Lynn Farnham, CPPB, CPPO | Purchasing Agent, Roane County

Happy New Year (belated)!! I hope each of you had a wonderful Christmas holiday and a great beginning to 2023!

I want to thank you for electing me as your president! I am very honored. I look forward to working together to grow our association and to continue to offer training and networking opportunities that will make your membership in ETPA a true value.

We have scheduled our first quarterly meeting for February 23, 2023 in the Knoxville area. A site has not been selected. We will get that information to you as soon as possible. Terry McKee and Camille Thomas will be serving as the Professional Development committee and I’m sure they would appreciate any suggestions for topics you may have.

Thank you to Penny Owens for assisting in scheduling our first session: “You Want What?”. The presentation will aid in developing solicitations that are easy to read and understand with clear instructions and that avoid building barriers to bidding/proposing.

The RFP Dream Team consists of:

- Stephanie Dion, NIPG-CPP, CPPB, Government of Manitoba
- Victor Leamer, CPPB Spokane County, WA, Producer for Radio NIGP
- Mike Thornton, CPPO, City of Leesburg, FL

A tentative schedule for the remaining quarterly meetings is as follows:

- May 18 – Chattanooga Area
- August 17 – Upper East Tennessee
- Fall Conference – October (Dates and locations are TBD. We will keep you posted on this.)

On a personal note, my daughter, Katy and my son-in-law Blake are having my first grandchild (a girl, Wriley Kate) in mid-February! To say we are over the moon is putting it mildly! Carol Maines will also be blessed with her first grandchild (a boy, River Matthew) about a week later. Carol, her daughter, Chloe and son-in-law, Matt can’t wait for River to get here! Please remember these young parents when you pray that there are no complications and that everyone is healthy. Oh, pray for Gina and Mona since they will be carrying the load while Carol and I are off learning to be grandmothers!!

Lynn Farnham, President
East Tennessee Purchasing Association
Member News & Announcements

Congratulations to Matt Kleinschmidt, Loudon County, on your promotion to Procurement Director!!

Quarterly Diversity Business Networking Events
For the past four years, ETPA’s Diversity Business Alliance Committee has hosted an annual Diversity Business Expo. For 2023, we are pausing the large Expo and offering quarterly diversity business Meet & Greet events. On January 24th, we hosted the Business Chill Out, the first networking event for 2023. Our target audience was “newer” vendors, those who had registered with our agencies in the last two years. We had a great afternoon as nine ETPA agencies connected with more than sixty individuals representing 40 small and diversity-owned businesses. The chili provided by Breakfast All Day Kitchen and Catering, a local minority-owned, woman-owned, small business and was enjoyed by all!

We invite you to take part in the next quarterly event!

We will be hosting the 2nd quarter Diversity Business Alliance Meet & Greet on Tuesday, April 18th from 7:30 to 10:00 a.m. at the Knoxville Area Urban League, located at 1514 E. Fifth Avenue, Knoxville, TN 37917. The informal event will focus on the construction industry and will provide an opportunity for general contractors and subcontractors to network with local governmental agencies and community partners. The event is open to all ETPA agencies and will be especially beneficial for any that have new or upcoming construction projects. Please reach out to Pamela Cotham, pcotham@knoxvilletn.gov, or Karen Binkley, kbinkley@tennessee.edu, to learn how your agency can participate free of charge.

Radio NIGP
Starting the New Year with new employees, Radio NIGP has some great tips to help out.

• Onboarding New Employees:
  o in person
  o and in the virtual world (along with a cautionary tale of remote working gone wrong)
• Coaching tips including using a checklist
• Being the "new kid on the block"
• Onboarding your new Chapter Officers

In "Moments with NIGP", we have a conversation with Todd Slater, Chief Content Officer for NIGP, with details on the Call for Presentations for the 2023 NIGP Forum. Todd discusses the topics and types of presentations requested, the various length of presentations, and the desire for both experienced and newer practitioners to submit, along with the deadline reminder of February 17, 2023.

