

TACIR

The Tennessee Advisory Commission
on Intergovernmental Relations



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**MINUTES OF THE
TENNESSEE ADVISORY COMMISSION
ON INTERGOVERNMENTAL RELATIONS
September 16, 2008**

MEETING CALLED TO ORDER

The Tennessee Advisory Commission on Intergovernmental Relations met in Room 30 of the Legislative Plaza at 1:35 p.m., Chairman Representative Randy Rinks presiding.

Present 19

Mayor Rogers Anderson
Mayor Tommy Bragg
Mr. Charles Cardwell
Representative Craig Fitzhugh
Mayor Brent Greer
Senator Douglas Henry¹
County Executive Jeff Huffman
Mr. John Johnson
Alderman Bob Kirk
Mayor Kenny McBride
Mayor Keith McDonald
Senator Randy McNally
Comptroller John Morgan²
Senator Mark Norris
Representative Randy Rinks
Mayor Tom Rowland
Mr. Tommy Schumpert
Senator Jim Tracy
Mayor Larry Waters

Absent 7

Ms. Paula Davis
Senator Rosalind Kurita
Senator James Kyle
Representative Jason Mumpower
Ms. Leslie Newman
Representative Gary Odom
Representative Larry Turner

¹ Senator Henry serves as Commissioner Emeritus.

² Phillip Doss represented John Morgan.

1. Call to Order and Approval of June 2008 Minutes

Chairman RINKS called the meeting to order at 1:35 p.m. and asked for approval of the minutes. Vice Chairman ROWLAND made a motion to adopt the minutes. The motion was seconded by Mayor GREER. The minutes were approved.

2. Membership Status Update

a. Introduction of New Members

Chairman RINKS recognized and welcomed the new Commission Members: Mayor Larry WATERS, Sevier County, and Mayor Keith MCDONALD, City of Bartlett.

b. Resolutions for Former Members

Chairman RINKS stated that a resolution honoring the life of former Sumner County Executive Hank THOMPSON would be read by Ms. Kerri COURTNEY, Executive Assistant for Policy & Research, TACIR. Alderman KIRK made a motion to adopt the resolution. The motion was seconded by County Executive HUFFMAN.

Chairman RINKS stated that TACIR would also like to recognize former member Mayor Sharon GOLDSWORTHY. Ms. COURTNEY read the resolution honoring Mayor GOLDSWORTHY for thirteen years of meritorious service on the Commission. Vice Chairman ROWLAND made a motion to adopt the resolution. The motion was seconded by Senator TRACY.

Chairman RINKS invited Mayor GOLDSWORTHY to address the Commission. Mayor GOLDSWORTHY commented that it has been a remarkable honor and privilege to serve on TACIR for the past thirteen years. She thanked Dr. GREEN and staff for the confidence and assurance she had with the quality of any item that came from TACIR. Mayor GOLDSWORTHY said to her successor Mayor Keith MCDONALD that she believes he will bring light to the perspective of the municipalities in Tennessee. She closed by thanking the Commission for allowing her to serve and stated that her hope is for the Commission to continue in its deliberations.

c. Tennessee Child Passenger Protection Act of 1977

Dr. GREEN recognized two prominent members of the Commission who sponsored the first child seatbelt safety law in the country, Commissioner Emeritus Senator Douglas HENRY and former TACIR Chairman John T. BRAGG. He stated that these two men have made great contributions to the Commission and the State of Tennessee.

Chairman RINKS stated that House Joint Resolution 759, recognizing the thirtieth anniversary of the Tennessee Child Passenger Protection Act of 1977, was passed by the General Assembly.

Chairman RINKS recognized and congratulated Vice Chairman ROWLAND for being the longest serving Mayor of Cleveland, Tennessee. He also recognized Representative TURNER, who was unable to attend the meeting, for having his profile featured on the back page of *Tennessee Town & City*.

