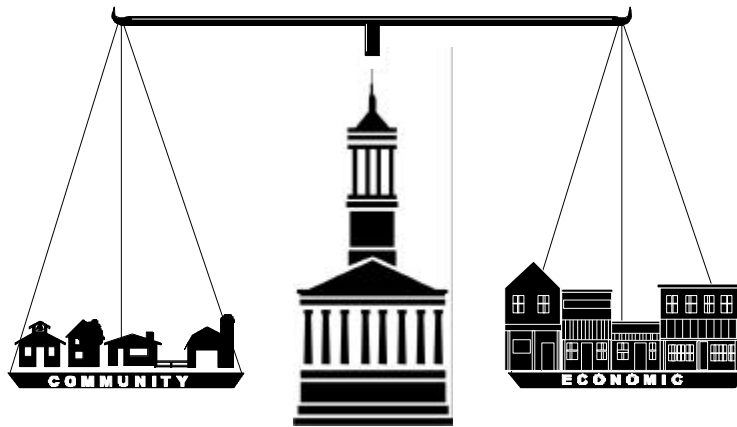


**JOINT ECONOMIC AND COMMUNITY
DEVELOPMENT BOARDS:
A GUIDE FOR FUTURE ACTION**

PC 1101— SECTION 15



“Working Together Works!”

A Joint Publication of

The Tennessee Advisory Commission on Intergovernmental Relations

The University of Tennessee Institute for Public Service

And its agencies:

**County Technical Assistance Service
Municipal Technical Advisory Service
Center for Government Training**

And

The Tennessee Development District Association

February 2000

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DEVELOPMENT BOARDS: A GUIDE FOR FUTURE
ACTION
PC 1101—Section 15**

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PREFACE

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JOINT ECONOMIC AND COMMUNITY DEVELOPMENT BOARDS: A GUIDE FOR FUTURE ACTION

INTRODUCTION

The General Assembly, in passing Public Chapter 1101, stressed the need for communication and cooperation among local governments, as well as across the public and private sectors of communities. A key component of PC 1101 addressing this need is the requirement that local governments in each county establish a Joint Economic and Community Development Board (JECDB).

This guide has been prepared for communities to assist them in the establishment of their JECDBs. In this document, we:

- discuss the broad intent and purposes of Section 15 of PC 1101;
- outline the statutory responsibilities of JECDBs and their requirements for membership and funding;
- compare and contrast the roles and membership of the Joint Economic Community Boards, the County Coordinating Committees, and the existing Industrial Development Boards; and
- provide a JECDB model that local governments can use in developing their own JECDBs.

PURPOSE AND INTENT

Section 15 of PC 1101, as codified in T.C.A. §6-58-114, directed the establishment of Joint Economic and Community Development Boards (JECDBs) as entities for broadening the base for economic and community development planning. The intent of Section 15 is “*that local governments engage in long-term planning and that such planning be accomplished through regular communication and cooperation among local governments, the agencies attached to them, and the agencies that serve them.*”¹

The purpose of each board is to “foster communication relative to economic and community development between and among governmental entities, industry, and

private citizens.”²

The Interlocal Agreement creating the Wilson County JECDB gives guidance regarding the purposes and intent of such a board. It states that the purposes of a JECDB are:

- to develop, recommend, and direct a *strategic plan* of policies and action to improve *economic well being* and support those *activities* and *services* that support *economic growth* and improve *quality of life*;

¹ Public Chapter 1101, Public Acts of 1998, Section 15(a).

² T.C.A. §6-58-114(b).

- to encourage an *entrepreneurial spirit among present businesses and citizens*;
- to help spawn *expansion of local industry and businesses*;
- to seek out those enterprises, which support the development of the future, as outlined in the strategic plan for the purpose of enticing them to locate in Wilson County;
- to foster an open communication among all groups in the county concerned with economic development, including but not limited to: residents, present industry and businesses, governments, educators, public and private developers, and other public organizations.

JECDB RESPONSIBILITIES AND REQUIREMENTS

As noted, T.C.A. §6-58-114(b) requires each county to establish a JECDB in order to foster communication related to economic and community development between and among governmental entities, industry, and private citizens. The boards are to be created using interlocal agreements pursuant to T.C.A. §5-1-113.³ We have provided a model interlocal agreement at Appendix B. *It is important to note that when applying for any state grant, a city or county must certify that it has complied with the requirements of Section 15.*⁴

Creation. T.C.A. §6-58-115 does not specify whose responsibility it is to initiate the creation of the JECDB. However, the county executive and mayors of each

municipality in the county are required to certify compliance with this section of the law when applying for grants. For this and other practical reasons, it would seem that the initiative for establishing this board would rest with the county executive and mayors of each municipality in the county.