Also, as a bonus, another segment of "Procurement Pioneers" – Interview with Albert H. Hall Award and the Distinguished Service Award recipient Dr. Stephen B. Gordon. Advancing the strategic contribution of public procurement and contract management has been a primary focus of Dr. Gordon’s career for over 40 years and now focuses in retirement on helping those individuals who struggle with loneliness, anxiety, and depression.
Registration for virtual and in person NIGP Forum 2023 in Louisville, KY is open. Early registration ends May 31st.

NIGP has released its biennial *Public Procurement Compensation & Retention Benchmark Study*, which provides comparative compensation information to help industry leaders classify public procurement positions and determine appropriate salary ranges. Based on data provided by a survey of 2,500 public procurement professionals, this year’s report finds sustained increases in public procurement salaries across the board. However, key variables (e.g., entity type, gender, certification) can have a significant impact on what individuals earn. Download the [Highlights Summary](#) and [full report](#).

Above & Beyond Award for National Procurement Month

Nomination Period Opens February 1st and Closes on March 20th

In recognition of March’s National Procurement Month, NCPP sponsors the annual Above & Beyond Award. Simply email Tammy Rimes with the person’s name, title, agency and email, along with ways in which they performed in an ABOVE & BEYOND manner over the past year. There will be 15 winners (3 per week) throughout the month of March. Take a few minutes to nominate that procurement hero in your organization!

2023 ETPA Leadership Team

- President – Lynn Farnham
- VP – Carol Maines
- Secretary – Lindsey Parrish
- Treasurer – Matt Myers
- Newsletter – Nikisha Eichmann
- Recognition Committee Chair – Gina Leham
- Professional Development Committee Co-Chairs – Camille Thomas & Terry McKee
- Photographer & Social Media – Penny Owens
- Webmaster – Penny Owens & Dustin Shearin
- Membership Chair – Jay Garrison
- Golf Tournament Steering Committee Co-Chairs – Hugh Holt & Gina Leham
- Outreach to Other Professional Organizations – Dustin Shearin
- Diversity Focus Group Committee – Pamela Cotham & Karen Binkley
- Mentoring Committee Chair – Penny Owens
- Nominating Committee Chair – Michelle Ramey
- Strategic Planning – Terry McKee
STATE OF TENNESSEE  
OFFICE OF THE ATTORNEY GENERAL  

November 15, 2022  

Opinion No. 22-14  


Question  

Is the Chattanooga Area Regional Transportation Authority required to comply with the Municipal Purchasing Law of 1983?  

Opinion  

When a transit authority is created by a municipality or county under Tenn. Code Ann. §§ 7-56-101 to -109, the transit authority is subject to the same purchasing laws that apply to the municipality or county that established it. And when there is more than one municipality or county participating in a transit authority created under Tenn. Code Ann. §§ 7-56-101 to -109, the transit authority must take into account the purchasing laws applicable to each participating entity and follow the most stringent applicable law to assure that each participating entity satisfies its legal obligations. Thus, in the case of the Chattanooga Area Regional Transportation Authority, which both the City of Chattanooga and Hamilton County participate in and subsidize, the Authority must consider the purchasing laws applicable to both the City and the County and follow the most stringent law applicable to the particular purchase.  

