

## New Congress working to complete 2007 fiscal budget

By National League of Cities  
Federal Relations Staff

The 109th Congress, in its final act prior to adjourning on Dec. 8, passed a third continuing resolution (HJ Res 102) to keep the federal government operating through mid-February 2007 despite completing work on just two of the 11 appropriations bills for fiscal year 2007 (FY 07). FY 07 appropriations bills were intended to cover the fiscal year beginning Oct. 1, 2006.

The new 110th Congress will be forced to complete work on the unfinished FY07 spending bills, in addition to considering the President's fiscal year 2008 budget proposal, a supplemental Iraq war funding request that is expected to reach \$160 billion, and 13 new FY08 appropriations measures.

The year-long resolution may also threaten funding levels for local programs, including creating a

shortfall in transportation funding authorized under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users program enacted by Congress.

Regardless of the antagonistic relationship between the Republicans and Democrats through much of the 109th Congress, NLC, through the advocacy efforts of its leadership, members and partners, still managed to make successful progress on three priority issues of significance to cities.

On the first priority issue, NLC launched an advocacy strategy with a goal to save the Community Development Block Grant Program again by providing \$4.5 billion for formula grants to cities and towns and opposing the president's proposed \$1 billion cut in CDBG funding. The outcome of these efforts helped save the program with **See BUDGET on page 7**

## Ramsey victorious at 105th General Session

BY GAEL STAHL  
Editor

On Jan. 9, Lt. Gov. Ron Ramsey (R-Blountville) and Speaker Jimmy Naifeh (D-Covington) were elected speaker of the Senate and House respectively, Naifeh by a vote of 60 - 38 in a House where Democrats have a 53-46 majority, Ramsey by a dramatic 18-15 vote in a Senate that is 17-16 Republican.

Ramsey became the first Republican elected to that post since 1869 when Andrew Johnson was president of the United States. He defeated 36-year incumbent Sen. John Wilder, who was 51 in 1971 when he began his history making 36-year

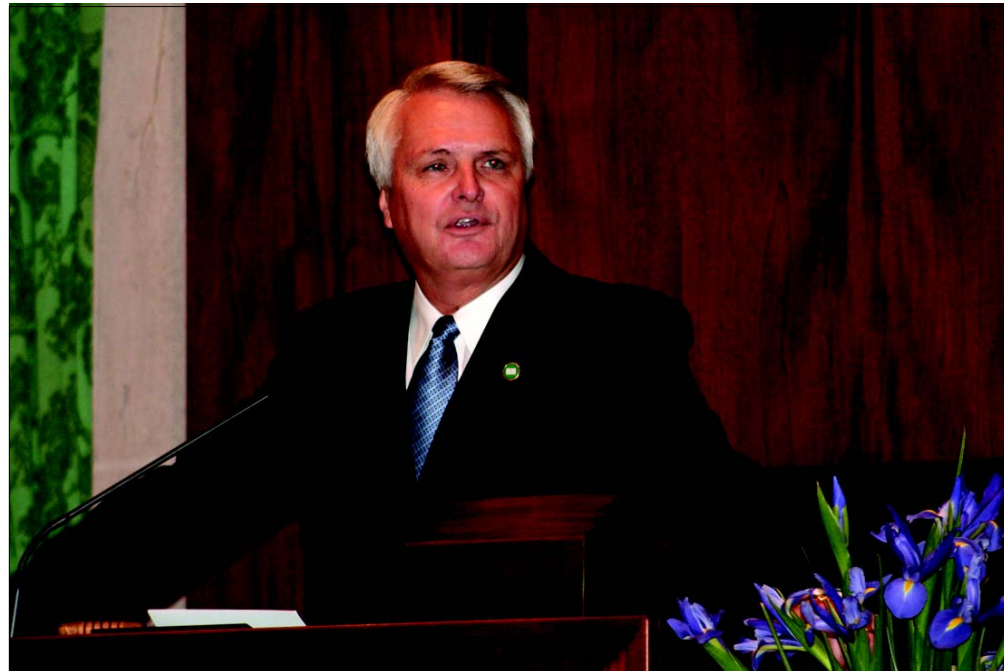


Photo by Victoria South

Sen. Ron Ramsey (R-Blountville) is overcome with emotion as he takes his place as Lt. Governor. Ramsey is the first Republican to hold the office since 1869.

## Five Tennesseans announced as governor's new cabinet members



First Row, L to R: Leslie Shechter Newman, Susan Cooper, Gov. Phil Bredesen, Loren Chumley and Greg Gonzales. Back Row, L to R: Reagan Farr, David Mitchell, Kenneth Robinson, Gerald Nicely and Paula Flowers.

Gov. Phil Bredesen named five Tennesseans as the next commissioners of the state departments of Commerce and Insurance, Financial Institutions, Health, Revenue, and Safety. The appointees will take their oath of office during Bredesen's second inauguration on Jan. 20.

"I asked these Tennesseans to serve because I believe in their talent, professionalism and commitment to our state," Bredesen said. "Their leadership will help us continue to serve all Tennesseans as we continue strengthening education, job creation and health care in Tennessee."

Bredesen has appointed Leslie

Shechter Newman to the Department of Commerce and Insurance; Susan Cooper to the Department of Health; Greg Gonzales to the Department of Financial Institutions; Reagan Farr to the Department of Revenue and David Mitchell to the Department of Safety. Further, Bredesen announced the Office of Homeland Security will merge into the Department of Safety under Mitchell's leadership.

Bredesen also thanked current commissioners Paula Flowers, Kenneth Robinson, Loren Chumley and Gerald Nicely for their service, which will continue until the appointees take their oath.

"These colleagues have in-

vested real energy and heart into their work and Tennessee is the better for their service," Bredesen said. "I wish them the very best for their future endeavors."

Newman is a partner with Nashville's Farmer & Luna law firm. She has worked in private and public practice, including local and state regulatory law, for 26 years. She advised the Office of the Mayor and supervised the Metro Nashville Law Department's staff. Newman is a Johns Hopkins University graduate and earned her law degree from the Washington University School of Law.

Gonzales has served as the **See CABINET on Page 9**

## Disclosure of interest filing required for elected and certain state officials

The Tennessee Ethics Commission, which commenced operations on Oct. 1, 2006, reports that all local elected officials and certain State officials must file financial disclosure information with the Commission by Jan. 31, 2007.

An independent Tennessee Ethics Commission was created as a result of the Ethics Reform Act of 2006.

As part of the new law, elected local officials, who in the past filed with county election officials, must now file their disclosure statements with the commission.

In furtherance of this requirement, each of the State's 95 counties has provided the commission with their most recent list of names and addresses for their local elected officials. The Commission has written to each of the local elected officials, reminding them of the filing require-

ment, and providing them information on how they can obtain the form and instructions.

Many local elected officials have downloaded the disclosure form from the commission's website, and mailed the form to the commission.

In future years, the commission hopes that elected local officials may be able to file electronically. The disclosure forms are publicly available.

The disclosure of interest statement requires local elected officials to provide certain personal financial information as well as that pertaining to their spouses and minor children living at home, such as their sources of incomes in excess of \$1,000, investments, lobbying contracts, and certain loans. All disclosure statements must be signed by the local elected official and a

witness.

In addition, certain state officials must complete the same disclosure form by Jan. 31, 2007. This group, numbering approximately 100 state officials, includes appellate and supreme court judges, district attorneys, public defenders, the presidents of the University of Tennessee campuses, and the members of the Tennessee Ethics Commission.

Members of the General Assembly, the governor, the governor's cabinet, and the constitutional officers are required to complete a lengthier disclosure of interest statement, however, their forms are not due to be filed with the commission until April 15, 2007.

For further information, go to [www.state.tn.gov/sos/tec](http://www.state.tn.gov/sos/tec) or contact Bruce A. Androphy at 615-253-2666.

streak.

The most unexpected vote in an election that has been endlessly dissected and scrutinized for more than a year was that of Democrat Sen. Rosalind Kurita whose vote for the majority party candidate sealed Ramsey's election. She was the only senator to cross party lines.

Wilder, who has served in the Senate for 42 years, says he will

proudly take his seat in the Senate and serve the state to the best of his ability.

Last month, when Democratic Caucus Chair Sen. Joe Haynes said he would run for the Democratic nomination for speaker, Kurita ran for the caucus chair, but withdrew. Haynes was reelected after losing the nomination for speaker.

**See RAMSEY on Page 4**

## Federal rules of civil procedure affects local records retention

BY JOSH JONES  
MTAS Legal Consultant

In this 21<sup>st</sup> century, most Tennessee cities use email and other electronic tools to correspond. Like paper communications, their electronic counterparts can be important legal discovery in a litigation setting.

This was codified in amendments to the Federal Rules of Civil Procedure effective Dec. 1, 2006 that specifically require employers to retain electronic communications, including emails, which would become discoverable in litigation.

Under the amended Rule 26 (a) (1) (B), parties "shall, without awaiting a discovery request, provide to the opposing party a description and location of all electronically stored information in their possession that may be used to support any legal claims." This places on notice cities and other potential parties to litigation that pertinent communications must be saved.

If a legal action occurs now, parties must meet and confer descriptions and locations of all relevant correspondence within 90 days of a defendant's appearance or 120 days after a complaint has been served.

With the voluminous number of emails cities produce, a system for locating and retrieving relevant emails is crucial. Many software systems have such features. City of-

officials can check with their IT department to ensure their city has the technical ability to comply with the 90- and 120-day rules.

The amendments also provide an exception to this required disclosure if such disclosure would place an undue burden or cost on the disclosing party. However, even if such a showing is made, the court may nonetheless order discovery if the requesting party shows good cause.

The amended Rule 34 further expands the scope of discovery to allow parties the opportunity to test or inspect electronic information even to the point of an allowance for entry upon land or premises. Rule 37 (f) provides a safeguard for parties who fail to provide the electronically stored information lost as a result of the routine, good-faith operation of an electronic system. Note that the rule specifically mentions the operation of an electronic system, implying that one must be in place and that this exception would not apply to cities that failed to enact one.

The underlying importance of these amendments is that electronic communications must be added to every city's current retention schedule. The subject matter, not the format, is the decisive factor in retention.

For further information on records retention and a model retention schedule see the MTAS publication, *Records Management for Municipal Governments*.

## Downtown Johnson City first to redevelop through TIF financing

BY VICTORIA SOUTH  
TML Communications Coordinator

As with most good things, development equals cost. But, what if the incremental portion of property tax increases was returned to the district as an investment for the future?

Welcome to the basics of tax increment financing or TIF, a widely used form of development financing across 49 states excluding Arizona and the District of Columbia.

Not a tax increase or decrease, TIF builds public-private partnerships while establishing a funding mechanism for needed aesthetic improvements and enhanced infrastructure within defined district areas of a community.

In a unanimous vote and taking the lead, Johnson City will become the first city in Tennessee to reshape its downtown district through tax increment financing.

The city commission recently



Main Street, downtown Johnson City

approved the Johnson City Development Authority's (JCDA) Downtown Redevelopment Plan which will be financed through TIF. **See TIF on Page 4**



NEWS ACROSS TENNESSEE



PEOPLE



BY TISH WOMACK TML Research Analyst

ALCOA

The Alcoa police department has been re-accredited by the Commission on Accreditation for Law Enforcement Agencies...

ALCOA

Thirty to 60 employees in the Packaging Division of ALCOA Inc.'s Tennessee operations have opted for the company's voluntary separation packages...

ATHENS

The Athens City School Board will present a \$15,055 check to the Athens City Council, the result of energy savings from renovations...

ATHENS

Neuville Industries, a hosiery manufacturer, announced it will consolidate operations in North Carolina and close its Athens plant and cut 83 jobs.

CHATTANOOGA

The Chattanooga Energy Power Board began using biodiesel in 100 of its large service trucks last August in a test to conserve energy and reduce emissions...

CHATTANOOGA

The Chattanooga Housing Authority is to receive a \$700,000 grant from the U.S. Department of Housing and Urban Development for its YouthBuild program...

CLARKSVILLE

The Tennessee Valley Authority has designated 1,187 acres in northeastern Montgomery County as one of eight regional industrial megasites...

COLLIERVILLE

For the third year in a row, Collierville police have placed first in the state among law enforcement agencies in both gross and net dollars raised for the Special Olympics' Torch Run...

COLUMBIA

The Duck River Blueway has been awarded a \$2,000 grant from the Neuland Glisson State Park Connections program for production of a map and river guide...

COOKEVILLE

Orek, a vacuum cleaner manufacturer, will move its Mississippi Gulf Coast operations to the Cookeville plant. The move will bump the Cookeville plant's workforce to 500 from the present 100.

GERMANTOWN

A \$1,600 grant from the Tennessee Parks and Greenways Foundation has been accepted by Germantown city officials for the completion of trail improvements at the Riverwoods State Natural Area.

JACKSON

Seventy new FS-CAM digital cameras will be installed in Jackson's police cruisers over the next few weeks. The cameras, purchased with a COPS technology grant, are completely wireless...

JACKSON

FenceMaster will close its gates in January and leave 97 jobs. The company manufactures pre-assembled and do-it-yourself kennel kits.

MARYVILLE

The Maryville police department received accreditation from the Commission of Accreditation for Law Enforcement Agencies for the fifth time. The department is now designated a Flagship Agency...

MEMPHIS

Memphis police will be using a camera surveillance system similar to that used in New York City in an effort to drive down crime. The cameras used by the system, disguised...

and deployed across the city, will be monitored at the city's Real Time Crime Center. The cameras and monitors are being purchased with a \$6.5 million federal Homeland Security grant.

MEMPHIS

Nissan North America announced it will locate a 413,000 square-foot parts distribution center in Memphis. The city has been in negotiations about the center for two years and won out over other Southern cities under consideration.

MORRISTOWN

Morristown police department is currently posting "Morristown's Most Wanted" suspects and fugitives on the city's Web site, www.mymorristown.com with pictures and details of the alleged crime.

NASHVILLE

H.G. Hill Realty Company donated a 12.6 acre park, the Wentworth Caldwell St. Park, to the city. The park land has already been improved with the addition of a walking trail, a large open area for activities, fencing and landscaping by the donor company.