Membership. Each JECDB is to be composed of representatives from the county government, as well as representatives from the county's municipal governments, private citizens, and existing industries and businesses. As a minimum, the board shall include the county executive, the mayor or city manager of each

city and within the county, and one person who owns land qualifying for classification and valuation of greenbelt property, as defined in T.C.A. Title 67, Chapter 5, Part 10. If a county has multiple cities, the interlocal agreement can provide for the membership of the smaller cities on a rotating basis.⁵

Executive Committee. Each board must include an executive committee, composed of members of the JECDB and selected by the entire board. As a minimum, the executive committee shall include the county executive and the mayors or city managers of the larger municipalities in the county.⁶

Terms of Office. The terms of office shall be determined by the interlocal agreement, but must be staggered, except for those board positions held by elected officials. The terms for elected officials coincide with the terms of office for their

³ T.C.A. §6-58-114(b).

⁴ T.C.A. §6-58-114(i).

⁵ T.C.A. §6-58-114(c).

⁶ T.C.A. §6-58-114(d).

elected positions. Terms of office for other members are limited to four years.⁷

Meetings. Each JECDB must meet at least four times annually. Their executive boards shall meet at least eight times annually. Minutes must be kept for each meeting. These meetings are subject to Tennessee's open meetings law.⁸

Funding. The Act provides that funding be apportioned among the counties and municipalities based on population distribution within the county. Each JECDB will be jointly funded by each participating government in the county based upon its share of the total population of the county plus the population of each city within the county.⁹ The board can accept additional funding through donations, grants, and payments from persons and entities other than the participating governments.¹⁰

If a special census has been certified during the five-year period after certification of the last federal decennial census, the board will adjust the funding formula to reflect the results of the special census. However, the board will only make an adjustment during the fifth year following the certification of the federal census.¹¹

If, on the effective date of PC 1101 (May 19, 1998), a county and city government already had a joint economic and community development council in place with an established funding

mechanism for the entire county, the existing mechanism would be used in lieu of the formula described above.¹²

Budget. The executive committee shall recommend annual budgets to the board, which shall adopt a budget before April 1 each year. The budget and a statement detailing the amount due from each participating government shall be filed with each government. If a government does not fully fund its contribution, the JECDB may establish and impose those sanctions it deems proper.¹³

Alternative Mechanisms. If, on the effective date of PC 1101 (May 19, 1998) a county already had an organization similar to a JECDB, it is possible that that organization may satisfy the requirements of Section 15. The county executive can file a petition with the Local Government Planning Advisory Committee (LGPAC) of the Department of Economic and Community Development. The LGPAC shall determine whether or not the existing organization meets the requirements of Section 15.¹⁴

Coordinating Committees are loosely structured organizations with a definite product, while JECDB's are tightly structured organizations having no specified product.

A COMPARISON OF JECDBs, COUNTY COORDINATING COMMITTEES, & INDUSTRIAL DEVELOPMENT BOARDS (Title 7, Chapter 53)

Some local government officials have asked for clarification of how JECDBs differ from the County Coordinating Committees, also established by PC 1101, and from

⁷ T.C.A. §6-58-114(e). The Act is silent on the matter of reappointment of members to additional terms.

⁸ T.C.A. §6-58-114(f).

⁹ An example of this allocation is presented in Appendix C.

¹⁰ T.C.A. §6-58-114(g)(3).

¹¹ T.C.A. §6-58-114(g)(2).

¹² T.C.A. §6-58-114(g)(4).

¹³ T.C.A. §6-58-114(h).

¹⁴ T.C.A. §6-58-114(j). The Act provides no definition of larger municipalities.

Industrial Development Boards, as defined in T.C.A. §7-53-101 et seq. The clearest and most concise way to describe these differences is via a chart showing a side-by-side comparison. Table A compares these entities in terms of several key aspects, including purposes, powers and funding. Table B compares the membership requirements of each entity. Coordinating Committees are loosely structured organizations with a definite product, while JECDBs are tightly structured organizations having no specified product. This lack of specificity provides more opportunity for local initiative and variety.