ANALYSIS  

In 1970, the General Assembly passed an Act to empower “[a]ny municipality or county . . . or any combination thereof . . . to establish . . . a public transportation system.” 1970 Public Acts, ch. 515, § 1, as amended by 1971 Public Acts, ch. 160, § 5 (codified at Tenn. Code Ann. § 7-56-101(a)). The Act provided that such a public transportation system may be under the direct jurisdiction, control, and management of a municipality, county, or combination thereof; or that a municipality, county, or combination thereof is permitted “to create a transit authority or other operating or management entity by ordinance or resolution, for the purpose of managing such a public transportation system, and to prescribe the qualifications and eligibility of members of such a transit authority, their terms of office, powers and duties.” Id. Further, the General Assembly specified that the Act “shall form a part of the charters of all incorporated municipalities in the State of Tennessee and shall be authority for any of the counties of Tennessee to provide public transportation or to join with any municipality or combination of municipalities, either in the State of Tennessee or in other states, for the purpose of providing such public transportation.” 1970 Public Acts, ch. 515, § 8 (codified at Tenn. Code Ann. § 7-56-108).
The following year, the Board of Commissioners for the City of Chattanooga passed an
ordinance to create “a METROPOLITAN TRANSIT AUTHORITY for the City of Chattanooga,
Tennessee and Hamilton County, Tennessee ... to be called the Chattanooga Area Regional
Transportation Authority (CARTA).” City of Chattanooga, Tenn., Ordinance 6310 (June 29,
for the ordinance).\(^1\) Consistent with the authority granted by the Act, the ordinance provided that the
Board of CARTA shall consist of one member appointed by each governmental entity that
participates in CARTA, other than the City of Chattanooga, which is to appoint a number of
members to the Board equal to the total of all participating governmental entities plus one. \textit{Id.} § 3.\(^2\)

Significantly, several governmental entities, including governmental entities in the State of
Georgia, participated in CARTA at its inception;\(^3\) but only the City of Chattanooga and Hamilton
County appear to currently participate in CARTA, as these are the only two entities that now
appoint members to the Board of CARTA.\(^4\) As explained below, the current composition of
CARTA directly bears on the query as to which laws govern purchases made by CARTA.

Transit authorities created under Tenn. Code Ann. §§ 7-56-101 to -109, like CARTA, have
wide-ranging powers, which include the power to make purchases and enter contracts. First, § 7-
56-102 grants a transit authority the power to

establish, acquire, purchase, construct, extend, improve, maintain, operate or
franchise a public transportation system, including the acquisition of any type of
vehicles necessary, car barns, terminals, garages, repair shops, buildings, lands,
accessory apparatus, rights-of-way and easements, and all other appurtenances
necessary, usual or proper to such a public transportation system for hire of
passengers. ... A transit authority ... has the power to make any and all contracts,

\(^1\) The creation of CARTA is now codified in Chapter 23 of the Chattanooga City Code. Section 23-1 reflects that the
1970 and 1971 Public Acts, which provided the authority for the original creation of CARTA, are currently codified

\(^2\) The Chattanooga City Code now states that the Board “shall consist of: one (1) member appointed by each
governmental entity that participates in [CARTA], other than the city, plus additional members appointed by the city
equal to the greater of: (i) ten (10); or (ii) one (1) more than the number which is equal to the total number of members
appointed by all other participating governmental entities.” Chattanooga City Code § 23-2 (1986).

political subdivisions in Tennessee and Georgia that participate in CARTA); Tenn. Att’y Gen. Op. 78-346 (Sept. 21,
1978) (referencing the nine other municipalities that participate in CARTA in addition to the City of Chattanooga);
see also City of Chattanooga, Tenn., Ordinance 6310, § 18 (June 29, 1971) (stating that “this ordinance shall be an
interlocal governmental agreement pursuant to Article VI, Paragraph I, Sub-Section a. of the Georgia Constitution,
and Section 69-1201 et seq., Georgia Annotated Code”).

\(^4\) See \url{https://www.gocarta.org/about/board-of-directors/} (last visited Nov. 1, 2022); Hamilton County, Tenn.,
Resolution 1021-3 (Oct. 6, 2021) (reappointing member for five-year term).
including franchises, with any persons, partnerships, firms or corporations, public
or private, necessary and incident to carry out this purpose.


Then, § 7-56-103 expounds on the contractual authority granted to a transit authority and
the manner in which contracts are to be executed:

“[A] transit authority . . . has the right to make any and all agreements with or
applications to any person, firm, federal or state agency, municipality, or public or
private corporation, relating to the acquisition, construction, maintenance and
operation of all or any part of a public transportation system, and contracts for
loans, grants or other financial assistance from any state or federal agency. Such . . .
a transit authority . . . is expressly granted the right to contract with any person,
partnership or corporation, to manage and operate the transit system and to employ
the necessary personnel under the direction and supervision of the municipality,
county, or combination of municipality and county, or a transit authority created by
it. Any such contracts made by . . . a transit authority . . . shall be entered into and
executed in such manner as may be prescribed by the charter of the municipality,
or the general laws of this state.


