

Are there toll roads in Tennessee's future?

BY VICTORIA SOUTH
TML Communications Coordinator

From new urbanism, to bike lanes, and sidewalks to commuter rail, modernized elements from the past continue to be reintroduced in cities across the nation as a means of fulfilling the social, economical and physical challenges of the 21st century.

Now, a bill, The Tennessee Tollway Act, re-establishing a toll-road authority toward the development of toll projects under the authority of the Tennessee Department of Transportation is being considered before the General Assembly as a financing tool for future road projects in Tennessee.

If approved, access fees to new roads and bridges could divert an increase in the state's 21.4 cents per-gallon gas tax, according to Gov. Phil Bredesen.

Heavily congested highways and higher gas prices coupled with the skyrocketing inflationary costs of highway construction and more than \$160 million in federal funding cuts have systematically chipped away at Tennessee's long standing pay-as-you-go philosophy and have strained TDOT's primary funding sources, fuel taxes and vehicle registration fees.

"More than \$150 million in federal funds authorized for Tennessee have been "rescinded" within the past year as Congress struggles to deal with budgetary problems at the national level," said TDOT commissioner Gerald Nicely.

"As with other states, Tennessee is struggling to meet the maintenance demands of an aging transportation infrastructure." See **TOLL ROADS** on Page 4

Would you want this big ugly box in your front yard?

AT&T cable franchise bill strips cities' ability to manage public rights of way

BY CAROLE GRAVES
TML Communications Director

In states where AT&T has launched its new television product, U-verse, tan metal cabinets larger than the size of a refrigerator are popping up near curbs in front of private homes, in church parking lots, alleys, and in the medians of boulevards.

The boxes house fiber optic technology that AT&T needs to enter into the cable television market by connecting copper telephone wires to fiber-optic cables. Unlike satellite television or streaming video, however, U-verse uses the public rights of way.

Each metal box is expected to serve 300 to 400 homes. This means, a city with a population of 30,000 to 40,000 would require some 150 boxes placed throughout the city.

A major component in this multi-state effort from AT&T also involves circumventing the local franchising process to obtain a statewide cable and video franchise agreement, similar to what the company is now seeking in Tennessee.

Under the "Competitive Cable and Video Service Act" (SB 1933/ HB 1421), currently pending before the Tennessee General Assembly, cable and video service providers will no longer have to negotiate franchise agreements with each city, town, or county they are seeking to serve.

As part of the compensation for the use of public rights of way and to ensure that taxpayers are justly compensated for the commercial use of public property, cable and tele-



These 6 by 8 foot boxes are used in U-verse installations by AT&T. Each box serves roughly 300 to 400 customers, which means a city with a population of 30,000 would require some 100 boxes placed throughout the city. The above photo was taken in Wheaton, Ill., where the city adopted an ordinance temporarily stopping the construction of large utility boxes in the city's rights of way. AT&T filed suit against the city, and several other communities in the area, for placing a moratorium on the construction of the big boxes.

phone companies are required to apply for local franchises. Congress granted local cable franchising authority to local governments in order to protect consumers and provide for local needs and interests.

"If this bill passes, consumers would have no say where large, noisy equipment would be placed by telecommunications providers," said Patrick Lawton, Germantown

city administrator.

In its current form, the bill grants eminent domain powers to AT&T—not only for public rights of way, but private property as well. The bill provides "a nonexclusive grant of authority to construct, maintain, and operate facilities through, along, upon, over and under the lands of the any person in this state."

See **CABLE** on Page 5



Open road tolling devices such as EZ Pay reads electronic tags mounted inside vehicles and a computer system automatically deducts the tolls from customer's accounts reducing traffic congestion.

Special sales tax holiday set for April

Tennessee's special one-time April sales tax holiday starts at 12:01 a.m. on Friday, April 27, and ends at 11:59 p.m. on Sunday, April 29.

All the details about the state's new sales tax holiday are available at a dedicated Web site, www.tntaxholiday.com. Materials, including a list of covered items, are attached.

"We launched our state's first successful sales tax holiday last fall, providing Tennessee families with valuable financial savings on clothing, school supplies and computers during the back-to-school shopping season," said Gov. Phil Bredesen. "I'm pleased that as a result of our common sense budgeting practices in Tennessee, the General Assembly saw the opportunity to enact another special spring sales tax holiday to help parents save even more on their children's supplies."

During this designated three-day weekend, consumers may purchase selected clothing, school supplies and computers without paying Tennessee's state and local sales tax on the items. This holiday also includes purchases of qualified items sold via mail, telephone, e-mail or Internet if the customer orders and pays for the item and the retailer accepts the order during the exemption period for immediate shipment, even if delivery is made after the exemption period.

The sales tax holiday is designed to provide relief to taxpayers by instituting a temporary sales tax exemption on certain items for a specific period of time. Tennessee is among 13 other states and the District of Columbia that have enacted sales tax holidays.

Items that qualify include:

- Clothing with a price of \$100 or less per item
- School supplies with a price of \$100 or less per item

Computers with a price of \$1,500 or less per item

The \$100 exemption applies to items selling for \$100 or less. If an item sells for more than \$100 (\$105 in this example), tax is due on the entire selling price.

There is no limit to the quantity of items that may be purchased as long as the purchase price of each of those items is below the threshold provided in the law.

No exemption certificate is required to take advantage of the holiday.

Computers with a price of \$1,500 or less may be purchased exempt from tax during the holiday, purchases of computer software made separately from the computer are excluded from the holiday and are subject to tax.

If I place an order for a computer on April 25 and pay for it with my

See **HOLIDAY** on Page 4

New law regulates state public fireworks displays

A new law regulating public fireworks displays in Tennessee becomes effective May 1, 2007.

Passed last year during the 104th Tennessee General Assembly, this law may directly affect any public fireworks displays performed in cities and towns throughout the state.

The new law requires that all professional fireworks shot in Tennessee in outdoor shows, proximity pyrotechnic displays to include concerts, festivals, and theaters, as well as flame special effects, must be shot by a licensed "exhibitor."

An exhibitor is required to show proof of \$1 million insurance to the state fire marshal's office and pay a \$1,000 annual fee.

Additionally, any individual in charge of an outdoor display, proximity display, or flame effect must be a "certified operator." A certified operator has to pass a written exam and pay a \$100 fee to the Tennessee State Fire Marshal's Office for a two (2) year certification. Both must be completed before submitting a permit application to the Tennessee State Fire Marshal's Office for a display permit.

Melissa Bast at High Tech Special Effects in Memphis is hosting a training seminar and test conducted by the Pyrotechnics Guild Interna-



Last February, to demonstrate that no training was required to detonate fireworks under old laws in Tennessee, Sen. Tim Burchett and Rep. Curry Todd, the bill's sponsors, accompanied by two pyrotechnic companies, pull the switch setting off a live fireworks display at Legislative Plaza. Under the new Tennessee fireworks law, sponsored by Burchett and Todd, fireworks exhibitors must show proof of \$1 million in insurance and pay a \$1,000 annual fee effective May 1. The bill, passed last year during the 104th Tennessee General Assembly, is designed to make the fireworks industry safer for technicians as well as spectators.

tional at the State Fire Training Academy in Bell Buckle April 21.

An additional training seminar and test will be held at the Memphis

Motor Speedway on April 22.

For more information, contact Melissa Bast at MelissaBast1@aol.com.

Bond Fund welcomes new additions to staff

Charles G. "Bones" Seivers, President and CEO of the Tennessee Municipal Bond Fund (TMBF) announced that Linda Mooningham and Steve Walker have joined TMBF and the Tennessee County Services Loan Program (TCSLP) staff as part of continuing efforts to serve cities and counties in Tennessee.

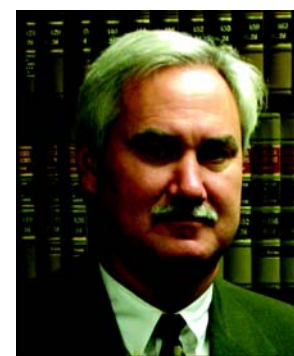
The Bond Fund program began in 1985. Mooningham assisted Ogden Stokes and the Bond Fund officers from the beginning. She has 30 years of experience in her field. Seivers stated that Mooningham's experience and knowledge will be a tremendous asset to the Bond Fund team.

Her duties will include coordinating the preparation, assembly, and execution of all necessary loan and note legal documents with their bond and tax counsel. In addition, she will serve as liaison for the Bond Fund with their attorneys on all legal matters and questions pertaining to loan programs.

"If you have any questions or need any assistance, please feel free



Linda Mooningham



Steve Walker

to call Linda at the Bond Fund offices, said Seivers.

See **BOND FUND** on Page 9

Implementation of GASB 45

Many state and local governments provide *other post-employment benefits* (OPEB) to their retirees. OPEB refers to benefits other than pension benefits and includes healthcare benefits (medical insurance) and other options such as life insurance.

The promise to provide these benefits to employees can create a significant liability that the providing government must pay in the future. Most governments have been accounting for OPEB on a "pay-as-you-go" basis which means that the cost of these benefits have been reported as the benefits are paid out to eligible recipients.

