



Each year, the Downtown Paris SPOOK-tacular, on the historic courthouse lawn, gets bigger and better with delicious concessions, free craft activities, entertainment and contests by organizations and businesses. Held during daylight hours, merchants invite children, and the young at heart, to trick or treat to their heart's content and join the big costume contest. This year's event was held October 23.

## Iowa League sues EPA

BY DENISE PAIGE

*TML Government Relations*

The Iowa League of Cities (ILC) filed an action in the 8th Circuit Court of Appeals petitioning for a review of a number of Environmental Protection Agency (EPA) rule reinterpretations that affect municipal compliance in managing wet weather flows (both wastewater and stormwater).

The lawsuit claims the EPA has reinterpreted federal rules, without going through the administrative rule-making process, that place more stringent requirements on municipal wastewater treatment facilities and could require cities and towns to spend millions of dollars to bring their systems into compliance. The matter is set to be reviewed on Nov. 15 in federal court, and Hall and Associates, counsel for the ILC, is encouraging all affected municipalities to join their efforts.

Since the reinterpretation will affect a number of states, many leagues, including the Tennessee Municipal League, believe that the National League of Cities, which represents municipal interests at the federal level, should file an Amicus brief. An Amicus brief is a document that advises the court submitted by someone who is not a party to the litigation, but who believes that the court's decision may affect its interest.

Among the issues are the Envi-

ronmental Protection Agency's reinterpretation of federal rules concerning the operation of wastewater treatment plants and heavy rain-related discharges; the EPA's position that compliance with the State's E. coli standard be determined "end-off-pipe;" and the new requirement that CSO flows delivered to the treatment facility must have completed biological treatment "if feasible and affordable."

Prior to the new position, municipalities were allowed to use alternative approaches and technologies and given options concerning treatment facility design to safely process peak wet weather flows. Johann Coetzee, wastewater director Elizabethon, reviewed the rules and commented that "The city of Elizabethon is an example of a community that invested in TDEC approved treatment infrastructure, and as a result of the reinterpretation of the rules by the EPA, now cannot use all of the designed features."

These rule interpretations by the EPA will more than likely place many cities in violation of federal rules with no practical options to come into compliance and subject local governments to federal lawsuits.

More information on the EPA rules can be found at <http://edocket.access.gpo.gov/2010/2010-13098.htm> and <http://www.newtonindependent.com/files/iowa-league-of-cities-v.-epa.pdf>.

## Who is not covered with unemployment insurance?

BY GAIL COOK, CPA, CGFM  
*MTAS Finance Consultant*

Unemployment insurance is a program that provides up to 26 weeks of benefits to Tennessee workers who have lost their jobs through no fault of their own.

Most employers in Tennessee participate in this program by paying an unemployment premium on the first \$9,000 of an employee's calendar year wages to the Tennessee Department of Labor and Workforce Development (TDLWD). The rate varies from employer to employer but is normally not more than 10 percent of employees' taxable wages.

Municipalities have an option to be a "premium paying" employer, which mirrors the process followed by the private sector in Tennessee, or they can choose to be a "reimbursing" employer. In the latter case, the municipality would reimburse the state for unemployment benefits paid on behalf of former employees of the municipality.

The method the municipality uses determines both the amount and timing of any payments to the state. In both cases, the municipality must accurately report quarterly the employees covered and the amount of wages paid for that quarter. Premium paying municipalities must remit an amount quarterly based on the taxable covered wages for that quarter. Reimbursing municipalities

must report the gross wages for each employee; however, they are not required to submit premium amounts with the report. It is important for municipalities to determine who should be included on the quarterly report. That is the focus of the remainder of this brief.

### Who is an employee?

Your standard answer might be "everyone who receives a payroll check from the city." But for purposes of the Tennessee Employment Security Law, that would be incorrect. T.C.A. § 50-7-207(c) lists several types of activities that are considered "excluded services" under the Tennessee Employment Security Law. Any wages paid to someone for those activities would not be reported on the Wage Report (LB-0851) or Premium Report (LB-0456) filed quarterly with the TDLWD.

The exclusion that affects municipalities is found in T.C.A. § 50-7-207(c)(5)(D). It specifically excludes elected officials, as well as anyone employed by the municipality in a position that is designated by law as "a major nontenured policymaker or advisory position; or a policymaking or advisory position the performance of the duties of which ordinarily does not require more than eight hours per week." It also excludes an employee working on a temporary basis due to a "fire, storm, snow, earthquake, flood or

See **INSURANCE** on Page 5

## Survey shows intensified financial pain for municipal governments

BY GREGORY MINCHAK  
and  
CYNDY LIEDTKE HOGAN  
*Nation's Cities Weekly*

Cities' finances continue to weaken under the strain of the recession, resulting in cities being less able to meet their fiscal needs in 2011 and beyond, according to the latest research from NLC.

In NLC's annual report on cities' fiscal conditions, financial officers report the largest spending cuts and loss of revenue in the 25-year history of the survey. In the research brief, "City Fiscal Conditions in 2010," 87 percent of city finance officers report their cities are worse off financially than in 2009.

"This year's report reveals that while the recession might have officially ended in terms of the national economy, cities are now in the eye of the storm in terms of the recession's impact on budgets," said Chris Hoene, co-author of the report and director of NLC's Center for Research and Innovation. "For many cities, the pain is intensifying."

The pain is often coming in the form of service and staff cuts to

balance city budgets.

Financial pressures are forcing cities to lay off workers (79 percent), delay or cancel capital infrastructure projects (69 percent), and modify health benefits (34 percent). There were also significant increases in the number of officers reporting across-the-board services cuts (25 percent) and public safety cuts (25 percent). Public safety is usually reduced only as a last resort option.

NLC President Ronald O. Loveridge, mayor of Riverside, Calif., said "the easy cuts are gone" as cities are facing the third and fourth years of tight budgets resulting from the financial crisis, including a downturn in real estate values and reduced sales tax revenues.

"Cities balance our budgets because we have to," he said, "but the extraordinary pain of the recession has made it a different time for cities and towns."

"This historic recession has forced city officials to make difficult decisions that impact the social and economic fabric of their communities," said Loveridge. "This recession is making city officials fundamentally rethink and repurpose the provision of services in their com-

munities. Some are innovating and finding creative solutions but, regrettably, without the necessary resources, cities will continue to have a difficult time assisting their residents through these trying economic times."

Cities are in the worst fiscal shape they've been in since the Great Depression, said the report's co-author, Michael A. Pagano, dean of the College of Urban Planning and Public Affairs at the University of Illinois at Chicago.

In most recessions, sales tax collections tend to pick up by the time reduced property tax values and collections impact the economy. But the real estate market has not rebounded while expenditures continue to decline, he said.

"Even if the economy turns around tomorrow, cities won't feel it for two to three years," Pagano said. City revenues — as generated in property, sales, and income taxes — will decline 3.2 percent in inflation-adjusted dollars according to finance officers. To compensate, city officials are cutting back spending, with expenditures declining by 2.3 percent. These are the largest cut-

See **SURVEY** on Page 7

## Chattanooga workers reap one-stop benefits with Well Advantage Program

BY VICTORIA SOUTH  
*TML Communications Coordinator*

Chattanooga had no intention of rivaling NASA when it created a healthcare plan for its 6,000 municipal employees based on financial rewards, free wellness programs and gym memberships, but in 2008, only a fraction of employers across the nation offered these types of healthy incentives and NASA was on the list. According to Donna Kelley, Chattanooga's director of Human Resources, and Madeline Green, director of Chattanooga's Risk Management and Insurance, it all began with some RFPs.

"Our former mayor, Bob Corker, bid on medical products for the year and the response to the RFPs ranged from 35-38 percent," said Kelley. "He said, 'you all need to help us fix this,' so one of the things we did is ask him to give us the money he would otherwise have expected to bid. We established a medical mega fund, harnessing all the old money that was being spent on services into what we have now."

The result is the city's Well Advantage Program, which is considered nothing short of an anomaly—a road to health that begins and ends at the workplace for 1,500 of Chattanooga's municipal employees and their dependents plus an additional 480 retirees.

"Not only has the program met our expectations, it's exceeded them," Kelley said. "In the first year



Chattanooga municipal employees enjoy a free onsite fitness center.

and a half we've paid for our start up costs and I don't know of any other city or agency that's doing all the activities that we are with a plan for future activities."

With Well Advantage, medical services are provided free of charge at two on-site medical centers and patients enjoy the one-stop convenience of an on-site pharmacy providing prescription medicines at reduced costs, (generics are \$2 for a 30-day supply and \$5 for 90-days). Financial incentives are awarded in the form of points called CHIPS Rewards, which are available to all active employees regardless of their participation in the pro-

gram.

"It's much better than a discount; it's a catalogue," said Green. City staff can earn and redeem points for participating in health and wellness activities and redeem the points online for millions of items including merchandise, real-time travel booking, activities and event tickets. Staying injury free for a year will earn an employee 2,000 CHIPS or 1,000 CHIPS can be earned for having your waist measured or taking a fitness test.

"What's important to us is we can change the program around to meet our needs, which can be tall-

See **ADVANTAGE** on Page 3

## Unaccounted for water loss set at 35%

Recent changes in state law have mandated that all city-owned water systems that experience water loss must measure and account for it.

In accordance with TCA 7-82-702 and 68-221-1009(a), the Utility Management Review Board and the Water and Wastewater Financing Board (WWFB) recently met and set an excessive water loss percentage at 35 percent.

That means that any water system reporting a water loss of 35 percent or higher (using the current method) in its annual financial statements will be referred to the appropriate board for further action. Cities will most likely be required to develop a plan, approved by the WWFB, that would reduce the water loss to an acceptable level.

This determination was made at the joint meeting of the Boards held on Oct. 7, 2010.

The Boards also voted to adopt the American Water Works Association (AWWA) water loss methodology for any audited financial reports received by the Comptroller of the Treasury after Jan. 1, 2013. Between



Some valid city functions use water that is not metered (firefighting, street cleaning, etc.). Only after considering these valid non-metered water uses can cities arrive at accurate water loss percentages.

now and Jan. 1, 2013, audited financial statements may include both methods, but the current percentage method must be included in statements received by the Comptroller before Jan. 1, 2013.

According to Al Majors, MTAS finance consultant, in his technical bulletin entitled *Requirements for Non-Metered Water Usage*, "Water loss in municipal water systems is

See **WATER** on Page 5



NEWS  
ACROSS  
TENNESSEE



BY TML STAFF REPORTS

BROWNSVILLE

Tennessee’s first natural gas-fueled “combined cycle” power plant is officially operating. The Lagoon Creek plant, near Brownsville, has a system that captures excess heat, which reduces fuel use and, therefore, polluting emissions. Most standard power plants have copious amounts of waste heat that is released into the atmosphere or waterways. TVA’s new plant uses combustion turbines, which are similar to jet engines, to produce electricity. Heat comes from the turbines’ exhaust, but it is captured to heat water and produce steam. The steam is then sent to a turbine that produces additional power. This type of plant generally is preferred to coal-fired plants by environmentalists because it is more efficient and involves a fossil fuel that, while it produces greenhouse gases, releases less carbon.

CHATTANOOGA

The Ash Center for Democratic Governance and Innovation at the John F. Kennedy School of Government, Harvard University, announced Public Art Chattanooga’s “On the Fence” series as a winner for the Bright Ideas program. “On the Fence” is a temporary innovative public art installation designed to transform an unsightly series of chain link fences along Main Street, the primary urban corridor of Chattanooga’s burgeoning Southside. Bright Ideas is designed to recognize and share creative government initiatives around the country with interested public sector, nonprofit and academic communities. Public Art Chattanooga, a division of the City of Chattanooga’s Parks and Recreation Department, formed a partnership with the Lyndhurst Foundation to launch “On the Fence.” Through an open city-wide competition, area artists, individuals or teams were invited to submit designs and to construct installations to enhance and transform chain link fences on the Southside.

COLLIERVILLE

The town was selected by the Tennessee Chapter of the American Planning Association (TAPA) to receive a 2010 Outstanding Planning Award for the Downtown Small Area Plan Project. The award was made in the category for Small Communities with less than 50,000 in population. The Collierville Board of Mayor and Aldermen adopted the Small Area Plan in July of 2010. The criteria for the award included the following categories:

Originality/Innovation, Transferability, Quality, Comprehensive-ness, Public Participation, Role of Planners and Results. The TAPA awards committee noted that the Collierville Small Area Plan was exemplary in meeting the stated criteria for this category. The award was recently presented during the 2010 fall conference of the Tennessee Chapter of the American Planning Association in Knoxville.

FRANKLIN

City aldermen are hearing the early details of a plan to install electric car recharging stations in Franklin’s free public parking garages and in Jim Warren and Aspen Grove parks. This local installation would be partly funded by a U.S. Department of Energy grant. Franklin Mayor John Schroer said he expects the city to back the effort.

JACKSON

Meridian Development Partners, owners of the American Drive Business Center in Jackson, has finalized an agreement to develop a one megawatt (MW) solar power system plus a 47 kilowatt (kW) solar installation on their site. This is the largest solar project in the seven-state Tennessee Valley Authority (TVA) region. The clean, emissions-free power from the 1 MW solar array will go onto the Jackson Energy Authority (JEA) grid where it will be purchased by TVA through their Generation Partners program. The energy produced from this solar array is enough to power more than 120 average-sized homes. It has a carbon offset savings equal to 96,853 gallons of gas consumed.

