

## Ethics reform and Sunshine Law among host of topics at TML Legislative Conference

Make plans now to attend the Tennessee Municipal League's Annual Legislative Conference, slated for March 6-7 at the Doubletree Hotel in Downtown Nashville.

Tennessee's cities have a stake in virtually everything being debated on Capitol Hill. Eminent domain, ethics reform, local taxing authority, cable franchising, the 2006-07 budget, and Tennessee's Sunshine Law are among the many issues that will be discussed.

The conference will kick off at 1:00 p.m. on Monday with Gov. Phil Bredesen, Lt. Gov. John Wilder and House Speaker Jimmy Naifeh slated to address our membership about key issues facing state and local governments.

The Monday afternoon session will also feature a presentation from Drew Rawlins, executive director with the Tennessee Registry of Election Finance, on the comprehensive ethics reform package recently signed into law as it pertains to the General Assembly, local officials, and lobbying activities. Bob Schwartz, MTAS executive director, will discuss the process MTAS will use to model standards for local governments to adopt.

A tour of the state Capitol is also planned for Monday afternoon. And as always, there will be time scheduled to build relationships and share some lighter moments with state legislators and fellow municipal officials in a Monday evening reception hosted by the TML Risk Management Pool, the Tennessee Municipal Bond Fund, and Tennessee municipal officials. In addition, many officials schedule evening meetings with

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Gov. Phil Bredesen



Lt. Gov. John Wilder



Speaker Jimmy Naifeh

## Falsehoods and confusion surround Kelo eminent domain court ruling

In the wake of the U.S. Supreme Court's decision in *Kelo v. City of New London*, legislatures across the country are rushing to curtail the use of eminent domain. As many as 30 state legislatures have indicated that they are planning to review their state's eminent domain statutes in light of the negative publicity surrounding the *Kelo* decision. In Tennessee, more than 25 bills have been filed for consideration by the Tennessee General Assembly.

One of the many outcomes of the *Kelo* decision has been an outpouring of public concern over what has been perceived as a dramatic expansion of government power. Many have been led to believe the court decision created new, broad, and sweeping allowances for federal, state, or local

governments to come in and take someone's home or business and, then, just give it to someone else with no questions asked.

In Tennessee, the power of eminent domain lies with the General Assembly and it may only be exercised in accordance with our constitution and state laws. The reality is that Tennessee state law does not include language similar to the Connecticut statute that is at the center of the *Kelo* case and, therefore, the type of condemnation contemplated in the *Kelo* case, is not allowed under Tennessee statutes.

Before rushing to judgment, altering the state's constitution, or enacting any sweeping legislative changes to the state's statutes that have served this state so well for so long, one should be careful to separate the truth from the rumors and

misinformation surrounding the *Kelo* decision.

### Myth vs. Reality

**Myth:** The *Kelo* decision creates new, broad, and sweeping allowances for federal, state, or local governments and invites a flood of abusive land grabs; endangering every home and business and marking the death of all property owners' rights. Nothing is to prevent local governments from replacing a Motel 6 with a Ritz-Carlton or any home with a shopping mall.

**Reality:** The *Kelo* decision did not create any new "super authority" for Tennessee's local governments. Eminent domain is a sovereign power that lies with state legislatures, and each state legislature is free to enact its own statutes. Accordingly, the laws governing the

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## Drug courts propelled by funding proposal

BY VICTORIA JONES

TML Communications Coordinator

Each year, the names are called and certificates awarded, but this is no ordinary commencement ceremony. In 2005, 192 participants graduated from Tennessee's drug courts, an intensive, long-term residential and outpatient treatment program for non-violent chemically dependent offenders.

Recognized as a significant component in Tennessee's war on drugs, Gov. Phil Bredesen recently announced plans to create new drug courts across the state and fund existing programs through a \$3.5 million budgetary allotment for 2006-2007.

Under the plan, \$500,000 will be allocated toward Judge Seth Norman's nationally recognized residential drug court located in Davidson County, while \$1.5 million is to be distributed evenly between Shelby, Knox, and Hamilton counties to help establish similar residential programs. Another \$1.5 million will be distributed throughout the state to establish other drug courts.

"Tennessee has been a leader in its creation of a residential drug court, and this money will help make this model treatment program available in other regions of the state," Bredesen said.

Currently, there are some 1,100 participants in the 39 courts that serve 47 counties. In Davidson County, the residential treatment program includes 90 days of intensive drug treatment and an additional 90-day work requirement. According to Judge Norman, 90 percent of his court's participants are addicted to cocaine.

"In Davidson County, it's cocaine, in any other direction, particularly Chattanooga or Memphis, it's meth," said Norman, who has presided over the residential facility since its inception in 1997. Norman credits the governor's proposed legislation prohibiting off the counter sales of pseudoephedrine, ephedrine and phenylpropranolamine found in common cold and sinus products and considered to be precursors to the manufacturing of methamphetamine, with lowering the number of meth related cases he hears annually.

"Nine years back, it was crack cocaine that people said we would never be able to treat effectively," he said. "Now, they say it's nearly impossible to treat someone addicted to meth. Two meth cases



Graduation ceremonies at The Nashville Drug Court, the model treatment program setting the example for the entire state of Tennessee.



Judge Seth Norman, the inspiration behind motivating non-violent drug offenders to change their lives, shares one of many success stories with Congressman Zach Wamp. The financial savings are monumental when offenders are rehabilitated and placed in the workforce rather than being warehoused in jail.

have been here since June, and we have been pleasantly surprised at our success rate."

Rep. Janis Sontany reported in July that Norman's court, which provides residential treatment for male and female offenders for up to 18 months, had a recidivism rate of less

than 20 percent.

"Intensive drug treatment costs taxpayers about one-fifth less per day than it would for incarcerated offenders," Tennessee Supreme Court Justice Riley Anderson estimates. "Drug courts are much more

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## Bush's budget cut homeland security, CDGB funds, and clean water programs

BY NLC POLICY AND FEDERAL RELATIONS STAFF

The Bush Administration released its budget proposal for fiscal year 2007 last week.

The bad news for cities is that the Administration's proposal would again cut important municipal programs for homeland security, community development, and clean water.

The good news is that the Administration's proposal is only a non-binding request to Congress and many congressional Republicans are not happy with it.

"It is scandalous to provide insufficient funding for our nation's two greatest capital investments, health and education," said Sen. Arlen Specter (R-Pa.), chair of the Senate Appropriations Subcommit-

tee on Labor, Health and Human Services, Education and Related Agencies.

In an election year, the Administration may find it difficult to persuade Congress to vote for more cuts to popular domestic programs.

### Municipal Response to Administration Proposal

The Administration's budget blueprint offers little help to municipalities that must once again prepare for the annual budget battle in Congress to preserve federal funds for important domestic programs.

"While we are heartened to see that the President has proposed a substantial increase for Section 8 housing for our neediest Americans, we are disappointed that once again the Community Development Block Grant Program has been significantly reduced," said NLC President

James C. Hunt, councilmember from Clarksburg, W.Va. "Funding for this program, which is one of the most flexible and successful programs we use to bolster the economic vitality of our communities, has been cut by more than \$1 billion. Every public dollar used from the CDBG program is leveraged by an additional \$3 in private funding—a significant economic boon to our communities.

"We worked hard last year to save this critical program and so in the coming months, we will once again work to make sure our members of Congress know how important it is to us."

### Budget Proposal Overview

The Bush Administration's proposed \$2.77 trillion fiscal year 2007 budget would increase overall

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## Proposed statewide cable franchising fee eliminates local control, affects revenues

BY CAROLE GRAVES

TML Communications Director

Legislation has been filed for consideration by the General Assembly that would replace the existing cable television franchising regime with a single, statewide franchising agreement to be administered by the Secretary of the State and the State Comptroller. If enacted, the new law would eliminate local control of cable television franchising, compound existing fiscal pressures on local governments, and erode consumer protections.

SB 3210 filed by Sen. Jim Tracy and a companion bill, HB 3636, filed by Rep. Steve

McDaniel proposes several changes that are of great concern to local governments.

First, some industry experts predict that proposed definitional changes and adjustments to the manner in which fees are currently determined could reduce local government cable franchising revenues by as much as 25 percent.

Second, the bill transfers the authority to enforce franchising agreements and to collect franchising fees from the local government to the State Comptroller, needlessly creating additional state bureaucracy and consuming limited state resources.

Third, the bill requires local governments to fund public, educa-

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Photo by State of Tennessee Photographic Services

In celebration of Read Across America Day, students from Shane Elementary School in Nashville present Rep. Les Winningham, chair of the House Education Committee, with copies of Dr. Seuss books. The entire Education Committee were presented with books to sign and give back to the children. Originally created as a one-day event to celebrate the joy of reading on March 2, Dr. Seuss's birthday, the National Education Association's Read Across America has grown into a nationwide initiative that promotes reading every day of the year.

