

Governor calls for BEP reforms

BY DENISE PAIGE
TML Government Relations
& CAROLE GRAVES
TML Communications Director

Before a special joint convention of the General Assembly, Gov. Phil Bredesen unveiled his \$475 million education plan, BEP 2.0, which calls for reform in how the state funds education. The proposal builds upon a plan the governor introduced earlier this year to improve schools by allocating additional state money for school systems with high numbers of at-risk students and those systems with high student population growth.

Bredesen originally intended to fund half of the program in this year's budget by increasing the cigarette tax, which would raise some \$144 million, and \$140 million in surplus tax revenue.

With the additional new money, just confirmed by the State Funding Board (see article below), Bredesen said that the proposed 40-cent cigarette tax may not be needed – but could be phased in over time.

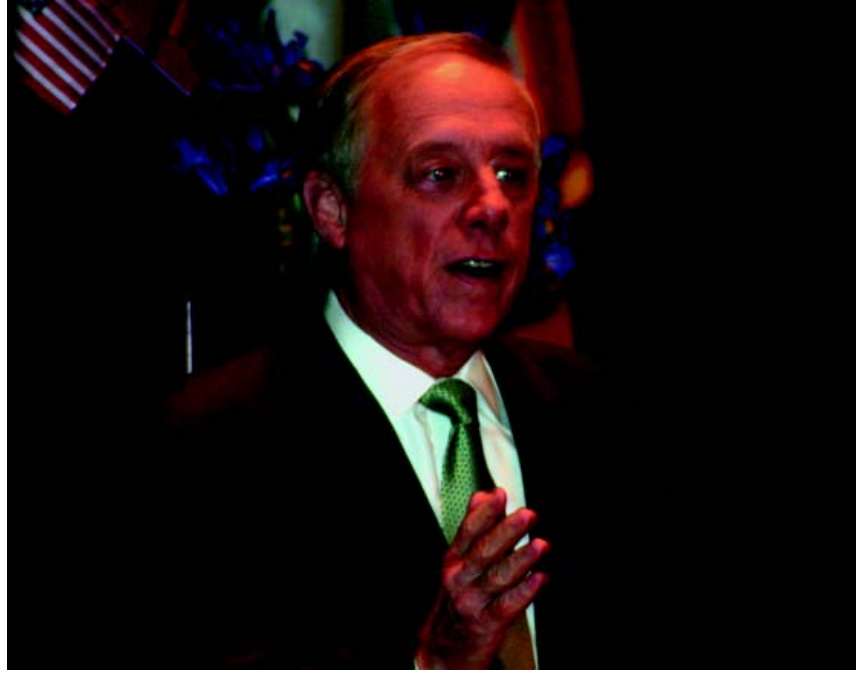


Photo by Victoria South

Gov. Bredesen unveiled his \$475 million BEP reformation plan before a special joint convention of the General Assembly

The remainder of the program would be financed based on the future availability of state funds. The program could be fully funded by the end of Bredesen's term in 2008.

The Governor said he had not intended to make any reforms to the BEP this year, but due to projected additional revenue combined with a See **BEP** on Page 7

Cable Franchise vote scheduled for Senate and House Commerce

On April 17 the House Subcommittee on Utilities and Banking passed the cable and video franchising bill, as amended, by a vote of 8-6. The subcommittee adopted 5 amendments, including three PEG amendments and a build-out requirement modeled after a Missouri bill.

On May 8, the Senate Commerce adopted identical amendments. While some of these amendments made marginal improvements to the bill, the bill effectively eliminates local control of franchising, substantially weakens consumer protections, limits municipal authorities, and reduces municipal revenues.

More than 30 amendments have been filed that have yet to be considered by either Committee.

The Senate and House Commerce Committees are expected to complete consideration of all amendments and vote on this legislation on May 15.

Municipal and county mayors and other elected officials, as well as the state's newspapers have all weighed in on the cable franchise issue with the overwhelming sentiment that the proposal pushed by AT&T is bad for communities and consumers.

From Memphis across Middle Tennessee and into the Tri-Cities, the opinions are clear – removing local control, stripping consumer protections, giving AT&T carte blanche to rights of way and eliminating build-out requirements is bad policy for Tennessee. See **CABLE** on Page 3

State projects \$700 million in new money

BY CAROLE GRAVES

"I have never had a year with as much new money as we have before us now. This is unique and is unlikely to happen again," said Gov. Phil Bredesen earlier this month during his BEP speech before the Tennessee General Assembly.

Last week, the State Funding Board confirmed the Governor's statement, adopting revenue projections that could total some \$700 million in new dollars for FY 2007-08.

Earlier this year, when Gov. Bredesen delivered his State-of-the-State address, Bredesen unveiled a budget plan that included an additional \$400 million in unexpected revenues. Now state funding officials are estimating an addition of \$350 million more in recurring money and some \$345 million in non-recurring, or one-time money.

State economists attributed the windfall to a 21 percent increase in the franchise and excise tax, modest growth in sales tax revenues, and an increase in the Hall Income Tax due to a strong stock market performance.

The projections come with guarded optimism, however, due to the volatility of the corporate tax, the drop in the housing market, and out of concern that the economy will slow down some.

"Often companies will take a hit one year, so the next couple of years they won't," said Reid Linn, research director with the Department of Revenue, when referring to the franchise and excise tax and corporate tax planning.

Members of the funding board recommended that \$250 million of the nonrecurring funds be added to the state's rainy day fund to bring it to 5 percent of state revenues and an all-time high of \$750 million.

According to Dr. William Fox, economist and director of the UT Center for Business and Economic Research, rainy day funds should be at a level that reflects 11 percent of revenues. And it should be spent to smooth out revenue flows when the economy is slow, like most recently from 1999-2002, when state government See **MONEY** on Page 4

Artrain USA stops in Watertown



Artrain USA, a unique traveling art museum, made a recent stop in Watertown. See Story on Page 10.

Tennessee Safety Coalition seeking tougher stance on guns, gang crime

VICTORIA SOUTH
TML Communications Coordinator

Business and retail giants including the National Federation of Independent Business, Auto Zone and Wal-Mart along with the state's district attorneys general, police chiefs, and sheriffs have formed a united front against gang and gun crimes for a safer Tennessee endorsing legislation lobbied by the Tennessee Public Safety Coalition (TPSC) to impose tougher sentencing laws.

The "Crooks with Guns Law," HB1835/SB1967, would impose stiffer penalties for gun-related crime, sentencing individuals convicted of employing a firearm during the commission of a felony to serve 100 percent of a mandatory 10-year sentence in the penitentiary without possibility of parole. The punishment would be served consecutively with any other sentence the individual receives.