NEWPORT

The 134 new banners proudly flying on the major streets of Newport cost the city nothing. Businesses footed the cost for the privilege of having their names on the bottom of the banners for three years.

OLIVER SPRINGS

The board of aldermen voted to ban smoking in all city-owned or operated buildings, including city hall which is not owned by the city. In addition, smoking is banned within 20 feet of the building.

PULASKI

Twin City Fan, a heavy-duty custom fan manufacturing company, will open a plant in May with an expected work force of 50-100 in the first year of operation.

SHELBYVILLE

Ninety more jobs will be added to CalsonicKansei North America plant, an automotive parts manufacturer. The exhaust system production will be moved from its Vicksburg, Miss., plant to the Shelbyville facility.

SPRING HILL

General Motors has made a commitment to spend at least \$225 million on the Saturn plant's paint shop and may have a new "crossover" breed of Chevy built at the plant beginning in 2008. The announcement eases the fears of the workforce after GM announced it was shutting down new car production in April.

U.S. Sen. Lamar Alexander has been assigned to the powerful Senate Appropriations Committee, Environment and Public Works Committee. He is the third-ranking Republican on the Health, Education, Labor and Pensions Committee.



Alexander

Tennessee's junior U.S. Sen. Bob Corker has been assigned to the Senate Foreign Affairs Committee, also the Energy, Small Business, and Aging committees. He named Paul Palagyi as his legislative director to supervise the legislative staff and advise him on legislation and Senate procedure...

Department of Revenue Commissioner Loren Chumley and Department of Health Commissioner Kenneth Robinson are leaving the governor's cabinet in January.

The Shelby County Commission elected Shea Flinn as interim state senator replacing former state Sen. Steve Cohen. The commissioners also elected Eddie Neal to replace former Rep. Henri Brooks on an interim basis in the state House of Representatives. They will serve until a special general election in March.

Metro Nashville Law Director Karl Dean is stepping away from his position in January to run for mayor.



Dean

A scholarship in the name of former state Sen. Larry Trail has been set up by his Woodbury Central High School class of 1970. A \$1,000 Larry Trail Memorial scholarship will be awarded to a Canon County High School student each year that meets specified criteria.

Nashville Deputy Mayor Bill Phillips will leave that position at the end of January.

Galloway's new mayor, Patricia Garrett, became the first African-American mayor in Fayette County when she took office in December. Other new or re-elected mayors are: Chester Coker, Braden; Jo Ann Graves, Gallatin; and Connie Ball, re-elected, Newport

South Pittsburg selected David Payne as its volunteer fire department chief. He has been a member of the department for 14 years.

Soddy-Daisy commissioners elected Lt. William Loftis police chief. He replaces Allen Branum who resigned in September.

Chattanooga selected Freeman Cooper as chief of police as of Dec. 31. Cooper has been with the police department for 24 years and served as executive chief for retiring Police Chief Steve Parks.



Cooper

Piperton city officials hired Thomas Reed Bullock as its first full-time fire chief. Bullock has been a volunteer firefighter with the city for nine and a half years.

Germantown City Clerk/Recorder Dotty L. Johnson and Lakeland City Recorder Sontdra Franklin have been designated Certified Mu-

nicipal Clerks by the International Institute of Municipal Clerks. The Institute also honored Pulaski City Recorder Terry W. Harrison with the designation of Master Municipal Clerk.

Smyrna Assistant Police Chief Kevin Arnold was made acting police chief following the resignation of Police Chief Mike Beach who had served 26 years with the department.

Clarksville Gas and Water General Manager Dwight Luton resigned his position effective Dec. 31. Mayor Johnny Piper will serve as manager for the interim.

Former state Rep. Joe Majors died of cancer and heart conditions on Jan. 4, at age 70. He represented Coffee, Franklin, and Grundy counties in the Tennessee House from 1969-71 and was Tullahoma's city attorney from 1965-68. Majors was a well-known lobbyist for several associations in recent years. A starting quarterback for Florida State University in the 1950s, Majors went on to be a defensive back during the inaugural season of the American Football League's Houston Oilers in 1960.



Majors

Cleveland City Clerk/Finance Director Janice Casteel has been tapped as assistant city manager. She served as interim city manager in 2000-2001 and has been city clerk/finance director since 1981.



Casteel

Former Sweetwater Vice Mayor Haskell Allen died at age 69 on Dec. 15. He served Sweetwater in many capacities including city commissioner, vice mayor, supervisor of parks and recreation, as well as county commissioner.

Former Lenoir City Administrator Eddie Tom Smith died at age 65 on Dec. 19. He served as city manager for 13 years beginning in 1977 and as city manager of Kingston from 1993 to 1999.

Tellico Plains Fire Chief Tim Kelley died Jan. 1, at age 43. He had been a firefighter for two decades and was officially made chief in October 2006.

The oldest living American woman, Elizabeth Bolden, known as Momma Lizzie, died in December in Memphis at age 116. Born in 1890 to freed slaves, Momma Lizzie, had seven children, who in turn provided her with 40 grandchildren, 75 great grandchildren, 150 great, great grandchildren, 220 great-great-grandchildren, and 75 great-great-great-great grandchildren.



Bolden

Three Oak Ridge City Council members will not seek re-election this year. Mayor David Bradshaw, Leonard Abbatiello and Lou Dunlap announced in a press release that they will not run again. All three expressed desires for more family time. Bradshaw works for a small non-profit business as well. Dunlap plans to serve in the future as a community volunteer and Abbatiello, a recent retiree, hopes to gain more opportunity to travel.

TML 2007 Legislative Conference Today's Challenges are Tomorrow's Opportunities

The Tennessee Municipal League 2007 Legislative Conference will be held March 5-6 at the DoubleTree Hotel, 315 4th Avenue North, in downtown Nashville.

The theme of the conference is: Today's Challenges are Tomorrow's Opportunities.

Located in the heart of Music City USA, the hotel is located one block from the Tennessee Performing Arts Center and the State Capitol and within blocks of the Gaylord Entertainment Center, Country Music Hall of Fame and Nashville Convention Center.

All conference registration must be received by Friday, Feb. 16. Delegate fees are \$50 and spouse/guest fees are \$20. Hotel registration deadline is Feb. 5.

All cancellations must be in letter format and postmarked by Friday, February 16.

Registration forms are available at www.TML1.org

Please make checks payable to the TML Legislative Conference and mail to:

Tennessee Municipal League, Attn: Legislative Conference, 226 Capitol Blvd. Suite 710 Nashville, TN 37219.

Rain or shine, sleet or hail, every day is perfect for a GovDeals sale! GovDeals Online Government Surplus Auctions - 24/7 Visit GovDeals.com today or call 1-866-377-1494

TML 2007 Legislative Conference Today's Challenges are Tomorrow's Opportunities. The Tennessee Municipal League 2007 Legislative Conference will be held March 5-6 at the DoubleTree Hotel, 315 4th Avenue North, in downtown Nashville.

Local Government Corporation Providing Hardware and Software to Local Governments for over 29 years! Financial Management - Revenue Management - Document Management - City Court Management - Hardware and Networking Solutions - Software Support and Training Solutions

CONSOLIDATED TECHNOLOGIES, INC. ENGINEERS IN WATER AND EARTH SCIENCES www.ctienviron.com CHATTANOOGA Phone: 423/267-7613 Fax: 423/267-0603 NASHVILLE Phone: 615/731-6003 Fax: 615/731-4149 KNOXVILLE Phone: 865/539-8209 Fax: 865/694-0848

ENGINEERING SOLUTIONS FOR CHANGE AND GROWTH Mattern & Craig CONSULTING ENGINEERS - SURVEYORS OFFICE LOCATIONS 429 CLAY STREET KINGSPORT, TN 37640 PHONE: (423) 245-4970 FAX: (423) 245-5932 403 E. MARKET STREET JOHNSON CITY, TN 37601 PHONE: (423) 979-2220 FAX: (423) 979-2222 ROANOKE, VA ASHEVILLE, NC ATHENS, GA

Memphis, TN (901) 372.0404 Jackson, TN (731) 424.5450 Engineers - Surveyors - Landscape Architects ASKEW HARGRAVES HARCOURT AND ASSOCIATES Engineering an enhanced quality of life for our clients and community. www.a2h.com

GRIGGS & MALONEY INCORPORATED ENGINEERING & ENVIRONMENTAL CONSULTING P.O. Box 29268 • Murfreesboro, TN 37133-2968 (615) 895-8221

Anderson & Associates, Inc. Professional Design Services ENGINEERING SURVEYING & GIS 240 E. Main St., Suite 300 Johnson City, TN 37604 (423) 434-2971 (800) 544-0147 jablonski@andassoc.com fax (423) 434-9514

Tennessee Offices: Nashville Knoxville Memphis Chattanooga Tri-Cities Oak Ridge BARGWAGNER.com BWSC ENGINEERS ARCHITECTS PLANNERS LANDSCAPE ARCHITECTS SURVEYORS

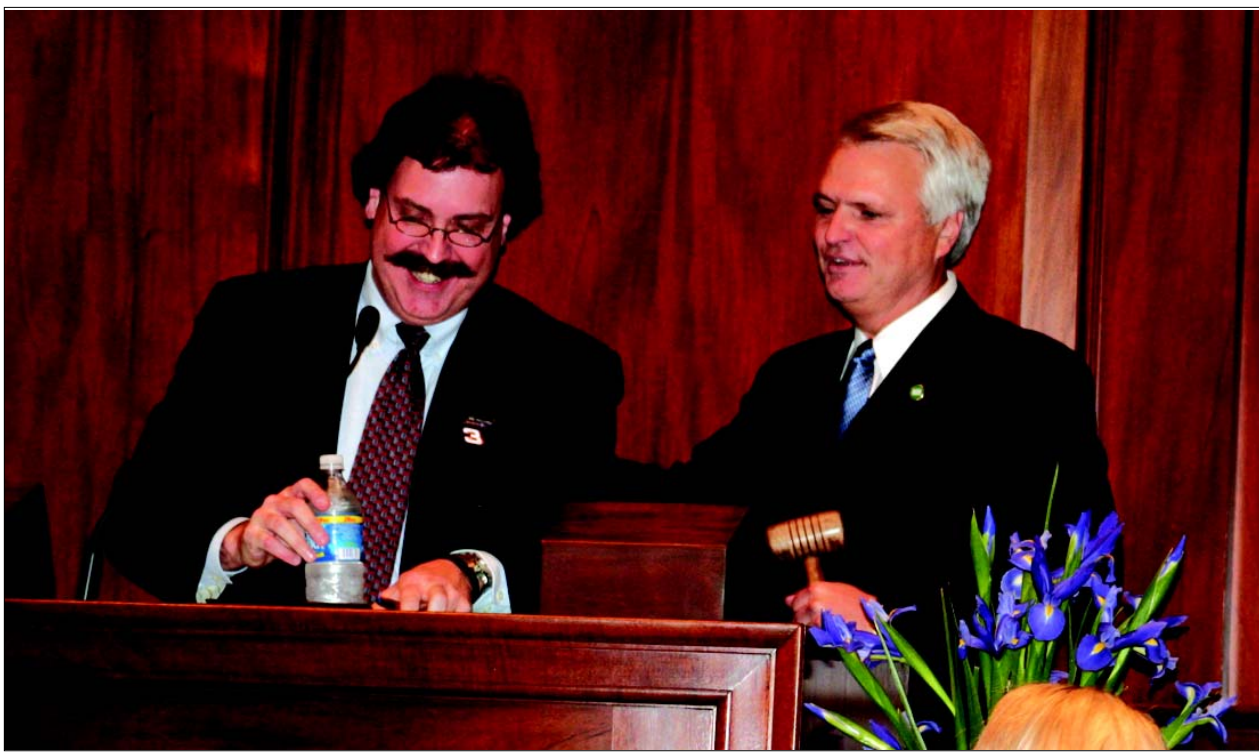
Water • Wastewater • Transportation • Stormwater • GIS Digital Mapping GRW ELROD DUNSON, INC NASHVILLE (615) 366-1600 KNOXVILLE (865) 588-4166 WWW.GRWINC.COM



# All eyes on the Senate Chamber



Sen. Ron Ramsey ascends to the podium after being elected Senate speaker by a vote of 18-15.



