



TACIR

The Tennessee Advisory Commission
on Intergovernmental Relations



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MEMORANDUM

TO: TACIR Commission Members

FROM: Harry A. Green *Harry*
Executive Director

DATE: February 7, 2011

SUBJECT: Regional Jail Study – Remaining Funds

Public Chapter 554 of 2009 appropriated \$200,000 to TACIR for a “regional jails feasibility study.” The study assessed the feasibility of a regional jail for Clay, Fentress, Overton, and Pickett Counties and was completed in July 2010. TACIR used approximately \$125,000 of the appropriated funds to compensate a jail consultant, meaning that there is \$75,000 remaining from the original appropriation. TACIR staff is requesting guidance from Commissioners regarding how to utilize the remaining funds.

TACIR staff has identified three potential options:

- 1. Retain the money for future regional jail analyses**
Presumably, if TACIR were directed to do an additional regional jail feasibility study, the funds could be used for this purpose.
- 2. Return the money to the State**
Staff did not identify any law which would prevent the money from being returned to the State.
- 3. Distribute the money to Tennessee counties to further study regional jail issues**
Three counties have contacted TACIR with an interest in using the remaining funds for a jail study: Clay, Fentress, and Morgan. Requests from each county are detailed below.

Clay County

- Clay County was one of the four counties involved in the TACIR regional jail feasibility study.
- In a letter to TACIR, Clay County Mayor Dale Reagan stated that the county's plan for the future involves working with Pickett and Overton Counties.
- Clay County is interested in using the remaining funds to further analyze the county's regional jail options.

Fentress County

- Fentress County was one of the four counties involved in the TACIR regional jail feasibility study.
- Fentress County Executive Frank Smith sent a letter to TACIR stating that the county intends to pursue a new county jail facility instead of participating in a regional jail.
- County Executive Smith stated that Fentress County is interested in using TACIR's regional jail consultant to assist with planning, programming, design, and construction of a new facility.

Morgan County

- Morgan County was not one of the four counties involved in the TACIR regional jail feasibility study.
- Morgan County is interested in using the remaining funds to study potential uses for the vacant Brushy Mountain State Prison building.
- A regional jail might be one potential use for the building.

Staff Opinion

- Since TACIR was created by statute, it may exercise only those powers granted by the legislature. The language in PC 554 specified that the funds were appropriated to TACIR for a "regional jails feasibility study."
- Staff has spoken with TACIR's budget analyst who believed that it would be permissible for TACIR to distribute the remaining funds to counties to study the feasibility of regional jails.
- It is the staff's opinion that TACIR may not allocate the remaining funds to Fentress County to develop a new single county jail because this would be outside the scope of the language in PC 554.
- It is the staff's opinion that TACIR could only allocate funds to Fentress County if the analysis included a regional partnership as an option.
- It is the staff's opinion that TACIR could allocate funds to Clay County and/or Morgan County for regional jail analysis.
- Staff requests guidance from the Commission on this matter.