**NEWS  
ACROSS  
TENNESSEE**



**PEOPLE**



**BY TISH WOMACK**  
TML Research Analyst

**CHARLESTON**

Guidelines developed for a Low-Speed Motor Vehicle ordinance passed by the city of Charleston will be featured and published by National League of Cities for other communities to use. Police Chief Hank Hayden indicated Charleston adapted an ordinance on golf carts the city of Etowah passed.

**CHATTANOOGA/  
KNOXVILLE/NASHVILLE**

These three cities received \$85,000 grants from the Tennessee Department of Environment and Conservation for operations and maintenance costs of their household hazardous waste collection centers.

**CHATTANOOGA**

Ground was broken for the "Wall of the Fallen," a national memorial to tow truck operators killed while performing their job. It is the only memorial of its kind and is being built by the International Towing and Recovery Hall of Fame and Museum located at the base of Lookout Mountain.

**CLEVELAND**

Many of the trees that enhance the city are grown in Cleveland's own nursery. Urban forester Dan Hartman indicated that the nursery grows species that do well in the city's environment and are hard to find in the nursery industry. The effort saves the city money and gives the city a ready tree source for projects as they arise.

**ELIZABETHTON**

The city schools' academic achievements brought praise from Tennessee Department of Education's Dr. Connie Smith who termed them as "envious." The

system's high graduation rate and low dropout rates garnered the most praise along with community support through a high percentage of local funding.

**ETOWAH**

Gov. Phil Bredesen was on hand for the groundbreaking ceremony for Johns Manville manufacturing plant expansion. The expansion will create more than 150 jobs for the Etowah area.

**GALLATIN**

Samic Music Corp., a South Korean piano manufacturer, announced it will move its U.S. headquarters from Southern California to Gallatin. Thirty current employees will move with the company and another 50 to 75 workers will be hired locally over a three-year period.

**JOHNSON CITY**

Energy Systems Group Inc. will be converting methane gas from the city's Iris Glen landfill to energy and sending it directly to users by the end of this summer, according to an announcement by ESG. The contract between ESG and the city is for the company to purchase gas for at least 25 years.

**JOHNSON CITY**

Crime mapping by zone and the use of high technology will aid the police in deploying resources to problematic areas. The crime mapping software was purchased using a \$40,000 Project Safe Neighborhood grant from the U.S. Department of Justice.

**KINGSPORT**

Eastman Chemical Co. announced it will hire 2,000 employees from 2006 through 2010 to offset the projected baby boomer retirements. The company employs 7,500 in Kingsport and about 12,000 worldwide, including those in Kingsport.

**MEMPHIS/NASHVILLE**

Both cities have been invited to join 29 other cities in bidding for the 2008 Republican National Convention. Basic requirements for hosting the convention are: a convention facility capable of seating at least 20,500, a willingness to provide and pay for security of the convention, and 20,000 hotel rooms and 2,000 one and two-bedroom suites.

**MOUNT JULIET**

When dealing with non-English speakers, the city's police officers now have access to a language interpretation service, via conference call, provided by Language Line Services Over-the-Phone Interpretation. The Language Line has professional interpreters who can translate more than 150 languages.

**NASHVILLE**

It is now official, the Nashville Sounds, a Triple-A minor league baseball team, will build a new stadium on the old Nashville Thermal Transfer Plant site on the banks of the Cumberland River in downtown Nashville. Opening day will be in 2007.

**NASHVILLE**

Greenways for Nashville is the recipient of a \$7,500 grant from the second annual *Count on Concrete* program, a joint effort of The Conservation Fund and the National Ready Mixed Concrete Association. The grant will be used to enhance local trails and greenways near Nashville.

**SELMER**

Selmer Apparel, manufacturer of uniforms for healthcare and other industries, dealt a blow to the area's economy with its closing announcement that leaves 225 without jobs. The jobs are moving offshore to Honduras.

**SPRING CITY**

A grant for Internet assistance from the National Center for Rural Law Enforcement and the Bureau of Justice Assistance has made it possible for the police department to have a website. Featured on the site is information about the police department, animal control, some city ordinances, and city court.

**TOWNSEND**

The 450-gallon underground still that once resided on Carr's Creek in Townsend is now on display at the Smoky Mountain Heritage Center thanks to a donation by Chuck Williams, son of the original owner. The still, owned by the late Charlie Williams, well hidden and never discovered by the Alcohol, Tobacco and Firearms revenue agents, was touted as making the best tasting moonshine ever.

U.S. Rep. **Bill Jenkins** announced he would not run for re-election in November.



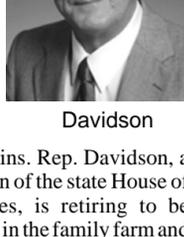
Jenkins

Rep. Jenkins served as the only Republican Speaker of the Tennessee House of Representatives in the 20<sup>th</sup> century, was a TVA director and a Circuit Court judge. He will have completed five terms as Congressman at his retirement.



Davis

Two more state representatives, **David Davis** and **Gene Davidson** have announced they will not run for re-election. Rep. Davis will run for the congressional seat being vacated by U.S. Rep. Bill Jenkins. Rep. Davidson, a 32-year veteran of the state House of Representatives, is retiring to be more involved in the family farm and grain elevator business.



Davidson

Newport Police Chief **Maurice**

**Shults** has been appointed to the High Intensity Drug Trafficking Area Agency executive committee for a two-year term. In an effort to fight drug trafficking, HIDTA, using federal state and local agencies, responds to mid and high level drug trafficking and drug threats. The agency also provides intensive training to law enforcement officers in its region.

Dover voters elected **Lesa Fitzhugh** mayor in the February election.

Lenoir City hired native son **Don White** as police chief. White worked for the Drug Enforcement Agency for eight years prior to accepting the Lenoir City position.

Cleveland announced the appointment of **Chuck Atchley** as fire chief. Atchley has been with the city's fire department for 25 years.

Signal Mountain hired **Diana Campbell** as town manager at its February meeting. She had been the town recorder since 2000.

Collegedale City Manager **Carol Mason** relinquished her position effective immediately. She will remain as a consultant until April. She is replaced on an interim basis by Dr. **Janet Kelly-Carr**.

**Louise Rohren Sundquist**, mother of former Gov. **Don Sundquist**, died at age 93 on Feb. 3.

**Annie Lee Stephens** died at 86 Feb. 14. She was the wife of the former long-time Wartrace mayor, **Roscoe Stephens**, who died in July 2005.

**Franklin firefighter named Fire Educator of the Year**

City of Franklin firefighter Jeff Huddleston has been named "Public Fire Educator of the Year" by the Tennessee Division of Fire Prevention. The award was presented at a banquet held Feb. 12 in Nashville.

"We are honored to have someone of Jeff's caliber in our department," said Franklin's Fire Chief Rocky Garzarek. "This award is well-deserved. Jeff has always been a champion of fire safety education and fire prevention and his commitment to educating children on fire safety is outstanding!"

Huddleston has served with the Franklin Fire Department for seven years and is very active in the department's Fire Prevention week. His dedication to public fire education is also evident through his involvement in the Camp Phoenix Burn Camp and his work with the Tennessee Firefighters Burn Foundation Inc. where he helps assist burn survivors in their recovery and teaches burn awareness education.



Jeff Huddleston

"We join the Tennessee Division of Fire Prevention in acknowledging Jeff's remarkable efforts," said Jay Johnson, City Administrator. "This is just another example of the numerous ways the Franklin Fire Department has made a difference in our community."

Fire Marshall Andy King and Assistant Fire Marshall Darin Coyle represented the Franklin Fire Department at the banquet.



City of Lewisburg closes a loan with the Tennessee Municipal Bond Fund (TMBF) for renovations and improvements to city buildings. From left are TMBF Vice President Kevin Barnett, Lewisburg Mayor Bob Phillips and City Recorder Connie Edde. TMBF has now closed more than \$2.1 billion in loans to local governments across Tennessee.

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## NATIONAL BRIEFS



BY TISH WOMACK

The 150 year-old telegraph service, Western Union, has gone the way of the carrier pigeon with the delivery of its last telegram on Jan. 27. Once it was cheaper to send a telegram than to make a long-distance phone call; however, with the advent of the Internet and other technologies the telegram was doomed. The last telegrams sent dealt with birthday wishes, condolences on a death, notification of an emergency and others trying to be the last sent telegram. In its heyday, telegrams brought news of historic events, such as the first flight in 1903 and the beginning of World War I, as well as War Department notices of soldier deaths to families during WW II.

## More funding proposed for drug courts

DRUGS from Page 1

economical with some counties reporting recidivism rates as low as 10 percent. The recidivism rate in the general prison population is estimated as high as 60-80 percent."