TABLE A
Comparison of Purposes, Powers, and Funding of the Coordinating Committees, the Joint Economic and Community Development Boards, and Industrial Development Corporations

CATEGORY	Joint Economic and Community Development Board	Coordinating Committee	Industrial Development Corporations Under Title 7, Chapter 53
INTENT AND PURPOSES	<p>“that local governments engage in long term planning, and that such planning shall be accomplished through regular communication and cooperation among local governments, the agencies attached to them, and the agencies that serve them”</p> <p>To foster communication among governmental entities, industry, and private citizens on economic and community development.</p>	Develop a growth plan that will “direct the coordinated, efficient, and orderly development of the local government and its environs...”	To maintain and increase economic opportunities, increase the production of agricultural commodities, and increase the quantity of housing available.
DUTIES	To engage in long range economic and community development planning.	To develop a 20 year countywide growth plan, which is to include specified provisions for planning purposes.	To conduct industrial development activities.
POWERS	The act provides no specific powers to the Boards, other than the power to accept and expend donations, grants and payments for persons and entities other than the participating governments.	<p>To develop and submit a plan for ratification by the county legislative body and the governing body for each municipality.</p> <p>To draft a revised plan if the original plan is rejected by the county of any municipality.</p>	Exercise corporate powers, including the power to acquire, lease, sell, enter into loans, issue bonds, borrow money, employ and compensate agents, exercise powers expressly given in certificate of incorporation.
AUTHORIZED ALTERNATIVE ENTITIES	Similar organizations existing on the effective date of the act, pending approval by Local Government Planning Advisory Committee of petition from County Executive	Other entities, as agreed upon by the county legislative body and the governing body of each municipality in the county	None
FUNDING	Funds are provided by local governments according to formula in act using federal decennial census [or as adjusted by special census]. The board may also accept donations, grants, and contracts from other sources.	No funding mechanisms are provided. Committees are encouraged to rely on existing resources.	Funds are provided through the issuance of industrial bonds.

TABLE B
Comparison of Membership of the Coordinating Committees, the Joint Economic and Community Development Boards, & Industrial Development Corporations

Category	JECDB	Coordinating Committee	Industrial Development Corporations Under Title 7, Ch. 53
County Executive or representative	Required (County Executive required at a minimum)	Required (or designee)	Prohibited
Mayor or City Manager of each municipality in the county	Required ¹⁵	Required (or designee)	Prohibited
Largest municipally-owned utility representative	Not specified	Required	Prohibited
Largest non-municipally-owned utility representative	Not specified	Required	Not specified
Soil conservation district representative	Not specified	Required	Not specified
Representative of the largest LEA	Not specified	Required	Not specified
Representative of the largest Chamber of Commerce	Not specified	Required	Excepting for certain purposes within a Central Improvement District, Directors chosen by Chamber (or similar trade organization) and elected by governing body of municipality (county)
Private Citizens	Required ¹⁶ , but number not specified by Act. One member must be a landowner owning land qualifying for classification and valuation under Tennessee Code Annotated, Title 67, Chapter 5, Part 10.	Required. Two members appointed by county executive and two members appointed by mayor of largest municipality (representing environmental, construction, and homeowner interests]	Required. Must be a duly qualified elector of and taxpayer in municipality (county) [except in case of closed or downsized Federal facility].
Representatives of present industry and business	Required but number not specified by Act ¹⁷	Two members appointed by county executive and two members appointed by mayor of largest municipality (representing environmental, construction, and homeowner interests]	Under the law, the members of IDB's are determined by "largest Chamber of Commerce or other similar Trade Organization.

¹⁵ Smaller cities may be represented on a rotating basis, as delineated in interlocal agreement.

¹⁶ This category has some crossover with other categories. For example, the representative of homeowner interests from the coordinating committee is likely to qualify as a private citizen and landowner.

¹⁷This category has some crossover with other categories. For example, the representative of "construction" from the coordinating committee might also qualify as a representative of present industry and business. The language in Section 15(c) is ambiguous. It states that this category "shall be" represented, but the category is not included in the "minimum" membership requirements of the same section.

A MODEL JECDB

TABLE C
Characteristics of a Model Joint Economic Community Development Board

The model JECDB shown in Table C is provided to assist local governments in the development of their JECDBs. It is based in part upon JECDBs created in Wilson and Decatur Counties. This model meets all of the requirements of Section 15 and incorporates provisions regarded by these communities or the TACIR staff as useful in meeting the intent of the law.

CATEGORY	REQUIRED AND SUGGESTED CHARACTERISTICS (Characteristics listed in bold are minimum requirements)
Membership	<ul style="list-style-type: none"> • County Executive • Two County Commissioners • The Mayor or City Manager of each city in a county • Mayors of smaller cities on a rotating basis • Three City Commissioners, Aldermen, or administrators • A member of private sector selected by the Executive Committee of the largest Chamber of Commerce • A member of private sector selected by next largest association of businesses in the county • A member of private sector selected by the other non-Executive Committee members of the Board • Three private citizens, at least one of which owns Greenbelt property¹⁸
Terms of Office	<ul style="list-style-type: none"> • The County Executive and Mayors serve by virtue of their executive positions in government. • The remaining positions are staggered four-year terms. The persons first selected to “even number positions” shall have an initial two-year term, thereafter serving for four-year terms. The “odd numbered positions” are for four years from the onset. Vacancies occur for elected officials at the point that person ceases to be a member of that body. All vacancies shall be filled for the remainder of the term. • Members shall be eligible for re-selection, if otherwise eligible for that position. • Terms shall begin on the first day of January of the applicable year.
Activation	<ul style="list-style-type: none"> • Upon election of a majority of the Board, the interlocal agreement becomes effective, with the County Executive calling the time and place of the first organizational meeting. Provision is made for election of a temporary Chairman and Secretary pending ratification of the interlocal agreement by all participating governments.

