

**SPECIAL CENSUS PROCEDURES:
For inclusion in the annual *Certified Population of
Tennessee Incorporated Municipalities and Counties* report**

The Boyd Center for Business and Economic Research (the “Boyd Center”) and the Tennessee Department of Economic and Community Development (“ECD”) provide procedures in this document for cities and counties to document population changes between each federal decennial census. If certified by ECD, the population count is included in the annual *Certified Population of Tennessee Incorporated Municipalities and Counties* report (the “Annual Report”).

This document is intended to convey general information only on special census procedures. The contents of this document should not be construed as, and should not be relied upon as, legal advice regarding any particular circumstance or fact situation. For advice on specific legal issues, a qualified attorney should be consulted.

These procedures were updated on November 20, 2018.

If you have any questions about the procedures or process, please contact:

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OVERVIEW

The State of Tennessee distributes various tax proceeds to Tennessee municipalities and counties based on their population as reported by the U.S. Census Bureau (the "Census Bureau") at the beginning of each decade. Municipalities and counties are enabled under the Tennessee Code Annotated (the "TCA") to conduct a special census to document population change between the federal decennial censuses. A municipality or county may choose to conduct a complete recount of their population to document perceived growth or to resolve a dispute with the federal count. A municipality may also conduct a special census when it properly annexes new residents into their jurisdiction or becomes newly incorporated.

The TCA allows municipalities to conduct up to four citywide special censuses during the decade. Generally, a county may conduct up to two countywide special censuses within this time period.

A municipality or county may choose to conduct a special census through one of the following methods:

1. Conduct its own special census in a manner by and satisfactory to the Tennessee Department of Economic and Community Development ("ECD") (see page 3), or
2. Use the services of the Census Bureau to conduct and certify a special census. (See page 8.) The Census Bureau does not involve the State of Tennessee to certify the new count. However, by May 15 the community must provide the Boyd Center with an official notice from the Census Bureau identifying the area in which the special census was taken and the count of the area's residents.

After conducting a special census through one of the above methods, the community must request certification of their census. Upon certification, the new population will be reflected in the annual *Certified Population of Tennessee Incorporated Municipalities and Counties* report (the "Annual Report"). The Annual Report reflects municipal population changes (which are the most common), county population changes, and a new state total of incorporated municipal population. This statewide figure is used to determine the per capita rate of shared revenue distribution.

Certified populations included in the annual report will become effective on July 1 of each year.

ECD transmits the report to the Lieutenant Governor, Speaker of the House of Representatives, Comptroller of the Treasury, State Treasurer, Secretary of State, Commissioner of Finance and Administration, Commissioner of Revenue, Commissioner of Transportation, and the Alcoholic Beverage Commission.

The Tennessee Department of Revenue uses this report to distribute tax proceeds to the municipalities and counties based on their reported population.

COMMON CIRCUMSTANCES UNDER WHICH A SPECIAL CENSUS MAY BE TAKEN:

1. **Citywide Census:** Any incorporated municipality may take a special census of the entire municipality between federal decennial censuses, provided that only four such censuses are taken during this ten-year period. However, as detailed below, various TCA sections further limit the number of censuses that may be taken for certain specified purposes.
2. **Annexation:** A municipality may include in its population base the residents of an area annexed after the last federal census by having a special census taken in the annexed area. Only one special census can be certified for the same area. However, the annexed area may be included in a later city-wide special census.
3. **New Incorporation:** A municipality incorporated between federal censuses does not have to wait until the next federal decennial census to establish a population basis. It may have a special census taken of the inhabitants within its boundaries.

SPECIAL CENSUS CONDUCTED BY MUNICIPALITY OR COUNTY

There are seven steps in the special census process. For the purpose of this section, the term “community” refers to a municipality or a county.