Norman hopes to take the court system a step further, working to secure some type of transitional housing for up to one year for those graduating from the program. "We've found that many of these people come from dysfunctional homes," he said. "After they finish the program, they have no where to go but the drug induced environment they came from. Most are young, 22 to 23 years old. They need some place to stay, a community of other recovering addicts they can talk to until they stabilize".

Teresa Irwin, Program Director for the Maryville non-residential drug court agrees.

"Drug court means looking at justice a whole new way," she said. "The people locked up for these crimes (drug related theft, bad checks, property damage) are not locked up forever. Do we want them to come back into society with no tools to live a clean and sober life? Something must break the cycle".

That is why Maryville's drug court presided over by Circuit Judge D. Kelley Thomas Jr. focuses on providing participants with necessary societal tools "They have to make a list of 300 personal beliefs that they hold to be true," Irwin continues. "Many of them think that it's ok to steal. They believe that you should protect what's yours or it's ok for someone else to take it away. It is a self-centered view".

All participants have pleaded guilty and attend drug court as a condition of their sentencing, attending court four nights a week for three hours a night, must be employed for 30 hours a week, and attend AA or NA support group meetings for one to two years.

"We graduate approximately 50 percent of the class with a recidivism rate of only five people in our past history," Irwin said, adding that there is a required after-care program as well. "We're asking people to change their belief system, their entire way of life, she continues. "I'm proud of the 50 percent."

Currently Maryville's drug court is funded through state and local grants. A Byrne Justice Assistance grant of \$80,000 a year will soon expire, Irwin notes. Cut by \$215 million during 2005-2006, the grant has been totally eliminated under the Bush Administration's 2007 budget proposal.

"I was encouraged by the Governor's announcement and hoped we would get some of the \$1.5 million," Irwin said. "We could do so much with more funding."

## Partnership produces new economic development course

BY VICTORIA JONES

TML Communications Coordinator

Thanks to a collaborative effort between the University of Tennessee's Municipal Technical Advisory Service (MTAS) and Tennessee's Economic & Community Development office (ECD), an outstanding resource program for Tennessee's elected officials just got sweeter. The Elected Officials Academy, a three-level program designed exclusively for elected officials developed by MTAS, has now added an economic development segment to its Level I curriculum.

"This is a great opportunity to work together utilizing our joint expertise and relationships with cities to enhance economic development goals in local governments across the state," said Mike Tallent, MTAS assistant director.

During a November planning session sponsored by ECD and facilitated by Vanderbilt University, Tallent expressed the need for an economic development component within the Elected Officials Academy structure, a point resoundingly supported by Melinda Keifer, director of community development, and Joe Barker, ECD assistant commissioner.

"A lot of part time elected officials are from rural areas and may come from business, not municipal backgrounds," Barker explains. "They've had no experience in economic development and newly elected officials do not have a manual that tells them what to do."

Keifer agrees, "There are also things that are global and have an economic development impact. The vision is ever evolving and you can't answer new questions with old methods. Our hope is to furnish communities with whatever they need to be a success."

After conferring with Tallent, Keifer suggested an added bonus of Three-Star certification points for communities completing the program. "Our goal is to partner with any state or non-state agency that will help provide three-star incentives for communities. We hope to get 60 percent of municipal officials per Three-Star program area through the academy, and the community will be awarded 50 points."

"A lot of the credit goes to MTAS, added Barker. "MTAS suggested something we could do as a partnership in order to help communities."

Recently recognized as a best practices program and Southern leader in community certification programs by The Southern Growth Policies Board, the ECD Three-Star



Melinda Keifer, Director of the Community Development Division of The Tennessee Department of Economic and Community Development and the Director of the Tennessee Leadership Center Dr. David Kolzow speak to the group.

program provides point incentives on three-levels as communities develop five-year strategic plans toward economic development certification. Communities are provided the opportunity to meet a wide range of criteria in organizational, community, business, education and work force development categories. Incentives include: Identification on all FastTrack Infrastructure; eligibility for matching grants; and points in the Community Development Block Grant process as well as select programs within ECD's Energy Division.

Additionally, Three-Star communities may receive assistance in the development of strategic plans and hands-on training and guidance while defining their community development priorities due to ECD's recent partnership with the Tennessee Leadership Center (TLC). Dr. Dave Kolzow of TLC in conjunction with MTAS, developed the course work for the new economic development component which was introduced February 17 in Knoxville.

"The first part is a good foundation of what economic development is and the key trends influencing economic development such as globalization," said Kolzow. "Tennessee is fast becoming part of the national economy and there are new trends in rural areas in service and manufacturing along with small business entrepreneurship. The course helps to translate economic

development for the new workforce."

The session becomes part of a solid academic structure that includes such informative topics as:

- Foundations and Structure of TN Municipal Government
- Charter/Codes, Open meetings and Open Records
- TML League Role and Resources

## Victoria Jones joins TML staff

The Tennessee Municipal League has a new staff member. Victoria (Vicki) Jones joined TML and the Municipal Technical Advisory Service in January as a communications coordinator.

Her primary responsibility will be with TML's newspaper, *Tennessee Town and City*, as a writer, photographer, and production assistant.

She brings with her experience as editor and chief writer of *The Chronicle of Mt. Juliet* and *Madison Messenger* newspapers where she covered and wrote city, county, school board, and planning commission articles as well as features and local news.

Jones also spent five years in Higher Ed Administration at Vanderbilt University where she served under the University Registrar and was Registrar's Assistant for the Peabody Registrar.

She is a lifelong Tennessean, holding a bachelor's degree in English from Middle Tennessee State

- Council at Work
- Finance

Pleased that the academy will offer an added benefit, Tallent concludes, "I have never talked to anyone who finished the Elected Officials Academy who has not said "This is fantastic." "I wish every elected official had the chance to go through this program!"



Victoria Jones

University and an associate's degree in Humanities from Volunteer State Community College. She also received training at the Elected Officials Academy offered by MTAS.

"I am delighted that I can contribute my experience as a writer and reporter to promote issues affecting Tennessee municipalities," said Jones. "It is also my goal to highlight rural communities as much as possible in the future."

## Tennessee Leadership Center announces 2006 courses

Since its inception six months ago, the Tennessee Leadership Center (TLC) has hit the ground running, providing numerous training opportunities for the Tennessee Department of Economic and Community Development's (ECD) Three-Star program and offering various community development courses for the state's community and economic development leaders.

"TLC represents the strong partnerships at the state and local level that all work hand-in-hand to strengthen and sustain economic growth," said ECD Commissioner Matthew Kisber. "TLC can help Tennessee's economic development leaders grow and expand businesses, which results in more jobs for Tennesseans and a better quality of life for communities."

The core of TLC's mission is training community leaders around the state. The center offers workshops throughout the year on topics such as diversifying the rural economy, site selection basics, communication skills, negotiation skills, organizational management, leader-

ship skill development and community assessment.

Upcoming courses include:

- March 21: Becoming a More Effective Communicator (Nashville)
- March 22: Negotiating for Better Results (Nashville)
- April 18: Developing Leadership Skills for the New Economy (Nashville)
- April 19: How to Diversify the Rural Economy (Nashville)
- May 15: Understanding Basic Economic Development (Jackson)
- May 17: Understanding Basic Economic Development (Nashville)
- May 19: Understanding Basic Economic Development (Knoxville)

A complete list of courses will be available on the TLC Web site at [www.tennesseeleadershipcenter.com/](http://www.tennesseeleadershipcenter.com/). One-day workshops cost \$125 and two-day workshops cost \$225. Courses will be offered on a first-come, first-serve basis. Registration information is also available on the

Web site.

"TLC is a statewide resource for sharing best practices and providing support in economic development efforts," said Dr. David Kolzow, executive director of TLC. "Leaders who utilize the opportunities provided by the center will help advance their communities for job growth and expansion."

Three-Star communities will benefit from TLC's community economic development assessment tools in partnership with Vanderbilt Center for Better Health (VCBH).

Other efforts by the center include:

- Conducted six regional workshops for over 400 community leaders announcing the changes to the Three-Star program and providing training in strategic planning
- Developed a DVD on key economic development trends that is available for use by local communities
- Developed together with ECD and VCBH a book of resource

guidelines for community leaders to use in their strategic planning efforts

The Tennessee Leadership Center is a public-private nonprofit organization partnering with ECD to provide community development training throughout Tennessee.

During the 2004 Governor's Conference, Gov. Phil Bredesen emphasized the importance of strong local community development by launching the revamped Three-Star Program. From this effort, the Tennessee Leadership Center was created in 2005 to compliment the Three-Star Program.

The center provides training and development opportunities for community and economic development leaders so that they can more effectively help their communities compete for jobs and business investment.