In June 2004, the Governmental Accounting Standards Board (GASB) issued Statement 45, establishes standards for accounting and financial reporting for state and local governmental employers that offer OPEB.

It requires accrual-basis measurement and recognition of OPEB expenses and liabilities that will result in recognition of expenses over

periods that approximate employees' years of active service. Governments that provide healthcare benefits to both active and retired employees are subject to the provisions of Statement 45. An example is when a local government allows employees to remain in their healthcare plan after retirement and the retiree pays a portion or even 100 percent of the cost of the benefit. If a local government does not currently or never has offered OPEB, then GASB Statement 45 does not apply to that city or county and no action towards implementing the statement is needed.

Effective Date

The requirements of the statement are effective in three phases. Governments that were Phase 1 governments for the purpose of implementation of Statement 34 should apply the requirements of the statement in financial statements for periods beginning after Dec. 15, 2006; for Phase 2 governments the effective date is for periods beginning See **GASB 45** on Page 3

NEWS ACROSS TENNESSEE



BY TISH WOMACK
TML Research Analyst

ALCOA

Ground clearing for the city's service center that will house street, sanitation, water and wastewater, and the engineering and administration divisions of public works and engineering department began in late March. The facility will also be home to the electric department along with the purchasing, warehousing, and fleet maintenance operations. The completion date for the service center is spring 2008.

ATHENS

A new 75-foot ladder fire truck will be purchased by Athens through its fleet management program and delivered in 30-45 days.

BRENTWOOD

DirectBuy's future warehouse in Cool Springs is the first Middle Tennessee building to use an environmentally friendly and energy efficient construction method utilizing insulated concrete forms with polystyrene as the insulation and concrete poured inside creating an 11 inch tornado and fire resistant wall. Heating and cooling costs are expected to be at least 50 percent lower using the new construction method.

BURNS

A new pumper fire truck will replace an older model that failed during a fire. A portion of the town's rainy day fund will finance the truck.

CHATTANOOGA

An \$87,000 TDOT Consumer Transportation Assistance Program grant will be used by the Chattanooga Area Regional Transportation Authority (CARTA) to purchase 1,000 monthly bus passes for downtown employees. Outdoor Chattanooga will utilize the rest of the funds toward the purchase of 14 bicycles for downtown workers to borrow at lunchtime, a pilot project encouraging people to experience downtown on bicycles.

CHATTANOOGA

The Chattanooga Police Department has been notified that it has earned accreditation from the Commission on Accreditation for Law Enforcement Agencies Inc. for the third time.

CLARKSVILLE

Public safety personnel have begun training with a District 7 mobile command trailer purchased with \$123,500 of Tennessee Department of Homeland Security grant money totaling \$5.8 million. The trailer will be housed at Clarksville's main station and will be utilized by all six counties in District 7.

CLINTON

The documentary, "The Clinton 12," won the Nashville Public Television Human Spirit Award. The movie, documenting the integration of Clinton High School in 1956, will be shown at the Nashville Film Festival that runs from April 16-19 at the Green Hills Theater in Nashville.

GREENEVILLE

Greeneville Fire Department will purchase a set of hydraulically-powered rescue tools with its \$17,167 Homeland Security money.

GREENEVILLE

Foliot Furniture, a Canadian manufacturer of institutional furniture, will open a facility within 30 days with a work force of about 50. It plans to double that in 12-18 months.

JACKSON

Fiber-to-the-Home Council, a non-profit organization that promotes fiber-optic networks, selected Jackson as one of three cities in the nation for a research project. The project that the council has contracted with Massachusetts Institute of Technology, Carnegie Mellon University, and Strategic Networks Group will quantify the economic and social benefits of Jackson's fiber-to-the-home network with transmission speeds much higher than DSL and cable modem systems.

JOHNSON CITY

Johnson City Police Department's Homeland Security funds of \$33,100 will be used for video detective systems.

JOHNSON CITY

JD Squared Inc., a metal fabricating products manufacturer, will relocate its Florida facility to Johnson City. The company hopes to have a work force of 50-75.

KINGSPORT

A higher education center will be located in downtown Kingsport following unanimous approval by city officials. The center, to be operated by Northeast State Technical Community College, will offer two years of core courses.

KINGSTON

The city has received notice that its ISO rating has dropped from 6 to 4 coming within five points of a 3 rating. Residents should see a drop in insurance premiums with the lower rating.

MARYVILLE

A new book, "America's 100 Best Places to Retire," lists Maryville as a place to be considered when thinking of relocating for retirement. Maryville was the only Tennessee city to appear on that list.

MEDINA

The city is hoping a loan from USDA Rural Development will come through to fund a new Medina city hall to ease overcrowding due to community growth.

MEMPHIS

Memphis Police Department has received notice that it has been accredited by the Commission on Accreditation for Law Enforcement Agencies.

MEMPHIS

St. Jude Children's Research Hospital has been selected as one of six Centers of Excellence for Influenza Research and Surveillance in the nation. In addition to the hospital's

ongoing national and international surveillance of flu, St. Jude will also work toward answering basic questions about the disease and investigate the best use of anti-viral medications.

MONGOMERY COUNTY

Averitt Hardwoods International closed its lumber operations after 45 years citing escalating costs and a very soft market for hardwoods. More than 150 people were employed by the company.

MORRISTOWN

The Morristown Police Department will use its \$7,710 Homeland Security funds for a Guardian GPS tracking kit.

NASHVILLE

General obligation bonds in the amount of \$201 million were sold in early April, the largest competitive debt offering in the nation's municipal market.

OBION

A \$160 million ethanol plant will be built about five miles from Obion by Ethanol Grain Processors. The plant will need 38 billion bushels of corn each year, about half the annual total corn production in a 75-mile radius of the town. A total work force at full production is anticipated to be 300.

ROANE COUNTY

Diesel Engine Parts Inc. will move its operations to the Roane Regional Business and Technology Park and bring 35 employees from its present location in Knoxville.

SEVIERVILLE

Homeland Security funds of \$10,553 will be used for a thermal imager for the Sevierville law enforcement services.

SMYRNA

The Smyrna Airport is the recipient of \$17,167 in U.S. Homeland Security grant money for the purchase of AMKUS brand spreaders, cutters, and gas-powered RAM tools for aircraft rescue and firefighting equipment.

SPRING HILL

General Motors announced that following the retooling of the Saturn plant over the next 16 months the facility will build Chevrolet's 2008 unnamed crossover vehicle.

THOMPSON'S STATION

A building boom underway and on the drawing board is expected to raise the number of residents by at least 10,000 from its 2005 census of 1,442 by the middle of the next decade.

WILLIAMSON/RUTHERFORD/FAYETTE COUNTIES

The U.S. Census Bureau lists Williamson, Rutherford, and Fayette counties in the top 100 fastest growing counties in the nation. Williamson was 79th with a 27 percent increase in population from 2000 to 2006, Rutherford 91st with a 25.7 percent increase, and Fayette 94th close behind with a 25.4 percent increase.

First Lady receives TSU Community Service Award



First Lady of Tennessee Andrea Conte received the Community Service award from Tennessee State University at the Women of Legend and Merit Banquet on March 29. The awards ceremony was formed by TSU First Lady Dr. Marcelite Johnson, who wanted to honor legendary women during Women's History Month. The awards highlighted the accomplishments and contributions made by women from TSU as well as alumnae and members of the community representing athletics, politics and government, science and medicine, education and business. Pictured left to right: Dr. Marcelite D. Johnson, Dr. Johnnetta D. Cole - President, Bennett College for Women, First Lady Andrea Conte, and Dr. Melvin N. Johnson - President, Tennessee State University.



PEOPLE



BY TISH WOMACK

U.S. Sen. **Lamar Alexander** announced plans to run for re-election in 2008 and the next day raised \$1 million to add to his war chest.

Acting state Archaeologist **Michael C. Moore** is now the state's chief archaeologist following his appointment to the post by Environment and Conservation Commissioner Jim Fyke.

Tennessee Department of Education Executive Director of Innovation, Improvement and Accountability **Dr. Connie J. Smith** was honored with the Dr. John M. Davis Distinguished Educational Achievement Award by the Southern Association of Colleges and Schools. The award is presented to one outstanding individual from each state in recognition of their contributions to education, for making a significant impact on the education profession, and achievements towards educational change and improvement.

Collegedale Mayor **John Turner** was elected by his peers to a second term as mayor.

In the municipal March election, Mountain City voters elected Alderman **Kevin Parsons** mayor.

McMinnville has hired **David Rutherford** as city administrator.

Athens has hired **Brad Harris** as finance director. He began his new duties April 1. He had been Rhea County finance director prior to accepting the offer from Athens.

Smyrna has tapped **Kevin Arnold** as its police chief. Arnold has been with the police department for 18 years and was acting chief.

Clinton Mayor **Wimp Shoopman**

was appointed to the Conservation Commission by Gov. Phil Bredesen.

Gov. Phil Bredesen appointed Mt. Pleasant Mayor **Willie Baker** and Cornersville Mayor **Gaye Wilson** to the Tennessee Duck River Development Agency.

Knoxville Mayor **Bill Haslam** will be sending a UT shirt and hat to Piscataway, N.J. Mayor **Brian C. Wahler** who will wear them to his next city council meeting after the Lady Vols beat Rutgers University's Lady Knights in the women's NCAA basketball championship. This was the stakes in a friendly wager between the mayors.