JOHNSON CITY

Johnson City’s Regional Wastewater Treatment Plant near Gray is now online processing water for an area projected for healthy growth when the economy rebounds. Six years in the making, the roughly \$25 million addition and renovation of the plant that was first constructed in the mid-1970s now can handle about three times more water, six million gallons per day, and a peak flow of 15 million gallons per day, and has been consistently exceeding state quality levels. The regional plant is the city’s third wastewater facility. It first went online in 1977. The plant is being paid for with city issued bonds that went into the water-sewer fund.

LAKEWOOD

Lakewood residents can vote again March 15 on whether to remain an independent city or to dissolve its charter and join Metro government. In August, Lakewood voted 400-

399 to become part of Metro Nashville. Those results were contested. The lawsuit claimed voter fraud and irregularities that changed the outcome of the election after certification.

MEMPHIS

Pinnacle Airlines have entered into negotiations to lease commercial space for a new corporate headquarters downtown. The company’s board of directors approved a letter of intent to enter into negotiations for approximately 155,000 square feet of office space in the One Commerce Square Building. Pinnacle currently employs approximately 600 people in several buildings in the Nonconnah Office Park near the Memphis International Airport.

MURFREESBORO

General Mills, Inc. of Minneapolis, Minn. decided to invest \$100 million in the expansion of the company’s production facility in Murfreesboro. Company officials say the plant, which manufactures products for General Mills’ Yoplait brand, will add approximately 80 jobs. General Mills product brands are well known to consumers around the world and in addition to Yoplait, includes Pillsbury, Green Giant, Cheerios and Betty Crocker. The company has more than 30,000 employees worldwide and its products are marketed to more than 100 countries on six continents around the world.

NASHVILLE

Eight months after 24 feet of muddy floodwaters from the Cumberland River filled its home, the Nashville Symphony will return to the Schermerhorn Symphony Center for a New Year’s Eve concert, Symphony President and CEO Alan Valentine made the announcement. In June, the restoration timetable included an early 2011 return date.

NASHVILLE

Nashville Mayor Karl Dean with other state and local officials kicked off the first phase of a new \$30 million, 6.5-acre play park with a ground breaking ceremony. The park will sit on the east bank of the Cumberland River between the Shelby Street Pedestrian Bridge and the Gateway Bridge. When completed, the site will be 10 times the size of Riverfront Park. The new public attraction will feature fountains, spraygrounds, boardwalks, performance areas, wetlands, new docking facilities and increased bike trails. City leaders hope to open the park by next summer. Admission will be free and open to the public except during special events.



Six years in the making, Johnson City’s Regional Wastewater Treatment Plant near Gray is now online processing water for an area projected for healthy growth when the economy rebounds.



Mayor Karl Dean, far left, along with other state officials take part in a ground breaking ceremony in Nashville for a new 6.5-acre Riverfront Play Park on the east riverbank. When completed, the site will be 10 times the size of the existing Riverfront Park.

Pigeon Forge’s Earlene Teaster recipient of 2010 tourism award



Leon Downey, executive director of the Pigeon Forge Department of Tourism; Earlene Teaster, Pigeon Forge city manager; and Bill Hardman, president and CEO of the Southeast Tourism Society.

Pigeon Forge City Manager Earlene Teaster is the 2010 recipient of the Southeast Tourism Society’s Shining Example Award for governmental tourism leadership.

Teaster, who has been city manager since 1980, has helped Pigeon Forge grow into one of the busiest tourism destinations in the nation. Almost every business in the community is tied to tourism, and the city’s gross receipts have grown from \$415,000 in 1987 to \$772.5 million in 2009.

The Southeast Tourism Society is a professional association that promotes travel and tourism in 12 states. Its annual Shining Example Awards recognizes excellence in marketing, promotion and other areas.

“Community-wide tourism success happens for many reasons, and there often is a governmental official who is vital to that success. Recognizing that role is the purpose of this award, and Earlene Teaster’s leadership during the amazing evolution of Pigeon Forge obviously impressed this year’s judges,” said Bill Hardman, president and CEO of the Southeast Tourism Society.

Creation of Winterfest was one of the accomplishments the judges acknowledged. Teaster and others in Sevier County spearheaded the Winterfest movement that created a new season for tourism throughout the county. The multi-faceted, four-month-long celebration allows formerly seasonal businesses to operate 12 months a year.

“Earlene Teaster’s understanding of tourism’s potential and leadership in coordinating the plan to make it happen for her Smoky Mountains community has become a model for other regions around the world. She has been a champion for her tourism venues and properties but has always been mindful of the needs of the visitor,” said Susan Whitaker, commissioner of the Tennessee Department of Tourist Development, in her endorsement of Teaster’s nomination.

Teaster started working for Pigeon Forge in 1961 as city clerk. She became the first female city manager in Tennessee in 1980 and was named the Tennessee City Management Association’s City Manager of the Year in 2000.



PEOPLE IN THE NEWS

BY TML STAFF REPORTS

Opie tapped to head Department of Education

Gov. Bredesen has picked Bruce Opie, a 34-year education veteran, to head the Tennessee Department of Education replacing Dr. Tim Webb, who resigned this month. Opie’s career began in public education as a classroom teacher in the Clarksville-Montgomery County School System. He later joined the state Department of Education and has served as the department’s executive director for curriculum and instruction, director for the state’s special schools, assistant commissioner for legislation and policy and as deputy commissioner.

Dean to receive honor

Nashville Mayor Karl Dean will receive the “Spirit of Service Award” on Oct. 27, during the Celebration of Mission to Service reception. Dean will be honored for his creation of the Nashville Poverty Reduction Initiative and his leadership during the May 2010 flood.



Karl Dean

Killian confirmed as U.S. Attorney

Bill Killian of Jasper was confirmed as U.S. attorney for East Tennessee.



Killian

Houck Clinton interim manager

Roger Houck has been selected to serve as Clinton’s interim city manager. Houck, has served as the city’s Parks and Recreation director for 20 years.



Houck

Dillon named Union City manager

Kathy Dillon has been appointed city manager of Union City. Working in local government since 1991, Dillon served as city manager in South Fulton and as city clerk and finance director of Union City. She took over as interim city manager in 2009 following the retirement of long-serving city manager Don Thornton.



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# 311 call centers unite citizens, local governments

BY VICTORIA SOUTH  
Communications Coordinator

“Who handles graffiti?” “There’s a pothole on my street.” “How do I find city hall?” Chances are life’s little emergencies ill suited for 911 might still be resolved swiftly and efficiently by the switch of a digit. 311/CRM call systems are connecting Tennessee’s citizens with local governments like never before, setting the stage for unprecedented municipal customer service, while deflecting non-emergency calls away from 911 operators — 24/7.

**What is 311?**  
Approved and set aside by the Federal Communications Commission (FCC) in 1997, 311 is part of a set of simple, easy to remember abbreviated dialing arrangements known as N11 codes. The number allows state and local governments to provide citizens in their jurisdictions access to public services and community information. While local governments are not required to initiate 311 service as with 911, should they decide to do so, they receive priority from the FCC, which requires telecommunications service providers to ensure 311 activation within six months. The accompanying customer relationship management systems (CRM) are software applications that are used to track interactions with citizens on an ongoing basis allowing local governments to manage huge amounts of data effectively.

According to a national study by the International City/County Management Association (ICMA), the efforts of local governments to respond effectively to citizen’s re-

quests is frequently hampered by a myriad of access numbers citizens find difficult to navigate and use. Confused and often frustrated about which department is responsible for addressing situations, residents of ten resort to calling 911 about non-emergency matters, leaving the emergency system backlogged and overburdened. 311 was designed to help alleviate that congestion.

**No runaround in Dyersburg**  
“All we’re doing is modernizing government,” said Mark Grant, emergency communications director for the city of Dyersburg. Recognized as one of the 50 Best Small Southern Towns in the U.S. by Peachtree Publications, Dyersburg is a snapshot of small town America; the first in western Tennessee to implement a 311 access number to assist its citizens. “If somebody has a pothole or streetlight out or other government issue, why not call a central number instead of having to look through the phone book, through hundreds of numbers or be transferred hundreds of times?” Grant asks.

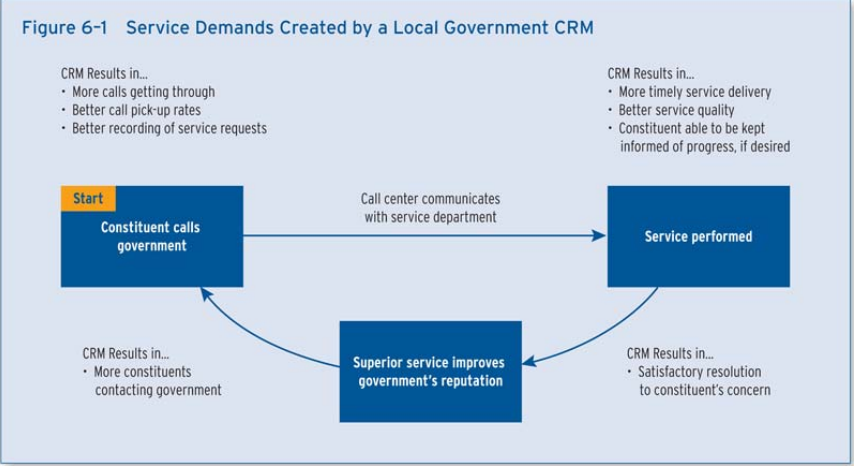
With a substantial savings on staff and training costs, the city created an integrated 911/311 call center for both emergency and non-emergency issues. The knowledgeable, customer service oriented operators handle around 140,000 calls per year, according to Grant. “Our 311 staff actually has more expertise than most because they are 911 operators,” he said. “They’re familiar with all the municipal services that are provided, so right out of the box, we were ready to go needing very little training.”

The city teamed with QScend Technologies in order to implement the QAlert municipal CRM software where non-emergency requests are entered, routed to the appropriate department and assigned a ticket number. “You can ship and track a package and know where that package is at any hour of the day,” notes Grant. “Now you can do the same thing with citizens’ complaints, just a one-stop shop number as their request is put into the computer system.” QAlert allows responders to maintain all documentation about the request in one place along with the steps taken to resolve the issue including updates. An internet component allows customers the convenience of tracking the progress of their work ticket online or to initiate a complaint.

All calls are evaluated through



Dyersburg created an integrated 911/311 call center for both emergency and non-emergency issues saving training and staffing costs.



CRM can produce a wide range of intangible benefits, increasing the level of trust citizens have in their government, making government more accessible and accountable, and the community a more attractive place to work and live.

an internal quality improvement (QI) process that monitors items such as an operator’s inflection and tone, how the call was handled and if the problem was resolved. “We place a huge emphasis on customer service,” said Grant.

According to ICMA, a CRM system should focus on providing “first-call resolution”—completing a service request or inquiry correctly on the first contact. (See chart above of demands created by a local government CRM.)

Occasionally, the center receives calls outside the jurisdiction. “We tell county callers that 311 is only for the city of Dyersburg, but we do transfer them to the right agency to help them,” said Grant.

With three 911 centers in Dyer County, serving a population of about 40,000, regionalization of the 311 system across county lines is already Phase III of the city’s work plan, but Grant doesn’t anticipate it

will happen anytime soon. “One day, when the young generation replaces all us old folks, I can see it,” he said. “It would be easy to do, even if you have multiple jurisdictions. The computer software doesn’t matter regardless of how many jurisdictions it covers, if we’re ever able to get all the local governments to agree to consolidate.”

While applauded by ICMA, regionalizing 311, is “daunting for most city-county partnerships,” writes Ellen Perlman in *Governing* magazine’s “The Buzz About 311.” “They have to wrestle with major technological and turf issues, such as integrating and sharing data...other questions that, minor though they may seem, can rankle.”

For now, Dyersburg hopes more citizens will learn the value of the city’s 311 services. “It’s a lot more than just calling for information or to see what time the 4<sup>th</sup> of July fireworks display is,” said Grant.

## Elements of Community readiness for 311/CRM systems

According to ICMA, there is much more to setting up a 311 system than petitioning for designation from the FCC. To download a free copy of the ICMA report *Customer Service and 311/CRM Technology in Local Governments*, visit [www.icma.org](http://www.icma.org)

- The foundation of a 311/CRM effort should be a strong desire on the part of local government leadership to make customer satisfaction a priority;

- Local governments need to define the goals and objectives of a 311/CRM initiative before determining what level of investment is necessary for the required features;

- Implementation of a 311/CRM system works best when done in planned phases;

- The 311/CRM system should be viewed as an enterprise undertaken by the whole local government organization, not a separate department;

- The local government should undergo an extended self-evaluation and re-engineer its processes toward providing exceptional customer service to maximize 311 effectiveness;

- An internal quality assurance program should be developed to measure and monitor contact center performance;

- Contact center agents need to understand the day-to-day function of different local government departments;

- Assigning tracking numbers to service requests should be standard practice in order to allow citizens to learn what action was taken to address their requests and local governments to determine where bottlenecks exist in service delivery; and

- The 311/CRM system should be integrated into local government emergency management plans.


## Well advantage program model for cities

ADVANTAGE from Page 1

lied,” said Green. “We can pick what activities are rewarded, the activities we really want our employees to do, and look at behavioral changes in those reports.”

