



TACIR

The Tennessee Advisory Commission
on Intergovernmental Relations



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MEMORANDUM

TO: Commission Members

FROM: Winnisse Roehrich-Patrick
Executive Director

DATE: 5 February 2013

SUBJECT: Work Program Revisions

The attached work program is provided for your consideration and requires action at this meeting. It is the first in the new calendar year format adopted by the Commission at its June 2012 meeting. In addition to the mandated and other projects carried forward from the amended fiscal year 2011-12 work program, it includes two new projects added at the request of Commission members:

- **Foreclosure of Blighted Property**

Study the cost involved in foreclosing on blighted property and how that affects the sale and reuse of the property.

- **Growth Plans**

Review status of local governments' 20-year growth plans, determine status of plans at end of 20 years, and analyze potential improvements to planning process.

It also includes the new collaboration with Tennessee State University on sustainable competitiveness discussed at the November 2012 meeting.

The staff will prepare an amendment to this work program at the end of the 2013 session of the 108th General Assembly adding any new requests referred to the Commission by the legislature. Staff will present the amendment for approval at the Commission's spring 2013 meeting. At that time, staff will also seek guidance from the members on any other projects to add to the program.

TACIR Work Program Calendar Year 2013

This work program is the first in the new calendar year format adopted by the Commission at its June 2012 meeting. It includes mandated and other projects carried forward from the amended fiscal year 2011-12 work program or since added with the approval of the Commission. The staff will prepare an amendment to this work program at the end of the 2013 meeting of the 108th General Assembly adding any new requests referred to the Commission by the legislature. At that time, staff will also seek the guidance of the members on any other projects to add to the program.

107th General Assembly Requests: 2012

EMINENT DOMAIN

STATUS: Draft report presented for review and comment November 2012; final report to be presented for Commission approval February 2013.

- **Eminent Domain:** [SB 1566 (Ketrone)/HB 1576 (Carr, Faison, Womick, Gotto)]: Revises present law regarding eminent domain of counties and municipalities and details the procedure by which counties and municipalities may take property by eminent domain.

Referred by Senate State & Local Government Committee.

Due Date: None specified, but requested from Senate sponsor by January 2013.

- **Eminent Domain:** [SB 2745 (Johnson)/HB 2877 (Gotto)]: Eliminates the power of eminent domain for housing authorities and permits governing bodies to institute eminent domain proceedings on behalf of housing authorities.

Referred by the House State & Local Government Subcommittee.

Due Date: None specified.

LAND USE REGULATION

STATUS: Draft report to be presented for review and comment February 2013.

Subdivision Regulation

Regional Subdivision Authority

- **Municipal Government:** [SB 3119 (Yager)/HB 3041 (Elam)]: Allows municipal regional planning commission, in counties that have not adopted zoning, to exercise subdivision approval within the planning commission's region without the approval of the county legislative body.

Referred by the House State & Local Government Subcommittee.

Due Date: None specified.

- **Local Government: Municipalities' Jurisdiction Beyond Corporate Limits** [SB 0347 (Haynes)/HB 0125 (Sargent)]: Deletes provision in the Comprehensive Growth Plan that allows a municipality and a county without county zoning to provide extraterritorial zoning and subdivision regulation beyond its corporate limits with the approval of the county legislative body.

Referred by the House State and Local Government Subcommittee in 2011. Preliminary analysis presented at December 2011 Commission meeting.

Due Date: None specified.

Defining a Subdivision

- **Planning, Public:** [SB 2878 (Southerland)/HB 2818 (Faison)]: Creates different requirements for subdivisions and development in counties in which countywide zoning has not been enacted.

Referred by the House State & Local Government Subcommittee.

Due Date: None specified.

- **Planning, Public:** [SB 3167 (Haynes)/HB 3042 (Elam)]: Redefines subdivision in municipal county and regional regulations by expanding the maximum size allowed for the subdivided parcels from less than five to less than 25 acres.

Referred by the House State & Local Government Subcommittee.

Due Date: None specified.

Subdivision Roads

- **Planning, Public:** [SB 2876 (Southerland)/HB 3105 (Faison)]: Prohibits local or regional planning commission from prohibiting private road maintenance agreements in residential developments.

Referred by the House State & Local Government Subcommittee.

Due Date: None specified.

- **Planning, Public:** [SB 3171 (Haynes)/HB 3040 (Elam)]: Revises authority or responsibility with respect to street construction and acceptance of public streets located within a subdivision in certain circumstances.

Referred by the House State & Local Government Subcommittee.

Due Date: None specified.

Nonconforming Uses

- **Zoning:** [SB 3118 (Yager)/HB 3043 (Elam)]: Specifies evidence of abandonment of non-conforming use, directs the governmental entity with jurisdiction to establish beginning and ending dates for the prescriptive period, and creates a rebuttable presumption of

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abandonment upon a governmental finding of credible evidence establishing a non-conforming use for the prescribed period.

Referred by the House State & Local Government Subcommittee. Incorporated into overall land-use-regulation report.

Due Date: None specified.

GOVERNMENT TRANSPARENCY

STATUS: Research plan presented June 2012.

- **Budget Procedures:** [SB 2831 (Ketron)/HB 3327 (Carr)]: Enacts the "Taxpayer Transparency Act"; requires the commissioner of finance and administration to create and maintain a searchable budget database web site detailing certain state budgetary information.

Referred by Senate, Finance Ways & Means.

