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Pursuit

Local Government Relations in Knox County Executive Collaboration and its Impact

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The recent governmental history of Knoxville and Knox County represents an intriguing case study of interest-group-led referendums, corruption, and reform. Recent structural reforms were a direct response to the unethical behavior displayed by some members of the Knox County Commission, but indirectly the changes attempted to address a number of lingering community issues. When placed in the context of the community's contemporary political history, the reforms' significance becomes apparent. In the past twenty years the greater Knoxville community experienced intergovernmental court battles, a failed unification referendum, a sheriff with unprecedented political clout, and state legislative intervention. Executive leadership has had a major impact on the course of the community's contemporary history and will continue to be an important factor in local debate to come.

Introduction

The recent governmental history of Knoxville and Knox County represents an intriguing case study of interest group led referendums, corruption, and reform. Recent structural reforms were a direct response to the unethical behavior displayed by some members of the Knox County Commission, but indirectly the changes attempted to address a number of lingering community issues. When placed in the context of the community's contemporary political history, the reforms' significance becomes apparent. In the past twenty years the greater Knoxville community experienced intergovernmental court battles, a failed unification referendum, a sheriff with unprecedented political clout, and state legislative intervention.

Contemporary city/county relations can be linked back to the tenure of two strong executives in the early 1990s: County Executive Dwight Kessel and City Mayor Victor Ashe. Their political battles over annexations defined local government for much of the early 1990s and at one point lead to a state intervention. Beginning in 1994 with the election

of County Executive Tommy Schumpert, there was a subtle shift away from intergovernmental feuds. At the onset of his term, Mr. Schumpert collaborated with the city on local government unification. The unification referendum ultimately failed and a new de-facto executive representing county issues emerged in the form of then-Sheriff Tim Hutchison. From the late 1990s and into the early 2000s the Sheriff and the County Commission found itself largely setting the County agenda. It wasn't until 2002 when former County Commissioner Mike Ragsdale took office as County Mayor that the community would see the power balance shift back towards the executive branch.

Then, in 2003, community businessman Bill Haslam was elected to serve as Mayor of Knoxville. Bolstered by an improved executive relationship, it seemed that the community's governments were entering a new era of cooperation. With two strong and friendly executives in power, the greater Knoxville community appeared to benefit, but there were still lingering issues that were unresolved. In 2007, the Knox County Government entered into a state of turmoil. A State Supreme Court ruling revoked the County's charter (pending necessary amendments) and enforced term limits initially passed by referendum in 1994. The resulting appointments for the now term-limited Commission seats exposed the political networks that had influenced County Government for years. With a new court sanctioned method of local government reform (referendum questions posed on the ballot) the Knox County One Question Initiative with help from the University of Tennessee Howard H. Baker Jr. Center for Public Policy set out to study how to reform the County's antiquated political structure. A number of the suggested changes did indeed pass in the 2008 referendum, but not without resistance from status quo stalwarts. Laying out this contemporary local history helps provide an important context for the dynamics underlying the relationship between the contemporary city and county governments in Knox County, TN.

Methods

The initial motivation for this study stemmed from the 1996 unification drive and the motives of different groups both for and against the change in government structure. A literature review was conducted that encompassed academic models and local and national case studies on unification. Based on a review of local and national unification trends, this study shifted to conducting qualitative interviews with prior and currently serving government officials. A contemporary history of the community's local governments was facilitated by interviews with a former City mayor, two former County Commissioners, one current County Commissioner and two current City Councilmen. These interviews provided a framework to study local newspaper archives and government meeting minutes to fill in factual gaps. The result is the author's perspective on contemporary local political history anchored by articles from the newspaper of record and guided by the anecdotal stories provided in interviews with government officials.

Questions of Interest

- How has the relationship between Knoxville and Knox County changed in the past 20 years?
- Has Knoxville achieved the goals set out in the 1996 unification drive, and to what extent does the Knox County One Question Initiative aid in this realization?
- Are there examples of the City and County explicitly working together in the past 5 years?

Knoxville/Knox County in the 1990s

The early 1990s presented the greater Knoxville community with a great opportunity to shake-off the "scruffy city" title given to it during the 1982 World's Fair. In 1988 Knox County passed a referendum establishing a home rule charter form of government, and the newly elected City Mayor Victor Ashe held a favorable approval rating that would continue and propel him eventually to four terms. With a strong leader in the city and a recently revamped government structure in the county it seemed that the governments of Knox County were on the verge of something great. Unfortunately, with so much potential the local governments often found themselves competing with each other instead of working together. Specifically, the most contentious issue was Knoxville's finger annexations of new commercial centers and the distribution of tax revenues. On multiple occasions Knox County's governments were tied up in litigation with each other rather than developing joint solutions.

The Origin of Contemporary City/County Relations

Although they were both ostensibly Republicans, Mayor Victor Ashe and County Executive Dwight Kessel did not get along well. Their disagreements were so public that at one point the Arts Council developed a publicity stunt to raise money off of the contentious relationship. The Council collected money contingent upon the two executives agreeing to take a rafting trip together. The spectacle raised enough money to balance the Art Council's 1992 budget (Wilkinson, 1992). Two disputes that received considerable attention were a proposal by County Executive Kessel to merge the City and County road departments and later a clash over trustee fee sharing that resulted in Knox County suing Knoxville twice over the span of eight years. During the 1994 state legislative session local tensions were particularly heated. The disputes forced the Knox County legislative delegation to send a letter to both executives ordering the bickering to cease. The bipartisan delegation was exhausted from presiding as a referee over local issues (Ferrar, 1994).

In 1990 a debate over merging road departments stemmed from budget issues concerning the construction of a Cedar Bluff interchange. The City had annexed the land the I-40 interchange was to be built upon, but requested that the County help shoulder the cost of construction. Kessel, citing Tennessee Code that barred the County from building roads in the City, offered an alternative solution: the County would simply take over the City's road department (Ferrar, 1990). Ashe responded to this proposal negatively and claimed that both the Knoxville and Farragut road departments were far superior to the County department. Eventually a compromise to share the cost of the project was settled in early January 1991 with the County paying 20 percent and the City shouldering 80 percent (Wilkinson, 1991). It took more than three months to come to a compromise and the battle was graphically depicted in the local newspaper. The underlying issue in the Cedar Bluff debate stemmed from Ashe's aggressive annexations. Faced with limited organic growth options in the City proper, the mayor grew the City geographically mainly through annexations of retail and commercial properties. Annexations were a constant source of struggle between the City and County with one such case resulting in both the County and state suing the City (Cummins, 1992).