3. Presentation by Dr. Harry A. GREEN, Executive Director of TACIR, on TACIR Staffing Issues

Dr. GREEN updated the Commission on the impact of budget restraints on the work program and TACIR's recent sunset hearing. He began by noting that the state's revenue report for August indicated a nearly \$60 million shortfall. Dr. GREEN commented that the current budget climate was the worst since the "dog budget." As a result, the state has enacted a hiring freeze. Due to the hiring freeze TACIR has been unable to fill its four vacant positions. Two of those positions were vacant prior to the hiring freeze, but were left unfilled due to budget concerns, and two have come vacant since. Dr. GREEN noted that the vacancies could have a serious impact on the completion of one of TACIR's mandated projects, the Public Infrastructure Needs Inventory (PINI). He invited Mr. Terry BOBROWSKI, Executive Director, East Tennessee Development District, one of TACIR's partners in the PINI project to speak about its importance.

Mr. BOBROWSKI recognized a number of development district colleagues in the audience and then elaborated on how it is becoming increasingly important to identify how much money is spent on public infrastructure so that we can prioritize scarce resources. He noted that the development districts have been cooperating with TACIR on the PINI project for eight years and that they advocate for the continuation of the effort.

Dr. GREEN stated that TACIR would attempt to keep the PINI project fully funded. He said that the staff was reviewing how work program priorities will need to be adjusted due to personnel shortages. Dr. GREEN informed the Commission that the staff would provide them with an assessment when it is completed. He noted that the legislature had successfully made TACIR's source of TVA funds more secure this past session, but had also put the Commission's reserve funds in jeopardy. Dr. GREEN noted that TACIR uses those reserve funds to provide grants to universities for research. He noted that with the budget cuts, the chance of losing the reserve balance, and the hiring freeze, TACIR is in the enigmatic position of "being rich" but having no money to spend.

Mayor GREER, noting the successful partnership between TACIR and the development districts, moved that TACIR negotiate with the development districts

to provide staff and support for the PINI program. The motion was seconded by Mayor BRAGG.

Dr. GREEN then introduced Ms. Lynnis ROEHRICH-PATRICK, Associate Executive Director, TACIR, to discuss TACIR's recent sunset hearing. Ms. ROEHRICH-PATRICK discussed how the issue of TACIR's insufficient ethnic or racial diversity was raised at the hearing and detailed the staff's plan to address this shortcoming (attached to Tab 3). The plan includes increased cooperation and communication with graduate programs at local and regional universities, use of professional organization recruiting web sites, and the possible revision of the Commission's non-discrimination statement, among other initiatives. TACIR is also pursuing a contract with the College of Public Service and Urban Affairs at Tennessee State University to survey its students to determine their career aspirations. Preliminary discussions suggest that most of these professional students are looking to enhance their standing with their current employer rather than find a new job. Dr. GREEN noted that TACIR has always tried to work with in-state universities. Vice Chairman ROWLAND asked if TACIR is using interns. Dr. GREEN replied that the agency has used interns extensively in the past, but is not currently, partly due to the drag of the required supervision on an already under-strength staff.

4. Presentation by Ms. Lynnis ROEHRICH-PATRICK and Mr. Cliff LIPPARD, Associate Executive Directors of TACIR, on Progress Report on the Forum on Tennessee's Future

Ms. ROEHRICH-PATRICK gave the Commission an overview of the project emphasizing its multiple purposes: to publish a set of ten opinion pieces around the first of the year on the greatest challenges facing Tennessee policy makers, bringing attention to those issues, identifying issues in need of further research, and ultimately to host a conference where the issues could be raised and the research presented. Ms. ROEHRICH-PATRICK reviewed the list of the ten Forum members, identifying the factors that led to their selection. Among them: they should be Tennesseans, well enough known to draw attention to the publication and the issues, known to be advancing the general interests of Tennessee; they should be "doers" and not just "thinkers." Ms. ROEHRICH-PATRICK then went through the list of Forum members and described the characteristics that made each a good candidate for the group.

