

TML testifies cable bill harmful to cities

BY TOMMY BRAGG
TML President

The Competitive Cable and Video Services Act bill marks the convergence of federal, state, and local laws, the local cable franchising process, and the needs of our citizens and communities with emerging technologies and an ongoing battle between corporate cable and telephone giants – each looking to secure its place in the hearts and minds as well as the wallets and pocketbooks of Tennesseans.

The issues and terms as well as the technology involved in this debate can be quite confusing. This confusion is only compounded when there are four or five differing interests caught up in the mix. I would like to take this opportunity to address public comments suggesting municipalities are maliciously subjecting our constituents to high prices and poor service. Second, I will relate the importance of the local franchising and build-out requirements to a city and why I and the other mayors in this state believe they must be preserved. Third, I will offer convincing evidence this legislation is unnecessary.

In response to the suggestion



Tommy Bragg

from some corners that cities are subjecting consumers to high prices and poor customer service, I offer this response: First, cities do not regulate cable prices. While I wish that I could regulate cable prices, cities do not have the authority to do so. Therefore, any argument regarding the price of cable or video service is unrelated to local cable franchising and anyone attempting to make such a link is misinformed.

Second, the federal government has declared that local governments are the best guardians of local consumers, established customer service standards for cable providers, and empowered states

See **FRANCHISING** on Page 5

FCC order negates need for statewide cable franchising

In what can only be welcomed news for state legislators, last month the Federal Communications Commission (FCC) issued an order addressing the many arguments put forth by local government, cable companies and telephone companies regarding Local Franchising Authorities (LFA) and new entrants into the cable and video market. Absent a reversal or revision by the Commission, a court order, or intervening congressional action, the order will take effect 30 days after publication in the Federal Register. The Commissions findings and the

rules and guidance contained in the order are summarized below.

In addition, the FCC issued a Notice of Proposed Rulemaking seeking comment on how its findings, detailed the order, should be applied to existing franchisees. The Commission also invited comment on how local consumer protection and customer service standards should be applied to new entrants to franchise areas. The Commission stated its intentions to issue an order pursuant to the Notice within six months.

In November 2005, the FCC is-

sued a Notice of Proposed Rulemaking to determine whether LFAs are unreasonably refusing to award competitive franchises and thereby impeding achievement of the statute's goals of increasing competition in the delivery of video programming and accelerating broadband deployment. This notice sought comment, information and arguments concerning 10 specific questions.

In mid-December 2006, the FCC met to consider an order pursuant to its November 2005 notice. See **FCC** on Page 5

AT&T bill threatens existence of community, educational television

BY CAROLE GRAVES
TML Communications Director

An award-winning high school television station in Germantown could be shut down and funding to public education government (PEG) channels in communities across the state will be significantly impacted should AT&T's statewide franchising bill become law in Tennessee.

Under the Competitive Cable and Video Service Act (SB 1933/ HB 1421), currently pending before the Tennessee General Assembly, the cost to produce and maintain community television will be transferred to local governments and new onerous programming requirements will be implemented. The combined effect will be detrimental to community-access television and basically excuse statewide cable franchise holders from carrying virtually all PEG channels in the state.

"If this legislation passes, we could see Germantown High School television (GHS-TV) eliminated, a total loss or reduction of PEG channels, cable providers not required to provide access to local channels, and 'cherry picking' for preferred customers while omitting service to others," said Sharon Goldsworthy, Germantown mayor.

As part of the compensation for the use of public rights of way and to ensure that taxpayers are justly compensated for the commercial use of public property, cable and telephone companies are required to apply for a cable franchise with the city, town, or county they are seeking to serve. The cable provider and local government then negotiate a cable franchise agreement. Congress granted local cable franchising authority to local governments in order to protect consumers and provide for local



An Emmy-award winning student high school program in Germantown generates graduates who are working in high profile network and entertainment industry positions. The program is in jeopardy under AT&T's statewide franchising proposal.

needs and interests.

Under the federal Cable Act, local governments are authorized to require cable operators to set aside capacity on their systems for PEG use, to require cable operators to provide over and above the 5 percent cable franchise fee, and to provide funds for PEG capital equipment and facilities. The amount of PEG capacity that is set aside on a particular system, as well as the level of funding provided by the cable operator, is locally determined and negotiated with cable providers based on each community's needs and interests.

In Germantown, a joint project between the city and Germantown High School was implemented, paving the way for a nationally-recognized television production class offered at the school.

Local franchise authority allowed city leaders to negotiate with cable franchise holders to shift the community access function to GHS-TV, allowing a student-run station to provide the staffing and equipment for community access programming. The arrangement calls for the cable company to annually provide a stipend – some \$145,000 – in exchange. See **AT&T BILL** on Page 3

AG rules on property tax relief for the elderly

The Attorney General has opined that the constitutional amendment passed in November allowing for local governments to enact a senior property tax freeze does not authorize the General Assembly to delegate to local government the responsibility for establishing income or wealth limits governing eligibility for property tax relief. Rather, the amendment requires the General Assembly, alone, to determine the amount of income or wealth to be established as the eligibility standard.

Opinion No. 07-33 puts to rest the question of whether the General Assembly may adopt legislation which establishes a maximum limit and provides cities and counties the discretion to establish lower limits, as has been proposed.

"In the opinion of this Office, no authority is granted by which a locality can adopt the tax relief program at a lower level. While the amendment gives local legislative bodies the discretion to determine whether they will adopt the property tax relief

program, the amendment does not grant them discretion to delineate the program's various requirements," opined Robert Cooper, state Attorney General.

The Attorney General also determined that the amendment would allow the General Assembly to adopt different limits in different localities across the state; thereby creating the possibility that the General Assembly might establish different limits for different counties and/or cities within the same county.

The opinion does not express a preference as to a specific dollar amount or whether the limit should be a measurement of one's income or of one's wealth. These are questions that will have to be addressed by the General Assembly.

The opinion states that by its terms, the constitutional amendment requires the General Assembly to determine the amount of income or wealth that will entitle an elderly taxpayer to property tax relief. The amendment does not authorize local

See **TAX FREEZE** on Page 8

Documentary exposes the perils, promises of energy consumption

BY VICTORIA SOUTH
TML Communications Coordinator

What would you find if you traced the flip of a light switch to its energy source?

In his award winning documentary, *Kilowatt Ours*, Jeff Barrie, 2007 Conservation Educator of the Year and creator of the *Southern Energy Conservation Initiative*, encounters horror and hope as he explores the realities of coal-generated electricity in America.

Screened before the state Senate Environment, Conservation & Tourism Committee, the film follows Barrie's 18-month quest across the Southeast United States, the largest consumer of coal-generated electricity, where he witnesses coal mining in Appalachia by mountain top removal.

"They use 2,500 tons of explosives a day," distraught community activist Judy Bonds pleads before the camera as another round of blasts flattens the Appalachian mountain range. "That's why I say we are under assault," Bonds cries. "We are under attack!"

Stats reveal that more than 1,500 miles of streams in Appalachia have been buried as a result of



For children, asthma is now the No. 1 cause of hospitalization, chronic illness, chronic illness healthcare expenditure, school absence, and lost revenue to school systems.

mountaintop-removal, while in 2000 a 300-million-gallon coal slurry spill into Kentucky's Big Sandy River goes under-reported, an ecological disaster 30 times greater than the Exxon Valdez oil spill in Alaska

In Southeast U.S., 11,000 people will die each year because of air pollution.

"Asthma is the number one cause of hospitalization, school absences, and lost revenue to the school system," said Dr. Clay Ballentine, an Appalachian physician.

EPA studies indicate 83 percent of the visibility-reducing haze in Smoky Mountains National Park is

See **ENERGY** on Page 9

Knoxville to host Annual Conference, June 10-12

Make plans to attend the TML's 68th Annual Conference in Knoxville to be held at the Knoxville Convention Center, slated for June 10-12.

The conference will kick off Sunday, June 10, with a festive jazz brunch in the exhibit hall and conclude on Tuesday, June 12, with the annual awards breakfast.

With a theme of *Today's Challenges are Tomorrow's Opportunities*, conference workshops will focus on several challenges that cities face and how to successfully prepare for the future. Topics range from preparing for the 2010 census, future revenue trends, planning for retiring baby boomer employees, managing street resurfacing costs, and small town success strategies.

Visit the League's web site for an online registration form, www.TML1.org. Payment must be received by May 18, 2007. Make checks payable to Tennessee Mu-

nicipal League, 226 Capitol Blvd. Suite 710, Nashville, TN 37219. TML does not accept purchase orders or credit cards.

Schedule At-A-Glance

Sunday – June 10	
10:30	Jazz Brunch
	Registration/Exhibit Hall
11:30 - 12	Door Prizes
12 - 2	Ice Cream
12:15 – 4:30	Vendor Workshops
3:30 – 4:30	Concurrent Workshops
6 – 8	Host City Reception
Monday – June 11	
7:30 – 8:15	Continental Breakfast
8:30 – 9:15	District Meetings
9:30	Exhibit Hall opens
9:30 – 11:00	Opening General Session
11:00 – 11:15	Break
11:15 – 12:30	Annual Business Meeting
	Legislative Overview
	Lunch in Exhibit Hall
1:30 – 2:00	Door Prizes
2:15 – 3:00	Workshops
3:15 – 4:00	Workshops
6:30 – 11:00	Pool Party
Tuesday – June 12	
8 – 11	Breakfast
	Second General Session
	TML Awards

NEWS ACROSS TENNESSEE



BY TISH WOMACK
TML Research Analyst

ALCOA

Alcoa has a new website, www.cityofalcoa-tn.gov, which has a wealth of information from community news, to government, to a virtual tour of the city. The site has been under construction for about a year.

ALCOA

The new Alcoa Water Treatment Plant opened to rave reviews with better tasting water. GE/Zenon membranes cleans the water needing less chlorine in the treatment cycle.

BRISTOL

The Bristol Police Department has received \$30,000 worth of high tech equipment, StarWitness Freeze Frame, from the Office of National Drug Control Policy. The equipment consists of a personal computer, videocassette recorder, two monitors and a printer which will allow enhanced images in low-level lighting during a convenient store robbery where the security camera picks up the car leaving the parking area.

CHARLESTON

The Charleston volunteer fire department merged and signed a five-year contract with the Bradley County Fire and Rescue for fire protection beginning April 1.

CHATTANOOGA

An \$87,000 TDOT Consumer Transportation Assistance Program grant will be used by the Chattanooga Area Regional Transportation Authority purchase 1,000 monthly bus passes for downtown employees with some of the money. Outdoor Chattanooga, that collaborated with CARTA on the obtaining the grant, will use the rest of the money to purchase about 14 bikes for downtown workers to borrow at lunchtime. It is a pilot project to encourage people to get out and experience downtown on bicycles. The bikes will be stored in a mobile trailer near the center of town.

CLEVELAND

The city has received notice that it will receive \$343,402 in Community Development Block Grant monies from the U.S. Department of Housing and Urban Development for programs and assistance in low- and moderate-income areas of the city, according to Mayor Tom Rowland. This is the fourth consecutive year Cleveland has been awarded CDBG money.

DYERSBURG

The Dyersburg City School system has received accreditation from the Southern Association of Colleges and Schools. It is the first in the state to be accredited system wide.

FRANKLIN

The Egyptian Lacquer Manufacturing Company has taken responsibility for the acetone and toluene leaks into Liberty Creek and the Harpeth River. The company has agreed to pay for the cleanup of the chemicals.

HENDERSONVILLE

An audit of revenues from sales taxes of five businesses in the city discovered that \$235,000 had been sent to Goodlettsville and Sumner County. The money will be repaid to Hendersonville in installments over the next three months.