Present law, SB1322, which goes into effect January 1, 2008, sets stronger sentences for individuals involved in violent gang crimes, acting in concert with two or more persons in the commission of acts such as second degree murder, criminal attempt of first or second degree murder, especially aggravated robbery or aggravated robbery or carjacking. The coalition also proposes that case loads be reduced statewide by adding 64 prosecutors in judicial districts across Tennessee.

"This legislation comes with a tremendous fiscal note attached, yet we are strongly pursuing passage," said Norman Lewis TPSC chairman and Montgomery County Sheriff. "It's the second year we've pursued it. Last year, the funding killed it. There's been a tremendous increase of weapons crimes and the gangs make it worse. We feel the public will support this legislation."

While Lewis said Gov. Bredesen is supportive of the measure, the anticipated \$400 million budget surplus the TPSC is counting on to fund the legislation's \$88 million price tag may instead be directed toward BEP restructuring.

"We are supportive of the governor's plan for education," said John Lowry Johnson City Police Chief and President of the Tennessee Association of Chiefs of Police. "However, educating people could be just one piece of the puzzle. We've got to have a safe environment for people to live, work, and learn in."

"Perhaps they may fund a portion of it," Lewis said. "We're wide open to suggestions."

Tennessee gang and gun See **COALITION** on Page 5



Photo by Victoria South

A tagged underpass in Hermitage, a quiet suburb in Nashville, could signify the beginnings of gang activity. The first sign of gang activity is usually graffiti, which serves as the underground newspaper for gangs, identifying the gang, their territory, or challenging rival gangs. Because of this, law officials urge cities to remove graffiti immediately.

Police use of emergency vehicles in pursuit cases

BY ROBERT H. WATSON, JR.,
Attorney, Watson, Roach, Batson,
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&
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Director of Loss Control
TML Risk Management Pool

On Monday, April 30, 2007, the U.S. Supreme Court rendered its decision in the case of *Scott v. Harris*, 2007 WL 1237851 (U.S., April 30, 2007), catching the eye of law enforcement administrators and governmental leaders across the country. The case addresses an elemental question regarding liability for the injuries caused by the law enforcement use of emergency vehicles.

There are at least two liability issues to consider when examining police use of emergency vehicles, especially in a pursuit situation. These are (1) federal civil rights issues largely arising from the unlawful use of force and the reasonableness of a 4th Amendment seizure; and (2) state tort negligence issues arising from the negligent use of a motor vehicle. The civil rights issues are ultimately determined by the U.S. Supreme Court, and the tort negligence issues are typically determined by the Tennessee Supreme Court's application and interpretation of Tennessee state law.

While *Scott v. Harris* is a significant and beneficial decision for law enforcement as it relates to police liability and reasonableness of 4th Amendment seizures via Precision Intervention Technique (PIT) or ramming maneuvers. It must be noted that the Scott case deals with

the individual who is fleeing and not third parties injured in a pursuit.

This article is the first of two articles addressing these two elements. The Fourth Amendment seizure issue will be addressed here in Part 1. The state tort negligence issues and pursuits under state law will be addressed in Part 2.

In the case of *Scott v. Harris*, the U.S. Supreme Court was faced with the question of whether a law enforcement official can be consistent with the Fourth Amendment when he attempted to stop a fleeing motorist from continuing his public-endangering flight by ramming the motorist's car from behind. Justice Scalia delivered the opinion (8-1) for the Court and held that:

A police officer's attempt to terminate a dangerous high-speed car chase that threatens the lives of innocent bystanders does not violate the Fourth Amendment, even when it places the fleeing motorist at risk of serious injury or death.

It is noteworthy that this lawsuit reached the Supreme Court, not as a result of a trial, but on a Motion for Summary Judgment. The police officer's attorney had filed a Motion for Summary Judgment which was denied by the trial court and denied on appeal by the Eleventh Circuit. The basis for the appeal by Officer Scott was his assertion that plaintiff's suit against him was barred under the doctrine of qualified immunity. Qualified immunity issues are immediately appealable on denial by the trial court to the Court of Appeals. *Mitchell v. Forsyth*, 472 U.S. 511, 527 (1985). In this case, Officer Scott (as do See **PURSUIT** on page 5

PEOPLE

BY TISH WOMACK

Memphis City Council approved the appointment of **Elbert Jefferson Jr.** as city attorney. He replaces **Sara Hall** who resigned in March.

Morristown voters elected **Sami Barile** mayor in the May 1 election. She is the first female mayor in Morristown history.

White Bluff elected **Linda Hayes** as its first female mayor in late April. She replaces Mayor **Danny Williams** who did not run for re-election.

Lawrenceburg voters elected City Commissioner **Keith Durham** mayor in early May. In the week of July 1, he will replace outgoing Mayor **Allen Chapman**, who did not run for re-election.

Maury City Mayor **James Rayce Castellaw** ran and won unopposed for mayor.

Clarksville has hired **Pat Hickey** as general manager of the Clarksville Gas and Water department effective May 7. Hickey had been the director of Smyrna's Utilities since 2003.

Former Memphis Chief Administrative Officer **Rick Masson** has been tapped to be president of Memphis Gas Water and Light. He replaces **Joseph Lee** who resigned effective May 3.

The 2007 Class of Leadership Collierville honored Collierville Town Administrator **James Lewellen** with the H. R. Houston Community Leadership Award for

establishing a cable franchise that provides government access channels and supplies Internet services



Lewellen

to local schools, and for generating the first comprehensive land use and economic development plan.

Red Bank Police Chief **Larry Sneed** was appointed to the Tennessee Peace Officers Standards and Training Commission by Gov. Phil Bredesen.

Former Columbia City Manager **Mike Miller** has accepted a manager position in Farmington, N.M.

Mt. Juliet Public Works Director **Hatton Wright** retired effective April 27. He had been with the city since 1994.

A "Poet's Garden," built in Bell Buckle by students in Leadership Bedford Beginnings Class of 2007, was dedicated to Tennessee Poet Laureate **Margaret Britton Vaughn**. Vaughn is a native of Bell Buckle.

Shelbyville City Attorney Tom Nance, Immediate Past President of Tennessee Municipal Attorneys Association, died April 23 at age 39. He had been city attorney since 1998.

A sampling of what they are saying about AT&T's bill

"Legislators shouldn't take regulatory control away from the level of government that is closest to the people."

– *The (Memphis) Commercial Appeal*, April 15, 2007

"Will local governments have the control they need if true authority is in Nashville? Customers will have no local government agency with whom to lodge a complaint over poor service, improper billing or other problems where a controlling authority is essential."