Aside from annexations and the related debate over sales tax revenue diversion there were other points of contention. 1993 marked the beginning a multiyear debate that at one point prompted the County to withhold more than $2 million in an escrow account from Farragut, Knoxville and the Knox County School System. In 1989 the County law director

cited a state law that required the trustee to collect a commission on sales tax transactions prepared for other entities (i.e. Knoxville and Farragut). Shortly thereafter Trustee Bob Broome began to collect a 1 percent fee. Mayor Ashe, now faced with a new annual fee of $200,000, notified Broome and then worked to secure a fee exemption for Knox County in state code. Ashe did not notify his county counterpart Kessel or the County Commission about the change. For more than two years the Trustee did not collect the commission for handling the City's sales tax revenue and the City received its full allotment from the state. Then in early 1993 Kessel was alerted to the Ashe-designed 11th hour 1990 bill that diverted money from the County coffers. Kessel declared the exemption unconstitutional and asked the County Commission for approval to challenge the issue in court. Even though the first vote was split 8-8 Kessel continued his fight. In March of 1993 the County Executive froze 1 percent of the local-option tax (the amount every other municipality in the state paid to the Trustee) indefinitely. The freeze, however, had some collateral consequences. The freeze also withheld money from Farragut, the school system, the County Highway Fund and the County General Fund at a combined total near $900,000 a year. In November 1993 Kessel worked with Commissioner Frank Bowden Jr. to pass a resolution that called for Kessel to release the money or resolve the issue in court. The Commission passed the resolution by a margin of 16-3 and the County Executive prepared for court. Kessel filed suit in January 1994 against Knoxville and Farragut. Meanwhile the current Trustee, Tommy Schumpert, was preparing a campaign to run against the incumbent Kessel. Painting himself as someone that could end the city/county squabbles, Schumpert won the 1994 County Executive Election and immediately drafted an out-of-court settlement (Keim, 1995). Schumpert's compromise was agreed upon in December. The plan allocated $1.45 million for schools and divided the remaining funds between Knoxville, Farragut and Knox County. In total the escrow account had amassed $1.7 million in withheld funds over the course of nearly two years (Keim, 1994).

The December agreement did not last very long. Mike Lowe, the newly elected Trustee, reviewed the agreement, and with the approval of then-County Law Director Richard Beeler, refused to sign on to the plan. The newly elected Schumpert, in an effort to avoid conflict, dropped the recently minted plan, shut down the escrow, dropped the lawsuit and released the money to Trustee Lowe. When the agreement was nullified all of the money was credited back to the trustee; including $1.45 million which had been credited to the school system in the original agreement. Lowe then filed a new lawsuit declaring the Knox County exemption unconstitutional; essentially carrying on Kessel's battle and holding the money in question hostage. In an article covering the renewed suit filed by Lowe, Ashe and the then-retired Kessel were interviewed about their past experiences. Kessel reflecting on his experiences simply said, "Sitting down and talking to [Victor Ashe] is about as useful as me talking to this wall… He'll do anything in his power to get his way." Conversely when Ashe was asked about his position he stated, "I did what I did, I think I well protected… the interests of the taxpayers." Aside from Lowe and Ashe it seemed everyone else was exhausted with the disagreement. In the same article then-County Commissioner Madeline Rogero voiced her opinion on the debate, "You can't get any answers out of me on this one, I'm tired of it" (Keim, 1995).

The Lowe suit eventually made its way to the Knoxville Chancellery Court where by June of 1995 $1.5 million of the disputed funds were distributed to the school system by judicial order. The decision left close to $500,000 still in dispute between Knoxville, Farragut and Knox County (Keim, 1995). The suit lasted another three years and was finally resolved in January of 1998. The majority of the amassed $1.1 million was granted

to the Knox County School System. The court facilitated agreement also allocated money to the County Health Department and urged the state legislature to repeal the 1990 act that had started the entire debate (Silence 1998).

Ashe and Kessel's public tensions fueled anti-city and anti-county sentiment. Between annexation disputes and the battle over the Trustee fee it appeared that the local governments spent a lot of time and energy on what should have been minor, easily resolved issues. Perhaps even more nonsensical, the Trustee fee debate continued well after Kessel was out of office. Both Ashe and Kessel were very strong political leaders, and each acted upon what he saw as best for their respective constituencies but the collateral damage took the form of greater political alienation among both City and County residents.

Knox County's Fourth Try at Unification

In an effort to stem the City's annexations, improve City/County relations, and bolster economic development, local elites spearheaded a drive to form a unified Knoxville/Knox County Government. This effort was the fourth time such a proposal had made it to the ballot in the community, but ultimately it too was destined to fail. The proposal was supported by a majority of City voters but was rejected by a majority of County voters. Both County Executive Schumpert and Mayor Ashe publicly supported the merger; arguably Sheriff Tim Hutchison, who served as the most visible opponent of unification, was the primary political beneficiary of the referendum's outcome.

There are two published models that provide a framework for analyzing consolidation drives: the Rosenbaum and Kammerer (R&K) Model and the more recently developed City-County Consolidation (C^3) Model (Leland, et al., 2004). Both provide questions to be addressed and events that purportedly must occur to allow a local government consolidation referendum to materialize. The models address key parts of successful unification efforts. The R&K model is drawn from a specific comparative case study of consolidation in Tampa and Jacksonville in 1974. The R&K model has three distinct phases: Phase I: Crisis Climate; Phase II: Power Deflation; Phase III: Accelerator Event. The "Crisis Climate" is defined by an existing problem and the citizens calling for a response if the response to the problem is not addressed adequately then "Power Deflation" begins as people lose faith in the current government structure. The final "Accelerator" phase is defined by a scandal or community emergency that solidifies the perceived necessity of reform (Rosebaum, et al., 1974).

A more recent model, the C^3 model, developed by Leland and Thurmaier builds on the R&K model's framework but expands beyond the proposal stage and focuses on a broader set of variables as opposed to a direct response to corruption and government failure. The C^3 model has 13 variables which ostensibly predict the success or failure of a unification effort. A diagram outlining the models is included in Figure 1. The C^3 model attempts to explain the roles of each variable within the unification effort and follows the process from beginning to end. In contrast, the R&K Model focuses on the initial climate for reform excluding the unique related issues to each case (Leland, et al., 2004).