TLC is located in the BellSouth Economic Development Center at 333 Commerce Street, Nashville, Tenn. For more information about TLC, visit [www.tennesseeleadershipcenter.com/](http://www.tennesseeleadershipcenter.com/)

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## Statewide franchising fee proposed

**CABLE** from Page 1

tion and government access (PEG) operations and to purchase the equipment necessary to provide PEG programming, representing an enormous cost shift from cable television providers to local governments.

Fourth, the bills, as filed, would exempt cable television providers from any current or future local taxes or fees, effectively establishing cable providers as a special, tax-free class of business.

Lastly, the proposed bill weakens consumer protections and precludes the use of existing oversight measures that allow local governments to ensure all residents within their community are afforded required protections and are granted access to cable programming.

### Federal legislation

In Congress, three federal bills have been introduced that would:

- significantly alter or completely eliminate the ability of local governments to enter into and enforce local cable franchise agreements;
- manage and collect fees for the use of local rights-of-way; and
- prohibit municipalities from providing communications services without first giving the private sector a right of first refusal.

These bills are part of a process that is likely to culminate in a full federal communications act rewrite.

By replacing local franchise agreements with a single, statewide or national franchise agreement, these proposals would eliminate a local government's ability to regulate cable providers' activities within their jurisdiction. Moreover, by establishing a statewide or national franchise fee regime, the proposed legislation offers no assurances that all municipalities will continue to derive the same franchise fee revenues in the future.

TML supports the statutory right of municipalities to regulate the use of rights-of-way and exercise other governmental obligations through negotiated franchise agreements with cable television providers operating within their jurisdiction. TML is also in favor of the continuation of a municipality's ability to derive revenues from these agreements equal to the current maximum fee of 5 percent of the gross revenues.

## On the road to excellence, Kingsport wins prestigious award

BY VICTORIA JONES  
TML Communications Coordinator

A four year journey came to an emotional close Thursday night as the city of Kingsport made their mark in history receiving the 2005 Achievement Award at the 13<sup>th</sup> annual Tennessee Center for Performance Excellence Awards Banquet held in downtown Nashville.

Just one level away from the highest possible honors, Kingsport is the first city government in Tennessee to enter and receive this level of recognition. Kingsport was honored alongside three other organizations, BAE Systems Ordinance Systems, Inc., J&S Construction Co. Inc., Cookeville and Workforce Essentials, Inc., Clarksville. The esteemed 2005 Excellence Award was presented to Mountain States Health Alliance of Johnson City.

The Center, through an annual evaluation and assessment process, recognizes organizations that achieve the highest standards of excellence in both operations and results according to the *Criteria for Performance Excellence* established by the Baldrige National Quality Program. Awards are presented in four categories: Interest Recognition, Commitment, Achievement, and Excellence and are deter-



Photos by Victoria Jones

Kingsport city officials were in attendance to accept the 2005 Achievement Award. Pictured are left to right: Jeff Fleming, assistant city manager for development; Michael Billingsley, city attorney and interim city manager; Jake White, GIS director; Dennis Phillips, Kingsport mayor; Ryan McReynolds, public works director; David Light, community relations director; and Ken Marsh Jr., alderman.

mined on the basis that the criteria are met according to each level.

"We are elated to receive this award," said Dave Light, Kingsport's community relations director, explaining that the city has earned three Commitment Awards prior to receiving this honor. "We turned in our written application this year detailing our objectives relative to the criteria, (about 50 pages) on July 31, and then we received an on-site visit in November. A report was generated from this inspection detailing our strengths and weaknesses. Around New Year, they informed us that we had earned the Achievement Award."

According to Light, the pursuit for excellence has spanned across all city departments and has involved every employee. "We want to give the best service we can possibly give to our citizens, who pay our salaries, Light said, adding that \$12 million was

saved during the four year endeavor.

"Excellence implies more than competence," said Katie Rawls, president of the Tennessee Center for Performance Excellence. "It means striving for the highest possible standards. The 2005 Award winners represent the best and have done a great service by setting high standards for others to follow. I applaud their accomplishments." Rawls was on hand, along with former Gov. Ned Ray McWherter and Commissioner of the Tennessee Department of Economic and Community Development, Matt Kisber to extend their congratulations and help present the awards.

The board of examiners, com-

posed of 100 experts in various fields of interest, assessed this year's applicants in seven categories: leadership; strategic planning; customer and market focus; measurement, analysis and knowledge management; human resource focus; process management; and results.

The Tennessee program is a national and international role model that is open to all businesses as well as public and private education institutions, health care organizations, government agencies and other non-profit entities. Since its inception in 1993, more than 1000 organizations have participated, progressing though one or more levels of achievement.



Former Gov. Ned McWherter praised the participants as he assisted in presenting the honors.

## City University Municipal Administration Program March 2006

### Planning and Zoning

**MTAS**

MUNICIPAL TECHNICAL  
ADVISORY SERVICE

#### Who should attend

Municipal officials and municipal staff who have planning and zoning responsibilities

#### Time

Public Administration Courses run from 8:30 a.m. to 12:30 p.m.

#### Dates and Locations

Johnson City	March 1
Knoxville	March 2
Collegedale	March 7
Smyrna	March 14
Cookeville	March 15
Bartlett	March 28
Jackson	March 29

#### Training Facilities

**Bartlett** Bartlett Performing Arts and Conference Center, 3663 Appling Road

**Collegedale** Collegedale City Hall, 4910 Swinyar Drive

**Cookeville** Town Center, One West First Street

**Jackson** West Tennessee Center for Agricultural Research, Extension, and Public Service, 605 Airways Boulevard

**Johnson City** Johnson City Public Library, 100 West Millard Street

**Knoxville** University of Tennessee Conference Center, 600 Henley Street

**Smyrna** Smyrna Town Centre, 100 Sam Ridley Parkway

To register for this municipal administration program class, please visit the MTAS web site at [www.mtas.tennessee.edu](http://www.mtas.tennessee.edu) or contact Yana Truman at [yana.truman@tennessee.edu](mailto:yana.truman@tennessee.edu) or 865.974.9833. For program information, contact Kurt Frederick, MTAS Training Consultant, at 615.253.6385 or e-mail [kurt.frederick@tennessee.edu](mailto:kurt.frederick@tennessee.edu). Fees are \$20 per person per class for municipal employees and \$50 per person per class for all other participants.

## City University Municipal Administration Program March 2006

### Diversity in the Workplace

**MTAS**

MUNICIPAL TECHNICAL  
ADVISORY SERVICE

Jackson	22
Smyrna	23

#### Time

Leadership courses are offered twice in each location.

*Morning sessions* begin at 8 a.m. and conclude at 12 p.m.

*Afternoon sessions* begin at 1 p.m. and conclude at 5 p.m.

#### Training Facilities

**Jackson** West Tennessee Center for Agricultural Research, Extension, and Public Service, 605 Airways

Boulevard

**Knoxville** University of Tennessee Conference Center, 600 Henley Street

**Smyrna** Smyrna Town Centre, 100 Sam Ridley Parkway

To register for this municipal administration program class, please visit the MTAS web site at [www.mtas.tennessee.edu](http://www.mtas.tennessee.edu) or contact Yana Truman at [yana.truman@tennessee.edu](mailto:yana.truman@tennessee.edu) or 865.974.9833. For program information, contact Kurt Frederick, MTAS Training Consultant, at 615.253.6385 or e-mail [kurt.frederick@tennessee.edu](mailto:kurt.frederick@tennessee.edu). Fees are \$20 per person per class for municipal employees and \$50 per person per class for all other participants.



Kingsport is awarded the Tennessee Center for Performance Excellence 2005 Achievement Award. Pictured are left to right: Katie Rawls, TNCPE president; Kingsport Mayor Dennis Phillips; Michael Billingsley, interim city manager/city attorney, and Matt Kisber, commissioner of the Tennessee Department of Economic & Community Development.

## 2006 CALL FOR NOMINATIONS

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- For more information, go to [www.nlc.org](http://www.nlc.org), email [mrs@nlc.org](mailto:mrs@nlc.org), or call (202) 626-3130. Nominated cities must be members of NLC.
- Nominations must be received by **June 21, 2006**.



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**Instructor:** Lenissa Mostella, Coordinator III and Diversity Trainer, University of Tennessee Office of Equity and Diversity, and Kurt Frederick MTAS Training Consultant.

#### Who should attend

All municipal employees

**Dates and Locations**  
Knoxville 14

# Confusion surrounds Kelo case

MYTHS from Page 1

use of eminent domain vary from state to state. In the *Kelo* case, the U.S. Supreme Court ruling was based on the court's long-standing practice of granting deference to the state's statutes and the state's legislative, executive and judicial branch interpretation of those statutes. In this instance, the court's ruling was limited to the use of eminent domain in the state of Connecticut and does not supersede or overturn any state's statutes, including those with statutes that are more restrictive than Connecticut's.