Employees also enjoy a free fitness center, massage therapy and classes for weight management, nutrition and smoking cessation. There’s an annual physical along with an initial HRA, a 70-panel blood screening, to help identify health issues that could cause health problems for the employee in the future. Health records are confidential and inaccessible to HR. “We do not have access to any employee medical information,” confirms Kelley. “But we have so many employees that want to describe how they were saved through early cancer screening.”

“We really are excited about carving out an innovative path beyond where we are now with the Well Advantage Program that would actually allow employees to have an employer-sponsored medical home,” adds Green. “As we get more into the components of medical reform, our employees will have access to employer sponsored medical services such as physical therapy and an on-the-job injury program.”



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# STATE BRIEFS

## BY TML STAFF REPORTS

**State’s libraries share \$1.5 million federal and state training grants**  
Dozens of rural libraries across Tennessee will share in nearly \$1.5 million in combined federal and state grants to provide computers, education courses and job skill training. The grants are targeted to help Tennesseans improve computer-related skills so they will be more competitive as they seek jobs. The project is the culmination of more than a year’s effort by the Department of State and Economic & Community Development. The joint effort was successfully leveraged to secure additional funding from the U.S. Department of Agriculture Rural Development. Of the nearly \$1.5 million, ECD will provide \$1,030,000 and the Secretary of State will provide up to \$70,000. The remaining \$356,577 will come from USDA Rural Development. The funds will be used to provide computers, peripheral equipment, high-speed Internet routers and instructors to conduct training classes.

**Solar institute commits \$9 million grants for Tennessee businesses**  
The Tennessee Solar Institute has committed more than \$9 million in solar installation grants to Tennessee businesses. The grants will go, on a reimbursement basis, to projects varying in size from about 4 kilowatts to nearly 1 megawatt. When completed, the installations will produce more than 5.8 megawatts of power across the state, enough to power the equivalent of 600 to 700 homes. The funding is part of \$62.5 million in federal stimulus funds the state is using for a variety of solar-related initiatives. The grants were given on a first-come, first-served basis based on the size of the project up to 200 kilowatts. The awards pay a 40 percent reimbursement of up to \$75,000. A variety of businesses, ranging from dairies and restaurants to office buildings and marinas, received awards.

**More than three million people turn to Tennessee 511**  
Since the program launch in August 2006, more than three million people have turned to Tennessee 511 for travel information. On Oct. 9, the 3,000,000<sup>th</sup> caller dialed 511 for information about Tennessee’s roadways and weather. Drivers in Tennessee have been using Tennessee 511 in increasing numbers since TDOT debuted the system in 2006. In addition to real-time traffic information on Tennessee’s interstate and state highways, weather conditions, Amber Alerts, TDOT’s Record-A-Comment phone line and the 511 systems in neighboring states, such as Georgia, Kentucky, Virginia and North Carolina. In March, TDOT launched a new enhanced 511 service which now also provides information on rest areas, public transportation, airports and tourism. Motorists may dial 511

from any cell phone or land line phone. TDOT also has a Tennessee 511 website at [www.tn511.com](http://www.tn511.com) where travelers may access this information before leaving home.

**TDOT seeks bicyclists feedback**  
Bicyclists are being asked by the state transportation department to rate their experiences pedaling on Tennessee highways. The information will help in developing a bicycling network, evaluating state routes for their suitability for bicycling and determining how to fulfill the state’s bicycle and pedestrian plan, according to the Tennessee Department of Transportation. Responses to the survey are needed by Oct. 30. It’s available on TDOT’s website at [www.tn.gov/tdot](http://www.tn.gov/tdot). The League of American Cyclists has bumped Tennessee up 19 positions in its annual ranking of Bicycle Friendly States — from 43rd to 24th place. Knoxville and Chattanooga are each ranked as a Bicycle Friendly Community.

**Tennessee receives teens/women pregnancy and parenting grant**  
Tennessee has received a three-year \$4.2 million grant from the U.S. Department of Health and Human Services (HHS) to support pregnant and parenting teens and women. The money will be used to implement the Pregnancy and Parenting Success Program in Shelby County, which leads the state in births to teen mothers. Gov. Bredesen said lessons learned in West Tennessee can be applied in other parts of the state. The funded project Pregnancy and Parenting Success will work to improve birth and early childhood outcomes by expanding, enhancing and coordinating programs that promote health, education and social services for pregnant and parenting teens and women.

**State’s Rural Opportunity Fund receives “Excellence” award**  
The three-year-old Tennessee Rural Opportunity Fund, a private partnership between Tennessee, 23 banks and Pathway Lending, a lending fund primarily for minority women and minority-owned businesses, has received an “Excellence in Economic Development Award” from the International Economic Development Council. The fund has made more than \$9 million in loans to businesses in rural communities throughout Tennessee, and is credited with helping create 200 jobs and retaining about 400 jobs.

**Dry conditions spur burn permits**  
Dry conditions across Tennessee are the cumulative result of scant rainfall that goes back into the late summer months. Now, unusually warm weather has come as well and relief, at least that which rainfall would provide, doesn’t seem likely soon. The National Weather Service in Morristown reports Chattanooga hasn’t had a trace of rainfall this month. In Nashville, a recent high of 90 degrees was the latest 90-degree



Additional funding has been secured from the U.S. Department of Agriculture Rural Development to help Tennesseans improve computer-related skills in order to compete in the job market. Dozens of rural libraries across Tennessee will share in nearly \$1.5 million in combined federal and state grants to provide computers, education courses and job skill training.

reading ever in the city. The state is dry from the delta to the mountains and the state Forestry Division is urging caution with debris burning and campfires. A requirement for burn permits began statewide. Forecasters predict an “El Nino” winter, with above-normal precipitation and temperatures.

**Tennessee Arts Commission publishes book on historic arts facilities**  
The Tennessee Arts Commission has announced the publication of *Historic Tennessee Stages*, a soft cover book documenting Tennessee’s existing historic performing arts facilities. The recently-published book is the result of a multi-year project addressing the commission’s work in cultural tourism, and preserving the state’s cultural heritage. The architectural and cultural survey started three years ago. Originally conceived as a project to document historic performance venues in Tennessee of some age, cultural and architectural importance, the original search yielded buildings of note built before 1975. Ultimately this was expanded to include newer venues from across our state. A total of 47 historic venues are featured in the book. The commission believes the book should always be viewed as a work in progress, as some sites inevitably close while others are revitalized and reopened, and new facilities are built. Copies will be sent to each venue included in the book, as well as public libraries across the state.

**Civil War license plates available**  
A new license plate commemorating the 150th anniversary of the Civil War is now available. The Tennessee Civil War Preservation Association, a nonprofit organization, is sponsoring the plate. A portion of the proceeds will support the Tennessee Civil War Trails program and preserve the state’s Civil War battlefields. The annual fee is \$35 for the special plate and \$70 for a personalized version. The plates must be ordered by June 30. For more information, visit [www.tcwpa.org](http://www.tcwpa.org).

## Downtown Revitalization Program offers communities grant funds

Applications are now being accepted for Tennessee Downtowns, a competitive community improvement program for cities and counties seeking to revitalize traditional commercial districts.

The program is open to communities with downtown commercial districts established at least 50 years ago and whose citizens are ready to organize efforts for downtown revitalization based on the successful program “Main Street Four-Point Approach to Downtown Revitalization.”

**Applications** are available online at [www.tennesseemainstreet.org](http://www.tennesseemainstreet.org) and **must be completed by Monday, Nov. 8.**

“Having a thriving downtown benefits and promotes economic development efforts for a community and lays the groundwork for a growing local economy,” said ECD Commissioner Matt Kisber. “The Tennessee Downtowns program is the first step toward reviving a community’s central business district in a comprehensive, sustainable way.”

Tennessee Downtowns is a tiered program affiliated with the Tennessee Department of Economic and Community Development’s Tennessee Main Street Program. Communities selected to participate in Tennessee Downtowns will form a volunteer committee of local citizens who will participate in a multi-month training curriculum supported by the National Main Street Center. The curriculum is designed to teach citizens about comprehensive, sustainable downtown revitalization and historic preservation. The training includes attendance at a two-day downtown revitalization workshop and a grant to complete individualized downtown development projects.

The first class of Tennessee Downtowns communities is currently midway through the program. Participants are learning how to



organize a community-driven, volunteer-based downtown revitalization program in their areas and how to apply the Main Street principles for comprehensive, sustainable downtown development in their own hometowns.

“The inaugural year of the Tennessee Downtowns program has been an incredible success,” said Rick Meredith, assistant commissioner for Community Development at ECD. “We’re hoping to build on that momentum, with this program being a vital resource and a basis of support for a community’s downtown revitalization efforts.”

Communities participating in the Tennessee Downtowns program may wish to continue a self-initiated downtown revitalization effort at the end of the program or apply for certification in the Tennessee Main Street Program through the competitive application process. Successful completion of the Tennessee Downtowns program does not automatically result in qualification for the Main Street program.

Main Street revitalization is a comprehensive, incremental, self-help economic strategy that also focuses on developing public-private partnerships to enhance community livability and job creation, while maintaining the historic character of the district. For information about the Main Street Program and the Main Street Four Point Approach, visit <http://www.preservationnation.org/main-street/about-main-street/>.

Tennessee’s Main Street program provides communities with technical assistance and guidance in developing long-term strategies that promote economic growth and development. The program provides information and assistance in forging public networking and training opportunities for downtown commercial districts.

For more information about Tennessee Downtowns, visit [www.tennesseemainstreet.org](http://www.tennesseemainstreet.org).

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Which employees are covered by unemployment insurance?

INSURANCE from Page 1 similar emergency.”

Following are some individuals who under normal circumstances would not be considered employees of the municipality under the Tennessee Employment Security Law:

- Any elected official (e.g., mayor, council members, judge, recorder, etc.);
- Board members (e.g., beer board, planning and zoning board, utility board, etc.);
- Election workers; and
- Temporary personnel employed due to an emergency situation (e.g., police officers, EMTs, paramedics, firemen, etc.).

You can correct any overstatement of reported wages by filing a Claim for Adjustment or Refund form (LB-0459). This form is available at <http://www.state.tn.us/labor-wfd/Employers/forms/LB-0459.pdf> or from your local Tennessee Employment Security Employer Accounts Office. If the municipality is a “premium paying” employer, a credit for premiums paid will be issued by TDLWD.

Since a “reimbursing” employer reimburses TDLWD for their proportionate share of benefits paid to a claimant, they will receive a credit only after TDLWD has received a repayment of benefits from the claimant. Either credit can be applied against future premiums and reimbursements, or a refund may be requested. All refund requests must be made within three years of the payment. For more information, contact your MTAS management or finance consultant.

WWFB sets water loss at 35%

WATER from Page 1

not new and is in fact a common problem faced by most Tennessee cities that operate a water utility. Cities, as a general rule, purchase or treat more water than they sell to customers through metered billing. The difference between the purchased/treated amount and the amount billed to customers is water loss or more accurately described as non-metered water usage. Some valid city functions use water that is not metered (street cleaning, fire fighting, etc.). It is only after considering these valid non-metered water uses that a city can arrive at the accurate water loss.”

For more information on water usage requirements, please refer to MTAS’ Hot Topic online at [www.mtas.tennessee.edu](http://www.mtas.tennessee.edu)

All correspondence relating to the Water and Wastewater Financing Board should be directed to Ms. Joyce Welborn, Office of the Comptroller of the Treasury, Office of State and Local Finance, Suite 1600, 505 Deaderick Street, Nashville TN 37243-1402. Ms. Welborn can be contacted at (615) 401-7864, or e-mail at [Joyce.Welborn@tn.gov](mailto:Joyce.Welborn@tn.gov)

Tennessee's bold leap in care for the aged, disabled

BY CHRISTINE VESTAL  
Stateline Staff Writer

After lagging behind the rest of the country for years, Tennessee is catching up fast when it comes to changes in its health care system aimed at elderly and disabled residents. More of them are getting the assistance they need in their homes — at a much lower cost than at a nursing home. A lot of this change is the direct result of efforts by Gov. Phil Bredesen.

Nearing the end of his eight years in office (he is required to leave due to term limits this year), Bredesen decided to focus on getting Tennessee off the bottom rung in rankings of states that offer consumers choices in long-term care. Just a few years earlier, only a few hundred Tennesseans were able to get Medicaid funding for anything but a nursing home. Now, it is one of a handful of bellwether states that offer a broad range of alternatives to nursing home care.

“It’s a good thing to do and it probably can save some costs, but more importantly it really is an easy way to keep an awful lot of people in their homes, which is what I would want. I know it’s what my mother wants,” Bredesen said in an interview with *Stateline*.

Like every other state, Tennessee is bracing for an avalanche in demand for long-term care as the biggest generation in American history — 77 million so-called Baby Boomers born between 1946 and 1964 — begins to hit retirement age next year.

Occupying more than 30 percent of states’ Medicaid bills, which in turn occupy more than 20 percent of overall state budgets, long-term care costs are growing faster than any other state expense.

That’s partly because Americans are living longer. By 2020, the number of people aged 85 years and older — those most likely to need long-term care — will increase by more than 40 percent, according to U.S. Census Bureau estimates. Even without those demographic pressures, states’ long-term care costs are daunting. The elderly and disabled represent about 25 percent of the total Medicaid population, but they account for more than 65 percent of the spending, according to the most recent federal data available.