Two published case studies have been written on the 1996 unification referendum. These are Lyons and Scheb (1998) and Nownes and Houston (2004).The case study written by Nownes and Houston uses the C^3 city-county consolidation model to frame the 1996 referendum and is included in Leland and Thurmaier's book *Case Studies of City-County Consolidation: Reshaping the Local Government Landscape*. Lyons and Scheb cite the classic Rosenbaum and Kammerer model and in each instance the models predict failure.

Ultimately there was not a crisis climate or a related power deflation to spur votes in favor of consolidation. In fact the consolidation's organization and support by local elites may have alienated county residents who saw no need for change.

In 1995, shortly after being installed as the new County Executive, Tommy Schumpert and Mayor Victor Ashe began a drive to establish a unified government. By September of 1995 the Charter Commission was established and it proposed a unified charter that was finalized in June of 1996. The referendum vote was scheduled for the 1996 presidential election. The drafted charter called for two service districts: the urban services district (USD) and the general services district (GSD). The USD was drawn to fit the current city limits; it would provide the same level of service and would be beholden to the City's existing debt. The GSD was the existing unincorporated county; existing limited services would be in place but under the metropolitan umbrella of government. The charter also established a unified 19 member legislative body, combining the 19 member County Commission and 9 member City Council, with no at-large seats and partisan elections (city elections are non-partisan). The County court system would remain intact while adding a Local Ordinances Court with jurisdiction over both service districts. The last and most controversial change dealt with bureaucratic restructuring. The charter's provisions abolished overlapping departments and brought constitutional fee offices under the unified government's direction. Most notably, the unification would strip the County sheriff's law enforcement responsibilities and assign him to court processing and jailer duties. The "top-cop" would be appointed by the new mayor and oversee a combined metropolitan police force. This concerned many citizens, especially then-Sheriff Tim Hutchison (Lyons, et al., 1998).

With a tagline of "Vote to Unify: It Just Makes Sense," the Knoxville Chamber of Commerce, business leaders and numerous civic groups set out to campaign for unified government. Most notably, the pro-unification group Citizens for Unified Government (CUG) spent more than $300,000 on speakers, direct mailers, and media advertisements. In contrast the anti-unification groups were decentralized and underfunded; raising a combined total of close to $100,000 (Keim, 1996). Despite fewer resources and centralization the anti-unificationists mounted for battle with Sheriff Hutchison as their most visible mouthpiece. Hutchison pointed to salary equalization as a hidden expense, painted the separate service districts as annexation in disguise and drew off of the region's distaste for big government (Nownes, et al., 2004).

The underlying resistance came from cultural and class differences between the City and the County. Preliminary public opinion polling by the CUG showed that support for unification increased with two variables: "higher income levels" and "political attentiveness." Most County residents simply did not identify with the City and had no desire to associate through a referendum. Ron LeQuire, a 44-year-old iron worker and county resident, in a post referendum interview simply said, "I don't like nothing to do with the city… I'm a county boy, and that's the way I think it ought to stay" (Keim, 1996). The referendum failed overall with 45% of the entire county for the measure. On election day, the split was 62% against in the County and 52% in favor in the City. Early voting numbers were not able to be broken down between city and county due to an election commission error. Ultimately, the referendum's failure rode on the ballots of blue collar county voters rationally ignorant about the issue and opposed to change (Lyons, et al., 1998).

The overarching goals of the unification drive were to increase efficiency, accountability and to improve business and tourism recruitment. The plan was diligently prepared and attempted to appease the anticipated opposition. Additionally, proponents produced

an independent audit showing potential cost savings and orchestrated a wide spread media campaign to sell the idea. Despite well-funded efforts the actual charter was simply too complicated to explain in a 30 second commercial, and never resonated with the average county voter (Keim, 1996). In a post-referendum interview County Executive Schumpert expressed his thoughts on the defeat: "I don't see that we'll ever have one government [without a crisis to spur the grassroots]… and I don't think the leaders of this community would allow that [crisis]" (Keim, 1996).

The Rise of the Sheriff

After the unification loss, County Executive Schumpert took a back seat when it came to setting the County's political agenda. Schumpert was an effective administrator and long term planner, but he did not engage himself in daily local politics (Silence, 2002). The political vacuum created by Schumpert's leadership style was quickly filled by the County Commission and then-Sheriff Tim Hutchison. The Sheriff's charisma and political clout swiftly placed him at the forefront of Knox County politics with a near majority of the Commission sympathetic to his cause. The political lines were not drawn between traditional factions, but rather on either side of the Sheriff's agenda.

A prime example of the Sheriff's influence played out publicly during the 2002 election. In 2002 Hutchison was the only county-wide officer that faced an opponent. During the race multiple County Commission candidates either explicitly or implicitly sought out Hutchison's support. One Commission candidate had a son working in the Sheriff's Department, another was a vehement supporter of the Sheriff's planned $90 million downtown justice center, and yet another Democratic candidate was siding with the Sheriff over a multi-year lawsuit that then-Commissioner Wanda Moody had filed against Hutchison (Silence, 1996). Explicit endorsements from incumbents in the 2002 race came from: Trustee Mike Lowe; Criminal and Domestic Relations Court Clerk Martha Phillips; Register of Deeds Steve Hall; Circuit, Civil Sessions and Juvenile Court Clerk Cathy Quist; Property Assessor John Whitehead; County Commissioners Mary Lou Horner, Mike McMillan, Scott Moore and Stan Pinkston (who was hospitalized at the time.) Notably absent was an endorsement from Officer J.J. Jones who had lost to Hutchison in the Republican primary (Vines, 2002). Given the Sheriff's popularity and visibility in the community it was politically prudent to align with Hutchison. Less visible incumbents and challengers alike saw an immediate benefit from riding the Sheriff's coattails (Satterfield, 2007).

Hutchison's political power and influence grew over four-and-a-half terms of department expansions and involvement in the community. His aggressive management style revolutionized the antiquated county law enforcement infrastructure, but he developed numerous critics through the process. In particular, the Sheriff's cavalier demeanor did not humor his counterpart, Knoxville Police Chief Phil Keith. Over the course of their tenure together a joint drug task force was disbanded (Jacobs, et al., 1997), inmate booking responsibilities were contested (Loy, 1998) and a dispute over fingerprinting responsibilities ended in a reprimand from the Tennessee Bureau of Investigation (Jacobs, 2002).