– *Knoxville News Sentinel*, May 8, 2007

"It sounds as if AT&T is asking Tennessee lawmakers to stack the deck in its favor. That would neither be fair nor reflect the true spirit of competition."

– *Johnson City Press* February 25, 2007

"There is no reason the telecommunications giant can't live by the current rules that give control over cable franchising to local municipalities... We fail to see any advantage to the city or to local residents to give AT&T a free pass to operate with a heavy hand in Jackson or anywhere else in Tennessee."

– *Jackson Sun*, April 23, 2007

"When a sensible apparatus already exists for telecoms to enter into any given market and they would rather change the rules to get a leg up, something isn't right."

– *SuburbanCommunity News – Shelby, Tipton and Fayette Counties*, May 6, 2007

"City officials say they oppose the legislation, which has been pushed by AT&T and BellSouth, because it could take away local control of revenues, require governments to fund public access channels, and weaken consumer protections."

– *The Oakridger* February 28, 2007

"Soddy-Daisy is concerned that AT&T will build its lines in Chattanooga and ignore the less densely populated areas in parts of Soddy-Daisy. It also worries that under a state agreement the firm will not be as open to donating its services to local public use such as school and municipal meetings or announcements."

– *Chattanooga.com*, April 6, 2007

"Specifically, it (AT&T) wants a competitive business climate where nobody – nobody – can force it to run wire in lower Antioch, upper Joelton or every hollow in Cannon County if it doesn't want to."

– *The Tennessean*, April 8, 2007

"If this bill takes shape, this would truly be a sad situation for Nashville's African American community and indeed the hard-working families throughout the state that do not meet AT&T's definition of "high value" customers."

– *The Tennessee Tribune*, April 19, 2007

"Lawmakers would be wise to wait on the AT&T bill until they have a better idea of the company's current DSL capacity and its intentions with regard to future services. As it stands, rural customers don't get their money's worth."

– *The (Murfreesboro) Daily News Journal*, April 22, 2007

"Each and every community makes its own deal and it is hard to see how a statewide charter could treat every community with equity,"

– *The Tullahoma News & Guardian*, April 18, 2007

NATIONAL BRIEFS



BY TISH WOMACK

The U.S. Department of Agriculture announced the availability of \$3.5 million for rural cooperative development grants. The grants, up to \$200,000, are to fund centers for cooperative development to im-

prove economic conditions in rural areas. The grants will be awarded for a one-year time period starting Oct. 1, but no later than Jan. 1, 2008. The deadline for applications is June 8. An application guide and other materials are available at www.rurdev.usda.gov.

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STATE BRIEFS

BY TISH WOMACK
TML Research Analyst

University of Tennessee Center for Business and Economic Research reported that about two-thirds of Tennessee's higher education graduates are working in the state within two years of graduation. The report indicated that in-state students are more likely to stay in Tennessee to work than out-of-state students. To read more go to <http://cber.bus.utk.edu>.

Tennessee received an annual payment totaling \$147 million as part of the 1998 Master Tobacco Settlement Agreement. To date, the state has received an aggregate total of \$1.3 billion under the settlement agreement.

CoverKids, an element of Tennessee's Cover Tennessee insurance program, is looking to insure many of the 127,000 uninsured children in the state. A family of four with a household income of \$51,625 or less is eligible for the program with no monthly premiums, but each participant will pay reduced co-payments for services. Families above the income level who wish to purchase coverage for their child can "buy in" to the program by paying monthly premiums. Pregnant women under 250 percent of the federal poverty level who are otherwise eligible may apply for coverage, including prenatal, delivery, and postpartum care. For more information call 866-covertn or visit www.coverTN.gov.

USDA Rural Development loans and grants are available to construct off-farm housing and help low- and very-low-income rural

homeowners make needed repairs. Applications may be obtained by contacting the USDA Rural Development State Office at 615-783-1375 or toll free at 800-342-3149 ext. 1375. Deadline for applications is June 18.

Tennessee State Parks is one of three finalists for the American Academy for Park and Recreation Administration's 2007 Gold Medal Award for Excellence in Park and Recreation Management. The award will be announced at the National Recreation and Park Association's annual conference in September.

The state is taking a lead role in researching switchgrass as a potential fuel for motor vehicles. Tennessee, one of three hubs in the nation taking part in a four-year pilot program, has offered \$3.5 million in grant and loan money for biofuel development. Presently, Oak Ridge National Laboratory and the University of Tennessee Institute of Agriculture are partners in the experimental program with farmers growing about 100 acres of the grass.

Johns Hopkins University's Center for Data-Driven Reform in Education (CDDRE) has chosen Tennessee and six other states to participate in a school improvement project. Nationally-renowned education researchers will work with select districts on a customized plan to improve student learning in the classroom. The school districts selected are: Carter County, Fayette County, Greene County, Hancock County, Hawkins County, Macon County, Maury County, Roane County, Robertson County, and Wayne County.

State board projects surplus

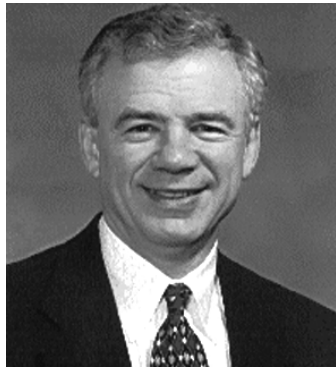
MONEY from Page 1

ment partially shut down, state parks were closed, and protestors rocked the state capitol over a state income tax proposal.

"Rating agencies say there is no right number for states, but that it depends on individual circumstances," said Fox. "But when revenues are slow, that lasts for about three to five years. And there needs to be a plan for that."

The legislature will ultimately determine how to spend the surplus. Both parties have plans for eliminating sales taxes on food. The Republicans have discussed a plan to eliminate sales tax on all food on a one-

time basis during the month of December. Democrats want to permanently remove the sales tax on milk and baby food.



Bill Fox

TML Pool holds annual photo contest

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

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

Prizes will be awarded to the

top three photos submitted as determined by a panel designated by the TML Pool. The grand prize will be a 30GB iPod that can store and play videos, photos and up to 7,500 songs. The winners of the photo contest will be announced at the Pool Party on Monday, June 11, 2007, at the TML conference. All submitted photos will become the property of the TML Risk Management Pool.