KNOXVILLE

The decreased number of accidents at 13 intersections where “red light” cameras have been installed tell the story – a 45 percent reduction in what are known as “t-bone crashes” in 2006 in comparison to 2005. A 1 percent drop in rear-end crashes was reported in 2006. The red light-running system, installed by Red Flex Traffic Systems Inc., recorded more than 62,000 separate instances of red light running at the 13 covered intersections.

LIVINGSTON

City police will conduct a census of citizens using its reverse 911 system by calling residents and asking them to call back with needed information. Residents that don’t respond will be visited personally. The city hopes to complete the project in seven weeks.

MEMPHIS METROPOLITAN AREA

The Delta Regional Authority announced that \$18.5 billion will be spent for 3,843 miles of road improvements in what is known as the Delta Development Highway Plan. The plan, if fully implemented over a 10-year period, is estimated to create 130,000 full-time jobs and 104,000 temporary construction jobs totaling a \$3.5 billion annual economic lift.

MIDDLE TENNESSEE

Nissan announced it is eliminating two divisions and cutting a third that will affect 250 office jobs being outsourced to a Canadian company.

MILLINGTON

The former Navy brig will become the new home for Millington City Court, a new courtroom, and a jail. The facility currently is home to the police department.

MOUNT JULIET

The Tennessee Center for Policy Research listed Mt. Juliet as first in its list of “Tennessee’s Top 50 Most Business-Friendly Cities” in the Economic Vitality rankings and second overall. The Center, an independent, non-profit and non-partisan lobbying research and educational institute that lobbies for limited government, looked at four major factors: business tax burden, strategic location, economic vitality, and community allure.

NASHVILLE

A \$50,000 grant from the DeWitt Stern Group and Fireman’s Fund Insurance Co. will be partially used to buy and install thousands of smoke detectors in homes of the needy and elderly. Part of the money will also be used in educational efforts aimed at children, and public service announcements.

NASHVILLE

J.C. Penny Co. announced it is closing its 20-year-old catalog center due to increased Internet sales. The closing, scheduled for late May, means 450 fewer jobs.

ROGERSVILLE

Rogersville has joined 20 other Tennessee cities certified in the Tennessee Main Street Program by meeting the requirements that include community support for the program, a comprehensive work plan, a sufficient operating budget and adequate staff, and volunteer support.

SPRING HILL

Springfield property owners should see a reduction in home insurance premiums now that Spring Hill has a much lower ISO rating of Class 4 down from Class 7.

SPRING HILL

In Tennessee Center for Policy Research’s rankings of the state’s “Top 50 Business Friendly Cities”, Spring Hill placed top overall. The city rose from 12th position last year, the first year the Center ranked the 50 largest Tennessee cities.

SWEETWATER

The Meiji Gakuin High School, Japan’s first accredited high school in the United States, closed its doors in March. The school, a three-year private academy, was founded in 1989 for the children of Japanese industry executives living in the U.S. Since Sept. 11, 2001, the school’s enrollment has dropped as visas became more difficult to obtain and due to a reluctance of families to send their children to school abroad.

UNION CITY

Mi-Jack Products will locate its gantry cranes manufacturing facility in the city’s industrial park. The facility calls for a 30-person work force to begin with a projected work force of 80 in two to three years.

Customer survey says TDOT moving in right direction

BY VICTORIA SOUTH
TML Communications Coordinator

Compared to three years ago, 33 percent of Tennessee’s residents think that the services provided by the Tennessee Department of Transportation (TDOT) have improved based on results from a 2006 Customer Satisfaction Survey conducted by ETC Institute, one of the nation’s leading community-based market research firms.

TDOT officials presented the results of the survey before the state Senate Transportation Committee where the findings indicate most residents think TDOT’s moving in the right direction and the majority trust TDOT officials to make good decisions.

Sens. Kilby, Kurita, and Woodson praised TDOT officials, Nicely and Cole for their efforts and strong communication skills.

The survey, administered to a random sample of more than 2,000 residents and 200 elected officials, is the first of its kind conducted by TDOT in order to assess the department’s overall performance and to help identify short and long-term transportation priorities.

While 31 percent of residents surveyed believe funding for the state’s transportation should be increased, TDOT performed lower



Photo by Victoria South

Commissioner of Agriculture Ken Givens; 6-year-old Emily Nave holding Wilbur, the pig; John Batey, farmer and President of TN Pork Providers; and Rep. Eddie Yokley enjoy the festivities on Capitol Hill during National Agriculture Week.

PEOPLE

BY TISH WOMACK

State Sen. **John Wilder**, Somerville, fell on his backdoor steps, sustaining a head injury that required spending a few nights in the hospital. He has recovered and is back at work in the Senate.

Sen. **Mike Williams**, Maynardville, moved from the Republican Party to become an Independent leaving the Senate with a 16-16-1 split.

Memphis’s Senate District 30 special election was won by Rep. **Beverly Marrero**. She replaces interim Sen. **Shea Flinn**. A special election will be held at a later date to fill her vacant District 89 seat in the House.

The House District 92 seat was won by **G. A. Hardaway** in Memphis’s special election on March 13. He replaces the interim representative, **Eddie Neal**.

Bristol hired **Bob Barnes**, a 32-year veteran of the fire department, as fire chief. He replaces **Phil Vinson** who retired after 30 years in the department.

Alexandria Mayor **David Cripps** announced he would resign effective Sept. 25.

Mason Mayor **Lee C. Clark Jr.** and Police Chief **Jason Collins** resigned abruptly on March 13. Collins is now the police chief for Galloway. Alderman **David Smith** will serve as interim mayor until city officials appoint another from their ranks.

La Vergne Police Chief **Steve Lindsay** resigned effective March 15. He was replaced by **Ted Boyd** until a permanent chief is named.

Former TML Assistant Director and lobbyist **Joan Pickens** died March 19 at age 74 from cancer.



Photo by Victoria South

(Left to right) Ed Cole, TDOT assistant commissioner of Environment & Planning; Commissioner Gerald Nicely; Randy Lovett, assistant commissioner of administration; and Paul Degges, chief engineer

than neighboring states in the availability of alternative modes of public transportation, such as public transit.

Additionally, 62 percent of residents polled do not think TDOT completes major projects on state highways in a timely manner, with one in four feeling unsafe driving through work zones at night. Both issues are areas that TDOT views as opportunities for improvement.

Based on the survey’s responses

of both residents and elected officials, TDOT’s top four priorities over the next two years are:

- Repairing/maintaining existing highways and keeping road surfaces in good condition;
- Improving visibility of striping at night and during wet weather;
- Improving drainage from the surface of highways during storms; and
- Relieving congestion in urban areas

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BY TISH WOMACK
TML Research Analyst

Some police departments across the nation are turning to YouTube.com as a law enforcement tool, posting videos of crime suspects for Internet users to identify.

The U.S. Department of Housing and Urban Development’s web page, <http://www.hud.gov/local/tn/homeless/healthcare.cfm>, is a helpful site to find information on where to obtain low cost medical assistance that can be accessed by states and cities.



Let us know the particulars about your most important festivals at least six weeks in advance of the event. E-mail Tish Womack at twomack@TML1.org or fax to 615-255-4752.

April -June 9: “Smoky Mountain Springfest” in Pigeon Forge, Gatlinburg and Sevierville features special events, local craft shows and more. Contact: 800-568-4748 for more information.

March 31-May 13: “Between Fences,” a traveling Smithsonian exhibit exploring the diverse historical, regional and social traditions expressed in land use and space organization, at the Lewis county Museum in Hohenwald. Fee: students, \$1, adults, \$4. Contact: apeery@mlec.net.

April 19-21: Rivers & Spires Festival in downtown Clarksville. Free. More than 100 performances. Contact: www.riversandspires.com for complete schedule.

April 21-22: 4Bridges Arts Festival at First Tennessee Pavilion in downtown Chattanooga featuring James McKissic and four other artists. Visit www.4BridgesArtsFestival.org for more information.

April 28-29: Cumberland Gap’s “The Gap Divided: A civil War Experience” with a reenactment, Victorian ladies tea, a period ball and more. For more information call: 423-869-3860.

April 28-29: South Pittsburg 11th Annual Cornbread Festival with carnival, road race, arts and crafts, food and featuring the national cornbread cook-off. For more information call: 423-837-8327.

April 28-May 5: Dresden Iris Festival. Free. Contact: Jennifer McAlpin at jennifer.mcalpin@hotmail.com.

April 25-29: Cliff Dwellers Spring Gallery Gathering in Gatlinburg. A variety of artists demonstrating cloth and basket weaving, pottery making, painters, etc. More information at 800-568-4748.



March 20: Tennessee Department of Revenue new business workshop, 9 a.m. to 12:45 p.m. at 1321 Murfreesboro Road, Nashville. Register online at www.tennessee.gov/revenue/bustaxworkshops.

April 11-13: TMPA Annual Conference, DoubleTree Hotel, Memphis, TN. For more information or to receive a registration form, contact Richard Stokes at Richard.Stokes@tennessee.edu.

May 21-22: Storms Over the Urban Forest National Conference in Atlanta, Ga. Visit www.arborday.org/shopping/conferences/brochures/storms/2007/ for more information on registering and schedule.

AT&T bill threatens existence of community education television

AT&T BILL from Page 1
change for not having to provide a separate studio for PEG programming. With additional assistance from the city, the school system, and the community, the student high school station agrees to provide live telecasting of meetings of the Board of Mayor and Aldermen, Planning Commission, and Design Review Commission. It also provides the facility and personnel to tape about eight 30-minute community-focused programs for telecast numerous times each month, including the mayor’s show *Spotlight on Germantown*.

“It’s the best of all possible worlds,” explains Mayor Goldsworthy, “an Emmy-award winning student high school program generating graduates who are working in high profile network and entertainment industry positions; quality community access programming featuring Germantown citizens with expertise on a variety of topics; and communication from city government to citizens with live and delayed telecasting of meetings and information. There’s no prospect for such an arrangement under the Competitive Cable and Video Services Act.”

AT&T’s proposal transfers costs associated with operation, programming, content, equipment and transmissions from the statewide cable or video franchisee to the municipality. This cost is in addition to the estimated 20 to 25 percent decline in franchise fees paid to local governments as a result of the exclusion of revenue categories in the proposed legislation that are cur-



Winner of Best PEG Access Channel in the USA Award, given by the Alliance for Community Media, GHS-TV allows community programmers to train Germantown High School students to produce their own shows. Financial support for this community service would vanish under AT&T’s proposal.

ons,” said Joelle Phillips, AT&T attorney, before the state House Commerce Committee.

“But I think you have to go back to local citizens and ask them what they value. And if they want PEG programming then they should be supportive of local governments paying for them.”

The statewide franchising agreement will also impose unreasonable programming requirements

“The PEG provisions of the federal Cable Act are intended to provide all members of a community with access to the medium of television. PEG is the only way that average citizens and community groups have assured access to communicate to their community via television. Particularly in this era of mass media consolidation, PEG access ensures that locally produced programs, of interest to and tailored to the particular local needs of the community, has a place on television.”

- Hap Haasch, The Alliance for Community Media

rently included in the calculation of local franchise fees.

“There is not a provision in the bill to provide for those kinds of add-

itional programming, including the stipulation that each PEG channel must air at least eight hours of non-repeat programming per day. For cit-



Community Television of Knoxville (CTV), has served the residents of Knoxville and Knox County for 30 years. Reaching some 110,000 community households, the station provides information pertaining to local issues that range from support for victims of Alzheimer’s disease and their families, to foster care, law enforcement, and youth recreation. CTV also offers training to volunteer program producers.

ies with PEG channels that do not meet these new requirements, the city will lose that channel and the holder of the statewide franchise can

program whatever station or content it chooses in place of the lost PEG channel.