The squabbles between Hutchison and Keith served as public distractions that detracted from Knox County's local governments' potential to cooperate. Hutchison also faced opposition from select members of County Commission. In 1999 then-County Commissioner Wanda Moody filed a suit to bar Hutchison from overseeing the construction of a proposed downtown detention center. Plans for the jail were eventually disbanded but the suit continued. When a decision was reached in 2005, a total of 44 complaints were

tacked onto the case. Additional complaints alleged that the Sheriff had misused seized drug money for a number of department projects and perks. The complaints cited unauthorized plans for a helicopter airfield and the construction of a firing range and horse stables that used inmate labor. Moody asserted that any expenditure by the Sheriff's Department must be approved by County Commission regardless of how money allocated to a project was obtained. The suit lasted for six years and cost the taxpayers close to $300,000 in legal fees. The resulting ruling affirmed Commission's spending authority over the department but allowed the Sheriff to serve as project manager over the defunct justice center (Knoxville News Sentinel, 2005).

Hutchison's brazen executive decisions made it clear that he preferred taking action rather than complying with cumbersome bureaucratic processes. In a separate but related lawsuit Hutchison was found guilty of failing to turnover public records, charged with criminal contempt and assessed a small fine. Despite criticism from the newspaper of record, to some County Commissioners, and the Knoxville Police Chief, the Sheriff's charisma ultimately prevailed. He never lost an election until he was term-limited, and he developed a strong following in County Commission that passed the Sheriff's budget (the second largest county budget expense behind schools) year after year (Satterfield, 2007). From the early 1990s until the 2007 *Diane Jordan v. Knox County* ruling the Sheriff was certainly a political force to be reckoned with.

Ragsdale and Haslam

The county political agenda in the late 90s and early 2000s was shaped by the Sheriff and County Commission. In an uncontested 2002 election, Mike Ragsdale rose from the conflicts within Commission to serve as County Executive briefly and then "Mayor of Knox County" when the state officially changed the title of these office holders. Ragsdale brought his aggressive political leadership style from the Commission to the executive office which helped to shift the balance of power back to the Mayor's office. In an interview after Ragsdale's first year, then-County Commissioner John Schmid said, "I think Mike has done a great job. In doing so he has set the agenda, a little bit of a turnaround from the previous four years, with all due respect to Tommy [Schumpert]" (Silence, 2003). Ragsdale's first few years went extremely well. He refinanced the County's debt, recruited new businesses, eliminated 100 positions and created an Office of Neighborhoods that would serve as an ombudsman for constituent issues (Silence, 2005). Changes were also being made elsewhere in the community without Ragsdale's direct involvement. The Knoxville Area Chamber Partnership partnered with the Development Corporation of Knox County, and the Knoxville Tourism & Sports Corporation was created when the Greater Knoxville Sports Corporation and the Knox County Tourist Commission combined in 2002 (Keim, et al., 2002). These two moves essentially consolidated two important City and County functions: tourism and business recruitment.

Beginning in 2003, City/County relations changed dramatically with the election of Bill Haslam as Knoxville Mayor. Pledging an "unprecedented era of cooperation," Ragsdale and Haslam set a tone of pragmatic collaboration early in their overlapping terms (Silence, 2003). The Mayors pledged to meet at least once a week, but in a 2004 interview Haslam noted "We spend a lot of time together… we were together two or three times today." Ragsdale responded that he'd met with Haslam more in 5 months than he had with

Ashe in 1½ years (Vines, 2004). Guided by an Ashe era plan set out by a Chattanooga consulting firm, it was the City and County cooperation on downtown redevelopment that defined the executives' relationship. The issue of City Annexation by ordinance had been effectively eliminated thanks to the passage of Public Chapter 1101 (PC-1101) in 1998. PC-1101 required incorporated counties to develop long term urban growth plans, placed limits on fragmented "finger annexation" by municipalities, and provided a rule to keep preexisting sales tax revenue in the county for 15 years (TACIR, 1999). The provisions provided in PC-1101 were fully enacted in 2001 and effectively quelled the continual annexation protests which was the intent of the legislation. Aided by the implementation of PC-1101 and new Tax Increment Financing (TIF) tools passed by City Council and County Commission in 2004, both Mayors were able to "roll up their sleeves" and focus on inner-city development.

The most notable example of the Mayors' pragmatic cooperation was evidenced in the recruitment and building of the Regal Riviera movie theater on Gay street. Leveraging relationships with Knoxville-based Regal Entertainment the Mayors crafted a public-private plan that made the downtown movie-plex a reality. Haslam's first step decoupled the theater project from a planned downtown transit center. Once the cinema was on the fast track it allowed the administration to work out a bonded TIF plan to fund construction. One of the remaining obstacles was that the City project was to be built on County-owned land that was originally cleared for a detention center. To circumnavigate this issue, the City and County organized a land swap that gave the City-owned former News Sentinel site to the County in exchange for the County-owned Gay street frontage. This swap was initially organized as a gentleman's agreement between the two executives, and is a testament to the creative solutions that can come from intergovernmental cooperation (Hickman, 2004). The Regal Theater has since been very successful and in 2010 paid off its $1 million TIF loan, which means 100 percent of property tax revenue is back on the City and County rolls (Flory, 2010).

The City had developed a new focus on downtown redevelopment, but it was the cooperation by County officials that helped make it a reality. In addition to the movie theater, the downtown saw investment by the County in the form of a new East Tennessee History Museum, plans for a new central library, and another land lease agreement between the governments that would have allowed a City led transit center on County property (Cagle, 2004). A new library has yet to come to fruition and the transit center opted for a different site, but the cooperation between the governments on the projects was encouraging. City-County joint investment was not limited to the Central Business Improvement District though. One notable example was the Five-Points Development in East Knoxville. Financed by City, County, non-profit, private and federal funds; Five-Points was a cornerstone project in a blighted urban area designed to serve as an anchor for further redevelopment. The County's reenergized interest in City projects also translated into an investment for both the Jacobs Building renovations in Chillhowee Park and an upgrade for the jointly operated John T. O'Connor Senior Center (Vines, 2003). Ragsdale brought a progressive approach to City/County relations when he came to office and worked well with both Ashe and Haslam on achieving community goals. Unfortunately, many of his early accomplishments would be later overshadowed by a purchasing card scandal and the misuse of a privately funded hospitality account.