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

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

Weakens Consumer Protections:

- Imposes toothless build out requirement that only applies to AT&T and leaves 75% of AT&T's existing telephone customers and 100% of those Tennesseans that receive telephone service from a provider other than AT&T without any assurance of competition.
- Eliminates enforcement of federal, state and local customer service requirements; leaving subscribers with no meaningful protections
- Includes loopholes that effectively nullify the bill's anti-discrimination requirements

Limits Municipal Authority:

- Effectively eliminates local cable franchising for new entrants into the cable market and creates avenues for providers to terminate existing local cable franchise agreements
- Eliminates build-out requirements for any statewide franchisee other than AT&T
- Eliminates a municipality's ability to police cable or video provider's activities within the public rights of way
- Preempts local taxing authority; thereby bestowing special protections upon cable providers

Reduces Municipal Revenues:

- Statewide cable franchise holders will pay less in franchise fees than companies operating under a local cable franchise agreement
- Reduces the statute of limitations for audit periods and increases a municipality's out-of-pocket costs
- Transfers operational and technical costs relating to PEG currently paid by cable providers to municipalities
- Eliminates fees and other costs currently paid by providers operating under local cable franchise agreements

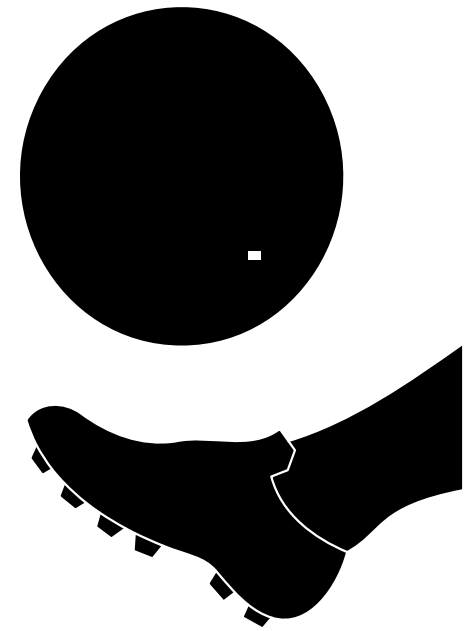
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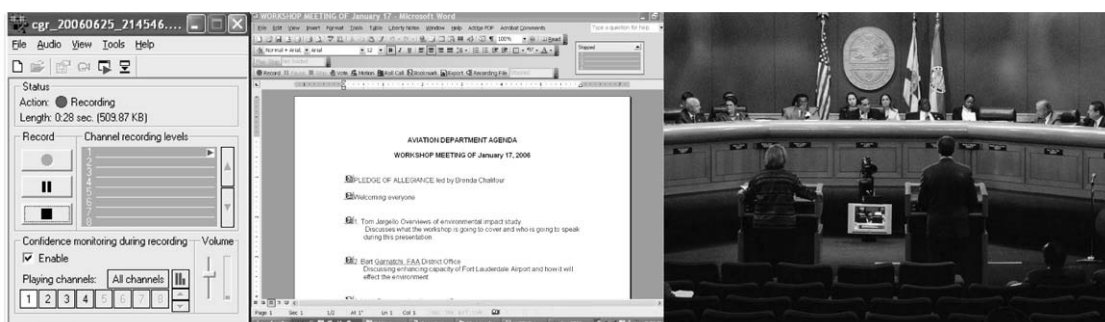
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Coalition seeking tougher stance on guns, gang crimes

COALITION from Page 1

crime is on the upswing. Once standard in the streets of New York and L.A., gang violence is flourishing in Tennessee's urban areas. At 753 violent incidents per 100,000 people in 2005, Tennessee's violent crime rate is the second highest in the U.S., reports the Federal Bureau of Investigation. A report by The Tennessee Bureau of Investigation also notes that 31 percent of the state's robberies and aggravated assaults were committed with firearms.

"I can't think of another single bill more important," said Deputy Chief Toussant of the Memphis Police Department.

Violent gang crime in Memphis has risen 69 percent from 2004 to 2006, according to the TPSC and by 18 percent in Knoxville from 2005 to 2006. "In Tennessee, it's a revolving door," Toussant said, referring to high incidents of repeat offenders.

Currently in Tennessee, weaker sentencing guidelines allow some violent offenders to serve as little as 30 percent of their total sentence, according to the TPSC.

"I've been in law enforcement 29 years," said Lowry. "I'm now putting the children and grandchildren of people I arrested 29 years ago

percent, but is generating hundreds of millions of dollars in annual revenue savings by decreasing the flow of criminals into the state prisons and city jails according to a 2005 article in the *City Journal*. With violent crime and recidivism on the decrease, the city has closed its facilities in Brooklyn, Queens, and the Bronx along with some wings in other facilities.

"Enforcing hard time for gun and gang crimes helps give law enforcement the tools we need to take violent and repeat offenders off the streets," said Nashville Police Chief Ronal Serpas. "Tougher sentencing sends a clear signal that we won't tolerate violent crimes."

Small city gang prevention

This year, the U.S. Department of Justice awarded the Raleigh-Durham area of North Carolina \$2.5 million as part of a comprehensive Anti-Gang Initiative. "North Carolina has a dramatically growing gang presence," said U.S. Sen. Elizabeth Dole. "Gangs pose a serious threat to our communities' safety, and it is imperative that we give local, state, and federal law enforcement officials the resources and tools they need to keep our families out of harm's way."



Photo by Victoria South

Knightdale, N.C., has installed a 30-day limit for graffiti removal

their communities. Marked by neighborhood meetings between the city and police, teams were formed to clean the streets, improve street lighting, remove graffiti, and recruit block captains. The city opened a youth center offering afterschool programs along with parenting and ESL classes.

Charlotte has created a resource hotline for parents and friends of gang members seeking help for their loved ones involved with gang culture, while Fayetteville, N.C., has taken an active role in the schools and on the Internet in order to protect kids from gang influences. According to Bridgeman, MySpace, a web page geared toward America's youth, is often frequented by gangsters advertising and searching for converts.

The city of Knightdale, N.C., created a database with the names, photos and addresses of the youth in the area along with groups they were affiliated with. A 9 p.m. curfew was established for anyone under 18. Curfew violations draw fines of \$200 and upwards for parents and a 30-day limit for graffiti clean-up on private property was installed.

Helping America's Youth

In April, First Lady Laura Bush delivered a keynote address at Tennessee State University on *Helping America's Youth*, a nationwide effort to raise awareness about the challenges facing at-risk children, especially boys, and to motivate caring adults to connect with youth in three key areas: family, school, and community. "Drugs, gangs, predators on the Internet, violence on television and in real life are just some of the negative influences present everywhere," Bush said. "But programs across the country have been able to counter those influences."

"Every minute spent with a child means minds and hands occupied whether it be with a fishing pole, a baseball, a soccer ball, anything but illegal activity," said Sheriff Lowry.

