

November 11, 2013

City of Loretto Tennessee
Mr. Keith A. Smith
City Manager
415 North Military
Loretto, Tennessee 38469

VIA ELECTRONIC MAIL

Dear Mr. Smith:

Responsive to your inquiry regarding TCA §62-2-107 and whether the statute requires an architect or engineer prepare plans and specifications for the open-air pavilion with bathrooms that is proposed to be constructed in a city park by a civic organization using private funds, please be advised of the following opinion of MTAS Legal Consultant Josh Jones with your particular facts in mind:

If the funding is completely non-public and the city is not a party to the construction contracts then the civic organization is not bound by the provision. However, for future liability purposes it may be worth the city's effort to encourage compliance.

So the legal opinion is that the statute does not require that the plans and specs be prepared by an architect or engineer for the planned public works project – even though it will cost more than \$25,000.

As was noted by Mr. Jones, it is in the city's best interest that the plans receive such approval to which I agree. Perhaps a local engineer or architect will "donate" time to the civic project if the civic organization itself is unable to pay for it; another option is for the city to pay for it itself. It is in your best interest to ensure that the plans are fully compliant with all building code regulations; that the plans are reviewed and a building permit is issued; and that the work is inspected as would any other project constructed in the city.

As you know, the direct and indirect costs to the city could be significant if something unforeseen happens to the structure. To mitigate liability and other impacts, having an engineer/architect seal the plans is the best way to go.

Please let me know if you have any questions or require any additional assistance on this or any matter.

Very truly yours,



Jeffrey J. Broughton
Municipal Management Consultant

Cc: Josh Jones