Please note the following deadlines:

- **January 1:** deadline to submit a letter of intent to the Boyd Center
- **March 1:** deadline to submit special census documentation to approved agency for review and field verification
- **May 15:** deadline to submit special census documentation to the Boyd Center

STEP 1: **Not later than January 1,** the community must submit a letter of intent to conduct a special census to the Boyd Center stating the type of special census the community plans to conduct.

STEP 2: Community contacts an approved agency (see step 4) to enter into an agreement that the approved agency will review and verify the community’s special census.

STEP 3: Community conducts a special census.

There are two methods by which a community may take a census. The community may a) take its own enumeration of the inhabitants, or b) use federal census data from 2010. Requirements for each method are outlined below.

The special census must be conducted at the community’s expense.

a) Requirements for a special census taken by the Community

The census list must include the first and last name of each and every individual with the best possible address of normal legal residency. The address should include street address, city, state and zip code for each resident. Members of the household may be grouped under a single address, but the listing must include the first and last name of each member of the household. No additional data (such as age, race, status of property ownership, etc) is required but may be collected at the same time at the option of the community.

People living in group situations live in group quarters. Group quarters include assisted living facilities, correctional facilities, hospitals, military installations, and nursing homes. For a group quarters, a letter from the official administrator of the group quarters is acceptable for the special census but should not be used as part of the field verification. This letter should have the number of residents living at the facility on the date of the census.

Other multi-family residential complexes (such as apartment dwellings) are **not** considered to be group quarters.

Tax records or other records may not be used in lieu of taking a census.

Municipal or county employees, special employees, volunteers, or other personnel may be used for the actual taking of the census.

b) Requirements for Use of 2010 Census Data

Census tracts and block numbering areas may be used for the census enumeration, provided the area incorporated does not cross census tract lines or block numbering areas, that is, provided it contains the entire area of one or more census tracts or block numbering areas.

The counts for census tracts and block numbering areas can be obtained for Tennessee from the Census Bureau website <https://www.census.gov/>. The Boyd Center may provide guidance in obtaining the data.

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When a new incorporation occurs within the bounds of a Census Bureau Metropolitan Statistical Area, the census tract or block numbering area counts may be used as listed in the appropriate Census Bureau Publication of the CPH Series--Population and Housing Characteristics for Census Tracts and Block Numbering Areas.

When using 2010 census tract or block numbering area counts, the following materials must be submitted to the Boyd Center:

1. Notarized statement of the computations, including the identifying numbers of the census tracts or block numbering areas, and when using census tracts or block numbering areas, the census publication used, and the table and page numbers;
2. Map showing the census tracts or block numbering areas

STEP 4: Community submits the special census to an approved agency.

Not later than March 1, the special census documentation must be submitted to one of nine approved agencies (each a "Development District") for review and field verification.

Approved Agencies:

East Tennessee Development District (ETDD)
P.O. Box 249
Alcoa, TN 37701-0249
865-273-6003
www.etdd.org

First Tennessee Development District (FTDD)
3211 North Roan Street
Johnson City, TN 37601-1213
423-928-0224
www.ftdd.org

Greater Nashville Regional Council (GNRC)
501 Union Street, 6th Floor
Nashville, TN 37213
615-862-8828
www.gnrc.org

Memphis Area Association of Governments (MAAG)
8289 Cordova Rd., Suite 103
Cordova, TN 38016
901-729-2871
www.maagov.org

Northwest Tennessee Development District (NWTDD)
P.O. Box 963
Martin, TN 38237-0963
731-587-4213
www.nwtddhra.org

South Central Tennessee Development District (SCTDD)
101 Sam Watkins Boulevard
Mount Pleasant, TN 38474
931-379-2929
www.sctdd.org

Southeast Tennessee Development District (SETDD)
1000 Riverfront Pkwy
Chattanooga, TN 37405-0757
423-266-5781
www.sedev.org

Southwest Tennessee Development District (SWTDD)
102 E. College Street
Jackson, TN 38301
731-668-7112
www.swtdd.org

Upper Cumberland Development District (UCDD)
1225 South Willow Avenue
Cookeville, TN 38506-4158
931-432-4111
www.ucdd.org

The Community must submit the following materials to the approved agency:

1. A notarized letter from the mayor indicating the type of special census conducted, total census count, how the special census was conducted and requesting that the agency provide verification of the results.
2. Payment for review and field verification must be made in advance to the agency certifying the

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validity of the special census.