On Saturdays, Johnson City officers involved with the "Say Yes to Fishing, No to Drugs" program fill a pond with 2,000 rainbow trout where more than 4,000 children fish and interact with police who instill rod and reel techniques along with positive messages about staying out of trouble. The police also volunteer

with youth summer programs such as the Explorers and Citizen's Police Academy.

In Nashville, downtown venue Rcktown (pronounced Rockettown) founded by Christian recording artist Michael W. Smith, provides after school programs geared toward current trends of America's youth such as film editing, skateboarding and dance.

Chattanooga Mayor Ron Littlefield and Rev. Terna Jordon created the "Stop the Madness" program partnering with the Chattanooga Police Department to educate community leaders. The weekly program aims to enhance the local community's ability to address issues such as youth violence, school-related crime and gangs.

Typical pre-gang behaviors

"You cannot wait until a child is 15 years old," said Lowry. "In order to fight this type of crime, you must invest in kids beginning in Pre-K. Classes must be available for single-parent households or grandparents trying to raise these children. They need to know that people will help them."

Danger signals of pre-gang involvement include:

- Poor progress or truancy in school
 - Lack of hobbies, too much leisure time
 - Frequent run-ins with authority figures or police
 - Drawing of gang symbols, hand signs, symbols on books or clothing
 - Possessing large sums of money
- Gang members use lots of sweet talk, peer pressure, fear and intimidation to recruit children. Young people are told about the "good things" that will happen to them if they join; money, friends, and parties, a family that will love and care for them. Parents should not ignore the warning signs.

The Memphis Police Department advises: Demand accountability for time spent, money and clothes; meet and greet friends and parents of friends; be observant of dress patterns and jewelry; require positive activities for children; talk to your child about gangs; and ask questions about suspicious activity.

Police use of emergency vehicles in pursuits

PURSUIT from Page 1

many police vehicles in Tennessee and other states) had an in-car camera that recorded the pursuit. Typically, in a Motion for Summary Judgment, the threshold question for the Court is whether "taken in light most favorable to the party asserting the injury, do the facts alleged show the officer's conduct violated a constitutional right." *Saucier v. Katz*, 533 U.S. 194, 201 (2001). In this case, the Supreme Court in fact held that the videotape which captured the events in the pursuit overrides this threshold question. The Court held that: . . . [t]he record blatantly contradicts the plaintiff's version of events so that no reasonable jury could believe it, a court should not adopt that version of the facts for purposes of ruling on a summary judgment motion.

The court found that the video clearly showed that Deputy Scott did not violate the Fourth Amendment. In determining this, the court reviewed the video and held consistently with *Graham v. Connor*, 490 U.S. 386 (1989) that the question the court needed to determine was whether the officer's actions were objectively reasonable. The video was the key factor in the Supreme Court's overruling the trial court and Eleventh Circuit's denial of qualified immunity.

Scalia's opinion seems consistent with earlier court rulings from the objective reasonableness standard standpoint and in a review of qualified immunity. The difference here is the videotape of the pursuit which clearly takes this case away from the normal presumption. The Court stated: ". . . [w]e are loath to lay down a rule requiring the police to allow fleeing suspects to get away whenever they drive *so recklessly* that they put other people's lives in danger."

In fact, the court found by reviewing the video that Harris' flight from police in this case posed "extreme danger to human life" and clearly posed "an actual or imminent threat to the lives of any pedestrians who might have been present, to other civilian motorists, and to the officers involved in the chase."

The case is not a pass to allow pursuits at no risk to the pursuer. This case must be construed in accordance with the facts presented through the video. It is a beneficial case to the defense of law enforcement officers. Yet, when reading this decision, it is clear that it deals with the Fourth Amendment and the individual or individuals pursued. The court was clear when it found: "A police officer's attempt to terminate a dangerous high-speed car chase that threatens the lives of innocent bystanders does not violate the Fourth Amendment, even when it places the fleeing motorist at risk of serious injury or death."

Police pursuits are always a risky undertaking and should be engaged in only under appropriate circumstances. If the department has the in-car camera and can show the dangers of the pursuit to the motoring public, then that can greatly enforce the defense of the pursuing officer as related to a seizure under the Fourth Amendment.

Again, *Scott v. Harris* is a significant victory for law and order in this country. However, liability to innocent third parties is generally judged as a statutory issue governed within each state independently. As to state tort negligence issues and pursuits under state law, stay tuned for Part 2 of "Police Use of Emergency Vehicles" for that discussion.



in jail. How many more innocent people will be hurt or shot? We're going to have to do something to show criminals that we're serious, that if they commit these crimes they are going away for a long time."

Metro Police confirm there are around 15 gangs in the Nashville area with 3,000 members. Kurdish gangs are on the rise. Thirteen members of one of the most violent Hispanic gangs in the western hemisphere, MS-13, were indicted here on federal racketeering charges recently. Some of the gang activity represents cultural tensions, while LA-based black gangs, the Bloods and the Crips and Chicago-based Gangster Disciples are more prone to fight over territorial matters. Recruitment is on the rise. Parents were shocked when an 8-year-old child confessed he was lured into the Crips while waiting to catch a school bus in a Nashville neighborhood.

Reduction of jail population

"The "Hard Time" legislation will eventually reduce the population in jails across the state," said Toussant, citing New York as a model for tougher sentencing laws.

Tougher sentencing laws in New York has not only decreased the number of felony arrests by 70

Small city responsibility

"Without any state laws, more gangs will be moving into rural areas, if the state doesn't do something to send a message," said Toussant.

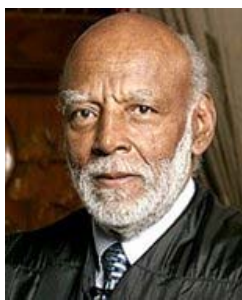
After receiving calls from numerous citizens, it became apparent to LaVergne police that they were dealing with an increasing gang problem in the small Rutherford County community. According to news reports, the LaVergne Police Department created a gang unit to free up the night shift officers dealing with the issue.

"The perception is that it is a big-city problem that exists in the New Yorks and Los Angeleses of the world, writes Matt Lail in North Carolina-based paper *Southern City*.

Fayetteville, N.C., gang expert Lt. Mark Bridgeman says smaller towns are going to have to step up by recognizing they have a problem and using their resources to help eradicate it.