Former Senate Speaker Pro Tem Mike Williams and Lt. Gov. Ron Ramsey



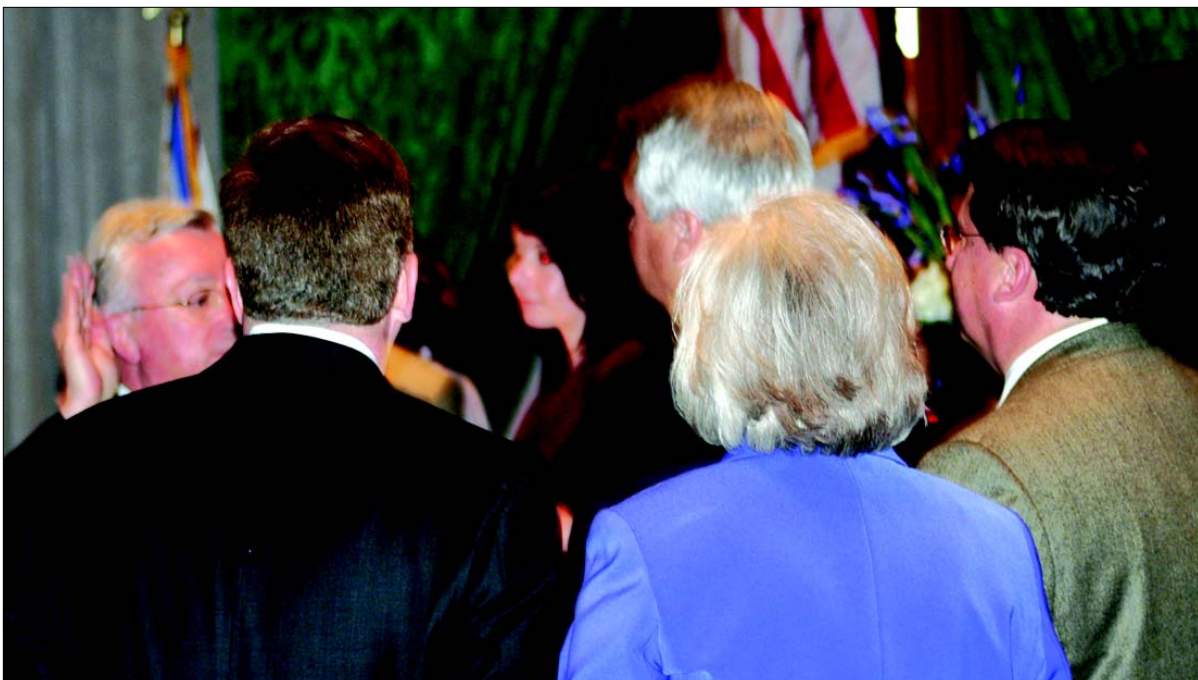
Sens Jim Kyle and John Wilder



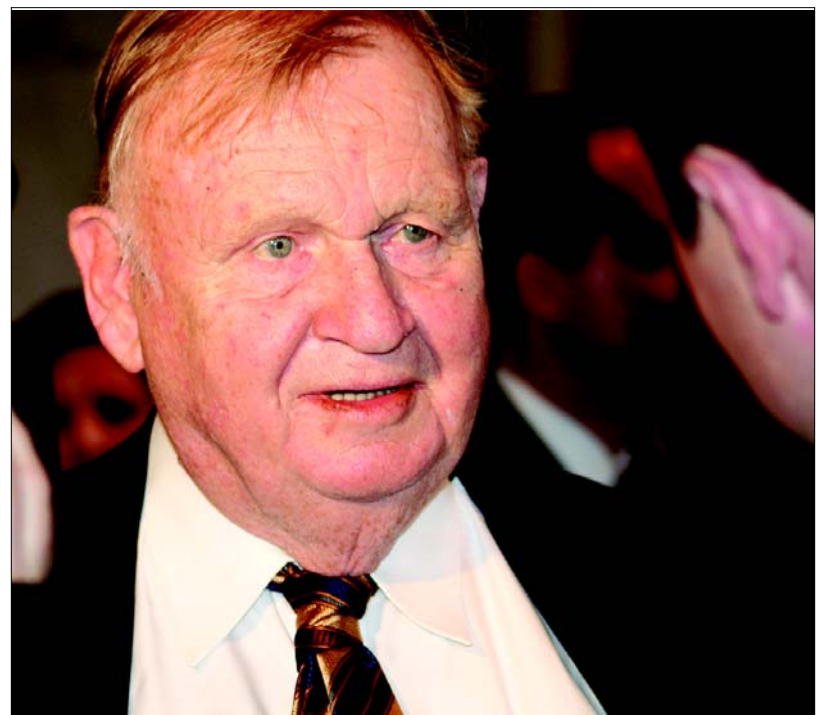
State Republican Party Chair Bob Davis and *Commercial Appeal* Capitol Bureau Chief Rick Locker



Sen. Tim Burchett



Chief Justice William M. Barker swears in new Lt. Gov. Ron Ramsey who was escorted to the swearing in by three senators, Randy McNally, Mae Beavers and Mark Norris.



Sen. Doug Henry



# Johnson City first to redevelop using TIF financing

**TIFF**, continued from page 1 proposed area is bounded by 10<sup>th</sup> Street and State of Franklin Road on the north and south, and Tennessee Street and to the east and west of Interstate 26.

In Tennessee, after a TIF district is established, base level property taxes are assessed and set. Then, as development occurs and property values increase, TIF takes the portion of increase and places it in a fund to be used for future public projects in that district.

The same city and county property taxes are collected and sales tax revenue remains the same. For example, under the TIF plan, if a business owner is paying \$500 in taxes and that figure increases within five years to \$600, the \$100 difference will be returned to that established district.

Bolstered by the growing success of downtown Nashville and Chattanooga, any taxes captured through TIF will enhance an already blossoming downtown district, according to Johnson City Manager Pete Peterson.

"Downtown Johnson City is far from a ghost town," Peterson stressed. "It wouldn't work that way if it was. We have reached a point of activity where business owners are

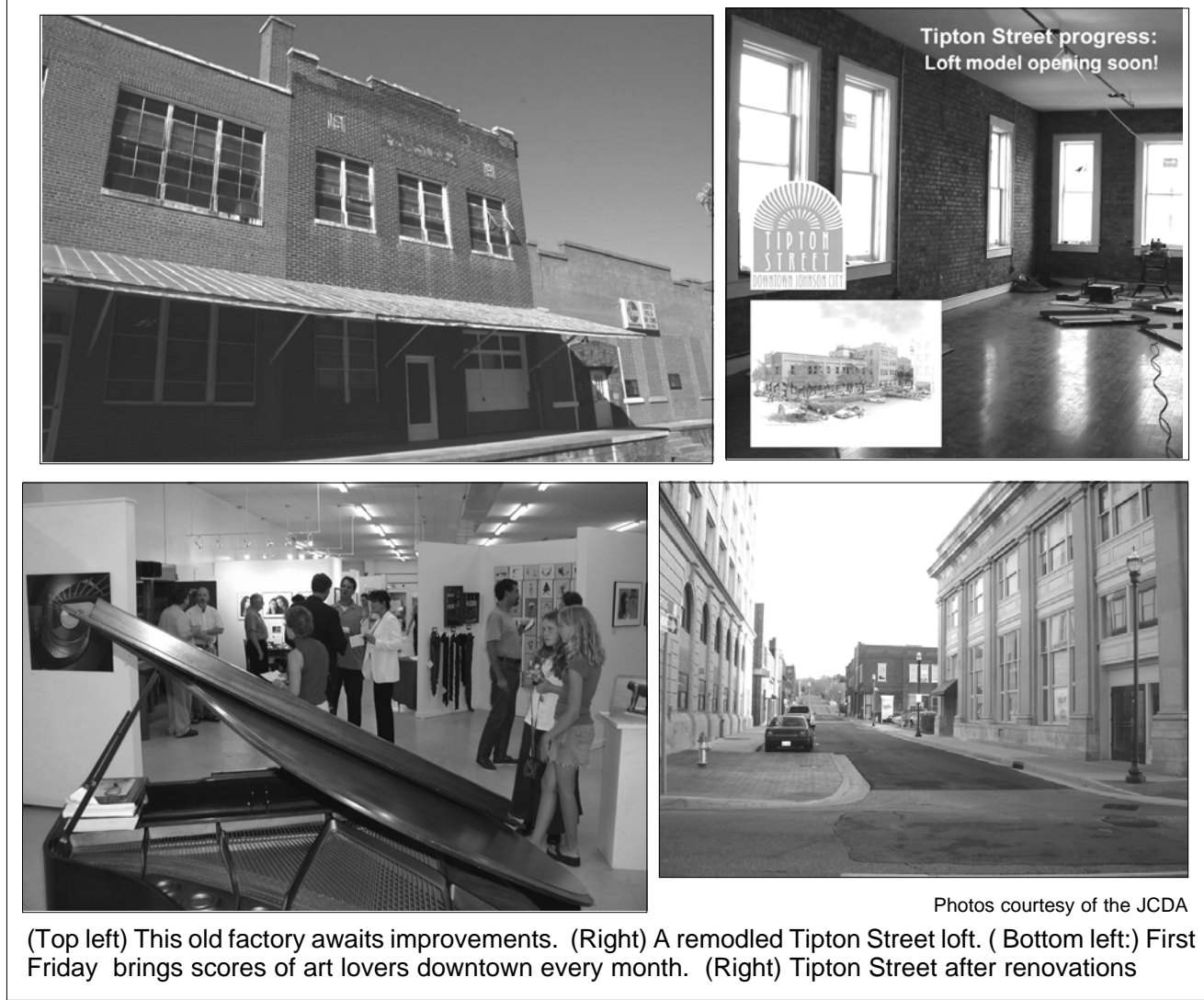
improving their properties and shoppers are spending. The property values are going up. If anything, this project heightens awareness of the importance of developing a city's downtown district."

"It's very exciting to have seen other states model this program and to now have this type of development come to Tennessee," said Bridgett Massengill, executive director of the JCDA. "Our primary activity will be to recruit anchor projects to the downtown area and a vision to build a state-of-the-art entertainment center, a theater such as the Peace Center in Greenville, South Carolina, that will draw crowds to the popular restaurants and children's museum in the area. We would also love to host more eateries serving eclectic cuisine."

As a joint effort between the city and county, the final details are being discussed Jan. 20 before the Washington County Commission.

"It will take time to build," Massengill said. "We should feel the effects realistically within two years after the recruitment of major projects. It could take 20 years."

"The primary point, said Peterson, "is that this is a great tool for local governments to revitalize any area."



Photos courtesy of the JCDA

(Top left) This old factory awaits improvements. (Right) A remodeled Tipton Street loft. (Bottom left) First Friday brings scores of art lovers downtown every month. (Right) Tipton Street after renovations

## STATE BRIEFS



BY TISH WOMACK  
TML Research Analyst

**Pictures of all 95 Tennessee county courthouses** have been photographed by Tennessee writer Bill Carey and are available on his Web site, [www.tnhistoryfor.kids.org](http://www.tnhistoryfor.kids.org).

**The Department of Environment and Conservation is seeking** nominations for the Governor's 2007 Environmental Stewardship Awards. The deadline for nominations is March 31. More information is available about the award categories, judging criteria, and nomination forms at [www.tdec.net/awards](http://www.tdec.net/awards).

**BlueCross BlueShield of Tennessee** will provide health insurance for the state's newly developed CoverTN health plan for uninsured workers.

**U.S. Sens. Alexander and Corker** are co-sponsoring a bill with Texas Sen. Kay Baily Hutchison to make the state sales tax deduction permanent. In December, President Bush signed a bill containing a two-year extension of the sales tax deduction.

A settlement by Tennessee with **Microsoft Corp.** means the state's school systems will share in approximately \$15.3 million in software vouchers which translates into \$16.40 per student in vouchers. The suit alleged Microsoft not only overcharged state consumers, but also used unfair trade practices to keep their monopoly.

**State revenues for November** were \$24.7 million less than projected, but still \$753.3 million more than collections in November 2005.

A report issued by an anti-smok-

**ing consortium** that included Campaign for Tobacco-Free Kids, American Heart Association, and American Cancer Society indicated that Tennessee ranked dead last in the nation for the amount of money from the tobacco settlement used in stop-smoking programs. Tennessee's settlement money, \$265 million in 2006, goes into the general fund from which \$200,000 was used as the match for a federal \$1.2 million grant for fighting smoking, according to Andrea Turner, a state Health Department spokeswoman. A "Tobacco Quit Line" hotline was also set up using a one-time Centers for Disease Control grant of \$250,000.

**A survey done by the Little Rock, Ark.-based Opinion Research Associates** revealed that 73 percent of the 600 registered voters polled are in favor of a law prohibiting workplace smoking. The state legislature passed a bill making all state-owned and operated buildings smoke-free buildings this past legislative session.

**Tennessee was recognized by the U.S. Environmental Protection Agency** for its outstanding efforts in promoting EPA's Indoor Air Quality Tools for Schools Program. The program helps school districts improve air quality in the learning environment of students with straightforward activities.

**Consumer use tax** may be paid electronically using the Department of Revenue's Web site: [www.tennessee.gov/revenue](http://www.tennessee.gov/revenue). There is a 2.49 percent processing fee.

**The Tennessee Department of Economic and Community Development** has launched the Retire Tennessee Web site,

[www.retiretennessee.org](http://www.retiretennessee.org) with the program's logo and tagline: *The good life just got better*. Retire Tennessee, a pilot program that promotes Tennessee as a great place for retirees to call home, involves nine state communities: Cumberland, Greene, Hamilton, Hardin, Henry, Lawrence, Marshall, Putnam, and Sullivan counties. They were selected based on their efforts to develop retiree recruitment strategies and progress with a retiree recruitment component of the Three-Star program.

**Overdrive Magazine**, a trucking industry publication, ranked Interstate 40 in Tennessee as the best road in the nation. Tennessee also ranked in the top five state highway systems for the eighth year in a row in the magazine's list of top road systems in the country.

**U.S. Census Bureau** data shows Tennessee having an estimated population of 6,038,803 as of July 1, 2006. People relocating from other states have boosted the population above six million, according to Bureau data released in December.

**Tennessee, along with 22 other states**, saw a decline in drunken-driving deaths in 2005, according to figures released by the National Highway Traffic Safety Administration.

**The success of the state's online professional license renewal program** has state officials planning to expand the service to all licensees in the near future.

**The state tax on illegal drugs** has netted Tennessee \$1.774 million in 2006, up from the \$1.715 million collected in 2005, the first year that tax was collected.

## Kim McMillan new Senior Advisor

Gov. Phil Bredesen announced Kim McMillan as his senior advisor during his second term.

McMillan was first elected to the Tennessee House of Representatives in 1994 and was re-elected five times. She has served on the Finance, Ways & Means Committee, the Budget Subcommittee, the Judiciary Committee, the Government Operations Committee, the Calendar and Rules Committee and served as the chairperson of the House Ethics Committee and House Rules Committee.

In 2002, and again in 2004, she was elected by her colleagues to the position of House majority leader, becoming the first female in Tennessee history to serve in that position.

After having practiced law for a number of years with her husband in the Clarksville firm they founded, McMillan & McMillan, McMillan rejoined the Nashville law firm of Boulton, Cummings, Conners & Berry, which is where she first worked after graduating from law

school. "I'm honored to join Gov. Bredesen's Administration and appreciate the confidence he's shown in me," said McMillan. "As majority leader of the House, I had the pleasure of being the prime sponsor of the Governor's legislative proposals. I now look forward to promoting the initiatives of this administration in a new position."

McMillan, 45, resides in Clarksville. She received her bachelor's degree and law degree, both with honors, from the University of Tennessee. She is a member of the Montgomery County, Nashville, and Tennessee Bar Associations.

McMillan will begin serving in her new role on Jan. 20.