It is well known that the vast majority of people with long-term care needs want to remain in their homes. And research shows that the cost of providing care in the community can be as little as one-third the amount of a comparable nursing home stay.

But the road to reforming state Medicaid plans is long and arduous. That’s in large part because Medicaid — which pays nearly 50 percent of all nursing home bills in the country and 45 percent of all long-term care — is biased in favor of institutional care. When seniors qualify financially and are deemed to need care, Medicaid funding for a nursing home bed is guaranteed. For those who want to remain at home, funding is often only a possibility and a national shortage of home health providers can mean long delays.

Bredesen knows all this inside and out — he was once in the health insurance business himself — and he had no illusions about the difficulties of reforming the system. Before he tackled long-term care, though, he first had to stanch the state’s hemorrhaging Medicaid program, TennCare — a move that made him a pariah in some parts of Tennessee and even brought him death threats as nearly 200,000 people were cut from the rolls in 2005. But he accomplished that.

Next, he needed an ally in the Legislature to make wide-ranging statutory changes in the way Medicaid finances long-term care. Democratic Sen. Lowe Finney became the champion Bredesen was looking for. Together they criss-crossed the state in 2007, talking to the elderly and disabled and their advocates. They negotiated with the state’s powerful nursing home industry to ensure major private players would support the plan.

But the state’s painful history of runaway costs that resulted from its bold Medicaid expansions in the mid-1990s and its worsening current fiscal condition meant Bredesen had to radically change long-term care financing without adding to the state deficit.

Betting on managed care

In 2008, the Legislature unanimously approved a bill that would make Tennessee one of just a few states to contract out its long-term care program to managed health care organizations. The federal government took a full year to approve it. Like laws in Arizona and New Mexico, Tennessee’s new law counts on private companies to ensure that a broad array of services — from so-called personal services such as meal preparation, bathing and dressing to home improvements, including wheel chair ramps and even pest control — are provided without additional cost.

Two months ago, TennCare CHOICES, opened its doors statewide with the goal of helping 11,000 people remain at home or return to their homes in the first year — all for the same amount the state paid in 2009. “The change is like night and day,” says Wilo Clarke, a caseworker for a managed care company in central Tennessee where the program started as a pilot earlier this year. “More and more, people in the nursing facilities are hearing about this program. They want to do whatever it takes to go home.”

Under the plan, low-income frail elders and adults with disabilities who are medically eligible for nursing home care may opt to receive the services they need in their homes, as long as the total cost is equal to or lower than the cost of a nursing home stay.

It’s too early to tell whether CHOICES will accomplish its goals. But so far, more than 40 percent of some 3,300 new enrollees are opting either to move out of a nursing home or avoid going to one in the first place. In addition to allowing Medicaid to pay for alternative services, Tennessee’s CHOICES makes it easier for people to sign up for the program by providing a single point of entry — a caseworker with a local managed care organization.



Tennessee is now one of a handful of bellwether states that offer a broad range of alternatives to nursing home care.

For the managed care organizations, the financing structure is straightforward. The state gives them a flat monthly fee for each eligible long-term care recipient — whether in a nursing facility or living at home. Some patients will cost more and others will cost less. It’s the company’s job to ensure that the average cost for all enrollees does not exceed a specified level.

The risks of change

There are many success stories. A 56-year-old Nashville resident named Larry is a good example. He suffered a stroke two years ago and had an amputation. Because his wife could not care for him at home, he reluctantly entered a nursing facility. When the new program began providing training and support services for his wife, Larry was able to go home and spend time with his children and grandchildren.

Critics have argued that the managed care companies’ financial incentives to keep people out of nursing homes could result in unsafe home care for people who really need round-the-clock nursing. But others say the companies have just as much incentive to avoid dangerous situations that could lead to expensive emergency care.

The AARP, which advocates for the elderly, says that three people can receive long-term care services in the community for the cost of serving just one person in a nursing facility. Still, the big fear in offering more home-based services is that people who never would consider entering a nursing home “will come out of the woodwork” and apply for Medicaid. Surveys have shown that for each patient in a nursing facility, two more with the same level of disability are making do at home.

Bredesen acknowledges the state’s new program will result in Medicaid serving more people. But he says it’s a good thing, as long as overall costs do not climb.

Although the social and fiscal benefits of public funding for home- and community-based services are clear, states have been slow to take the steps required to bring about change. In the mid-1990s, a few states began recognizing the value of serving more long-term care patients in their homes. Alaska, California, Minnesota, New Mexico,



Sen. Lowe Finney



For more informations about Tennessee’s plan, visit: [www.tn.gov/tenncare/CHOICES](http://www.tn.gov/tenncare/CHOICES)

Oregon and Washington State now spend more than half of their long-term care dollars on alternatives to nursing facilities. Colorado, Idaho, North Carolina, Texas and Vermont are moving in the same direction. But Tennessee and 23 other states have made less progress, spending less than one-quarter of their long-term care budget on non-institutional care.

The new federal health care law, the Patient Protection and Affordable Care Act, has a chance of changing that. It includes financial incentives for states to spend at least 50 percent of their long-term care dollars on non-institutional services and offers a grant for every person who leaves a nursing home to receive services in the community. Still, experts say the federal dollars may not be enough to persuade some states to make the changes.

In Tennessee, both supporters and critics of the CHOICES program say only time will tell whether the managed care organizations will be able to keep a lid on costs. Bredesen says his greatest worry is keeping “fly-by-night” operators out of the system. “A lot of people can play. You don’t have to be a doctor or build a hospital.” But for those directly affected, Tennessee’s experiment is already offering hope.

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# Pilot cities celebrate “Walk With Me Tennessee” status

Prior to making the program available to communities across the state of Tennessee, seven pilot communities were chosen to serve as part of initial research for the new “Walk with Me Tennessee” initiative sponsored by the Department of Environment and Conservation. The program addresses recreational efforts for cities and counties that focus on planning, health and fitness opportunities, infrastructure, connecting community areas and safety. Designed as an assessment tool, Walk with Me Tennessee ranks community “walkability” and provides pertinent



Selected as a pilot city for the new “Walk With Me Tennessee,” initiative, Clarksville accepts a commemorative plaque. Left to right are: Jeni Brinkman, TDEC, RES assistant director; Tonya Vaden, deputy director of Clarksville Parks and Recreation; Mark Tummons, director of Clarksville Parks and Recreation; and Gerald Parish, RES director.

planning information to help communities increase their pedestrian friendliness. The pilot cities include: Athens, Clarksville, Cleveland, Collegedale, Jackson, Manchester and Sevierville.

“The department’s Recreation Educational Services Division is striving to increase awareness of alternate transportation and lower the obesity percentage of our citizens,” said TDEC Commissioner Jim Fyke. “Presently, Tennessee is ranked second in the nation for obesity and the national obesity rate of children is increasing to a hazardous level. Combine the obesity statistics, cost of fuel and the environmental impacts of vehicle emissions – having a community with alternate transportation options is invaluable to all Tennesseans’ quality of life.”

“The city of Athens is extremely honored to be one of the seven Walk with Me Tennessee pilot communities. This is an award that recognizes the commitment that Parks, Public Works, the city council and citizens have made to improve the quality of life in Athens by making walking trails and sidewalks a priority,” said

Austin Fesmire, director of Athens Parks and Recreation. “I encourage our citizens to celebrate this accomplishment by taking a walk in Athens to take advantage of what everyone in the state now knows – that we are a great “Walk with Me Tennessee” community.”

“The city of Collegedale is proud to offer a generous greenway system to assist its citizens in improving their quality of life,” added Rodney Keeton, director of Collegedale Public Works, Utilities and Parks. “We’ve had some great success stories of weight loss and people choosing to have a healthier lifestyle due to our greenway system. We are thrilled to be a part of the Walk with Me Tennessee community.”

For more information about the Walk with Me Tennessee program or to complete the Inventory and Assessment application, please visit the Web site at [www.tn.gov/environment/recreation](http://www.tn.gov/environment/recreation). Assessment applications also can be sent to the department’s Recreation Educational Services for scoring at 401 Church Street, L&C Tower - 10th Floor, Nashville, TN 37219 or e-mail to [TDEC.RES@tn.gov](mailto:TDEC.RES@tn.gov).

# Local parks, recreation grants announced

More than \$3.5 million in Local Parks and Recreation Fund grants have been awarded to recipients across Tennessee.

“These grants will enhance and expand outstanding recreational projects like parks, community centers, ballfields and playgrounds,” said Gov. Phil Bredesen. “I’m pleased we are in a position to grant these 50 awards and thank the Tennessee General Assembly for helping make this effort possible.”

The Local Parks and Recreation Fund grant program was established by the General Assembly in 1991 to provide local governments with funds to purchase land for parks, natural areas, greenways and recreational facilities. The funds also may be used for development of trails and projects in parks, natural areas and greenways. All LPRF grants require a 50 percent match by the recipient. The Governor proposed, and the General Assembly, approved re-establishing the LPRF grant program in this year’s budget using a portion of the Real Estate Transfer Tax.

“This round of awards will fund exciting projects across the state. From land acquisitions for new municipal parks, to renovating and improving existing facilities, LPRF grants help expand recreational opportunities for Tennessee citizens,” said Environment and Conservation Commissioner Jim Fyke.

Grant recipients were selected through a scoring process with careful consideration given to the projects that met the selection criteria and expressed the greatest local recreation need. To learn more about the LPRF grant program and other recreation or conservation-based grant programs available in the future, please visit [www.tn.gov/environment/recreation/grants.shtml](http://www.tn.gov/environment/recreation/grants.shtml). Below is a list of the municipal grants awarded.

- Athens** - \$150,000
- Market Park and Knight Park – Construct steel gazebo at Knight



Park. Construct an ADA-compliant restroom facility at Market Park including ramps, parking, paving, flatwork and fencing.

- Centerville** - \$10,000
- C.A. Thompson Memorial Park - Remove and replace some of the existing playground equipment.
- Clarksville** - \$145,000
- New Development - 10-acre property to be donated to city for a park. Specific amenities to include site preparations, enhance road/loop, parking areas, signage, picnic areas, restrooms and trail development.
- Cleveland** - \$110,000
- Kenneth Tinsley Recreation Center – Renovate existing playground and restrooms to meet ADA standards and replace playground equipment.
- Collegedale** - \$48,000
- Wolftever Creek Greenway - Build a playground, pavilion and restroom.
- Dyersburg** - \$100,000
- Bruce Center, Dyersburg Activity Center, Okeena Park and Kiwanis Park - Replace gym floor, install swim platforms, install shade shelters at playground and wading pool, and install picnic shelter and playground equipment.
- Fairview** - \$72,500
- Bowie Nature Park - Construct paved trail, and boardwalk and concrete trails.
- Franklin** - \$65,000
- Jim Warren Park and Liberty Park - Refurbish existing tennis courts, add ADA safety surface to playground, and provide shade protection.

- Gatlinburg** - \$25,000
- Herbert Holt Park - Replace existing 15-year-old playground equipment with updated ADA-compliant equipment.
- Germantown** - \$150,000
- Dogwood Park - New "River Delta" play structure, picnic furnishings, native plant landscaping, signage and nature/environmental educational stations.
- Huntingdon** - \$190,000
- Carroll County Lake - Construct a playground facility, beaches, pavilion, restroom and concessions facilities located at the Carroll County Lake Visitor's Center.
- Henderson** - \$100,000
- Gene Record Memorial Park – Improve drainage and parking conditions and provide ADA accessible parking.
- Hornbeak** - \$17,000
- Hornbeak City Park - Install a play structure unit, bench and border by railroad ties and wood chips.
- Jonesborough** - \$145,000
- Persimmon Ridge Park - Development of a walkway trail from Persimmon Ridge Park to a large residential area north of US-11E; and construction of a pavilion and playground area. Improvements to existing athletic facilities.
- Kingsport** - \$131,000
- Lynn View - Installation of lighting system for the athletic field at Lynn View Community Center.
- Kingston** - \$68,000
- Kingston City Park / South West Point Park - Replace playground equipment, construct new play area and walk to make restroom area ADA accessible.
- LaFollette** \$12,000
- Liberty Park – Install pool, add splash park features, and purchase and install playground equipment.
- Lake City** - \$28,000
- George Templin Park - Construct a new playground.
- Lakeland** - \$94,000
- International Harvester Clubhouse - Renovate restrooms to ADA standards, remove bar area and build classroom, refurbish kitchen, connect a gas line to the clubhouse and add a deck to the south end of the building.
- Lebanon** - \$40,000
- Don Fox Community Park - Clean, recoat and repair playground equipment.

**Manchester** - \$135,000

- Boyer/May Property - Construct eight-foot-wide greenway from Waite Street Bridge along the Little Duck River through the newly acquired Boyer/May property.

- Martin** - \$100,000
- Martin Festival Park – Develop a mini-park, construct an ADA-accessible spray fountain and gazebo, and install pedestrian lighting and park benches.
- Millersville** - \$60,000
- Millersville Municipal Park and Playground - Playground facilities.
- Monteagle** - \$20,000
- City Ball Park - Add new playground equipment, fencing, bleachers, lighting and a new soccer/practice field.

- Mt. Juliet** - \$25,000
- Charlie Daniels Park - Replacement of Planet Playground equipment, resurface walkway and place utilities underground.
- Murfreesboro** \$150,000
- Old Fort Park - Renovate the Kids Castle playground, small shelter and additional picnic areas.