According to *Nation's Cities*, California city partnerships are reducing gang violence. "Operation Phoenix," an 18-point crime fighting plan led by San Bernardino Mayor Pat Morris, reflects citizens voting to direct more resources toward gang and crime prevention in

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Bredesen unveils \$475 million education plan, BEP 2.0



Lt. Gov. Ron Ramsey and House Speaker Jimmy Naifeh



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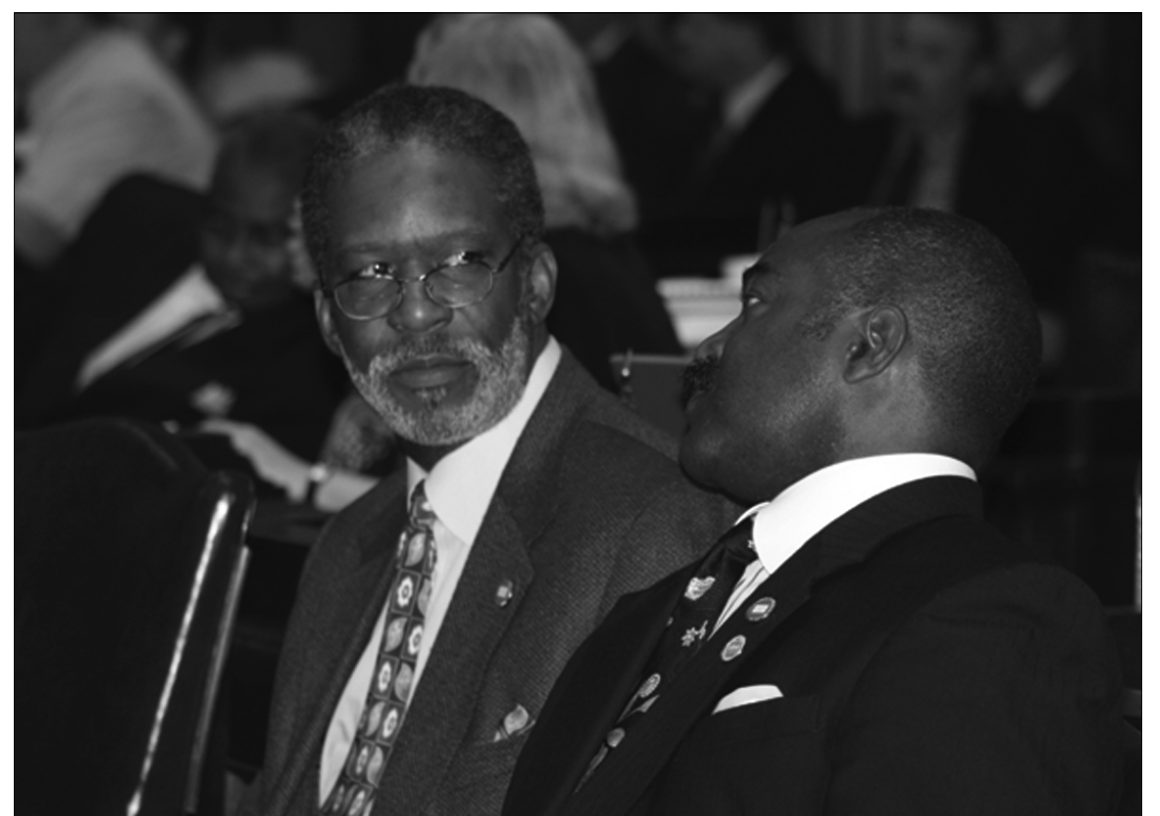
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Rep. John Hood and Sen. James Kyle



Rep. Les Winningham with Sen. Dewayne Bunch (left)

Photos by Victoria South

Governor unveils plan for simpler funding process

BEP from Page 1
bipartisan consensus to invest them wisely, "The chance is here to seize the moment," said Bredeesen.

He credited Sen. Jamie Woodson, chairman of the Senate Education Committee; Rep. Les Winningham, chairman of the House Education Committee; Sen. Randy McNally, chairman of the Senate Finance Committee; Rep. Craig Fitzhugh, chairman of the House Finance Committee; Lt. Gov. Ron Ramsey and House Speaker Jimmy Naifeh for playing an integral part in the new proposed new plan.

BEP 2.0 would replace the existing funding formula by using a county's amount of assessed property and sales tax revenue to determine the school system's ability to contribute to education costs.

Currently, the state uses a fiscal capacity model that determines how much BEP money local governments receive from the state. The fiscal capacity model is the mechanism used in the BEP formula to account for differences in ability to fund education based on variations in the local sales tax base, the local

property tax base, income levels, and other factors. The proposed change would move to a method based on measuring just two factors – the property and sales tax.

"We propose to dramatically simplify this process and make it transparent to the public," said Bredeesen.

Additional changes include:

- Increasing the state's share of teacher funding from 65 percent to 75 percent, with local governments paying the remaining 25 percent;
- Allocating more money for students who need to learn English as a second language, with a goal of one teacher for every 30 students;
- Increasing the average teacher's salary from \$36,700 to \$40,000 annually;
- Fully funding lower-income students and appropriating more funds for growing school districts through the cigarette tax increase.

Bredeesen was quick to point out, however, that these changes are part of a two-way contract with the school districts and increased expecta-



Rep. Johnny Shaw, Sen. Lowe Finney, and Sen. Roy Herron

tations on accountability and performance.

"It goes hand-in-hand with accountability from our school boards, our administrators and our teachers for their performance. We're saying, 'We'll step up to our responsibility

to get you the resources you need; you need to step up to your responsibility for results'," Bredeesen said.

To increase accountability, Bredeesen proposed a focus on three primary areas:

- Increased standards for student

- achievement,
- Increased state involvement in the outcome of failing schools, and
- Increased expectations on state colleges of education to turn out qualified teachers.

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States, Congressmen protest Real ID Act unfunded mandate

BY ERIC KELDERMAN
Stateline.org Staff Writer

Two states leading a revolt against the Real ID Act have picked up new firepower in the U.S. Senate in their fight to roll back an unprecedented federal overhaul of state driver's licenses.

Senate Judiciary Committee Chairman Patrick Leahy (D-Vt.) is now spearheading an effort in Congress to undo the 2005 law that will require states to verify the identity of all 245 million licensed drivers and impose a common set of security features on license cards. Leahy, who can use his post to push legislation to the Democratic-controlled Senate, has signed on to a bill to repeal the Real ID law and revive a previous state-federal partnership effort to make driver's licenses more secure. A bill in the U.S. House, also now in Democratic hands since the 2006 election, has attracted the support of 25 co-sponsors.

"While the federal government dictates responsibilities for what has traditionally been a state function — and adding layers of bureaucracy and regulation to effectively create a national identification card — there is no help in footing these hefty bills," Leahy said at a May 8 Judiciary Committee hearing.