Kim McMillan

## State constitutional officers reelected as 105th General Session convenes

**RAMSEY**, continued from Page 1

Two years ago, Wilder won reelection as speaker. He won two crossover votes of two Senate Republicans who had pledged their votes to him before it was known there would be a contested election for speaker. They both voted for their party nominee this year.

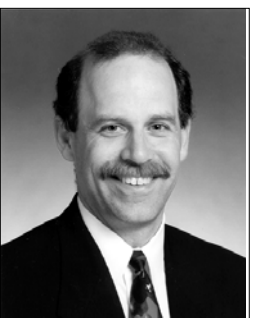
The election proceeded quietly until Williams cast his vote. The Republican senators and their family members and friends erupted in applause.

Comptroller John Morgan and Treasurer Dale Sims were reelected in a joint convention of the legislature on Wednesday, Jan. 10th to their constitutional offices. They will serve two-year terms.

The third constitutional officer, Secretary of State Riley Darnell, serves a four-year term and was not up for reelection this year.



John Morgan



Dale Sims

**McGill ASSOCIATES**  
Engineering • Planning • Public Finance

Municipal  
Commercial  
Industrial  
Residential

Water • Wastewater • Collection • Distribution  
Treatment • Site Design • Land Planning • Roads  
Storm Water • Erosion Control • General Civil  
Solid Waste • Regulatory Compliance & Permitting  
Planning • Public Finance • Grants

248 Bruce Street  
Sevierville, Tennessee 37862  
www.mcgillengineers.com

ph 865.908.0575  
fx 865.908.0110

Discover ARCADIS...  
Total business solutions that add value to your bottom line

Infrastructure Transportation Water Resources Program Management Construction Land Resources	Facilities Buildings Operating Facilities Management	Environment Site Investigation Remediation Risk and Associated Services	Business Solutions Strategic Consulting GRP Remediation Program Property Redevelopment - Guaranteed Environmental Asset and Liability Management
---	---	---	---

Knoxville 865.675.6700  
Chattanooga 423.756.7193  
www.arcadis-us.com

Dale Sims

COHEREX  
Dust Control  
Agents

RECLAMITE / CYCLOGEN  
Asphalt Pavement  
Rejuvenators

SINAK  
Concrete  
Sealers

CRF  
Restorative  
Seal/Crack Filler

**PAVEMENT TECHNOLOGY, INC.**  
ASPHALT RECYCLING & PREVENTIVE MAINTENANCE SPECIALISTS

Helping Cities and Counties Make Pavements Last Longer Since 1972

1 - 800 - 333 - 6309

1431 Kensington  
**Dale Sims**  
Murfreesboro, TN  
37130  
Phone 615/ 896-7375  
FAX 615/ 890-7016

**Wiser**  
C O M P A N Y

Engineering • Surveying • Mapping • GIS

Visit our web site at [www.wiserco.com](http://www.wiserco.com)

STANTEC = INFRASTRUCTURE SOLUTIONS

- Engineering
- Architecture
- Planning
- Surveys/Geomatics

**Stantec**

In Nashville, call (615) 885-1144  
Offices throughout North America  
and the Caribbean [stantec.com](http://stantec.com)

**TH&P**  
Solutions for the Future

TYSINGER, HAMPTON & PARTNERS, INC.

Consulting • Design • Project Management

3428 Bristol Highway • Johnson City, Tennessee  
423.282.2687 P • 423.282.1621 F  
[www.tysinger-engineering.com](http://www.tysinger-engineering.com)

JOEL B. SPAULDING  
& COMPANY, INC.

2402 WINFORD AVENUE  
NASHVILLE, TENNESSEE 37217  
PHONE (615) 255-7766  
FAX (615) 255-7767

**CONSULTING ENGINEERS**

**GARVER ENGINEERS**

STUDY • PLAN • DESIGN • COORDINATE • MANAGE • SOLVE

- Bridges
- Roadways
- Traffic Engineering
- Airports
- Water Systems
- Sewerage and Industrial Waste
- Solid Waste
- Site and Subdivision Planning
- Natural Gas Systems
- Industrial Buildings
- Structural Design
- Electrical Engineering and SCADA
- Mechanical Engineering
- Hydraulics and Hydrology

615-377-1337  
233 Wilson Pike Circle • P.O. Drawer 1847  
Brentwood, TN 37024-1847  
Huntsville, AL • Little Rock, AR • Tulsa, OK  
Fayetteville, AR • Jackson, MS • Louisville, KY

ARCHITECTURE  
ENGINEERING

**HART FREELAND ROBERTS, INC.**

Committed To Excellence Through  
Client Satisfaction Since 1910

Brentwood, TN  
615.370.8500

Jackson, TN  
731.660.1322

[www.hfrdesign.com](http://www.hfrdesign.com)

**RAGAN • SMITH**

LAND PLANNERS • CIVIL ENGINEERS  
LANDSCAPE ARCHITECTS • SURVEYORS

315 WOODLAND ST. P.O. BOX 60070  
NASHVILLE, TN 37206  
PHONE (615) 244-8591 FAX (615) 244-6739  
[WWW.RAGANSMITH.COM](http://WWW.RAGANSMITH.COM)

Your Professional Employee Benefit Company

**The Malone Company**

124 North Main Avenue • P.O. Box 616  
Fayetteville, TN 37334

Jim Malone  
President

Office: (931) 433-6907  
FAX: (931) 433-9714  
Toll Free (888) 752-7126

Email: [Jim\\_Malone@TheMaloneCompany.com](mailto:Jim_Malone@TheMaloneCompany.com)

**ATS** American Traffic Solutions

Daniel S. Foglton  
Senior Business  
Development  
Director

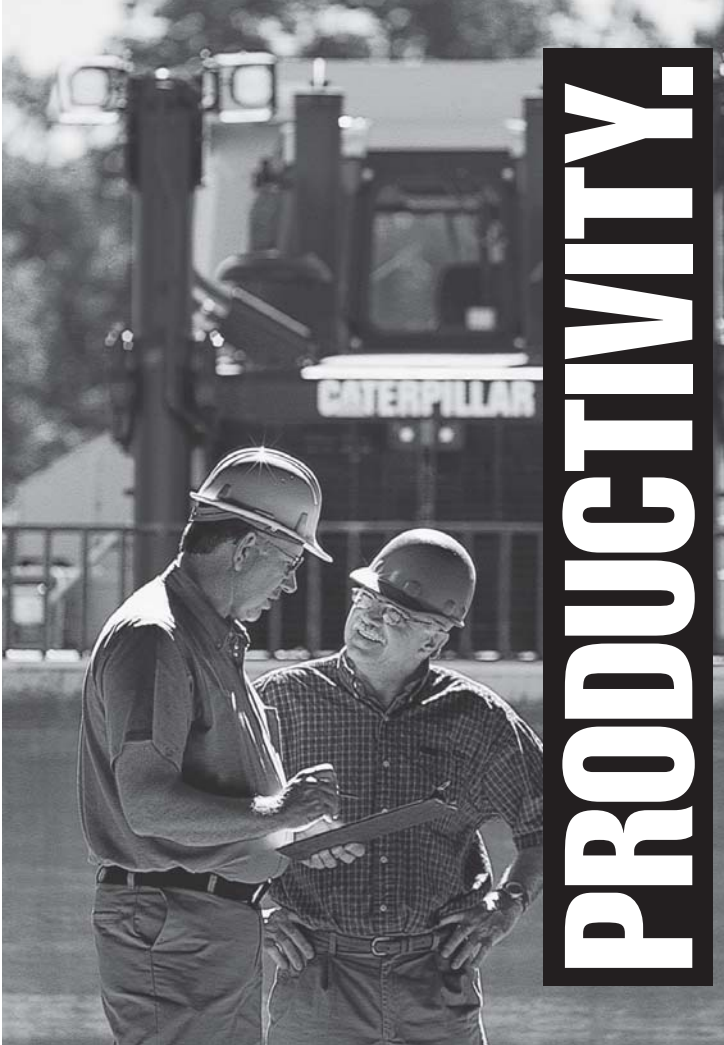
14861 N. Scottsdale Road  
Suite 109  
Scottsdale, Arizona 85254

Cell: 803.466.0628  
Tel: 480.368.0900 ext. 246  
email: [dan.foglton@atsol.com](mailto:dan.foglton@atsol.com)  
Fax: 480.607.0901  
Online: [www.atsol.com](http://www.atsol.com)



GET THE SUPPORT YOU DESERVE.

# GENUINE SUPPORT.



## WITH SUPPORT FROM YOUR CAT® DEALER, YOU CAN DO ANYTHING.

Anyone can say they offer product support, but the backing you get from your Cat dealer is unique. With 24-hour emergency service, unmatched technical expertise and advice only experience can provide, the people at your Cat dealership are truly committed to helping you succeed.

You also get the benefit of their unique tooling such as hydraulic test benches, engine dynamometers, and fuel system test equipment to ensure the quality of repair service they provide you.

More trucks, more parts, more training and more experience all add up to more support for you. Call on your Cat dealership for the genuine support you need to move ahead.



**Thompson** 

[www.thompsonmachinery.com](http://www.thompsonmachinery.com)

**Thompson Machinery**  
Middle & Western Tennessee  
615-256-2424

**Stowers** 

[www.stowerscat.com](http://www.stowerscat.com)

**Stowers Machinery Corporation**  
Eastern Tennessee  
865-546-1414



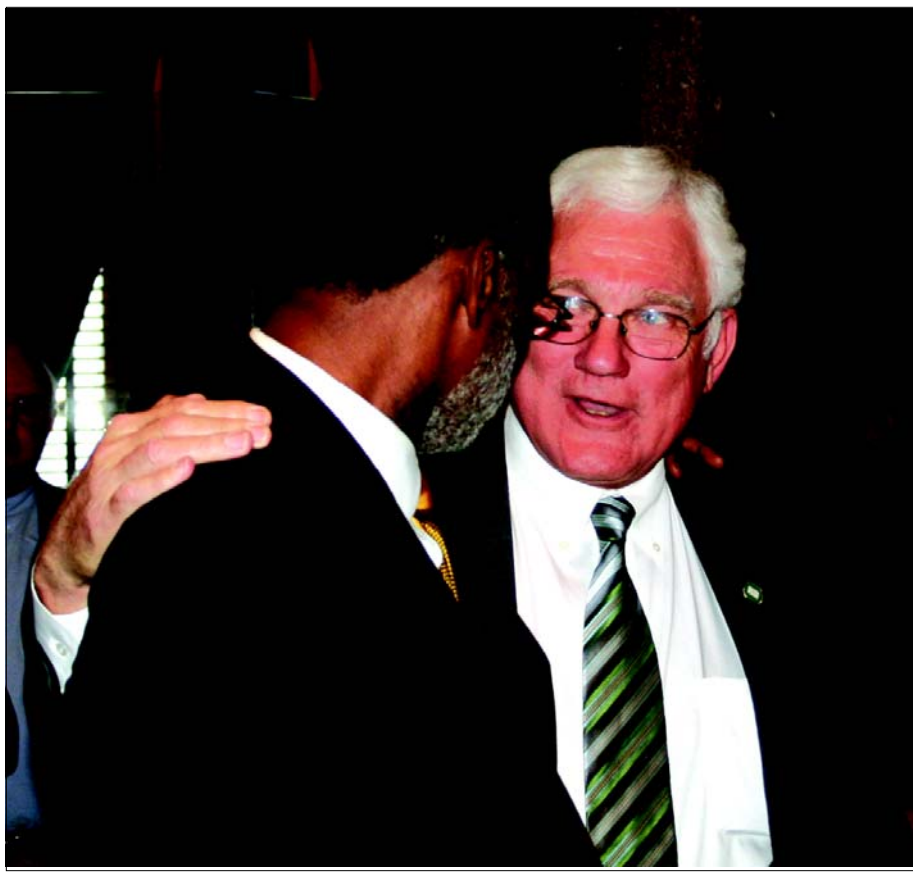
# 105th General Session convenes



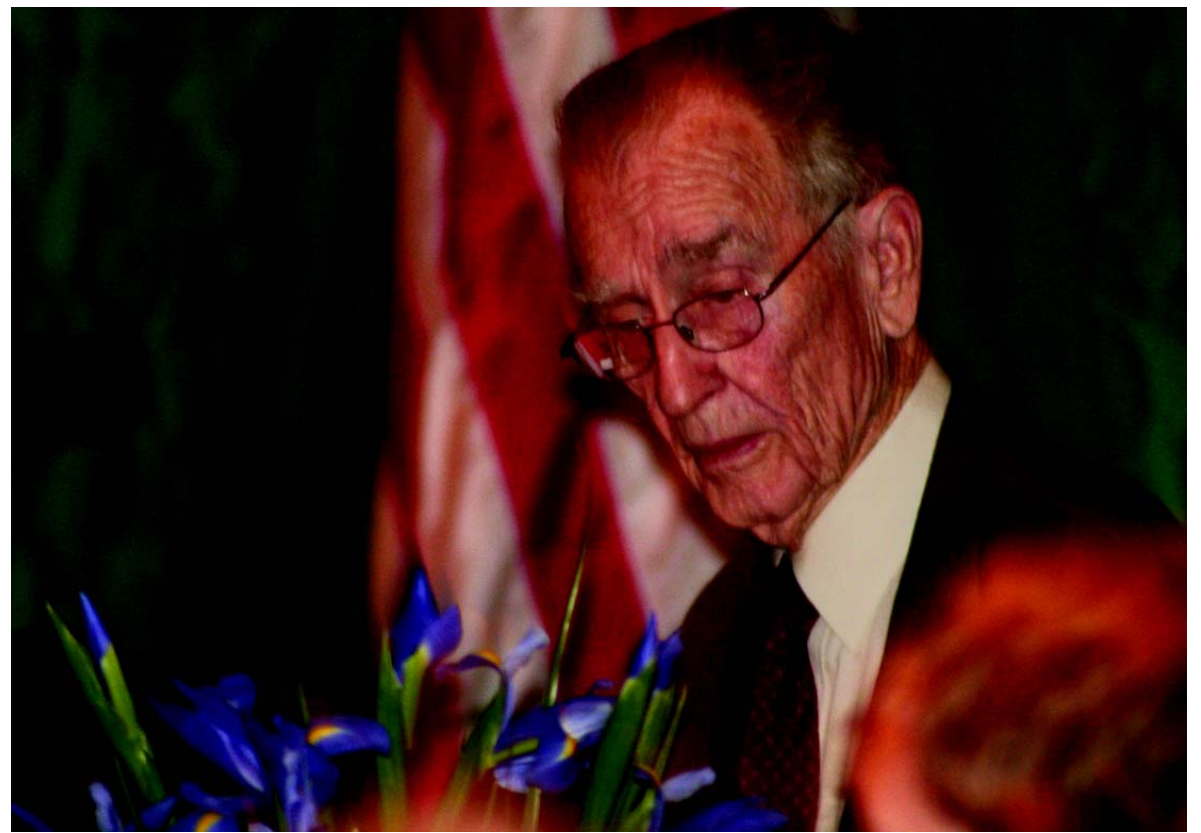
Lt. Gov. Ron Ramsey and former Lt. Gov. John Wilder clasp hands at the back of the Senate chamber.