In sum, Tennessee law grants transit authorities extensive power to make purchases and
enter contracts, but commands them to execute contracts “in such manner as may be prescribed by
the charter of the municipality, or the general laws of this state.”

The requirement that transit authorities execute contracts “in such manner as may be
prescribed by the charter of the municipality, or the general laws of this state” conveys that when
the transit authority enters contracts it does so as an “arm” or instrumentality of the municipality
or county that has created it.5 Thus, when a transit authority contracts with others it stands in the

5 While Tenn. Code Ann. § 7-56-103 specifically mentions municipalities, but not counties, when it provides that
contracts are to be executed “in such manner as prescribed by the charter of the municipality,” this phrase cannot be
considered in a vacuum because it is immediately followed by the phrase “or the general laws of this state.” See In re
Estate of Tanner, 295 S.W.3d 610, 614 (Tenn. 2009) (language of a statute cannot be considered in a vacuum, but
should be construed, if practicable, so that its component parts are consistent and reasonable). Transit authorities
may be established by counties alone, see Tenn. Code Ann. §§ 7-56-101(a), -108; thus, the phrase “or the general laws of
this state” necessarily includes those laws applicable to counties. Moreover, when the Act at issue here was passed in
1970, only municipalities were capable of having a charter form of government. See Jordan v. Knox Cnty., 213
S.W.3d 751, 767 (Tenn. 2007) (after the ratification of article VII, section 1 of the Tennessee Constitution in 1978,
the General Assembly passed enabling legislation to allow counties to adopt a charter form of government as an
alternative form of county government). In any case, for purposes of the question presented here, the significance of
the requirement that contracts be executed “in such manner as may be prescribed by the charter of the municipality,”
is that a transit authority entering into a contract is to be viewed as an instrumentality of the local governmental entity
that has formed it—whether the local governmental entity forming the transit authority is a municipality or a county.
Viewing a transit authority as an instrumentality of a municipality for such purposes, but not as an instrumentality of
a county for such purposes merely because Tenn. Code Ann. § 7-56-103 specifically mentions municipal charters,
would not be logical. See Vodafone Americas Holdings, Inc. v Subsidiaries v. Roberts, 486 S.W.3d 496, 535 (Tenn.
2016) (statutes must be construed in common-sense manner).
same shoes as the municipality or county that has formed it. See Chattanooga Area Reg’l Transp. Authority v. T.U. Parks Constr. Co., No. 03-A01-9712-CI-00524, 1999 WL 76074 at *5 (Tenn. Ct. App. 1999) (finding that CARTA’s execution of a contract with a construction company that provided for arbitration was ultra vires because CARTA is a governmental entity without authority to agree to arbitration).

When municipalities and counties make purchases, they are generally required by charter, Private Act, or Public Law to competitively bid the purchases. Nothing in Tenn. Code Ann. §§ 7-56-101 to -109 exempts municipalities or counties—or transit authorities established by them—from complying with competitive bidding laws. Compare Tenn. Code Ann. § 54-6-104 (exempting “public entities” under the Public-Private Transportation Act of 2016 from the purchasing and contracting requirements under title 6 and title 12, chapter 3). Accordingly, when a transit authority is created by a municipality or county under Tenn. Code Ann. §§ 7-56-101 to -109, the transit authority is subject to the same purchasing laws that apply to the municipality or county that established it.