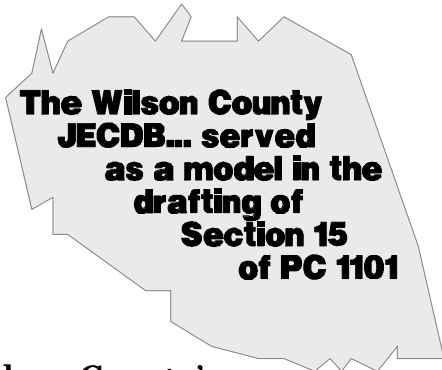
¹⁸ Greenbelt property is on the forms of property addressed for tax purposes in T.C.A. §.67-5-1004 under the category of “open land.”

TABLE C (Continued)
Characteristics of a Model Joint Economic Community Development Board

CATEGORY	REQUIRED AND SUGGESTED CHARACTERISTICS (Characteristics listed in bold are minimum requirements)
Ex-Officio Members	<p>It may be desirable for a JECDB to include certain ex-officio members to serve in a non-voting, advisory capacity for communication and coordination purposes by virtue of their positions. Possible ex-officio members include:</p> <ul style="list-style-type: none"> • Executive Director of the Largest Chamber of Commerce • Executive Director of the 2nd Largest Chamber of Commerce • The Superintendent of the County School System • The Superintendent of the Largest City School System or Special School District • Representative(s) from local institutes of higher education • The Chairman of the Industrial Development Board • Additional ex-officio non-voting members on such terms and conditions as the Board deems desirable
Responsibilities of the Board	<ul style="list-style-type: none"> • To set policy and priorities • To approve an annual operating budget and request funds from participating governmental bodies • To hire and/or terminate the director of the organization • To develop and maintain a strategic, long-range economic and community development plan • To coordinate economic and community development activities with existing governmental agencies • To make periodic progress and status reports to appropriate governmental bodies • To hold regular meetings, the frequency of which should be at least quarterly • To elect officers • To annually designate private sector and private citizen members to serve on Executive Committee • To appoint ad hoc committees, advisory groups, and ex-officio members as deemed desirable • To establish a job description for the director of the organization
Composition of Executive Committee	<ul style="list-style-type: none"> • County Executive • The Mayor or City Manager of each city in county (Section 15 requires at least the mayors or city managers of the larger municipalities in the county) • A member of the private sector serving on the board; selected by other private sector members of the board • A private citizen serving on the board; selected by the other private citizen members of the board

TABLE C (Continued)
Characteristics of a Model Joint Economic Community Development Board

CATEGORY	REQUIRED AND SUGGESTED CHARACTERISTICS (Characteristics listed in bold are minimum requirements)
Responsibilities of Executive Committee	<ul style="list-style-type: none"> • To administer policies of the Board • To recommend an annual operating budget to the board • To recommend the hiring or termination of the director • To supervise the daily operations of the organization and director • To hold regular meetings (minimum of eight meetings per year) • To meet on call as needed (in addition to monthly meetings) • To select officers of the Executive Committee
Funding and Budgets as outlined in PC 1101, Section 15(g)(1) &(2)	<ul style="list-style-type: none"> • Jointly funded by all participating governments, based on population percentage times the budget need • Precise funding formula and revision based on special census as outlined in Act • Board may accept and expend donations, grants, and payments from persons and entities other than the participating governments



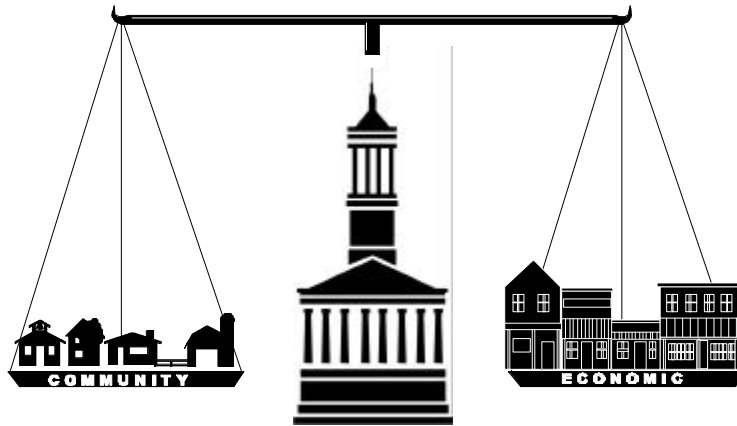
**Wilson County’s
Model for Success**

The Wilson County Joint Economic and Community Development Board has been very successful. It served as a model in the drafting of Section 15 of PC 1101. Following is some insight, or “secrets of success,” about the model from Patrick Lyle, the Wilson County JECDB Executive Director, and Dianne Fletcher, Assistant Director.