Driving the momentum in Congress, Montana and Washington state last month passed nearly unheard-of statutes rejecting the federal law, which they charge will infringe on their residents' privacy and saddle states with a \$14 billion unfunded mandate. More than 30 other states have taken up similar bills or resolutions calling on Congress to repeal Real ID or fully fund it.

Pietro Nivola, a scholar on federalism with the Brookings Institution, said states have wrestled with mandates from Washington, D.C., since President John Adams' tenure but rarely have passed laws defying Capitol Hill. In 1798, legislators in Kentucky and Virginia passed resolutions declaring a right to nullify federal statutes — a protest against laws cracking down on immigrants as the country prepared for war against France. One of those laws was repealed 1802 after a new majority party took over in Congress, but the other three were allowed to expire.

Instead, states often have used the courts to test the bounds of Congress' reach. For example, the U.S. Supreme Court granted states immu-

nity from lawsuits by their employees under the 1990 Americans with Disabilities Act. In extreme cases, such as the U.S. Supreme Court's 1954 order to desegregate schools, many Southern states simply ignored the mandates until forced to comply by federal troops or the U.S. Justice Department.

More commonly, as with a federal law stiffening drunken-driving enforcement, states have dragged their feet until the threat of losing federal funds made them toe the line. Delaware, for example, waited nearly a decade to adopt Congress' 1996 mandate setting a .08 percent blood-alcohol content, but acted in time to save \$3.3 million in transportation funding.

Money also has been the carrot keeping states from outright rejecting President Bush's No Child Left Behind education law, which state lawmakers across the political spectrum also have challenged as an unfunded mandate and an intrusion on traditional state control of schools.

Nearly half of the states and several local school districts, most recently in Virginia, have threatened to abandon the law, which requires annual testing in reading, math and science and penalizes schools that miss progress goals. But no jurisdiction has flatly repudiated the act because they would have to forfeit federal money, which accounts for about 8 percent of public education funding. A Connecticut lawsuit that sought to overturn the law failed in September 2006.

Like the No Child Left Behind Act, Real ID has sparked outrage from liberals and conservatives alike. They condemn the law's costs, federal pre-emption of state practices and potential threat to personal privacy.

The difference with Real ID is that Montana and Washington won't forfeit a dime in federal money by rejecting the act, which Congress attached without debate to a 2005 bill funding the war in Iraq and Asian tsunami aid. Passage of the law halted negotiations between the states and the federal Department of Transportation on new driver's license security standards to fulfill recommendations of a task force studying the terrorist attacks of Sept. 11, 2001. Both the U.S. Senate and U.S. House bills would revive that process.

The penalty if states do not conform to the act is that their citizens will not be able to use their driver's

licenses for federal identification purposes, such as boarding an airplane or entering a federal building. Richard Barth, an assistant secretary at the federal Department of Homeland Security, told state legislators at an April meeting that Real ID was designed to be voluntary and not tied to federal funds because that could make it unconstitutional.

Under Real ID, states will have until 2013 to reissue all driver's licenses, beginning next May or at the end of 2009 if a state asks to extend the deadline. License holders will have to renew their licenses in person and show a form of photo identification and documents proving their date of birth, Social Security number and address.

The National Conference of State Legislatures is asking the homeland security department to allow states 10 years after Real ID rules are finalized to reissue existing licenses and to decrease costs by exempting military personnel and others with federal identification from the rigid screening process.

The federal homeland security department has estimated that Real ID will cost states \$14 billion. Although Congress has appropriated \$40 million to meet the law's requirements, homeland security officials have clarified that amount will be given out as grants to develop best practices. States also would be allowed to use 20 percent of their federal homeland security grants, but state officials point out those funds are already dedicated.

Final rules for Real ID are due later this summer.

Tennessee Update

In Tennessee, a bipartisan resolution by Sens. Douglas Henry, Jamie Woodson, Randy McNally, and Jerry Cooper has been filed urging Congress not to implement the Real ID Act, unless funding is furnished by the federal government. The estimated financial impact to Tennessee is \$50 million dollars. SJR248 has been placed on the Finance, Ways, & Means Calendar for consideration.

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

May 19: Portland's Strawberry Festival kicking off at 7 a.m. with a pancake breakfast and the strawberry Stride 5K run. Vendors, arts and crafts and locally grown strawberries. Call 615-325-9032 for more information.

May 24-26: Buford Pusser Festival, Adamsville, with car show, music, beauty pageant, and more. Call 731-645-6360 for more information.

May 26: Jonesborough's annual Garden Gala with elegant garden teas and tours in the historic district. Admission charged. For more information call: 423-753-1010, or toll-free: 866-401-4223.

June 1-9: Smoky Mountain Springfest in Gatlinburg, Pigeon Forge and Sevierville featuring special events, local craft shows and more. Contact: 800-568-4748.

June 2 Sunshine Festival at Hohenwald featuring solar, geothermal, alternative energy vehicles, alternative building methods; waterfall and wildflower hikes, bird watching, musical entertainment, and more. Contact: Becky Newbold at 931-796-3191.

June 2: The Humphreys County Arts Council's "Art on the Square," a competition of artists' colored chalk art on pavement in Waverly.

June 15-17: Selmer's Cars for Kids, Southern Style with car show, antique tractor pull, tractor pull, carnival rides, food and music. Visit www.carsforkidsusa.org or call 731-645-6676.

June 15-16: Oak Ridge Secret City Festival with tours of the Y-12 National Security Complex, the Graphite Reactor at the Oak Ridge National Laboratory, music and more.

June 16: Bell Buckle's 13th Annual RC-Moon Pie Festival with a 10 mile run beginning at 7 a.m., games, contests, a parade, arts and crafts, live entertainment, and food. Contact: 931-389-9663.

June 23-24, 28-30: The 6th annual Lawrenceburg Liberty Festival with a theme of "A Salute to the Golden State of California" and contests, music, food, fun and fireworks. Contact: 931-762-7617 or email abmorrow@bellsouth.net.

June 30: Alcoa's Freedom Fest beginning at 1 p.m. in the Springbrook Park/Alcoa Duck Pond vicinity. Fireworks at 9:45 p.m. Contact: Tricia Tipton at 865-380-4787 or visit www.cityofalcoa-tn.gov.

June 30-July 1: The 37th Jonesborough Days in the historic district with visits to villages from different periods of time, hand made crafts, free concerts and children's activities. Contact: 866-401-4223 or visit www.jonesboroughtn.org for more information

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Watertown experiences unique traveling art museum

BY VICTORIA SOUTH

TML Communications Coordinator

It's been seven years since the 1949 era vintage streamliners last rolled into Watertown, but citizens from the tiny historic town, population 1,300, remember it well. This train is Artrain USA, a unique traveling touring museum dedicated to educating and bringing the joys of visual art and other cultural exhibitions free of charge to smaller, rural communities without access to traditional museums.