- Newport** - \$73,000
- Newport City Park - Install a rubber liner in the existing swimming pool, repair and resurface existing tennis courts and basketball court, and replace all fencing around the up-graded courts.
- Norris** - \$18,500
- Ridgeway Commons- Purchase and install playground equipment.
- Obion** - \$17,000
- Obion Indian Park - Develop playground area

- Paris - \$44,000
- McNeill Park** - Construct a restroom/concession building.
- Pittman Center** - \$25,000
- Pittman Center City Hall Park - Develop a playground area, including equipment, new walkway, playground surfacing and signage.
- Portland** - \$45,000
- Richland Park – ADA-compliant restroom.
- Pulaski** \$154,000
- Richland Park - Replace ball field lights, fencing, concession stand/restrooms, bleachers and improve drainage.

- Rutherford** - \$14,000
- Jones Volunteer Park and Rutherford City Pool - Install new playground structure and convert the chlorine filtration system to a salt-water filtration system; install sprinkler system and improve bathrooms.
- Sardis** - \$20,000
- Sardis City Park - Replacement of existing playground equipment; and resurfacing / replacing fence at existing basketball and tennis courts.

- Shelbyville** \$10,000
- Purdy Court Park - Construct ADA-accessible playground.
- Selmer** \$26,000
- Selmer City Park - Replace play areas with wood fiber mulch and plastic borders; make play areas ADA compliant and replace playground equipment.
- Sevierville** \$70,000
- City Park – Resurface existing tennis courts, replace fencing, rehabilitate basketball courts and pave pedestrian areas.

- Signal Mountain** \$82,500
- Municipal Swimming Pool – Rehabilitate main pool and deck; renovate wading pool and restroom.
- Spring Hill** \$100,000
- Spring Hill Skate Park - Develop a skate park on Walnut Street.
- Sunbright** - \$60,000
- Sunbright City Park - Purchase and install ADA-accessible playground equipment and ADA-accessible bathroom near playground. Play equipment will include a play station and a ADA-swing set.
- Trenton** - \$26,000
- Trenton Downtown Pedestrian Park - Purchase property to create a permanent park within Trenton's downtown. Renovate and further develop the park with an urban feel to include a pedestrian plaza and performance area.

# Register now for NLC Congress of Cities

There is still time to register for the upcoming Congress of Cities & Exposition in Denver.

The Congress of Cities & Exposition gets underway on Nov. 30, beginning with Leadership Training Institute seminars and NLC leadership and policy meetings. General sessions and workshops take place Dec. 2 - 4.

Conference workshops will cover various aspects of economic development, finance and tax policy, democratic governance and civic engagement, creating thriving communities, infrastructure, public safety and sustainability.

Mobile workshops will show the best of the Denver area, including a number of successful regional collaborations.

NLC also elects its leadership for the upcoming year and finalizes its

## National League of Cities



## CONGRESS OF CITIES & EXPOSITION

### Solutions for Moving Communities Forward

Nov 30 – Dec 4 | Colorado Convention Center | Denver, Colorado

REGISTER NOW at [www.nlccongressofcities.org](http://www.nlccongressofcities.org) to secure lower rates and prime housing

“I am delighted to welcome municipal leaders from across the country to Denver, Colo. It is absolutely necessary that we, as city leaders, take the initiative and come together to share strategies for adapting to and ultimately prospering in this new economic climate.”

John W. Hickenlooper, Mayor, Denver, Colorado

National Municipal Policy during the Annual Business Meeting at the conference.

The conference is capped off by a closing event hosted by the city of Denver on Saturday from 6 p.m. to 9:30 p.m. The city is creating a winter wonderland at the Hyatt Regency Denver where attendees can enjoy winter sports, great music and delicious treats in the comfort of a heated ballroom.

If you haven’t registered by the time you step on site at the Colorado Convention Center, you’ll need to pay an additional processing fee. But, if you register online, by fax or e-mail for the conference, you will save your city the \$100 processing fee. At the conference, you will:

- Hear the inside story on what municipalities are doing to solve America’s economic and civic challenges;
- Be part of an exclusive national forum focusing on the needs of cities, towns and villages from the perspective of local elected leaders and municipal staff;
- Share ideas and insights with other committed local leaders; and
- Discover cost-saving programs, products and services.

Register now at <https://reg.jspargo.com/coc10/default.asp> for the 2010 Congress of Cities & Exposition. Learn more about the conference at [www.nlccongressofcities.org](http://www.nlccongressofcities.org).

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# Poisoned Tea: Anti-Tax fervor undermines the common interest

BY NEAL PEIRCE

Where will anti-government sentiment — call it “libertarian,” “tax revolt” or “tea party” — take America’s cities and towns?

For a top example, *Governing* magazine’s current edition features the draconian measures under way in Colorado Springs, Colo. Responding to anti-tax sentiment that was thriving well before the current recession, the city laid off more than 550 city workers, let street medians go to weeds, closed all its swimming pools and turned off a third of its streetlights.

Beyond all that, Colorado Springs has cut bus service by 100,000 hours, with zero evening or weekend trips — a move that literally strands transit-dependent residents.

Colorado Springs is clearly an extreme. Known for its conservative politics, it was an early adopter of tax limitation legislation and has amazingly low property taxes — about \$55 per person per year. It relies heavily on sales taxes, also down in the recession. Last November, citizens refused in a referendum to raise property levies to meet rising needs.

So is all of this bad? If people don’t want to pay higher taxes, why not cut services? On a quick inspection, Governing correspondent Zach Patton reports, the town doesn’t look that seedy. And he quotes City Council member Sean Paige, a self-described libertarian: “There’s a crybaby contention in town that says we need to raise taxes.”

Council colleague Jan Martin offers a contrarian view: “Right now, in this crisis, we’ve sort of lost the sense of the common good. There’s a real sense of, ‘I’ll take care of mine. You take care of yours.’” Down the road, she suggests, Colorado Springs may be “creating a city of haves and have-nots.”

That’s precisely the problem, suggests James Brooks, program director for community development at the National League of Cities: The idea of cities offering nothing more than “vending-machine government,” he notes, “doesn’t work if you care about social equity. When everything’s based on a specific fee for service, where’s the public good? Absent government, there is

no commitment to civil society, no mutuality of interests and no shared responsibility.” Clearly, there’s common interest in holding down excessive costs in government services, pursuing the often elusive trail of “crime, waste and abuse.” And when so many people lack jobs at all, it’s surely a time to hold government salaries in check.

But isn’t there a strong shared public interest, as Brooks suggests, when “an ambulance arrives five minutes after dialing 911, water flows from kitchen sinks, library books are available, and the homeless are not abandoned to the elements in the dead of winter?”

Today one in seven American families lives in poverty, more in need of a hand from government than ever. Call them dispensable? Remember, many of them perform among the most physically demanding jobs society has, or send their sons and daughters to join the military and oftentimes risk their lives for the rest of us.

And to all the tea party types who pontificate about a need to return to the letter of the original U.S. Constitution, please note that its Preamble refers to the “people of the United States” including a specifically named purpose to “promote the general welfare.”

This is not to say that the federal government and many states haven’t been profligate, wasteful, inattentive to fiscal responsibilities. Facing yawning deficits, many years of tough sacrifice and reckoning lie ahead of us. But to use that as an excuse to eviscerate government functions left and right, or push down taxes just when government needs them to remain solvent, represents a strange kind of patriotism.

What’s more, smart government investment builds wealth, collectively and for families. President Lincoln, even in the midst of a brutally destructive Civil War, thought it important to charter a transcontinental railway, to sign the Homestead Act that made millions of Americans property owners for the first time, and to establish land grant colleges to train farmers and workers.

President Franklin Roosevelt, faced by a deep economic depression that brought America’s entire free enterprise system into question, supported historic public works — some that remain landmarks in American cities. President Dwight Eisenhower introduced the program for the interstate highways that became America’s primary ribbons of commerce.

Investment counts for cities and metro regions too. My recent column on Chicago Mayor Richard Daley recalled how his “livability” agenda of park and roadway greenery set the stage for drawing fresh talent, giving his city a new economic lease on life. In Chattanooga, Tenn., a 30-year livability campaign, focused on making its riverside a magnet for people, has yielded major corporate decisions by such firms as Alstom and Volkswagen.

Citizen voluntarism, in cleaning up neighborhoods and helping the disadvantaged, is a huge asset. But it is not a substitute for able, professional, investment-oriented government. If tea party-ism, national or local, forces us to forget our shared fortunes, we’ll face not just a threadbare but tremendously dangerous future.

*The opinions expressed in this column are not necessarily those of the Tennessee Municipal League.*

# Survey shows intensified financial pain for municipal governments

SURVEY from Page 1

backs in spending in the history of the survey and the fourth year in a row that revenue declined.

Cities have been forced to confront low consumer spending, unemployment, and cuts in state aid that have severely affected the types of services and the manner in which they are offered by cities. In response, many cities are revisiting

the range of services provided and looking for new service-delivery models in order to balance budgets and minimize the impacts of cuts on residents.

Because most tax revenue is collected at specific points during the year, and since it takes time for housing assessments to catch up to current values, cities will still be feeling the full effect of the down-

turn in 2011. The national economy’s slow recovery to date also means the recession’s effects will potentially linger in cities for several more years.

“2010 and 2011 are going to be difficult years for cities,” Hoene said. “Cities are making deep cuts in order to balance budgets. Everything’s on the table and there are no sacred cows.”



## Oct. 30: Knoxville Halloween Storytelling at Marble Springs

Held at the Marble Springs State Historic Site, 1220 West Governor John Sevier Highway. In conjunction with the Smoky Mountain Storytellers Association, a Halloween Storytelling event will be held from 4 pm to 8 pm. Enjoy trick or treating at the historic buildings; face painting; period children’s craft activities; apple bobbing and storytelling for the young and young at heart. Costume parade and contest at 5:15pm. For more Information, call 865-573-5508, or email: [marblesprings@gmail.com](mailto:marblesprings@gmail.com), or visit the website at [www.marblesprings.net](http://www.marblesprings.net)

## Nov. 8 Sevierville

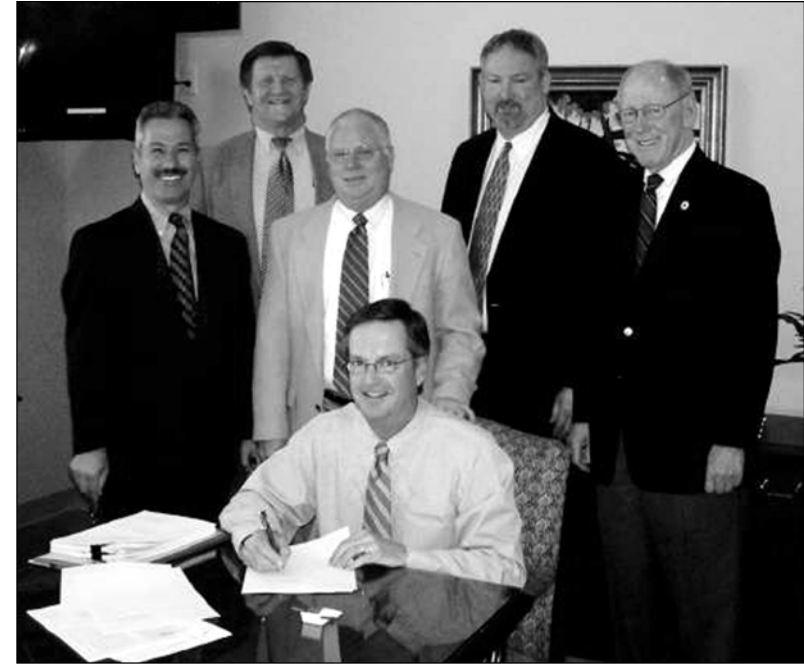
Winterfest *Music, Lights & Magic* Free food, local entertainment, kids’ games and fireworks make this event fun for everyone. The evening wraps up with “flipping the switch” on the area’s first Winterfest lights. From 3-8 pm at the Sevierville Municipal Complex. For more information, call 1-888-738-4378 or visit [www.VisitSevierville.com](http://www.VisitSevierville.com)

## Nov. 12 – 14: Selmer

*2nd Annual Craft Mart* Held at The Selmer Community Center, at 232 N 5th St. Hours are: Friday from 2 pm-6pm; Saturday from 9am-6pm and Sun. from 1pm-5pm

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The town of Nolensville closes a \$21,000 loan.

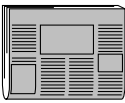
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BUDGET MANAGER

**EAST RIDGE.** The city is seeking applications for the position of budget manager. The budget manager will have varied financial duties including responsibility for maintaining the city’s annual budget, tracking revenues and expenditures, acting as purchasing agent, issuing purchase orders, analyzing revenue trends and tax collections, coordinating grant expenditures, preparing spreadsheets and financial statements, and coordinating with the city manager and other city department/division heads. Successful candidate should have a minimum of 3-5 years experience in government budget, purchasing, and accounting procedures and have a Tennessee Certified Municipal Finance Officer designation or ability to obtain within one year of hire. East Ridge provides competitive salary and excellent fringe benefits. A complete job description and city applications are available at East Ridge City Hall. Applications accepted until position filled. Submit to: Trish Perry, Human Resources, East Ridge City Hall, 1517 Tombras Ave., East Ridge, TN, 37412. For further information contact Trish Perry at 423-867-7711 ext. 110 or [pperry@eastridgetn.org](mailto:pperry@eastridgetn.org) EOE and a Drug-Free workplace.