Red Bank Mayor **Howard Cotter** resigned his position after serving on the commission for seven years. Vice Mayor **Joe Glasscock** replaces Cotter who is moving out of town.

Cleveland City Manager **Joe Cate** announced he will retire effective June 30.

Tullahoma Police Chief **J.C. Ferrell** retired following 35 years with the police department, the last 18 of which he was chief.

Mount Juliet City Manager **Rob Shearer** will resign his position effective May 21 to return to teaching and publishing.

Bristol Deputy City Manager **Bob Wilson** is resigning, effective in May, to assume a similar position in Johnson City.

Lenoir City Recorder **Debbie Cook** retired effective March 26 following 30 years of service to the city.

Jonesborough Parks and Recreation Director **Melinda Copp** resigned her position following a maternity leave.

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TML Pool holds annual photo contest

The TML Risk Management Pool is once again having a photo contest for all its members. Submitted photos will be proudly used in a presentation at the TML Annual Conference this June in Knoxville.

Rules: The theme of the photos this year is "City Hall." Photos should be of a city hall or city administration building only. The Pool will only accept one (1) photo per person. The photo should be submitted in a "jpg" format only to Lottie Scobee, at lscobee@tmlmp.org. Include your name, address and phone number on the e-mail. Prizes will be awarded to the

top three photos submitted as determined by a panel designated by the TML Pool. The grand prize will be a 30GB iPod that can store and play videos, photos and up to 7,500 songs.

The winners of the photo contest will be announced at the Pool Party on Monday, June 11, 2007, at the TML conference. All submitted photos will become the property of the TML Risk Management Pool.

(All employees and their family members of the TML Risk Management Pool, Tennessee Municipal Bond Fund and the Tennessee Municipal League are excluded from participating.)

Knoxville to host League's Annual Conference June 10-12

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

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

With a theme of *Today's Challenges are Tomorrow's Opportunities*, conference workshops will focus on several challenges that cities face and how to successfully pre-

pare for the future. Topics range from preparing for the 2010 census, future revenue trends, planning for retiring baby boomer employees, managing street resurfacing costs, and small town success strategies.

Visit the League's web site for an online registration form, www.TML1.org. Payment must be received by May 18, 2007. Make checks payable to Tennessee Municipal League, 226 Capitol Blvd. Suite 710, Nashville, TN 37219. TML does not accept purchase orders or credit cards.

GASB Implementation

GASB 45 from Page 1

after Dec. 15, 2007; and for Phase 3 governments, the effective date is for periods beginning after Dec. 15, 2008.

Actuarial Valuations

A major issue that needs to be addressed in implementing Statement 45 is actuarial valuations.

Actuarial valuations are required by GASB Statement 45 regardless of whether a governmental entity establishes a plan to advance fund its OPEB obligations by accumulating assets or continues to fund OPEB on a pay-as-you-go basis.

Actuarial valuations are necessary to comply with the accounting and financial reporting requirements of Statement 45 which includes determining the annual required contribution (ARC). The ARC includes the normal cost for the year and an amount to amortize the total unfunded actuarial accrued liability over a period of up to 30 years.

The actuarial valuation is required at least every two years for all OPEB plans that have a total membership of 200 or more and at least every three years for plans that have fewer than 200 members. A simplified alternative measurement method of obtaining actuarial valuations is available for OPEB plans that have fewer than 100 members.

Any local government subject to the requirements of GASB Statement 45 that does not obtain the mandated actuarial valuation will most likely receive an adverse opinion from its auditor on its financial statements. This is because the accounting and reporting requirements of the standards cannot be met without an actuarial valuation.

Funding Issues

The new OPEB standard does not mandate the funding of OPEB benefits (in other words, to set aside assets in advance to pay benefits in the future).

If you do not advance fund actu-

arially determined required contributions of OPEB benefits, a liability will be reported on the local government's accrual-based financial statements. For those who stay with the pay-as-you-go approach, the OPEB liability could eventually cause a deficit balance in Net Assets, which could affect bond credit ratings and the cost of borrowing.

Therefore, local governments that offer OPEB are encouraged to establish a trust fund or an arrangement with a separate plan administrator for accumulating assets to pay future OPEB.

Chapter 771 of the Public Acts of 2006 authorizes and sets conditions for political subdivisions of the state of Tennessee to establish an investment trust for the purpose of prefunding OPEB. A copy of Chapter 771 of the Public Acts of 2006 is attached.

What Do Local Governments Need to Do Next?

Local governments should review existing OPEB arrangements and retain an actuary to value OPEB liabilities and provide reporting requirements. They should also consult with their financial advisors, accountants and auditors about compliance with GASB Statement 45.

For a plain language summary of GASB Statement 45, go to the following address on the GASB's website, www.gasb.org/project_pages/opeb_summary.pdf.

The Government Finance Officers Association has prepared a publication entitled *The Elected Officials Guide to OPEB*. Contact the Government Finance Officers Association for information about this publication at 312-977-9700.

Local governments subject to the provisions of GASB Statement 45 should start working towards the implementation of the statement as soon as possible.

Any questions about the contents of this memorandum should be directed to the Division of Municipal Affairs.

State's math, science academy opens in Aug.

BY VICTORIA SOUTH
TML Communications Coordinator

The time is ripe for high school students with a strong desire to pursue careers in math, science, engineering or technology to apply for the experience of a lifetime. The state will foot the bill for 24 exceptional high school juniors, 12 females and 12 males, to comprise the inaugural class of the Tennessee Governor's Academy for Mathematics and Science (TGA) administered this fall by the University of Tennessee in Knoxville.

In his 2006 State of the State address, Gov. Phil Bredesen proposed a \$1 million designation from the state's budget for a residential math and science high school aimed at "Tennessee's best and brightest" after a national study revealed diminishing math and science skills on the state and national level.

Applications for the academy are being accepted through May 1. Applicants must be at least 15 years of age and a rising high school junior. Chosen applicants who meet the TGA criteria along with their parents will meet in a final round of interviews with the administration, according to executive director Vena Long.

Long, a fourth-generation teacher, administrator and scholar, will oversee the academy's daily operations, including the hiring of faculty. She has served as professor of mathematics education and the associate dean of research and professional development at UT's College of Education.

"The academic approach at TGA is what sets it apart from other learning opportunities," said Long. "Our students will have the opportunity to take part in a truly integrated curriculum, learning from top teachers in environments they could sim-



Students will live in cottages on campus at the Tennessee School for the Deaf when the Tennessee Governor's Academy of Math and Science opens its inaugural year in August.

ply not find any where else."

As a residential school, TGA students will enjoy the full college experience, living on-site in two 12-person cottages at the Tennessee School for the Deaf (TSD), a historic 100-acre gated campus situated along the banks of the Tennessee River, where in addition to their studies, they will take part in community service and participate in everyday tasks such as cleaning, laundry and meal preparation as well as have full access to UT's cultural and athletic offerings.

TGA course work will be structured in modules, four-to-seven week periods where each student will focus on a primary question while learning the basic science and math applications needed to develop the solution. Classes in physics, calculus, literature, humanities, history along with non-traditional studies in Chinese and martial arts comprises a well-rounded combination of disciplines and culture. The program will run the length of UT's academic calendar year with frequent long

weekends at home. Students finishing two years at TGA will return to their home schools to graduate. After this initial year, both juniors and seniors will be accepted into the academy in 2008.

Along with structured class work, students will have opportunities to work with noted scientists and experience field trips, seminars and fact-finding missions.

During summer breaks, TGA transforms into a learning lab for science and math teachers, who will then teach the curriculum in classrooms across the state striving to improve math and science instruction in Tennessee.

TGA students will also participate in a service learning experience with TSD youth, helping improve their math and science skills while the TSD students instruct the academy in American Sign Language.

For applications and further information on the new Tennessee Governor's Academy for Mathematics and Science visit <http://tga.tennessee.edu>.

No Child law faces medley of changes

BY PAULINE VU
Stateline.org Staff Writer

If President Bush wants the next version of his signature No Child Left Behind education law to carry his imprint, the White House will have to compromise with a host of disparate groups seeking changes in the 5-year-old act.

As Congress starts considering complaints from school districts, governors and others, chances are that a holdup in revising the law as scheduled this year could leave the future of Bush's domestic legacy to his successor.

States are among the chief stakeholders clamoring to leave their stamp on a new version of the education law, which has riled some state lawmakers and educators to the point of rebellion over its costs, penalties, and unprecedented federal oversight of school policy.

"Give me some more flexibility because I think we could do this better," said Wisconsin Schools Superintendent Elizabeth Burmaster, representing the Council of Chief State School Officers, before a joint congressional hearing March 13.

The nation's governors are gathering suggestions from each other so they can recommend a set of changes to Congress.

The federal law, which Congress passed in 2001 with bipartisan support, mandates annual testing in reading and math for grades 3-8 and once in high school with the goal of

making all students proficient in the subjects by 2013-14. Schools that fail to make annual progress face a variety of penalties, from being forced to pay for tutoring to being taken over by the state.