**Myth:** After *Kelo*, state and local authorities may invoke eminent domain authority as a means for replacing an existing home or business with a bigger home or business solely as a means to increase the community's tax base.

**Reality:** The actions of New London and the court's decision are rooted in a Connecticut statute that allows for the use of eminent domain powers for the purpose of economic development. Tennessee's laws only authorize municipalities to exercise eminent domain powers for 18 specific uses. Economic development, increasing revenues, and aesthetic enhancements are not included among the list of those 18 purposes authorized under the Tennessee statutes. Therefore, the type of condemnation dissenters allege is contemplated in the *Kelo* ruling, is not allowed under existing statutes.

**Myth:** It's much easier for a municipality to exercise eminent domain than to buy the property from willing owners.

**Reality:** Displacing a resident from their home, under any circumstances, is serious business. Across the state, cities dislike exercising eminent domain and prefer to negotiate with private property owners in an effort to arrive at mutually agreed upon terms for use of all or part of an individual's property. Authorities that abuse this privilege risk creating volatile situations within their community and among their constituencies. Nothing attracts more scrutiny and criticism than the use of eminent domain. Consequently, local officials do not make these decisions arbitrarily.

**Myth:** Local authorities are free to use eminent domain to cease any piece of private property at any time with no involvement of the affected property owner or community.

**Reality:** Tennessee statutes spell out the processes and procedures by which a municipality may condemn property by eminent domain.

Before eminent domain is exercised, the condemning entity must first demonstrate that it is for a valid public use. In addition, the statutes detail a formal process which must be completed, including notification of the property owner and general public. These processes and procedures also include the rights of the private property owner, which among other things, guarantees the property owner an opportunity to question the validity of the declared use, as well as the amount to be paid in compensation before a judge and jury.

**Myth:** Eminent domain is a fairly new concept devised by tax-hungry bureaucrats and land-hungry developers.

**Reality:** As early as 1837, the Supreme Court recognized that eminent domain could be used to promote "the public interest." Federal, state, and local governments have exercised eminent domain for decades as a means to help governments respond to community needs. When used judiciously, eminent domain is a fundamental and necessary tool that assists governmental entities in their efforts to provide new schools, good roads, environmentally safe water and sewer systems, and slum clearance. These are all essential functions that could be adversely affected should the state legislature become overzealous in their effort to curtail eminent domain powers.

## Tennessee Municipal League board to meet

Notice is hereby given that the Board of Directors of the Tennessee Municipal League will meet in regular public session on Monday, March 6, 2006 at 11 a.m. in the Tennessee Ballroom (Lobby Level) of the Doubletree Hotel, 315 4th Avenue North, Nashville, TN., for the purpose of considering and transacting all business that may

# TML updates membership at district meetings



Pulaski Aldermen Charles Jenkins and Tommy Watkins.



John Holloway, TML lobbyist; Wallace Cartwright, Shelbyville vice mayor; Paul Nutting, Springfield city manager and TML District 5 director; and Ed Craig, Shelbyville city manager and TML District 6 director

Photos by Victoria Jones



Charles "Bones" Seivers, president and CEO of Tennessee Municipal Bond Fund; Tommy Bragg, Murfreesboro mayor and TML vice president; and Don Trotter, Clarksville mayor and past TML president.



Shelbyville Mayor Geneva Smith and Tullahoma Alder member Janice Bowling.

## Legislative Conference March 6-7 at DoubleTree

TML from Page 1  
their legislators following the reception.

On Tuesday, a full breakfast will be served beginning at 7:30 a.m., followed by a special panel presentation on Tennessee's Sunshine Law. Moderated by Gene Policinsky, executive director of the First Amendment Center, the panel will include Justice Connie Clark,

Tennessee State Supreme Court; Robb Harvey, Nashville attorney with Waller, Lansden, Dortch, and Davis; and Frank Gibson, executive director of the Tennessee Coalition for Open Government.

City officials are encouraged to use the remainder of the day on Tuesday to attend committee meetings in the Legislative Plaza.

The voice of Tennessee's municipal governments must be heard in the legislative process, and the TML Legislative Conference is one key opportunity to communicate that message.

To register on line, go to TML's web site at [www.TML1.org](http://www.TML1.org). Contact the TML offices at 615-255-6416 for more information.



Gina Holt, Springfield assistant manager; Ray Crouch, Kingston Springs mayor and MTAS fire consultant; and Jimmy Scurlock, Dover city manager.

### TML 2006 Legislative Conference Schedule

#### Monday, March 6

- 11 am - 1 pm Registration  
Cumberland Ballroom  
Second Floor
- 1 - 1:15 pm Welcome  
John Franklin  
TML President
- 1:15 - 1:45 pm Gov. Bredesen
- 1:45 - 2 pm House Speaker  
Jimmy Naifeh
- 2 - 2:15 pm Lt. Gov. John  
Wilder
- 2:15 - 2:30 pm Break
- 2:30 - 3 pm Drew Rawlins  
Registry of  
Elections
- 3 - 3:15 pm Bob Schwartz,  
MTAS
- 3:15 - 3:30 pm TML Legislative  
Update
- 3:30 - 3:45 pm Closing
- 4 - 5 pm Legislative Plaza  
& Capitol tour
- 6 - 8 pm Light reception  
Cumberland  
Ballroom

#### Tuesday, February 24

- 7:30 - 8 am Buffet Breakfast  
Cumberland  
North
- 8 - 9 am Sunshine Law  
Panel

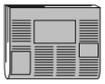
# ABILITY



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TML Board meets March 6

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### AIRPORT EXECUTIVE DIRECTOR

**MILLINGTON.** The Millington Regional Airport is accepting resumes for the appointed position of executive director who serves at the will and pleasure of the airport authority board of commissioners. Duties and responsibilities include supervising assigned employees and directing daily operations; overseeing construction projects and maintenance of equipment; designing and implementing business development and revenue growth plans as well as marketing strategies, public relations and community relations programs to further the goals and objectives of the board of commissioners. The person hired will also be responsible for preparing budgets, maintaining records and preparing required reports; seeking, administering and overseeing grant applications and projects; and performing all other tasks as assigned. A bachelor's degree in business administration, public administration, marketing or job related area with a minimum of three years in airport management, aviation management, or related field to include proven administrative and management skills are required. Any equivalent combination of education, training, and experience which provides the requisite knowledge, skills and abilities will be considered. Supervisory experience is required as is a valid Tennessee driver's license. Salary: DOQ/E. Submit resume and salary requirements in person at: The city of Millington Personnel Department, 4836 Navy, Suite 3, Millington, TN 38053 or email to: [donaldson@cityofmillington.org](mailto:donaldson@cityofmillington.org). Fax: 901-873-5636. Position open until filled. EOE.

### MUNICIPAL BUILDING INSPECTOR

**ERWIN.** The town of Erwin is accepting resumes for the position of building inspector. The person hired must have graduated from an accredited high school or equivalent, a bachelor's degree from an accredited college or university preferred; have a valid Tennessee driver's license; have completed specialized course work in building codes and principles with certification obtained from Tennessee State Fire Marshal's Office as building inspector preferred; have at least five years experience as a building inspector, engineer, architect, or as a superintendent, foreman or competent me-

chanic in charge of construction. Salary: DOQ plus excellent benefits. Send resume to: city Recorder's Office, P.O. Box 59, Erwin, TN 37650. Application is a public record. EOE.

### TOWN ADMINISTRATOR

**CASWELL BEACH, NC.** The town of Caswell Beach, population 443 (seasonal 4,000), is seeking qualified candidates for the position of town administrator with proven capabilities in communication, public safety, public works, budgeting, personnel administration, planning project management, grantsmanship, and environmental issues. The successful candidate will lead the town in effort while directing a small, but growing administrative and public works staff, and carrying out the policies of the elected governing body of a mayor and five commissioners. The town is also implementing a town-wide wastewater system and addressing stormwater management issues. A bachelor's degree in public administration, business administration, information technology, or other appropriate field acceptable to the governing body is required, a master's degree preferred. A minimum of four years experience in North Carolina or county government, or the equivalent is expected. Salary: \$45,000+ DOQ/E. Full job description and additional information available online [www.caswellbeach.org](http://www.caswellbeach.org). Send resume and cover letter stating salary requirement, salary history, and estimated date of availability to: Town of Caswell Beach, Attn: Mayor Harry Simmons, 1100 Caswell Beach Road, Caswell Beach, NC 28465. EOE.