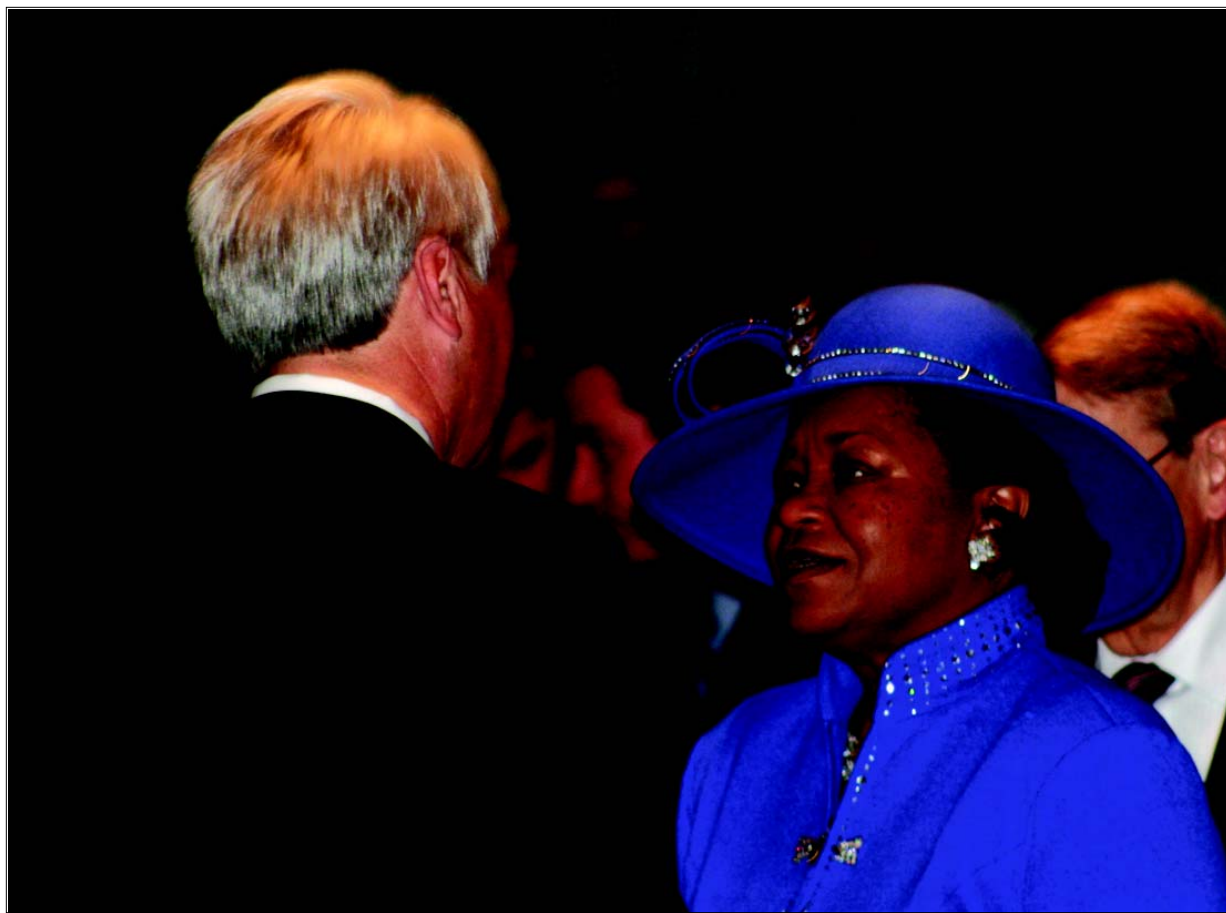
Sen. Paul Stanley



Sen. Joe Haynes (R) speaks with Sen. Reginald Tate



Sen. John Wilder at podium for last time as Senate speaker and lieutenant governor



Lt. Gov. Ron Ramsey and Sen. Thelma Harper



Sen. Jamie Woodson



Sens. Jim Kyle and Ward Crutchfield



Sen. Jack Johnson



**Tennessee Municipal League  
2006-2007 Officers and Directors**

**PRESIDENT**  
Tommy Bragg  
Mayor, Murfreesboro

**VICE PRESIDENTS**  
Tommy Green  
Mayor, Alamo  
Tom Beehan  
Mayor Pro Tem, Oak Ridge  
Royce Davenport  
Mayor of McMinnville

**DIRECTORS**  
Randy Brundige (District 7)  
Mayor, Martin  
Ed Craig  
City Manager, Shelbyville (District 6)  
Terry Crain  
Mayor, Spencer (District 4)  
Jean Davis  
Vice Mayor, Cookeville  
Avery Johnson  
Vice Mayor, Cleveland (District 3)  
Johnny Dodd,  
Vice Mayor, Jackson  
Bill Haslam  
Mayor, Knoxville  
W.W. Herenton  
Mayor, Memphis  
Jay Johnson  
City Manager, Franklin (TMLRMP)  
Mark Johnson  
City Manager, Alcoa (TCMA)  
Dale Kelley  
Mayor, Huntingdon  
George Killebrew  
Mayor, Milan  
Ron Littlefield  
Mayor, Chattanooga  
Keith McDonald (District 8)  
Mayor, Bartlett  
Jim Messimer (District 1)  
Mayor, Bristol  
Don Mull  
Mayor, Alcoa  
Paul Nutting (District 5)  
City Manager, Springfield  
John Proffitt  
Mayor, Athens  
Bill Purcell  
Mayor, Metro Nashville  
Charles "Bones" Seivers  
President-CEO, Tennessee Municipal Bond Fund  
Kay Senter  
Vice Mayor, Morristown (District 2)

**PAST PRESIDENTS**  
Charles Farmer (1995), Mayor, Jackson  
Dan Speer (1997) Mayor, Pulaski  
Sam Tharpe (2001) Vice Mayor, Paris  
Tom Rowland (2002) Mayor, Cleveland  
Bob Kirk (2004) Alderman, Dyersburg  
John Franklin Jr (2005) Councilman, Chattanooga

**TML AFFILIATED ORGANIZATIONS**  
(Ex-Officio Directors)  
Tennessee Municipal Attorneys Assn.  
Jennifer Noe, Ashland City  
Tennessee Municipal Judges Conference  
Ewing Sellers, Murfreesboro  
Tennessee Chapter, American Public Works  
William "Bo" Mills, Germantown  
Tennessee Government Finance Officers Assn.  
Carson Swinford, Brentwood  
Tenn. Assn. of Housing & Redevel. Auth.  
Dow Harris, Cookeville  
Tennessee Building Officials Assn.  
Jim Brown, Bartlett  
Tennessee Fire Chiefs Assn.  
Phil Vinson, Bristol  
Tennessee Assn. of Air Carrier Airports  
Larry Cox, Memphis  
Tennessee Association of Chiefs of Police  
John Lowry, Johnson City  
Tennessee Water Quality Management Assn.  
Jack Graham, Maryville  
Tennessee Recreation and Parks Assn.  
Dennis Suiter, Martin  
Tennessee Chapter, American Planning Assn.  
Steven Neilson, Brentwood  
Tennessee Personnel Management Association  
William Brown, Alcoa  
Tenn. Assn. of Municipal Clerks & Recorders  
Cindy Mitchell, Knoxville  
Tennessee Assn. of Public Purchasing  
Artie Prichard, Chattanooga  
TN Section, Institute of Transportation Engineers  
Jeff Hammond, Nashville  
Tennessee Public Transportation Association  
Tom Dugan, Chattanooga  
Tennessee Fire Safety Inspectors  
Tommy White, Sevierville  
Assn. of Independent and Municipal Schools  
Wayne Miller, Lenoir City

**TML ASSOCIATE PARTICIPANTS**

**DIAMOND LEVEL MEMBERSHIP**  
Bank of America

**GOLD LEVEL MEMBERSHIP**  
ING Financial Advisers, LLC

**SILVER LEVEL MEMBERSHIP**  
Sensus Metering Systems

**BRONZE LEVEL MEMBERSHIP**  
Alexander Thompson Arnold, PLLC

**CORPORATE LEVEL MEMBERSHIP**  
AMEC Earth & Environmental  
American Concrete Pavement Association  
Askew Hargraves Harcourt & Associates, LLC  
Asphalt Zipper, Inc.  
Barge, Waggoner, Sumner, & Cannon, Inc.  
BellSouth Telecommunications  
Buxton  
Bulli Ray Enterprises  
CH2M Hill  
Charter Communications  
CLE International  
CMI Equipment Sales, Inc.  
Comcast Cable Communications  
Consoer Townsend Envirodyne Engineers  
DBS & Associates Engineering  
Education Networks of America  
SSR Eilers, Oakley, Chester & Rike  
Employee Benefit Specialists, Inc.  
Geothermal Utilities, LLC  
International Code Council, Inc.  
Iris Networks  
Johnson Controls  
Jordan, Jones & Goulding, Inc.  
J.R. Wauford & Co. Consulting Engineers, Inc.  
LaserCraft, Inc.  
Local Govt. Corporation  
The Malone Company  
Manatron, Inc.  
Mattern & Craig, Consulting Engineers, Inc.  
McGill Associates, P.A.  
Metropolitan Nashville Airport Authority  
Nashville Tractor & Equipment, Inc.  
Neil Group, LLC  
Nortel  
Phoenix Tank Services  
Reflex Traffic Systems  
ROBSONGREEN, LLC  
Rush Truck Center, Nashville  
SDP Government Solutions  
Smith Seckman Reid, Inc.  
Tennergy Corporation  
Tennessee Asphalt Co.  
Tennessee Cable Telecommunications Assn.  
Tennessee Energy Acquisition Corporation  
Tennessee Fiber Optic Communities  
Thompson & Litton, Inc.  
Thompson Machinery  
TLM Associates, Inc.  
TRICOR  
Utility Service Co., Inc.  
Vaughn & Melton  
Volkert & Associates  
Waste Management  
Wiser Company, LLC  
W.L. Hailey & Company, Inc.

## Elected Officials Academy 2007 sessions provide something for all elected officials



The University of Tennessee Municipal Technical Advisory Service (MTAS) will be hosting Elected Officials Academy sessions across the state this year.

**Level 1 sessions will include:**

- Foundations and structure of Tennessee Municipal Government
- Charter and Code, Open Meetings and Open Records
- Economic Development
- Finance for Elected Officials
- Council at Work

Sweetwater	January 26-27, 2007	Johnson City	February 23-24, 2007
Knoxville	February 9-10, 2007	Arlington	February 23-24, 2007
Linden	February 9-10, 2007	Crossville	March 2-3, 2007
McKenzie	February 9-10, 2007	McMinnville	March 23, 29, April 3, 2007

**Level 2 sessions will include:**

- Municipal Fire Review
- Human Resources
- Legislative Issues
- Media Relations
- Parks and Recreations
- Planning and Zoning
- Municipal Police Review
- Public Works
- Risk Management
- Tennessee Municipal League Role and Resources
- Water and Waste water

Each session is designed specifically for the elected official and allows time for networking and sharing ideas with other cities. These sessions will be informative for both the seasoned and the newly elected officials in Tennessee and will also earn hours towards the policy-maker certificate program. All sessions in level 1 must be completed in order to complete level 1. Eight of the eleven courses available must be completed in order to complete level 2. Level 1 is not a prerequisite, so you may attend level 2 prior to level 1.

Each participant will be assessed a **one time registration fee** of \$150.00. This fee covers completion of all level 1 sessions and level 2 sessions of the Elected Officials Academy. If the fee has been paid previously to attend level 1 or level 2, it does not need to be paid again.

What participants are saying about the Elected Officials Academy...

- If nothing else, attending the Elected Officials Academy has impressed on me how much I have to learn to be an effective councilman. The Elected Officials Academy surpassed my expectations with its vital and useful information.
- I would recommend that every newly elected official attend this course. It has been extremely informative and helpful.
- Very informative sessions. Wish I had taken this years ago. It will certainly make future meetings and relations with the community much more meaningful.
- Thank you so much for this opportunity! It reaffirmed things that I knew and taught me so much more. I will try to steer the rest of my board to the next training! Whether you have served six months or six years, the Elected Officials Academy has much to teach you.

To register or for additional information, please visit the MTAS web site at [www.mtas.utk.edu](http://www.mtas.utk.edu), or contact MTAS at 865-974-0411. Level one sessions can be registered thru your local MTAS management consultant.

### J.R. Wauford & Company Consulting Engineers, Inc. Water and Wastewater Systems

**Home Office:**  
2835 Lebanon Road  
P.O. Box 140350  
Nashville, TN 37214  
(615) 883-3243

[www.jrwauford.com](http://www.jrwauford.com)

**Branch Offices:**  
Maryville, TN 37801  
(865) 984-9638  
Jackson, TN 38305  
(731) 668-1953



# SECURITY

**TML**  
RISK • MANAGEMENT • POOL

*Operate with confidence.  
Your city is safe with us.*

1-800-624-9698

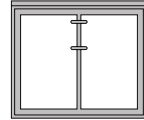


BY TISH WOMACK

*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](mailto:twomack@TML1.org) or fax to 615-255-4752.*

**Feb. 10:** Jonesborough Music on the Square Winter Concert featuring the King of Gypsy Swing, John Jorgenson, at the Historic Jonesborough Visitors Center at 7:30 p.m. Contact: Elizabeth Berry at 423-753-1013.