3. A digital special census list in spreadsheet format, which includes street number, street name, zip code, last name and first name for each person contained in the special census. A copy of the letters from any group quarters whose residents are counted in the special census must also be submitted.
4. A map clearly indicating the extent of the territory contained in the special census with legible street names.
5. For an annexation census, provide a copy of all annexation ordinances OR (if the annexation was conducted by referendum) the resolution calling for referendum and the certification of election results from the county election commission.
6. For an incorporation census, provide a notarized statement by the mayor of election of incorporation, giving date, and type of charter adopted.

STEP 5: Development District reviews and field checks the special census.

A community shall secure an approved independent agency—a Development District—to review its special census and conduct a field verification visit. The Development District will review the census list and conduct a field sample of the listing in order to check the validity of the data. Officials of the community may be requested to assist in locating boundaries or addresses. The development district must poll at least 10 percent of the residents listed in the census, and have an absolute error of less than five percent (5%).

Special Census Review Cost:

It is recommended that Development District agencies charge a Community for the document review and field verification services. The rate is dependent upon the cost determined appropriate by the development district.

Instructions for Special Census Review and Verification by Development Districts

1. Ensure the community has submitted the materials listed in step 4, for review.
2. Conduct a desktop review of the special census table to ensure all information is listed and correct.
 - a. Each entry must have a street address, city and zip code.
 - b. A first and last name of each resident in the household must be provided.
 - c. Each page must be reviewed for duplications or electronic errors.
 - d. The total count must be verified against the data included in the census.
3. Conduct a random door-to-door field verification visit to the community.
 - a. Divide the community (or other area covered in the census) into logical areas and conduct a portion of the field verification in each area to ensure a level of randomness.
 - b. Devise a plan to poll at least 10% of the residents listed in the census.
 - c. Contact the city or county administration and law enforcement to inform them of the date and time of the field visit. Provide clear identification of your organization and purpose to each resident polled to ensure their security and cooperation.
 - d. Group quarters (such as assisted living facilities, colleges, correctional facilities, hospitals, military installations, and nursing homes) may be included in the census but should not be used as part of the field verification.
4. Provide the community with a letter affirming that the Development District has reviewed the special census in compliance with procedures set forth by the Boyd Center including:

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- a. The name(s) and position(s) of the Development District staff who conducted the desktop review of the special census materials and conducted the field verification visit. The Development District may use personnel external to its staff. The external personnel may not be employees of the applicant community and must be supervised by a Development District employee.
- b. The date(s) of the field verification visit(s).
- c. The number of persons and percentage of the total special census contacted. The minimum required is ten percent (10%).
- d. The percentage of error identified during the field verification visit. The maximum error rate permitted is five percent (5%).
- e. A recommendation to the Boyd Center stating that the Development District recommends approval or denial of the special census count.

Conflict of Interest

The State recognizes that each Development District assesses a per capita fee to district member governments who may use special census verification services of their development district. A district board is authorized in TCA § 13-14-111 to set a per capita fee based on the latest federal decennial census OR the board of a development district may utilize either the population counts from the latest yearly population estimates or from the decennial census figures of each city, town, metropolitan government, and county that is located in and is a member government of the development district, as reported by the Census Bureau or its federal functional equivalent.

The annual population count certified in the Annual Report shall not be used by a development district to set its member fees.