**Secrets of Success:
“Working Together Works”**

- Focus is on getting together, talking, and discussing new opportunities and long term objectives.
- Mix of private/public members keeps things “honest, and above board.”
- All meetings open to public.
- Staff is single point of contact for industrial recruitment (“One Stop Shopping.”) Staff “stays focused” on economic development and “stays out” of other issues.
- Doubled the tax base since inception (last ten years).
- Model was developed by private sector and Chamber based on their prior experience of needing involvement of local governmental leaders.
- Model fosters communication and cooperation rather than adversarial relationship among private and public sectors.





Appendices

- Appendix A** Requirements for approval of an Interlocal Agreement
- Appendix B** Interlocal Agreement concerning Economic and Community Development
in Wilson County, Tennessee
- Appendix C** JECDB Funding Formula: The Wilson County Example

APPENDIX A
REQUIREMENTS FOR APPROVAL OF AN INTERLOCAL AGREEMENT

The requirements for the approval of an interlocal agreement between a city and county government are as follows (TCA §5-1-113):

- 1) Both the city government and the county government must have the ability to exercise the power, privilege or authority which is the subject of the agreement.
- 2) The governing bodies of the city government and the county government shall take appropriate action by resolution before the agreement may take effect.
- 3) The agreement shall specify:
 - a) the duration of the agreement;
 - b) the organization and nature of any separate legal or administrative entity created by the agreement;
 - c) the purpose of the agreement;
 - d) the method of financing the joint undertaking and the method of maintaining a budget; and
 - e) the method of terminating the agreement and disposing of property on termination of the agreement.
- 4) If a separate legal or administrative entity is not created to administer the joint undertaking, the agreement shall also include:
 - a) a provision for an administrator or joint board to administer the agreement; and
 - b) a provision that outlines the method of acquiring, holding and disposing of property used in the undertaking.
- 5) If the agreement in whole or in part deals with the provision of services or facilities over which an officer or agency of the state has constitutional or statutory powers of control, the agreement shall be submitted to the state officer or agency having powers of control. The agreement shall be approved or disapproved as to all matters within the officer's or agency's control before the agreement can take effect.

APPENDIX B
***INTERLOCAL AGREEMENT CONCERNING ECONOMIC AND
COMMUNITY DEVELOPMENT IN WILSON COUNTY¹⁹***

This Interlocal Agreement is made and entered into by and between the parties stated.

PARTIES

The parties to this Agreement shall be referred to as the participating governments and are as follows:

The County of Wilson, Tennessee
City of Lebanon, Tennessee
City of Mt. Juliet, Tennessee
City of Watertown, Tennessee

RECITALS

- I. This Interlocal Agreement is authorized by Tennessee Code Annotated, Section 5-1-113.

AGREEMENTS

- I. NAME. There is hereby created the Joint Economic and Community Development Board of Wilson County, Tennessee, hereinafter referred to as the Board.
- II. PURPOSE. The purpose and mission of the Board shall be as follows:
 1. To develop, recommend, and direct a strategic plan of policies and action that improve the economic well-being of the community and those activities and services which support economic growth and improve the quality of life of the community's members,
 2. To encourage an entrepreneurial spirit among present businesses and citizens,
 3. To help spawn expansions of local industry and businesses,

¹⁹ Pages 17-27 are verbatim from the Interlocal Agreement in Wilson County.

4. To seek out those enterprises which support the development of the future as outlined in the strategic plan for the purpose of enticing them to locate in Wilson County,
5. To foster an open communication among all groups in the county concerned with economic development including, but not limited to: residents; present industry and businesses; governments; educators; public and private developers; and other public organizations.