Mr. LIPPARD described the "modified Delphi" process that is being used to facilitate the group's discussion as they move toward consensus on the ten big trends. He explained how the process was originally developed and why anonymity is an essential part of it: to avoid groupthink and a natural tendency for strong personalities to dominate discussion and for participants to defer to those whom they perceive to have greater knowledge of particular issues.

Chairman RINKS asked where the meeting would be held; Mr. LIPPARD replied that it would be in Nashville.

5. Presentation by Ms. Catherine CORLEY, Senior Research Associate, TACIR, on Bridge Conditions and Needs

Ms. CORLEY said that the Public Infrastructure Needs Inventory (PINI) has been fully deployed to the online application. She stated that the inventory was fully or nearly fully staffed for the 2007 inventory period but currently has only one full-time staff member to work on the inventory.

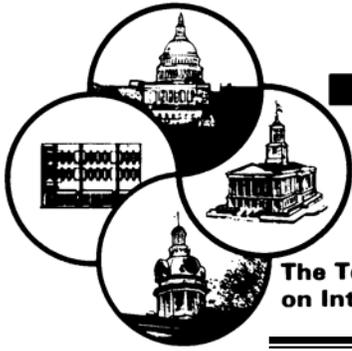
She stated that the data used for Attachment A is from the 2002 and 2006 inventories. She said that the 2002 bridge need was nearly \$788 million and the 2006 need was \$851 million. There were \$495 million in needs reported in 2002 that were still a need in 2006. She said that the inventory does collect information on the availability of funding and the staff will be looking at the available funding reported in the next report. State and Federal funds combined account for 83% of the available funding for bridge needs reported in 2006.

Ms. CORLEY said that the data in Attachment B came from the Tennessee Department of Transportation and its discovery prompted staff to inquire further on including these needs in the Public Infrastructure Needs Inventory. These needs were added to the 2007 inventory. She stated that structurally deficient means, simply, that a structure is unable to carry the vehicle loads or tolerate the speeds that would normally be expected for that particular bridge in its system. Tennessee had 1,325 bridges considered structurally deficient in 2007. She said that the functionally obsolete designation indicates that the bridge has inadequate width or vertical clearance for its associated system and there are 2,766 in Tennessee in 2007.

Ms. CORLEY said the Attachment C map shows the number of bridges, as of December 2007, considered structurally deficient for the southeastern states. Tennessee had 19,838 bridges, of these 1,325 or 6.7% were structurally deficient.

Mayor MCDONALD asked if the bridges added to the inventory from the Department of Transportation were checked for duplicate needs. Ms. CORLEY replied that yes the development districts were responsible for identifying the duplicates. Representative FITZHUGH asked if the shading on the map had significance. Ms. CORLEY replied that the coloring was only to make Tennessee stand out.

Chairman RINKS adjourned the meeting at 2:48 p.m.



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MINUTES OF THE TENNESSEE ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS September 17, 2008

MEETING CALLED TO ORDER

The Tennessee Advisory Commission on Intergovernmental Relations met in Room 30 of the Legislative Plaza at 9:04 a.m., Chairman Representative Randy Rinks presiding.

Present 18

County Mayor Rogers Anderson
Mayor Tommy Bragg
Mr. Charles Cardwell
Ms. Paula Davis
Mayor Brent Greer
Senator Douglas Henry³
County Executive Jeff Huffman
Mr. John Johnson
Alderman Bob Kirk
Mayor Kenny McBride
Mayor Keith McDonald
Senator Randy McNally
Comptroller John Morgan⁴
Senator Mark Norris
Representative Randy Rinks
Mayor Tom Rowland
Mr. Tommy Schumpert
Mayor Larry Waters

Absent 8

Representative Craig Fitzhugh
Senator Rosalind Kurita
Senator James Kyle
Representative Jason Mumpower
Ms. Leslie Newman
Representative Gary Odom
Senator Jim Tracy
Representative Larry Turner

³ Senator Henry serves as Commissioner Emeritus.

⁴ Phillip Doss represented John Morgan.