### PARKS AND RECREATION DIRECTOR

**COLUMBIA.** The city of Columbia is seeking qualified applicants for the director of parks and recreation director position who will assume, under the general supervision of the city manager, duties of planning, organizing and coordinating recreational activities for city residents; supervising departmental staff; and grounds/facilities maintenance. The person hired must have a bachelor's degree in parks and recreation or related field and five years experience in parks and recreation management and administration. Salary: DOE. A physical examination and drug screening will be required of the successful applicant. Submit resume with salary requirements and list of references to: Personnel Director, City of Columbia, 707 N. Main Street, Columbia, TN 38401. Fax: 931-381-7722. Additional information available by calling 931-380-2700 or by writing. Position open until filled. EOE.

## City of Franklin closes on eastern flank of the battlefield

The City of Franklin has officially closed on the "Country Club of Franklin" property celebrated by a ceremony at the Club House Feb. 7. "We wanted to wait until after the holidays to celebrate this momentous event, Franklin Mayor Tom Miller said. "With this acquisition, we've been able to reclaim the largest last-remaining parcel of the Eastern Flank of the Franklin Battlefield and that's something we definitely need to celebrate!"

"We must thank the Board of Aldermen for the work they've put into this project, and also recognize City Administrator Jay Johnson, Finance Director Russ Truell, and City Attorney Doug Berry for making this a reality."

Speakers at the celebration included Rod Heller, previous owner of the property; Doug Brouder with the Civil War Preservation Trust; Paul Hawke with the American Battlefield Protection Program; and Julian Bibb with Franklin's Charge.

"None of this would have been possible without the thirteen organizations that comprise Franklin's



Attending the celebration are left to right, Joe Cashia; Julian Bibb, Franklin's Charge; Doug Brouder, CWPT; Robert Hicks, Franklin's Charge; previous owners of the property, Kay and Rod Heller; Paul Hawke, ABPP; and Mayor Tom Miller.

Charge and the hundreds of donors that were able to rally together for this endeavor," said City Administrator Johnson.

Franklin's Charge contributed \$2.5 million towards the \$5 million used

to purchase the 110 acres from Mr. Heller.

The City of Franklin contributed the other \$2.5 million, funded mostly through the issuance of general obligation bonds.

## STATE BRIEFS



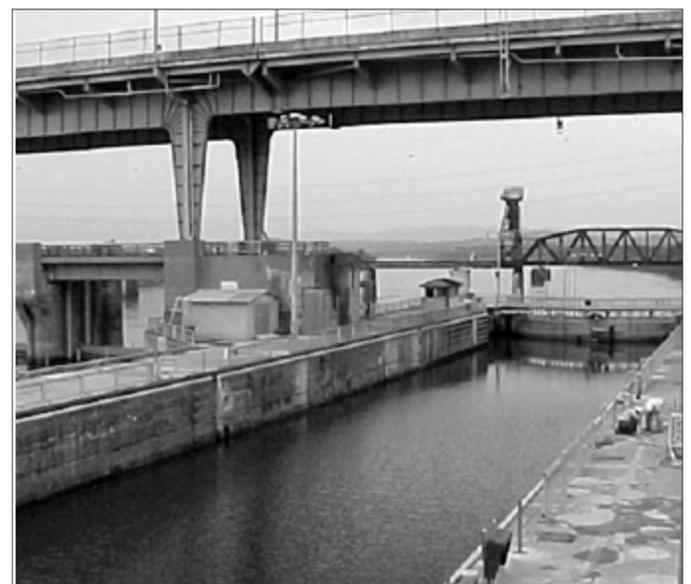
BY TISH WOMACK  
TML Research Analyst

**Donations in the amount of \$4.3 million** have been made toward the restoration of the Executive Residence, mostly from big businesses and citizens. The total amount raised toward the \$10 million project is \$6 million, including nearly \$2 million in pledges.

**Amid the constant drum beat of job losses** and jobs being moved overseas comes the news that Tennessee had another double-digit export growth quarter, the eighth consecutive such quarter. That export growth, according to a report from Middle Tennessee State University, is approximately twice the rate for the U.S.

**A report issued by the University of Tennessee's Center for Business and Economic Research** predicts the state's economy should continue to expand over the next few years. Despite the anticipated gains in the coming years, Tennessee's economic growth will still lag behind the nation.

**The U.S. flag known as "Old Glory"** will be on display at the Tennessee State Museum in Nashville for eight months beginning mid-March. The flag was given to a Massachusetts sea captain, William Driver, by his family prior to his



The Chickamauga Lock in the Chattanooga area is included as an earmarked funding item for \$27 million in the Bush Administration's proposed FY 2007 budget.

round-the-world voyage in the early 1820s. Driver retired to Nashville. During the Civil War, he sewed the flag into his bed covers to prevent it from being found and burned. It was later donated to the Smithsonian Museum.

**Gov. Phil Bredesen signed an executive order** establishing the Governor's Interagency Alternative Fuels Working Group to develop a comprehensive state alternative fuels strategy for the state.

### Final alignment planned for I-SR 840 South

The Tennessee Department of Transportation (TDOT) has announced that the state will go forward with recommendations recently submitted to TDOT by the Citizens Resource Team (CRT) charged with studying alignment options for the final segment of State Route 840 South in Williamson County. That section runs approximately 10 miles in length from Bending Chestnut Road to east of Thompson Station Road near Nashville.

"We believe the Citizens Resource Team's recommendation represents the best option encompassing all considerations from right of way impacts to environmental impacts," said Gov. Bredesen. "After reviewing the scope of their work, and a good deal of public input, we agree with the recommendations provided by the CRT. I would like to thank all members of the team for volunteering for this rigorous duty."

"This decision was literally years in the making, as many people know who have been passionately involved in the process," stated TDOT Commissioner Gerald Nicely. "A majority of the team reached the conclusion that the corridor known as Alternate One is the best option, and we agree."

Nine corridors were considered by the CRT during a series of 15 meetings. Alternate One extends between Bending Chestnut Road past the Natchez Trace Parkway crossing to near Thompson's Station Road. It was designed to reduce the number of crossings of Garrison Creek and other headwaters to one crossing and to explore utilizing city-owned property instead of private property for a portion of the alignment. It also avoided cultural and prehistoric sites identified near the eastern terminus between Carter's Creek Road and Thompson's Station Road.

In the spring of 2003, Bredesen and Nicely targeted 15 of the state's most controversial road projects for re-consideration, including I-SR840 South, and requested the University of Tennessee Center for Transportation Research study them.

The results included a recommendation to move forward while re-examining the environmental assessment for the project with respect to the streams and wetlands, which has been done. The study also included a strong recommendation to encourage the department to increase citizens input on the remaining portion of the highway, hence the formation of the CRT.

Using the Context Sensitive Solutions approach, the CRT and TDOT staff conducted a study identifying the possible impacts each of the proposed nine corridors would have on cultural, historic, environmental, community and economic resources. They identified public support and concerns for each corridor, and then made a final recommendation.

"It has not been easy, as we had to retrofit the Context Sensitive Solutions approach into a project that was already well under way. In spite of the limitations, I think we were able to come up with solutions that both maximize the protection of the environment and meet our transportation needs," reported Gene Cotton, CRT member and environmental activist.

"TDOT's forward thinking of promoting alternatives and encouraging the integration of the public in transportation decision making, signals the beginning of a wiser process that will help restore public trust in the Department of Transportation. This is not only a victory for those of us concerned about I-SR840, but for all citizens of the state, as this process is implemented in future road projects."

# Does your city need money for capital projects?

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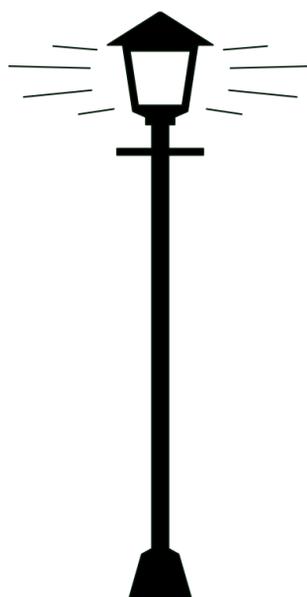
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# Local officials must work to preserve CDBG

BY DONALD J. BORUT  
NLC Executive Director

Even with all of its failings — and there are many — our political system works. And a clear case can be made that it works best at the local government level as reflected in the action and leadership of local elected officials.

Allegations of pay-to-play lobbying, divisive partisanship, bugging hypocrisy and the evaporation of fundamental civility at the federal level make headlines and breed public cynicism.

And while all this is happening in Washington, D.C., local officials are balancing budgets, delivering essential services and solving problems together despite partisan differences — a marked and profound contrast.