**COMING UP**



**Jan. 16:** TML District 1 meeting – Bruton Smith Building at Bristol Motor Speedway Bristol Motor Speedway, Bristol, 10 a.m. to 1 p.m.

**Jan. 17:** TML District 2 meeting – Maryville Municipal Building, 11 a.m. to 2 p.m.

**Jan. 17-18:** Tennessee Advisory Commission on Intergovernmental Relations in Legislative Plaza Room 30 beginning at 1 p.m. on Jan. 17. Agenda available at [www.state.tn.us/tacir](http://www.state.tn.us/tacir).

**Jan. 18:** TML District 3 meeting – Cleveland Chamber of Commerce, 225 Keith Street, Cleveland, 11 a.m. to 1 p.m.

**Jan. 19:** TML District 4 meeting – Town Centre, 1 west 1<sup>st</sup> Street, Cookeville, 11:30 a.m. to 1:30 p.m.

**Jan. 20:** Gov. Phil Bredesen's Inauguration, Nashville, TN.

**Jan. 23:** TML District 5 meeting – Hendersonville City Hall, 101 Maple Drive North, Noon.

**Jan. 24:** TML District 6 meeting – Calsonic Arena Hall of Fame Room, Shelbyville, Noon to 2 p.m.

**Jan. 25:** TML District 7 meeting – Ned Ray McWhorter Cultural Center, Jackson, 10 a.m. to Noon.

**Jan. 26:** TML District 8 meeting – Bartlett Performing Arts Center, 10 a.m. to noon.

**Jan. 31:** Stormceptor, Nashville Stormwater Technology Workshop at the Millennium Maxwell House Hotel, Nashville. For more information call: 800-475-6302, ext. 241.

**Feb. 1:** Stormceptor, Nashville Stormwater Technology Workshop at the Holiday Inn Select Downtown, 252 Henly Street, Knoxville. For more information call: 800-475-6302, ext. 241.

**Feb. 5:** Gov. Phil Bredesen's State of the State address, Nashville, TN.

**TENNESSEE MUNICIPAL LEAGUE STAFF**

Margaret Mahery, Executive Director  
Chad Jenkins, Deputy Director  
Carole Graves, Communications Director  
Edna Holland, Government Relations, TML/RMP  
John Holloway, Government Relations  
Debbie Kluth, Dir. Marketing & Member Services  
Mona Lawrence, Administrative Assistant  
Denise Paige, Government Relations  
Victoria South, Communications Coordinator  
Gael Stahl, Editor, *Tennessee Town & City*  
Sylvia Trice, Director of Conference Planning  
Tish Womack, Research Analyst

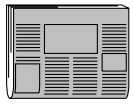
**TENNESSEE TOWN & CITY**  
(ISSN. No. 0040-3415) Publication No. 539420 — Official publication of the Tennessee Municipal League. **Publisher:** Margaret Mahery ([mmahery@TML1.org](mailto:mmahery@TML1.org)); **Editor:** Gael Stahl ([gstahl@TML1.org](mailto:gstahl@TML1.org)); **Classified ads and news briefs:** Tish Womack ([twomack@TML1.org](mailto:twomack@TML1.org)). **Phone:** 615-255-6416. **Advertising:** Publisher reserves the right to reject any advertising deemed unacceptable. Fax advertising copy to *TT&C*: Attention Debbie Kluth at 615-255-4752, or e-mail to [dkluth@TML1.org](mailto:dkluth@TML1.org). Opinions expressed non League officials or staff do not necessarily reflect policies of TML. *Tennessee Town & City* is published, semi-monthly, 20 times per year at 226 Capitol Blvd., Suite 710, Nashville, TN 37219-1894. Periodicals postage paid at Nashville, TN. Subscription rates: \$6 per year to members, \$15 to nonmembers, \$1 a copy. **Postmaster:** Send changes of address to Tennessee Town & City, 226 Capitol Blvd., Suite 710, Nashville, TN 37219-1894.

Missed an issue?

**Tennessee Town & City**

Read it On-line  
at  
[www.TML1.org](http://www.TML1.org)





## CLASSIFIED ADS

Advertising: \$9.25 per column inch. No charge to TML members. Send advertising to: TT&C Classified Ads Editor Tish Womack, 226 Capitol Blvd. Suite 710, Nashville TN 37219; e-mail: twomack@TML1.org; or fax: 615-255 4752.

**CITY CLERK/FINANCE DIRECTOR CLEVELAND.** The city of Cleveland is accepting applications from qualified individuals for the position of Director of Finance/City Clerk. The position is responsible for assisting the city manager and other department heads with the development and implementation of financial policies, procedures, and controls; supervising the preparation of financial statements and related reports; supervising disbursement of city funds; coordinating development of the annual budget with the city manager, assistant city manager, department heads, city council, and outside agencies; updating statistical tables and schedules, and complete an application and grading sheet for a government-sponsored budget recognition program; managing the preparation of city council agendas and reviewing minutes of council meetings; coordinating city code updates, maintain official city files, records, minutes, leases, deeds, contracts, and financial records; assisting the public with requests for information and attest official records; supervising staff and performing various personnel functions including hiring, training new employees; planning, assigning, and directing work; appraising performance, rewarding and disciplining employees, addressing complaints, and resolving problems. Other duties may be assigned. Salary: \$69,452 to begin. Send letter of interest with resume to: City of Cleveland Human Resources Department, P.O. Box 1519, Cleveland, TN 37364-1519; email: jdavis@cityofclevelandtn.com. EOE.

**DIRECTOR ARTS AND RECREATION MILLINGTON.** The city of Millington is seeking qualified applicants for the position of director of arts and recreation whose duties will include overseeing department operations including recreation and athletic programs of Millington Civic Center and Baker Community Center; developing and maintaining organizational structure and accountability systems to enhance efficient and effective operations; facilitating long range planning to ensure adequate maintenance of the Civic Center; and overseeing fiscal and general management of the center. The person hired should have a record of demonstrated experience and proven accomplishments in marketing, recreation or a related field. A bachelor's degree in recreation management, marketing, business, public administration, or related field, or any equivalent combination of experience which provides the requisite knowledge, skills and abilities for the job and six years of experience in local government involving recreation management or public administration are required as is a valid Tennessee driver's license. This is an appointed position and serves at the "will and pleasure" of the city mayor. Send resume with names and telephone numbers of three professional references and two character references under confidential cover to: Ms. Cynthia K. Donaldson, Personnel Director, City of Millington, 4836 Navy Road, Suite 3, Millington, TN 38053. E-mail: cdonaldson@cityofmillington.org. Position open until filled. EOE.

**ELECTRIC SYSTEM DIRECTOR SPARTA.** The city of Sparta is accepting resumes and employment applications for the position of electric system director who will be responsible for the daily management and operation of the electric department. The successful candidate should have a bachelor's degree, or equivalent, in business or public administration, engineering, or a field relevant to the management of a public utility, plus five years experience in operations, engineering and/or management in a utility, or public or private business or organization, three years of which should be in a management capacity of sufficient responsibility to provide transferable skills and experience. A master's degree in public administration or a related field is preferred. Representing the city and developing a leadership role in both local and regional efforts to promote economic development will also be encouraged and expected. A job description and additional application information is available by contacting the City of Sparta, P.O. Box 30, Sparta, TN 38583. Phone: 931-836-3248. Position open until filled. EOE.

**ENGINEER II GERMANTOWN.** The city of Germantown is seeking a licensed civil engineer to perform a variety of complex engineering functions related to the planning and design of municipal projects

such as subdivisions and commercial development, transportation, and water and sewer systems. The person will assist in overseeing the city's traffic engineering operations including monitoring traffic control devices and traffic study analysis. The position requires the ability to work with considerable independence, manage multi-project workloads, prepare project reports, and utilize engineering software. Individuals will represent the city and must have good public relations skills. The person hires must be a registered P.E. in Tennessee. Send resume to: City of Germantown, ATTN: Personnel, 1930 S. Germantown Road, Germantown, TN 38138. EOE.

**FIRE CHIEF BRISTOL.** The city of Bristol, population 25,435, is accepting applications for the position of fire chief (ISO Class 3). The qualified individual will manage a \$3 million plus budget and direct a paid staff of 54 persons. The department provides fire and emergency medical service (ALS) to a service area of 31 square miles operating from four stations. The qualified individual will be appointed by and reports to the city manager. The position performs complex professional and difficult administrative work planning, directing, and supervising fire and emergency medical services. The ideal candidate will have a demonstrated knowledge of fire suppression, fire prevention, emergency medical services, incident command, fire ground operations, and safety procedures. The candidate will have the ability to be open and visible in the fire department with demonstrated ability to communicate effectively with all levels of the department. A bachelor's degree in fire science/public administration, or related field, and 10 years experience in a paid fire service environment with a minimum of six years as chief or senior officer in comparable department, or the equivalent combination of education, training, and experience. Salary range: up to \$76,000 plus excellent benefits. Send resume and required application which is available at [www.bristoltn.org](http://www.bristoltn.org) to: City of Bristol, Human Resource Department, P.O. Box 1189, Bristol, TN 37621-1189. Position open until filled. EOE.

**PLANNING AND CODES DIRECTOR FAIRVIEW.** The city of Fairview is seeking applicants for the position of director of planning and codes under the direct supervision of the city manager. Responsibilities include comprehensive plan development, design criteria, codes administration, building inspection, zoning, and subdivision regulations enforcement. The position requires a bachelor's degree in public administration, planning, or related field, and five years of progressively responsible experience in planning or public administration, or equivalent combination of experience and education. Send resume with salary requirements to: City of Fairview, Attn: City Manager, P.O. Box 69, Fairview, TN 37062. E-mail: [cm@fairview-tn.org](mailto:cm@fairview-tn.org). Position open until filled. EOE.

**FIRE CHIEF GALLATIN.** The city of Gallatin, a full-service city with a population 25,000, is seeking qualified applicants for the position of fire chief. The fire department has 34 employees, a \$3.2 million budget, and serves a diverse community. The position reports to the mayor and is responsible to the city council. The job entails planning; programs; directing and evaluating the operation of the department; developing annual department budgets; controlling budgeted expenses; formulating and implementing fire policies; managing employee relations; attending community meetings; and making presentations related to fire activities. The person hired will have any combination of education and experience equivalent to a bachelor's degree with major course work in fire science, public administration, or related areas and extensive administrative experience, 10 years or more preferred, in fire service. Upper-level management experience and Tennessee experience with knowledge of all controlling laws applicable to fire agencies in the state preferred. Highly desire a person with fire experience in a community and department of like size or larger with experience as chief/assistant chief or command level. A Tennessee driver's license required and the ability to meet all departmental and statutory standards as well as willing to meet residency requirements is necessary. Salary range: \$60,614-\$89,981 plus excellent benefits. Submit cover letter stating interest, qualifications, and salary history along with a resume and three professional references to: UT-Municipal Technical Advisory Service, Attn: Gary Jaekel, 226 Capitol Blvd, Suite 606, Nashville, TN 37219. Deadline: Feb. 7. EOE.

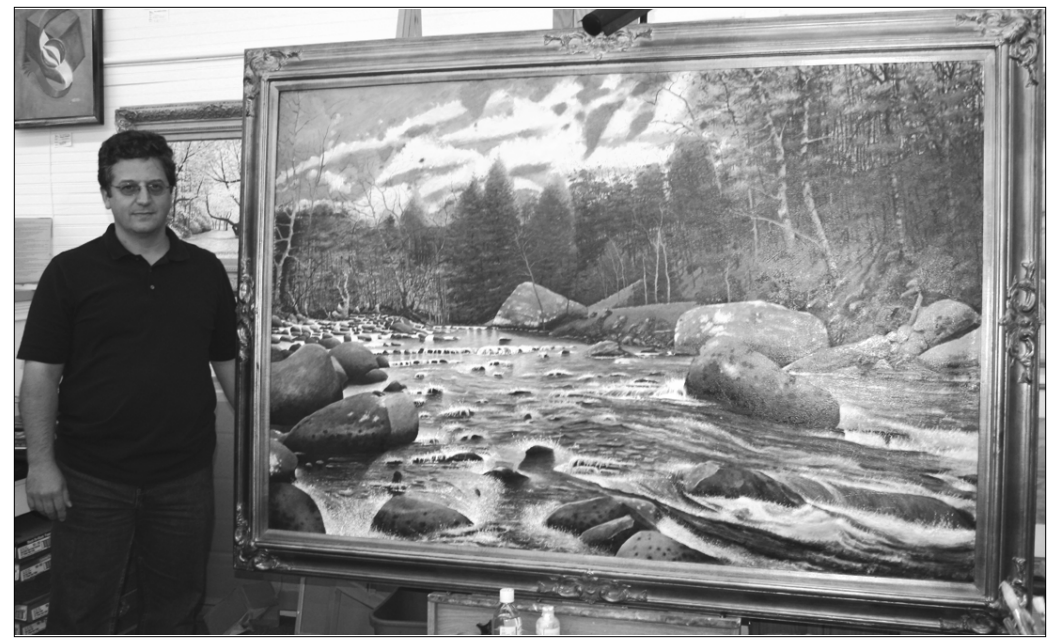
## ECD launches "Retire Tennessee" web site

Retirees looking to call Tennessee home now have an online resource to discover the Tennessee good life. The Tennessee Department of Economic and Community Development (ECD) launched the Retire Tennessee Web Site at <http://www.retiretennessee.org/> and unveiled the program's logo and tagline - *The good life just got better.*

"Spending by retirees creates jobs and opportunities that can bring new wealth to local economies," said ECD Commissioner Matthew Kisber. "The state recognizes retiree migration as a growing industry and we hope retirees will utilize this program to learn more about our state and the benefits of choosing Tennessee as a retirement destination."