1. Call to Order

Chairman RINKS called the meeting to order at 9:04 a.m.

2. Presentation by Senator Mark NORRIS on Infrastructure Challenges

Senator NORRIS discussed the study of the federal group, Intergovernmental Forum on Transportation Financing, of which he was a member. The group published a report, "Financing Transportation in the 21st Century," in January 2008, available on the web at <http://www.ncsl.org/print/standcomm/sctran/NAPAreport0108.pdf>.

He said this report reminds him of TACIR's PINI report. He said that the biggest threat is the greatest opportunity. He stated that the group he was a part of was one of two created by Congress to study transportation finance. He stated that there are possible solutions to the challenges of transportation financing but there is a need for a national solution. He said there are no concrete solutions. He said the state of Tennessee is going to have its own study group on this subject.

Senator NORRIS said the group was divided but the majority called for a continued strong federal role and a federal gas tax hike. He said others recommended innovations such as public-private partnerships and tolling. He said that the state group, assigned to study this matter, has twenty members and has a report due out in February 2009. He said this group's report will benefit Tennessee most with the data found in the appendices.

Senator NORRIS stated that there is a major transition in financing and we are suffering in Tennessee. He noted that the federal government has rescinded funds in the amount of nearly \$288 million. He said there is a difference between funding and financing. He said that Tennessee, historically, does not borrow to build roads, and this limits Tennessee's ability to fund projects. He said that we need to be innovative in funding our transportation needs.

Senator HENRY said he knows there are three ways to move goods: through air, across water and across land. He stated that when moving by land you are moving it through two unregulated industries: rail and highway. He noted that the Maryland highway department completed a test in which they determined that 10% of the wear and tear on roads was due to cars and 90% was due to trucks. He said that the objection he heard to a ton mile tax is that it would run up the cost of goods to the consumer and that it is correct and it should.

Mayor BRAGG said the locals will sometimes borrow to build roads, he also asked why Tennessee does not borrow to build roads. Senator NORRIS responded by saying Dr. GREEN or Senator HENRY would know more specifics but that it has been an area of pride for the state that they have been a pay-as-you-go state, not borrowing to build roads. Dr. GREEN responded by stating he

thought it stemmed from a desire to control the cost of financing things and that Tennessee's bond cost is going to be going up soon.

Senator NORRIS continued to say that in 2005 we completed the states first long range road plan and that by 2015 the shortfall would be \$2 billion. He stated that it was revised this year and that shortfall is now \$5.5 billion.

Chairman RINKS stated that he has never heard anyone really complain about the tax for roads since you can see where the money goes. He mentioned that in his district he heard many brag about the excellent condition of the roads in Tennessee and that his has been a matter of pride. He also noted that Mississippi is now catching up to Tennessee with their road program. Senator NORRIS replied that he would like to see funds stop being diverted from transportation to other things. Mayor BRAGG said when your budget is plus or minus, and the funds are dedicated it limits your opportunities.

3. Presentation by Dr. Matt MURRAY, Professor of Economics and Associate Director, Center for Business & Economic Research, University of Tennessee, on *Education Crossroads*

Dr. GREEN introduced Dr. Matthew N. MURRAY, Professor of Economics and Associate Director of the Center for Business and Economic Research at the University of Tennessee in Knoxville, and his recent publication *Education Crossroads*.

Dr. MURRAY gave a PowerPoint presentation (available on the web at <http://www.educationcrossroads.com/LeadershipEducation.pdf>) describing the report and focusing on the forces of change surrounding his look at the state's educational status and needs. The forces he identified include outsourcing and globalization; income disparities—concentration at the top, rural-urban differences, and Tennessee versus the U.S.; structural changes and the decline of manufacturing; perceptions of the work force; demographic changes, particularly the aging of the Baby Boomer generation; skill requirements of the future; and the promise of productivity changes.

