



# TACIR

The Tennessee Advisory Commission  
on Intergovernmental Relations



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## ***MEMORANDUM***

**TO:** Commission Members

**FROM:** Cliff Lippard   
Executive Director

**DATE:** 3 May 2018

**SUBJECT:** Commission and Staff Updates

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### **Commission Update**

First, Policy Coordinator Matthew Owen will provide a brief update on federal and state broadband internet grants.

Next, after the January 2018 meeting and after consulting with the Comptroller's Office of Open Records Counsel, staff made two minor changes to our recommendation on public notice for IDB meetings in order to clarify that how the state's Open Meetings Act applies to IDBs is open to interpretation. Staff added one word (underlined) and deleted three others (stricken through):

"To improve transparency in the PILOT approval process without undermining the confidentiality needed to negotiate agreements, IDBs should specifically be required to provide ~~at least some~~ public notice prior to their meetings, similar to what is already required for TIF hearings. Notice requirements should allow IDBs flexibility regarding both the information provided and the time between posting and when a meeting is held to ensure they remain workable within business recruitment processes that are highly competitive."

To support this change in the rest of the text, staff deleted one sentence from the paragraph leading up to the recommendation on page 7 of the report:

“But unlike for TIF hearings, no public notice is currently required for IDB meetings.”

and replaced it with

“While it could be interpreted that IDBs are required to provide notice of their meetings under the Open Meetings Act, the requirements of that act do not specifically define adequate notice. In contrast, public notice for IDB hearings concerning TIF agreements are clearly defined in the TIF statute.”

Staff also added the following underlined language to the end of the first paragraph on page 40:

Tennessee’s IDB meetings are required to be open to the public, but there is no requirement for public notice or hearings on specific projects in the PILOT law, unlike the TIF law for IDBs. The TIF law requires IDBs to hold a public hearing on the economic impact plan that shows where the TIF will be used. IDBs must publish notice in a local newspaper two weeks prior to the public hearing. Some have interpreted the state’s Open Meetings Act to apply to IDBs; that act does not specifically refer to IDBs though it does refer to other nonprofit corporations covered in the same broad section. Assuming the act does apply, it requires them to give adequate public notice, but only defines adequacy loosely.

### **Staff Update**

Deputy Executive Director Melissa Brown has attained 20 years of service to the State of Tennessee, and Senior Research Associate Bob Moreo has attained 5 years of service. Please join me in congratulating them on their accomplishments.