When there is more than one municipality or county participating in a transit authority created under Tenn. Code Ann. §§ 7-56-101 to -109, the question arises as to which purchasing laws the transit authority must follow. In a prior Opinion, this Office concluded that a solid waste authority that is a creation of multiple counties or the creation of counties and municipalities participating by agreement must follow the most stringent applicable competitive bidding law, whether county or municipal. Tenn. Att’y Gen. Op. 97-145 (Oct. 23, 1997). The rationale for the conclusion was essentially two-fold: “[C]ompetitive bidding laws are primarily intended to benefit the public, because it is taxpayer money that is being used for the purchase” and “every procurement obligation is met.” Id. (emphasis added). In other words, to protect the public funds of the participating entities of the solid waste authority and to assure that each participating entity satisfies its legal obligations to protect those funds, the solid waste authority must take into account the purchasing laws applicable to each participating entity and then follow the most stringent applicable law. See id.

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7 In 2004, this Office affirmed the conclusion of Opinion 97-145. Tenn. Att’y Gen. Op. 04-101 n. 11 (July 2, 2004). And in 2006, this Office similarly concluded that when an entity is created under the Interlocal Agreement Act, Tenn. Code Ann. §§ 12-9-101, et seq., and the different participating agencies are subject to different bidding requirements, the entity created by the interlocal agreement should comply with the most restrictive limit. Tenn. Att’y Gen. Op. 06-081 (May 1, 2006).
Thus, in the case of CARTA, which both the City of Chattanooga and Hamilton County participate in and subsidize,\(^8\) CARTA must consider all the purchasing laws applicable to both entities and follow the most stringent law applicable to the particular purchase.

JONATHAN SKRMETTI  
Attorney General and Reporter

ANDRÉE SOPHIA BLUMSTEIN  
Solicitor General

LAURA T. KIDWELL  
Assistant Solicitor General

Requested by:

The Honorable Todd Gardenhire  
State Senator  
Suite 732 Cordell Hull Building  
Nashville, Tennessee 37243

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\(^8\) See https://budget.chattanooga.gov/#!/year/2021/operating/0/program/CARTA+Subsidy/0/service: FY21ACFR.pdf (hamiltontn.gov).
Arkestro's Museum of Procurement to Debut at The University of Arkansas

NEWS PROVIDED BY
Arkestro →
Jan 17, 2023, 14:08 ET

Supply Chain Hall of Fame to Host New Museum Championing Procurement's Past, Present and Future

BENTONVILLE, Ark. and SAN FRANCISCO, Jan. 17, 2023 /PRNewswire/ -- The University of Arkansas and Arkestro today announced the Council of Supply Chain Management Professionals' (CSCMP's) Supply Chain Hall of Fame, hosted by the Sam M. Walton College of Business at the University of Arkansas, will be the first host for Arkestro's Museum of Procurement.

"For most businesses, securing the right materials, resources or services is a core element of an effective, fully functional supply chain," says Remko Van Hoek, Supply Chain Management Professor at the University of Arkansas and executive director of the CSCMP Supply Chain Hall of Fame venue. "By spotlighting contributors to our profession in the CSCMP Supply Chain Hall of Fame, we hope to stoke the enthusiasm of current and future leaders as they tackle challenges, drive innovation and continuous improvement. That's why we are delighted to host Arkestro's Museum of Procurement: it celebrates how today's approaches come from a storied history and a grand tradition stretching back to antiquity and hopefully inspires efforts to further the field."

Arkestro's Museum of Procurement is an interactive, modular exhibit highlighting notable procurement professionals through the ages and reproductions of influential procurement documents and instruments from around the world. It chronicles the evolution of the procurement function from the first goods receipt from Babylon written in cuneiform to the invention of the general ledger and to double entry accounting, ultimately concluding with the invention of ERP systems and the creation of the Internet.

Started in 2015 as a virtual hall before later opening as a physical hall in 2020, the Supply Chain Hall of Fame shines a light on the greatest supply chain innovations and leadership accomplishments to date. Its goal is to energize the next generation of talent - both professionals and students - as they unleash their creativity and passion to pave the way for the supply chain of the future.
"Procurement is a vital part of supply chain management which is of course crucial to the global economy. We are proud to partner with the University of Arkansas’ leading supply chain program to bring our Museum of Procurement to the CSCMP Supply Chain Hall of Fame," says Edmund Zagorin, CEO of Arkestro. "For anyone interested in creating the future of the procurement and supply chain profession, we believe engaging with the past is critical."