An assessment of Tennessee's assets indicates that we lag the nation in most measures of investment and attainment. Yet, as Dr. MURRAY explained, education attainment leads to higher incomes, lower unemployment rates and less reliance on public welfare programs. A better-educated workforce means greater regional prosperity. Families are better off, and individuals live longer. Infant mortality rates are lower. Better-educated individuals are more involved civically and socially. Tax revenues are higher in counties with better-educated adults.

A web site is dedicated to the report and the issues it raises at www.educationcrossroads.org.

Vice Chairman ROWLAND updated some of the information about the city of Cleveland in Dr. MURRAY's presentation. The discussion that followed centered mainly on education spending. Dr. MURRAY clarified that Tennessee's public school spending per student is only 75% of the national average despite the fact that average income in the state is 90% of the national average. The difference indicates that Tennessee spends considerably less on education relative to other states. Senator HENRY asked what we are spending that 15 percentage-point difference on. Dr. MURRAY replied that we are not taxing ourselves at the same level as other states. Senator NORRIS raised the issue of funding for pre-K and the question whether, based on other recent research, it might be more cost effective to put the money into K-12. Dr. MURRAY expressed the opinion that, based on similar studies across the country, the jury is still out on which is the more cost effective. Senator MCNALLY questioned whether spending more always leads to better education. Dr. MURRAY responded that the research on that issue is mixed as well, noting that you have to spend "the next dollar" very carefully.

Senator HENRY noted that the Comptroller's Office had done a study on dollars and outcomes years ago and asked Dr. DOSS whether they had any recent advice on that. Dr. DOSS responded that they had not, but referencing one of Dr. MURRAY's slides, he noted that we have three groups of counties with respect to educational attainment and sales tax revenue to make the point that the problems are not evenly distributed across the state. In his opinion, we need to look at outcomes, learn from systems that are doing things well, and target assistance.

Mayor ANDERSON's comments focused on higher education. He expressed concern that while the lottery scholarships are making it possible for more students to afford college, the state's universities are increasing the test scores required for entrance. As a result, more students are enrolling in community colleges, and so there is more pressure on community colleges and their financial resources. He expressed concern that this would be pushed down more to the local level. Dr. MURRAY responded that it is all part of the same large puzzle and reiterated that we cannot solve the problems without additional funding in all education categories.

Senator HENRY asked Dr. DOSS whether the report from his office contradicted that statement. Dr. DOSS replied that he could not respond immediately, but would look back at that report. He also pointed at in response to the discussion related to lottery scholarships that they have kept students in Tennessee who otherwise would be going to universities in other states. Dr. MURRAY concurred, noting the changes in the University of Tennessee's student body calling it "impressive, if not intimidating." Both agreed that the effect has been to raise the bar across the board at all of Tennessee's higher education institutions, motivating students to work harder, but that the result is also that all of those institutions need more support.

Mayor ANDERSON concurred, but called for more research and data on the issue and emphasized his concern that some bright, young students who are not ready for a 4-year university right out of high school will have to enroll in a community college that will be full within 10 years, is not designed to handle it, and is already underfunded. He noted that those students, particularly young males, may choose work instead, and find out later that it was not the best choice for the long haul.

4. Discussion on Public Chapter 1101

a. Introduction by Dr. Harry A. GREEN, Executive Director, TACIR

Dr. GREEN noted to the Commission that he had appointed a working group on PC 1101 last summer and the group had been meeting over the last year to analyze the Act. A summary report was presented at the June meeting and will not be repeated here. The product of the working group is a draft report that includes recommendations for changes and possible legislation. The report will continue to be refined. He further noted that the report and the summary presented today are the responsibility of the working group, and no other organizations or groups have reviewed or endorsed the report or the conclusions reached.