III. MEMBERSHIP OF THE BOARD. The membership of the Board shall be composed and selected as follows:

<u>Membership Position</u>	<u>Method of Selection</u>
#1	The County Executive of Wilson County, Tennessee
#2	A County Commissioner elected by the Board of County Commissioners of Wilson County, Tennessee
#3	A County Commissioner elected by the Board of County Commissioners of Wilson County, Tennessee
#4	A County Commissioner elected by the Board of County Commissioners of Wilson County, Tennessee
#5	The Mayor of the City of Lebanon, Tennessee
#6	A Lebanon City Alderman elected by the Lebanon City Council
#7	A Lebanon City Alderman elected by the Lebanon City Council
#8	The City Manager of the City Mt. Juliet, Tennessee
#9	A Mt. Juliet City Commissioner elected by the Mt. Juliet Board of Commissioners
#10	The Mayor of the City of Watertown, Tennessee
#11	A Watertown Alderman elected by the Board of Mayor and Alderman of the City of Watertown, Tennessee

- #12 A member of the Private Sector selected by the Executive Committee of the Board of Directors of the Lebanon Wilson County Chamber of Commerce
- #13 A member of the Private Sector selected by the Board of Directors of the Mt. Juliet West Wilson Chamber of Commerce
- #14 A member of the Private Sector selected by the Watertown Businessmen's Association
- #15 A member of the Private Sector selected in accordance with paragraph XII (1)
- #16 A member of the Private Sector selected in accordance with paragraph XII (1)
- #17 A member of the Private Sector selected by the other sixteen members of the Board

IV. TERMS OF BOARD MEMBERS.

1. Membership Positions 1, 5, 8 and 10 shall serve by virtue of their positions in government.
2. Membership Positions 2, 3, 4, 6, 7, 9, and 11 shall serve staggered Four (4) year terms. The first persons elected to Membership Positions number 2, 4, and 6 shall serve a two (2) year term and shall thereafter be elected for four (4) year terms. The persons first elected to Membership Positions 3, 7, 9 and shall be elected for a four (4) year term. In the event a person holding one of the said positions ceases to be a member of the legislative body which elected him, a vacancy in that position shall occur. The vacancy shall be filled for the remainder of the term of that position.
3. Membership positions 12, 13, 14, 15, and 16 shall serve staggered four (4) year terms. The first persons elected to Membership Positions 12, 14, and 16 shall serve two (2) year terms and shall thereafter be elected for four (4) year terms. The persons first elected to Membership Positions 13 and 15 shall first be elected for a full four (4) year term.

In the event of a vacancy in one of these Membership Positions, the vacancy shall be filled for the remainder of the term of that position.

4. Membership Position 17 shall serve a one (1) year term.
5. Members shall be eligible for re-election if otherwise eligible for the position.
6. Notwithstanding Paragraphs 2, 3, and 4 above, the terms of the persons first elected to the Board shall be deemed to begin on January 1, 1990. Thereafter each term provided for in Paragraphs 2, 3, and 4 shall begin on the first day of January of the applicable year.
7. Upon this Agreement becoming effective and upon the election of at least a majority of the Board Members, the County Executive shall set a time and place for the first meeting of the Board, and give proper notice thereof, at which time the Board shall organize itself. In the event one or more of the participating governments has not completed consideration of this Agreement at such time, the Board may elect a temporary Chairman and temporary Secretary and defer formal organization until a subsequent meeting.

V. RESPONSIBILITIES OF THE BOARD. The responsibilities of the Board shall be as follows:

1. To set policy and priorities,
2. To approve an annual operating budget and request funds from participating governmental bodies as set forth in paragraph XI herein,
3. To hire and/or terminate the director of the organization
4. To develop and maintain a strategic, long-range economic and community development plan,
5. To coordinate economic and community development activities with existing governmental agencies,

6. To make periodic progress and status reports to appropriate governmental bodies,
7. To hold regular meetings, the frequency of which should be at least quarterly,
8. To elect officers,
9. To annually designate one member to serve on the Executive Committee,
10. To appoint ad hoc committees, advisory groups, and ex-officio members as deemed desirable,
11. To establish a job description for the director of the organization.

VI. EX-OFFICIO MEMBERS OF BOARD. The following shall be ex-officio non-voting members of the Board by virtue of their positions:

1. Executive Director of the Lebanon-Wilson County Chamber of Commerce.
2. Executive Director of the Mt. Juliet-West Wilson Chamber of Commerce.
3. The Superintendent of the Wilson School System.
4. The Superintendent of the Lebanon City School System.
5. The Chairman of the Industrial Development Board of Wilson County, Tennessee.
6. The Board may provide for additional ex-officio non-voting members on such terms and conditions as the Board deems desirable.

VII. COMPOSITION OF EXECUTIVE COMMITTEE. The Executive committee shall be composed of the following members:

1. The County Executive of Wilson County, Tennessee,
2. The Mayor of the City of Lebanon, Tennessee,

3. The Mayor of the City of Watertown, Tennessee
4. The City Manager of the City of Mt. Juliet, Tennessee
5. A person selected by the Board from Membership Positions 12 and 17.