“The provision goes far beyond the standards set for any commercial cable stations including Lifetime, Showtime, Turner Classic Movies and HBO,” says David Vogel, general manager of Community Television of Knoxville. “It seems to be designed as a way to eliminate PEG channels completely. The city and county should determine policy pertaining to which programming gets repeated and how often based on community needs.”

Under the new requirements, if the city cannot meet the eight-hour requirement it can obtain PEG channels at a later date by demonstrating that it can program 12 hours of contiguous programming per day and at least 9 of the 12 hours must be non-repeat programming. There is no guarantee that the PEG channels will be placed on the lowest tier of service and made available to every subscriber.

The bill also provides that a holder must provide sufficient capacity to cover up to three PEG channels as determined by the number of households within the city limits. The holder must provide these channels as soon as the city can demonstrate that it can program eight hours of non-repeat programming per day.

“Including such requirements will ensure that those cities which do not currently have PEG channels will never obtain PEG channels from a statewide franchisee,” says Alan Bozeman, cable television coordinator for the city of Murfreesboro.

“Under the state franchising bill, a PEG channel is not considered activated if it has not programmed at least eight contiguous hours of non-repeating content per day and could be taken off the cable system all together if the state cable franchise holder decides to,” explains Bozeman.

“The bill harms local PEG channels by eliminating financial support, and changes capacity and allocation requirements that may have been negotiated through a local franchise agreement.

“If a local government receives annual funding or a lump sum grant from the cable company for PEG channel equipment and support as part of the a local franchise agreement, that financial support will vanish under a state franchise,” Bozeman said.

Cities Contend: The “COMPETITIVE CABLE AND VIDEO SERVICES ACT” Weakens Consumer Protections, Limits Municipal Authority, and Reduces Municipal Revenues

Weakens Consumer Protections:

- Eliminates build-out requirements
- Eliminates enforcement of federal, state and local customer service requirements; leaving subscribers with no meaningful protections
- Includes loopholes that effectively nullify the bill’s anti-discrimination requirements

Limits Municipal Authority:

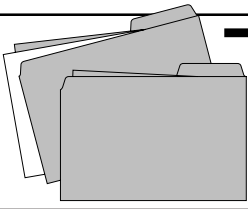
- Effectively eliminates local cable franchising for new entrants into the cable market and creates avenues for providers to terminate existing local cable franchise agreements
- Eliminates build-out requirements
- Eliminates a municipality’s ability to police cable or video provider’s activities within the public rights of way and requires a city to sue a provider to recoup costs incurred by taxpayers to repair damages to the public rights-of-way
- Preempts local taxing authority; thereby bestowing special protections upon cable providers.

Reduces Municipal Revenues:

- Statewide cable franchise holders will pay less in franchise fees than companies operating under a local cable franchise agreement.
- The audit provisions reduce a municipality’s audit authority; reduce the statute of limitations for audit periods; and increase a municipality’s out-of-pocket costs
- Transfers costs to municipalities and institutes onerous programming requirements, the combined effect of which will be to excuse statewide cable franchise holders from carrying virtually all PEG channels in the state.
- Eliminates fees and other costs currently paid by providers operating under local cable franchise agreements

Contact your legislator and voice opposition to
SB 1933 / HB 1421
AT&T Competitive Cable and Video Services Act.

ATTORNEY
GENERAL
OPINIONS



Compiled by
DENNIS HUFFER
and **JOSH JONES**
MTAS Legal Consultants

Recent opinions relating to municipalities

Opinion No. 07-02: As the authority to issue criminal summonses and citations is statutorily derived, no local law enforcement agency may independently convey that statutory authority to a private security guard. Further, to do so could open the agency to liability for the guard’s actions.

Opinion No. 07-03: Members of the National Guard activated for emergency purposes, without their consent, who are also municipal employees, shall continue to receive in addition to military pay their full salary and benefits from their local position, for so long as they remain on involuntary orders. Additionally, local government employees who are members of the National Guard are subject to orders of the Governor to serve outside of the borders of Tennessee.

Opinion No. 06-177: County and municipal legislative bodies may not exempt those who qualify for the State tax relief program from the collection of storm water fees.

Opinion No. 06-176: A domestic nonprofit water cooperative may not merge with an adjacent municipality

that operates its own water utility system. Such a cooperative may however, under certain conditions, transfer all of its assets to an adjacent municipality.

Opinion No. 06-175: A municipality may permit alcoholic beverages to be served during private engagements at their civic center, so long as the service is provided by a restaurant, hotel or caterer holding a valid caterer’s license.

Opinion No. 06-172: Upon the declaration of a state of emergency, municipal chief executive officers may, independent of the governor, direct and compel an evacuation of all or part of the population from any stricken or threatened area within their jurisdiction. They also have the authority to forcibly remove persons who refuse to comply with evacuation orders.

Opinion No. 06-167: A municipal officer may arrest a person who refuses to sign a citation for a city code or ordinance violation or a person who violates a city code or ordinance and is unable or unwilling to provide proper identification for the issuance of a citation.

Portland honored with Community Impact Award

Trade & Industry Development, a site selection trade publication, has awarded the new Portland-based distribution facility for Federated Department Stores the magazine’s 2007 Corporate Investment and Community Impact (CiCi) Award.

Federated was recognized in the community impact category, which focuses on companies whose 2006 projects had the greatest potential for positive impact on the community or region. The magazine awards both the company and the economic development organizations involved in the project.

“On behalf of the Tennessee Department of Economic and Community Development (ECD), I congratulate the city of Portland and Federated for earning this prestigious recognition from *Trade & Industry Development*,” said ECD Commissioner Matthew Kisber.

“This project was a demonstration of the Governor’s Jobs Cabinet approach working at its best. Because the state, local community and TVA worked closely together, we were able to make this distribution center and hundreds of new jobs possible. It’s good to see the fruits of our labor recognized by such a highly-respected publication in the site selection industry.”

Federated announced in February 2006 its decision to build a new 595,000 square-foot distribution center in the Kentucky/Tennessee



New Federated Distribution Center in Portland

Industrial Park near Portland.

The center is part of a \$130 million, two-year effort by the company, and will be staffed by 500 new hires who will handle direct-to-consumer orders. These orders constitute Federated’s fastest-growing segment and are expected to reach \$750 million in 2008.

“Portland was an optimal site for this distribution facility because of its central location to our customers and suppliers and its easy access to the I-65 transportation corridor,” said Federated Vice Chair Tom Cole. “We chose this location based on the availability of a quality work force and low operating costs in northern Tennessee.”

Headquartered in Cincinnati, Federated operates about 950 department stores and more than 720 bridal and formalwear stores in 49

states, the District of Columbia, Guam and Puerto Rico.

Trade & Industry Development’s editorial staff consulted numerous industry experts, academics, journalists, site selection consultants and economic developers to establish the criteria for the award.

In addition, the publication utilized its database of communities and economic developers to contribute their most significant site selection transactions for 2006.

More than 1,000 submissions for the CiCi awards were collected.

Details on the investment and contributions of recipients of the awards are available in *Trade & Industry Development’s* March/April 2007 issue or online at www.tradeandindustrydev.com.

IN THE
COURTS

Diane Jordan, et al. v. Knox County, Tennessee, et al.: In an expedited appeal, the court holds that Knox County failed to comply with the legislation for instituting a charter form of government. Hence, Knox County has been governed by a de facto charter and government since 1990. Additionally, the term limits amendment is upheld and shall apply to all Knox County elected officials except court clerks and school board members.

George R. Fusner, Jr., as designated representative of the Mexican Consulate v. Coop Construction Co., LLC, et al: Holds that non-resident foreign nationals can be “dependents” under our workers’ compensation laws.

Steve D. Barnett v. Earthworks Unlimited: In a workers’ compensation claim, an employee was terminated for unrelated reasons and filed a claim post-termination. Affirms trial court’s ruling that worker’s compensation claim is not time-barred because the statute of limitations did not begin to run until the employee’s last-day-worked.

Patricia M. Bryant v. Baptist Health System Home Care: Upheld trial court’s decision which dismissed employer’s counterclaim, concluding that the employee’s false deposition testimony is not a “fraudulent insurance act” as that term is defined by the Workers’ Compensation Fraud Act.

Anna Sue Correll, Individually and as Administrator Ad Litem for the Estate of Edward H. Correll v. E.I. Dupont de Nemours & Co.: In a

Sixth Circuit Court
of Appeals opinions
relating to cities

Carver v. City of Cincinnati, et al.: Trial court found that police, firefighters and EMT employees were not entitled to qualified immunity in failing to provide adequate medical care or adequate alternative to person at a crime scene. This court reverses as plaintiff’s constitutional rights were not violated.

Rebecca A. Bakri v. Venture Mfg. Co.: In an ERISA deferred compensation case, the District Court held that employee was a participant in a “top hat” plan, exempted from vesting requirements. This Court reverses as plan fails to meet selectivity requirements.

Liler Razor Griffith, et al. v. Jim Coburn, et al.: In wrongful death civil rights suit against the township, the police chief and individual officers, the lower court granted a summary dismissal. This court reverses as material dispute as to the facts exists as to the appropriateness of the officers’ conduct.

workers’ compensation action, an employer’s subrogation right extends to the recovery an employee’s surviving spouse obtains in a products liability action filed out of state prior to employee’s death.

Dennis Wilson v. Blount County, Tennessee, et al.: In a property owner’s suit, affirms the Court of Appeals reversal of trial court’s finding that the Blount County Sheriff’s Department exercised due diligence in attempting to serve process of tax lien notice.

David E. Clark v. Lowe’s Home Centers, et al.: In a workers’ compensation claim, reconsideration of a prior award is not precluded by a subsequent work-related injury for which the employee seeks compensation.

STATE
BRIEFS

BY TISH WOMACK
TML Research Analyst

A UT Tennessee Center for Business and Economic Research report indicates that damage from pollution to the Great Smoky Mountains National Park could hurt the economies of counties in Tennessee that depend on the 15,000 jobs and revenues of \$600 million generated by the most visited park in the nation.

CoverTN, a basic, affordable and portable health insurance plan, was launched in early March by Gov. Phil Bredesen enrolling businesses in Memphis and Kingsport. Enrollment is open to uninsured Tennesseans who work for small businesses of no more than 25 full-time employees and self-employed Tennesseans.

The biggest eastern hemlock tree in the Smokies, the Laurel Branch Leviathan, 1,583 cubic feet of wood, has been confirmed by a North Carolina arborist and may be the largest evergreen in the eastern United States, although it is shorter than the 158.7-foot Cheoah tree in the Highlands section of the Smokies, 1,564 cubic feet of wood.

Gov. Phil Bredesen unveiled plans for the Tennessee Governor’s Academy that will open this fall on the University of Tennessee’s campus. The school, the state’s first residential public school, will emphasize math and science for students who tend to think “outside the box.” The state will foot the bill for the 24 students – 12 girls and 12 boys – who will comprise the junior class beginning this year. Students who finish

two years at the Academy will return to their home schools to graduate.

The Tennessee Department of Transportation and the Tennessee Diesel Working Group was recognized by the U.S. Environmental Protection Agency with a national leadership award for its diesel locomotive emissions reduction program funded with a \$1.6 million federal congestion mitigation grant. TDOT was also recognized for using biodiesel in its vehicles.

The state’s Pre-K program scored top marks for offering and sustaining a high quality program by the National Institute for Early Education Research, a unit of Rutgers University’s Graduate School of Education. The state was commended for spending \$570 more per Pre-K student than the national average.

The state collected \$27.6 million more tax dollars than anticipated in February according to the Tennessee Department of Finance. The state has collected almost \$116 million more than budgeted over the seven months of the fiscal year to date.