Dr. GREEN stated that PC 1101 is on the agenda one more time because TACIR has tried to scale down devotion to this. He said that the issue just does not go away and we end up with a lot of bills that contest one kind of issue or another regarding urban growth. Vice Chairman ROWLAND commended staff members for doing a great job on this, especially considering what an interesting journey it has been.

b. Comments by Mr. Bill TERRY, Planning Consultant, TACIR

Mr. TERRY recounted the history of the development of PC 1101 relating it to the annexation and incorporation controversies during the mid 1990's that culminated in the appointment of an ad hoc committee on annexation and incorporation in 1997. The committee produced the bill that was passed and signed into law in 1998. He also noted that much of the publicity about the Act, both locally and nationally, was very positive and reflected the opinion that Tennessee had done something that was really significant. The Act was a step forward in attempting to get all local governments to engage in long-range planning, and it was the first general law passed affecting such planning since the basic planning enabling acts were passed in 1935.

Mr. TERRY stated that he believed that the members of the working group had the most intimate knowledge of the details of the Act, its implementation and its problems. The group examined all aspects of PC 1101 and the experiences of local government participation and implementation, reached a number of

conclusions, made recommendations for changes, and summarized possible legislation.

Mr. TERRY then explored the relationship between PC 1101 and comprehensive planning authorized by Title 13 of the Tennessee Code Annotated (TCA). He noted that the original concept for growth boundaries was that the boundaries and their size should be based upon a long-range comprehensive plan but that this concept was rejected. The alternative to the type planning envisioned by Title 13 was to include some planning requirements as specified now in TCA § 6-58-106 but not a complete comprehensive plan. Those requirements are mandatory in the Act, but many growth plans ignored the requirements and only a map was approved for the plan as permitted by the Act. This is a fundamental weakness of the Act and actually a barrier to good planning.

Mr. TERRY concluded the discussion about planning in general with summary numbers for the number of cities and counties that have planning commissions, the number that have adopted subdivision regulations and the number that have adopted zoning ordinances. He noted that the enforcement of regulations does not really constitute sound planning but that numbers are not available concerning the development and adoption of long-range plans. While some communities are doing a good job of planning, historically, planning for growth and reducing sprawl have not been high priorities in many areas.

Mr. TERRY covered the conclusions and recommendations contained in the summary report as distributed in the docket book and noted that a number of bills could be derived from the list of possible legislation. In closing he stated that in the last ten years since PC 1101 was passed, much has changed. We are now in an era of high fuel costs, rapid growth but limited water supplies in some areas, a highway trust fund that is going broke and more stresses to our economic system. In order to go forward in today's environment all of the planning tools available in PC 1101 and Title 13 need to be employed and new tools need to be developed.

c. Comments by Mr. Chad JENKINS, Deputy Director, Tennessee Municipal League

Mr. JENKINS said that with regards to the conclusions that were presented, there is broad concurrence from the cities. He said some of the recommendations pertaining to Joint Economic and Community Development Boards (JECDBs) and planning requirements relating to updating or amending plans may generate some opposition or concern. He stated that there were a number of things that were not included in the report.

He noted that TML convened an internal working group two years ago to look at the issue. In the end, they emerged with nineteen issues with broad support from the cities across the state. The TML board told the TML staff to submit

those to the PC 1101 working group for their consideration. He said that 7 proposals they submitted relating to planning were addressed in the PC 1101 working group's report in some manner. He said they were pleased the report recognizes the barriers to planning and zoning that currently exist within a city's Urban Growth Boundary (UGB). He said the report suggests that the barriers are inconsistent with the stated objective of the Act. He said that they were disappointed that 8 of the 19 issues they submitted to the PC 1101 working group were not addressed in the PC 1101 working group's report. The issues not addressed in the report related to annexation.

He said that the time for study has come to an end. The time has come to do something. He said that the only viable legislative solution would have to originate with cities and counties which means consensus. He said that the PC 1101 working group report creates the foundation for discussion between cities and counties.

d. Comments by Mr. David CONNOR, Executive Director, Tennessee County Commissioners Association

Mr. CONNOR said that the counties had some concerns about the proposals in the PC 1101 working group's report relating to the loosening up of the standards on quo warranto suits and the proposed changes relating to the county's involvement in approval of extraterritorial planning and zoning.