Due Date: None specified.

- **Local Government:** [SB 2832 (Ketron)/HB 3328 (Carr)]: Creates the Local Government Transparency Act requiring each county, city, and school district to post certain information on their website by July 1, 2014.

Referred by the House State & Local Government Subcommittee

Due Date: None specified.

HOMEOWNERS ASSOCIATIONS

STATUS: Research plan presented June 2012.

- **Directed Studies:** [HR 0170 (Moore)]: Directs TACIR to study the responsibility of homeowners associations to insure their obligations and homeowners associations' rules and regulations.

Resolution passed by House of Representatives.

Due Date: 108th General Assembly

107th General Assembly Requests: 2011

FIRE SERVICE

STATUS: Draft report to be presented for review and comment February 2013.

- **Local Government: Study on Funding of Fire Service** [HJR 0204 (Haynes)]: Directs TACIR to study funding of fire service, both paid and volunteer, by local governments.

Due Date: None specified.

Recurring Mandates

- **Commission Meetings**
Conduct four commission meetings as required by T.C.A. § 4-10-105 and any other meetings of the commission or its committees, as necessary.
- **Education Fiscal Capacity**
Study the fiscal capacity of local governments to fund education; produce the fiscal year 2013-14 fiscal capacity model.
- **Public Infrastructure Needs Inventory**
Compile and maintain an inventory of needed infrastructure within the state; present inventory of statewide public infrastructure needs and cost for provision of adequate and essential public infrastructure to the General Assembly at its next regular annual session following completion of the inventory each year.
- **Public Chapter 1101, Acts of 1998**
Monitor implementation of Tennessee's Growth Policy Act and periodically report findings and recommendations to the General Assembly.
- **Electric Generation and Transmission Cooperatives**
Monitor whether the current wholesale power supply arrangements between the TVA and municipal utilities and electric cooperatives are likely to change in a way that could affect PILOTs from the TVA to the state and to its local governments and report annually to (name the committees).
- **Basic Education Program Review Committee (BEPRC)**
Serve on the State Board of Education's BEPRC.
- **Strategic Planning and Performance Based Budgeting**
Maintain strategic plan and report performance in compliance with state requirements.

Research Support

Provide research support based on TACIR initiative or requests from the General Assembly, the Executive Branch, and local government.

Note: It is difficult to anticipate the amount of research support that will be requested in any given year. TACIR normally receives numerous such requests each year, primarily from the General Assembly and other state agencies. Many of these requests require relatively little staff work, though some require extensive effort. It is the intent of the staff to record as many of these

requests as practicable in the Summary of Major TACIR Achievements reported to the Commission at the summer meeting.

Inter-Agency Coordination

- Serve on TDEC's Water Resources Technical Advisory Committee.
- Participate with the development districts in a workshop to provide training at the TDDA annual conference. Current-year emphasis: our work with Tennessee State University and the development districts to meet with focus groups to help guide the sustainable competitiveness project discussed below.
- Work with representatives from other agencies assigned to the BEPRC, providing input, feedback, and research support as needed.

Research

- **Weekly Economic Updates**

Continue to provide Dr. Kyle's weekly economic summaries and analyses to Commission members.

- **Sustainable Competitiveness for Tennessee's Counties**

Continue collaboration with Tennessee State University studying strategies supporting local economic development and quality of life.

- **Rural Interstate Highway Congestion**

Complete analysis of strategies for addressing congestion on rural, intercity interstate highways.

- **County Profiles**

Continue to expand analysis of county profiles to better understand the policy implications of local fiscal and economic conditions across the state.

- **Tracking Tennessee's Economy**

Continue the partnership with Middle Tennessee State University's Business and Economic Research Center to provide a web site featuring key economic indicators for the state and its metropolitan statistical areas.

- **Foreclosure of Blighted Property**

Study the cost involved in foreclosing on blighted property and how that affects the sale and reuse of the property.

- **School Siting**

Complete study by the University of Memphis on the relationship between school siting and land use planning.

- **Education Finance Equity**

Update analysis of education finance equity in Tennessee.

- **Rurality**

Analyze existing measurements of rurality and develop comprehensive rurality measurement for Tennessee.

- **Growth Plans**

Review status of local governments' 20-year growth plans, determine status of plans at end of 20 years, and analyze potential improvements to planning process.

- **Fiscal Federalism**

Continue research on potential impacts of federal fiscal policies on state and local governments.

- **Local Government Fiscal Challenges**

Study the fiscal challenges facing local governments in a recovering economy.

- **Financing Water Infrastructure**

Study existing and potential alternatives for financing needed improvements to state and local water infrastructure.

- **County Status Indexes**

Update *Fast Fact* series on local economic activity and personal and family economic well-being indexes for Tennessee counties; develop companion indexes measuring human capital and quality of life.

Technology

- Continue to refine plan to maximize use of GIS in TACIR analyses.
- Expand and update Internet feature reports on pertinent topics.
- Provide web-based public access to tables and data from the Public Infrastructure Needs Inventory.
- Maintain a database of consolidated reference data to support research and analysis.

Administrative

- Effectively manage budget preparation and implementation.
- Efficiently manage all contracts.
- Efficiently manage procurement process, ensuring fiscal responsibility as well as adequate oversight and controls.

Professional Development

- Effectively utilize staff training opportunities.
- Attend Tennessee Municipal League and Tennessee County Services Association conferences and staff booths promoting TACIR's research.