Gov. Phil Bredesen has established by executive order the **Governor’s Advisory Committee on the Transfer of Chief Executive Powers**. The committee is charged with conducting a comprehensive review of any current Tennessee constitutional provisions, laws and practices related to the transfer of powers of the governor, as well as those used in other states, to ensure continuity in the operation of state government in the event the governor were to be incapacitated. A written report is to be submitted to Gov. Bredesen on or before Oct. 1, along with any drafts of any constitutional amendments and joint resolutions or bills proposed for introduction in the General Assembly. The following eight Tennesseans appointed as members: Robert E. Cooper Jr., attorney general and reporter; Ron Ramsey, speaker of the Senate; Jimmy Naifeh, speaker of the House of Representatives; Ned R. McWherter, former governor of Tennessee; Adolpho A. Birch Jr., former Tennessee Supreme Court justice; Glen H. Reynolds, professor of Law, University of Tennessee College of Law; Steven E. Elkins, legal counsel to the governor; and Kim McMillan, senior advisor to the governor.

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TML testifies cable bill hurts local governments

FRANCHISING *from Page 1*
and local government to enforce the federal standards as well as to adopt and enforce more stringent standards.

Congress and the Tennessee General Assembly have granted cities and counties the authority to negotiate and enter into local cable and video franchises with cable and telephone providers. This authority has been granted for the purposes of protecting and providing for the local interests of a community and its residents.

Tennessee’s municipalities utilize this authority to impose and enforce customer service requirements and to impose build out requirements. In addition, municipalities utilize this authority to ensure taxpayers are justly compensated for the private use of the public’s rights-of-way. Municipalities also use this authority to provide access to public, educational and governmental (PEG) channels and to provide access to Internet service in schools, libraries and other public buildings.

The legislation under consideration allows new entrants into the cable and video market to circumvent local franchising and to obtain a statewide franchise. The bill also provides avenues for cable providers to abandon existing local cable franchises in favor of the more corporate-friendly statewide franchise. As such, the bill effectively eliminates nearly 50 years of local control of cable franchising.

Proponents of this legislation argue the local franchising process impedes competition, deprives consumers of a choice between cable providers, stifles the deployment of broadband, and subjects consumers to high prices and poor customer service.

Competition is good for our communities and cities welcome competition, but cities cannot force companies to compete; the choice is entirely up to the company. There is no provision of federal, state or local law that precludes any telephone company from competing in the cable and video market today. In fact, telephone companies have had this option available to them for the last 11 years. If a telephone or cable company wants to compete, all they have to do is ask. However, if a company does not attempt to compete, then the absence of competition can hardly be pinned on a city or the local franchising process.

Therefore, if there is a barrier to cable and video competition in Tennessee, then, clearly, that bar is self-imposed.

Municipalities utilize build out requirement to prevent cable and video providers from cherry-picking customers or engaging in other unlawful, discriminatory practices such as “red-lining.”

While build out requirements are necessary in every city and town, these requirements are especially important in the smaller, more rural cities. Unlike the larger cities,

smaller cities are not heavily populated and their citizenry is disbursed across acres rather than confined to city blocks or the trail of subdivisions one sees in the larger suburbs.

Therefore, smaller cities do not meet the density standards that drive the economics of cable and video providers’ deployment plans and, as

PEG channels and the Internet in schools, libraries and other public buildings, and to ensure taxpayers are justly compensated for the commercial use of the public rights-of-way.

This is a complex issue with numerous nuances involving new and evolving technologies and con-

“If municipalities lose local control of cable and video franchising and lose build-out requirements, as the bill proposes, then municipalities will lose the ability to ensure cable and video providers respond to local needs and interests, to enact and enforce customer service and consumer protections, to ensure companies cannot cherry-pick customers, to manage the public rights of way, to provide access to PEG channels and the Internet in schools, libraries and other public buildings, and to ensure taxpayers are justly compensated for the commercial use of the public rights of way.”

Tommy Bragg
TML President & Murfreesboro Mayor

such, the smaller cities require build out requirements to ensure every corner of their city has access to cable and video as well as the broadband technology which often accompanies such service.

Access to cable and video service should not be determined by where one lives, one’s income, whether one rents or owns a home, or by an individual provider’s corporate business plans and investment strategies.

Our common goal should be to ensure every Tennessean, especially those residing in smaller cities and towns in the more rural parts of this state, has access to quality cable or video service at affordable prices.

Yet, the bill before you specifically prohibits the state and local government from imposing and enforcing any build out requirements on holders of a statewide cable or video franchise; thereby eliminating the only meaningful tool available to promote equal access and curb discrimination. Consequently, only those customers, neighborhoods and cities a statewide franchisee chooses to serve will have a choice between providers. The rest of the state will have to live with these companies’ choices.

If municipalities lose local control of cable and video franchising and lose build-out requirements, as the bill proposes, then municipalities will lose the ability to ensure cable and video providers respond to local needs and interests, to enact and enforce customer service and consumer protections, to ensure companies cannot cherry-pick customers, to manage the public rights of way, to provide access to

fusing techno jargon. Proponents and opponents, alike, offer appealing and convincing arguments. At times such as this, it would be beneficial if a credible and independent expert would come sweeping in, sift through all of the arguments, and point us in the right direction – which brings me to my final point...the recent ruling by the Federal Communications Commission (FCC).

The FCC is the authority on all matters relating to cable and telephone service and is charged with overseeing the implementation of federal communications and telecommunications law, including the local cable franchising process.

For more than a year, the commission reviewed and studied every argument offered by the cable companies, telephone companies, local government and consumer groups relating to the very issue you are considering– the local cable franchising process and its treatment of new entrants into the cable and video market.

Earlier this month, the FCC issued a 120-page order in response to these arguments. In its order, the FCC found that the current operation of the local franchising process in many jurisdictions is impeding competition and delaying the deployment of broadband.

The FCC’s order also contained new rules and regulations the commission says will correct the problems with the existing local franchising process that are impeding competition and delaying the deployment of broadband. The FCC also states these changes that are to be implemented in every city and town,

pursuant to its order, “will facilitate and expedite entry of new competitors into the market for the delivery of video programming and accelerate broadband deployment.”

TML does not necessarily agree with the FCC’s findings and are only slightly comforted by the fact that the commission did not single out any jurisdictions in Tennessee.

However, our feelings are irrelevant because the FCC order carries the force of law and as such it preempts local laws and requires Tennessee’s cities to conform to the new local franchise rules and regulations.

So I ask, if after reviewing and studying all the arguments, the pre-eminent federal authority on all things cable and telephone and the agency responsible for implementing federal laws relating to cable and video franchising determined the local franchising process is, in fact, impeding competition and delaying the deployment of broadband. And, if after having made this determination, the FCC issued new local franchising rules and regulations which the FCC says will remedy the problems brought to light by the proponents of the bill, then why is the General Assembly still being urged to adopt this legislation?

Perhaps the proponents are hoping the Tennessee General Assembly will do something the FCC was unwilling to do....eliminate local control of the cable franchising?

Or, perhaps the proponents are hoping the General Assembly will do something else the FCC was unwilling to do...prohibit build out requirements?

Or, perhaps the proponents are hoping the General Assembly will grant their wishes with respect to their other unspoken objectives...wishes the FCC was unwilling to grant.

Tennessee’s cities are prepared to implement the FCC-ordered changes to the local franchising process and will welcome any company that would like to compete in the cable and video market in Tennessee.

Proponents argue the local franchising process and build-out requirements are impeding competition and delaying the deployment of broadband and must be eliminated, if consumers are to enjoy real competition and broadband. Cities and counties insist local control of cable and video franchising and build-out requirements must be preserved to protect consumers and local interests.

I request that you follow the lead of the Congress, the prior actions of the Tennessee General Assembly, federal, state and local laws, and the FCC. Defeating this legislation will preserve local control of cable franchising, maintain build-out requirements, and allow you to protect consumers and local interests.

FCC order negates need for statewide cable franchising

FCC, from Page 1

The Commission adopted the order by a vote of 3-2 (along party lines). However, until the Commission published its order, the full scope of the order and the specific contents of its rules were unknown.

Commission findings regarding competition and deployment of broadband:

1. The current operation of the local franchising process in many jurisdictions constitutes an unreasonable barrier to entry that impedes the achievement of the interrelated federal goals of enhanced cable competition and accelerated broadband deployment.
2. Operation of the franchising process has proven far more complex and time consuming than it should be, particularly with respect to facilities-based telecommunications and broadband providers that already have access to rights-of-way.
3. The current operation of the franchising process often not only contravenes the statutory imperative to foster competition in the multichannel video programming market but also defeats the congressional goal of encouraging broadband deployment.
4. In light of the problems with the current operation of the franchise

process, it is necessary for the Commission to exercise its authority and to adopt measures to address a variety of means by which local franchising authorities are unreasonably refusing to award competitive franchises.

5. The rules and guidance the Commission puts forth in its order will facilitate and expedite entry of new cable competitors into the market for the delivery of video programming and accelerate broadband deployment consistent with its statutory responsibilities.

FCC findings regarding Local Franchise Authorities (LFA):

1. LFA’s failure to issue a decision on a competitive application in a timely manner constitutes an unreasonable refusal to award a competitive franchise.
2. Refusal to grant a franchise because of an applicant’s unwillingness to agree to unreasonable build-out requirements constitutes an unreasonable refusal under the law.
3. Conditioning approval of a franchise on the payment of certain costs and fees constitutes an unreasonable refusal to reward a franchise, unless these costs, fees and other compensation required to be paid to the LFA are counted toward the 5 percent cap.

4. It is unreasonable to refuse to award a competitive franchise based upon a new entrant’s refusal to undertake certain obligations relating to public, educational, and government (PEG) channels and institutional networks (I-NETs).
5. It is unreasonable to refuse to grant a franchise based on issues related to non-cable services or facilities.
6. Finally, the FCC order prohibits LFAs from imposing greater restrictions on market entry than the rules contained in the order. its on LFAs “designed to ensure efficiency and fairness in the local franchising process and to provide certainty to prospective marketplace participants.”

Summary of Notice of Proposed Rulemaking – FCC seeking comment on the following:

1. FCC has tentatively concluded that the Franchising Order should apply to incumbent franchise cable operators as they negotiate renewal of their agreements with LFAs.
2. FCC has tentatively concluded that it cannot preempt state or local customer service laws that exceed the Commission’s standards, nor can it prevent LFAs and cable operators from agreeing to more stringent standards.

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Governor’s Arts Awards recognizes Tennessee’s best

BY VICTORIA SOUTH
TML Communications Coordinator

The small town of Huntingdon was among seven distinguished recipients receiving 2007 Governors Awards in the Arts at a reception and ceremony at the Schermerhorn Symphony Center in Downtown Nashville.

Produced by the Tennessee Arts Commission, the awards were presented by Gov. Phil Bredesen, also an accomplished artist and painter, accompanied by First Lady Andrea Conte.

“The 2007 recipients represent the very best from the state’s arts community,” said Rich Boyd, executive director of the Commission. “The awards represent the highest excellence and the public value of the arts in Tennessee.”

Huntingdon Mayor Dale Kelley accepted the *Arts Leadership* award

for the town’s development of the Dixie Carter Performing Arts and Academic Enrichment Center, a \$3.2 million state-of-the-art theater and academic arts center built along the historic town square named in honor of actress Dixie Carter, who grew up and attended high school in Huntingdon.

The recipients were selected from among 69 nominees statewide with awards presented in three categories:

Folklife Heritage - Recognizes folk artists or organizations demonstrating long-term achievements within art forms rooted in traditional or ethnic Tennessee culture;

Arts Leadership - Recognizes organizations, businesses, educators, patrons, arts administrators, corporations, and volunteers demonstrating significant support or participation in activities which foster excellence in, appreciation of, or

access to the arts throughout the State; and

Distinguished Artist – Recognizes Tennessee artists of exceptional talent and creativity, in any discipline, that have contributed to the arts and helped guide and influence directions, trends, and aesthetic practices on a state or national level over the course of their career.

Jamestown resident and fiddling legend Clyde Davenport

thrilled the audience with a rare public performance before receiving the *Folklife Heritage* Award. Described as the strongest living link to 19th century Appalachian fiddling, Davenport is a master of ancient solo numbers passed down through generations. He is an accomplished old-time banjo player and fiddle-maker as well often sharing his knowledge with students who travel from all across the country to visit his Tennessee home.

Bestowed the *Distinguished Artist Award* Oak Ridge native Richard Jolley, remains true to his Appalachian roots, maintaining an art studio in Knoxville for three decades. Lauded not only for his beautiful contemporary works in glass, displayed in major museums in the U.S. and overseas, the Commission recognized Jolly’s outstanding vol-

See **ARTS** on Page 7



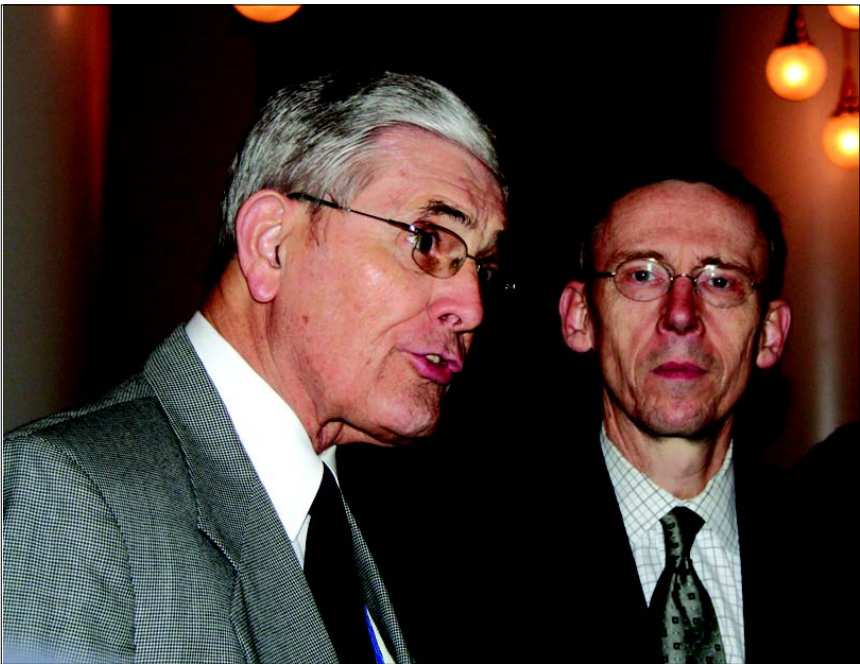
Gov. Phil Bredesen kicks off the awards ceremony



House Majority Leader Gary Odom and Mayor Dale Kelley.



Sen. Bo Watkins



Rep. John Hood and Tennessee Attorney General Robert Cooper



Stage and screen actress Dixie Carter and Huntingdon Mayor Dale Kelley accepted the 2007 Governor's Arts Leadership award for the town’s development of the Dixie Carter Performing Arts Center.



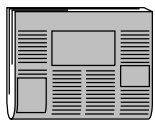
Sen. Lowe Finney and Rep. Mark Maddox



Former U.S. Congressman Bob Clement, Mary Clement, former Camden mayor Ray Smith and Executive Director of the Tennessee State Museum, Lois Riggins-Ezell



Paul Kwami, Fisk Jubilee Singers musical director; Rich Boyd, TAC executive director; and Kofi Lomotey, Fisk University executive vice president and provost



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CITY ENGINEER

LAKELAND. The city of Lakeland is seeking qualified applicants for the position of city engineer who will report directly to the city manager. Duties include providing professional engineering advice and assistance on the city's infrastructure systems, traffic, buildings, and equipment for public facilities and grounds. The position oversees planning, design and construction of city facilities and infrastructure including subdivision inspections and erosion control as well as making presentations before boards and commissions and day-to-day contact with the public. A Professional Engineering license is required as well as experience in municipal subdivisions, drainage and inspection, and oversight of public infrastructure construction. Supervisory experience is preferred. The person hired must possess excellent communication, interpersonal, and public relations skills. Salary range: \$67,000-\$102,000 DOQ/E. See www.lakelandtn.gov for additional information. Send resume to: City of Lakeland, 10001 Highway 70, Lakeland, TN 38002. Fax: 901-867-2063; E-mail: cityhall@lakelandtn.org.

CITY MANAGER

ETOWAH. The city of Etowah, population around 3,800, is seeking qualified applicants for the position of city manager whose responsibilities will include the administration of all city services and departments, including but not limited to finance and administration, personnel, budgeting, code enforcement, public works, sanitation, streets, industrial development, recreation, planning and zoning. The position is responsible to a five member board of mayor and commissioners. The person hired must have a bachelor's degree in public administration, business, or related field, and five years experience in local government management. Experience in budgeting, control of revenues and expenditures, management of multiple departments, legislative issues, economic development, stormwater operations, and planning are high priorities. The city has an annual budget of approximately \$2,500,000 with 39 full-time employees and 19 part-time. Salary: DOQ plus excellent benefits including automobile expenses. Send letter of application, resume, and salary demand to: City Manager Search Committee, City of Etowah, 723 Ohio Avenue, Etowah, TN 37331. References will be requested and a national agency background check on finalists will be conducted. Deadline: May 31. EOE.

CITY MANAGER

MOUNT PLEASANT. The city of Mount Pleasant, population 5,000 plus, is seeking qualified applicants for the position of city manager who reports to a five member board of mayor and commissioners for the administration of all city services and departments, including, but not limited to, finance and administration, public works, budgeting, code enforcement, sanitation, streets, industrial development, recreation, planning and zoning, personnel, water and wastewater, and general management of the city's gas system. The ideal candidate will have a bachelor's degree in public administration, business, or related field, plus five years experience in city management. Experience in budgeting, control of revenues and expenditures, management of multiple departments, legislative issues, economic development, wastewater operations and planning are high priorities. The city has an annual budget in excess of \$9 million and 63 employees. Salary: DOE plus excellent benefits. Send resume to: City Manager Search Committee, City of Mt. Pleasant, P.O. Box 426, Mt. Pleasant, TN 38474. Phone: 931-379-7717; Fax: 931-379-5418. Deadline: April 15. EOE.

CITY PLANNER ASSISTANT

GALLATIN. The city of Gallatin is seeking a highly qualified individual to fill the newly created assistant city planner position that reports to the city planner and will be responsible for assisting with overall departmental administration, including the supervision of three staff planners and planning assistant. In addition duties will include managing current planning activities and development review process; and serving as staff support to various boards and commissions. The planning division is currently preparing to initiate several major long range planning initiatives, including the preparation of annexation studies and comprehensive revisions to the city's general development plan, major thoroughfare plan, and zoning ordinance. The position requires AICP certification, a bachelor's degree or equivalent, and considerable professional planning experience coupled with prior supervisory experience. A master's degree in planning is preferred. Salary: \$49,234 DOQ/E. Send required application, available at www.gallatin-tn.gov, and resume to: City of Gallatin Personnel Office, 132 W. Main Street, Gallatin, TN 37066. Phone: 615-452-5400, ext. 319; Fax: 615-451-5918. Deadline: April 12. EOE.

FINANCE COMMISSIONER

LEBANON. The city of Lebanon is seeking applicants for the position of commissioner of finance with responsibilities for planning, directing and coordinating the fiscal management and administration of the city. Duties also include continuous review and analysis of fiscal operation, needs and resources; directing collection of taxes, license fees; managing issue and sale of bonds; directing payroll accounting, purchasing, and meter reader departments; and, serving as city treasurer and city recorder. A bachelor's degree from an accredited four-year college or university with a major in accounting or finance is required; experience in municipal government financial administration is highly desired. Salary range: \$60,000 to \$80,000, DOQ. Send resume to:

Personnel Department, City of Lebanon, 200 Castle Heights Avenue N, Lebanon, TN 37087. Phone: 615-443-2809; Fax: 615-443-2844; e-mail: lrc@lebanontn.org. Deadline: April 30.

FIRE CHIEF

GALLATIN. The city of Gallatin is re-advertising its position of fire chief. The position reports to the mayor and is responsible to the city council. The person hired will plan, program, direct, and evaluate the operations of the fire department, including three fire halls and 54 employees. That person will also be responsible for developing and controlling a \$3.2 million department budget; formulating and implementing fire policies; managing employee relations; and other fire related duties. The successful candidate will have any combination of education and experience equivalent to graduation from an accredited college or university with major course work in fire science, public administration, or related areas. Extensive administrative experience, 10 years or more preferred, in fire service. Upper-level management experience preferred. The city desires individual with experience in Tennessee, with knowledge of all controlling laws applicable to fire agencies in Tennessee. Highly desire individual with fire experience in diverse community of similar/larger size with experience as chief/assistant chief or command-level position in a similar size department. The person must have a valid Tennessee driver's license and meet all departmental and statutory standards as well as be willing to meet residency requirements. Salary range: \$60,614-\$89,981 plus excellent benefits. Send cover letter indicating interest and qualifications, resume, salary history, and three professional references to: UT-Municipal Technical Advisory Service, Attn: Gary Jaeckel, 226 Capitol Blvd., Suite 606, Nashville, TN 37219. **Applicants hwo previously applied by Feb. 7 deadline need not reapply as they will continue to be considered.** Deadline for new applicants: April 17. EOE.

OPERATIONS SUPERINTENDENT

BRENTWOOD. The city of Brentwood is accepting applications for an experienced operations superintendent who will be responsible for various activities involving road and drainage construction and maintenance; project plan review/oversight; and citizen concerns. The position requires a high school diploma with eight to 10 years experience in road maintenance/construction, or related; supervision experience in local government or related preferred. Effective interpersonal and customer service skills are required. Salary range: \$49,192-\$61,484 DOQ plus excellent benefits. Send resume to: HR, P.O. Box 788, Brentwood, TN 37024. Deadline: April 15. EOE.

POLICE CHIEF

TULLAHOMA. The city of Tullahoma, population 17,994, is seeking applicants for the position of police chief. Responsibilities include planning, managing, and directing the activities of the police department; preparing and monitoring the annual budget; and maintaining department accreditation. Applicants should have experience in crime prevention strategies, community policing, and demonstrated experience in law enforcement management. A bachelor's degree in criminal justice, public administration, or related field is required. Certification as a law enforcement officer in Tennessee is required, or the ability to attain certification. This is a full-time exempt position with benefits. Starting salary range: \$50,545-\$61,000. Send resume with cover letter to: City of Tullahoma, Attn: Human Resources, P.O. Box 807, Tullahoma, TN 37388. E-mail: cbrice@tullahoma-tn.com. Position open until filled. EOE.

POLICE OFFICER

SMYRNA. The town of Smyrna is seeking a police officer for a full-time position. The person hired will perform general police duties in the protection of life and property through enforcement of federal, state, and local laws and ordinances. The qualifications include, but not limited to, being at least 21 years of age; citizen of the U.S.; having a high school diploma or GED; meeting one of the following: have completed 60 semester hours from an accredited college or university, two years military experience with honorable discharge, or two years experience as a certified law enforcement officer; having a valid Tennessee driver's license; not having a felony conviction or "moral turpitude" misdemeanor conviction; ability to pass physical exam by licensed physician; having good moral character and free of all apparent mental disorders; having visual acuity correctable to 20/20 with ability to recognize basic colors; passing Smyrna police department exam with 80% or better grade; possessing a level of physical fitness to successfully pass fitness test; having ability to effectively communicate before interview board; completion of Tennessee P.O.S.T. requirements within one year of appointment; and having the ability to perform effectively under stress and in adverse conditions. The person hired must have a working knowledge of federal and state laws, local ordinances, department policies and procedures, and the town handbook. Salary range: \$36,648.27-\$50,520.04. Send required application with proof of education and/or experience to: Smyrna Town Hall, 315 S. Lowry Street, Smyrna, TN 37167; Fax: 615-355-5771; E-mail: hr@townofsmyrna.org. Applications are available at www.townofsmyrna.org. Deadline: April 16. EOE/Drug Testing Employer.

STORMWATER MANAGEMENT COORDINATOR

FRANKLIN. The city of Franklin is accepting applications for the position of stormwater management coordinator who will be responsible for directing the citywide stormwater planning, watershed master planning, NPDES MS4 permit and street protection strategy programs; providing technical guidance to various departments, agencies, designers, and special interest groups on all phases of stormwater

projects; assisting in administration and management of the stormwater management program, including maintenance, operations, regulatory requirements, and budgetary functions; utilizing stormwater management resources, design advancements, innovative technologies, and enabling legislation to improve and protect quality of life and environmental goals of the city; and working with citizens, industry representatives, environmental groups, and government officials to foster dialogue and linkages between interest groups in the city. The position reports to the director of engineering. The person hired must have a bachelor's degree in engineering, environmental sciences, or related field, plus five years engineering or environmental sciences experience in stormwater management programs and ecosystems improvements with two years in supervisory capacity; or any equivalent combination of training, education, and experience; experience in developing and implementing watershed planning preferred. A Tennessee driver's license is also required. Knowledge of GIS (ArcView), ArcINFO), AutoCAD, HECRAS, HEC1, QUAL2E, SWMM, etc. preferred. Salary: DOQ/E. Send required application, obtained at www.franklin-gov.com or from the Human Relations Department to: HR Department, City of Franklin, 109 3rd Avenue South, P.O. Box 305, Franklin, TN 37065; phone: 615-791-3216; Fax: 615-791-3297; e-mail: tracyh@franklin-gov.com. EOE.

TOWN ENGINEER

NOLENSVILLE.

Nolensville is seeking qualified applicants for the position of town engineer to provide professional engineering advice and assistance on matters pertaining to the town's infrastructure systems, traffic, buildings, and equipment for public facilities and grounds. The person hired will be responsible for providing technical expertise in areas of construction problems, floodplain and drainage issues; overseeing new development work; reviewing site plans and other design documents; performing site inspections; coordinating with designers and contractors; and providing information to the public. The position oversees public works and includes subdivision inspections and erosion control. Duties also include presentations before boards and commissions, and day-to-day contact with the public. The position reports directly to the mayor. A profession engineering license is required as well as experience in municipal issues of subdivisions, drainage and inspection and oversight of public infrastructure construction. Supervisory experience is preferred. The person hired must possess excellent initiative, organization skills, communication, interpersonal and public relations skills in keeping with the high level of customer service offered by the town. Salary range: \$50,000-\$55,000 DOQ/E plus attractive benefit package. Send application/ resume to: P.O. Box 547, Nolensville, TN 37135; Fax: 615-776-3634; E-mail: mayorbethlothers@comcast.net. See www.nolensvilletn.gov for more information. EOE.

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Governor's awards honors state's best



Fiddling legend Clyde Davenport

ARTS, from Page 6

unteer work in the community and continued service toward underserved inner-city and rural area children in East Tennessee through *Side-by-Side*, his annual art education apprentice program.

A *Distinguished Artist Award* was also presented to master artist, mentor and teacher Olen Bryant, a Cookeville native turned Professor Emeritus at Austin Peay State University in Clarksville. Bryant creates unique one of a kind pieces, combining nature and spirit-based imagery with a vast range of materials. He is considered one of the foremost influences of his time mentoring vast numbers of students and practicing artists in Tennessee. Bryant is a founding member of the Tennessee Association of Craft Artists and the Nashville Artists Guild.

Bill Ivey, chair of the National Endowment for the Arts and presi-

dent of the American Folklore Society, recieved an *Arts Leadership Award* for his tireless leadership and contributions to the arts, music and cultural world in the public, private, for profit and non-profit sectors.

The remaining outstanding recipients are legendary:

The Schermerhorn Symphony Center, a \$123.5 million state-of-the-art music hall in Nashville built in tribute to the late Kenneth Schermerhorn, the Symphony's music director for more than two decades conferred the *Arts Leadership Award*; and

The incomparable Fisk Jubilee Singers (pictured below) were founded in 1871 and introduced the world to the "Negro Spiritual," the religious folksongs of slavery re-worked as concert choral arrangements. Performing live on the Schermerhorn stage, the group received a *Folklife Heritage Award*.



The Fisk Jubilee Singers

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AG Opinion: cities can't set different limits on senior tax freeze

TAX FREEZE from Page 1
legislative bodies to determine this amount, and does not authorize the General Assembly to delegate this power to the localities. Rather, the amendment requires the General Assembly to determine the amount by a general law.

In November 2006, Tennessee voters approved an amendment to Article II, Section 28, of the Tennessee Constitution that expanded the available avenues of tax relief for the elderly. The amendment provides that by general law, the Legislature may authorize the following program of tax relief:
The legislative body of any county or municipality may provide by resolution or ordinance that:

(1) Any taxpayer who is sixty-five (65) years of age or older and who owns residential property as the taxpayer's principal place of residence shall pay taxes on such property in an amount not to exceed the maximum amount of tax on such property imposed at the time the ordinance or resolution is adopted;

(2) Any taxpayer who reaches the age of sixty-five (65) after the time the ordinance or resolution is adopted, who owns residential property as the taxpayer's principal place of residence shall thereafter pay taxes on such property in an amount not to exceed the maximum amount of tax on such property imposed in the tax year in which such taxpayer reaches age sixty-five (65); and
(3) Any taxpayer who is sixty-five (65) years of age or older who purchases residential property as the taxpayer's principal place of residence after the taxpayer's sixty-fifth birthday shall pay taxes in an amount not to exceed the maximum amount of tax imposed on such property in the tax year in which such property is purchased.
(b) Whenever the full market value of such property is increased as a result of improvements to such property after the time the ordinance or resolution is adopted, then the assessed value of such property shall be adjusted to include such in-

creased value and the taxes shall also be increased proportionally with the value.
(c) Any taxpayer who own residential property as their principal place of residence, whose total or combined annual income or wealth exceeds an amount to be determined by the General Assembly shall not be eligible to receive the tax relief provided in subsection (a) or (b).

**Tennessee Constitution
Article II, § 28.**

By its terms, the constitutional amendment provides that the General Assembly will determine the amount of income or wealth that will entitle elderly taxpayers to property tax relief under the prescribed program. Under the amendment, if the General Assembly passes a general law authorizing the tax relief program, then a local legislative body may adopt a resolution or ordinance implementing the tax relief program in its jurisdiction; however, the local legislative body's authority ends there. The amendment directs the General Assembly to determine the amount of income or wealth that may

not be exceeded by program recipients, and this language does not contain authorization for local legislative bodies to deviate from this amount.

Although the amendment does not authorize local legislative bodies to establish the applicable income or wealth amounts, the General Assembly is not precluded from passing a general law that would impose different amounts in different localities across the state. For instance, the General Assembly could enact a general law that classifies counties according to median income level and provides a different maximum amount for each class. These amounts must be established by the General Assembly, however, and not by the various local legislative bodies that choose to implement the tax relief program.

The AG office said that statements made by the amendment's sponsor (Sen. Mark Norris) during the 2004 legislative session would advocate a broader construction to allow local legislative bodies to establish their own income or wealth



Robert Cooper Jr.

limits, provided these local limits did not exceed the state maximum established by the General Assembly.

The sponsor's comments, however, do not tie to any language in the amendment that can support such a construction. Rather than representing a broad authorization for the General Assembly to enact property tax relief for the elderly, the amendment represents a specific, limited exception to the uniform taxation requirements of the Tennessee Constitution. Thus, the General Assembly has only the powers granted it by this provision, which is written in an unusually restrictive manner.

The amendment sets out the precise program that the Legislature may authorize, as well as the provisions of the resolution or ordinance that a county or municipality may adopt. Nothing in the amendment gives a locality the power to ordain any other provisions. And the General Assembly's discretion in authorizing this program is confined to determining the maximum level of wealth or income for those eligible. Nothing in the amendment indicates that the General Assembly may delegate this power to the localities. To the contrary, the clear direction is that the General Assembly must set the maximum.

"Since the amendment so carefully circumscribes the power of both the General Assembly and the localities in implementing its provisions, we see no basis upon which a locality could implement a lower maximum, and no authority for the Legislature to delegate such power to the localities. Rather, the amendment states that cities and counties may adopt the stated program, with the limitations set by the Legislature," wrote Cooper.

U.S. Senate Committee approves more money for COPS

BY LESLIE WOLLACK
and
CAROLYN COLEMAN
Nation's Cities Weekly

Earlier this month, a Senate panel approved two bills that would provide much-needed assistance to local law enforcement efforts and help battle a recent surge in violent crime in some cities.

The Senate Judiciary Committee unanimously approved legislation that would put an additional 50,000 police officers in neighborhoods and communities across America.

"The COPS [Community Oriented Policing Services] program is a proven success," said Sen. Joe Biden (D-Del.). "Police are our first responders and we need to continue the program that is most responsive to their needs. Recent studies show that COPS grants played a critical role in the crime drop of the '90s. The President's proposal to end the program flies in the face of clear evidence of COPS' effectiveness."

The President's proposed budget for fiscal year 2008 would cut federal assistance to state and local law enforcement by more than half. However, the Senate Budget Committee approved a resolution last week that restored this funding.

In meetings with Sen. Biden and members of his senior staff, NLC President Bart Peterson urged Congress to continue to support this important program.

NLC has declared public safety as a legislative and policy priority for this year, particularly due to the recent surge in violent crime in larger cities and the need to deal with the root causes of crime such as poverty and drugs. NLC's Public Safety and Crime Prevention Policy Committee plans to devote a portion of its work this year to local concerns about violent crime.

On March 15, the Senate Judiciary Committee reported to the full Senate S. 368, the COPS Improvements Act of 2007, sponsored by Biden, and S. 231, to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal

year 2006 levels through 2012. Sens. Dianne Feinstein (D-Calif.) and Saxby Chambliss (R-Ga.) co-sponsored S. 231.

S. 368 would provide \$1.15 billion to continue the COPS program, which was created through the 1994 Crime Bill, and funding for the COPS School Resource Officer program, which is aimed at combating violence in schools.

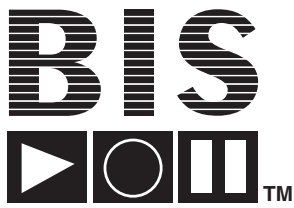
Biden's bill will fund the COPS program through 2011, authorizing the hiring of 50,000 new police officers; assistance for police departments to purchase high-tech crime fighting tools such as cameras in patrol cars and DNA analysis equipment; and funding for community prosecutors.

"In this post-9/11 world, our state and local officers need more help, not less; and they need our assistance with both areas of their job: helping fight terrorism and protecting our communities from crime," noted Biden. "COPS effectively and efficiently does both, by hiring more community-policing officers who get to know the neighbor-

hoods they work in and patrol. It's these officers who not only deter and prevent crime, but also they likely will be the ones finding the bomb under the trash can or the ones to notice a terrorist cell moving in to an apartment building."

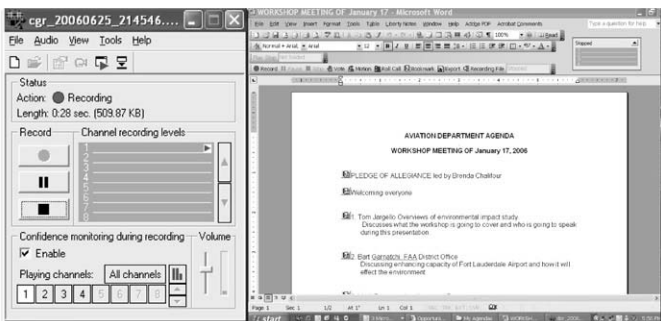
The Judiciary Committee also approved the Edward Byrne Memorial Justice Assistance Grant Program (Byrne/JAG), which would provide grants for criminal justice enforcement to focus on violent crime and serious offenders. The bill would authorize almost \$1.1 billion annually through fiscal 2012.

"With violent crime increasing across the country, now is the time to fund programs like Byrne/JAG, which has a 20-year history of providing real results in the fight against gangs, organized crime, and drug and firearm traffickers," Feinstein said. "We must work to ensure that our state and local law enforcement agencies continue to receive these funds and are able to continue their efforts to remove controlled substances and weapons from our streets."



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Documentary exposes the perils, promises of energy consumption

ENERGY from Page 1
traced to sulfate particulates from coal-burning power plants. “If you see ozone damaging living tissue here on this plant,” Air Quality Specialist Jim Renfro says pointing to dying greenery within the park limits, “it kind of makes you wonder what it’s doing to your lungs.”

Shockingly, one in 10 American women of childbearing age carries unsafe levels of mercury in their tissues. “We are poisoning our grandchildren. We’ve got to stop,” said Rev. Woody Bartlett.

With more than 12,000 pounds of coal burned in power plants for each home annually, Tennessee’s households make up the highest residential usage of coal-generated electricity in America, consuming more than 1,200 kilowatt hours of electricity per month.

Through *Kilowatt Ours* Barrie hopes to educate and rally the country one group at a time toward a healthier reality. The film offers affordable conservation methods and renewable energy sources that homeowners and renters can use now to save hundreds of dollars on energy bills and lessen the harmful effects of energy production.

Some solutions are as simple as changing a light bulb. Compact fluorescent light bulbs use 20 percent as much electricity as a 100-watt incandescent bulbs lasting years longer. “My wife and I purchased enough compact florescent bulbs to replace every single incandescent bulb in our home,” said Barrie. “Our electricity bills went down immediately and the bulbs have already paid for themselves.” The Barries also in-

stalled an energy-efficient refrigerator saving even more money ultimately cutting their electric bills in half.

According to the film, half the power needs of a city could be met if all the flat rooftop space were covered with solar collectors.

“Municipalities are focusing on making taxpayer supported buildings such as schools and libraries more energy efficient,” said Dave Pelton, president of *Trust for the Future*, and founder and executive director of *Clean Cities of Middle Tennessee*.

“Level one includes changing light bulbs and converting street lights to LED bulbs and sealing windows. The next level is roof insulation; what can be done to add layers of insulation to existing rooftops. Level three, is building new structures that meet LEED certification (Leadership in Energy and Environmental Design).”

America’s schools spend more on energy bills than on computers and textbooks combined. The Sumner County School System discovered that geothermal heating and cooling in a new school helped them save \$5,000 per month on energy costs. They decided to retrofit every school in the county with this cost-saving technology.

Tennessee homeowner, Joe Schiller, discovered that solar panels generate all the energy his family needs consuming only one-third the average home’s energy use.

Ultimately, conservationists are steering energy consumers toward Net Zero neighborhoods. A Net Zero building is one that generates

all the energy it needs through renewable power such as wind or solar energy whether on-site or through the electricity grid.

Additionally, the money saved through conservation methods could enable your business or family to purchase blocks of green power. Through an exciting development offered by TVA, Green Power Switch, individuals or businesses may purchase energy generated by solar, wind or methane gas. To determine if Green Power is available in your area, visit the TVA website at www.tva.gov

In 1999, the Tennessee Department of Economic and Community Development (ECD) released a report *Tennessee Greenhouse Gas Emissions Mitigation Strategies*, outlining the economic and environmental benefits of a statewide program promoting energy con-

servation that could ultimately reduce CO2 emissions by 9.5 million tons and save residential consumers \$73 million annually.

Important energy bills geared toward conservation and saving tax payer monies are currently pending.

SB0146 by Kurita/HB1218 by McDonald passed unanimously by the Senate, Environment, Conservation & Tourism Committee.

SB0146 requires a re-

port on the status of Tennessee Code Annotated (TCA) dealing with energy consumption, production and security;

ensures that all the TCA is being enforced, not just the parts that were recently passed; requires no additional reporting; gives elected officials and concerned citizens all the available information on energy in Tennessee; allows for greater communication among State Depart-

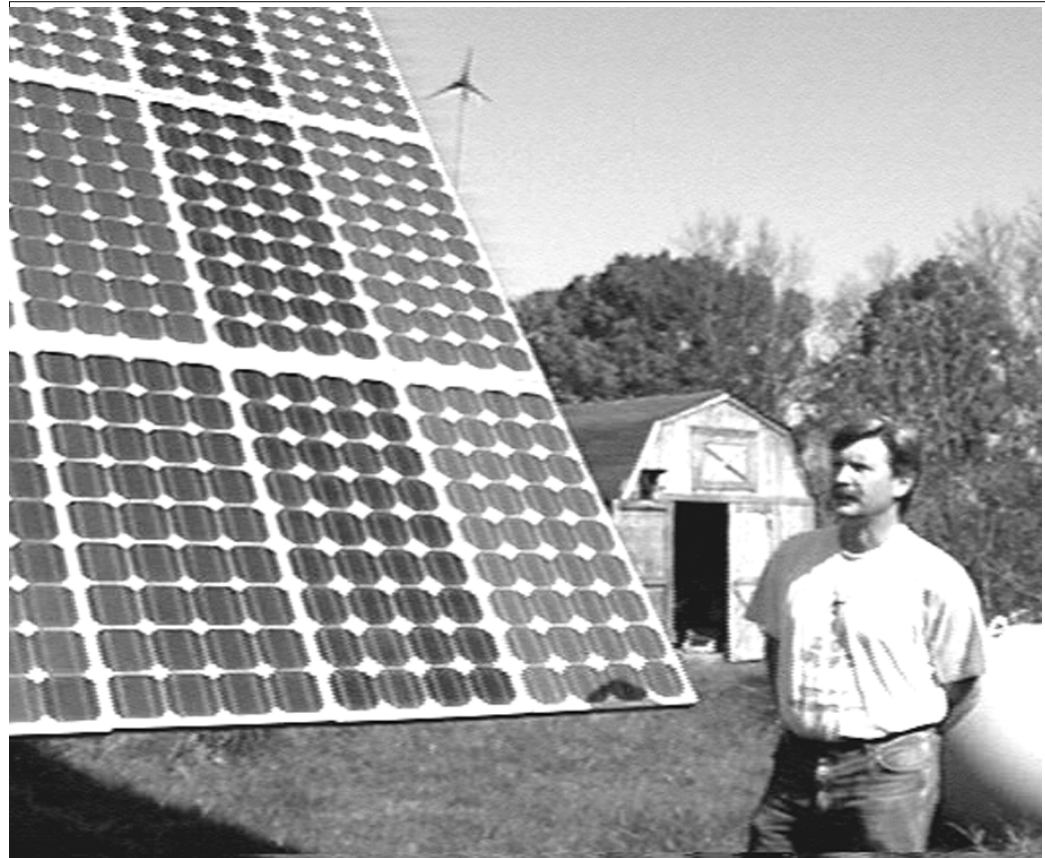
ments and Divisions; and helps save money for Tennesseans through tax and energy savings.

For further energy saving information, to join the Southern Energy Conservation Initiative, or purchase or arrange a screening of *Kilowatt Ours*, visit the *Kilowatt Ours* website at www.kilowattours.org

Photos courtesy of *Kilowatt Ours*



Workers install solar panels on the rooftops of a new development



Homeowner Joe Schiller generates all the energy his family needs through solar panels, consuming only one-third the energy of typical energy customers.



Just by changing the lightbulbs in their homes to compact florescent bulbs, consumers use 20 percent less electricity than 100-watt incandescent bulbs and compact florescents last years longer. Pictured: Heather Barrie

Municipal Administration Program April Schedule

Public Safety: NIMS Compliance; Hitting a Moving Target

Oct.1, 2007, will bring some new and some final compliance dates for your city that you will need to meet to continue to be eligible to receive Federal Grants and Assistance. This class will update you on where you should be now on NIMS (National Incident Management System) implementation. It will answer your questions on what requirements have changed and will give you an overview of upcoming dates that will be critical for your city to have certain requirements complete and operational.

Instructors

Ray Crouch and Gary West, MTAS Municipal Fire Consultants

Who Should Attend

Chief Administrative Officials such as Mayors, City Managers, etc., Senior Staff of Fire, Police, Public Works and Public Health departments and any other city departments who might have a major role in emergency operations during a natural or man-made disaster.

Dates and locations

April	4	Jackson
April	11	Cookeville
April	17	Collegedale
April	18	Knoxville
April	19	Johnson City
April	24	Bartlett
May	4	Franklin (New)

Time

Public administration courses be-

gin at 8:30 a.m. and conclude at 12:30.

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
Franklin Williamson County Exposition Center, 4215 Long Lane
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 St.

To register for this municipal administration program class, please visit the MTAS web site at www.mtas.tennessee.edu or contact Sandy Selvage at sandy.selvage@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. Fees are \$25 per person per class for municipal employees and \$50 per person per class for all other participants.

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Sen. Bill Ketron brings local govt. experience to State & Local Government

BY GAEL STAHL
Editor

Tennessee Sen. Bill Ketron, already a powerful Republican leader early in his second term, actually made his first run for public office as a Democrat. In the 1990s, he ran for Rutherford county mayor three times, the last time as a Republican, and lost all three times. Now, since winning and rewinning a state Senate seat, he's a three-time winner – same person, different circumstances.

His life story began in Kingsport where he was born in 1953, his father one of the hundreds of Ketrons that can be found in the Kingsport phone book for whom Ketron High School was named. It is now Ketron Middle School. Shortly after his birth, Ketron's family moved to Greeneville, then to Nashville where his father became a Cherokee Insurance agent, and finally, in 1961, to Murfreesboro to work for State Farm.

During high school, Ketron played basketball but was the football team's manager in 1971, the year Central High's football team won the state championship. There, he met the legendary MTSU football coach, Bubba Murphy, for whom the Murphy Center Complex is named, who offered him a full scholarship to be an MTSU team manager.

In 1976, Ketron got a B.S. degree in political science and history (he had planned on going to law school) and told his father he might like to get into park ranger forestry. His father, who at the time owned an independent insurance agency, Universal International Insurance, urged him to give insurance a try. If he didn't like it, he could always do what he wanted. Thirty-two years later, Ketron owns the agency.

The Boy Scouts was Ketron's first love. He became an Eagle Scout at the age of 12. It influenced his love of nature and is where he nourished a love of service to the community in diverse ways such as politics, professional organizations, civic organizations, and the insurance business. He is still involved in scouting as is his dad who, at 76, serves on the national board of the Boy Scouts of America. At the national level, Ketron was president (1995-96) of the Toledo-based National Exchange Club and has been national president of the Foundation for the Prevention of Child Abuse from 2001 to the present, which sponsors more than 100 Exchange Club Child Abuse Prevention Centers.

In 1988-89, Ketron attended Leadership Rutherford where he learned how the political side of his community worked. In 1990, he ran for county mayor, running as a Democrat because his Republican and Democratic friends told him it was his only choice. Rutherford had not elected a Republican since Reconstruction. So, he ran in the Democratic primary and lost by about 1,200 votes in a three-way race. After the April primary, he was denied permission to run for the nonpartisan office of county commissioner in the August general election. He sued and proved that the registrar had misread the state code. Ketron took the headlines that garnered, campaigned hard, and won a county commission seat. After serving two four-year terms, he took a four-year break, and then won his Senate seat in 2002.