CITY ADMINISTRATOR

**ADAMSVILLE.** The is now accepting resumes for the position of city administrator. The position is responsible for the daily operations of the municipal government and support services under the supervision of the Mayor and City Commission. The Administrator will be responsible for the coordination and direction of the activities of the operating departments within the city. Qualifications include a Bachelors Degree from accredited college or university (work experience may substitute). Must be resident of Adamsville within one year of employment. Knowledge of budget preparation, administrative skills, and ability to maintain an effective working relationship with the public and municipal employees. Adamsville is a small city in West Tennessee with a population of 2,000+ and annual operating budget of approximately \$7 million including the natural gas and water distribution systems. Deadline for acceptance is Nov. 15, 2010 at 5 pm. Resumes may be emailed to: [tthrasher@cityofadamsville.com](mailto:tthrasher@cityofadamsville.com) or faxed to (731) 632-1779. Or mail resume to: Adamsville City Hall Attn: Terry Thrasher; P.O. Box 301; Adamsville, TN.

38310. You may call (731) 632-1401 for a copy of job description or pick-up a copy at Adamsville City Hall; 231 East Main St.; Adamsville, TN. Monday-Friday between 8 am to 5pm

CITY MANAGER

**LEWISBURG.** The city is seeking qualified applicants for the position of city manager. The position is responsible to the mayor and a five member council for the administration of all city services and departments, including but not limited to administration, personnel, finance and budgeting, code enforcement, public works, sanitation, streets, public safety, industrial development, recreation, planning and zoning. Qualifications include a Bachelor’s Degree in public administration, business or related field and five years experience in management. Experience in budgeting, control of revenues and expenditures, management of multiple departments, legislative issues, economic development, storm water operations and planning are high priorities. Applicant shall be proficient in Microsoft Office. This would include but not limited to Microsoft, Access, Excel, Outlook, PowerPoint, Publisher and Word. Must also be capable of learning any other computer applications deemed necessary or applicable to the position. The successful candidate must reside within five miles of the corporate limits of the city of Lewisburg in Marshall County within 90 days from date of hire. The city has an annual budget of \$10,000,000 with 105 full time employees and 60 part time employees. The position has an excellent benefit package. Salary DOQ. The city is an EEO employer. An application, resume and salary demand should be submitted to: City of Lewisburg, P.O. Box 1968, 131 East Church St, Lewisburg, TN 37091 Attn: City Manager Application/Resume must be received in by 4:30 p.m., Nov. 5, 2010.

WASTEWATERSUPERINTENDENT

**WHITE HOUSE.** The City is currently accepting applications for the position of wastewater superintendent. Five or more years of increasingly responsible administrative or managerial experience in wastewater utilities. HS diploma required. Grade II Collection Operator certification and Cross-Connection certification within one year of employment. Pay DOE/Full Benefits. Interested applicants should send cover letter, resume, and references via email to [cselton@cityofwhitehouse.com](mailto:cselton@cityofwhitehouse.com) or mail to 105 College Street, White House, TN 37188. Additional information may be found at [www.cityofwhitehouse.com](http://www.cityofwhitehouse.com). Applications must be received by Nov. 11, 2010. The city of White House is an Equal Opportunity Employer.

Municipal Administration Program November Schedule

Planning & Zoning

Planning is a process that seeks to guide the future. Decisions regarding zoning, building development and growth issues affect landowners, neighbors and the entire community — often with significant impact on property values, community character and quality of life and even the municipal budget.

This class meets the requirements of the Planning Commission and Board of Zoning Appeals Training and Continuing Education Act 2002. The course will focus on: zoning’s function in implementing a land use plan; zoning adoption and amendment process; reading and interpreting a zoning map; extraterritorial zoning process and powers and duties of a Board of Zoning Appeals.



Instructors MTAS Training Consultants

**Time**  
Public administration courses begin at 8:30 a.m. and end at 12:30 p.m.

Dates and locations

|         |              |
|---------|--------------|
| Nov. 3  | Lakeland     |
| Nov. 4  | Jackson      |
| Nov. 9  | Collegedale  |
| Nov. 10 | Knoxville    |
| Nov. 12 | Johnson City |
| Nov. 30 | Franklin     |

**Training Facilities**  
**Collegedale,** *Collegedale City Hall, 4910 Swinyar Drive*  
**Franklin,** *Williamson County Extension Office, Ag Expo Park*  
**Jackson,** *West Tennessee Center for Agricultural Research, Extension,*

*sion, and Public Service, 605 Airways*  
**Lakeland,** *International Harvester Club House, 4523 Canada Road*  
**Johnson City,** *Johnson City Municipal Building, 601 East Main Street*  
**Knoxville,** *University of Tennessee Conference Center, 600 Henley Street*

The registration fee for MAP courses for Tennessee city officials is \$25 each. A fee of \$55 is charged for non-city officials. Registration is required. Seating is limited at all sites, so please register in advance. Submit payment with your registration.

MTAS will need to receive payment in order to confirm your attendance for the class. For more information, contact Kurt Frederick at 615-253-6385 or Elaine Morrissey at 865-974-0411.



NATIONAL BRIEFS

Proposals for the first large solar power plants ever built on federal lands won final approval from Interior Secretary Ken Salazar.

Both plants are to rise in the California desert under a fast-track program that dovetails with the state’s own aggressive effort to push development of solar, wind and geothermal power. The far larger one, a 709-megawatt project on 6,360 acres in the Imperial Valley, will use “Suncatchers,” reflectors in the shape of radar dishes, to concentrate solar energy and activate a four-cylinder engine to generate electricity. A 45-megawatt system featuring arrays of up to 40,500 solar panels will be built on 422 acres of the Lucerne Valley. When complete, the two projects could generate enough energy to power as many as 566,000 homes. Salazar is expected to sign off on five more projects this year; the combined long-term output of all the plants would be four times that of the first two.

The nation shed a net 95,000 jobs last month, while unemployment held steady at 9.6 percent, according to the U.S. Department of Labor.

The private sector added a meager 64,000 jobs, while government trimmed about 159,000 positions primarily in education and the 77,000 temporary census jobs. The number of unemployed people was steady at about 14.8 million, according to the report. State and local numbers will be released later.

Communities hit hardest during the recession could continue to fall behind the rest of the country for decades.

According to research released by the Brookings Institution’s Hamilton Project, in regions that suffered disproportionately in the recession of the early 1980s, for example, average earnings have risen at a quarter of the rate of the rest of the U.S. Employment grew more slowly, young people left the region, population growth

slowed and, as a result, demand for housing weakened. A similar fate could be in store for areas of the country that faced the deepest housing and employment shocks in the latest downturn, the report warned. To avoid repeating the scenario that followed the 1980s downturn, papers commissioned by the Hamilton Project recommended revitalization efforts targeting the worst-off communities.

An investigation launched by attorneys general in all 50 states could force mortgage companies to settle allegations that they used flawed documents to foreclose on hundreds of thousands of homeowners.

Legal experts say lenders could be forced to accept an independent monitor to ensure they follow state foreclosure laws. The banks also could be subject to financial penalties and be forced to pay some people whose foreclosures were improperly handled.

2010 Summary of Public Acts that affect municipalities

**BY JOSH JONES**  
*MTAS Legal Consultant*

BUSINESS REGULATION

**Chapter No. 1076** (HB1323/SB3851). State regulation of locksmith businesses. Amends T.C.A. Title 62, Chapter 11, Part 1 by expanding state regulation to also require registration of any business engaged in locksmith activity. Requires registration and licensure of locksmith apprentices. Makes other various changes to locksmith provisions. *Effective July 1, 2010.*

**Chapter No. 1107** (HB3923/SB3644). Locksmith licensing updated. Amends T.C.A. Title 62, Chapter 11, Part 1 by updating the requirements for obtaining locksmith licensure. Creates civil penalties for violation. *Effective July 1, 2010.*

CHARTERS

**Chapter No. 999** (HB2866/SB2702). Referendum on term limits in city within a county with charter form of government authorized. Amends T.C.A. Title 6, Chapter 3 by authorizing the governing body of a municipality located within a county with a charter form of government, who has passed an ordinance by a two-thirds (2/3) vote at two (2) meetings to establish term limits for the mayor and board members of the municipality. Ordinance must be approved by referendum. *Effective June 2, 2010.*

CIVIL PROCEDURE

**Chapter No. 761** (HB3103/SB3030). Service of garnishment summonses. Amends T.C.A. § 26-2-203 by requiring a garnishment summons to be served on an employee other than the garnishee. Service upon the garnishee is voidable by the court. *Effective July 1, 2010.*

**Chapter No. 900** (HB3300/SB3589). Foreign defamation judgments. Amends T.C.A. Title 26, Chapter 6, Part 1 by limiting the authentication of a non-U.S. judgment can be authenticated by a court of this state if: rendered by a court that does not provide impartial tribu-

nals or procedures substantially compatible with due process required by Tennessee law; the court issuing the judgment did not have personal jurisdiction over the defendant in accordance with principles applicable under Tennessee law; the court did not have subject matter jurisdiction over the action; or if established by a preponderance of the evidence that the defamation law applied in the foreign court provides less free speech protection than the Tennessee and United States Constitutions. *Effective July 1, 2010, and applicable to foreign judgments filed for enforcement on or after July 1, 2010.*

**Chapter No. 902** (HB3651/SB2817). Uniform Unsworn Declarations Act. Amends T.C.A. Title 24, Chapter 9 by enacting the Uniform Unsworn Declarations Act. This uniform act creates a procedure for entering an unsworn declaration of a party located outside of the boundaries of the United States as admissible evidence in a Tennessee court of law. *Effective July 1, 2010.*

**Chapter No. 908** (HB0185/SB0744). Unclean hands doctrine codified. Amends T.C.A. Title 16 by codifying Tennessee’s equitable and common law defense of unclean hands with respect to commercial transactions. Essentially, this doctrine precludes a person or such person’s predecessor-in-interest from enforcing any claim where he or she has acquired right to such claim by means of fraud, deceit, misrepresentation, etc. *Effective May 12, 2010.*

**Chapter No. 983** (HB3768/SB3740). Weight of foreign decisions. Without reference to any specific section of the T.C.A. this bill states that when a court, administrative agency, or other entity acting under authority of state law is considering granting comity to a foreign legal decision, the primary factor in determining whether to grant weight to such decision is whether the decision violated or would violate any right of a natural person under the Tennessee or United States Constitution. States similar policy as re-

lated to contracts with a choice of venue clause. *Effective May 27, 2010.*

CODE ENFORCEMENT

**Chapter No. 1128** (HB3659/SB3428). Administrative hearing officer programs authorized. Amends T.C.A. Title 6, Chapter 54 by authorizing a municipality, via ordinance, to create the office of administrative hearing officer to hear building and property maintenance code violations. Ordinance must reference code sections subject to administrative jurisdiction. Administrative jurisdiction cannot include codes adopted by the State Fire Marshal pursuant to T.C.A. § 68-120-101(a) and enforced by a deputy building inspector pursuant to T.C.A. § 68-120-101(f). Decisions of hearing officer are not subject to the \$50 constitutional limitation on fines levied without a jury. Authorizes penalties of \$500 per day for violations on commercial properties and \$500 cumulatively for violations on residential properties. Alleged violator must be provided reasonable time to remedy before fine imposed.