The law is up for reauthorization this year, meaning Congress has a chance to change it. However, experts polled by the *Thomas B. Fordham Foundation*, an education think tank, say it's unlikely that No Child Left Behind will be reauthorized until after the presidential election. Until it's renewed, the law will continue in its current form.

Critics have decried the law for its focus on testing, federal intrusion into what traditionally has been a local issue, and what they say is an unrealistic goal of proficiency by 100 percent of students.

The Bush administration, however, says No Child Left Behind has already had a positive impact. The 2005 results on the *National Assessment of Educational Progress*, a test given to a cross-section of students in every state, showed that 9-year-olds were better readers than at any point over the last 30 years. The act also has drawn attention to the achievement gap between white students and their minority peers.

The costs of carrying out the mandates are a particular sore point with states. According to the *National Education Association*, No Child Left Behind over the last five years has cost \$40 billion more to carry out than the federal govern-

ment has allotted.

The U.S. Education Department maintains the law is adequately funded. Congressional Democrats are calling for an infusion of more cash during reauthorization.

The act also has been slammed because a school can fail even if just one subgroup of students fails. This issue has led to confrontations with the federal government.

States have rebelled against No Child Left Behind almost since its inception. To date, 23 states have or are considering bills to opt out of the law, according to *Communities for Quality Education*, an advocacy group that tracks state actions on the act. Lately, however, the majority of state action has been to pass resolutions calling on congressional delegations to amend the act during reauthorization.

"It's gone from open revolt on the part of some states to more of a simmering resentment about too many federal requirements and too little federal money," said Jack Jennings, the president and chief executive of the Center on Education Policy, a research organization that has monitored the law's effects.

Other perceived shortfalls of the education mandate can be seen in the myriad solutions offered by different groups. The high-profile *Aspen Institute Commission on No Child Left Behind*, headed by two former governors, called for an expansion of the federal role. Among its 75

See NCLB on Page 9

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STATE BRIEFS



BY TISH WOMACK
TML Research Analyst

The State Fire Marshal's office reported that 492 of Tennessee's more than 700 fire departments have submitted fire incidents to both the Tennessee and National Fire Incident Reporting System (TFIRS and NFIRS), more than any other state. That boosted Tennessee to the top in national standings in the first quarter of 2007 as reported by the National Fire Incident Reporting System.

The Federal Highway Administration announced cuts in transportation funding that will mean \$73 million less coming to Tennessee. Coupled with the \$80 million cut by the federal government to Tennessee at the end of the last fiscal year, the state is reassessing what projects will be cut or delayed. Projects presently underway will not be affected, according to state Department of Transportation Commissioner Gerald Nicely.

Will there be or won't there be a big earthquake in the West Tennessee New Madrid fault area? That is a question scientists are debating. Some say the fault is dying while others indicate there is insufficient data to be sure that's true. Nevertheless, West Tennessee counties are vigilant.

Two Tennessee companies, EV America of Chattanooga and Astec Underground of Loudon, have been sponsored by the Tennessee Office of the Japan External Trade Organization (JETRO) for a trip to explore Japanese business opportunities. This is the first time JETRO Tennessee has taken companies to Japan.

Trust for America's Health, a Washington-based nonprofit organization, has issued a report indicating Tennessee could suffer a \$13.7 billion economic hit if a year-long pandemic flu epidemic were to happen. That put the state eighth in the nation in terms of loss, in percentage, of its gross domestic product.

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- Automatic payments to FDIC-insured, direct deposit credit and debit card transactions to existing checking accounts;
- Direct-to-processor relationships cutting out the middleman;
- Direct transaction uploading to

Special sales tax holiday set for April 27

HOLIDAY from Page 1

credit card, but it is delivered during the holiday period for immediate shipment, even if delivery is made after the exemption period. Therefore, if the computer was ordered and the credit card was charged during the holiday period, and delivery was scheduled to take place after the holiday, the sale would qualify for the exemption.

Purchases can be made from Tennessee retailers, including retailers that sell through the Internet or catalog if those items are to be delivered into Tennessee.

The exemption does not apply to items used in a trade or business or to items that are rented. If an item

As a part of President Bush's National Parks Centennial Initiative Tennessee's 10 national parks are slated to receive \$4.3 million more in federal funds in 2008 over 2007 requested funds. The breakdown of funds by individual park, according to U.S. Department of the Interior are: Andrew Johnson National Historic Site, \$33,000; Big South Fork National River and Recreation Area, \$575,000; Chickamauga and Chattanooga national Military Park, \$480,000; Fort Donelson National Battlefield, \$45,000; Great Smoky Mountains National Park, \$1.5 million; Natchez Trace National Scenic Trail, \$2,000; Natchez Trace Parkway/Brices Crossroads/Tupelo National Battlefield, \$769,000; Obed Wild & Scenic River, \$33,000; Shiloh National Military Park, \$610,000; and Stones River National Battlefield, \$283,000.

The Tennessee Department of Transportation broke ground on the state's first ever Type II Noise Wall project along I-65 south of downtown Nashville. It is the first of three stand-alone projects to be let for construction.

The woolly adelgid, the insect that is killing eastern hemlock trees, has been found in Hamilton County. Forestry officials predict that the region will be infected within five years. The Great Smoky National Park is using a combination of adelgid-eating beetles and chemicals to stem the spread of the insect in the park.

The Tennessee film and television incentive program, officially launched in late March, will utilize a series of tax rebates, a headquarters incentive and a grant program established by a \$10 million fund approved by the General Assembly last year.

A special election date of July 17 has been set for the general election to fill the Tennessee House District 89 seat vacated by Beverly Marrero when she won the Senate District 30 seat. A primary election will take place on May 31.

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Robert's an Eagle Scout supporting various community and civic groups and is a Gold Ambassador of the Brentwood Chamber of Commerce and Vice President and Board Member of the Real Estate Investors of Nashville.

His seminar "Almost Everything You Need to Know about Credit Card and Identity Fraud" was presented at last year's TML Annual Conference.

If you are thinking about accepting credit card payments or have considered changing providers, call Robert at (877) 977-VISA or visit www.theneilgroup.com. You'll be glad you did.



is purchased for a trade or business and the retailer does not collect sales tax, the business is obligated to report this purchase and pay use tax on the item. It can be reported and paid for on a regularly filed return, or on a consumer use tax return available on the department's Web site.

For more information visit the Department of Revenue's Web site, www.Tennessee.gov/revenue; e-mail salestax.holiday@state.tn.us; or call (800) 342-1003. Special telephone hours for sales tax holiday questions: Saturday, April 28 - 8 a.m. to 4:30 p.m. (CST) and Sunday, April 29 - 10 a.m. to 4 p.m. (CST).

Back to the future for toll roads in Tennessee?

TOLL ROADS from Page 1

If toll roads are approved across the state, Nicely observes, "More revenue from our traditional sources could be devoted to the maintenance of existing infrastructure while the time frame for projects selected for tolling would be greatly reduced from the traditional "pay as you go" approach used in Tennessee.

A new report by the American Association of State Highway and Transportation Officials (AASHTO) cited by Eric Kelderman in Stateline.org states that the federal 18.4 cents per gallon gas tax, which funds more than 45 percent of the national infrastructure, has not been raised since 1993 and is expected to create a projected 2009 shortfall of \$11 billion toward planned road projects.

"There is an associated push for alternative fuels... vehicles powered by these fuels use the roads just as much as gas or diesel vehicles but they are usually taxed at a lower (or zero) rate to encourage their adoption, another leakage in fuel-tax revenue," said Peter Samuel in *Putting Customers in the Driver's Seat: The Case for Tolls* at the second national AASHTO conference in Washington. "The truth is there are no free roads," said Samuel. "A road may be un-tolled, but it is still costing the community money, and if it is not paid for with tolls, it will have to be paid for in taxes or else it will steadily deteriorate."

The bills SB1152 sponsored by Sen. Diane Black and HB1204, Rep. Philip Pinion, specify that tolls will be limited to new highways and highway lanes where the traffic flow could feasibly pay for the structures while the existing routes would remain free and open to commuters.

According to Sen. Black, the revival of toll roads could pave the way for a \$266 million project, a connector road and bridge over the Cumberland River near Old Hickory Dam that would finally provide Hendersonville residents an alternative route to Nashville.

Championed by Black for more than two years, she along with Rep. Susan Lynn co-hosted a summit attended by representatives from the International Bridge, Tunnel and Turnpike Association (IBTTA), stakeholders and officials from all over the state concerning the feasibility of Sumner County project.

"We're moving forward," said Black expressing optimism toward the measure.

"We asked TDOT to consider a preliminary plan drafted in Sumner County and a feasibility study was done. Now, we're taking the next step. Toll roads would be a way to afford large projects in Tennessee,

such as bypasses."

Although toll roads are not new to the state, many of the procedures and regulations governing them have changed since Tennessee's 1940s experiences. Technological advances in operations, the cashless E-Z Pass system, for example, where electronic tags mounted in ve-

hicles are read by an overhanging computer system deducting tolls automatically from commuter's accounts, could provide more convenience for travelers, and tolling segments of highway alone as commercial truck lanes could provide safer, less congested highways.

