

Sunset Public Hearing Questions for  
**Tennessee Governor's Council on Physical Fitness and Health**  
Created by Section 4-40-101, *Tennessee Code Annotated*  
(Sunset termination June 2014)

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

**Response: The Governor's Council was created by Executive Order in 1989 and codified in statute in 1991. The purpose of the Council is to address the health and fitness needs of all Tennesseans and to promote healthy lifestyles for the state's citizens.**

**Statutory duties:**

- **The Council may coordinate, endorse, promote and sponsor health and fitness activities, both educational and recreational; to address the health and fitness needs of the general population.**
- **The Council may also target specific groups needing special attention in the area of health and physical fitness such as students, seniors, the work force, physically challenged, low income and minority populations in both urban and rural settings.**
- **The Council is also charged by the Governor to serve as a clearinghouse for information on health and physical fitness programs and make recommendations for such legislation as may be necessary and appropriate to further the Council's goals.**
- **Tennessee Sportsfest – creation of the non-profit entity to raise funds for Sportsfest, and to adopt necessary rules and policies to ensure inclusion on the National Congress of State Games.**
- **Creation of the Tennessee Alliance for Fitness and Health - creation of the non-profit entity to raise funds for the Council, and to adopt necessary rules and policies.**

**The Council is administratively supported by the Division of Family Health and Wellness, within the Department of Health. Work of the Council is supported by the State's Chronic Disease Director (referenced in the by-laws as the Executive Director) whose functional job duties are:**

- **Provide assistance for the meetings and its committees.**
- **Keep Council members fully apprised of current activities, programs and issues in the areas of physical fitness, exercise and nutrition.**
- **Be responsible for maintaining all minutes in a log available to the general public during normal working hours.**

2. Provide a list of current members of the council. For each member please indicate who appointed the member, how the member's presence on the council complies with Section 68-12-106, *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.

**Response: With the exception of several outdated appointments, membership does comply with Section 4-40-101, *Tennessee Code Annotated* Council-Creation-Members-Terms of Office – Chair. All appointments are made by the Governor. The Council shall be composed of the following members:**

- **One member of the Senate to be appointed by the Speaker of the Senate for a two year term;**
- **One member of the House of Representatives to be appointed by the Speaker of the House for a two year term;**
- **The Executive Director of the Tennessee State planning Office or his designee;**
- **The Commissioner of Education or his designee;**
- **The Commissioner of Health or his designee;**
- **The Commissioner of Environment and Conservation or his designee;**
- **The Comptroller of the Treasury or his designee;**
- **A representative from an Institution governed by the Board of the Regents of the State University and Community College system, appointed by the Governor to a three year term;**
- **A representative from an institution governed by the Board of Trustees of the University of Tennessee System, appointed by the Governor to a three year term;**
- **A representative from private higher education, appointed by the Governor to a three year term; and**
- **Nine individuals representing the fields of wellness, medicine, recreation, and community leadership, appointed by the Governor to a four year term of office**

**There is currently one vacancy on the Council. This vacant spot is for a representative from the Executive Director of the Tennessee State Planning office; this Office is no longer in existence and therefore this vacancy cannot be filled.**

**Current membership includes:**

<b>Name</b>	<b>Race</b>	<b>Sex</b>	<b>Term End</b>	<b>County of Residence</b>
<b>Senator Jim Tracy</b>	<b>C</b>	<b>M</b>	<b>1/18/2013</b>	<b>Bedford</b>
<b>Representative Bill Sanderson</b>	<b>C</b>	<b>M</b>	<b>1/18/2013</b>	<b>Gibson</b>
<b>Rebecca Johns-Wommack</b>	<b>C</b>	<b>F</b>	<b>Ex-Officio</b>	<b>Rutherford</b>
<b>Laurie Stanton</b>	<b>C</b>	<b>F</b>	<b>Ex-Officio</b>	<b>Williamson</b>

<b>Mark Tummons</b>	<b>C</b>	<b>M</b>	<b>Ex-Officio</b>	<b>Madison</b>
<b>Jaclyn Austin</b>	<b>C</b>	<b>F</b>	<b>Ex-Officio</b>	<b>Davidson</b>
<b>Vacant</b>				

