

THE UNIVERSITY of TENNESSEE   
INSTITUTE for PUBLIC SERVICE

MUNICIPAL TECHNICAL ADVISORY SERVICE

July 30, 2012

Mr. Charles Tucker, City Manager  
City of Whitwell  
13671 Highway 28  
Whitwell, Tennessee 37397

Dear Mr. Tucker

You have asked MTAS for clarification on appropriating funds for the use of a recreation committee.

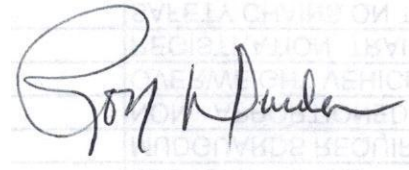
In reviewing the city's ordinances, I could not find where the city commission appointed a recreation committee, commission or board. Perhaps it was done by resolution.

Regardless of how the recreation committee was created, the appropriation of public funds to a recreation committee is subject to the city's purchasing and financial accounting system. While the recreation committee may decide how the funds will be used (unless the city commission has imposed restrictions on the appropriation), such expenditures are subject to the city's financial accounting and purchasing regulations. The recreation committee should coordinate its purchasing and accounting through the city's finance director. Since city commission members may be personally liable for the illegal appropriation and use of such funds, I recommend that all such appropriations and expenditures be subject to the control of the city's finance director.

Although I do not know how many city commission members are on the recreation committee, if any, I would like to point out that recreation committee meetings are subject to the open meeting laws when two or more city commission members meet with the committee and public notice of the meeting must be given. If no city commission members are on or meeting with the recreation committee, generally, the recreation committee meetings are not subject to the open meeting laws.

Please call me at 615-772-3031 if you have questions or comments.

Sincerely

A handwritten signature in black ink that reads "Ron Darden". The signature is written in a cursive style with a large initial "R". The signature is placed over a faint, light-colored background that appears to be a watermark or a very light stamp with some illegible text.

Ron Darden  
Municipal Management Consultant