Diane Jordan v. Knox County & Black Wednesday

On November 8, 1988, Knox County citizens voted to establish a home rule charter for the County. The new charter established an executive branch, legislative branch and judicial branch that allowed the community to pass ordinances without state approval. Interestingly, the referendum results were never certified by the Tennessee Secretary of State, but the County operated under the new charter anyway. In 1994 a charter referendum passed that would establish term limits of two consecutive terms on all elected county office holders except judges and school board members. Before the measure was set in place, the State Attorney General issued Opinion Number 95-007 that declared term limits on constitutionally enumerated county officials unconstitutional. Even though the opinion had not been tried, the Knox County Election Commission did not enact term limits until it was forced to in 2006 (*Jordan v. Knox County, 2007*).

In 2006 the Tennessee State Supreme Court heard the case of *Bailey v. Shelby County*, 188. S.W.3d 539 (Tenn.2006). In a unanimous decision the court upheld term limits. The Supreme Court ruling established that Shelby County's referendum imposed term limits did not impose on the State Constitution and that term limits established by referenda were valid. This ruling meant that the 1994 Knox County referendum likely would be ruled valid. In an effort to preserve their right to run in the upcoming election, incumbent County Commissioners Diane Jordan, Billy Tindell, Phil Guthe and John Griess filed suit against Knox County and the Election Commission over the validity of the charter. In an initial Knox Chancellery Court ruling, the Knox County charter was deemed invalid, thereby allowing the incumbents to run. In response to the ruling, Mayor Mike Ragsdale established a charter review committee to mend the now defunct charter. The review committee placed the necessary charter amendments on the November 2006 ballot and the provisions passed. The Secretary of State certified the intact charter and reinstated the complete 1988 home rule charter. With this in hand, then-Commissioner John Schmid filed a counter-claim that the 1994 term limits were indeed valid and applied to nearly every elected official (Jordan v. Knox County, 2007). In an expedited hearing, The Tennessee Supreme Court issued the following ruling in *Jordan v. Knox County,* S.W3d 751:

> In this expedited appeal, the primary issue presented for review is whether Knox County, Tennessee, has a valid governmental charter. A secondary issue is whether a term limits amendment to the County charter should be applied and, if so, to which of the elected county officials. We hold that while Knox County failed to comply with the enabling legislation for instituting a charter form of government, since September 1, 1990, Knox County has been governed under a de facto charter with a county mayor, county commissioners, and other de facto officers. For the reasons set out in this opinion, it is our conclusion that the term limits amendment meets due process guidelines and applies to all elected Knox County Government officials except for the court clerks and the school board member, each of whom is protected by either the state constitution or statute. The judgment of the Knox County Chancery Court, which invalidated both the charter and the amendment, is therefore affirmed in part and reversed in part.

This ruling made it clear that for the first time Knox County had the opportunity to make structural changes without forming a unified government with the City of Knoxville. As a response to the new opportunity for change, the Knox County One Question Initiative (KCOQ) was formed on January 12, 2007 to answer the following question: *What form of*

local government is likely to be the most citizen-driven, responsible, coordinated, and efficient for Knox County for the 21st Century? Led by the Howard Baker Center Jr. Center for Public Policy, the initiative set out to provide a snap-shot of current government structures and develop suggested best practice reforms.

The University of Tennessee research team set out to provide three important services: "(1) to provide a basic civics education for the community that answers the who, what and how questions about county government officials, elections and functions, (2) to design participation mechanisms that enable citizens to have a voice in how problems, concerns and issues about governance are defined and framed, and (3) to communicate the relevant findings from the emerging academic literature on county governance and provide comparative analyses and case studies that inform decisions about the merits of alternative changes to governmental structure and governing processes" (Folz, Fitzgerald, & Scheb, 2011). The researchers surveyed county governments across the south in an effort to benchmark Knox County's government structure and processes against its peers. After screening for population, growth rate, geographic location and a number of other variables the research team identified a cohort of 160 comparable counties and then narrowed the field to 7 counties and 1 parish for intensive study. The in-depth study of the peer counties provided a benchmark for comparison of Knox County's government structure and policies on academically accepted "best practices" criteria.

The Baker Center study provided a basic civics education on American county governments and a reference point for proposed reforms. Building off of the research, the KCOQ formed a steering committee to compile a number of reform recommendations. After public hearings and research KCOQ published their findings in September of 2007. The major conclusions that came out of the Initiative are outlined in Appendix A1.

Meanwhile, On Wednesday January 31, 2007 the County Commission met for a special session to appoint replacements for the now term limited commissioners and constitutional officers. After countless recesses and eleven rounds of voting the Commission appointed family members and political allies to the vacant seats. The meeting would later be chronicled in the Knoxville News Sentinel as "Black Wednesday" (Barker, 2007). The actions taken on January 31st, 2007 would not go without reprimand. Shortly after the irresponsible appointments the Editor of the Knoxville News Sentinel and nine other citizens filed suit in the Knox County Chancellery court claiming that the commission had violated the Tennessee Open Meetings Act. On October 2, 2007 a jury answered 29 questions in all and produced seven general findings in violation of the Tennessee Open Meetings Act:

- Privately deliberating whether or not to hold the January 31st appointment meeting
- Voting in secret while in the meeting
- Determining in secret the rules of the meeting
- Secret deliberations on who was to fill all twelve the vacant seats before the meeting
- Deciding during a recess the appointments of Charles Bolus and Lee Tramel to vacant seats
- Colluding to allow Bolus to be sworn in early to secure Tramel's appointment
- That Chairman Scott Moore and Charles Bolus' testimony was not credible

Through the course of the trial a bitter political battle was unearthed with factions lead by Mayor Mike Ragsdale and term-limited Sheriff Tim Hutchison (Satterfield, 2007). The trial exposed the questionable political networks at play in county government and these enraged the citizenry.

