

**CONSORTIUM AGREEMENT FOR THE  
DEVELOPMENT OF A REGIONAL PLAN FOR EAST TENNESSEE**

19 This CONSORTIUM AGREEMENT (this "Agreement") is made and entered into this day of September, 2011, by and among the City of Knoxville, a municipal corporation organized and existing under the laws of the State of Tennessee, and each of the other Consortium Members identified on the attached signature pages, for the purpose of forming a combination of partners and interested parties (collectively, the "Consortium") working together to carry out the goals of the Plan East Tennessee Program (the "PlanET Program"), which is designed to support multijurisdictional planning efforts that integrate housing, land use, economic and workforce development, transportation, and infrastructure improvements within the geographic region consisting of Anderson, Blount, Knox, Loudon, and Union counties (the "Region").

**Recitals**

**WHEREAS**, the Consortium has been awarded a grant of \$4,327,500.00 in Sustainable Communities Regional Planning Grant ("SCRPG") funding in order to cooperatively carry out the activities described in the Knoxville Regional Plan for Sustainable Development application (the "Application") submitted on behalf of the Consortium which was selected for funding by the U.S. Department of Housing and Urban Development ("HUD") under the provisions of The Consolidated Appropriations Act, 2010 (Public Law 111-117) (the "Act"); and

**WHEREAS**, the Region is located in a broad valley between the Cumberland Mountains and the Great Smoky Mountains and covers over 1,900 square miles and has a population of 680,444, the third largest metropolitan area in Tennessee; and

**WHEREAS**, the Region seeks to maintain and grow a strong and viable economy that attracts business and supports economic growth for its current and future citizens; a strong economy has access to jobs, a healthy population, affordable housing, transportation choices, and values its communities and neighborhoods (referred to as Livability Principles); and

**WHEREAS**, Consortium members share in the future of the Region and the PlanET Program is one way to work together towards a stronger and more viable future; and

**WHEREAS**, a goal of the PlanET Program is to ensure that all citizens of the Region are provided an opportunity to participate in an inclusive regional planning process that will look systematically and comprehensively at the issues of economic development, workforce development, public health, housing, land use, transportation, and the environment in order to create a regional plan that will provide the tools and abilities to communicate, understand and value the Region, long-term thinking and livability, which will result in implementation strategies that are appropriate and beneficial to the Region; and

**WHEREAS**, the parties wish to execute this Agreement to create an understanding regarding the shared responsibilities of the Consortium to conduct the activities required by the SCRPG Program pursuant to the Notice of Funding Availability (the “NOFA”) released by HUD on June 23, 2010 under Docket No. FR-5396-N-03 and the Application, and prepare for implementation of the PlanET Program recommendations; and

**WHEREAS**, new Consortium members can be added to this Agreement at any point during the term of this Agreement; and

**NOW THEREFORE**, in consideration of the premises recited herein, the Parties hereby agree as follows:

**A. Roles of Consortium Members and Lead Entities**

New efforts and community engagement strategies are critical to ensuring decisions are based on comprehensive input and diverse values, and the Consortium and Lead Agencies are committed to identifying and employing traditional and non-traditional efforts to engage a wider base of community stakeholders than any previous planning effort.

**1. Role of Consortium Members.**

Participation in the process of developing and implementing the PlanET regional plan is the main goal for each Consortium member. Consortium members will play a critical role in creating and implementing the recommendations developed by the PlanET program. Participation will be reflected in the outcomes of the PlanET program recommendations.

*Benefits*

Members will have access to the tools, models and best practices developed through the PlanET program that may be incorporated into the work of Consortium members.

Consortium members will have the opportunity to shape the PlanET program by having unprecedented access to the decision making process and outcomes developed during the three year planning effort.

As funding opportunities are identified to implement the projects and strategies identified through the PlanET process, Consortium members will benefit directly from implementation projects that advance common goals and objectives identified.

*Responsibilities*

Participation in the PlanET program includes attending meetings and providing input to the extent possible, and may include participation in subject-specific workgroups, cross-sector workgroups, serving as leader for these groups and others if

elected or appointed to do so, and to share information about the PlanET Program with each member's constituency.

The Consortium members agree to work cooperatively in seeking opportunities to implement PlanET Program recommendations and seek to ensure all people in the region have access to the PlanET program – especially those who traditionally do not participate in or have access to planning processes.

Each Consortium member will designate a point person who will serve as the primary contact for the PlanET program. This point person will be responsible for communicating the activities of the Consortium to their group or organization. If the point person changes, the Consortium member is responsible for informing the Knoxville-Knox County Metropolitan Planning Commission and designating a new point person.