**About Arkestro**

Arkestro is the leading Predictive Procurement Orchestration platform. Built to amplify the impact of procurement’s influence, Arkestro helps enterprises deliver a 2-5x lift on cost savings attributed to everyday purchasing and sourcing cycles. Top enterprises leverage Arkestro’s behavioral science, game theory and machine learning to predict and win faster value across every category of addressable spend. Learn more at [arkestro.com](http://arkestro.com)

**About the University of Arkansas**

As Arkansas’ flagship institution, the University of Arkansas (U of A) provides an internationally competitive education in more than 200 academic programs. Founded in 1871, the U of A contributes more than $2.2 billion to Arkansas’ economy through the teaching of new knowledge and skills, entrepreneurship and job development, discovery through research and creative activity while also providing training for professional disciplines. The Carnegie Foundation classifies the U of A among the few U.S. colleges and universities with the highest level of research activity. *U.S. News & World Report* ranks the U of A among the top public universities in the nation. See how the U of A works to build a better world at [Arkansas Research News](http://arkansasresearchnews.com).

SOURCE Arkestro
# Treasurer’s Report: January – December 2023

Matt Meyers, CPPO, CPPB | Knox County

## TREASURER’S REPORT
January - December 2023

<table>
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<th>Expenses</th>
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<td>Expenses</td>
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## BALANCES OF FUNDS AS OF 1/31/23

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## 2023 AGENCY MEMBERS

- Blount County
- Cocke County
- Hamilton County
- Sullivan County
- City of Alcoa
- Hamilton County Schools
- Union County
- City of Chattanooga
- Johnson County
- UT - Chattanooga
- City of Clarksville
- Knox County
- UT - System
- City of Cleveland
- Knox County Sheriff's Dept
- KCDC
- City of Decatur, AL
- Knoxville Utilities Board
- Loudon County
- City of Knoxville
- Metro Knoxville Airport Authority
- City of Knoxville, Fire
- Public Building Authority
- City of Johnson City
- City of Kingsport
- Roane County
- City of Kingsport Schools
- City of Oak Ridge
- Roane State Community College

## Membership Information for 2021

- NGP & Chapter Members
- Chapter Only Members
- Student Members
- Retired Members

**TOTAL MEMBERS:** 0
Get ready for 2023, here we go!

February 28th
1st Quarterly Meeting (site location TBD)

April 18th
2nd Quarter Diversity Business Alliance Meet & Greet

May 18th
2nd Quarterly Meeting (tentative)

August 17th
3rd Quarterly Meeting (tentative)

August 19th-23rd
2023 NIGP Fall Forum

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<table>
<thead>
<tr>
<th>February</th>
<th>March</th>
<th>April</th>
</tr>
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</table>
| Penny Owens – 3rd
Knoxville       | Debbie Jackson – 5th
Hamilton County | Ellen Wentworth – 10th
Chattanooga     |
| David Rose – 4th
Oak Ridge        | Dorothy Moss – 9th
Alcoa            | Misty Guge – 14th
Blount County    |
| Lindsay Cepero – 14th
Hamilton County Schools | Denise Ellison – 14th
Hamilton County Schools | Olivia Nickens – 14th
Kingsport        |
| Elaine Comer – 16th
Cocke County Government | Nikisha Eichmann – 15th
Kingsport        | Carrie Woodard – 17th
University Of TN |
| Jennifer Costner – 19th
Loudon County    | James McKeehan – 20th
Knoxville        |                              |
| Lynn Majeski – 20th
Oak Ridge         | Terrie Leidholdt – 22nd
East Ridge        |                              |
| Victor Howell – 22nd
Chattanooga       | Susan Huskey – 29th
Loudon County     |                              |
|                 | Debbie Talley – 31st
Chattanooga       |                              |