The 2008 Charter Referendum

With a plan laid out by the KCOQ and fueled by voter discontent; the recommendations were translated into referendum questions and placed on the November 2008 ballot. There were four referendum questions in the 2008 election. The first two questions were essentially housekeeping issues that brought petition signature requirements in line with state law and revised the makeup of the Charter Review Committee. Questions three and four embodied the KCOQ proposed reforms. Question three passed; which reduced the number of County Commissioners to 11 from 19, established a nepotism policy and barred county employees from elected office. Question four failed; which dissolved the elected offices of Trustee, County Clerk, Register of Deeds and Law Director, gave the Mayor broader powers to form and/or eliminate major county departments and created the Commission appointed office of Inspector General (Ferrar, 2008). The political battle that surrounded the referendum was not unlike the debate held during the 1996 unification referendum. A group called "Citizens Committed to Save our Right to Vote" stood against the changes and was headed up by many former members of county government including former Commissioner Frank Leuthold and former Sheriff Tim Hutchison. The organization fed off of the public discontent surrounding scandals within the Ragsdale administration, and the group saw the changes as a dangerous consolidation of powers under a "King Mayor" (Ferrar, 2008). Ultimately, one question passed and one failed. KCOQ claimed a limited victory. County Commission was reduced and a nepotism policy was put in place, but the constitutional fee offices remained intact.

Questions of Interest

How has the relationship between Knoxville and Knox County Changed in the past 20 years?

When the current climate of cooperation is contrasted with the political tensions of the past it is quite striking. The 1990s were punctuated with inter-government squabbles over annexation, departments and fees. It seemed that for a brief moment during the unification drive of 1996 that a harmony could be forced through the ballot box. However, mandating a joint-effort is much less effective than allowing it to grow organically. Thanks in part to Ashe's aggressive annexations and sweeping urban planning regulations passed at the state level; Haslam and Ragsdale were able to take the most contentious issue between the governments off the table. Undistracted by territorial squabbles the executives were able to focus on joint-efforts downtown and elsewhere. As a result of Black Wednesday and the related court rulings; the major political networks resistant to change and collaboration with the City were greatly weakened. Officials and the public were forced to look at new ideas and ways to provide a more effective and efficient form of government. Between the structural changes in the county government and renewed collaboration at the executive level, the greater Knoxville community has two local governments willing to work together and face the community's future challenges.

Has Knoxville achieved the goals set out in the 1996 unification effort and to what extent does the Knox County One Question Initiative advance that agenda?

The 1996 unification drive was designed to address a number of needs and concerns among citizens. In addition to improving accountability and efficiency, the unification also would have stemmed controversial annexations and centralized business and tourism recruitment. Knox County One Question (KCOQ) and the resulting referendum questions based on the organization's findings mainly focused on accountability, ethics, and efficiency in Knox County's Government. An outline of the KCOQ steering committee final report is provided in Appendix A1. The four main headings of their recommendations are: "Amend the Knox County Code of Ethics So That," "Amend the Knox County Charter to Make Government More Cost Effective, Accountable and Responsive by," "Combine Duplicate, Overlapping Functions and Services of Local Government," and "Improve Citizen Access and Involvement in Local Government" (Knox County One Question, 2007).

A number of the committee's recommendations were passed and implemented as a result of the November 2008 referendum. Specifically, the Knox County Code of ethics has been amended to include an anti-nepotism policy. The County Commission has been reduced from 19 members to 11 as recommended by KCOQ. Measures to dissolve constitutional fee offices and reform the internal auditor's office did not pass and an independent commission to address overlapping services never came to fruition. The last point of the report calls for more transparency and it appears that some progress has been made on this front. The Knox County website has been extensively overhauled and commission meeting minutes are now accessible through a searchable database. Mayor Burchett created an Office of Community Outreach that serves as on ombudsman for citizen needs and concerns. Additionally, a new proposal to reorganize the budgeting process for the County Clerk, Trustee and Register of Deeds was presented to the County Commission for consideration. The proposal would place the operating budgets of the aforementioned offices under the initial review of the Mayor and then face the Commission for approval. Currently, the offices file salary lawsuits in the Chancellery Court and are then rubber-stamped by the Mayor. The proposed process addresses one of KCOQ's major concerns about the efficiency of the separate fee offices and would provide more transparency in these offices' budgeting process. Currently Mayor Burchett and two of the three affected officers have signed on to the plan; the proposal is expected to pass at the May 2011 Commission meeting (Donila, 2011).

Diane Jordan v. Knox County, Black Wednesday and the resulting 2008 referendum initiative forced Knox County government to address questions about transparency, ethics and accountability. As a result, County government has been forced to make reforms and culture changes that conform generally to the similar goals of the 1996 unification drive. One major difference between the 1996 and 2008 campaigns is the focus on economic development. In addition to providing structural changes, the 1996 unification effort championed improved business and tourism recruitment as a benefit of one umbrella government. The argument in 1996 was that the City and County worked against each other when recruiting events and business development. Since 1996 the majority of these operations have been combined under two organizations: The Knoxville Area Chamber Partnership and The Knoxville Tourism and Sports Corporation (KTSC). The KTSC was formed in 2003 with the combination of the Greater Knoxville Sports Corporation, the Knox County Tourists Commission and the Knoxville Convention and Visitor's Bureau. Funded by the

hotel/motel tax and contracts with the City and County; the KTSC is a joint effort designed to promote all of Knox County. The Knoxville Area Chamber Partnership also has expanded its reach across the community since 1996 to become the central nexus of business development in the county. The Chamber operates under a memorandum of understanding with both the City and County and it works directly with the Development Corporation of Knox County which presides over the Industrial Development Board of Knox County, the Industrial Development Board of the City of Knoxville, and the Joint Economic Community Development Board for Knoxville and Knox County. The Development Corporation shares office space with The Chamber on Knoxville's Market Square and together the organizations promote the entire community (Development Corporation of Knox County, 2010).

The reforms enacted by the 2008 referendum and the consolidation of Knox County's economic and tourism development agencies mark significant progress towards the original goals of the 1996 unification drive. Knox County has made significant changes to become a more responsive institution. The Knoxville Chamber and the KTSC presents a more unified front in dealing with economic and tourism development. In these respects, significant progress has been made in achieving the goals of the 1996 unification drive.

Are there examples of the City and County explicitly working together in the past 5 years?

In the immediate history of Knox County Government, there have been several examples of City/County cooperation on a number of complex issues. In addition to the aforementioned partnerships focusing on economic and business development, the City and County have developed joint agencies to address county-wide issues. Examples of these joint efforts include: the Metropolitan Planning Committee (MPC), the Knoxville-Knox County Emergency Management Agency (KEMA) and the Ten-Year Plan to End Chronic Homelessness. The KEMA has served as a reliable support center for both city and county emergency services since the 1970s and it is on a steady course to continue filling that role for all of Knox County. The agency is jointly funded by the two governments and its building serves as an emergency command center for both Mayors (Knoxville-Knox County Emergency Management Agency, 2011).

The MPC was originally established in 1956 by both Knoxville and Knox County as the central county-wide land-use planning agency. In addition to comprehensive planning, the MPC also conducts research and develops plans for a variety of related issues. In 2009, under the direction of the City and County Parks and Recreation the MPC developed a comprehensive inventory and long-term plan for the departments' assets. The resulting Knoxville-Knox County Park, Recreation and Greenways Plan was adopted by the MPC on December 10th 2009 and then passed both the County Commission and the City Council on January 25th and 26th 2010 respectively. The plan is now part of each department's policies and it allows the separate entities to keep their individuality while aligning their strategies to build off of each other's assets (Knoxville-Knox County MPC, 2009).

Another City/County planning task force the MPC has been involved with is the Joint City/County Task Force on Ridge, Slope and Hillside Development and Protection. Chaired by County Commissioner Tony Norman and Former City Councilman Joe Hultquist, the Ridge-top Protection Plan has been developed over the course of three years with input from area stakeholders to address development and erosion issues in the community. The original draft of the plan was not approved by the County Commission by a 6-5 margin on April 25th 2011. The City Council will vote on the plan at their May 17th 2011 meeting (Knoxville-Knox County MPC, 2011). The plan seeks to limit hillside development and has received significant resistance from influential area developers.

The most contentious issue Knox County's local governments have tried to address jointly is Chronic Homelessness. Developed by former Mayors Haslam and Ragsdale, the Ten-Year Plan to End Chronic Homelessness was intended to address the burden homelessness places on the community. The planning task force brought together government non-profit and faith-based agencies in the community to map out a long-term plan to deal with the chronically homeless. The task force director reports directly to the City and County mayors. While controversial, the plan has allowed the community's indigent rehabilitation resources to communicate more effectively and address the area's needs. Between the continued operations of the KEMA, the collaborative studies conducted by the MPC, the comprehensive planning developed by the Ten-Year Plan and the community's joint economic and business development agencies, there is a high level of cross governmental collaboration that has occurred in Knox County. There are areas for further cooperation and recent resolutions passed by the Knox County Commission call for the Mayor to explore joint City and County tax collections and joint purchasing agreements (Knox County Clerk, 2010). To date, no report addresses these resolutions.

Conclusions

In the 2010-11 period, the City of Knoxville and Knox County experienced a growing level of cross governmental collaboration and communication. On the surface, the governments' cooperation was embodied by jointly funded agencies and the more amicable, pragmatic precedent set by Haslam and Ragsdale. Below the surface, the state urban planning reforms set in Public Charter 1101 and the KCOQ lead reforms of 2008 actually facilitated this level of collaboration and are mainly responsible for the current level of collaboration. Without PC 1101, the contemporary local government leaders would have not been able to ignore annexation issues and the issues that arose in *Diane Jordan v. Knox County*. Currently, the community is in a period of executive transitions. Tim Burchett replaced term-limited Mike Ragsdale and City Councilman Daniel Brown serves as an interim-Mayor until the Mayoral elections in the fall of 2011. Major concerns about annexations, professionalism and ethics have been addressed. Without these lingering issues, there is no excuse for the City and County Mayors not to continue a healthy dialog with one another. Budgets will be tight, but with collaborative planning the community will continue to move forward.

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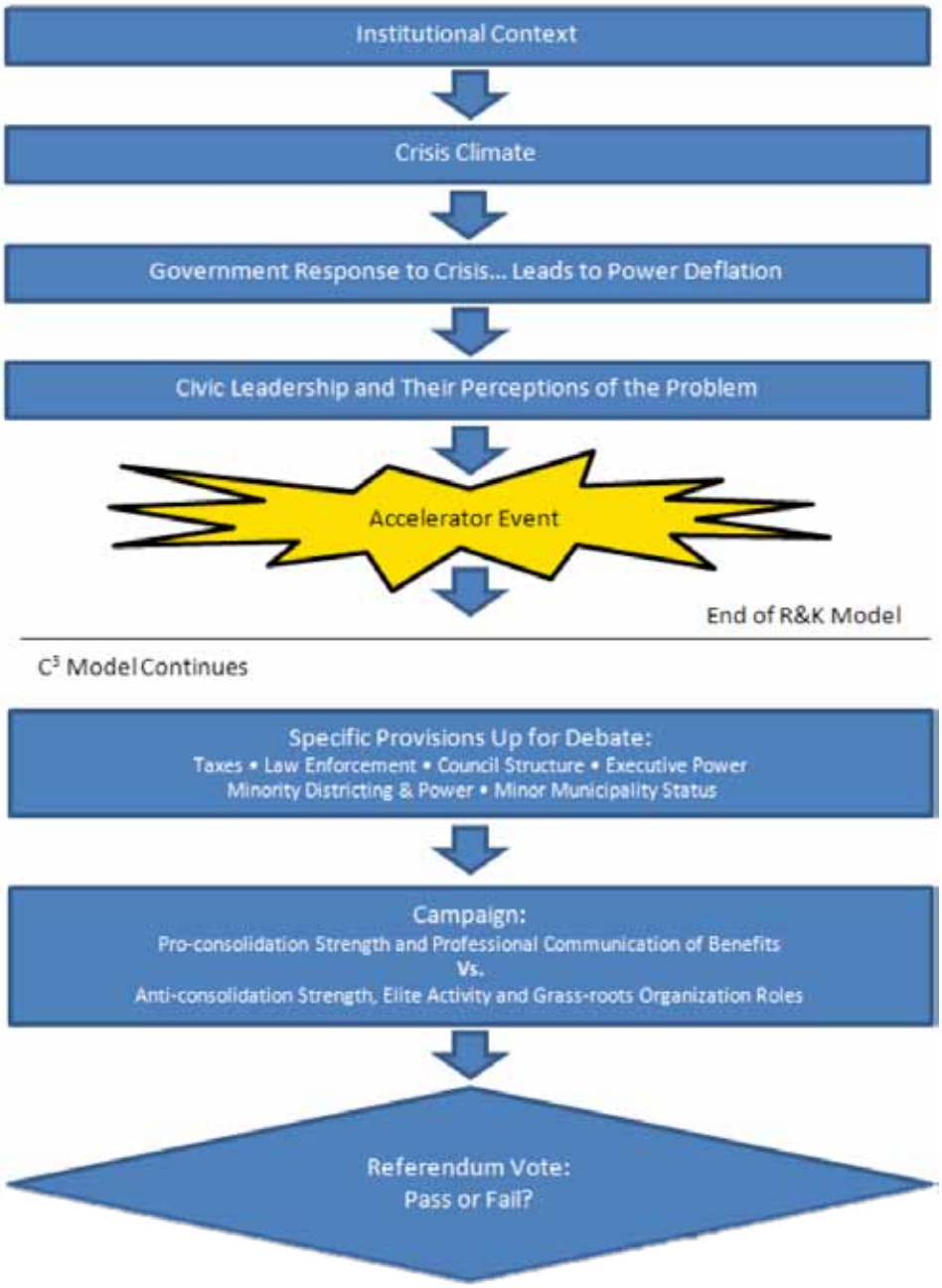
Figure 1: An Outline of the Rosenbaum and Kammerer (R&K) Model and the City-County Consolidation (C^3) Model:



Appendix A1

Knox County-One Question

Steering Committee Recommendations

Recommendations

A. AMEND THE KNOX COUNTY CODE OF ETHICS SO THAT:

1. No Knox County employee may serve in an elected public office.
2. An elected official or employee who has a conflict of interest on a matter to be voted on must fully disclose the conflict and be recused from any discussion and/or voting on the matter during any meetings where the matter is considered.
3. An elected official or employee who has a conflict of interest on a matter over which he/she is responsible for taking administrative action must disclose the conflict in writing and recuse him/herself from any action on the matter.
4. No elected official or employee may advocate, recommend, supervise, manage, or cause the employment, appointment, promotion, transfer or advancement of a relative to a position of employment within Knox County government.

B. AMEND THE KNOX COUNTY CHARTER TO MAKE GOVERNMENT MORE COST EFFECTIVE, ACCOUNTABLE, AND RESPONSIVE BY:

1. Restructuring County Commission beginning with the election in 2010 by reducing the size from 19 to 11; with one member each elected from 9 districts and 2 elected County-wide; by elections that are nonpartisan; by terms being staggered; and by electing both the County Commission and School Board from Districts that are aligned to have the same geographical boundaries.
2. Restructuring the Executive Branch beginning with the election in 2010 so that the newly elected Mayor appoints and is held accountable for the Trustee, Clerk, Register of Deeds, Property Assessor, Law Director, and all other Department Directors; with checks and balances provided by giving the County Commission the power to advise on the appointments, approve the appointees (by majority vote), and remove any appointee for misconduct (by 2/3's vote).
3. Establishing an Independent Office of Inspector General with the responsibility of conducting audits and reviews of all offices of Knox County government to recommend how to improve costs, efficiency, and citizen responsiveness, and to expose waste, fraud, and abuse. This new office would be a stronger and more independent replacement for the current Office of Internal Audit.

C. COMBINE DUPLICATIVE, OVERLAPPING FUNCTIONS AND SERVICES OF LOCAL GOVERNMENT.

We recommend that an Independent Commission be established to review all areas where duplicate functions exist within the City and County. The Independent Commission should be established by equal appointments from the City and County Mayors, City Council, and Knox County Commission. The Independent Commission should be appointed after the Knox County General Election in 2008 and its work should be completed on or before the Knox County Primary Election in 2010.

D. IMPROVE CITIZEN ACCESS AND INVOLVEMENT IN LOCAL GOVERNMENT

1. Create Transparency in the Workings of Local Government (a) Change the time of the County Government meetings to after work hours (rather than the middle of the day) to allow for greater participation by citizens. (b) Enhance E-Government for all local government in Knox County that would allow citizens full access to past proceedings, information on future proceedings, connections to departments, full access to elected officials, including phone numbers and email addresses. Ensure that agendas, minutes, and records be available to the public on the website before and after all public meetings. (c) Require all local cable providers to broadcast local legislative proceedings in real time to allow those who are not already served to have similar access to all public proceedings.
2. Involve the Citizenry and Allow Them to Affect Change Review all boards, commissions, committees, and task forces with the purpose of getting more citizen involvement. Allow people to volunteer to be considered for appointment to such groups with specific terms for serving. Where committees do not exist on specific issues, allow the creation of such committees.
3. Create an appointed position of Ombudsman within Knox County Government to cut through red tape on problems citizens have in accessing local government and to advocate for citizens.

About the Author

Joseph Ryan Sowell is a recent Magna Cum Laude graduate of the University of Tennessee College of Business Administration with a B.S. in Economics and International Business. His undergraduate thesis Local Government Relations in Knox County: Executive Collaboration and its Impact is the product of combining his Global Leadership Scholars, Baker Scholars and Chancellor's Honors Program experiences. As an undergraduate, Ryan served as a College of Business Administration SGA Senator, a Honors Council Class Representative, and President of the Interfraternity Council. He is a member of Phi Gamma Delta fraternity and served on the student leadership team of The Cross: Greek Campus Ministry. A lifelong resident of Knoxville, Ryan recently made the move north to the Washington, D.C. metro area where he is participating in The Falls Church Fellows Program. As a Falls Church Fellow, Ryan works part-time as a Congressional Fellow for Senator Jim Inhofe of Oklahoma and is completing seminary courses through Reformed Theological Seminary. Ryan is very thankful for the opportunity that *Pursuit* provides undergraduates to present their research.

About the Advisor

Dr. David H. Folz received his B.A. in History in 1974, his Masters of Science in Planning in 1977, and his Ph.D. in Political Science in 1985, all from the University of Tennessee, Knoxville. He is a professor in the Department of Political Science at the University of Tennessee, where he has taught since 1981. He is also a faculty associate in the Howard Baker Center for Public Policy. His research interests are in public administration and in American politics, specifically state and local governments. He has served on the executive board of the Section on Intergovernmental Administration and Management of the American Society of Public Administration since 2008.