STEP 6: Not later than May 15, the Community must submit the following information to the Boyd Center:

1. A notarized letter from the mayor that explains the method in which the census was conducted, when the census was conducted, the type of census conducted, and the total census count being requested for certification.
2. Letter from the Development District recommending the special census count be certified and included in the Annual Report.
3. One copy of the special census, which includes street number, street name, zip code, last name and first name for each person contained in the special census. A copy of the letters from any group quarters whose residents are counted must also be submitted.
4. A map clearly indicating the extent of the territory contained in the special census with legible street names.
5. For an annexation census, provide a copy of all annexation ordinances OR (if the annexation was conducted by referendum) the resolutions calling for referendum and the certification of election results from the county election commission.
6. For an incorporation census, provide a notarized statement by the mayor of election of incorporation, giving date, and type of charter adopted; and,

STEP 7: Upon certification, the Boyd Center will provide the community with written notice of the approved special census count in July.

Certified population changes become effective on July 1 of each year.

ECD will notify other state agencies of the population changes and disseminate the Annual Report, which will also be posted online at tnecd.com.

SPECIAL CENSUS AUTHORIZATION IN THE TENNESSEE CODE:

The Tennessee General Assembly has provided cities and counties authority to take special censuses in various TCA sections detailed below. State taxes and other moneys are shared with Tennessee's incorporated municipalities and counties on the basis of population. Compensation rates for certain public offices are also established on a population basis. The federal decennial population counts are used as the basis for these distributions unless a municipality or county has a special census taken under the applicable TCA provision.

A brief description of each TCA special census provision follows:

1. Special Census by Municipality to Determine Allocation of State Funds and Other Moneys

TCA § 6-51-114. Special census following the annexation of territory by a municipality, to determine the municipality's adjusted share of funds distributed by the State among various municipalities on a population basis.

TCA § 54-4-203. Special Census to determine the distribution of municipal street aid paid by the State to eligible municipalities. Not more than four (4) such special censuses may be conducted at the municipality's expense between each federal decennial census.

TCA § 57-5-205. Special census to determine the distribution of state privilege tax proceeds paid by the State to the various counties and municipalities. Not more than four (4) such special censuses may be conducted at the county's or municipality's expense between each federal decennial census.

TCA § 57-6-103. Special census to determine the allocation of sales and use tax proceeds paid by the State to the various municipalities. Not more than four (4) such special censuses may be conducted at the municipality's expense between each federal decennial census.

2. Special Census by County to Determine Allocation of State Funds and Other Moneys

TCA § 9-16-101. Special census to determine a county's eligibility for an allocation of tax proceeds or other funds. Not more than two (2) special censuses may be conducted at the county's expense between each regular federal decennial census.

TCA § 54-4-103. Special census in accordance with TCA § 9-16-101 above, to determine the distribution of county aid funds paid by the State to the various county trustees.

TCA § 57-3-306. Special census in accordance with TCA § 9-16-101 above, to determine the allocation of liquor tax proceeds paid by the State to the various counties.

TCA § 57-5-205. See description above.

3. Special Census by Local Government to Determine Certain Compensation Rates

TCA § 8-24-102(c). Special census to determine the compensation paid by a county to county officials. For this purpose, not more than three (3) special censuses may be conducted at the county's expense between each regular federal decennial census.

TCA § 2-12-108. Special census in accordance with TCA § 8-24-102(c) above, to determine the compensation paid by a county to county election commission members.

TCA § 2-12-208. Special census in accordance with TCA § 8-24-102(c) above, to determine the compensation paid by a county to certified administrators of elections.

TCA § 16-15-5001. Special census to determine the compensation paid by a county to a general sessions judge.

SPECIAL CENSUS CONDUCTED BY THE U.S. CENSUS BUREAU

A community may use the services of the Census Bureau to conduct and certify a special census.

The Census Bureau does not involve the State of Tennessee to certify the new count. However, by May 15 the community must provide the Boyd Center with an official notice from the Census Bureau identifying the area in which the special census was taken and the count of the area's residents.

For information:

Website: <https://www.census.gov/programs-surveys/specialcensus.html>.

FAQs: <https://www.census.gov/programs-surveys/specialcensus/faqs.html>.

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