The Retire Tennessee Web site features Tennessee's amenities and information about climate, geography, cost of living and visiting the state. The program tagline - *The good life just got better* - spotlights Tennessee as the perfect setting for a retiree's interest and hobbies, such as nature, shopping, history, the arts and sports.

"The goal of the Retire Tennessee Web site is to help retirees picture themselves calling Tennessee home," said Ramay Winchester,



Eric Buechel pictured with one of his paintings at The Artist's Corner in Crossville. The ECD program spotlights Tennessee as a great place for retiree's to continue their interests and hobbies.

ECD coordinator of the retiree recruitment pilot program. "Whether someone has an active lifestyle or prefers a more leisurely pace, Tennessee has it all and we want to highlight those attributes to retirees."

Launched in July 2006, Retire Tennessee, is a pilot program that promotes Tennessee as a great place for retirees to call home. ECD selected nine Tennessee communities to participate in the pilot program: Cumberland, Greene, Hamilton, Hardin, Henry, Lawrence, Marshall, Putnam and Sullivan Counties. ECD chose these communities based on their efforts to develop retiree recruitment strategies and their progress with an optional retiree recruitment component of the Three-

Star program. The communities will be partnering with the state to promote attractive features of their communities.

For more information about Retire Tennessee, visit <http://www.retiretennessee.org/> or contact Ramay Winchester at (731) 336-2630, or via e-mail at [ramay.w.winchester@state.tn.us](mailto:ramay.w.winchester@state.tn.us).



## New congress will be working to complete 2007 fiscal budget

**BUDGET** from page 1

level or increased funding anticipated in FY07 spending bills.

On a second priority issue, telecommunications reform, NLC helped derail legislation that would have undermined local governments' authority to control rights of way, collect local franchise revenue, oversee customer services and offer municipal broadband services.

However, the Federal Communications Commission's decision last week in which it approved an industry-supported order leaves local governments vulnerable to increased restrictions on its traditional authority in this area.

NLC's third priority issue involved immigration reform. NLC coordinated with local officials to develop thoughtful and comprehensive immigration reform, recognizing the impact the growing immigrant population has had on local budget, local service delivery, and

community life.

Ultimately, NLC helped defeat proposals that, among other things, failed to provide a path for legal citizenship and shifted the burden of enforcement of federal immigration law to local law enforcement resources and employers.

While NLC made strong gains on these priority issues, most will remain subject to Congressional scrutiny and carry over into the 110th Congress.

Democratic leaders in the House aim to pass a package of legislation by January 24 that includes: (1) raising the minimum wage; (2) promoting stem cell research; (3) implementing the 9/11 Commission recommendations; (4) repealing subsidies for large oil companies and encouraging investment in renewable fuels; (5) cutting interest rates on student loans; and (6) providing Medicare the power to negotiate lower drug prices for its benefi-

ciaries.

The House and Senate also will have to come to a quick agreement regarding leftover FY07 spending bills. The current fiscal year continuing resolution funds the federal government through February 15, giving the new Congress a month to develop and pass a long-term funding solution before turning to the Fiscal Year 2008 budget.

Instead of taking the time to adopt individual appropriations bills, the leadership will consider a year-long continuing resolution to fund federal programs through September 30.

All earmarks in the appropriations bills, from community development projects to environmental infrastructure and transportation improvements, will be eliminated from FY07 spending.

The 110th Congress will convene on January 4.

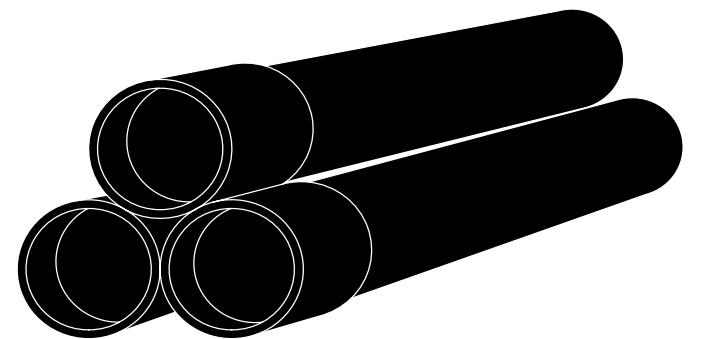
## Does your city need money for capital projects?

If your pipes are calling, call the Tennessee Municipal Bond Fund for all your financing needs.

We offer:

- low rates,
- lowest costs, and
- best service.

We're making great cities even better.  
One loan at a time.  
(615) 255-1561



**TMBF**  
TENNESSEE MUNICIPAL BOND FUND

### TML requests E-mail addresses

The quickest way to keep city officials apprised of legislative happenings is through e-mail or fax.

Each Friday during the legislative session, TML prepares and distributes a weekly bulletin.

To receive the *TML Legislative Bulletin* by e-mail or fax, please send your contact information to Mona Lawrence, by fax at 615-255-4752, by e-mail to [mlawrence@TML1.org](mailto:mlawrence@TML1.org), or call 615-255-6416.



# Bredesen appoints five Tennesseans to cabinet

**CABINET**, continued from Page 1  
 Department's Acting Commissioner since December 2005. He has worked for Financial Institutions since 1986, and his duties have included serving as general counsel, as well as directing budget, human resources and legislative efforts for the Department. Gonzales is a Tennessee Technological University graduate and holds a law degree from the University of Tennessee.

Cooper joined state government in September 2005 as a health advisor and was instrumental in developing Tennessee's Health Care Safety Net. She later assumed leadership of Project Diabetes, a program Bredesen created to curb the Type II Diabetes threat facing young Tennesseans. Cooper also helped facilitate GetFitTN, the public awareness portion of Bredesen's campaign to promote healthier lifestyles and habits among Tennesseans.

Before joining state government, Cooper was a faculty member and assistant dean at Vanderbilt's School of Nursing, where she also earned her nursing degree. Cooper began her career as a nurse specializing in emergency and intensive care.

Farr has served as Deputy Commissioner and as an assistant commissioner with the Department of Revenue since 2003. As the agency's primary legislative liaison and tax policy coordinator, he worked with the General Assembly

to pass four consecutive tax packages that introduced no new taxes in the state. Before joining state government, Farr worked in the state and local tax department of the Ernst & Young accounting firm. Farr is a Louisiana State University graduate and holds his law degree from the University of North Carolina in Chapel Hill.

In August 2006, the Department of Revenue implemented Tennessee's first-ever sales tax holiday, a three-day break from local and state sales taxes that saved Tennessee families \$14.8 million.

Mitchell first joined state government in November 2005 as Bredesen's Director of Homeland Security. Under his leadership, the Office of Homeland Security helped establish a statewide fusion center, used as an information hub for law enforcement and emergency response agencies across Tennessee. Mitchell also worked closely with the Department of Safety to streamline and strengthen public safety efforts in Tennessee. That inter-agency cooperation will continue as the Office of Homeland Security merges into the Department of Safety under Mitchell's leadership. Before taking this position, Mitchell served 26 years as an FBI agent in a career that spanned the nation and globe.

He is a Middle Tennessee State University graduate and completed training at the Kellogg School of Management at Chicago's Northwestern University.



Tennessee delegates were on hand in Reno, NV, last month during NLC's annual business meeting to approve the 2006 National Municipal Policy and vote on a set of resolutions.

## NLC Annual Congressional City Conference to focus on new political landscape in 2007

BY LATRICIA GOOD  
*Nation's City Weekly*

With a new Congress set to convene, NLC is gearing up to welcome city leaders from across the nation to Washington, D.C., for its annual Congressional City Conference. The Congressional City Conference, taking place March 10-14 at the Hilton Washington Hotel and Towers, will offer delegates a chance to discuss the new political landscape and how cities and towns could be impacted.

City officials will have opportunities to learn more about key federal priorities and lobby Congress on short-term issues on the Congressional agenda in 2007. Delegates will also carry a shared message to Capitol Hill about the importance of bipartisan collaboration and decision-making.

In addition to lobbying, the

conference will provide a range of educational and networking opportunities to maximize city officials' time in the nation's capital. Conference workshops will highlight some of the key legislative priorities NLC will be working on in the coming year, addressing such issues as emergency management and homeland security, telecommunications reform, eminent domain, education reform, budget issues, and community development and affordable housing issues.

Workshops will also include advocacy training sessions to help delegates prepare for City Lobby Day. The conference will also present general sessions featuring notable keynote speakers including news commentator David Gergen. Gergen will address delegates at the closing general session on Tuesday afternoon, March 13.

The conference gets underway

Saturday, March 10, with Leadership Training Institute seminars. The NLC Board of Directors, Advisory Council and policy and advocacy committees will hold meetings on Sunday, March 11, and the main conference will start Monday morning, March 12. General sessions and workshops will run all day Monday and Tuesday. The conference will culminate March 14, with City Lobby Day on Capitol Hill.

All city officials are encouraged to register and attend the Congressional City Conference and take advantage of this unique opportunity to join with their colleagues and work for a renewed federal-local partnership to address the issues critical to the success of America's cities and towns.

For more information about the Congressional City Conference and to register online, visit the NLC website at [www.nlc.org](http://www.nlc.org)

## Recent chairmanship appointments for Keith McDonald, Diane Neighbors

Bartlett Mayor A. Keith McDonald has been appointed Chair of the First Tier Suburbs Council of the National League of Cities. Established in 2002 to address the unique challenges faced by municipalities located outside of central cities and inside the ring of developing suburbs and rural areas.

The FTS Council allows elected officials from these cities network with each other to discuss common

needs, raise the visibility of first tier suburbs, articulate their unique challenges and opportunities, and encourage NLC to be a vehicle to advance these issues.

A first-tier-city is a suburb which borders a large city. Such cities are attractive for urban dwellers fleeing from high taxes, crime and declining schools.

First Tier cities encounter unique challenges as crime encroaches, housing stock ages, and people move farther from an area's urban core.

Bartlett has maintained its reputation as a great place to live. With the population doubling in the past decade, McDonald is determined to keep it that way.

"I am thrilled to be able to lead the discussion on behalf of First Tier Suburbs as we look to raise the awareness in Congress of the policy blind spot for our cities. Our approach will continue to be very practical for our member cities," he said.

Council Member, Diane Neighbors, has been appointed to chair the NLC Human Development Policy Committee of the National League of Cities.

Neighbors's appointment is one of NLC's seven standing committees that develop policy positions and advocates on behalf of NLC on national issues involving municipal governments.

"I look forward to working with Diane in the year to come as we address the challenges cities are facing," said NLC President Bart Peterson.

Each NLC policy and advocacy committee has a membership of approximately 150 officials from cities and towns throughout the nation.

The committees will hold their first meeting in March, during NLC's annual Congressional City Conference in Washington, to discuss and identify specific policy issues to be addressed during the year as well as recommendations for action.



McDonald



Neighbors

Policy amendments are brought before the entire NLC membership at the annual business meeting, held each year during the Congress of Cities. Once approved by the League's membership, the NLC National Municipal Policy serves as the basis for the League's advocacy on behalf of all local governments.

The National League of Cities is the nation's oldest and largest organization devoted to strengthening and promoting cities as centers of opportunity, leadership and governance. NLC is a resource and advocate for 19,000 cities, towns and villages.

### 2007 CITY CULTURAL DIVERSITY AWARDS

Sponsored by the National Black Caucus of Local Elected Officials of the National League of Cities

#### "Making an Affirmative Difference in Our Nation's Cities"

#### General Guidelines

- National League of Cities member cities are eligible to apply
- Each application must be submitted with the entry fee according to the following population categories:
 

Under 25,000	\$200
25,001-100,000	\$300
100,001- 400,000	\$400
400-001 +	\$500
- Each application must focus on one municipal program
- Program staff must be diverse
- Each application must demonstrate that the program has enhanced the quality of life in the city by improving equal opportunity and provides greater access to government and government services to multiracial and multicultural populations. Each program must show citizen participation in government and community activities by all segments of the community.

Visit [www.nbc-leo.org](http://www.nbc-leo.org) or [www.nlc.org](http://www.nlc.org) for information and application.

**Bank of America**  
 is proud to support  
**Tennessee Municipal League.**

Visit us at [www.bankofamerica.com](http://www.bankofamerica.com).

**Save the Date!**  
 Tennessee Municipal League Legislative Conference  
 March 5-6, 2007  
 Downtown Double Tree Hotel  
 Nashville TN



# Chief Justice Barker brings heart, humor, know-how to Supreme Court

BY GAEL STAHL  
Editor

Mention the name Chief Justice William M. "Mickey" Barker in legal circles, and you'll hear about a shining example of judicial conservatism in Tennessee. Those who know him well describe the humor he privately brings to his colleagues on the bench. What President Lincoln famously achieved in cabinet meetings with tales, aphorisms and jokes, Barker does at the Tennessee Supreme Court with humor—keeping otherwise potentially contentious discussions collegial and productive.

Barker's 38-year legal career also has been defined by his common sense, energy, motivation, and strong work ethic. These characteristics resulted in his achieving the highest post in Tennessee's judiciary in October 2005, when Barker's colleagues named him chief justice of the Supreme Court. Barker says that his career would not have been possible without the encouragement and support of his family and friends, such as Jay Silverstein and attorney Jody Baker.

Barker credits his mother, Eleanor Barker, as being his major life-forming influence. After her divorce in 1955, Eleanor became primarily responsible for managing the family finances. Eleanor had not worked in 25 years, but she quickly secured a job earning \$40 per week. Thirteen-year-old Mickey earned \$24 a week bagging groceries, and his brother, now a Corpus Christi lawyer, earned \$36 a week working in the advertising department of a Chattanooga newspaper. On Saturday evenings, Eleanor and her sons pooled their cash around the kitchen table. Eleanor ran the household efficiently, with a great sense of humor and a steady faith in God. Her boys never knew that their family was poor by the standards of the day, only that they had a wonderful leader — their mother. Eleanor worked 26 years at the Tennessee Department of Human Services (then called the Welfare Department) and taught her sons to "Never feel you are better — or worse — than anyone else" and to always realize that "But for the grace of God we could be in the same position, or worse." Eleanor died on Jan. 1, 2007, just shy of her 93rd birthday.