However, agreements establishing toll roads through public/private partnerships has set off a national hail storm of controversy from citizens, grassroots activists and lawmakers alike as states enter into leasing agreements with private and foreign entities in exchange for up front cash to build more infrastructures.

According to Stateline.org, Indiana Gov. Mitch Daniels "triggered a toll-way mania" after signing a 75-year \$3.8 billion lease with a private investment firm for the 157-mile Indiana Toll Road setting off public and political opposition toward two smaller proposals for privately built and managed toll roads. Daniels also supports a consortium with foreign companies for the east-west artery carrying Interstates 80 and 90 between Ohio and Illinois, Kelderman reports.

"The roads will always be the property of the state," assured Rep. Pinion to the Tennessee Government Operations Committee. No one will ever own the road. Public/Private partnerships are just another tool in the tool box, a means of financing the state's road projects."

The authority and development of toll roads has also incited national controversy concerning eminent domain.

After a public outcry in 2006, the Colorado state Senate passed SB78 dubbed the "Super Slab bill," stripping the power of property condemnation from private road developers for the construction of toll roads.

"The administration has failed



Sens. Thelma Harper and Beverly Marrero, chair and vice chair of the Government Operations Committee compare notes after a senate bill to re-establish a toll road authority in Tennessee advances to the state Transportation Committee.

to disclose the potential downfalls as well as possible gains of privatization," said U.S. Rep. Peter DeFazio, chair of the Highways Subcommittee during a Feb. 13 hearing reported in *Overdrive Logbook Industry News*.

"The U.S. Department of Transportation should be honest about such problems as monopoly pricing and non-compete agreements, in which governments actually are prevented from building roads that would siphon traffic from the for-profit highway."

"I am concerned about possible sweetheart deals for private companies," agreed U.S. Rep. John J. Duncan Jr. of Tennessee.

"We need to ask the people if they are interested in having toll roads, ask how the citizens feel and put it to a vote," said Sen. Beverly Marrero during the senate meeting of the Government Operations committee.

"You can be assured that no toll project would be implemented without extensive public input and the strong support of affected local governments," Commissioner Nicely said recently.

After passing 7-1, SB1152 will advance to the senate Transportation committee along with HB1204, which will advance to the Public Transportation & Highways Committee.

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Cable franchise bill strips cities' ability to manage public right of way



In a suburban neighborhood in Houston, an AT&T equipment cabinet exploded and caught fire causing damage to the homeowner's fence and siding of the house. With no local control over where the utility box can be placed, AT&T located the metal cabinet on the curb only yards from the private residence. (*LightReading* – Nov. 7, 2006)



Under AT&T's proposal, cities would have to spend tax dollars to take cable providers to court for incurred costs associated with repairing facilities damaged by cable companies. In testimony before both the House and Senate Commerce Committees, AT&T contends that no construction will be necessary to implement the U-verse system. However, the above photo tells a different story. While installing the system in a suburb in North Texas, a trench was dug to bring power to the fiber cabinet. (*LightReading* – April 4, 2006)

CABLE, from Page 1

This legislation effectively weakens consumer protections, reduces municipal revenues, and limits municipal authority and its ability to police cable or video provider's activities within the public rights of way, and for these reasons, cities and counties oppose this legislation.

Through a local franchising process, a city can control where very large utility boxes are located and to determine what is best for the citizens of each community.

"Proponents of the legislation maintain it preserves cities' authority to maintain and regulate the public rights of way, but it removes every regulatory and enforcement tool a city has at its disposal to carry out this responsibility," said Tommy Bragg, TML president and Murfreesboro mayor.

Safety concerns became a significant factor in a suburban neighborhood in Houston where an AT&T equipment cabinet exploded and caught fire in November 2006.

According to media reports, the explosion shook a nearby house and damaged a fence and the siding of the home. The cabinet was located on the curb only yards from the private residence. The 79-year old resident of the house said, "It went about 50 feet to the other side of the yard and some pieces of the box went down the street. It shook the house pretty good." (*LightReading* – Nov. 7, 2006)

In states where AT&T first launched its U-verse service, the

company did not obtain local cable franchise agreements under the pretense that AT&T was not a cable operator and the U-verse service was not a cable service and, therefore, the FCC rules regulating the cable industry did not apply to the telephone company.

"When AT&T started their U-verse upgrade in town, they basically said nothing to us about video," said Gary White, who oversees cable and telecommunications issues for the city of Wheaton, Ill. White said AT&T first put boxes on private property after signing agreements with the property owners, allowing the company to avoid some regulatory scrutiny. When the city determined that this was not an ordinary network upgrade to the phone system, the city passed a moratorium banning utility boxes above a certain size from being installed in the public rights of way for six months. AT&T filed a lawsuit against the city for blocking the construction. The same story played out across suburbs in Illinois, Texas, and California with only minor variations. (*The Business Journal of Milwaukee* – Dec. 21, 2006)

AT&T's push for a statewide cable franchise agreement is part of a two-prong approach to eliminate the local franchising process. The legislation was first introduced in 2005 in the U.S. Congress in an attempt to nationalize the cable and video franchising process. The legislation passed in the House last year but no action was taken in the Senate. In the meantime, BellSouth and AT&T initiated legislation in states across the country to establish statewide franchise agreements.

To date, statewide franchising agreements have been adopted in 13 states (Alaska, California, Georgia, Kansas, Indiana, Missouri, Michigan, New Jersey, North Carolina, South Carolina, Texas, and Virginia). The statewide measure has been defeated in Colorado, Delaware, Idaho, Louisiana, Maine, Maryland, Mississippi, New Mexico, Oregon, Pennsylvania, Utah and Washington. The bill is currently pending in Connecticut, Florida, Ohio, Iowa, Illinois, Massachusetts, Minnesota, New York, Tennessee, and Wisconsin.

"The bill eliminates the only meaningful tool available to local governments to provide for the local interests of a community and to protect its residents," said Bragg.

If cities and counties are unable to enforce their right-of-way ordi-

nances, local governments will be unable to utilize measures they have adopted to manage their rights of way.

In addition, the legislation currently being considered by Tennessee lawmakers dramatically alters the process by which a municipality recoups costs to repair damages to the public right-of-way. Currently, operators in the public right of way must provide either a per-job deposit or, at the discretion of the municipality, an annual assessment prior to beginning any work in the rights of way. The amount of such deposit or assessment is determined by the municipality and is intended to fully compensate taxpayers for any costs incurred by the city in making repairs to damaged facilities in the right of way.

Under the bill, cities may not require cable or video providers to make deposits or pay assessments in advance of beginning work in rights of way; however, a municipality may require any provider that it can demonstrate (presumably to a court) is unable to pay costs incurred by a city to repair damages to post a bond, not to exceed \$50,000. The statewide franchise is not time limited while the bonding requirement is limited to a one-time posting and the \$50,000 threshold is insufficient to cover the costs to taxpayers.

Under AT&T's proposal, a municipality would have to spend taxpayer dollars to take a cable provider to court to prove it incurred costs associated with repairing facilities damaged by the cable company. Or, said another way, the bill requires a municipality to expend taxpayer dollars to recover costs incurred by the taxpayers to repair damages caused by a cable company.

Cities regulate their rights of way through ordinances and enforce such ordinances through fees, fines, penalties, sanctions, assessments and other requirements. These fines, penalties, etc. are paid by all companies operating within the rights of way and local cable franchisees pay these costs in addition to any franchise fee paid pursuant to a local cable franchise agreement.

Under the bill, local cable franchisees and statewide cable franchisees are only required to pay the franchise fee. Cities are expressly prohibited from levying any fees, fines, penalties, sanctions, assessments, etc. on any cable provider that conducts unlawful activities or otherwise fails to abide by municipal right-of-way ordinances.

Local Governments Contend:

The "COMPETITIVE CABLE AND VIDEO SERVICES ACT" Weakens Consumer Protections, Limits Municipal Authority, and Reduces Municipal Revenues

Weakens Consumer Protections:

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

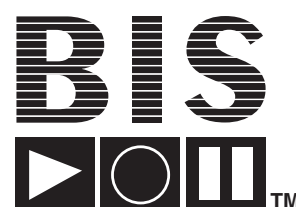
Limits Municipal Authority:

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

Reduces Municipal Revenues:

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

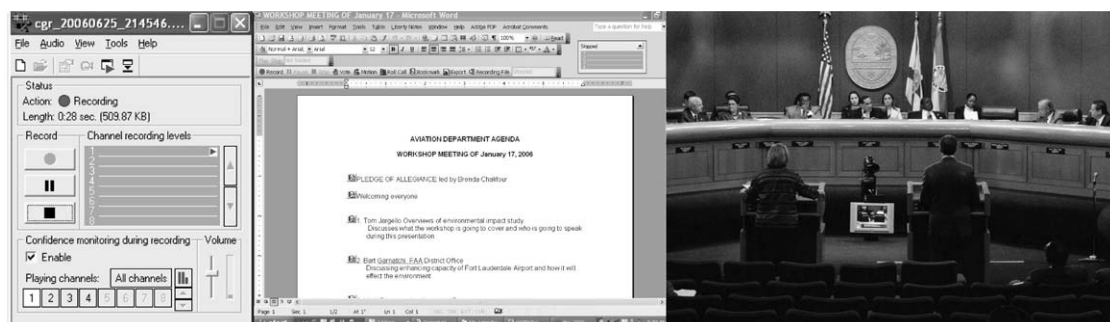
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Wolf River Environmental Project Awarded \$1.5 Million Federal Grant