Equally important, local elected officials have demonstrated their effectiveness in navigating the divisive Washington environment to be heard on the critical issues and needs of local government and their constituents. Last year's success in saving the Community Development Block Grant (CDBG) program from draconian cuts and an unceremonious move from the Department of Housing and Urban Development to the Commerce Department reflects the collective in-

fluence local elected officials can have with their members of Congress.

They spoke with one voice calling for "No Cuts, No Move." They demonstrated that a focused message, supported with a history of substantive program results, can cut through the partisan animus of Washington.

Like Sisyphus rolling the rock up a hill or Bill Murray's character in the movie "Groundhog Day," the effort and process needs to be repeated with equal fervor each year. Together, we must protect the interests and needs of our cities and towns from federal action that would preempt local authority, create unfunded federal mandates, or cut funding from CDBG — one of the last federal programs that gives local governments discretion to deal with the national priority of serving the underserved.

So — we're back!

Last year's CDBG success must be the prelude to a forceful lobbying effort this year, built on the grassroots organization of NLC — the state municipal leagues and individual mayors and council members.

It is critical that elected officials from cities and towns across the country come to Washington in March for the Congressional City Conference to again make our col-

lective voice heard.

The direct, personal engagement with every member of Congress worked last year, and it can work again this year.

Congress needs to know — we're back.

NLC President James Hunt has made the case that participation by local elected officials personifies the very best of our democratic system based on "people-to-people" engagement versus "pay-to-play" lobbying.

The most urgent need for a collective voice in March is on funding for the Community Development Block grant program. The President in his FY 2007 budget has proposed cutting \$1 billion in the formula grants for the CDBG program

While some members of Congress who helped save the CDBG program last year have already indicated support for restoring some funding, NLC needs to remind all members of Congress that cutting this highly successful program would be devastating to communities across the country.

During the upcoming conference, we will also focus on two other important priorities — the rewrite of the telecommunications laws and immigration reform. Both could have major impacts on cities and towns — and the voice of America's

cities and towns must be considered when Congress acts on both issues.

But for now, our voice must focus on CDBG.

The Congressional City Conference is an opportunity to connect with colleagues from around the country to influence the policies and legislation critical to municipalities. This is not a task that can be delegated to me and my staff. Active participation by individual mayors and council members speaking with the authority of local mandate from your voters is a powerful factor in insuring that the interests of cities and towns are addressed by Congress.

There is a saying that when you have something important that needs to be done, look to busy people because they will act. Clearly that describes local elected officials who need to balance the demands of local public life, making a living, and personal and family responsibilities.

On City Lobby Day on Wednesday, March 15, it is essential that members of Congress know that the leaders of America's cities and towns won't tolerate a \$1 billion cut in a program that really makes a difference in our communities.

Our message is: we're back and we expect Congress to restore funding for the Community Development Block Grant now.

## Bush's budget cuts funding for municipal programs

**BUSH** from Page 1  
lion from current levels, touching programs that are important to cities. For instance, the Community Development Block Grant (CDBG) program would remain at the Department of Housing and Urban Development (HUD); however, the budget proposal slashes the CDBG program to \$3.03 billion, which is 25 percent lower than its current funding level of \$4.178 billion.

The Administration's budget plan proposes to save \$15 billion by eliminating or significantly reducing 141 federal programs, with 42 coming from the Department of Education. The Administration's plan also relies upon \$65.2 billion saved over five years by slowing the growth of entitlement spending, primarily on Medicare and Medicaid. However, the recent legislative struggle to enact a budget reconciliation bill (S. 1932) that limits entitlement spending by only \$39 billion over five years, or less than 1 percent of total entitlement spending, indicates the political and policy difficulties facing the Administration's proposal.

Highlights from the

Administration's fiscal year 2007 budget proposal include:

### Community Development Block Grant

The budget proposal would slash the CDBG program to \$3.032 billion in FY07, which is 25 percent below last year's enacted level of \$4.178 billion. The Administration's budget would cut formula funding for direct grants to cities and states to \$2.774 billion from \$3.711 billion in FY06. NLC and its coalition partners are calling on Congress to reverse the trend in de-investment in cities and fund CDBG formula grants at \$4.5 billion.

### Housing

The President's budget is generally good to federal housing programs, increasing funding for the Section 8 rental assistance program by almost \$1 billion. The HOME program for construction of affordable housing is increased by nine percent to \$1.6 billion. HOPE VI, however, is again slated for elimination. Normally a safe bet for funding, the HOPE VI program is in real danger this year due to the perception that the program is "excessively costly" compared to other programs.

### Homeland Security

The Administration proposes reallocating approximately 13 percent in the First Responder grants programs to underwrite an overall funding increase for the Department of Homeland Security. The FY07 budget would eliminate the Law Enforcement Terrorism Prevention Program (LETPP), currently funded at \$400 million. The Firefighter Assistance Grants Program is cut by \$361 million to \$294 million for FY07. Emergency Management and Performance grants (EMPG) — the federal government's main grant program for emergency management agencies - would also face a \$15 million cut.

### Transportation

The FY07 budget proposal fully funds the *Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users* (SAFE TEA-LU), the federal surface transportation program that President Bush signed into law last summer (P.L. 109-59). However, the Administration's budget would reduce the Airport Improvement Program (AIP) capital grant program to \$2.75 billion, a 22 percent cut from last

year's budget proposal.

### Social Services

The Administration's FY07 budget includes drastic cuts to two important programs that deliver social services funding to local governments. The Social Services Block Grant (also known as Title XX), a federal entitlement program, faces a \$500 million cut. The budget proposal also eliminates the Community Services Block Grant (CSBG), a \$640 million program to fight poverty in local communities and help serve needy immigrant families.

### Tennessee Municipal Bond Fund board to meet

Notice is hereby given that the Tennessee Municipal Bond Fund Board of Directors will meet in regular public session on Monday, March 6, 2006, at 10 a.m. local time, in the Vanderbilt Room at the Doubletree Hotel in Nashville for the purpose of considering and transacting all business which may properly come before said board. Some members of the board may participate in such meeting by telephonic means, which will be audible to any member of the public attending such meeting.

If reasonably possible, an agenda will be available on Thursday, March 2, at the offices of TMBF, 226 Capitol Boulevard, Suite 502, in Nashville. Additional information concerning the above may be obtained from Lorrie Nelson at 615-255-1561.

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# Rep. Edith Langster brings local background to State & Local in the House

BY GAEL STAHL  
Editor

Edith Langster became a Nashvillian when she was seven weeks old, and Nashville has become much of what she is today.

"I love Nashville," she says. "My parents moved here from Cleveland, Ohio, when I was seven weeks old. I hope that makes me a native. I grew up and spent my whole life in the North Nashville and Bordeaux area."

She went to neighborhood schools – literally. After attending elementary and junior high schools four blocks from her home, she went to Pearl High School, four miles away, and then Tennessee State University, just three miles away.

She took a two-year leave from her college studies in 1973 when she became the first African-American woman ever to work in Metro Nashville Police Department Patrol Division and worked 8-10 years in the department. After attending the Metro Police Academy, she finished her degree work at TSU and got a Bachelor's in Sociology in 1976. The police department encouraged students to use TSU's federal law enforcement educational grants to further professionalism by getting degrees – and gave them salary perks. Langster also used them to complete her graduate degree course work in guidance and counseling at TSU.

Policewoman Langster went on to work in the District Attorney's Office as an investigator in the Child Support Division, then at the Oasis Center, which has provided youth services since 1970, and did substitute teaching at Father Ryan High School. When she was elected to the Metro Council in 1991, she was working in the Drug and Alcohol Program at Meharry Medical College Lloyd C. Elam Mental Health Center. She is currently a program development specialist.

Langster's mother and father are almost as well known as she. Her mother, Willa Taylor, was a nurse at Baptist Hospital, one of the first black nurses ever hired there. When Langster was a freshman at TSU, her mother was finishing her degree in social work and went on to become a psychiatric social worker at Middle Tennessee Mental Health Institute. Langster's father, Wallace Taylor, was a teacher in Fayetteville, Tenn. before becoming the director of the TSU Purchasing Department and university advisor for the TSU Ohio Club. Both parents received their degrees from TSU, and Langster turned down a scholarship from Kent State University to follow her childhood dream of getting her degree at Tennessee State.

In 1991, Langster was encouraged by members of a neighborhood group to run for and win a seat on the Metro Nashville/Davidson County Council. She won this election and in 1994, was elected to the House where she has served since January 1995 in legislative District 54. It runs from the Mall at Green Hills and the Vanderbilt University complex in south Nashville through Bordeaux to Alex Green School on Lloyd Road in northwest Nashville.

Her brother, Wallace Taylor Jr., a 1978 graduate of Father Ryan High School, has served in Metro's DUI Section for nearly 20 years. Her sister, Judy Davis, a graduate of Cathedral High School and Southern Illinois University, served in the military before retiring and moving to Fort Lauderdale. Langster's two sons – Travis, who graduated from Purdue, and David, who graduated from Fisk – both live in Maryland.