VIII. RESPONSIBILITIES OF EXECUTIVE COMMITTEE. The Board shall have an Executive Committee which shall have the following responsibilities:

1. To administer the policies of the Board,
2. To recommend an annual operating budget to the Board,
3. To recommend the hiring and/or termination of the director of the organization,
4. To supervise the daily operations of the organization and the director of the organization,
5. To hold regular meetings, the frequency of which should be at least monthly,
6. To meet on call as often as needed in addition to monthly meetings,
7. To suspend, without pay, the director of the organization pending action of the Board,
8. To select officers of the Executive Committee.

IX. TERMS OF EXECUTIVE COMMITTEE MEMBERS.

Membership Positions 1 and 4 shall serve by virtue of their positions in government. Membership Position 5 shall serve a one (1) year term. However, the term of the first person elected to this position shall be deemed to begin on January 1, 1990. After the first meeting of the Board, the County Executive shall set the time and place of the first meeting of the Executive Committee and give notice to the members thereof. At such meeting, the Executive Committee shall organize itself.

X. FUNDING.

The activities of the Board shall be jointly funded by the participating governments. The formula for determining the amount of funds due from each participating government shall be determined by adding the population of the entire county as established by the last Federal Decennial census to the populations of each city as determined by the last Federal Decennial census, or Special Census as provided for in T.C.A. Section 6-51-114, and then determining the percentage that the population of each governmental entity bears to the total amount.

In the event a Special Census has been certified pursuant to Tennessee Code Annotated 6-51-114 during the five (5) year period following certification of the last Federal Decennial Census, the formula shall be adjusted by the Board to reflect the result of the Special Census. However, the Board shall only make such an adjustment during the fifth year following the certification of a Federal Decennial Census. Pending completion of the 1990 Federal Decennial Census, the contribution percentages of each government shall be as follows:

Lebanon	17.78%
Watertown	1.76%
Mt. Juliet	4.54%
Wilson County	75.92%

The Board is authorized to accept and expend donations, grants and payments from persons and entities other than the participating governments.

XI. BUDGETS.

An annual budget to fund the activities of the Board shall be recommended by the Executive Committee to the Board which shall adopt a budget before the first day of April of each year. The funding formula percentages established in Paragraph X shall then be applied to the total amount budgeted by the Board as the participating governments' contributions for the ensuing fiscal year. The budget and a statement of the amount due from each participating government shall be immediately filed with the appropriate officer of each participating government. In the event a participating government does not fully fund its contribution, the Board may establish and impose such sanctions or conditions as it deems proper.

XII. MISCELLANEOUS PROVISIONS.

1. EXISTING INDUSTRY BOARD MEMBERS. Upon approval of this Agreement by the legislative body of Wilson County, the County Executive shall prepare a list of all Private Sector employers in Wilson County who employ at least One Hundred (100) employees in the company's Wilson County operations. The County Executive shall then call a meeting of representatives of such employers for a definite time and place for the purpose of selecting persons to fill Board Membership Positions Number 15 and 16. Each such employer represented shall be entitled to one (1) vote at such meeting. The person receiving the majority of votes cast shall be elected. The County Executive shall preside at the meeting and the Rules of Procedure applied to elections by the legislative body of Wilson County shall otherwise govern the proceedings. The list of eligible employers referred to above shall be obtained from information on file in the offices of the Lebanon Wilson County Chamber of Commerce. The County Executive shall be the final arbiter of determining whether a particular employer is qualified to participate. The County Executive shall give such reasonable notice to the eligible employers as is calculated to actually inform them of the occurrence and purpose of the meeting.

2. **QUORUM.** A Quorum shall be a majority of the members of the Board, the executive committee or subcommittees thereof, as applicable.
3. **MOTIONS.** A Motion shall be deemed approved if it receives the affirmative votes of a majority of the members present and voting.
4. **ELECTIONS.** A person shall be deemed elected if he receives the votes of a majority of the members present and voting.
5. **COUNTY AGENCY.** The Board shall be an agency of Wilson County Government and its employees shall be Wilson County employees eligible for all benefits available to other Wilson County employees. Specifically for the purposes of the Governmental Tort Liability Act, the Board shall be considered an agency of Wilson County Government and its employees and agents shall be accorded and subject to such rules, benefits and protections as may be provided other agencies of Wilson County Government.
6. **ACCOUNTS.** The Board shall maintain an account separate and apart from the accounts and funds of each of the participating governments. Funds remaining in the account of the Board at the end of each fiscal year shall not revert to any of the participating governments but shall specifically remain funds and property of the Board. The Board shall not have the authority to bind or obligate the funds or assets of the participating governments. The Board shall likewise have no power to pledge the general credit or taxing power of a participating government.
7. **PRIVATE SECTOR MEMBERS.** No person shall be eligible for election or continued service in Membership Positions 12 and 17 if that person is employed by a participating government on a full time basis. However, excluded from this prohibition are individuals employed as non-supervisory personnel in the Wilson County School System. In addition, no person who is a member of the legislative body of any of the participating governments shall be eligible to hold Membership Positions 12 and 17.