Administrative hearing officer must be licensed building, plumbing, or electrical inspector; attorney; architect; engineer; or an administrative law judge with the Administrative Procedures Division. Hearing officer must, within six months of appointment, complete Municipal Technical Advisory Service (MTAS) training program. Hearing officers also must annually complete six (6) hours of continuing education. *Effective July 1, 2010.*

CONTRACTS

**Chapter No. 755** (HB2754/SB3070). Construction management services. Amends T.C.A. § 49-2-203 by expanding the prerequisites of a contract manager who provides construction management services for the construction of school buildings or additions. This work may be done by a general contractor so long as no services involve architectural or engineering services, unless the contractor is an engineer or architect. Alternatively, this work may be performed by a licensed en-

gineer or architect so long as no services involve general contracting, unless the engineer or architect is also a contractor. *Effective April 13, 2010.*

**Chapter No. 768** (HB2794/SB2722). Masonry contractor information required on outside of bid. Amends T.C.A. § 62-6-119 by expanding requirements on outside of a bid envelope to include requiring masonry contractor information where the total cost of the masonry portion of the contract exceeds \$100,000. *Effective July 1, 2010.*

*\*Will be codified into T.C.A. § 62-6-119 as amended by Chapter No. 801, infra.*

**Chapter No. 801** (HB3158/SB3607). Requirements for bid documents. Amends T.C.A. § 62-6-119 by requiring submitted bid documents, including those submitted electronically, to reference T.C.A. Title 62, Chapter 6 and contain a statement noting the requirement of bidder to provide evidence of compliance with its provisions. For bids of \$25,000 or more the name, license number, expiration date and license classification of the contractor(s) applying for the prime contract and for electrical, plumbing, heating, ventilation and air conditioning contracts must appear on the outside of the bid envelope or in the submission of the electronic bid. Prime contractors who perform the electrical, plumbing, heating, ventilation or air conditioning contracts must be so designated. Failure to comply renders bid void. Names on outside of envelope or in electronic bid must be read aloud before bid documents opened at official bid opening. Entity or person awarding contract has duty to verify information. No invitation to bid may require a subcontractor to be identified until the final bid submission or any prime contractor to accept the bid of a subcontractor before the final bid submission. Creates civil penalty for non-compliance. *Effective April 19, 2010.*

**Chapter No. 875** (HB3159/SB3604). Penalty for failing to deposit escrow funds. Amends T.C.A.

§ 66-34-104 by specifying that a party withholding retained funds for escrow in a construction contract are subject to a fine of \$300 for every day such funds are not deposited into the escrow account. Failure to deposit the retained funds into an escrow account within seven days of receipt of written notice of failure is a Class A misdemeanor. *Effective May 3, 2010. \*The Public Chapter is broader than the caption of bill as introduced making the constitutionality of the bill questionable. See Tenn. Const. Art. 2, § 17.*

**Chapter No. 897** (HB2766/SB2688). Contracts for fuel stabilization. Amends T.C.A. § 7-5-911 by removing the sunset provision on and thus making permanent the authorization for contracts entered into by municipalities to stabilize the price of fuel. Limits the term of those contracts to a maximum of 24 months. *Effective May 10, 2010.*

COURTS

**Chapter No. 1019** (HB3537/SB2902). –Fee for forfeiture of cash bond allocated to TBI. Amends T.C.A. § 39-6-103 by instituting a fee of thirteen dollars and seventy-five cents (\$13.75) for every forfeiture of a cash bond or other surety entered as a result of a municipal traffic citation. Municipal court clerk shall retain five percent (5%) of the fee for processing and remit the remainder to the state treasury where it will be allocated to the Tennessee Bureau of Investigation. *Effective July 1, 2010.*

CRIMES AND CRIMINAL PROCEDURE

**Chapter No. 663** (HB2581/SB2561). Medical personnel required to report drug-seeking behavior. Amends T.C.A. Title 53, Chapter 11 by requiring licensed medical and veterinary personnel to report criminal drug-seeking behavior to law enforcement within five (5) days of obtaining such knowledge. Inexplicably does not apply to cases where the patient is covered by TennCare. *Effective March 30, 2010.*





**Nov. 14-17: The American Trails 20<sup>th</sup> National Symposium “Trails: The Green Way for America.”** Held at the Chattanooga Convention Center. Attendees will learn about the latest trail building products, techniques and technologies through workshop sessions; participate in mobile workshops; have the opportunity to receive specialized outdoor training; and network with more than 600 outdoors/trail enthusiasts. For more information, visit [www.AmericanTrails.org](http://www.AmericanTrails.org).

**July2-Oct.30:“Whose Broad Stripes and Bright Stars: The U.S. Flag Through History.”** An exhibition of more than 100 historical American flags and related artifacts at the Polk Presidential Hall at the James K. Polk home, 301 W. 7th Street in downtown Columbia. Open from 9 am - 5 pm Mon.- Sat. and from 1 pm-5 pm Sun. For more information, call 931-388-2354 or visit the website [www.jameskpolk.com](http://www.jameskpolk.com).

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# TAMCAR meets, awards certificates and honors

Under the direction of the University of Tennessee Municipal Technical Advisory Service, the fall 2010 TAMCAR Institute and Academy took place Sept. 22 – 24 in Nashville. From across the state, 126 municipal clerks and recorders attended the two and a half day educational sessions.

The Institute and Academy sessions allow clerks and recorders from all 346 cities and towns in Tennessee to receive job related training for their state and International Institute of Municipal Clerks (IIMC) certification. This training is required by Tennessee Code Annotated (T.C.A.) § 6-54-120. As a result of Public Acts of 1994, municipal clerks and recorders are required to become certified by completing 100 hours of education. The legislation also requires that certification be maintained by completing 18 hours of continuing education every three years.

Those who have completed six Institutes and are eligible to receive state certification are pictured to the right. In addition, TAMCAR also recognized two of its members for outstanding contributions to their profession. Stefanie McGee, Bartlett city clerk, received the Clerk of the Year Award. Sally



TAMCAR President Shirley Dancy (Gates), Linda Berner (Belle Meade) Linda Riffey (Plainview), Larry Clark, (Elizabethton), Cheryl Ricker (Decatur), Angela Hunt (Gleason), Randy Potts (Greeneville).

Oglesby, Crossville city clerk, received the Distinguished Clerk award.



During the fall Institute and Academy, Stefanie McGee, center, received the Clerk of the Year award. She is pictured with Dennis Canon, Bartlett inspector, (left) and Mark Brown, Bartlett finance director (right).



Sally Oglesby of Crossville, left, received the Distinguished Clerk award. She is pictured with Sheila Luckett, Mt. Juliet city recorder.

# 2010 Summary of Public Acts that affect municipalities

## CRIMES AND CRIMINAL PROCEDURE

**Chapter No. 750** (HB3263/SB2988). Sexual offenders who are parents or legal guardians to provide notice to school. Amends T.C.A. § 40-39-211 by stating that a registered sex offender must provide notice to principal upon their child's enrollment if the sexual offender is to pick the child up on school grounds. Other various changes to sexual offender provisions. *Effective July 1, 2010.*

**Chapter No. 816** (HB3913/SB3540). Offense of violating restriction for animal cruelty. Amends T.C.A. § 39-14-202 by making it a Class A misdemeanor to violate a prohibition or restriction imposed by a sentencing court upon a person convicted of animal cruelty. *Effective July 1, 2010.*

**Chapter No. 873** (HB2762/SB3008). Sale of synthetic urine prohibited. Amends T.C.A. § 39-17-437 by creating the offense of selling synthetic urine. Exception made for bona fide educational, medical or scientific purposes. *Effective July 1, 2010.*

**Chapter No. 899** (HB3270/SB2969). Trespassing on property quarantined due to production of methamphetamine. Amends T.C.A. § 68-212-503 by expanding the prohibition governing property quarantined due to production of methamphetamine to also make it a separate offense to trespass upon such property. *Effective July 1, 2010.*

**Chapter No. 904** (HB3369/SB3362). Revocation of license to practice medicine for sex offenders. Amends T.C.A. Title 63, Chapter 6, Part 2 by giving the Board of Medical Examiners power to discipline, up to and including license revocation, licensee who is required to register as a sex offender. Requires registering agency to forward the registration of any sex offender they have reason to believe is licensed to practice medicine. *Effective July 1, 2010 and applies to any person licensed to practice in this state regardless of when license was issued and to any person applying to practice medi-*

*cine in this state regardless of when application was filed.*

**Chapter No. 918** (HB3018/SB2712). Prohibition on selling international drivers' licenses. Amends T.C.A. § 47-18-104(b) by making it a civil offense to sell or offer for sale international drivers' licenses or other non-governmental documents that purport to confer driving privileges in this state. *Effective July 1, 2010.*

**Chapter No. 921** (HB2768/SB2965). Ignition interlock devices for DUI offenders. Amends T.C.A. Titles 40 and 55 by requiring certain DUI offenders to drive only vehicles equipped with an ignition interlock device. Applies to offenders who have BAC of 0.15% or higher; are accompanied by a minor; cause bodily injury or death; or violate implied consent law. Creates Interlock Assistance Fund (IAF) to assist indigent DUI offenders. IAF is funded by fees collected from violators. Makes other various changes to DUI law. *Effective May 26, 2010 for the purposes of promulgating rules and regulations. Effective July 1, 2010 for purposes of implementing new fines and creation of IAF. Effective January 1, 2011 for all other purposes.*

**Chapter No. 922** (HB2968/SB2982). Synthetic cannabinoids illegal. Amends T.C.A. § 39-17-438 by making illegal the production, distribution or possession of the hallucinogen salvia divinorum and certain synthetic cannabinoids. Not applicable to cannabinoids lawfully prescribed or to drugs or substances approved by the federal Food and Drug Administration. *Effective July 1, 2010.*

**Chapter No. 929** (HB3874/SB3246). Parents of truants may attend parent education. Amends T.C.A. § 49-6-3009 by allowing, at the prosecutor's discretion, parents of students against whom a petition for truancy has been filed to participate in parent education training and parent-teacher conferences in lieu of criminal prosecution. *Effective July 1, 2010.*

**Chapter No. 953** (HB2506/SB2545). Offense of intercepting radio frequency. Amends T.C.A. Title 39, Chapter 13, Part 6 by creating the criminal offense of knowingly intercepting a radio frequency transmission made by law enforcement, fire, or other emergency governmental agency to commit, facilitate or aid in the flight from another criminal offense. *Effective July 1, 2010.*

**Chapter No. 964** (HB3196/SB3169). DNA registry for certain juvenile sexual offenders. Amends T.C.A. Titles 38 and 40 by expanding the list of offenses for which a juvenile, if convicted, is required to submit a DNA sample for preservation in the TBI centralized databank to include aggravated rape of a child or attempt of such. *Effective July 1, 2010.*

**Chapter No. 979** (HB3412/SB3267). Reporting of child abuse. Amends T.C.A. Titles 37, 39 and 40 by requiring the telephone number of the person responsible for the care of the child be included in reports of child abuse. Requires Department of Children's Services to transmit reports of human trafficking, child pornography and severe child abuse to appropriate law enforcement agencies. Both the department and law enforcement agency must keep a log of these reports. Also requires any school employee, administrator or board member with knowledge of an investigation of a school system employee for any child abuse or neglect offense to report that information to the Department of Children's Service, the judge with juvenile jurisdiction in the county, the sheriff of the county or the chief law enforcement official of the municipality where the child resides. *Effective May 27, 2010.*

**Chapter No. 1015** (HB3280/SB2970). DUI substances broadened. Amends T.C.A. § 55-10-401 by broadening the definition of substances for purposes of the DUI statutes to include any intoxicant, marijuana, controlled substance, drug, substance affecting the central nervous system or combination thereof that impairs the driver's ability to

safely operate a motor vehicle. *Effective January 1, 2011.*

**Chapter No. 1099** (HB3376/SB3459). Offense of harboring a runaway. Amends T.C.A. Title 39, Chapter 15, Part 4 by creating the offense of harboring a runaway minor child. Harboring consists of concealing the whereabouts of the child or harboring the child and failing to notify the parent or legal guardian within a reasonable amount of time. *Effective June 23, 2010.*

**Chapter No. 1120** (HB2872/SB2882). Rachel Clawson Act of 2010. Amends T.C.A. § 39-12-213 by making the reckless killing of an employee of the Department of Transportation or a highway construction worker in a posted construction zone vehicular homicide and a Class D felony. *Effective July 1, 2010.*

**Chapter No. 1124** (HB3277/SB3219). Offense of unlawful photographing. Amends T.C.A. Title 39, Chapter 13, Part 6 by removing the requirement that the individual photographed be readily identifiable in the photograph from the offense of unlawful photographing. *Effective January 1, 2011.*

**Chapter No. 1138** (HB2788/SB2724). Sexual offender registry provisions amended. Amends T.C.A. Title 40 by adding trafficking for sexual servitude to the list of violent sexual offenses requiring registration. Clarifies that kidnapping is an offense requiring registration only where the victim is a minor and the violator is not a parent or legal guardian. Makes other various changes to these provisions. *Effective July 1, 2010.*

**Chapter No. 1145** (HB3181/SB3290). Sexual offender cohabitation regulated. Amends T.C.A. Title 40, Chapter 39 by prohibiting a registered sexual offender from establishing a primary or secondary residence with two (2) or more other such offenders. Prohibits any person from knowingly permitting more than three (3) sexual offenders from establishing primary or secondary residences on property the person

owns or controls. Exception for residential treatment facilities. *Effective July 1, 2010.*

## Economic Development

**Chapter No. 619** (HB2806/SB2637). Membership of Four Lake Regional Industrial Development Board amended. Amends T.C.A. § 64-5-203(a) by providing that in a county adopting a metropolitan form of government, the county mayor must appoint a citizen to serve on the industrial development board. *Effective March 2, 2010.*

**Chapter No. 730** (HB0187/SB0135). Development district authorized to construct a building for its own use. Amends T.C.A. § 13-14-107 by authorizing a development district to borrow funds to construct a building for its own use. *Effective April 9, 2010.*

**Chapter No. 800** (HB3044/SB3050). Industrial Development Corporation project expansion. Amends T.C.A. Title 7, Chapter 53 by expanding the definition of project for the provisions governing Industrial Development Corporations to include in any city that has created a central business improvement district any public infrastructure, public improvement, or public facilities in an area designated as a center city area. Authorizes such a city to provide aid or assistance, including without limitation, granting, contributing or pledging revenues, except property tax revenues, to Industrial Development Corporation projects. *Effective April 19, 2010.*

**Chapter No. 940** (HB3417/SB3622). Industrial development corporation projects for mixed-use developments in impoverished areas. Amends T.C.A. § 7-53-312 by expanding the definition of project in industrial development corporation statutes to include a mixed-use development in a county where, as of 2008, at least thirty-one and one-half percent (31.5%) of that county's population between the ages five and 17 live in poverty. *Effective May 26, 2010.*



# Chief Justice Connie Clark learned early the importance of being at her best

BY GAEL STAHL

*Cornelia A. “Connie” Clark was sworn in as chief justice of the Tennessee Supreme Court on Sept. 1 surrounded by hundreds of admiring friends, colleagues and family. Representing an eighth-generation Franklin family, she was fittingly invested in the same courtroom of Franklin’s historic courthouse in which she first appeared as a lawyer in 1979 and as a trial judge in 1989.*