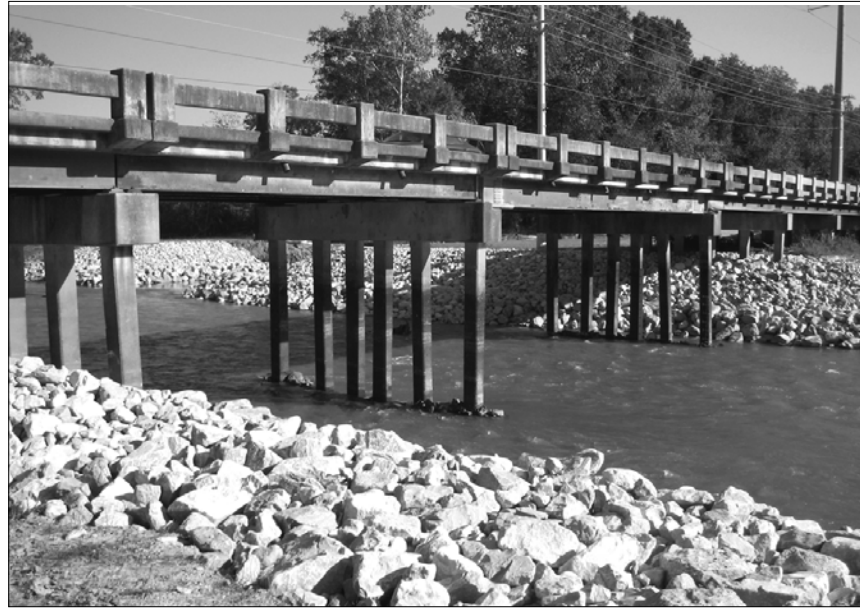
An announcement at Collierville town hall revealed that a \$1.5 million Federal grant will be allocated to continue work on the Wolf River Restoration Project. Approximately \$12,000,000 in federal funding has been allocated to the project since 2003, all as a result of congressional adds to the annual federal budget.

The project is a collaborative effort of the Corps of Engineers (\$8 million in federal dollars so far), Shelby County and Chickasaw Basin Authority (\$2.2 million), town of Collierville (\$1 million) and Wolf River Conservancy (\$100,000).

The project was authorized for construction in the Water Resources Development Act of 2000. The restoration project includes channel stabilization weirs, cutoff prevention berms, bridge protection, bike, hike trails, a 2,100 acre wildlife corridor and boat ramps.

To correct the instability that threatened water quality and highway bridges, the Corps has built four weirs and a berm to slow the water.

"Far into the future, people will



To correct instability that threaten water quality and highway bridges, the Corps of Engineers has built four weirs and a berm to slow water.

look back on the Wolf River Restoration Project and say, thank goodness someone was thinking outside the moment," Tennessee Rep. Marsha Blackburn, reflected to the crowd of about 100 community and business leaders.

Collierville Town Administrator James Lewellen said, "This is a classic successful model of federal,

state, local governments and non-profit organizations working together in a collaborative effort."

"This project is about preserving our community," said Collierville Mayor Linda Kerley. "Even though we had to work hard to appropriate the \$1 million, there is no question in my mind that this was the right thing to do."

Municipal Administration Program May Schedule

Economic and Community Development

Have you ever wondered what families, organizations, and businesses are looking for to move to your community, what site selectors are looking for with industrial development and what entrepreneurs look for to start their business? Do you want to know how to make your town or city more marketable to those that are looking to move to your city? Is your town or city presenting the image you really want to present? This session will address these issues and provide answers to many more questions including The Three-Star Program. Each session will be facilitated by the State Department of Economic and Community Development and is recommended for all elected officials, appointed officials, and municipal employees in Tennessee cities.

Instructor

Tennessee Department of Economic and Community Development
Who Should Attend
 All elected officials, appointed officials,



and municipal employees in Tennessee cities.

Dates and locations

May 2	Jackson
May 3	Bartlett
May 9	Collegedale
May 10	Franklin (New)
May 17	Cookeville
May 30	Johnson City
May 31	Knoxville

Time

Public administration courses begin at 8:30 a.m. and conclude at 12:30 p.m.

Training Facilities

Bartlett Bartlett Performing Arts and Conference Center, 3663 Appling Road
Collegedale Collegedale City Hall, 4910 Swinyar Drive
Cookeville Town Center, One West

First Street

Franklin Williamson County Exposition Center, 4215 Long Lane
 Jackson West Tennessee Center for Agricultural Research, Extension, and

Public Service, 605 Airways Boulevard

Johnson City Johnson City Public Library, 100 West Millard Street
Knoxville University of Tennessee Conference Center, 600 Henley Street

To register for this municipal administration program class, please visit the MTAS web site at www.mtas.tennessee.edu or contact Sandy Selvage at sandy.selvage@tennessee.edu or 865.974.9833.

For program information, contact Kurt Frederick, MTAS Training Consultant, at 615.253.6385 or e-mail kurt.frederick@tennessee.edu. Fees are \$25 per person per class for municipal employees and \$50 per person per class for all other participants.

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

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

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

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

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

April 22-28: World's Biggest Fish Fry in Paris with rodeo, carnival, parade, and plenty of fish. For more information call 731-225-1897.

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

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

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

May: Memphis in May International Festival saluting Spain. Visit www.memphisinmay.org for schedule of events and tickets.



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

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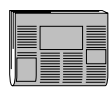
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CITY MANAGER

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

CITY MANAGER

MOUNT JULIET. The city of Mt. Juliet, population 20,000+ is seeking qualified applicants for the position of city manager responsible for police, finance, recreation, planning and zoning, public works, economic and community development, sanitary sewer, and other duties as assigned. The city operates under a general law manager-commission form of government. The ideal applicant is a high-achieving city manager with bachelor's degree in public administration, business, or related field, plus 10 years of city management experience in a fast growing city of similar size. A master's degree is considered a plus. The person hired needs experience in budgeting, control of revenues and expenditures, and management of complex departments with multiple functions. Experience in growth management and systems development a high priority. The position requires a leader, a team player with strong communication skills. Send resume to: City of Mt. Juliet, Attn: Sheila Luckett, P.O. Box 256, Mt. Juliet, TN 37121; e-mail: sluckett@cityofmtjuliet.org. Position open until filled, priority to those resumes received by April 20. EOE.

FINANCE COMMISSIONER

LEBANON. The city of Lebanon is seeking applicants for the position of commissioner of finance with responsibilities for planning, directing and coordinating the fiscal management and administration of the city. Duties also include continuous review and analysis of fiscal operation, needs and resources; directing collection of taxes, license fees; managing issue and sale of bonds; directing payroll accounting, purchasing, and meter reader departments; and, serving as city treasurer and city recorder. A bachelor's degree from an accredited four-year college or university with a major in accounting or finance is required; experience in municipal government financial administration is highly desired. Salary range: \$60,000 to \$80,000, DOQ. Send resume to: Personnel Department, City of Lebanon, 200 Castle Heights Avenue N, Lebanon, TN 37087. Phone: 615-443-2809; Fax: 615-443-2844; e-mail: ltc@lebanontn.org. Deadline: April 30.

STORMWATER MANAGEMENT COORDINATOR

FRANKLIN. The city of Franklin is accepting applications for the position of stormwater management coordinator who will be responsible for directing the citywide stormwater planning, watershed master planning, NPDES MS4 permit and street protection strategy programs; providing technical guidance to various departments, agencies, designers, and special interest groups on all phases of stormwater projects; assisting in administration and management of the stormwater management program, including maintenance, operations, regulatory requirements, and budgetary functions; utilizing stormwater management resources, design advancements, in-

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

TOWN ENGINEER

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

ECONOMIC DEVELOPMENT DIRECTOR

GOODLETTSVILLE. The city of Goodlettsville, population 15,000, is seeking candidates for a newly created position of economic development director. The position reports to the city manager and will be responsible for working toward measurably growing the business base of the city through independent activity and cooperative activity with the existing business community, area chambers of commerce, other municipal, county, state and federal government economic development officials, and commercial property developers. The person hired will serve as the primary implementer of the city's recently published retail development strategy plan. Candidates possessing a work history and a verifiable track record of successful recruitment of retail businesses will receive favorable consideration. Salary: DOQ/E plus extensive benefits. Send cover letter and resume to: EDD Search, 105 South Main Street, Goodlettsville, TN 37072; e-mail: eddsearch@cityofgoodlettsville.org. EOE.

WATER MAINTENANCE

LAKWOOD. The city of Lakewood is seeking certified water person to fill water/outside maintenance position who will be responsible for monthly meter readings, water line repairs, general street maintenance, seasonal projects lime mowing, weedeating, and chipping. Must be licensed in water distribution and familiar with state requirements. Send resume to: City of Lakewood, Attn: CWP, 3401 Hadley Avenue, Old Hickory, TN 37138. EOE.

No Child law faces medley of changes

NCLB from Page 3

recommendations: States should adopt stronger standards based on voluntary national standards, and teachers should be rated based on how well their students perform on tests.

