all of which have had at least a quorum in attendance.

4. *What per diem or travel reimbursement do members of the board receive? How much has been paid to board members to date?*

The Authority does not receive a per diem or travel reimbursement.

5. *What were the authority's revenues (by source) and expenditures (by object) during fiscal year 2014 and to date in fiscal year 2015?*

The Authority does not receive any revenues and did not make any expenditures during fiscal year 2014 or fiscal year 2015.

6. *Does the board have 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 board does not have a policy in place to address potential conflicts of interest by board members, authority employees, or other state employees who work with the authority.

7. *What are the major accomplishments of the authority to date? Specifically, what activities has the authority undertaken to carry out the duties and functions set forth in Section 64-6-103 and 64-6-104, Tennessee Code Annotated?*

The Authority has not yet undertaken any duties or functions regarding the development of the Megasite. However, the Authority meets regularly as described in Question 3. above. Although the Authority has not yet taken official action, the specific powers granted to the Authority may be instrumental to the success of the Megasite once a tenant is identified. The Megasite, a site originally consisting of approximately 3,840 acres in Haywood County, and now including an additional 250 acres in Fayette County, has been located; the provisions of T.C.A. § 64-6-103 are permissive in nature. The considerations under T.C.A. § 64-6-103(b) were taken into account when deciding to locate the Megasite in west Tennessee. The Memphis Regional Megasite Authority was incorporated by ECD under T.C.A. § 64-6-110; therefore, incorporation by a participating municipality did not occur under T.C.A. § 64-6-104.

8. *Please describe any and all activities related to Section 64-6-106, Tennessee Code Annotated. Has the authority accepted gifts, grants, loans of funds or financial or other aid from the federal government? Has the authority provided technical assistance to participating municipalities in planning for the development of the megasite? 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 accepted any gifts, grants, loans of funds or financial or other aid from the federal government. The authority has not provided technical assistance to participating municipalities in planning for the development of the Megasite. The Authority has not issued bonds.

9. *Has the board prepared and transmitted an economic impact plan as authorized in Section 64-6-108(a) and (b), Tennessee Code Annotated? No. If so, please attach a copy of this plan. Have any governing bodies of participating municipalities approved an economic impact plan as described in Section 64-6-108(c)? N/A.*

The Authority has not prepared and transmitted an economic impact plan as authorized in T.C.A. § 64-6-108(a) and (b). This section is permissive in nature. Accordingly, the governing bodies of participating municipalities have not approved an economic impact plan.

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

There are no items related to the Authority that require legislative attention.

11. *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 Memphis Regional Megasite Authority should be continued. ECD expects the Authority to be integral to the success of the Megasite as development of the Megasite progresses. Once a tenant for the Megasite is identified, ECD expects that the Authority will be needed to perform key functions including acquiring or conveying property, issuing bonds, or entering into PILOT agreements for the Megasite. The absence of the Authority would damage the State's efforts to find a tenant for the Megasite, as it would signal to potential tenants that the State was less heavily invested in the success of the Megasite. Additionally, the Authority is empowered to carry out many functions that may be instrumental to the success of the Megasite later in the development process.

12. *Has the authority developed and implemented quantitative performance measures for ensuring it is meeting its goals? (Please answer either yes or no). If the authority has developed and implemented quantitative performance measures, answer questions 13*

*through 20. If the authority has not developed quantitative performance measures, proceed directly to question 21.*

The Authority has not developed and implemented quantitative performance measures.

*13. What are your key performance measures for ensuring the authority is meeting its goals? Describe so that someone unfamiliar with the program can understand what you are trying to measure and why it is important to the operation of your program.*

N/A – per question 12.

*14. What aspect[s] of the program are you measuring?*

N/A – per question 12.

*15. Who collects relevant data and how is this data collected (e.g., what types information systems and/or software programs are used) and how often is the data collected? List the specific resources (e.g., report, other document, database, customer survey) of the raw data used for the performance measure.*

N/A – per question 12.

*16. How is the actual performance measure calculated? If a specific mathematical formula is used, provide it. If possible, provide the calculations and supporting documentation detailing your process for arriving at the actual performance measure.*

N/A – per question 12.

*17. Is the reported performance measure result a real number or an estimate? If an estimate, explain why it is necessary to use an estimate. If an estimate, is the performance measure result recalculated, revised, and formally reported once the data for an actual calculation is available?*

N/A – per question 12.

*18. Who reviews the performance measures and associated data/calculations? Describe any process to verify that the measure and calculations are appropriate and accurate.*

N/A – per question 12.

*19. Are there written procedures related to collecting the data or calculating and reviewing/verifying the performance measure? Provide copies of any procedures.*

N/A – per question 12.

20. *Describe any concerns about the authority's performance measures and any changes or improvements you think need to be made in the process.*

N/A – per question 12.

**If the authority does receive federal assistance, please answer questions 21 through 29. If the authority does not receive federal assistance, proceed directly to question 28.**

21. *Please list all 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 Authority does not receive federal financial assistance.

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

N/A – per question 21.

23. *Does the 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.*

N/A – per question 21.

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

N/A – per question 21.

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

N/A – per question 21.

26. *Describe the 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.*

N/A – per question 21.

27. *Please describe the authority's procedures for handling Title VI complaints. Has the 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).*

N/A – per question 21.

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

The Authority does not currently employ staff.

29. *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 not engaged in any contracts.