**Three (3) members representing institutions and the university system appointed by the Governor to a three year term:**

<b>Name</b>	<b>Race</b>	<b>Sex</b>	<b>Term End</b>	<b>County of Residence</b>
<b>Stuart Currie</b>	<b>C</b>	<b>M</b>	<b>6/30/2013</b>	<b>Madison</b>
<b>Christopher A. Ayres</b>	<b>C</b>	<b>M</b>	<b>2/28/2013</b>	<b>Washington</b>
<b>Russell Epperson</b>	<b>C</b>	<b>M</b>	<b>2/28/2013</b>	<b>Chester</b>

**Nine (9) individuals representing the fields of wellness, medicine, recreation and community leadership, appointed by the Governor to a four (4) year term of office:**

<b>Member Name</b>	<b>Race</b>	<b>Sex</b>	<b>Term Ends</b>	<b>County of Residence</b>
<b>William Roberts</b>	<b>C</b>	<b>M</b>	<b>2/28/2013</b>	<b>Davidson</b>
<b>Leslie Curry-Johnson</b>	<b>C</b>	<b>F</b>	<b>2/28/2013</b>	<b>Davidson</b>
<b>Cynthia Ann Mason</b>	<b>C</b>	<b>F</b>	<b>2/28/2013</b>	<b>Robertson</b>
<b>William McKamey</b>	<b>C</b>	<b>M</b>	<b>2/28/2013</b>	<b>Sullivan</b>
<b>Lonnell Matthews, Jr.</b>	<b>C</b>	<b>M</b>	<b>2/28/2013</b>	<b>Davidson</b>
<b>Amanda McLaughlin</b>	<b>C</b>	<b>F</b>	<b>2/28/2013</b>	<b>Sumner</b>
<b>Rose Miller Grindstaff</b>	<b>C</b>	<b>F</b>	<b>2/28/2016</b>	<b>Williamson</b>
<b>Cheryl Golden</b>	<b>C</b>	<b>F</b>	<b>2/28/2013</b>	<b>Shelby</b>
<b>Soraya Parr</b>	<b>C</b>	<b>F</b>	<b>2/28/2013</b>	<b>Williamson</b>

3. What advisory groups or steering committees has the council established? What are the duties and responsibilities of those groups or committees and how successful has each been in assisting the council?

**Response: No advisory groups or steering committees have been established at this time.**

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

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

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

**Response: The Council travel reimbursement is in accordance with the State travel reimbursement rates and is in compliance with state rules and regulations.**

**In fiscal year 2012, the Council utilized a total of \$2,985.36 for travel reimbursement. Thus far, for fiscal year 2013, the Council utilized a total of \$3,458.85 for travel reimbursement.**

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

**Response: The council does not have revenue source(s); expenditures are below. The council does not carry a fund balance; and any revenue for excess expenditures comes from state appropriations.**

Major Object	Expenditures FY 2012	Expenditures FY 2013
Travel	\$3,173.15	\$1,837.51
Printing Duplicating, Film Processing		
Communication		
Supplies		
<i>Total</i>	\$3,173.15	\$1,837.51

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

**Response: The Governor’s Council on Physical Fitness and Health follows all departmental guidelines and policies as related to conflict of interest.**

8. Is the council 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 council? If so, what procedures do the council, advisory groups, and steering committees have for informing the public of their meetings and making their minutes available to the public?

**Response: The Council 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 Council.**

9. Describe the nature and extent of the council’s activities and any major accomplishments for the past two years. Specifically, describe the council’s activities to “coordinate, endorse, promote and sponsor health and fitness activities, both

educational and recreational.” Has the council targeted any groups needing special attention in the area of health and fitness? If so, what groups were identified and what actions has the council taken to promote health and physical fitness in the targeted groups?

**Response: The primary activity and focus of the council for the previous two years has been 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. Several winners represent underserved populations including people with disabilities and seniors.**

10. Section 4-40-102 (c), *Tennessee Code Annotated*, states that “the council shall serve as a clearinghouse for information on health and physical fitness programs and make recommendations for such legislation as may be necessary and appropriate...” How has the council addressed this mandate and what legislation, if any, has the council recommended and when?