The Forum on Educational Accountability, a coalition of more than a hundred groups including the country's two largest teachers unions wants to shorten the law's reach by scrapping the test-based accountability system to focus more on teacher training and parent outreach.

A significant dose of protest has come from the president's own party. On March 15, 52 U.S. House Republicans introduced a bill to allow states to opt out of the act without penalty. "It is about accountability to parents, about parents holding local schools, districts and states accountable versus bureaucrats in Washington," said U.S. Rep. Peter Hoekstra (R-Mich.), the bill's lead sponsor.

At the state level, the main changes are over more local control in deciding whether a school has made progress, and more flexibility to meet the law's requirements.

The White House recommendations for the law include tweaks, such as differentiating between



U.S. Secretary of Education Margaret Spellings celebrates the fifth anniversary of the *No Child Left Behind Act* at the U.S. Chamber of Commerce in Washington

schools that fail to make progress by just a few students or by several, as well as major changes, such as spending \$300 million on vouchers that students at failing schools can use to go to private schools.

Most observers, even critics agree that the law eventually will be renewed because its intent is admirable.

The two ranking Republicans on the House and Senate education committees support re-authorization,

and the Democrats in charge of Congress support the law and are open to expanding it — minus the GOP-favored vouchers but with more money.

"If we're going to require more of schools, let's help get them the resources to do the job," U.S. Sen. Tom Harkin (D-Iowa) said to Education Secretary Margaret Spellings at an appropriations subcommittee hearing March 14. "I don't see that in your budget."

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To learn more about the Tennessee Municipal Bond Fund, please visit the Tennessee Municipal League website at: www.tml1.org. To learn more about The Bank of New York's corporate trust and other securities services worldwide, please contact Mark Brown at 312 827 8560 or visit our website at: www.bnycorptrust.com.



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NATIONAL BRIEFS



BY TISH WOMACK
TML News Analyst

The U.S. Census Bureau has submitted to Congress the subjects it plans to address in the 2010 Census. It will request information about gender,

Bond Fund welcomes new additions to staff

BOND FUND from Page 1

Steve Walker has joined the TMBF and TCSLP staff as a marketing representative. Walker will be based out of Ashland City and will be available to serve all counties and cities across the state of Tennessee.

Seivers stated, "We are delighted to have Steve join our staff. He brings years of county experience to our staff having served UT's County Technical Assistance Service for thirteen years, as well as having served as a county finance director in Cheatham County. Hav-

age, race, ethnicity, relationship, and whether you own or rent your home. The Census Bureau estimates it will take less than 10 minutes to complete and would be one of the shortest and easiest to complete since the nation's first census in 1790.

ing served in numerous financial positions throughout county government, Steve is uniquely qualified to serve our client base."

The TMBF and TCSLP is constantly upgrading and improving the loan programs and options offered to cities and counties throughout the state. Since its inception in 1986, TMBF has saved cities millions of dollars in interest and the associated costs of borrowing money. TCSLP joined the program some ten years later and since that time county governments have joined in these sav-

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Lt. Gov. Ron Ramsey brings fresh slant to evolving Senate

BY GAEL STAHL
Editor

Your party hasn't had a lieutenant governor/speaker of the Senate since the 1860s. For 10 years, the state and the Senate have been inching toward a Republican majority. Finally, in the 2004 and 2006 elections, Republicans finally achieve majority status. They wonder who will be the history-making Republican to become their first Senate speaker in 138 years.

The choice was Ron Ramsey, the energetic, likable auctioneer from Tri-Cities, the caucus chair for two years who spearheaded efforts to get a majority in the chamber. However, in 2005, Majority Leader Ramsey was not elected speaker. Tennessee's famously nonpartisan Senate re-elected former Lt. Gov. Wilder for one last time.

On Jan. 9 of this year the historic election of Ramsey as the first Republican Senate speaker and lieutenant governor in 140 years took place. It didn't come easy, but when Ramsey was elected caucus chair in 2003, he publicly set his goal to elect a Republican Senate majority. He worked hard for it, raised the money and recruited the candidates, earning respect for it despite incidental blocks along the way.

Now, the new lieutenant governor says he intends to lead an inclusive Senate. Ramsey had, for a long time, been giving signs that the Senate he leads will continue to be bipartisan. He told Tennessee Town & City in 2001 that he liked moving from the House to the Senate because the Senate is more bipartisan. Two years later, former Lt. Gov. John Wilder named him a committee chair. Although not elected speaker in 2005, he went over to Wilder and gave him a brotherly hug. He hugged Wilder again this January after being elected speaker. Though he ended Wilder's 36-year tenure, he assigned Wilder his choice of committees.

Ramsey's style is not abrasive. He is truly likeable and he likes to get along with people. He believes that is a reason he is where he is and why most people thought it was time for a change. He believes that you can walk through the halls of Legislative Plaza now and tell the difference. He says that while the state had good Senate leadership for 36 years under Wilder, change will be good too.

A primary Ramsey trait has always been to include people in what he's doing by staying in constant contact with them. He has always seemed to work his way into leadership positions wherever he's been involved. He started with the 4-H club in sixth grade, became president of the area Board of Realtors, and now, is speaker of the state Senate.

Ramsey's qualities, not incidentally, might describe someone seeking an even higher office. While obviously interested in becoming governor, he says he is not about to get so far ahead of himself. He plainly enjoys what he's doing now.

Ramsey has a knack for surveying a situation, sizing it up and announcing the goal he's set for himself, and then enjoying it once it's achieved. That was clearly exhibited by his pursuit of his first and second career jobs, his wife, and his political career.

He grew up near Blountville in northeast Tennessee on a farm about a mile and a half from where he is now living. From fifth through twelfth grades, he milked cows every morning and afternoon. As a senior in high school, he got his driver's license and announced to his grandfather they needed to either expand the dairy business or get out of it. They moved into the less labor intensive beef cattle business and raised tobacco on half a dozen acres every year. He can't think of a more enjoyable place to grow up than on the farm his grandfather owned.

During college, he worked November to May in the Johnson City hardware store his maternal grandfather owned. When the spring semester at East Tennessee State University eased into summer, he'd go back home to work on the farm. "The best of both worlds; nothing teaches you about life like working in a hardware store," he says.

When Ramsey graduated from ETSU with a BS degree in industrial technology in 1978, a surveyor hired him for the two years required to get his license even though Ramsey announced up front he'd then quit and get his own business. While working for the surveyor, he spotted a



When I come down here on Monday, it's like walking through a cloud into a different world.

woman, wrangled an introduction to her even though she was seeing someone else, and married her in 1980. He got his license on Feb. 14, 1981, three days before their daughter Tiffany (oldest of three daughters) was born, quit his job and started his surveying business.

Working as a surveyor for auction companies helping them divide 100-acre farms into tracts they auctioned off, he observed that his \$1,000-weeks dealing with snakes and bees and briers didn't compare with the way auctioneers enjoyed themselves before eager audiences on Saturday mornings making \$10,000. He applied for his auctioneer license, worked for an auction company in business for 50 years and in 1986, started his own real estate and auction business.

Ramsey sold the survey business in 1989 and together with his wife, Sindy, founded Ron Ramsey and Associates Realtors and Auctioneers in 1990. In 1991, as president of the area association of realtors, he made his first ever visit to the state Capitol for "Realtors Day on the Hill." The following year, he won a House seat, four years later a Senate seat, and two years after that, a committee chairmanship. Since 2003, his ascendancy to caucus chair, majority leader, and speaker has been every two years.

Auctioning real estate is a great job for a citizen legislator like Ramsey whose wife runs his business for him while he's in Nashville ("just as she runs the business when I'm back home"). Also, as lieutenant governor, he is first in line if something happens to the governor. Due to his position, he now has a driver (security).

A pickup driving, boot-wearing fellow like Ramsey soon saw the advantage of having a driver. Bill, the state trooper assigned to him, can attest that from the second they leave Blountville until they park in the Legislative Plaza garage, Ramsey is on the phone with senators. He asks them how their week went and what they expect in the one coming up. For him, keeping lines of communication open is a leadership style that ensures clarity of intention leading to results arrived at together.

TT&C: What is the hardest part of your auction business?

RR: There's no doubt that the hardest part is that since we're still a citizen legislature, when I come down here on Monday, it's like walking through a cloud into a different world. On Thursday afternoon, I head back home through that cloud into another world. It's amazing how we have two different lives.

I love being in politics. I absolutely love being lieutenant governor and speaker of the Senate. I'm having a ball here. Yet, when I leave the Senate and go home on a weekend, I know that if something were to happen so that I wasn't in this Senate seat, within two days I would have forgotten that I was ever down here because I'd be so wrapped up in my auction business – a perfect life with the best wife in the world, the best kids in the world, and the best job in the world all of which makes me feel everything is going great.

We had 60 auctions last year with a typical auction being an estate sale in which we sell a house and everything in it, including the dishes, pictures on the walls, furniture, and even unusual things like coffins or snakes in jars. I love it. Anybody in the auction business loves it.

TT&C: One of your first Senate bills was the historic PC 1101 urban growth bill?