**TT&C: Did the police department have any affect on you?**

**EL:** People think that the police department is all cops and robbers, but it, in fact, prepared me well for the work that I'm doing now. In the police department, you have to have patience, you have willing ears to listen, and you have to be able to empathize with some of the very sad and drastic situations that you encounter. That mirrors what I'm doing as a legislator. You have to be able to listen to constituents, you have to be patient, be willing to compromise, and to work with your colleagues, especially on legislation that is good but lacks money in the budget to accomplish what needs to be done.

**TT&C: What would you like to see done most of all?**

**EL:** I have a passion for taking sales tax off food. Everyone up and down this corridor in the Legislative Plaza



Edith Langster

knows that I'm adamant about reducing or removing the sales tax on food. I carry that around with me in daily conversations.

You can start asking me about anything – about TennCare – and I can relate it back to the sales tax on food. Eating healthy, nutritious meals is preventive medicine. That and exercising for a healthier body benefits a healthier lifestyle that lowers your risk for a lot of diseases.

It all goes back to the bottom line – money. That's why taking sales tax off food is a chief passion of mine. I am working to see a reduction or removal of the sales tax on food in my lifetime. For that to happen, we might have to change our tax structure/system some way.

**TT&C: What other statewide issues do you feel that strongly about?**

**EL:** TennCare. The governor in his State of the State address talked about citizens taking a personal responsibility for their lives and the fact that obesity is still high in the state's population. It all relates back to eating nutritiously and exercising regularly.

I can be as guilty as the next person. What do you see on my desk? I have an apple here. I have a huge glass of water. That's not necessarily a nutritious meal. That's a meal on the run. But some people are not able to afford even that. They have to make a decision. Do I get my blood pressure medicine or do I have a nutritious, well balanced meal today? We're Americans. That's a decision no one should have to make in today's society.

I'm of the opinion that we can solve this problem. We've solved other major problems in our state. We can solve our sales tax on food.

**TT&C: How did you happen to run for the Metro Nashville Council in the first place?**

**EL:** My neighborhood group, the North Nashville Organization for Community Improvement, encouraged me. I was vice president and President Robert L. Everett, a retired postal worker, said I should run for it. That led to support within and outside the council district for a

## Langster favorites

**Singers** – Kenny G., Mariah Carey, and a new rhythm & blues jazz singer Cissy Crutcher, a teacher in Gallatin.

**Book** – 102 Minutes: The Untold Story of the Fight to Survive Inside the Twin Towers – by Kevin Flynn & Jim Dwyer.

**TV Documentary** – Flight 93, about the men, especially the one who stayed on the line with the Verizon operator, who stopped the terrorists from crashing the plane into the White House.

**Season** – The time around my birthday on Jan. 31 since I love winter weather – snowy weather – the most peaceful, tranquil time.

**Sport** – Watching college basketball, especially TSU, Purdue, UT women, and Vandy women and men.

**Recreation** – Watching movies, looking at cooking shows, and entertaining at home.

district was in terrible disarray. Some people were still waiting for sidewalks to come. Former Councilmember Jimmy Hawkins had started the process and had placed a lot of sidewalks around, but there were still streets where sidewalks were very much wanted and needed. Mayor Purcell has worked double-time on neighborhood issues and built sidewalks in the district.

**TT&C: Do you concentrate on those same issues in the House?**

**EL:** No, in the House I focus more on statewide issues like the sales tax on food – my passion. I was able to get a tax study done, through the Tennessee Advisory Commission for Intergovernmental Affairs (TACIR), which had not been done since former Rep. Mike Murphy did get the sales tax on food removed. You remember that, and how Lamar Alexander was then sworn in as governor and put it right back.

Getting TACIR to study taking sales taxes off food and release a report on it was, I thought, a major accomplishment. The tax structure in Tennessee was studied more recently, and Gov. Wilder and Speaker Naifeh appointed a strong committee to study that issue. [The Tennessee Tax Structure Study Commission report was issued in December 2004. One tax structure suggested was a graduated tax rate on personal income, the abolition of the Hall income tax on investment income, reduction of state sales tax rates to 4 percent on food and 6 percent in general, and a reduction of business taxes. The committee report is shelved for the time being.]

**TT&C: What committees do you serve on?**

**EL:** I'm proud that Speaker Jimmy Naifeh, knowing my background in local government, appointed me to the State and Local Government Committee. I was chair of the Election Subcommittee that deals with all bills relating to elections and annexation. Rep. Chairman Ulysses Jones recommended, and the speaker approved, my becoming vice chair of the State and Local Government Committee and chair of the State and Local Subcommittee. I've maintained my strong interest in local government and still watch the Metro Council meetings whenever possible.

**TT&C: Why is the State & Local Subcommittee so vital?**

**EL:** We have a strong committee system in the House, somewhat different from the Senate. All bills concerning state and local government come before me as chairperson of the subcommittee before they can go to the full committee, to Calendar & Rules, and then to the House floor to

for all P.C. 1101 bills in order to have a full and fair hearing last year.

**TT&C: Which bill do you care the most about this session?**

**EL:** I'm really concerned about the money for Metro General Hospital, which is waiting for an appropriation of \$8-\$10 million from the state of Tennessee. It's not much, but if we don't get that money there is a danger. I'm concerned about health care for the underserved. Metro General Hospital serves a vital population in our community that is uninsured, underinsured, TennCare patients, or paying patients. It also gives students at Meharry Medical College across the street an opportunity to complete their education by being able to work in that hospital.

So it's important that the funds come to keep that hospital open. We don't want Metro General to close, which includes J. P. Knowles Senior Center and Bordeaux Nursing Home, one of the better nursing homes in the city.

**TT&C: What current legislation are you promoting?**

**EL:** There are several pieces of legislation the Metro Nashville/Davidson County delegation has signed off on. Then, there is the taking of sales tax off food, a minimum wage increase of at least one dollar, and the widening of Clarksville Highway in District 54.

I have a bill naming January 2006 Glaucoma Month. A lot of citizens in our state have glaucoma, but you can 'Drive and Survive' with doctor prescribed preventive measures, eye drops, and watching your eye pressure to prevent blindness.

Another important issue is the death penalty. There needs to be a commission looking at the death penalty.

**TT&C: Which legislators mentor you or work with you closely?**

**EL:** I'd have to say Rep. Mary Pruitt for advice and counsel. Speaker Pro Tem Lois DeBerry is a strong, politically astute public servant who represents her district well. I have to mention Rep. Ben West as well as Rep. Randy Rinks, our Democratic caucus chair, who takes time to instruct and guide. Rinks advises on the process, which he knows inside out as a former mayor. We serve on local government together.

Speaker Jimmy Naifeh has a way of making you feel he is totally focused on you. When you're talking to him, he's listening to you. It's not like he's looking over your shoulder with his mind rushing on to the next thought or the next meeting. I appreciate his counsel.

**TT&C: Which of those plaques on**



A Langster passion being women's basketball, she appears here with the Vanderbilt Women's Basketball team and Coach Melanie Balcomb (on her left).

Metro and renamed Metro General.]

Now, we are back with that battle, trying to keep the doors of General Hospital open. I have a lot of history tied to that hospital. Both of my sons were born at Hubbard. My father passed there. I was among the last few hundred people that had surgery in that hospital before it became Metro General Hospital.

**TT&C: During your four years on city council, did you achieve anything toward getting your district in order?**

**EL:** In the council I passed the Phillips-Jackson legislation that brought new homes and businesses. At the time, the district had burnt out houses, trash in the street, and vacant lots waiting to be developed. The

be debated and voted upon. If you don't present your bill in a manner in which it can be passed out, then they won't ever make it to the floor. The sub is the first stop for all bills, making it the most important committee. It's what gives you your first long debate, discussion, and review process of your bill. That is essential to get it to the full committee.

**TT&C: Have you worked on Tennessee Municipal League legislation?**

**EL:** Well, you know we had a time with the Tiny Town bill, also with annexation over the years, and then the Public Chapter 1101 bills that cover annexation and urban growth planning. I held a special calendar

**your wall for professional achievement are you proudest of?**

**EL:** The two NAACP awards, the 1995 Robert "Bob" Lillard Image Award of 1996 on the left and the 1996 NAACP J.W. Frierson Image Award on the right are special because I'm a lifetime member. A member of Alpha Kappa Alpha Sorority, Inc., I've received the President's Award, another from the Pearl/Cohn High School Football team for my financial support. That large brown plaque is from the Tennessee Center for Labor-Management Relations Award that I received in 2000. But my main awards are the support and votes of my constituents. I'm here to listen to them and help them achieve their dreams.