**Response: At this time, the Council has not made recommendations for any legislation.**

11. Has the council promulgated rules? If so, please cite the reference.

**Response: The Council has not promulgated any rules at this time.**

12. Section 4-40-103, *Tennessee Code Annotated*, requires that all departments, agencies, and commissions of state government fully cooperate with the council. Have these entities provided information, assistance, and reports when requested by the council? Briefly describe the council’s interactions with state agencies.

**Response: All agencies with which the Council interacts are cooperative. The Governor’s Council has formed partnerships and maintained relationships with several state agencies and departments such as the Department of Education through the State Office of Coordinated School Health, the Department of Environment and Conservation through the Recreational Educational Services Division and the Division of State Parks. Finance and Administration supports the council through the inclusion of a member who is available for financial advice.**

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

**Response: There are no items related to the Council that require legislative attention at this time.**

14. Does the council have policies in place to address potential conflicts of interest by members or those acting as staff to the council?

**Response: The Governor's Council on Physical Fitness and Health follows all departmental guidelines and policies as related to conflict of interest.**

15. Should the council be continued? To what extent and in what ways would the absence of the council affect the public health, safety, or welfare? Describe the relationship between the council and the Tennessee Alliance for Fitness and Health and discuss whether both entities are needed.

- 1) **It is not recommended that the Council be continued for several reasons. The statutory duties have been completed, and there is no longer a need for them since there are multiple state agencies and programs in place (see #12) that address health and physical fitness. At this time, the Council's only implemented strategy is the Shining Star Awards, while helpful to community organizations; this is not the sole purpose or function of the Council. Sports Fest, the primary purpose for creation of the Council, has not been held in Tennessee since 1994. At that time, the cost of the event was \$500,000 annually. The nonprofit entity to be created per statutory duties is no longer in existence.**
- 2) **The absence of the council will not affect the public health, safety or welfare since there are multiple agencies addressing healthy lifestyles for Tennesseans as listed in #12. The goals of the Council are aligned with the mission of the Department of Health (to promote, protect and improve the health and prosperity of people in Tennessee). Physical fitness and health are the focus of all chronic disease programs within the Department of Health, Department of Education through the Office of Coordinated School Health, as well as the Department of Environment and Conservation through the Junior Ranger program. The Division of Family Health and Wellness within the Tennessee Department of Health houses multiple programs which impact the health and fitness of Tennesseans: the Gold Sneaker program works with child care facilities in implementing policies to promote nutrition, physical activity and tobacco; Project Diabetes funding supports over 45 contracts that are focused on the prevention of obesity and diabetes, and projects span all age groups; chronic disease programs such as diabetes and heart disease promote primary prevention in an effort to reduce the incidence of chronic disease; and there is a strong emphasis on breastfeeding, as a first line of defense, in the promotion of a healthy lifestyle. These functions are daily functions of the Department, and are not associated with the Alliance's existence.**
- 3) **An additional statutory nonprofit entity, the Alliance for Fitness and Health was created and is in place. The Alliance is comprised of members of the Council, and the purpose is to manage the finances of activities. Funds have**

**only been expended on the Shining Star event, it is not recommended to keep the Alliance in place as it is linked to the Council.**

16. Please list all council 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 council does receive federal assistance, please answer questions 17 through 24. If the council does not receive federal assistance, proceed directly to question 23.***

**Response: The Governor's Council does not receive any federal financial assistance.**

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

**Response: N/A**

18. Does your council 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**

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

**Response: N/A**

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

**Response: N/A**

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

**Response: N/A**

22. Please describe the council's procedures for handling Title VI complaints. Has your council 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**

23. Please provide a breakdown of current council staff by title, ethnicity, and gender.

**Response: Laurie Stanton, Chronic Disease Director, spends approximately 5% of her time with council duties as the Executive Director. She is a white female. Over 10 years ago, the council previously had a full time staff person associated with it, when statutory duties were being implemented by the council directly.**

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

**Response: The Council has no current contracts at this time.**