RR: Actually, I did have a little bit to do with PC 1101 – on both ends. First, I was the one who carried the



Facing 14 television cameras and three high powered lawyers, this country boy auctioneer knew he was in over his head.

bill for former Lt. Gov. Wilder so the community of Hickory Withe in his district could incorporate. That was during my first year in the state Senate. I got raked over the coals for it and called a "starry-eyed freshman" after the bill passed and became law.

I was at the beach on vacation with my family over the Fourth of July when former Sen. Tom Leatherwood called about "that bill you passed to allow any area in the state to incorporate." I told him it just had to do with a little area in Wilder's district. He said he hated to tell me that it applied to the whole state.

Second, a bill I had from county government said when cities annex during the budget year, the county keeps the situs-based taxes for that year. It opened just the right section of the code for the urban growth legislation, which mandated planning by all parties with regard to city/county economic growth and annexations. That bill came to be called Public Chapter 1101. I served on the committee that created it; Sen. Rochelle was very active in that. We wrote a good plan and put restrictions and planning into urban growth plans, without which it would never have passed.

It worked great because, except for maybe Knoxville, no area in the state had more annexation wars than northeast Tennessee – Bristol, Kingsport, and Johnson City. Those Northeast annexation wars have just about stopped. There's good planning now; and if you adopt a plan of services for an annexed area, you have to stick by it.

TT&C: What did you accomplish as chair of Senate Environment?

RR: I was active in passing the Brownfield legislation that allows cities to use former contaminated industrial sites for industrial development rather than having to go out into the green fields. That's been huge. The state Environment department was in here the other day saying it has been used across Tennessee, a great help to cities with old industrial sites. Before that, you had to clean those sites so well you could put a daycare center there. The Brownfield legislation puts deed restrictions on the property so after it's cleaned up it can't be used for a daycare but can be used for industrial uses. That helped my cities. And, don't forget, when Gov. Bredesen took 9 percent of your state-shared taxes from all local governments, I was one who fought hard to get it all restored.

TT&C: Cities were grateful you stopped the firefighters' union bill.

RR: We did defeat the firefighters' union bill on the Senate floor last year and have the votes, if needed, to make sure it doesn't pass this year. Firefighters do a great job. After 9/11, it's hard to oppose them. But I have a problem with collective bargaining by public employees. Firefighters may say it is exactly



Ron Ramsey Profile

- Born Nov. 20, 1955
- Graduated high school 1973
- BS in Industrial Technology from ETSU 1978
- Married 1980
- Tennessee House 1993
- Tennessee Senate 1997
- Chair of Senate Environment Committee 1999
- Caucus Chair 2003
- Majority Leader 2005
- Senate Speaker and Lieutenant Governor 2007



Every time he hung up the phone, he'd say, "Ron, remember, don't get too far from your overalls."

what teachers get, but I'm not sure I would have voted for that, either. They say it's not binding, and I know of certain things that are not binding, but let me assure you, they're binding. It's hard to back up on some things. Republicans don't feel this is the direction we need to go in our right-to-work state.

I strongly encourage cities to sit down with their firefighters, not drive them away. Some feel alienated, that they don't get a voice.

TT&C: After losing the speaker election in 2005, you were appointed Ethics Committee chair.

RR: I'll never forget it. I was appointed chair the first week of January 2005 thinking, honestly, that being chair of Ethics doesn't matter since they never meet. I'll have plenty of time for my other three committees. Boy, was I wrong.

By the time we returned in February, all that stuff about Sen. John Ford's consulting contracts was big news. From February through the end of the session, it was a constant heartache and headache about ethics issues. I'm never nervous speaking to 165,000 people at the Bristol Speedway, but facing 14 television cameras and three high powered lawyers sitting in front of me in Room 12 for unprecedented hearings, I knew that this country boy auctioneer from Blountville was in over his head.

We had the attorney general and Jimmy Creave investigate the Ford activities, and on the last Wednesday of the session, the attorney general called the Ethics Committee to his office and showed us six books piled on a desk. It was what he found on Sen. Ford. It was not good. I tossed and turned all night knowing we were going to have to remove him from office. Thursday morning, the Tennessee Waltz sting arrived at the legislature. Ford and other legislators were arrested, and by Saturday, Ford resigned. The Ethics Committee, with nothing left to do, was through that ring of fire.

TT&C: Until the election to fill John Ford's Senate seat?

RR: Ophelia Ford won by 13 votes. We did some investigating and found that dead people voted, people who didn't live in the district voted, convicted felons voted, more than enough to void the election. That fall was as controversial as the Tennessee Waltz in the spring had been. I carried the resolution to void that election on the Senate floor.

It was a learning-by-fire experience. It helped me become a better leader and helps me in my position now. Some fellow senators weren't happy with me some of that time.

It's not easy going up against fellow senators, but it was the right thing to do, so you don't worry about it. People ask me that since Ophelia Ford ended up getting elected the second time anyway, would I void that election again? I would, absolutely. It was the right thing to do.

Out of that, we created the Ethics Commission. Instead of the Senate getting complaints in the future, they will go to a supposedly nonpartisan, unbiased ethics commission to investigate. We senators are elected to come here to pass the budget and other legislation. I'm not an attorney,

but we were thrown right in the middle of all that. We need somebody to help us out by doing investigations.

TT&C: What are the main issues in your first session as lieutenant governor?

RR: Among the big issues coming up is the governor's proposed cigarette tax increase. It comes at a time when revenues are at an all-time high. If there is a palatable tax increase, it's a tax on cigarettes. Polls probably show it to be 75 percent favorable. The philosophical question is whether you raise that tax at a time when revenues coming into the state are booming at an all-time high, or do you hold it in your back pocket for the inevitable downturn in the economy? Why waste it now, so to speak, when we have a surplus of one-time money that's more than \$400 million? Why not have a one-time tax relief program by taking sales taxes off food for a couple of months or have a one-time decrease of our over collected taxes?

TT&C: What about immigration and medical malpractice reform?

RR: The immigration bill we passed is common sense. It says unless you can prove you're in the country legally, you have to take the driver's license in English. It failed in the House. We have a memorandum of understanding with local police departments on how to deal with illegal immigrants. We passed that. We pass some bills in the Senate that don't pass in the House. Some House bills may not pass in the Senate. We're not rubber stamps.

Last night, we passed a medical malpractice bill on the Senate floor after working with the House and coming to a compromise that was probably not the bill they and we wanted, but that's a perfect example of how you have to compromise in government. We wanted caps on punitive damages. It wouldn't pass in the House so Sen. Mark Norris worked with House members to pass it there, and now we have passed it on the Senate floor.

TT&C: Then, there's that cable franchise bill?

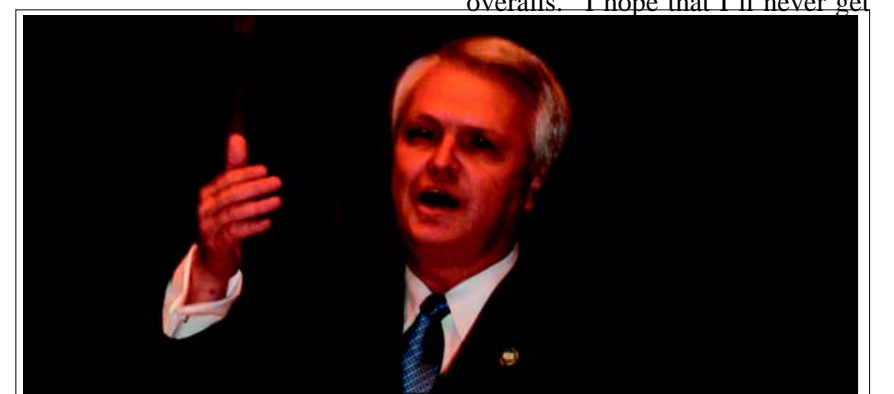
RR: Every year there is some big issue that becomes the lobbyist full-employment act. This year it is the AT&T/Bell South vs. the cable companies' state franchising bill. Obviously, that affects local government. If that bill passes, I want to make sure that local governments are happy with the bill. They've worked to negotiate these franchises with Charter and Comcast and other cable companies. Local governments are key to this, so I've encouraged local officials to negotiate with the proponents of the bill. It's a huge issue.

TT&C: What difference can we expect from the new man in the lieutenant governor's office?

RR: I want to prove that it does make a difference who governs. I believe a Senate majority makes a difference. I think the majority of people in Tennessee, including some Democrats in the legislature, are fiscally and socially conservative, so I think I can lead with a bipartisan overtone. I'm not a 'my way or the highway' kind of guy. Other people have good ideas, too. I like to listen to those. That's how it works.

A company takes on the personality of a CEO, or a university takes on the character or personality of its president. I'd like to think that the state Senate takes on the personality of the speaker. I'd like to think I'm optimistic and excited about where we're headed, that we don't take ourselves too seriously, that we're here to govern, and to represent the people. At the same time, you don't get too far from your roots. My wife will be good at making sure I remember where I came from.

I was friends with an old dairy farmer from Carter County who passed away about a year ago. He'd call and we'd talk about politics for an hour. Every time before he hung up the phone, he'd say, "Ron, remember, don't get too far from your overalls." I hope that I'll never get



Lt. Gov. Ron Ramsey addresses Senate after election.