Each member of the Consortium is only responsible to the other members of the Consortium with respect to the obligations set forth in the NOFA, the Application and this Agreement. Each member of the Consortium may remain independent in its normal business operations.

Each member of the Consortium hereby agrees to cooperatively participate in the PlanET Program, and authorizes the City to act as the Lead Entity on behalf of the Region to assume overall responsibility for ensuring that this effort is carried out in accordance with the intent of the approved grant proposal and requirements set forth in the Act . Each Consortium member will include a brief description of what they will contribute to the PlanET Program, Attachment 1.

## **2. Roles of Lead Entity, Lead Planning Agency and Lead Educational Institution**

Role of the City of Knoxville. The City assumes the responsibility of acting in a representative capacity for all Consortium members to HUD as required in the NOFA. The City further assumes responsibility for ensuring that the PlanET Program is carried out in compliance with all statutory and regulatory requirements applying to the use of SCRPG funds and in substantial compliance with the Application. The City's Community Development Department, who manages federal HUD programs at the local level, serves low and moderate income residents of the City and is the department managing the overall administration of the PlanET Program. The City of Knoxville will also participate in the process as a Consortium member.

Role of the Knoxville-Knox County Metropolitan Planning Commission. The Knoxville-Knox County Metropolitan Planning Commission ("MPC"), which houses the Knoxville Regional Transportation Planning Organization will be the lead planning agency and will oversee the entire planning process, engage the Consortium members, retain and manage planning, public engagement and decision making, and design consultant(s) to develop the regional plan, and manage the University of Tennessee

partners. MPC will provide a comprehensive team of professionals who will oversee the development of the PlanET Program and provide local data, insight and experience. MPC will be responsible for delivering the final product: "A Regional Plan for Livable Communities" – or alternate report name that may be adopted. MPC will also participate in the process as a Consortium member.

Role of the University of Tennessee Partners. The University of Tennessee (the "University") will be the lead educational institution for the PlanET Program. The University, through various departments, will assist with data collection and analysis and program evaluation and through its College of Architecture and Design will provide architecture and landscape architecture student and faculty resources.

**B. Term**

The term of this Agreement shall begin with the effective date of 9/1/11 and shall remain in effect until January 31, 2014. The Consortium members agree that the term of the SCRPG grant began upon February 1, 2011 and shall continue until January 31, 2014.

**C. Including Additional Consortium Members**

As the PlanET Program progresses, the members of the Consortium encourage additional entities to join in the goals of the PlanET Program. Accordingly, other entities may join the Consortium during the term of this Agreement by executing a written amendment acknowledging their acceptance of the terms of this Agreement.

**D. Leveraged Resources**

Consortium members that committed leveraged resources as part of the Application for the purpose of complying with the local funding match requirement shall report the amount of time spent on PlanET activities on a quarterly basis throughout the term of this Agreement. Reporting guidance will be provided by MPC and the City of Knoxville.

**F. Amendments**

This Agreement may not be changed, modified or canceled orally.

**G. Counterparts Allowed**

The PlanET Consortium Organization and Leadership document incorporated here by reference as Attachment 2, will serve to guide the Consortium's process.

This Agreement may be executed in counterparts, each of which shall be deemed an original, and all of which taken together shall constitute one agreement.

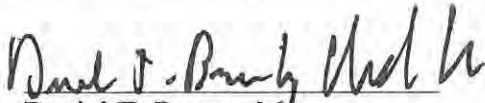
**H. Authority to Execute Agreement**

Each member of the Consortium hereby represents and warrants to each other member that the person executing this Agreement on behalf of such member has the power and authority to execute this Agreement on behalf of such member and to bind such member to the provisions hereof.

IN WITNESS WHEREOF, the parties have executed this Agreement.

**Lead Entity:**


**THE CITY OF KNOXVILLE**

By:   
Daniel T. Brown, Mayor

APPROVED AS TO FORM:

  
Debra C. Poplin  
Law Director

FUNDS CERTIFIED:

  
Jim York  
Finance Director

**Local Government Members:**

By: \_\_\_\_\_  
                    , Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Law Director

**Non-governmental Consortium Members:**

By: \_\_\_\_\_

Name:

Title:



**ATTACHMENT 1** (to PlanET Consortium Agreement)

**Description of PlanET Consortium Members Commitments**

This space is provided for all Consortium members to provide a brief description of how you or your group will commit to the PlanET program. For those organizations who committed leveraged resources (in-kind time) to PlanET, please include the amount of committed leverage resources and coordinate with Knoxville/Knox County MPC to complete this form.

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Organization Name:

Point Person (contact information):

Amount of committed leverage (in-kind time): \$

Description of services provided to the PlanET Program to meet the leveraged funds commitment: