

## Feds to rescind \$190 million in state highway funds

**Impact will be felt across Tennessee**

BY CAROLE GRAVES  
TML Communications Director

With Oct. 1 signaling the start of a new fiscal year and many federal departments without approved 2010 budgets, Congress adopted a continuing budget resolution that allows the departments to continue to operate thus avoiding a potential government shutdown.

Included in the resolution was a one-month extension for the SAFETEA-LU authorization bill (Safe, Accountable, Flexible, Efficient Transportation Equity Act ...A Legacy for Users), due to expire Sept. 30. The one-month stopgap measure, however, did not address a rescission provision built into the last transportation bill, that takes

back any funds that states have not yet obligated or are under contract. (A total of \$8.7 billion nationwide.)

For Tennessee, it means a \$190 million loss in highway funds.

Attempts by Congress to repeal the rescission ran up against "pay-as-you-go" budget rules, which meant lawmakers would have to offset the \$8.7 billion by either increasing revenues or making equivalent spending cuts in other areas of the budget.

Tennessee Department of Transportation (TDOT) officials, who have been pensive awaiting Congressional action, told the House Transportation Funding Study Committee in a meeting last month, that should the rescission take place, the larger metropolitan

areas would be hit the hardest but nearly every community would be impacted.

"The big cities and some smaller cities that receive direct federal aid aren't spending the money as fast as we do," said Paul Degges, TDOT chief engineer.

Degges explained that TDOT purposely spends down their accounts, whereas the larger cities may build their funds over several years in order to pay for larger projects. And even though there might be a plan in place for how the money will be spent, that money may not be obligated yet or under a contract, which means it can be rescinded.

He estimates some \$78 million will be taken back from the Big 4 cities, which up until now have been exempt from any federal rescissions.

Another \$30 million will come out of money for enhancement grants. Enhancement grants are awarded to local governments to build bike paths and sidewalks, improve streetscapes, refurbish historic railroad depots, and for other investments that enhance communities access.

TDOT said that other funds will be taken from:

- Safety programs (\$15 million)
- TDEC recreational trails (\$1 million)
- Planning (\$2 million)
- Safe Routes to Schools Program (\$300,000).

"It will have a huge impact in our ability to plan activities," said Degges. "And it will literally hit just about every community across the state with some project or program being impacted."

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## State honors fallen firefighters

*As first phase of memorial is dedicated, citizens pause to honor heroes*

BY CHRISTOPHER GARRETT  
State Fire Marshal's Office

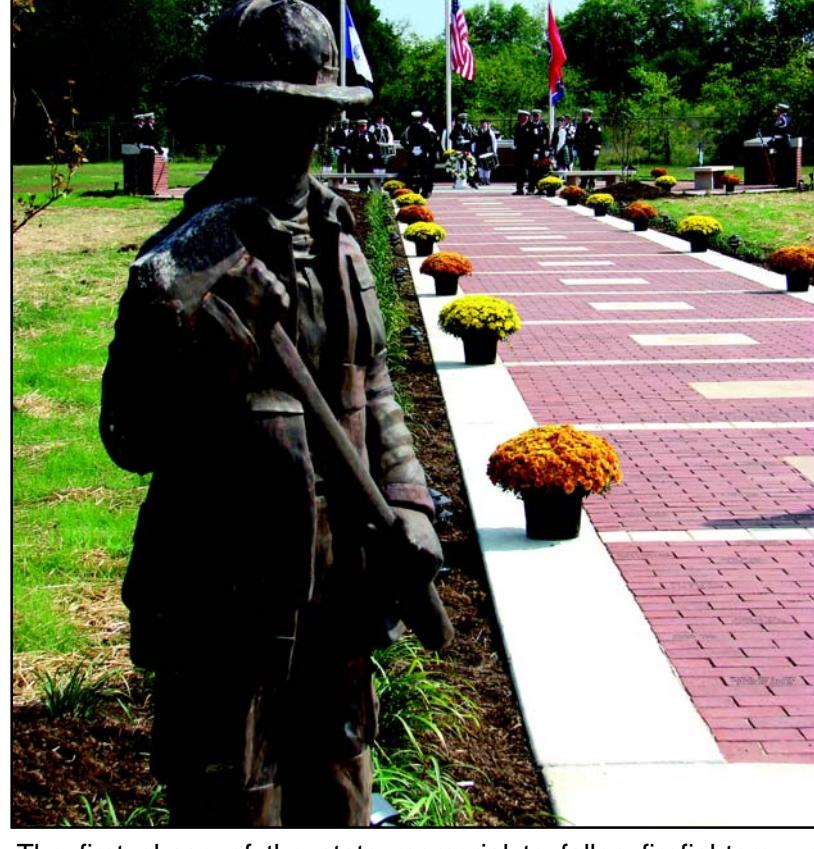
The sunny skies were welcome, casting the statues, stone and brick, in bright light. The strong breeze brought relief from the heat and made the flags at the Tennessee Fire and Codes Academy wave furiously.

But the flags were at half-staff. And, the grief-gripped faces of the relatives and colleagues alike, added a solemn, respectful air to the beauty of the day.

The first phase of the state memorial to fallen firefighters was complete and, on the eighth anniversary of the 9/11 attacks on the United States, more than 500 people gathered at the Bell Buckle site to honor the heroism of Tennessee's ranks.

Tennessee Commerce and Insurance Commissioner Leslie A. Newman, who also serves as State Fire Marshal, honored firefighters' bravery and commitment to service. "While we pay tribute to firefighters for their valor and selflessness in responding to those attacks, the truth of the matter is they weren't doing anything different from what they do every day," she said.

James Daughetee, father of fallen Highway 58 volunteer



The first phase of the state memorial to fallen firefighters was dedicated on the eighth anniversary of the 9/11 attacks on the U.S.

firefighter Shane Daughetee, spoke of his son's heroism and duty, giving the keynote address for firefighters. Daughetee, 24, died in a structure fire in 2007.

Tennessee has lost 197 firefighters in the line of duty since 1875. Relatives of fallen firefighters were given the chance to walk along the brick pathway and to lay flowers at the memorial's center, near the

U.S., state and memorial flags.

A statue and additional landscaping are planned to complete the memorial.

The memorial committee is accepting donations toward that second and final phase.

Their web site is [www.tnffmemorial.com](http://www.tnffmemorial.com), and the State Fire Marshal's office is <http://tn.gov/commerce/sfm/index.shtml>.

## GNRC recognizes Brentwood, Franklin for automatic aid agreement

BY VICTORIA SOUTH  
TML Communications Coordinator

Neighbor helping neighbor has taken on a whole new dimension in Franklin and Brentwood since the city's fire departments entered into an automatic aid agreement in July to respond simultaneously to structure fires in the Cool Springs area including southern Brentwood and northern Franklin.

Previously the fire departments had provided mutual aid to one another acting solely upon request, under the new agreement, residents of both communities have the added security of having both fire departments on the scene each and every time at no cost to the taxpayers. "It just makes sense," according to chiefs of both departments.

"Our goal is to reduce response times and ultimately improve safety in both cities," said Brentwood Fire Chief Kenny Lane. "In a fire, every second counts. Any way that we can reduce response times will provide additional protection for our citizens and firefighters."

"Franklin firefighters have to drive past a Brentwood Fire Station to get to The Landings Apartments," said Franklin Fire Chief Rocky Garzarek. "Now, dispatchers will notify that Brentwood station automatically and they could potentially arrive on the scene first when there is a fire."



Franklin Fire Department assists Brentwood Fire Department at a structure fire that suffered a \$2.2 million loss.

"9/11 changed any sense of rivalry between fire departments and other first responders. That's when the federal government began encouraging stronger interoperability between municipalities," said Brian Goss, assistant fire chief for Brentwood Fire Department. As former Battalion Chief for the Grand Rapids, MI. Fire Department, Goss notes that automatic aid agreements appear far more common up north.

"I had no idea how unique the concept was in this area when I first brought the idea to Chief Lane," said

Goss.

Franklin and Brentwood are part of only a handful of participating fire departments in Tennessee, according to Ray Crouch, Municipal Technical Advisory Service fire management consultant.

"I now have chiefs from other departments approaching me about how they can get a similar plan started in their jurisdictions," said Goss.

"It is working well," said Garzarek. "I don't have to send as

See AID on Page 5



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**Annual Conference**  
**June 13 - 15, 2010**  
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## Local governments address employee health care costs

About 49 percent of the nations' cities, counties and townships expect less revenue in 2010, and 21 percent expect fewer employees, according to a new survey. About 26 expect increased consolidation of local services.

With shrinking budgets and fewer staff, local officials are taking several approaches to contain long-term costs associated with employee and retiree health care.

*The Health and OPEB Funding Strategies: 2009 National Survey of Local Governments* report is based on responses from more than 1,500 city, county, township and special district governments across the country randomly polled this year.

"There are significant changes from last year's study," said William SaintAmour, executive director of Cobalt Community Research. "We're seeing belt tightening and growing awareness of benefit costs."

The report examines local governments' awareness of and responses to growing health costs and liabilities. It also helps inform public employers about national OPEB accounting requirements and current practices used by local governments to control health care costs.

The study was conducted by Cobalt Community Research ([www.cobaltcommunityresearch.org](http://www.cobaltcommunityresearch.org)), a leading nonprofit research organization based in Lansing, MI. According to the study, approximately 78 percent of the survey respondents provide health care to their employees, with 30 percent also providing health care to retirees. Larger local governments are more likely to provide such benefits.

Few respondents plan to eliminate benefits. "Clearly, the study shows activity, but many cost-reduction strategies are still untapped," said SaintAmour. "For example, only 27 percent of respondents increased deductibles over the past two years, only 19 percent implemented wellness programs and only 15 percent expanded the use of generic drugs."

Much of the report focused on local government awareness and response to the Governmental Accounting Standards Board (GASB)

Statement Number 45: Accounting and Financial Reporting by Employers for Postemployment Benefits Other than Pensions (OPEB).

This statement creates a national standard for the measurement and disclosure of state and local government OPEB liabilities, especially in the area of health care for

See HEALTH CARE on Page 5

## General Assembly's web site named USA's best

The Tennessee General Assembly's web site has been named the best in the country by the National Conference of State Legislatures (NCSL).

The Online Democracy Award recognizes a legislature, legislative chamber, or caucus whose web site stands out for making democracy user-friendly.

The Tennessee web site, [www.capitol.tn.gov](http://www.capitol.tn.gov), stood out for its ease of navigation, depth of content and openness, and availability of information to the public.

Key features of Tennessee's web site that contributed to this year's award include:

- prominent educational resources;
- well-organized information;
- a simple, fresh design; and
- integration of archived streaming video clips with agendas and bill information.

"In this new era of online information, we as legislators must continue to give Tennesseans the ability to see their government at work," said Speaker Emeritus Jimmy Naifeh. "This new web site will give people improved access and a better view of what we do here in Nash-

ville."

Both chambers of the Tennessee General Assembly, along with the help of Tennessee Legislative Information Services Department, studied ways to improve communication with constituents via the Internet. A survey was commissioned asking web site users what they wanted from the Tennessee General Assembly web site. Hundreds of individual ideas were submitted and many were used in the final version.

"These changes continue the evolution of making our government more open and transparent," said Lt. Governor Ron Ramsey. "This web site will give the people of Tennessee a better opportunity to know their legislators, follow important bills and let them be a part of the process."

The new web site was created by NICUSA-TN. NICUSA-TN designs, manages, and markets eGovernment services and web sites on behalf of state and local governments. They partner with government leaders and establish local offices to provide customized solutions for each government they serve.

The Online Democracy Award See WEBSITE on Page 4

# NEWS ACROSS TENNESSEE



## BY TML STAFF REPORTS

### BARTLETT

The Bartlett Association of Retailers (BAR) a local non-profit organization was formed by local merchants to promote growth and prosperity for the city's retail industry. The mission of the BAR is to educate the citizens of Bartlett on the importance of shopping locally and to promote the individual retailers within the city. "We want residents to know how their decisions about where to buy gas, groceries or a new appliance can actually impact their city services and indirectly their property taxes," said Mayor Keith McDonald. The Bartlett Retail Association has launched "buybartlett.org," a web site featuring all retailers inside the city. The site features a map of the Bartlett Retail Zone to help people understand the zone's boundaries.

### BRENTWOOD

Howard Books, the religious division of Simon & Schuster and one of the nation's largest publishers, recently moved from its headquarters in West Monroe, La., to Brentwood. Literary agents say the company may gain better publishing opportunities by moving to the Nashville area, home to religious publishing giants Thomas Nelson and LifeWay.

### CHATTANOOGA

The Tennessee Aquarium has been named a recipient of the 2009 National Medal for Museum and Library Service, the nation's highest honor for museums and libraries. The annual award, made by the Institute of Museum and Library Services (IMLS) since 1994, recognizes institutions for outstanding social, educational, environmental, or economic contributions to their communities. The Tennessee Aquarium will receive the National Medal at a ceremony held later in Washington, D.C., and a \$10,000 award in recognition of their extraordinary contributions. The opening of the Tennessee Aquarium in 1992 helped launch a revitalization of Chattanooga's downtown and riverfront and provides more than \$1 million in free educational programming to the region each year.

### DAYTON

La-Z-Boy of Tennessee in Dayton has been named as a winner of the Governor's Award for Trade Excellence. Others winning the award were Nucsafe Inc. of Oak Ridge and World Trade Consult LLC in Memphis. La-Z-Boy of Tennessee opened the doors to its 1,202,000 square-foot Dayton facility in 1973 and makes recliners, sleep sofas, reclining sofas and stationary sofas onsite. With more than 1,800 employees, exports make up four percent of the company's sales.

### ETOWAH

ThyssenKrupp (Tissen-crup) Waupaca (Wah-paka) will cut 276 jobs at its East Tennessee foundry Jan. 1 due to the continuing slump in the automotive and heavy truck markets. A company spokesperson said that many employees affected by the shutdown are being offered

transfers to plants in Wisconsin and Indiana. The foundry between Chattanooga and Knoxville has been operating since 2001.

### FRANKLIN

Franklin's new leak detection program is already proving successful. Utility Services Associates, LLC, hired by the City's Water Management Department in August, identified 13 leaks during a two week period. Those leaks are estimated to represent an annual water loss of approximately 40 million gallons, which equates to more than \$70,000 in production costs. The leaks have been identified in both public and private lines in the Grassland area. Earlier this year Board of Mayor and Aldermen approved the program and the Water Management Department budgeted for the 2009/2010 fiscal year to hire an outside firm to locate leaks in 40 miles of the distribution system using various sonic leak detection sound amplification instruments. The report of observations provides the city with a detailed report of leak locations and an estimate of the volume of water lost. The 40 million gallons saved in the leak detection program will reduce potable water usage by an estimated 2 percent. To learn more about the Sustainable Community Action Plan, go to [www.franklin.tn.gov/livegreen](http://www.franklin.tn.gov/livegreen).

### JELlico

Law enforcement officers removed marijuana plants from a remote area in Campbell County in what was expected to be the largest seizure ever in the state. The TBI said the discovery was made during a routine fly-over by members of the Governor's Task Force on Marijuana Eradication. Agents found an irrigation system and campsite. Task force officers used a helicopter outfitted with a sling to transport the marijuana plants about six miles from Jellico to Indian Mountain State Park for eventual destruction under a controlled burn.

### JOHNSON CITY

Close to 200 people will lose their jobs as early as November when TRACO closes a 10-year-old facility that produces windows in north Johnson City. The Pennsylvania-based company, which had just added dozens of jobs, is consolidating all operations at its headquarters outside Pittsburgh.

### KINGSPORT

The Kingsport school system has moved into the top 10 most energy-efficient systems in Tennessee, according to the Tennessee Department of Education's Energy Efficient Schools report. The report said Kingsport City Schools has reduced energy costs by an estimated 22 percent from 2003 to 2008. In 2003, Kingsport ranked 21st of 136 systems in the state for lowest energy use per student. The school system improved its ranking to eighth in the state in 2008. An example of this initiative includes the installation of a centralized energy management system that allows administrators to control building temperatures from one location. The school system realized an 11 percent decrease in energy usage in June and July 2009 compared to the same time period in 2008, a savings of more than \$21,000 in two months. In addition to grants and low interest loans, KCS Director of Facilities David Carper said the school system is seeking the help of

ESG, a Tri-Cities-based business, where bonds to make efficiency improvements are repaid through savings from the energy efficiency of the improvements.

### KNOXVILLE

A Belgium zinc producer has agreed to buy three East Tennessee zinc mines and plans to reopen them and recall some 300 employees. Nyrstar NV will pay \$126 million for the Immel Mine in Knox County and the Young Mine and the Coy Mine in Jefferson County. The price of zinc has been climbing and is back above 85 cents a pound. What especially cheers locals is that Nyrstar owns a smelting operation in Clarksville and hauling there and processing will create economies and make it more likely for the local plants to be more profitable. Glencore Group has owned the mines for three years, but the mines were closed due to low international zinc prices. Nyrstar also owns a Smith County zinc mine.

### MEMPHIS

SFI of Tennessee and Steel Warehouse, sister companies operating from a manufacturing campus at 4768 Hungerford Road, are making plans to spend millions of dollars beefing up their facility and creating at least 250 jobs. Steel Warehouse is a steel service company that provides raw material steel to companies like SFI, which manufactures, fabricates and processes steel and other metals. Both companies are subsidiaries of Indiana-based Lerman Enterprises. As part of a tax break they've requested for the project, the companies would commit to creating at least 250 jobs with an average wage of \$42,000 a year with benefits.

### MORRISTOWN

The city has joined the list of certified communities in the Tennessee Main Street Program, bringing the total to 23 communities certified through the state program and accredited by the National Main Street Center. Certification requirements include: broad-based support for downtown revitalization through local citizens and government involvement, financial commitment, organization structure, potential,



The Tennessee Aquarium has been named a recipient of the 2009 National Medal for Museum and Library Service, the nation's highest honor for museums and libraries.

previous history of downtown activities and a comprehensive understanding of the Main Street "Approach to Revitalization." The list of Main Street communities are: Bristol, Cleveland, Collierville, Columbia, Cookeville, Dandridge, Dayton, Dyersburg, Fayetteville, Franklin, Gallatin, Greeneville, Jackson, Johnson City, Kingsport, Lawrenceburg, McMinnville, Murfreesboro, Rogersville, Savannah, Tiptonville, and Union City.

### NASHVILLE

Nashville is planning for a not-too-distant future when one in four people are 65 or older and the city needs better sidewalks, public transportation and fitness opportunities to keep an aging population mobile. Those findings and others were unveiled at the FiftyForward Knowles Center as part of the yearlong Nashville Livability Project. Several committees were charged with finding ways to keep Nashville livable for a baby boomers — those born between 1946 and 1964 — as they age. Transportation, housing, health, work force, civic engagement and safety were at the project's core. Mayor Karl Dean said the city has initiated more accessibility for older residents by making structures compliant with the Americans with Disabilities Act. The task force, made up by many people from several agencies, was formed in 2008.

### OAK RIDGE

As part of its new five-year, \$215 million climate research agreement with the National Oceanic and Atmospheric Administration (NOAA), Oak Ridge National Laboratory will be acquiring yet another

supercomputer. The procurement process for the new machine is in the works, and, by this time next year, ORNL should have three computers capable of at least one petaflops (1,000 trillion calculations per second). A draft "request for proposals" to build the new computer is under review, and it could be issued before the end of the month if it meets the Department of Energy's approval. The draft is currently being vetted with NOAA, which provided \$73 million in Recovery Act money this year that will be used for the purchase.

### SPRING HILL

The General Motors Spring Hill Powertrain Plant has produced its 2 millionth Ecotec Engine. The plant has been producing the engine since June 1, 2002. The facility supplies engines in North America for the Chevrolet Cobalt, HHR and Malibu, the Saturn Aura and Vue and the Pontiac G6; in Canada for the new Chevrolet Equinox & GMC Terrain; in Europe for the Opel Insignia; and in Shanghai for the Buick LaCrosse.

### SPRING HILL

Two major suppliers to the General Motors plant have given notice to the state that they plan to lay off a combined 643 workers when the Spring Hill facility shuts down in November. Penske Logistics LLC says it will lay off 300 and Johnson Controls is cutting 343. Both are in Maury County, where ITW Shippers Products also said it has laid off 59 employees. The GM plant is to close on Nov. 25 when production of the Chevrolet Traverse moves to Michigan.

## PEOPLE IN THE NEWS



### BY TML STAFF REPORTS

**T o m m y Burnett**, a former Tennessee House Majority Leader, has died. He was 67. First elected to the state House at age 28 in 1970, Burnett served as House Majority Leader under then Speaker McWherter for six years, serving 20 years as a state representative, and became a well known talk show radio commentator on Teddy Bart's Roundtable program. In recent years, he was affiliated with the Ingram Group, and worked on the hill as a lobbyist. A native of Goodlettsville, Burnett is survived by his wife, two sons and a daughter.



Burnett

The Obama Administration nominated **Dr. Barbara S. Haskew**, of Chattanooga, a Middle Tennessee State University economics professor, and **Neil G. McBride**, of Oak Ridge, an East Tennessee public interest lawyer to serve on the board of the Tennessee Valley Authority to fill two of four vacancies on the TVA board. If confirmed by the U.S. Senate, the two would join the five current TVA directors appointed by President Bush.

**G. Thomas Love** was recently honored as the longest serving mayor in

Greeneville (28 years). Named Tennessee Mayor of the Year by the Tennessee Municipal League in 1997, Love served as an alderman from 1967 to 1972, assuming the mayoral position when former Mayor James N. Hardin passed away. During his tenure, Love served as a municipal representative on the Tennessee Advisory Commission on Intergovernmental Relations, chaired a job training program by Walters State Community College, and held almost every office for the First Tennessee Development District.

Gallatin resident **Betsy Hawkins**, has been appointed to serve on the board of directors for the Regional Transportation Authority. RTA provides and manages regional commuter bus service, vanpools and carpools, and Tennessee's first commuter rail service, the RTA Music City Star. Hawkins will serve a five-year term on the RTA Board, which is comprised of city and county mayors and community leaders in a nine-county area in the greater Nashville region.

**Mike Lambert**, an MIT department staff member for the city of Franklin, has passed away. He leaves behind a wife, two young daughters, friends



Lambert

**Elisha Hodge** has been promoted to the position of open records counsel for the Office of Open Records Council (OORC). Hodge has served as the open records specialist for the OORC since 2007. In her new role, she will serve as the primary contact for concerns on access to local government public records under the Tennessee Public Records Act.



**Sherri Warner Hunter**, of Bell Buckle, has completed a large statue comprised of discarded slate from the roof of Tennessee's newly restored Executive Residence entitled "In the Presence of Presents." First Lady Andrea Conte located a group of artists from across the state to use the discarded materials from the site to fashion into artwork to be displayed throughout the property. Hunter was awarded the commission in 2004 after letters were sent to more than 50 artists across the state.

**Jim Crumley**, former city manager of Morristown, has been named Assistant City Manager of Murfreesboro. Crumley was named City Manager of the Year by the Tennessee City Management Association in 2008. He has worked in municipal government for more than 25 years. His first day with Murfreesboro was Oct. 5



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# Civil War artifacts found at Franklin's Battlefield Park

A recent survey unearths a cannon ball, artillery shells and pieces of china

BY MILISSA REIERSON

Franklin Communications Manager

Franklin's Eastern Flank was the scene of one of the Civil War's bloodiest battles in 1864, 100 years later the property was fashioned into a stately golf course and clubhouse for Franklin's elite. Today it is owned by the city of Franklin with efforts to restore the property back to the way it was during the battle of Franklin.

During the restoration process, the city discovered some Civil War artifacts dating back to the bloody battle and possibly to prior wars. Metal detecting is not allowed in the city's historic parks, but during the restoration process the city worked

with Franklin's Charge to survey the former golf course sand traps prior to their removal. The findings from the survey are significant: a six pound iron solid cannon ball, Hotchkiss artillery shells, pottery or dish shards, a spoon, two ax heads, several bricks, a ceramic wheel and various pieces of iron.

"This survey further documents some type of combat activity happened at the Eastern Flank Battlefield many years ago," said Franklin Parks Director Lisa Clayton. "The city does not allow metal detecting in our parks, but while the dirt was being disturbed in the restoration, we had an opportunity to dig a little deeper into our history and we unearthed some wonderful findings."



Pottery or dish shards, a spoon, ax heads, several bricks, a ceramic wheel and various pieces of iron were among the items unearthed.

The Eastern Flank Battlefield is located southeast of downtown Franklin, about one mile from the town square. The property was formerly the Golf Club of Franklin which had previously been known as the Carnton Country Club. During the war years, the 100 acres were part of the Carnton Plantation during its heyday as a crop and livestock producer. The east/west lane to the Carnton mansion crossed this property and it was known to have outbuildings, slave or tenant quarters on those acres. The original golf course was established in the 1960's and extended south to within just a few feet of the Confederate Cemetery, just a few hundred feet from the mansion.

"The city of Franklin is renowned for our Civil War history and these latest findings prove our city and parks are a must see destination for Civil War tourism," said City Administrator Eric Stuckey. "Most of these artifacts date back to the Civil War, but some may indicate earlier wars. Obviously there is a story here, if possible we may do further surveys as we restore the battlefield to its original state."

The artifacts from the survey of the Eastern Flank Battlefield will be on display at the Carnton Plantation in the coming weeks. They will remain the property of the city of Franklin.

Earlier this year, near the Eastern Flank Battlefield the bones of a civil war soldier were discovered by construction crews on the site of the Battle of Franklin. A funeral ceremony for the Unknown Soldier took place on Oct 10 at St. Paul's Episcopal Church. The Soldier was laid to rest with full military honors in historic Rest Haven Cemetery.



During the restoration process, the city discovered some Civil War artifacts including a six pound iron solid cannon ball (above) and Hotchkiss artillery shells (below).



## Edith Heller retires after 31 years of beautifying Tennessee



Edith Heller

"I'd like to go quietly and retire into the sunset," said Edith Heller. "I want to get back to my artistic roots," so dreams the state leader of Keep Tennessee Beautiful as she ends her 31 years of service.

Heller is a native of Memphis with degrees in Fine Arts and Education from the University of Tennessee in Knoxville. In 1978, she combined her management background, volunteer experience, and environmental interests into a career. She merged the Keep America Beautiful (KAB) system into the Memphis City Beautiful Commission, the oldest beautification organization in the USA, and served as its coordinator for five years, while also serving on the first team of KAB national trainers. She helped pioneer the training and marketing plan that has grown into a national network of some 500 communities.

In 1983, Heller was tapped to form a state level litter prevention program. The Clean Tennessee Program, now Keep Tennessee Beautiful (KTnB), was established at Memphis State University, now the University of Memphis, with Heller as state coordinator. She is credited with forming 27 Keep America Beautiful System affiliates with 24 still active; building 95 county litter-education committees; and helping form seven Environmental Courts in the state. Reaching students was vital to Heller with all

Tennessee public and private schools teaching "Frog Pond" litter prevention activities, EPA Garbage Gremlin, and KAB's Waste in Place. She guided radio PSA campaigns to grow station participation to 91 percent.

In 1989, KTnB became the official KAB agency for Tennessee with establishment of the KTnB Advisory Council, appointed by the Governor. She started the first statewide Great American Cleanup™ (GAC) in 2000 and by 2009 had three years of 100 percent county participation, first in the nation, and more than 1 million participants for two years, also, first in the nation.

"She is a woman of great vision who understands that the wondrous beauty of our great state has been adversely impacted by negligence, criminal misconduct, and a lack of public pride," said KTnB Advisory Council Chair and Memphis/Shelby County Environmental Court Judge Larry Potter.

KTnB is a department of Extended Programs, University of Memphis, and the only university based KAB state agency in the country. The convenience of a state performance contract allows for annual use of marketing, education, theatre, advertising, legal, and communications as needed. Grant funding has come from four state departments over the years, with the Tennessee Department of Transportation being

the primary sponsor for past decades. "Edith has been the 'heart and soul' of the Keep Tennessee Beautiful Program," said Dr. Dan Lattimore, vice provost of Extended Programs at the University of Memphis.

"As founding director of KTnB, she has steered it to become one of the premier state programs in the country, winning more awards than probably any other one. We will miss her vision and leadership."

Her accomplishments include management of the StopLitter™ campaign, the first comprehensive advertising campaign in the state in 30 years, assistance in passage of the Solid Waste Management Act of 1991, and the Litter Reform Law of 2007.

Her activities on the national level included KAB grassroots development, American Chemistry Council Responsible Care Council, Renew America, Take Pride in America, and Creation Care, Inc. She has also trained and lectured throughout the country.

"For 26 years Edith has been a force for community improvement and a cleaner environment – not just in Tennessee, but nationwide," said Matthew McKenna, KAB president and CEO. "While serving her state as leader of Keep Tennessee Beautiful, Edith has also served our national effort by participating enthusiastically on multiple committees, and the State Leaders' Council. Her

voice and guidance will surely be missed by our organization; but, of course, we are extremely grateful for her years of commitment and dedication to our mission."

Heller said, "In 1983, Tennessee was picking up 180,000 tons of litter a year. Now, the average is 13,000 tons per year. Twenty-six years of constant litter prevention education and messaging has worked. Our affiliates have more than \$1.3 million in local budgets and return more than \$11.1 million in volunteer and business benefits. Keep Tennessee Beautiful is a positive brand and more than a slogan. It is individual responsibility with new habits. The love that is given in work is the love that you keep in your heart. My heart is so full and so proud to have been a part of this environmental movement."

Volunteerism is something she not only preaches, but also practices. Currently, she is focused on the arts and homeless. Retirement will allow more time for handcrafts, gardening and long walks with her husband and dog. Her secret love is power spraying anything in sight. She says it gives her such a feeling of instant accomplishment.

Edith's last day at work was Oct. 2. "Needless to say, all of us who have worked with her will miss her daily cheeriness, drive to create perfection and thoughtfulness of others," said Gordon Wilson, KTnB chief of staff.

## Good Risk Management is just Good Management



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# STATE BRIEFS

## BY TML STAFF REPORTS

**The U.S. Department of Energy Secretary has confirmed funding from the American Recovery and Reinvestment Act to support the Volunteer State Solar Initiative in Tennessee.** Under DOE's State Energy Program, Gov. Bredesen has proposed a statewide plan that prioritizes energy savings, creates or retains jobs, increases the use of renewable energy, and reduces carbon pollution. Tennessee is receiving 40 percent of its total State Energy Program (SEP) Recovery Act funding immediately. The initial 10 percent of total funding was previously available to support planning activities; the remaining 50 percent of funds will be released once the state meets reporting, oversight, and accountability milestones required by the Recovery Act. After demonstrating successful implementation of its plan, the state will receive \$31 million in additional funding, for a total of nearly \$62.5 million.

**The Tennessee Board of Regents colleges and universities are experiencing the highest enrollment in history, reaching more than 200,000 students.** Every university and community college in the system is seeing increased enrollment for the fall semester. Overall, Regents system enrollment has increased 9 percent since last fall. University enrollment grew 5 percent, while community college enrollment grew 15 percent. Projected enrollments for technology centers indicate a significant increase as well. The system has six universities, 13 two-year colleges and 26 tech centers.

**As state health officials prepare to dispense the first trickle of H1N1 flu vaccine, a new report warns of gaps in preparation and resources that could swamp responders at the same time health budgets are being cut.** Fifteen states could run out of hospital beds if an epidemic strikes 35 percent of the population, according to the report released by the Trust for America's Health, a nonprofit health advocacy group. States could also face vaccine shortages if a significant number of people start getting sick this month. A presidential advisory panel has estimated that the H1N1 flu could infect 30 to 50 percent of the population and kill up to 90,000 people, far more than the 40,000 who succumb to the flu in an average year. The Trust for America's Health report underscores the need for more

public health funding, better cooperation between governments and for more outreach to those most at risk from the flu.

**FindHelpTN is a newly unveiled web-based eligibility screening tool designed to connect Tennesseans with social service programs and resources.** As a centralized source of information for state and federal assistance programs the site includes eligibility screening, application instructions and localized location information for the administering agency. FindHelpTN provides case workers, advocates, clergy or family members and individuals themselves with access to a single source of information to identify programs for which someone may qualify, taking users through a 10-step questionnaire that covers eligibility criteria ranging from household income and employment status to insured and disability status. FindHelpTN can be accessed directly at [www.tn.gov/FindHelpTN](http://www.tn.gov/FindHelpTN) or through the TN.gov main page.

**Tennessee farmers could soon be getting paid to leave behind some husks, stalks and roots from the previous harvest when they plant new crops.** It's part of the U.S. Department of Agriculture's Conservation Stewardship Program, which looks to offer incentives for good practices. The USDA's Natural Resources Conservation Service wants to reward farmers who look out for nearby wildlife and water quality with methods such as conservation tilling — where farmers use crop residue to boost soil nutrition and fight erosion. Another example is filter stripping — planting a patch of grass along the edge of a crop near a stream, to control fertilizer runoff. The program applies both to farmers who are planning to start such practices, and those who already use them. Tennessee has more than 150 thousand eligible acres.

**A new Strategic Highway Safety Plan for Tennessee has been signed in an effort to reduce the number of fatalities in Tennessee by 10 percent by 2012.** The new plan again focuses on the four "E's": Education, Enforcement, Engineering, and Emergency Response, with a goal of having fewer than 900 fatalities on Tennessee highways by 2012. The plan also includes a new program designed to educate senior drivers. The Tennessee Department of Transportation worked with members of the Coalition for the

Enhancement of Senior Drivers to develop two handbooks for seniors and their family members or care givers designed to help facilitate an open dialog about the challenges and opportunities facing senior drivers today. The Tennessee Strategic Highway Safety Plan was developed by a committee made up of representatives from TDOT, the Governor's Highway Safety Office Tennessee Department of Safety, Federal Motor Carrier Safety Administration, Federal Highway Administration and the National Highway Traffic Safety Administration.

**Tennessee's unemployment rate rose slightly in August to 10.8 percent, the highest in nearly 26 years.** A year ago, Tennessee unemployment stood at 6.6 percent. Nationally, unemployment reached 9.7 percent in August, up from 9.4 percent in July. Tennessee's unemployment rate was 10.7 percent in July, 10.8 percent in June and 10.7 percent in May. "The unemployment rate has been at approximately the same level for the past four months, which is consistent with a labor market that appears to be stabilizing," said Tennessee Labor Commissioner James Neeley.

**State and federal officials are administering a baiting program to fight rabies in raccoons.** The Tennessee Department of Health is working with the United States Department of Agriculture to distribute an oral rabies vaccine for raccoons along Tennessee's borders with Alabama, Georgia, North Carolina and Virginia. The baiting initiative, administered by USDA's Animal and Plant Health Inspection Service Wildlife Services program, began Oct. 1. Vaccine packets placed inside fishmeal blocks or coated with fishmeal are being distributed throughout a 15-county area in Tennessee, distributed by hand from vehicles in urban and suburban areas, and dropped from specially equipped airplanes in rural areas.

**The Internal Revenue Service says about 36,000 Tennesseans have filed claims for a first-time home buyer credit.** According to an IRS news release, the state claims rank 13th highest in the country. Home buyers must complete their first-time home purchases before Dec. 1 to qualify for the special credit. The American Recovery and Reinvestment Act extended the tax credit, which so far has provided a tax benefit to more than 1.4 million taxpayers nationwide. The credit of up to \$8,000 is generally available those with qualifying income levels who have never owned a home or have not owned one in the past three years. The credit cannot be claimed until after the purchase is completed.

**Eight small urban transit agencies in Tennessee will receive \$9.7 million in funding from the American Recovery and Reinvestment Act.** The funding is to be used for transit services in the small urban areas of Bristol, Clarksville, Cleveland, Jackson, Johnson City, Kingsport, Lakeway, and Murfreesboro. The funds will help small urban transit providers improve service and replace aging fleets with safer, more reliable vehicles.

**More than 10,000 low-income homes could receive energy-saving upgrades in Tennessee by 2010 from a state weatherization program primed with nearly \$100**



TDOT Chief Engineer Paul Degges, surrounded by key safety partners, signs the new Strategic Highway Safety Plan.

**million in stimulus dollars.** The U.S. Department of Energy announced that Tennessee had been awarded \$39.6 million toward as much as \$99 million in home weatherization money. The program promises to dwarf any similar effort in the Volunteer State since the Tennessee Valley Authority promoted energy efficiency and heat pumps in the 1980s. TVA is helping train inspectors for the current program. Already, 250 energy auditors have been licensed, 350 building contractors have been certified and work orders for 1,015 homes have been signed or sent out for bids — everything from caulking windows to installing heating systems.

**More than a third of Tennessee counties don't have their own web site, according to a survey by a nonprofit conservative group.** The Sam Adams Alliance reviewed county web sites in 36 states, assessing whether they offered information about budgets, upcoming meetings, elected and administrative officials, audits, zoning, contracts, lobbying, public records and taxes. The alliance graded five Tennessee counties — Bradley, Davidson, Hamilton, Montgomery and Williamson — with a B-plus for having most of the information available online. According to the review, county sites in Tennessee were most likely to post information about elected and administrative officials.

**The number of mass layoff actions in Tennessee dropped dramatically in August, according to the U.S. Department of Labor's Bureau of Labor Statistics.** The number of layoff events fell to seven in August from 27 in June and 19 in June 2008. There were 17 layoff events in August 2008. The number of initial claims for unemployment insurance also fell to the lowest level this year to 468 in Aug. from 1,898 in July, and 1,617 in June. The bureau defines a mass layoff as the termination of 50 or more employees by a single company.

**The Tennessee Department of Economic and Community Development is awarding more than \$1.3 million to support projects to increase technology use and availability in rural counties.** A major goal of the awards is to boost access to broadband and wireless technology.

**State agencies are warning tobacco retailers to stop selling individual cigarettes that can be as cheap as 25 cents a piece, but pose a health threat to young people.** The state Attorney General's Office has notified 23 retailers who are allegedly selling single cigarettes that have been removed from the packs, called "loosies." Retailers could face penalties up to \$1,000 per violation for selling single cigarettes. Because of the low price of single cigarettes, health officials are concerned it may attract young people as an easy, affordable way to start smoking.

**Tennessee fell six slots to No. 23 in Forbes' latest ranking of the best states to do business.** Tennessee ranked No. 3 in regulatory environment and No. 10 for the cost of doing business, but the Volunteer State was pulled down by a host of other factors. The state ranked No. 34 for growth prospects, No. 38 for economic climate, No. 39 for labor, and No. 42 for quality of life. The state suffered its biggest drop in economic climate — falling 9 spots in that category from the 2008 list. Forbes factored in 33 different points of data to figure out the ranks in the six main areas, which include costs, labor supply, regulatory environment, current economic climate, growth prospects and quality of life, jobs, income and gross state product growth as well as unemployment and presence of big companies. The ranking comes amid a string of wins for Tennessee in terms of economic development, including two solar production plants worth \$1 billion from Hemlock Semiconductor and Wacker and a VW automobile plant in Chattanooga.

# NATIONAL BRIEFS

## BY TML STAFF REPORTS

**State governments are rushing to borrow money to take advantage of cheap and plentiful credit at a time when tax collections are tumbling.** Investors, lured by the safety of taxpayer-guaranteed debt, are lending states money at the lowest interest rates in decades. The borrowing has helped governments increase spending during the recession and avoid some painful spending cuts. Lower interest rates will save governments several billion dollars annually during the life of the debt. Even financially troubled

states are getting large amounts of cash at bargain prices. State and local governments had added \$217 billion in new debt this year, up 5 percent from a year earlier, as reported by Thomson Reuters. Governments are borrowing more while consumers and business have less access to credit. States and cities borrow at lower rates than businesses because interest paid to investors is generally exempt from federal income taxes. No state has defaulted since the 1930s. Federal borrowing rose 28 percent. By contrast, household and business debt shrank.

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**WEB SITE from Page 1**  
is sponsored by two of NCSL's staff organizations—the National Association of Legislative Information Technology (NALIT) and the Legislative Information and Communications Staff (LINCS).

NCSL is a bipartisan organization that serves the legislators and

staffs of the states, commonwealths and territories. It provides research, technical assistance and opportunities for policymakers to exchange ideas on the most pressing state issues and is an effective and respected advocate for the interests of the states in the American federal system.

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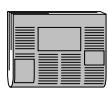
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## CLASSIFIED ADS

Advertising: \$9.25 per column inch. No charge to TML members. Send advertising to: TT&C Classified Ads, Mona Lawrence, 226 Capitol Blvd., Suite 710, Nashville TN 37219; e-mail: [mlawrence@TML1.org](mailto:mlawrence@TML1.org); or fax: 615-255 4752.

### CHIEF OF STAFF

CLARKSVILLE. The city is seeking applicants for the position of Chief of Staff. The Chief of Staff acts as principle advisor to the mayor on governmental matters, public policy and special projects and assists the mayor with administrative duties and operational planning for the city. Also facilitates business improvement, productivity and staff administration. Must be an effective communicator and have a minimum of four years related experience and a four year degree in Public Administration, Political Science or related field, or equivalent combination of education and training. Salary: up to \$103,000. A complete job application will be required for those applicants who are identified for interview. Email resume to Will Wyatt at [will.wyatt@cityofclarksville.com](mailto:will.wyatt@cityofclarksville.com) or mail to Clarksville-Montgomery County Career Center, 350 Pageant Ln., Suite 406, Clarksville TN 37040 931-648-5530. EOE.

### CITY ADMINISTRATOR

MORRISTOWN. The city is seeking applicants for the position of City Administrator. The administrator is directly responsible for 309 full-time employees and a \$38 million budget. The current administrator served 8 1/2 years. Position answers to a seven-member council. The mayor is elected at large. Must be a proven manager with excellent communication skills, interpersonal skills, and team-building skills. Demonstrated success in public administration, budgeting and finance/financial analysis, intergovernmental relations, leadership and strategic planning. Salary DOQ plus excellent benefits. Current salary \$114,261. At least seven (7) years experience as City Manager/Administrator/Assistant City Manager or equivalent. Bachelor's degree required, Master's preferred. Application is a public record. Send resume and cover letter by Oct. 27, 2009 to Mayor Sami Barile, Attn: City Administrator Applications, P.O. Box 1499, Morristown, TN 37816-1499. Fax: 423-585-2792. Phone: 423-585-4605 or Email: [mayor@mymorristown.com](mailto:mayor@mymorristown.com)

### CITY MANAGER

WAYNESBORO. The city is seeking qualified applicants for the position of city manager. The manager works under a manager-commission charter and is supervised by a five member city commission. The position includes 29 full time employees and utilities operating under a \$3.8 million budget. The ideal applicant will have 2-4 years of college in public administration, business or a related field. Requires 2-5 years of city management experience and residence within the city is required during tenure, as well as having or being able to obtain a Tennessee drivers license. Salary and benefits are negotiable. Apply by October 5 to [dardenr@tennessee.edu](mailto:dardenr@tennessee.edu), faxed to 615-532-4963, or mailed to MTAS, 226 Capitol Blvd., Suite 606, Nashville, TN 37219-1804, Attn., Waynesboro City Manager. The city is an EEOC employer and does not discriminate in employment and selection.

### DIRECTOR OF GRANTS / PLANNING

COLUMBIA. The city is seeking qualified applicants for the position of Director of Grants and Planning. Salary range: \$50,000 - \$75,000. Requirements: Master's degree in Planning with AICP certification preferred and five+ years responsible experience in land planning, interpreting zoning ordinances as well as historic preservation and redevelopment. Physical examination and drug screening will be required prior to employment. Submit resume with salary requirements and list of references to: Personnel Director, City of Columbia, 707 N. Main St., Columbia, Tennessee 38401.; [kcollier@columbiatn.com](mailto:kcollier@columbiatn.com). Resumes accepted until Nov. 20, 2009. Visit our website at [www.columbiatn.com](http://www.columbiatn.com). Additional information may be obtained by telephone at 931-560-1570. EOE .

### FINANCE DIRECTOR

RED BANK. The city is seeking applicants for the position of Finance Director. This position is the city's authority on all aspects of financial management and requires a comprehensive understanding of city government finance. Director manages the budgeting, accounting, accounts payable, debt service management functions of government and participates in the cash management, pension, investments and certain aspects of the payroll process and purchasing. A bachelor's degree in Accounting, Finance, Public Administration, or closely related field supplemented by three (3) years previous experience and/or training that includes progressive management experience preferably in the area of governmental accounting and budgeting. Preference will be given to candidates with professional certification such as Certified Municipal Finance Officer (CMFO); Certified Governmental Financial Manager (CGFM); or Certified Public Accountant (CPA). If not certified, must be able to attain compliance with the provisions of the Municipal Finance Officer Certification and Education Act of 2007 within 18 months of hire. Salary: DOQ; comprehensive benefit package including TCRS Pension. Applications will be accepted until position is filled. Submit a letter of interest, current resume, salary history and a list of three professional references to: City Manager, City of Red Bank, 3117 Dayton Blvd., Red Bank, TN 37415. Email: [citymanager@redbanktn.gov](mailto:citymanager@redbanktn.gov) EOE.

### SENIOR ACCOUNTANT

KINGSPORT. The city is seeking qualified candidates for the position of Senior Accountant. The position reports to the Comptroller and has primary responsibilities for revenue accounting, billing, collections and customer service functions of the Finance Department. Work includes research, analysis and recommendations for revenue streams and revenue enhancement strategies. Minimum requirements include a degree in Accounting, Finance or closely related field and five years full time work experience in accounting and finance with at least two years in a supervisory capacity. Applications may be accessed at [www.kingsporttn.gov](http://www.kingsporttn.gov). Mail completed applications to: City of Kingsport, Human Resources Dept., 225 W Center St., Kingsport, TN 37660. Position opened until filled.

### TOWN ENGINEER

COLLIERVILLE. The town is seeking applications for an experienced town engineer. The town engineer performs administrative, managerial and supervisory work in directing the town's entire engineering program, covering both design and construction of public works and public utilities projects to enhance and update the town's infrastructure. This position requires that the candidate have a Bachelor's Degree in Civil Engineering or related; supplemented by 10 years of professional experience that includes public sector municipal engineering, project design, and contract administration, with at least 7 years at a supervisory level, or any equivalent combination of education, training and experience. Must possess Professional Engineering (PE) license at time of hire and obtain State of Tennessee licensure within 6 months of hire. Salary range of \$64,529 - \$102,195 (DOQ) with excellent benefits. This position will remain open until filled. To apply, send letter of interest, cover letter with resume, salary history and professional references to: The Centre Group, 3725 Campion Hills Drive, Suite #2300 Memphis, TN 38125, Attention: Joel Myers.

For governments who calculate their OPEB liability, 40 percent plan to fully or partially prefund the liability. About 52 percent plan to continue a pay-as-you-go approach.

# Brentwood, Franklin recognized for automatic fire aid agreement

### AID from page 1

many people from my units, but can draw from Brentwood's resources. I've had at least four cities contact me for information about the agreement to see if it would work in their communities."

However, facilitating greater interoperability between the two departments was not without its challenges.

"The radios were the most difficult part of the agreement," said Lane. The two departments' radio systems operated on different frequencies, Brentwood's on UHF and Franklin on an 800 megahertz system.

"There are two types of interoperability," said Bill Jorgensen, director of Williamson County Emergency Communications. "The first—you can set up radio equipment on site, but then there are times when you need immediate communication, in fire emergencies and police pursuits, when there is no time to set up equipment. This situation between Franklin and Brentwood needed immediate interoperability."

According to Jorgensen, the county provided \$15,000 from the general fund for the necessary conversion equipment to create a Franklin Fire Department UHF gateway where the two fire depart-



Mike Culberson, Franklin Fire Department deputy chief of operations, Kenny Lane, Brentwood fire chief, and Brian Goss, Brentwood assistant chief, accept a Fire Safety award presented by the GNRC.

ments can communicate freely and effectively as they respond to the scene.

"I am excited about the improvements we have made in county-wide communications and interoperability as a result of this project," Goss said.

The Greater Nashville Regional

Council (GNRC) recently awarded the Franklin and Brentwood Fire Departments with an Excellence in Public Safety award for their success with the automatic aid agreement.

For more information about fire department automatic aid agreements, contact the MTAS at 865-974-0411.

## Highway Trust Fund in trouble again

### FUNDS from Page 1

The state receives about \$800 million in federal highway funds each year—that's in addition to the \$500 million in funds received this year through the American Recovery and Reinvestment Act. TDOT uses that money for highway maintenance, bridge repair, road building, congestion mitigation and air quality improvements, and transportation enhancements.

TDOT says that since 2002, the federal government has rescinded more than \$363 million in highway funds.

According to the American Association of State Highway and Transportation Officials, for each month that goes by without a spending plan, the Department of Transportation will have to reduce monthly allocations to states—which are estimated to be some \$2 to \$3.5 billion. The delay in enacting a new spending plan will also make planning for future transportation spending difficult.

At issue is that the House and Senate cannot agree on the length of a temporary extension until a six-year long-term bill can be passed. The House voted in July to extend the program three months until Dec. 31. The Senate has been working on an 18-month extension, which would allow the Obama Administration and Congress the time necessary to address the estimated \$20 billion shortfall in the Highway Trust Fund and to develop a comprehensive surface transportation bill.

The highway trust fund, which provides states about \$40 billion each year for infrastructure projects



As drivers continued to drive less lowering federal gas tax revenues, and with automakers ratcheting up their production of more fuel-efficient cars, the Highway Trust Fund is facing a \$20 billion shortfall.

is financed by federal gas taxes—18.4 cents a gallon on gasoline and 24.4 cents a gallon on diesel—and is redistributed to cities and towns through the states. In the past few years, gas tax revenues have not kept pace with the federal commitments to highway, transit and bridge programs.

Last September, Congress rescued the highway fund with an \$8-billion infusion from the general fund. As drivers continued to drive less lowering federal gas tax revenues, and with automakers ratcheting up their production of more fuel-efficient cars, the Highway Trust Fund is in trouble again.

To date, according to the National League of Cities, the only six-

year plan currently pending before Congress is House Transportation and Infrastructure Committee Chairman James Oberstar's, D-MN, \$500 billion plan. His authorization measure would nearly double the current transportation program. His bill has been approved by the subcommittee but has not been brought up before the full Transportation & Infrastructure Committee yet because there is no agreement with the House Ways and Means Committee on how to raise the extra revenue needed to pay for it. Both the Obama Administration and members of the House Ways and Means Committee have indicated they oppose any increased taxes to fund transportation.

Additional information on GASB 45 and local government response is available:

- Gabriel Roeder Smith & Co. 800-521-0498, web: [www.gabrielroeder.com](http://www.gabrielroeder.com)
- Government Finance Officers Association, 312-977-9700, web: [www.gfoa.org](http://www.gfoa.org)
- Employee Benefit Research Institute, 202-659-0670, web: [www.ebri.org](http://www.ebri.org)
- International Foundation of Employee Benefit Plans, 888-334-3327, web: [www.ifebp.org](http://www.ifebp.org)

## Cities address employee health care costs

**HEALTH CARE from Page 1**  
retirees. All state and local governments are expected to disclose information about their OPEB costs and liabilities in their annual financial reports for fiscal years beginning in 2009.

Of the local government survey respondents that provide retiree health care, 80 percent indicated they are aware of the GASB 45 requirements. Moreover, about 62 percent report that they have already calculated the liability or the calculation is in process.

For governments who calcu-

lated their OPEB liability, 40 percent plan to fully or partially prefund the liability. About 52 percent plan to continue a pay-as-you-go approach.

The study was funded by a coalition of organizations: Gabriel Roeder Smith & Company, the Government Finance Officers Association, the Employee Benefit Research Institute, the International Foundation of Employee Benefit Plans, the Municipal Employees' Retirement System of Michigan, the National Conference on Public Employee Retirement Systems, and Tegrit Finan-

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# 2009 Public Acts of Interest

BY JOSH JONES  
MTAS Legal Consultant

## EDUCATION

**Chapter No. 38 (SB0073/HB0921). Commercial advertising on school buses.** Amends § 49-6-2109(e). Removes certain restrictions on commercial advertising on school buses. Such advertising may now be up to 16" in height and up to 60" in length, and must be composed of lettering on a background color. May not advertise alcohol, tobacco or items offered for sale in K-8 vending machines. *Effective July 1, 2009.*

**Chapter No. 127 (SB0850/HB1552). Restrictions on mental health testing imposed.** Amends T.C.A. Title 9, Chapter 4, and Title 4, Chapter 2, Part 1 by requiring written parental consent to universal mental health or socioemotional screening of a child under the age of sixteen (16). Creates exceptions for emergencies. States that an LEA may not use a parent's refusal to consent as grounds for prohibiting the child from attending class or participating in a school-related event. Requires LEA to adopt policies and notify each parent or guardian of rights under state and federal law. *Effective July 1, 2009.*

**Chapter No. 153 (SB0283/HB0451). LEA harassment/bullying policies.** Amends T.C.A. § 49-6-1016 by requiring LEAs to include certain criteria in their mandatory policies regarding harassment, intimidation or bullying. Current law merely encourages these criteria. *Effective July 1, 2009.*

**Chapter No. 192 (SB2326/HB2258). Graduation from alternative school.** Amends T.C.A. §

49-6-3402 by removing the prohibition on graduation based solely on attendance in alternative schools. *Effective May 7, 2009.*

**Chapter No. 193 (SB2327/HB2257). Transporting students via 15-passenger van prohibited.** Amends T.C.A. § 49-6-2116 by removing authorization for LEAs to transport students to and from interscholastic activities via passenger van. Apparently enacted to ensure compliance with federal standards. *Effective May 7, 2009.*

**Chapter No. 226 (SB2328/HB2293). LEAs contracts with non-school entities for pre-kindergarten services.** Amends T.C.A. § 49-6-101(f)(3) by revising the provisions allowing an LEA to contract with a non-school entity for pre-kindergarten or early childhood education programs. Now, an LEA may not contract with one of these entities unless the entity has attained the highest designation under the DHS licensing system. *Effective May 18, 2009.*

**Chapter No. 254 (SB1514/HB1683). Teacher retirement provisions extended.** Amends T.C.A. § 8-36-821 by extending until June 30, 2010 the provisions allowing retired teachers to accept employment as a teacher without loss or suspension of retirement benefits. *Effective May 20, 2009.*

**Chapter No. 262 (SB2312/HB2321). Various education provisions amended.** Amends T.C.A. Title 49 by removing requirement that students pass Tennessee comprehensive assessment program tests as a prerequisite to graduation. Instead provides for end-of-course-

assessments. *Effective July 1, 2009.*

## EMERGENCY SERVICES

**Chapter No. 257 (SB1714/HB1679). Fire departments, law enforcement facilities and emergency services facilities to accept abandoned infants.** Amends T.C.A. § 68-11-255(a)(1) by expanding the definition of facility, for the purposes of the provisions allowing a mother to voluntary drop off certain infants, to include fire departments, law enforcement facilities and emergency services facilities that are staffed twenty-four (24) hours a day. Person dropping off infant must purport to be the child's mother and express no intention of returning for the child. Infant must be no more than seventy-two (72) hours old. Facility and employees are provided immunity from criminal and civil liability arising from any action taken in complying with the law. Mother is provided exemption from criminal prosecution if these provisions are fully complied with. *Effective May 20, 2009.*

**Chapter No. 332 (SB0523/HB1832). Privileged communications between critical incident stress teams and crisis victims.** Amends T.C.A. Title 24, Chapter 1, Part 2 by creating a testimonial privilege for communications between persons providing or participating in a crisis intervention. Privilege does not apply where a danger, abuse or a tort exists or where the privilege is waived. *Effective July 1, 2009.*

**Chapter No. 453 (SB0207/HB0106). Ambulance standards imposed.** Amends T.C.A. § 68-140-507(a) by requiring the EMS board to promulgate standards for ambulances, invalid vehicles and for equipment requirements. Rules must include restrictions on mileage and inspections. *Effective June 23, 2009.*

## ENVIRONMENT

**Chapter No. 73 (SB2066/HB1912). Landfill Methane Development Act revisions.** Amends Title 65, Chapter 28, Part 2. Allows natural gas containing refined landfill methane to be considered "natural gas" for purposes of any state permit. *Effective July 1, 2009.*

**Chapter No. 199 (SB0185/HB0341). Private landfills exempted from local approval.** Amends T.C.A. § 68-211-706(a) by exempting certain private landfills from local approval requirements. To be exempt the private landfill must accept solid waste solely generated by its owner, such waste must be solely generated within the county and the landfill must not accept county or municipal waste or ordinary household garbage. *Effective May 19, 2009.*

**Chapter No. 271 (SB0881/HB1245). Alternatives required for certain permit applicants.** Amends T.C.A. Title 69, Chapter 3, Part 1 by requiring applicants for permits that would authorize a new or expanded wastewater discharge into surface waters to include in their application consideration of alternatives including, but not limited to, land application and beneficial reuse of the water. Authorizes the water quality control board to adopt rules creating a system of incentives for alternatives, such as land application and beneficial re-use of the wastewater. *Effective May 21, 2009.*

## CAFO permits.

Amends T.C.A. § 69-3-108(b)(7) by specifying that only operations that are required under the federal Clean Water Act to have a permit for the construction, installation or operation of a concentrated animal feeding operation (CAFO) may be issued a National Pollutant Discharge Elimination System (NPDES) permit. *Effective June 1, 2009.*

**Chapter No. 382 (SB2184/HB0435). Litter control programs.** Amends T.C.A. § 39-14-510 by designating the county mayor as the administrative officer for litter control provisions. County mayor is authorized to disburse funds appropriated for litter control to carry out enforcement, prevention and education programs. Also authorizes agreements with cities within the county to assist in carrying out litter provisions. *Effective July 1, 2009.*

## Chapter No. 402 (SB2305/HB2294). Revolving loan funds.

Amends T.C.A. Title 68, Chapter 221, Parts 10 and 12 by requiring the department of environment and conservation to deposit into the drinking water revolving loan fund any funds from the federal American Recovery and Reinvestment Act of 2009. *Effective June 23, 2009.*

## FINANCE

**Chapter No. 173 (SB0414/HB0273). Internet auctions allowed.** Amends T.C.A. Titles 5, 6, and 7 by stating that when any municipality or county is required by law to sell surplus property by auction, internet auction is allowed. *Effective May 7, 2009.*

## Chapter No. 223 (SB2044/HB1977). Authority to sell bonds at a private sale.

Amends T.C.A. § 9-21-152 by authorizing Hamilton, Knox, Davidson and Shelby counties, as well as the municipalities designated as the county seat of those counties, to sell bonds at a private sale subject to local approval. Terms and conditions of the sale may be determined by the individual local government. This authority exists until June 30, 2010. *Effective May 18, 2009.*

## FIREFIGHTERS

### Chapter No. 512 (SB0878/HB1246). Minimum training requirements for firefighters.

Amends T.C.A. Title 4, Chapter 24, Part 1 by requiring any full-time, part-time or volunteer firefighter hired or accepted as a firefighter on or after July 1, 2009 to meet the following requirements:

- 1) Completion of at least sixteen (16) hours of training in firefighting procedures and techniques developed by the Tennessee Fire Service and Codes Enforcement Academy or equivalent training approved by the Tennessee Commission on Firefighting Personnel Standards and Education; and
- 2) Within thirty six (36) months after hire or acceptance as a firefighter, completion of "Basic and Live Firefighting" course offered by the Tennessee Fire Service and Codes Enforcement Academy or an equivalent course.

#### Exemptions for:

- 1) A firefighter in the fire service on July 1, 2009 and who entered before June 30, 2004;
- 2) A firefighter certified by a medical doctor as physically unable to complete the training, so long as this person does not engage in active firefighting;
- 3) A firefighters who do not operate in an environment deemed immediately dangerous to life and health (exempt from "Basic and Live" course);
- 4) A firefighter in the fire service on July 1, 2009 and who was hired or accepted as a firefighter between July 1, 2004 and June 30, 2009, has until July 1, 2012 to show proof of completion.

Individual governmental units have the discretion to determine whether it or the firefighter is responsible for the financial costs of the training. Does not apply in the following counties: Benton, Decatur, Hancock, Hardin, Henderson, Henry, Jefferson, Lake, Obion, Perry, Stewart and Weakley.

**Chapter No. 271 (SB0881/HB1245). Alternatives required for certain permit applicants.** Amends T.C.A. Title 69, Chapter 3, Part 1 by requiring applicants for permits that would authorize a new or expanded wastewater discharge into surface waters to include in their application consideration of alternatives including, but not limited to, land application and beneficial reuse of the water. Authorizes the water quality control board to adopt rules creating a system of incentives for alternatives, such as land application and beneficial re-use of the wastewater. *Effective May 21, 2009.*

## GENERAL GOVERNMENT

### Chapter No. 400 (SB2156/HB2139). Ordinance required for certain actions.

Amends T.C.A. Title 6, Chapter 54, Part 5 by requiring the following actions of a municipal governing body to be done by ordinance unless allowed by state law to be done by resolution:

- 1) Any action required by general law or the charter of a municipality to be done by ordinance; or
- 2) Any action that:
  - i) Levies a tax;
  - ii) Makes a special assessment;
  - iii) Is permanent in nature; or
  - iv) Has a regulatory or penal effect.

*Effective September 1, 2009 and only applies to actions taken after that date.*



**Oct 17: Brownsville Hatchie Fall Fest**

Family event featuring live music, contest, arts and crafts and kid's activities. Admission is free. For more information, call 731-780-5144

**Oct 17 -Oct 18:Sevierville**

*Sawin In the Smokies Fall Festival* Lumberjack events, arts and crafts, live music, demonstrations and more. For more information, call 865-908-5873.

**Oct 17: Lawrenceburg**

*Bofest 2009* Features Alter Bridge front man Myles Kennedy. Benefiting "A Kids Place," child advocacy center. For more information, call 931-762-4738.

**Oct 17:Soddy Daisy**

*1st Annual Pumpkin Festival* For more information, call 423-718-1735.

**Oct 24: Elizabethton**

*Octoberfest* Live music, arts and crafts, antiques, kids activities and contests. For more information, call 423-547-3850.

**Oct. 24-24: Morristown**

*Mountain Makin's Festival* 34th Annual event held from 10 a.m.-5p.m. A fun-filled folk life/crafts festival celebrating the traditions of Appalachia through traditional music and dance, storytelling, regional authors, fine art, juried crafts, skilled demonstrations, a variety of delicious food, children's activities and more. The festival takes place inside and outside the Rose Center, an 1892 school building which is now an historical museum and cultural arts center. Storytelling; regional dancing; music on two stages; demonstrators of traditional southern/Appalachian crafts; civil war re-enactment; moonshine still; basket weaving and more for the entire family. Admission is \$4 for adults, \$1 for children. For more information, visit the website <http://www.RoseCenter.org> or call 423-581-4330 or email: postmaster@RoseCenter.org

**Oct 30 -Oct 31: Dayton**

*PumpkinFest* Two-day fun filled event.Trick or Treating, costume contests, crafts, food, kids area, entertainment. For more information, call 423-775-9847.

**Oct. 31: Franklin**

*Pumpkinfest* Historic Main Street from 10 a.m.-p.m. Our annual fall festival, attracts a crowd of 50,000 local and out-of-town visitors for a full day of autumn-inspired food, children's activities, music, storytelling, hayrides, a chili cook-off, a costume contest, All Things Pumpkin! Outstanding arts and crafts from 50 vendors. Cars may park in two free public garages along 2nd Ave. S. and 4th Ave. S. off Main Street. For more information, visit the Website <http://historicfranklin.com> or call 615-591-8500 ext.16, or e-mail [aarnold@historicfranklin.com](mailto:aarnold@historicfranklin.com)

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## EPA finalizes first greenhouse gas reporting system

BY CAROLYN BERNDT  
*Nation's Cities Weekly*

Beginning Jan. 1, 2010, the U.S. Environmental Protection Agency will, for the first time, require large emitters of greenhouse gas (GHG) emissions to begin collecting data under a new reporting system.

This new program will cover approximately 85 percent of the nation's GHG emissions and apply to roughly 10,000 facilities.

"This is a major step forward in our effort to address the greenhouse gases polluting our skies," said EPA Administrator Lisa P. Jackson. "For the first time, we begin collecting data from the largest facilities in this country, ones that account for approximately 85 percent of the total U.S. emissions. The American public, and industry itself, will finally gain critically important knowledge and with this information we can determine how best to reduce those emissions."

Fossil fuel and industrial GHG suppliers, motor vehicle and engine manufacturers, and facilities that

emit 25,000 metric tons or more of carbon dioxide equivalent (CO<sub>2</sub>e) per year will be required to report GHG emissions data to EPA annually. The first annual reports covering calendar year 2010 will be due to EPA in March 2011.

Local governments could be required to submit an annual GHG report if they own or operate facilities subject to the rule. Landfills and stationary combustion equipment are the most likely types of facilities that might trigger applicability.

The rule applies to all types of stationary combustion equipment (except for emergency generators and portable equipment) if the facility emits 25,000 metric tons or more of CO<sub>2</sub>e per year from all stationary fuel combustion sources. The rule applies to landfills that generate methane in amounts equal to 25,000 metric tons of CO<sub>2</sub>e or more per year. It also applies to municipal power generation plants that report to the EPA Acid Rain Program or emit 25,000 metric tons or more of CO<sub>2</sub>e per year.

EPA has developed a number of tools and documents to aid in the

reporting process.

- Greenhouse Gas Reporting Rule General Provisions Information Sheet: <http://epa.gov/climatechange/emissions/downloads09/generalprovisions.pdf>
- Applicability Tool to help determine whether entities are required to report GHG emissions under the rule: <http://epa.gov/climatechange/emissions/GHG-calculator/index.html>
- Guide for State and Local Agencies: [http://www.epa.gov/climatechange/emissions/downloads09/statelocal\\_guide.pdf](http://www.epa.gov/climatechange/emissions/downloads09/statelocal_guide.pdf)
- Guide on Municipal Solid Waste Landfills: <http://www.epa.gov/climatechange/emissions/downloads09/landfills.pdf>
- Guide on Stationary Fuel Combustion Sources <http://www.epa.gov/climatechange/emissions/downloads09/stationaryfuel.pdf>
- Webinars and Training Opportunities: <http://epa.gov/climatechange/emissions/training.html>

**Details:** For additional information, visit <http://epa.gov/climatechange/emissions/għrulemaking.html>.

## COMING UP

**Oct. 28:** The Tennessee Department of Environment and Conservation's Division of Recreation Educational Services continues the 2010 Recreational Trails Program grant application cycle with a second workshop to help government officials, parks and recreation departments and non-profit organizations prepare their grant applications. The workshop will be held from 10-11 a.m. at the Fleming Training Center, 2022 Blanton Drive in Murfreesboro. For more information, contact Bob Richards at 615 532-0753 or Robert.Richards@tn.gov.

**Oct. 28-30:** TCMA Fall Conference, Chattanooga, Sheraton Read House. For registration and program information, contact David Angerer at 731-423-3710 or e-mail [angererd@tennessee.edu](mailto:angererd@tennessee.edu).

**Nov. 13-14:** 3rd Annual Summit for a Sustainable Tennessee held at Ward Agricultural Center in Lebanon. Brings together citizens, conservation groups, environmental policy experts, elected officials and representatives of private business and industry to

# Portland Sesquicentennial marks 150 years of history, community

**BY VICTORIA SOUTH**  
TML Communications Coordinator

If everything has its moment, Portland's would be Oct. 31, 1859, the day the first Louisville and Nashville train thundered toward the Richland Station Depot at the east end of Main Street. The anticipation was palpable, as high as the shrill whistle's refrain and as rich as black engine smoke filling the bright autumn sky.

Transport spelled growth and opportunity for the burgeoning little town built on farming and industry along the Highland Rim in extreme northern middle Tennessee. Originally called Richland and rechristened Portland in 1888, climate and soil conditions provided the ideal growing conditions for dark air-cured tobacco drawing individuals from the tobacco belt in Virginia and the Carolinas, according to Pat Meguiar, local historian.



Portland historian Pat Meguiar among the handmade quilts at the historic quilt show held at Portland Church of Christ.

By the 1920s, strawberries became king in Portland. Crate industry and the processing and transporting of the red luscious fruit became major business as crateloads left the Portland depot daily.

From 1941 until the present, Portland has hosted an annual Middle Tennessee Strawberry festival to cel-

lers, mill around inside the J.E. Kerley Building, a colorful mosaic of people and stories commemorating the life and times of Portland. They are warm, hospitable and industrious, with a sincere desire to preserve Portland's history and heritage.

"We all wish the depot was still here," said Portland Mayor Ken Wilber in his opening address. "But, the wonderful artifacts we have here today can refresh our memories about our history from the Civil War, to agriculture and industry." The display tables lining the walls of the building were laden with everything from old photographs to cornbread.

"The depot was an important gathering place," recalls Portland native Alice Walker. "The men sat outside on the benches to talk and whittle. There were always thick piles of shavings. Excitement was in the air with people always arriving or catching the train. The occasional hobo could be seen hitching a ride

also hinges on showcasing Portland's history.



The Portland "Days Gone By" Festival coinciding with the Sesquicentennial celebration, featured antique farming equipment including this old time threshing machine. A train passes in the background. Today, Portland is on the main line of the CSX railroad between Louisville, Kentucky, and Nashville.

"We have about 25 relocation plans and are hoping to attract retirees through our outreach "Retire Sumner County," Wald said. "There are 50 manufacturers here in Portland, with Macy's Distribution facilities advertising to hire 500 employees. Portland has also received an improvement grant of \$1.3 million to revitalize our downtown Main Street."

With Portland's 70th Strawberry Festival on the way in two years, Wald said plans are underway to include activities about Portland's "good old days."

"I would like to promote the old traditions we used to enjoy as a means of preserving our past," Wald said. "Such as climbing the greased pole to reach a \$100 bill at the top."

A few streets away, Portland's "Days Gone By" festival is in full swing with steam powered threshing demonstrations and antique farm equipment and tractors.

Eminent growth has Mayor Wilber planning ahead as well. "With the widening of Highway 109 taking off, there will be a boost in housing in the next five years," he said.

Residents are also dreaming of mass transit, said Meguiar, where riders between Nashville and Portland could experience travel through the South Tunnel just down the ridge from Portland like their ancestors once did.

As the crisp October day unfolds, Portland's history continues to roll. Ms. Betty Coleman, in her 70s, is honored with a yellow corsage for chairing an antique quilt show at the local Church of Christ.

"I remember groups of ladies quilting at my mother's home when I was a child," Coleman said. "It was stretched out like a tent as they sat sewing in a circle and I hid under the cloth." Entrants are a few of Coleman's closest neighbors and friends—all 150.

"She's not done yet," said daughter Karen Davis. "She said when she gets to heaven; she'll be driving a red BMW!"

Senior citizen, Wendell Gregory stands by a full-scale model of Main Street that he built himself. "It took me 450 hours and I plan to keep going with it—hopefully," he adds. "Next year, I have something new in mind."



Wendell Gregory created a full scale model of Portland's Main Street.



Southern belles Glenda Milliken, Teresa Keen and Johnnie Freedle. All three served on the Sesquicentennial book committee.

this community," he laughs.

The original Portland High School burned in the mid-60s, so I would like to organize a high school reunion for all four grades."

A quality hard-backed 350-page book of Portland's history, compiled by a local committee and printed by *The Portland Leader* newspaper, sits on tables to be sold, much of it typed meticulously by Glenda Milliken, assistant to the state historian, Walter Durham. "I thought I knew a lot about Portland until this," she chuckles.

Waiting to play his role as deceased notable Uncle Billy McGlothlin at the historic Maple Hill Cemetery tour, retired school principal, teacher and coach, Martin Fussel, thinks back in time. "You know, I probably paddled about one-third of

the cultural aspects of the town," said Meguiar.

And on that note, Portland's next 150 years begins.

**Photos by Victoria South**

## The History of the Portland Depot

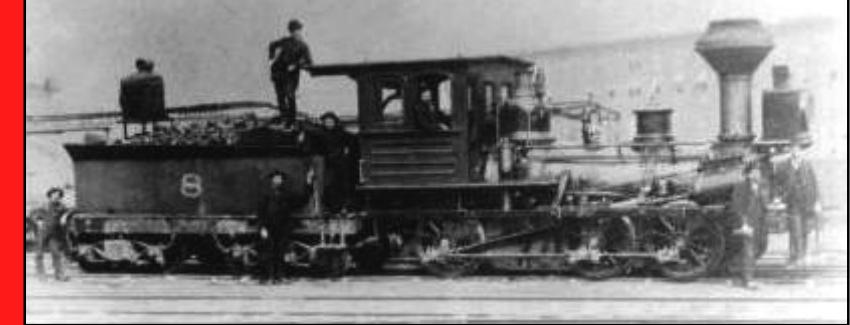
Compiled by  
**PAT MEGUIAR**  
Portland Historian and the  
Portland Sesquicentennial Book  
Committee

- Located in northern middle Tennessee, just five miles south of Kentucky, Portland was originally called Richland.

- In 1859, the L&N Railroad opened the Nashville-Bowling Green route through Portland. A train depot was built in Richland along the Louisville & Nashville railroad on land owned by Thomas Buntin, who became the depot's first agent and Richland's first postmaster.

- In 1887, there were two Richland's in Tennessee. This caused some concern on the part of the L&N railroad that a telegraph mix-up might result in a train wreck. There was also the inconvenience to postal customers in that mail was frequently misdirected between the two Richlands.

- Railroad administrators, with the cooperation of postal authorities, decided that Richland would become Portland. The new name was activated on April 10, 1888. In April 1904,



An L&N Railroad archives photo of the Louisville and Nashville steam engine train stopped at Richland Station depot Oct. 31, 1859.

the Tennessee Assembly enacted legislation incorporating Portland.

- Portland's profitable dark tobacco crop increased land values - greatly benefiting land speculators. When these speculators moved away to attempt profits elsewhere, the farmers remained.

- The last steam-powered train to travel through the South Tunnel of the L&N Railroad was the huge 4-6-6-4 Union Pacific Challenger number 3985, aka, The Santa Claus Special in 1992. The train was on its way to the Clinchfield Railroad to Kingsport to deliver Christmas toys to Appalachian children.

- Portland's first Louisville and

Nashville Railroad depot, Richland Station, was built by Eli Perdue (1829-1910) on the southeast corner of Main Street railroad crossing.

- The depot building was a one-story box structure which fronted north and has been described as a "rough shack." It was eventually torn down and a improved depot built in 1895 on the north/east side.

- The first scheduled stop at Richland Station was on Oct. 31, 1859 at 1:39 a.m. en route from Bowling Green, Ky., to Nashville.

For copies of *Sesquicentennial Portland Tennessee*, contact Teresa Keen at Portland City Hall at 615-325-6776 or e-mail [tfelemon@cityofportlandtn.gov](mailto:tfelemon@cityofportlandtn.gov)



The Portland "Days Gone By" Festival coinciding with the Sesquicentennial celebration, featured antique farming equipment including this old time threshing machine. A train passes in the background. Today, Portland is on the main line of the CSX railroad between Louisville, Kentucky, and Nashville.

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"I remember groups of ladies quilting at my mother's home when I was a child," Coleman said. "It was stretched out like a tent as they sat sewing in a circle and I hid under the cloth." Entrants are a few of Coleman's closest neighbors and friends—all 150.

"She's not done yet," said daughter Karen Davis. "She said when she gets to heaven; she'll be driving a red BMW!"

Senior citizen, Wendell Gregory stands by a full-scale model of Main Street that he built himself. "It took me 450 hours and I plan to keep going with it—hopefully," he adds. "Next year, I have something new in mind."



Wendell Gregory created a full scale model of Portland's Main Street.



Southern belles Glenda Milliken, Teresa Keen and Johnnie Freedle. All three served on the Sesquicentennial book committee.

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At the end of the day, the city buries a time capsule along the front lawn of Portland City Hall. It contains a copy of the book, a commemorative t-shirt, a strawberry lapel pin. It will be opened in 50 years, so that the children attending that day will remember.

"We want people to have rekindled memories and for new comers not exposed to the history of Portland to be enlightened. We hope everyone comes away with new insight to the cultural aspects of the town," said Meguiar.

And on that note, Portland's next 150 years begins.

**Photos by Victoria South**



The Portland "Days Gone By" Festival coinciding with the Sesquicentennial celebration, featured antique farming equipment including this old time threshing machine. A train passes in the background. Today, Portland is on the main line of the CSX railroad between Louisville, Kentucky, and Nashville.

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"We have about 25 relocation plans and are hoping to attract retirees through our outreach "Retire Sumner County," Wald said. "There are 50 manufacturers here in Portland, with Macy's Distribution facilities advertising to hire 500 employees. Portland has also received an improvement grant of \$1.3 million to revitalize our downtown Main Street."

With Portland's 70th Strawberry Festival on the way in two years, Wald said plans are underway to include activities about Portland's "good old days."

"I would like to promote the old traditions we used to enjoy as a means of preserving our past," Wald said. "Such as climbing the greased pole to reach a \$100 bill at the top."

A few streets away, Portland's "Days Gone By" festival is in full swing with steam powered threshing demonstrations and antique farm equipment and tractors.

Eminent growth has Mayor Wilber planning ahead as well. "With the widening of Highway 109 taking off, there will be a boost in housing in the next five years," he said.

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