Although Barker's parents divorced when he was 13, and Barker lived with his mother afterwards, he still got along well with his father, Frank Barker, whom he describes as being "one of the funniest humans he's ever known." In his early years Frank owned a grocery store, which bankrupted during the depression. Later, he drove a city bus in Chattanooga and owned a liquor store. Finally, he became a probation and parole officer for the State of Tennessee and worked in that role until his retirement in 1973.

Both of Barker's parents encouraged him to get an education. Barker attended McCallie, then a private secondary school, for three years. He graduated in 1959 from Chattanooga High School and earned a bachelor's degree from the University of Chattanooga in 1964. He won a Benwood Foundation Scholarship to attend the University of Cincinnati School of Law. Barker was vice president of his law school class for three years, and he served as a member of the board of editors of the law review. After graduating in 1967, he served two years as a captain in the U.S. Army Medical Service Corps.

In 1969, he joined the law firm of Dietzen Dietzen & Barker law firm and became active in Republican politics as a precinct chairman, a district coordinator, and a member of the Hamilton County Republican Party Executive Committee. In 1983, Gov. Lamar Alexander appointed him as Circuit Court judge. He was elected by Hamilton County voters in 1984 and reelected in 1990. In 1985, he graduated from the National Judicial College at the University of Nevada at Reno.

Gov. Don Sundquist appointed him as a judge of the Tennessee Court of Criminal Appeals in February 1995. Barker won election to a full eight-year term in 1996, and on April 23, 1998, Sundquist appointed him to serve on the Tennessee Supreme Court. He was subsequently elected in 1998 and 2006 to two full eight-year terms on the Supreme Court. On Oct. 5, 2005, his Supreme Court colleagues unanimously elected him Chief Justice. He has chaired or currently is chairing the Tennessee Judicial Council, the Tennessee Code Commission, the Supreme Court Building Commissions, and the State Law Library



Chief Justice Barker is one of the best writers and speakers on the Supreme Court.

Commission. He also currently serves on the Civil Justice Committee of the Conference of Chief Justices of the United States.

He is a former president of the Chattanooga Trial Lawyers Association, member of the Boards of Governors of the Tennessee Trial Lawyers Association and Chattanooga Bar Association, has been elected to the Tennessee and Chattanooga Bar foundations, and is a member of the American Law Institute. From 1984 to 2004, he taught political science at UT Chattanooga, and in 2001 was named Outstanding Adjunct Professor by the Student Government Association. He frequently lectures at legal seminars on the subject of ethics. In 2006, Barker was named the Distinguished Alumni both at the University of Tennessee at Chattanooga and the University of Cincinnati College of Law. Barker has attended the First Presbyterian Church of Chattanooga for the past 32 years and actively participates in church activities, including teaching Sunday school, serving as a ruling elder and as past chairman of the Board of Deacons.

Barker and Catherine "Cathy" (Elton) Barker, a retired teacher of senior English at GPS, a private preparatory school for girls in Chattanooga, have been married 42 years and have three adult children: John, a vice president of JP Morgan in New York, is married to Michelle and has two children; David, a Chattanooga obstetrician, is married to Mary and has two children; and Martha, married to Chris Usher, is a homemaker with one son.

**TT&C: How did you meet Jody Baker who tells the stories about you?**

**WMB:** Jody and I go back a long, long, long way. I met him in 1962, while I was still in college. He was the Hamilton County campaign manager for Frank Clement, who was running for governor. I became his assistant, the youth director of the campaign. We became close friends, and he, like my brother, helped me choose a law career by hiring me at his law office before I ever thought of going to law school. When I got married in the summer of 1964, without two nickels to rub together, Jody paid for my honeymoon trip to the Smoky Mountains. That gift meant a lot to me, because I couldn't have afforded it otherwise.

**TT&C: Baker says you first worked for a clothier?**

**WMB:** Yes, that's true. I attended college for one year, and then I dropped out because I was working full-time and going to school full-time, and not doing either very well. My mother advised me to drop school, work full-time for one year, save every dime, and then return to school and concentrate on my studies. Jay Silverstein owned a clothing store. He made me an offer, "I'll give you a full-time job if you'll promise that at the end of one year you'll go back to school." I agreed, worked one year, and graduated from college in 1964 instead of 1963. I see Mr. Silverstein occasionally and often reflect upon and tell others that I would not be where I am today if Mr. Silverstein had not given me a job with the condition that I work only one year and return to school.

**TT&C: Is there any truth to the stories Jody tells about how you sold certain items?**

**WMB:** True. All true. I believe I actually learned many of the advocacy skills I later used as a lawyer during the one year I worked at the clothing store. I became sort of a master of persuasion. The store, Boys and Young Men's Shop on Market Street, once bought two H.I.S. brand suits, size 40 regular. One suit was hanging on the rack, and we displayed the coat from the other suit in the store window. Somehow, we lost the pants that matched the coat on display, leaving us with one pair of pants and two



identical suit coats. One day a customer from Sand Mountain in north Alabama came into the store to buy a suit. I could see that he was about a size 40 regular. The short version of what happened is, I was able to persuade him that, since everybody knows a suit coat wears out a long time before the pants do, he should buy a suit with two coats and one pair of pants for \$70 rather than a suit with one coat and two pair of pants for \$49.95. He walked out of the store happy to have found a suit with two coats and one pair of pants.

**TT&C: What was your college major?**

**WMB:** I went to the University of Chattanooga (University of Tennessee Chattanooga since 1967), then a private school, and graduated with a major in English. I never thought I'd be a lawyer, but my major actually worked well with my eventual career choice. As a senior in college, I wondered what I would do with an English degree. The options were limited. I could teach high school English because I also had taken some education courses, but I was very interested in becoming an Army officer. Remember, I attended McCallie, a military school, for three years, then I went to Chattanooga High School, which had ROTC, and then I participated in ROTC in college. I became a regimental commander, a big dog in ROTC. My ambition was to continue in the army for 20 years and be a career officer, with a goal of someday becoming a general.

**TT&C: Why did you choose law?**

**WMB:** Well, I met my wife in 1964, my senior year of college. Vietnam was making the news about that time, and she wasn't sold on the idea of marriage to a military guy with Vietnam going on. My brother, who was in his third year of law school at the University of Cincinnati, suggested that I consider law school and apply for a scholarship that it awarded each year to two University of Chattanooga graduates. My brother had won the scholarship, which paid for everything. I really wasn't interested in becoming a lawyer, but my brother encouraged me, saying that law would be a good field of study, even if I decided not to practice law. I decided to apply for the scholarship, with every intention that, if I didn't get it, I would stick with my original plan of becoming a career infantry officer. The rest is history. I won the scholarship, and during my first week at law school, I realized "Whoa! This is it, what I want to do." When I graduated in 1967, I served two years in the Army. Then in 1969, I returned to Chattanooga and began practicing law with the firm of Dietzen & Dietzen, and the name changed to include Barker three years later when I became a partner. The firm had about six lawyers, litigating whatever claim walked in the front door. I have truly loved practicing law — the career that I stumbled upon. There hasn't been a day that I haven't gotten up not looking forward to going to work.

**TT&C: You left private practice?**

**WMB:** In 1982, I decided to run against one of the trial judges in Chattanooga. Although he was very bright, his judicial temperament was not the best. Frankly, he just wasn't very courteous to people. I felt then, and still feel, that judges are in a position of public trust, and they should serve responsibly and treat everyone courteously and with respect, so I decided to run against him, an incumbent judge, hoping to defeat him. No one ran against an incumbent judge at the time. But I did — at age 40. I ran, and I got beat 52 to 48 percent. I returned to practicing law, and about a month later, a federal district judge, Frank Wilson in Chattanooga, perhaps the best federal judge this country has ever known, died of a heart attack, creating a vacancy on the federal bench. In June 1983, President Reagan appointed a circuit judge, Ted Milburn,



Photos by Gael Stahl

to the federal bench. Gov. Lamar Alexander appointed me to take Judge Milburn's place on the state trial court. Even though I lost my first election, I don't think I would have been appointed to the bench as a circuit judge if I had not first run an honorable race for the position.

**TT&C: Voters confirmed you in 1984 and reelected you in 1990. How did you get on the Court of Criminal Appeals?**

**WMB:** In 1994, Penny White was appointed to the Supreme Court leaving a vacancy on the Court of Criminal Appeals. A friend called and suggested that I apply for that position. My response was, what do I have to offer? I had been trying civil cases for 12 years, not criminal cases. He reminded me that I had consistently received from the Chattanooga Bar Association the highest ratings given to circuit court judges, and he said it wouldn't cost me anything to apply. I applied, and I was fortunate that the Judicial Selection Commission recommended me. Gov. Don Sundquist took office in January 1995, and I was his first judicial appointment on Feb. 8, 1995, when he appointed me to the Court of Criminal Appeals.

Justice Lyle Reid retired from the Supreme Court in March of 1998. In April, Gov. Sundquist appointed me to the Supreme Court. I was elected for a full 8-year term in August 1998 on a yes/no retention vote, and for a second 8-year term in August 2006. My colleagues elected me chief justice in October 2005. I very much appreciate their trust, and I enjoy the new challenges and responsibilities of the position. I am honored to serve the citizens of Tennessee as chief justice.

**TT&C: What's your specialty?**

**WMB:** With regard to the law, I feel that I have developed expertise in criminal law, and without those three years on the Court of Criminal Appeals, I am not sure I would have made it on the Supreme Court. I enjoy challenging criminal law, the law-development cases, and cases that involve constitutional issues.

I also have administrative responsibilities as a Supreme Court justice, and as chief, I spend about 60 percent of my time on administrative matters and about 40 percent working on cases. For many years, I served as the court's liaison to the Rules Commission which proposes amendments to the rules of appellate procedure, and the rules of evidence, civil procedure, and criminal procedure. Because of the added duties I have as chief justice, Justice Connie Clark now serves as liaison. I chaired the Judicial Council until August 2006 when I became by statute no longer eligible to serve another term reviewing proposed legislation. I now chair the Tennessee Supreme Court Building Commissions, the Code Commission, and serve as the court's liaison to the Board of Law Examiners, which oversees admission to the bar in Tennessee and the bar examination. I have other administrative duties as well — a full plate actually.

**TT&C: I have picked up from top officials that you are the court's humorist and that you're steady and levelheaded?**

**WMB:** I value common sense. My mother and father both were loaded with common sense. They were also able to read people. When I was a little boy, my mother could look at me and know when I was lying. I have some of that same ability, and it served me well on the trial bench, when I evaluated the credibility of witnesses. Having common sense also makes me consider the implications of the Court's decisions from a practical perspective. Not only do I think about what the right outcome is in a particular case, but I also think in terms of how a decision will impact the parties involved, the law generally, and whether a decision will have unintended consequences down the road. All of these considerations are important because Ten-

nessee Supreme Court decisions are, by and large, final. The U.S. Supreme Court reviews less than 1 percent of state court decisions, so taking the time to think about the practical, global applications of decisions is important. A decision that may at first seem to affect only the plaintiff and the defendant or the state and defendant, may actually have consequences for other litigants and the law generally. To the extent possible, I try to anticipate all the consequences of an opinion before I put my name on it.

I don't mind telling you that, along the way, all judges make decisions that we later realize were not perfect. On occasion, we have the opportunity to correct those imperfections in a later case. I believe strongly in precedent, that is, a judge should not change a prior decision just because the judge personally disagrees with it. Stability and predictability in the law are necessary to enable citizens and government to order their affairs. However, if the rationale for a prior decision is obsolete or fundamentally flawed, then I believe the prior decision should be overruled.

**TT&C: What were a couple of your most memorable cases?**

**WMB:** I was often asked that question as a trial judge, and what I answered then is still true. The most memorable cases are custody decisions. They usually don't garner a lot of headlines, but they require judges to make the best of a no-win situation. I agonized over custody cases. I prayed that I had made the right decisions and often wondered whether my decisions turned out for the best in the long term. I was fortunate to learn of the long-term result of one of my more difficult cases — a terribly bitter divorce and a dispute over the custody of the couple's 12-year-old son. I awarded the father custody. Fifteen years later, the son became a my wife's colleague, teaching English. He's doing great. Learning of his success was very gratifying. I have written other opinions that have developed the law substantially, like an opinion I authored in 1999, *State v. Burns*, that overhauled the criminal law doctrine of lesser-included offenses, but cases that affect the lives of children are the most memorable to me.

**TT&C: Any memorable municipal, local government cases?**

**WMB:** This past year I wrote an opinion upholding the constitutionality of term limits for elected local government officials. Another case that did not make municipal and local governments very happy was *Hicks vs. State*, which concerned the application of the constitutional \$50 fine limitation. I also wrote the follow-up case, out of Nolensville, in which the court refused to read the constitutional provision to account for the change in the value of money since 1796, when the \$50 fine limitation was adopted. Although we recognized that \$50 was a hefty fine in 1796, we refused to re-write the constitutional provision and said that any change must be made by constitutional amendment. I realize these were not popular decisions with the municipal governments, but they were, as I indicated in the opinions, true to the constitutional text, which should be the primary focus in constitutional interpretation.

**TT&C: You were just elected to another eight-year term? Your last?**

**WMB:** I'm not certain, but I am 65 now, so at the end of the term, I'll be 73. My wife and I love to travel. I've traveled to just about every country in Europe. On the main street of downtown Vienna we had our picture taken in front of the Chattanooga Bar and Grill, and in Rome, we were photographed next to the Trevi Fountain with two of our close friends, Dr. Jim Ward and his wife Roberta. We plan to do a lot more traveling when I retire if our health remains good. In April 2005, we traveled to Slovakia and Czech Republic and taught American legal ethics to law students in universities there. I also spoke to Czech Republic Air Force officers interested in learning English. We had the opportunity to introduce missionaries to the students and to open the door for interested students to talk to the missionaries about their spiritual lives. I personally did not offer spiritual counseling, but I very much enjoyed opening the door for the students in these countries to exercise the right of religious freedom they had so recently attained. When I retire, we're going to return to those countries or to north London and teach from four months to a year.