He said that making large changes to PC 1101 might undo some of the goodwill that has been built up over the years. He said that a lot of places in the state might not have done all the planning they should have. He noted that a lot of the West Tennessee counties have flat or negative population growth. There are a lot of areas struggling to get any new employer in their communities. Urban sprawl is not and will never be an issue for some areas in the state. He said that planning will always be beneficial. He said that some counties may be concerned about a long term planning requirement that is mandated at the state level.

e. Comments by Mr. Rick EMMETT, Urban Growth Manager, Department of Policy & Communications, City of Knoxville

Mr. EMMETT stated that the working group recommended that the coordinating committee reconvene automatically after a set amount of time. He said he agreed with that. He said he thought the coordinating committees should reconvene and file a report with Local Government Planning Advisory Committee (LGPAC) on the status of its growth plan every ten years to coincide with the decennial census. He said that this provision would come into play in counties with growth rates above a determined level, in ten years for all counties. He said although there could be a long debate about what the term "growth rates" actually means he was in favor of that idea as well.

Mr. EMMETT noted that the burden of proof is another controversial issue. A petitioner in a quo warranto suit to challenge an annexation ordinance can use one of two burdens of proof: (1) the unreasonable for the overall well-being of the communities involved; or (2) the health, safety, and welfare of the citizens and property owners of the municipality and territory will not be materially retarded in the absence of such annexation. He said that he thought the second burden of proof “that the health, safety, and welfare of the citizens and property owners of the municipality and territory will not be materially retarded in the absence of such annexation” should be deleted from the law. He said that if this burden of proof is used in a quo warranto case it can make it more difficult for a city to annex.

He also recommended that the law be amended so that the “hold harmless” provision begins on the final reading of the annexation ordinance by the municipality. He said he agreed with the remainder of the topics of the PC 1101 working group and would not address them at this time.

Mr. EMMETT stated that the remainder of his remarks would deal with voluntary annexation. He said that voluntary annexation outside the UGB deserves further discussion. He said that a person who owns property adjoining the city limits but outside the UGB may request an annexation by the city. Mr. Emmett noted that the annexation cannot take place without a lengthy process involving amendment of the growth plan or by an annexation referendum. He said that he thought that if a property owner wants to be in the city then they should be able to be annexed, and the growth plan should be amended to reflect this change automatically. He said he thought the law should be amended automatically to reflect the current city limits. He said that under current law it is possible for property to be within the city limits but outside the UGB.

Mr. EMMETT said he thought that the legislature should address the issue of who votes in an annexation referendum. Currently, the law only allows residents to vote. He thinks the law should be changed to allow residents and property owners to vote in annexation referendums if property owners are otherwise allowed to vote in municipal elections. He said that it is possible for residents to request an annexation referendum on a tract of land that included property that no one lived on.

He also touched on the issue of the litigation contesting previous annexations. He said he would like to see legislation grandfathering in annexations that had not been challenged for at least ten years.

Mayor BRAGG made a motion that the PC 1101 working group’s report be accepted provided that it constitute and bring to an end the work of TACIR on PC 1101 unless and until such time the General Assembly shall deem it appropriate that TACIR provide further instruction. He said he thought that copies of the report should be provided to representatives of the counties and municipalities

and all local governments in the state. He said their representatives are encouraged to consider this report to be a foundation for discussions for any future bills. He said they should design among themselves to identify modifications for which they are able to garner the support of a majority of the local governments. Any changes to PC 1101 should only occur as a result of this thoughtful and deliberative process that constitutes a consensus of opinion and enjoys the support of a vast number of local governments collectively. The motion was seconded by County Executive HUFFMAN and adopted.

5. Future Meeting Dates

Chairman RINKS announced that this is his last meeting. He thanked the Commission for allowing him to serve as Chairman over the years. He said that in public life, you always need to keep your blinders off, and this Commission truly does that. He hopes TACIR continues with its work.

Chairman RINKS stated that the next Commission meeting is scheduled for Tuesday and Wednesday, December 16-17, 2008.

Chairman RINKS adjourned the meeting at 11:23 a.m.