*Clark’s maternal grandfather’s side came from North Carolina in the 1780s to claim Williamson County Revolutionary War land grants. Her father’s relatives migrated from Ireland in the 1840s and 1850s. They settled in East Tennessee before working their way to Franklin in the early 1920s.*

*Born in 1950, Clark was 12 when her father moved the family from Franklin to Atlanta to work in commercial construction. For young Connie, that city was a great place to be a teenager in the 1960s. After high school, she went to Vanderbilt University, earned a bachelor’s in sociology in 1971, and a master of arts in teaching at Harvard in 1972. She did student teaching in Boston public schools, then taught high school history and government in the Atlanta public schools for a year, then another three years at the Arlington Schools in Atlanta.*

*In 1976, she returned to Vanderbilt to enter law school. She clerked with Farris Warfield and Kanaday before joining the firm in 1979. One of her clients was the city of Franklin where she served as Franklin assistant city attorney for years under City Attorney Jim Martin. Martin says Clark became a meteor, able to do more work in less time than anyone else he knows – when city folk called, they got answers. When Martin resigned in 1987, Clark became city attorney and two years later, was appointed circuit judge. Continuing to love education, she taught law as an adjunct legal professor at Vanderbilt and at judicial academies and institutes ever since. In 1999, the Tennessee Supreme Court justices named her director of the Administrative Office of the Courts. In 2005, Gov. Phil Bredesen appointed her to the Supreme Court. She is only the second woman to serve as chief justice in Tennessee.*

*Clark’s family is important to her. They all meet for dinner at her home every Sunday – even when she can’t be there. Another major lifelong love is her church, Franklin’s First United Methodist Church in downtown Franklin. Founded in 1799, it’s the oldest continuous congregation in Williamson County that like the city of Franklin was established in 1799.*

*Clark’s father, William Howard Clark Sr., returned to Franklin decades ago to build homes and condominiums until he died in 1995. Her mother, Cornelia Anne ‘Connie’ Ewin Clark, now 80, works for the Williamson County Office of Economic Development. Clark’s brother and sister and their adult children all live in Franklin. Clark is not married but has five nephews, of whom two are married and have nine children. Clark considers herself the second mother of her great-nieces and great-nephews and hopes they consider her that way, too.*

## TT&C: Anything special happen to you growing up?

**CC:** After the move to Atlanta, I attended the nearest public high school, an excellent school where I got a great academic education. I was named a Presidential Scholar in 1968. Lyndon Johnson created that program in 1964 to recognize one boy and one girl from each state, D.C., and some at-large students abroad – 121 in all – as outstanding graduating high school seniors. I had no idea I was being considered until I got a telegram from President Johnson saying: “Congratulations! You’ve been named a Presidential Scholar; please come visit me at my house.” It was the most exciting thing that had happened to me. I flew to Washington, went to the White House, and was honored by the president as one of the most successful high school graduates that year. In many ways, it changed the focus of my life.

## TT&C: LBJ changed your life?

**CC:** This was in June of 1968. He focused on how we were representatives of all young people and needed to spend our lives going out and making a better world. 1968 has been called the hardest year in history. Martin Luther King was killed in April 1968. His daughter was in my

high school. Robert Kennedy had just been assassinated. His funeral took place the day before I flew to Washington. Resurrection City was still bringing hundreds of thousands of people to the nation’s capital to protest poverty and inequality. Even more were to come to Chicago later that summer to protest the Vietnam War. That was the major issue that caused President Johnson not to run for re-election.

It was a difficult time to be turning 18 and going off to college. President Johnson told us, “In this difficult time, the future decisions of our country will be made by people like you. We hope you go forth, do well, love your country, and move forward to reach the promise of tomorrow.” Every one of us there took seriously the spirit of that message: that we should do something special with our lives – be accountable. President Johnson’s message set me on a different course.

## TT&C: Is it true you’ve read TT&C for more than 30 years?

**CC:** I didn’t go to law school to litigate but to focus on administrative law and to represent cities. I was assigned to our firm’s partner who was city attorney of Franklin. As assistant city attorney, I began reading *Tennessee Town and City* and feel privileged to be part of its famous tradition. At that time and when I became city attorney in 1987, I practiced a lot of municipal law. I represented TML Risk Management Pool cities in Middle Tennessee. I worked with a lot of mayors and city managers and with the Municipal Attorneys Association. I was a board member following in the footsteps of Susan McGannon (then TMLRMP staff attorney and now city attorney of Murfreesboro). I’ve addressed city officials at Tennessee Municipal League conferences more than once.

## TT&C: How did you happen to become a judge so early?

**CC:** I was happily practicing law in Franklin in 1989 when Gov. McWherter’s office called. The governor said he’d announce on Monday that a trial judge was retiring in my district, and he wanted me to replace him. The call was totally unexpected. I’d given little thought about running for the next judgeship.

I knew Gov. McWherter because I ran for the Tennessee legislature when he was Speaker of the House. I had supported him in his candidacy for governor. I knew he was interested in appointing qualified women to the bench. But I was still surprised and very flattered. I said yes without much hesitation. The decision changed the rest of my life; it was one of the best decisions I have ever made. I tell Gov. McWherter so every time I see him. I ran successfully for election in the general election cycle of 1990 and again in 1998.

Circuit judges have jurisdiction over criminal and civil cases and, in the 21st Judicial District, do chancery work. I traveled in the 21st Judicial District to Williamson, Hickman, Lewis, and Perry Counties and tried civil cases one week, criminal the next. Having a background in both criminal and civil law turned out to be important for the job I have now.

## TT&C: Why did you leave the bench in 1999 to become administrator of the courts of Tennessee?

**CC:** The former administrative director lost credibility with the legislature. That damaged relations between the two branches of government. The Supreme Court justices thought that if they hired a judge instead of a professional administrator, they would have someone who understood the judicial system and could articulate its vision better. I was instructed clearly to reestablish good relations and assure legislators that when they asked for information, it would be true. I worked hard to do that and to update the courts’ technology, and to administer the state’s judiciary effectively for the next six years.

## TT&C: In 2005, you were appointed to the Supreme Court yourself. How did that happen?

**CC:** The Tennessee Constitution states there shall be five justices on this court, with at least one justice, but no more than two, from each of the three grand divisions. In the middle grand division, Frank Drowota had been serving since 1980 and Al Birch since 1993. Turnover is rare. Justice Drowota was retiring after 25 years, so if I



Chief Justice Connie Clark



With the SCALES project, justices go to local communities to hear Supreme Court cases. Students are invited to watch the trial, read the briefs, learn what the case is about, and discuss it.

were interested, I knew I should apply now. I did, went through the selection process with everyone else – including a 64-page questionnaire, a TBI background check, and an interview with the 17 members of the selection committee – and was one of three persons submitted to Gov. Bredesen, who appointed me. Justices Riley Anderson and A.A. Birch retired in 2006; Justices Gary Wade and Bill Koch replaced them. In 2008, Justice William M. “Mickey” Barker retired and Justice Sharon Lee was appointed.

## TT&C: With four new members in three years, how does a court establish its own personality?

**CC:** It takes a while. What we did was adopt as our joint No. 1 priority a program called Access to Justice that started during Chief Justice Janice Holder’s term. There are 1 million Tennesseans who have civil legal issues that will put them in our system but who cannot afford a lawyer. Access to Justice informs them how to get legal help they can’t afford, particularly in the civil arena. Everyone has a constitutional right to counsel in criminal court but not on the civil side. They may be facing termination of their parental rights or evictions from home, inability to get health care or inability to pay for it if they get it, welfare issues, safety and sometimes life issues, but have no automatic way to get legal help. We see more and more people coming into our system unrepresented. It’s difficult for them if they don’t know the laws or have counsel.

## TT&C: How do you make courts more accessible?

**CC:** We’re creating forms they can use for most simple legal procedures. They are being placed in public libraries and easily found on our web site, [www.tsc.state.tn](http://www.tsc.state.tn). We continue to hold meetings all over the state where people can ask questions. A number of booklets have been printed. We’re printing forms and brochures in multiple languages and have some federal money to make interpreter services available more frequently.

We’re working with legal services agencies to provide free legal representation and more volunteer lawyers. Entire bar associations have programs to help people in need. The Supreme Court’s pro bono program now sets an aspirational goal that expects every lawyer, including retired attorneys, to give 50 hours of legal services each year and/or make an appropriate donation if that’s not possible. We will join bar associations in honoring and recognizing people publicly for

the service they give and we’ll encourage trial judges to do the same thing.

## TT&C: Any other priorities?

**CC:** Education is No. 2. In 1995, the Supreme Court created the SCALES project, an acronym depicting the scales of justice and standing for “Supreme Court Advancing Legal Education for Students.” Justices go to local communities to hear Supreme Court cases in courthouses, where students are invited to come and watch. The day before they come, a lawyer visits their classroom to teach them about the courts. Students get to read the briefs, learn what the case is about, and discuss it before seeing the case being argued. After watching the case before the court, the students go to a room with the lawyers who argued the case and can ask questions to learn the rest of the story about the case they just observed. They find it fascinating.

Back at school, students are debriefed again. We justices expedite the writing of our opinions so that within 90-100 days the students find out how the case was adjudicated and have a final discussion about it.

Trial judges are also being encouraged to do a version of that program to demystify the legal system and help people understand why we have the rules that we have. The bar association helps judges to sponsor that.

None of that is a substitute for the civics classes that used to be required in schools. But judges can help people at least see what our branch of government does. We’re the smallest and least understood branch. We want people to understand that the primary purpose of courts is to be the last resort for resolving disputes and a better way than blood feuds to settle conflicts.

## TT&C: What about those who claim that courts sometimes too actively ‘make laws’ rather than enforce the constitution?

**CC:** Judges often get accused of making decisions that legislators should be making. That’s not a fair criticism. It’s made because some people don’t always realize that what we do is different from what the legislature does. Legislators represent their community’s interests and make laws that apply generally to everybody. But like the rules of any game, those laws establish limits on human action – boundary lines to protect our neighbors.

Judges are the referees that our founding fathers said must uphold the limits and determine when someone or some thing has gone over

a boundary line. We protect minority rights at the point where laws made for the majority no longer work as they were intended. There are some minimum standards of decency, rights or principles that are to be upheld even if they do not favor the majority. Freedom of speech is, for instance, so important that judges may be required to uphold the acts of those who say ugly and filthy things that you and I would never say or want to hear. That’s what you do in a free country – uphold the constitutional rights of the minority as well as the majority. It’s an important function without which our system won’t work like it should.

## TT&C: Things have been changing faster. Women got the vote 80 years ago, Tennessee got female lawyers only in the 20th century, and marriage is possible for more people. How do courts help bring us into new eras?

**CC:** Technology is moving us forward faster than anything, and technology sometimes gets ahead of the law, and far ahead of what was considered by the framers of our constitution. We deal with things nobody thought about more than 200 years ago – or thought about 10 years ago. If the law is not clear or is silent about an issue, there is no way to resolve it except to bring it to court. We have to answer it. It may not be the perfect answer if no law has been thought of for it yet, but we *have* to answer the question. People have no other way to resolve disputes.

Sometimes we have to say a law isn’t clear. Sometimes legislators formulate a law from a particular set of facts, but it doesn’t work well when applied to the next set of facts. We don’t mean it as a personal affront. All they have to do is clarify it during the next session so the next time a case comes up, we can enforce the clearer language. There are laws that I may not have voted for if I were a legislator, but as long as they are clear I don’t have any problem enforcing them. That’s the proper give and take between the branches of government. That’s the way our government remains elastic, not static. Life isn’t static. Humans are complicated. We need give and take.

## TT&C: What is your most memorable experience as a judge?

**CC:** Early on, in Hickman County, where, as in most counties then, they had never seen a woman judge, I was picking a jury. One woman made it clear she didn’t want to serve as a juror. When that happens, you can’t put her on the jury because that would penalize the parties. So, after the jury had been chosen, I allowed everybody else to go but told this woman to sit in the back of the room and observe until the case was finished. At that point, she would have done her service and been free to go. She was not happy all day. I knew I had made an enemy and worried a bit about that.

The next morning she slipped into the back of the courtroom and sat down with a little girl to watch. During a break I asked her to come up and told her I was curious about why she’d returned. I knew she didn’t have a good day yesterday. She agreed and said she didn’t like being treated that way, forced to watch. But, she’d never seen a woman in charge of a court and thought I’d done a good job. She went home and complained to her husband, but had a kind of epiphany and decided her daughter should see that a woman could be in charge and should grow up knowing that.

Twenty years later it still means a lot to me. It taught me that it wasn’t about anything special I did that day. It’s just that I was there, that there was somebody she saw who looked like her who was making a difference. It taught me you need to do your very best every day because you never know when somebody is going to see you and derive something bigger from your presence than merely what you think you’re doing.

When anyone asks what it’s like to have three women, a majority, on the Supreme Court or what it’s like to have two women serve back to back as chief justice, I admit my perspective from the bench is skewed. All my colleagues are wonderful, and I don’t think about our operations based on gender. But it is possibly much more meaningful in a different way to a little girl who sits in the audience and sees us. Simply because we are there, she may feel empowered to reach higher for her own goals than she would have otherwise. And that’s an important continuing reminder to us why we should always do our best.