8. **SUCCESSORS.** In the event the structure of a participating government changes, or in the event an organization referred to in Paragraph III or VI becomes non-functional in the opinion of the Board, the Board shall designate the official to serve on the Board and shall make sure other adjustments as may in its opinion be desirable.
9. **FISCAL YEAR.** The fiscal year of the Board shall begin on the first day of July of each year.
10. **FISCAL STANDARDS.** The Board shall meet the financial, accounting and purchasing standards established by law for Wilson County and shall utilize the services of the purchasing agent of Wilson County. The Board shall establish the amount of Fidelity Bonds for all persons authorized to disburse funds of the Board and may provide for the payment of the premium for such Bonds from the assets of the Board.
11. **EMPLOYEES.** The Board may employ and pay compensation to such employees and agents, including professional service providers, as the Board shall deem desirable.
12. **OPEN MEETINGS.** All meetings of the Board shall be open to the public after reasonable notice thereof publicly posted.
13. **FILLING VACANCIES.** Upon a vacancy occurring in any position established by the original appointing authority.

XIII. AMENDMENTS.

This Agreement may be amended by the adoption of any such amendments by the legislative bodies of the participating governments.

XIV. DISSOLUTION.

The Board shall be dissolved and this Agreement terminated in the event the legislative bodies of Wilson County and the City of Lebanon, Tennessee approve such dissolution. Any other participating government may withdraw from participation pursuant to this Agreement by approval by the same by the legislative body of the particular government. However, no motion to dissolve nor to withdraw from participation shall become effective for the ensuing fiscal year unless notice thereof is given to the other participating governments at least six (6) months prior to the beginning of the Board's fiscal year. Upon the dissolution of the Board, all funds remaining in the Board's accounts shall be paid to the participating governments according to the funding formula established by Paragraph X, which is then in effect.

XV. EFFECTIVE DATE.

This Agreement shall become effective upon its approval by the legislative body of Wilson County, Tennessee and the legislative body of the City of Lebanon, Tennessee. It shall become effective as to the City of Mt. Juliet upon its approval by the legislative body of the City of Mt. Juliet. It shall become effective as to the City of Watertown upon its approval by the legislative body of the City of Watertown. The Board may provide for the inclusion of representatives of any additional cities incorporated in Wilson County. This Agreement shall become effective as to any such additional city upon its approval by the legislative body of any such city.

XVI. EXECUTION.

The participating governments evidence their approval of this Agreement by the signatures below of the authorized representatives of such participating governments. By such signatures, each officer executing this Agreement and each participating government represents to the other participating governments that this Agreement has been duly and lawfully approved by the participating government they represent.

APPENDIX C
JECDB Funding Calculations FY 1999-2000

*Section 15(g)(1) of PC 1101 provides that*²⁰ “The formula for determining the amount of funds due from each participating government shall be determined by adding the population of the entire county as established by the last Federal Decennial Census to the populations of each city as determined by the last Decennial Census as provided in T.C.A. § 6-51-114, and then determining the percentage that the population of each government entity bears to the total amount.”²¹

Based on this formula, using the final 1990 Federal Decennial figures, updated by special census for Lebanon, Mt. Juliet, Watertown and Wilson County, the proportions of the budget to be borne by each of the four governments is as follows:

Lebanon Population	17,828	Lebanon	$17,828/106,876 =$	16.7%
Mt. Juliet Population	9,179	Mt. Juliet	$9,179/106,876 =$	8.6%
Watertown Population	1,354	Watertown	$1,354/16,876 =$	1.3%
Wilson County Population	78,515	Wilson Cty.	$78,515/106,876 =$	73.4%
				100%
Total	106,876			

Total Budget \$271,488.00

Portions:

Lebanon	16.7% of \$271,488	=	\$45,338.50
Mt. Juliet	8.6% of \$271,488	=	\$23,347.97
Watertown	1.3% of \$271,488	=	\$3,529.34
Wilson Cty.	73.4% of \$271,488	=	\$199,272.19
	Total		\$271,488

²⁰ Material in italics added by TACIR for clarity.

²¹ Interlocal Agreement, page 10.



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TACIR, (1/00);
Publication Authorization Number 316322;
900 copies. This public document
was promulgated at a cost of \$ 1.42 each.