Bill and Theresa Ketron were married in 1983. Their daughter Kelsie was born three weeks after his election to the county commission in August 1990. Despite her pregnancy, Theresa stood under a pine tree holding a campaign sign on her stomach, and since her birth, says Ketron, Kelsie has been fired-up about politics.

Ketron, who has been Senate majority floor leader, is now chairman of the State & Local Government Committee and a member of the Education Committee. He serves on three Select Oversight Committees, Workers' Comp, Education, and Corrections. He's a member of the Fiscal Review Committee and chairs its Contract Subcommittee. He is a member of the South Central Development District, of South Central Human Resource Governing Agency, and of the Tennessee Health School Coalition.

Ketron's local government experience makes him a favorite sponsor of Tennessee Municipal League legislation, including five bills this session. As president of the Rutherford Volunteer Fire Fighting Department, Ketron naturally sponsors a TML bill mandating firefighter training and another to supplement stipends for certification. Last year, he helped stop a bill



Of course, I voted against (last year's bill). It recognized the union to negotiate with the cities.



It irritates me that TML is not willing to sit down and negotiate. They've just dug their heels in.



Photos by Gael B. Stahl
(We think cities need better representation on a county established 911 district.

sponsored by unions wanting to represent municipal firefighter employees in negotiations with local officials. He speaks about those bills here and also about a controversial video franchise bill for AT&T that is strongly contested by city officials.

TT&C: What were your local government interests?
BK: For eight years on the county commission, I served on and chaired the county Health and Education Committee and sat on the Budget Committee as well as working closely with fast-growing Murfreesboro, Smyrna, LaVergne, and Eagleville. The library was a joint venture with the cities and came under my committees.

In 1994, I ran for county mayor a second time and was beaten by one of my fellow commissioners, Nancy Allen, a former county executive. When I ran against her again in 1998, I ran as a Republican, having switched parties in 1996. I had to give up my commission seat to run against her as a Republican, but that is where I felt more comfortable given my conservative values.

TT&C: You failed to win a county mayor election three times but four years later won a Senate seat to represent four counties?
BK: During the reapportionment process of 2002, a new Senate District 13 was created to reflect the population growth of the mid-state area. I won the primary election in 2002, and last November, I won reelection. So, with three losses running for county mayor and three wins, I am batting .500. You get knocked down; you get back up.

TT&C: Did you have strong Republican and Democratic competition for that new Senate district?
BK: I did, including a Rutherford Countian now living in Columbia whom I beat in the primary, now an avid supporter. In the general election I ran against a very popular sitting House member, Bobby Sands. Speaker Naifeh was grooming him to be governor by giving him a fast track from the House to the Senate. They designed this district for him. As the student body president of MTSU during my freshman year, they thought Bobby's connections at MTSU would help in Rutherford County. He was an announcer at the Walking Horse Celebration in Shelbyville that is headquartered out of Lewisburg in Marshall County, and he lives a short drive over from Columbia in Maury County. His wife was a member of the Rambo family of Lincoln County. So there he is in all four counties. It was perfect. Even Sen. Doug Henry had to give up a piece of his district to help create this district for Bobby. He had just voted for a state income tax in the House, and when he pushed that button, I capitalized on that and never let up. That's not to say that beat him. I'm sure it was 90 percent, but he could have won if I hadn't gotten out and met all those people. Several House members voted for an income tax that year and got reelected. He had no idea that I would work that hard.

TT&C: What do you mean you outworked Bobby Sands?
BK: Their calculating error was Rutherford County. I beat him in Lincoln County by 72 votes. He beat me in Marshall by 340. I beat him in Columbia by 32 votes and beat him in his own precinct. They miscalculated when they drew that line between eastern and western Rutherford. MTSU and the old Main Street crowd that he personally knew and thought that he could count on to vote for him were not in the new

district. I beat him by over 4,000 votes in Rutherford County because he never worked that section of the county. He had \$28,000 left in his bank account. He believed his polls and thought he had it made. I outworked him.

TT&C: You are sponsor of the AT&T bill being heard in your S&L Government Committee that would give that phone company a statewide franchise agreement to deliver television rather than negotiate with municipalities like cable companies do. It's a complicated bill (SB1933 & HB1421), isn't it?
BK: It is a little complicated in its effects. I've tried to get mayors to tell me what they think. They say that they don't want to lose franchise control or build-out requirements. I ask them to tell me how much build out they get from Comcast and Charter. I think they'd be in the same position they have been. The only time cable builds out to another subdivision and adds service is usually when you get an increase in rates once or twice a year.

There is no competition now. It's a monopoly. If the rates go up, what choice do they have other than a satellite like DirecTV? I feel competing companies bring rates down.

When AT&T comes in with this brand new IP (Internet protocol) technology, it will open the door to where we're all heading, Comcast included. This technology comes into the home through the copper wire that already exists in homes. They will run fiber optic line up to the already existing switches on the telephone lines. From the switch, you can open broadband into that copper wire and put more information through that telephone coming into your house than is available anywhere. You will be able to record four different movies at one time and choose what you want to record by clicking on the menu to record it next Thursday while you're out of town.

You'll be able to pick and choose the type of programming you want coming into your home instead of buying a complete package. If you want the enhanced package from Comcast you have to pay for the whole thing. In time, you'll be able to activate parental blocks. If you're in Memphis or San Francisco, you can call in by your telephone and use a parental code to block that programming coming in.

TT&C: What were you told about losing control?
BK: They talk about control of rights of way. Bell/AT&T rights of way are already there in the ditches along with the utilities. I have made it a point in the bill to require those to be treated just like they are currently. AT&T will not encroach.

After a meeting I had yesterday, I think we're willing to extend that so that we'll even make sure that before we dig in those rights of way to give proper notification to the municipality. That's not happening right now. The gas company doesn't call the municipality when it's ready to dig a ditch. I'm willing to do that in this bill to make sure every municipality is notified before we go into the right of way and give them something they currently don't have.

TT&C: What about cities losing control to negotiate franchise fees and service?
BK: As for franchise fees, the maximum allowed by the federal government is 5 percent. Some cities have as low as 3 or 4 percent. I'm willing to put in the bill that it will be 5 percent across the board for every city and municipality. We'll build it in. They don't know that yet. But

we're willing to do that.

It irritates me that TML is not willing to sit down and negotiate. They've just dug their heels in. As the person in the middle, if TML negotiates with me, I'll go back to AT&T and say, can you do this? We four sponsors control this bill, two Republicans and two Democrats including Reps. Charles Curtiss and Steve McDaniel in the House and Sen. Doug Jackson. We'll negotiate and see how we can make it work.

Control is not just about control by elected officials. We're going to put the control in the people's homes. For me, the selling point is putting this type of technology into our rural communities. Comcast is not going to go out into the rural communities. They say they will, but why haven't they? The difference is that this is Internet type technology as opposed to cable lines they have to string out into the build out area.

There will be no need for build out with AT&T because they already have their switches in place. They just turn a switch on and all of a sudden it goes from there in a 5,000-foot circle around the switch. It is tough to try to negotiate a local franchise agreement for all those circular areas. That's why we want to take it statewide. As long as we can promise that the cities continue to get more (5 percent franchise fees across the board) than they are getting now, it's to the advantage of cities that are getting only 3 or 4 percent.

TT&C: How will it affect the half dozen cities that provide municipal cable service?
BK: I have two of those pilot programs in my district, one in Columbia and one in Fayetteville. We want to make sure they have the ability to opt into this or cities can start their own using the same technology. It's not going to be affordable for these pilot cities to keep up with expensive HD equipment, as Columbia Mayor Bill Gentner found out when he bought a new plasma TV that did not pick up HDTV, just the plasma technology because they can't afford the equipment to keep up with that technology without going into the rainy day fund. I think this bill will allow those municipal cable services to tap into these same switches without going into a lot of debt.

TT&C: Would the phone companies service all of their customers?
BK: Eventually they will. Despite all the talk about cherry picking, service going out demographically 5,000 feet from a switch can't just go into affluent neighborhoods. When you go two or three streets over, you're in lower income areas. They're going to go in and provide to all people, not cherry pick.

TT&C: Won't technology that downloads programs from the Internet one at a time be slower?
BK: The IP service will actually be faster than cable. – You know, the latest word I heard yesterday is that the picture is not going to be as good. It will be something new every day.

TT&C: You have been very supportive to cities. For example, at the end of the last session, during the dramatic Senate floor vote whether to pass the firefighters' union bill that TML opposed, you voted against it.
BK: I did. We thought that bill would die here in the State and Local Committee, but it passed. Sen. Miller got it out of committee, told us he was going to vote against it and then voted for it. And there it goes to the floor. It just shocked all of us. For whatever reason, maybe election threats from union folks to some

House members, they ended up passing it in the House and came back over to us in the Senate and we had to stay and talk.

Of course, I voted against it because unlike any other bill they'd ever brought in the past, last year's bill was totally different. It recognized the union to negotiate with the cities. I had real concerns with that. When the unions get recognized to negotiate contracts in favor of the firefighters' union, then your problem is that the union is working for 12 months of every year trying to negotiate and not seeing eye-to-eye on contracts. You get the tail wagging the dog.

Instead of firefighters putting their faith in negotiating with the mayor and city council they elected to run your city government, they would be putting their faith in union negotiators. That slippery slope would start with firefighters, then it's the police, sanitation workers, and public works all putting pressure on elected officials demanding they be helped under threat of beating at election time and putting in people who will listen to the union. In a few years, you've got those departments consuming all the dollars, raising taxes, and it just gets out of hand. I didn't want to go in that direction.

TT&C: You are sponsoring a bill to provide mandatory training to all firefighters?
BK: As president of Rutherford Volunteer Fire Department, I think it is important that when you put somebody into a fire truck to respond to a fire that they have proper training to fight back a fire. That is what saves them from injury and death and safely saves the property from destruction. It's not just a matter of turning on the water hose and aiming it. You can get caught in those back drafts that come around cutting firefighters off in the middle.

TT&C: And, another bill that the fire chiefs and TML want to provide \$1,000 educational incentive pay for all firefighters upon completion of various levels of training?
BK: That will be subject to the budget being passed. If we don't get the appropriation, the bill will probably go away.

TT&C: What's the effect of your bill to add requests for proposals to the competitive bidding process of local government?
BK: That's about required bidding. In many instances, municipalities and counties will have a need to request proposals. That's important because it lets the people truly interested in getting a proposal to come in and bid. You don't have to show the price, but tell us in your proposal what you want to do, how you want to do it, and what you think it's going to take to cure that problem the city has run into. It opens the door for more people to come in to help solve the problem instead of just looking at the bottom line and nothing else.

TT&C: What's the purpose of your bill permitting cities to purchase used items from other governmental agencies?
BK: Currently, municipalities are required to publicly advertise and competitively bid all purchases. This bill would allow municipalities to purchase used goods and equipment from any private individual or entity without public advertisements and competitive bidding provided the purchased item is valued through a nationally recognized publication or licensed appraiser.

TT&C: Why are you sponsoring the bill that would require municipal representatives on county established 911 districts by adding the mayors of each municipality within that district to the existing boards?
BK: More and more communities in our state are moving toward using firefighters as first responders. In the past, the only time the fire department got called to accidents is when there was a car fire.

Now, if there is an accident the ambulance comes, but the fire truck is usually first at automobile accidents with trained EMTs working shifts at the station as is the case in many big cities.

In addition, 911 boards have authority to approve expenditures for emergency equipment and technology. These reasons combined with the fact that the majority of call volume received by the 911 districts originates within a municipality, we think cities need better representation on a county established 911 district.