The visit, arranged by Historic Watertown, is another way to attract visitors to the tiny Wilson County town that bears an uncanny resemblance to Mayberry, while bringing art education and appreciation to its citizens and children. Local artists also received a chance to shine, working in the train's Artist Studio and setting up tables in tents around the tracks.

More than 1,700 patrons stepped on board to view this year's contemporary Native American art exhibition, *Native Views Influences of Modern Culture*, appreciating the artwork and interactive exhibits along with the train's gift shop. One thousand of those visitors were

Watertown area school children applying the unique experience to their art education credits.

"We are so happy to be a resource in the community," said Nathan Zamarron, Artrain tour manager as he transforms a tree stump into a work of art demonstrating ancient carving techniques.

Like much of the staff, Zamarron is a young man in his 20's. From a small rural town in Kentucky, Zamarron is appreciative of the fellowship opportunities afforded by the Michigan-based organization.

The Artrain USA Maggie and Bob Allesee Fellowship provides recent graduates in the fine and museum arts a stint with the train, connecting with artists and the public all over the country, fine tuning their artistic skills while broadening their knowledge of the arts, arts administration, curatorial and conservation practices. Watertown citizen Jan Jewell, assistant to Mayor Mike Jennings, learned of the Artrain's opportunities for young people seven years ago when her college-age son, Jeff, a computer engineering student, came home for summer break.

"I sent him to help his father and

a team of four or five people unload the train. He came back home, packed a bag and left town on that train. They needed someone with his skills and they hired him!"

Jewell's son spent the summer gaining on-the-job experience and touring towns in Atlanta, Kentucky, and Mississippi before flying home for the fall session. Much like the towns Artrain USA visits, the staff is a close-knit community.

"When the train rolled in after seven years, the staff members asked about Jeff," Jewell marvels.

Once an exhibition is installed onboard Artrain USA, it embarks on a national tour that lasts approximately three to four years. In order to work effectively with railroad corporations who donate their services, Artrain USA divides the nation into regions and focuses on one region per year. Thus, the timing of Watertown's next visit hinges upon this map, according to Zamarron.

The traveling museum will visit approximately 120 communities and welcome 300,000 visitors during a national tour. According to Zamarron, the 2008-09 showing will be an immigration exhibit.

Artrain USA was presented the 2006 National Award for Museum

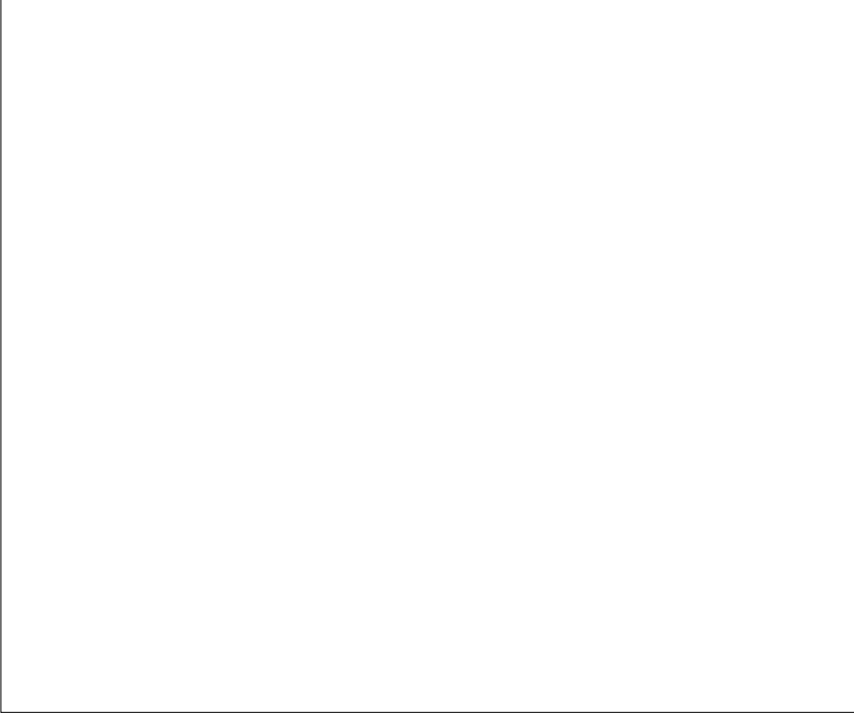


Photo courtesy of Sylvia Lamberson, *The Watertown Gazette*

Sixth-grader Lachreshia Grooms is one of 1,000 local school children that toured the Artrain exhibit in Watertown

and Library Service by First Lady Laura Bush.

"These visits have a lasting impact on their hosts."

"Artrain USA's traveling museum brings world-class art exhibitions to communities across the country that may have little or no access to art museums, Bush said.

To host an Artrain visit, contact Artrain USA, call 1-800-ART-1971 or ArtrainUSA@ArtrainUSA.org



Photo by Victoria South

Climate controlled glass cases contain Native American sculptures and pottery aboard the Artrain. The exhibit was viewed by more than 1,700 people during its stop in Watertown



Photo by Victoria South

A local artist demonstrates the art of instrument-making at the train station surrounding the Artrain USA exhibit

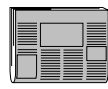
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BRISTOL. The city of Bristol is accepting applications for the position of building inspector I, an entry professional skill level, who will be expected to perform responsible professional, technical, and administrative work in relation to inspection activities and regulatory standards for permitting and licensing approval of residential and commercial building construction. The person hired will be responsible for enforcing adopted city ordinances and codes; inspection process, assessing, evaluating and enforcing adherence to and compliance with all applicable 2006 International Code, city, state, and federal code, and regulatory requirements regarding new and existing construction. A high school diploma or GED, supplemented by the appropriate certifications for the entry level position as designated under the provisions of the Department of Commerce and Insurance-Division of Fire Prevention, or an equivalent combination of education, training, and experience are required. The successful applicant must obtain state building certification within 12 months of hire and must reach building inspector II level within 18 months. Computer proficiency is necessary as is the possession of a valid Tennessee driver's license. Salary range: \$14,42-\$15,43 per hour. Send application to: Human Resources, 801 Anderson Street, Room 204, Bristol, TN 37620. Women/minorities/disabled encouraged to apply. EOE.

CITY MANAGER

NORRIS. The city of Norris is looking for a person with experience in a municipal government position and who has strong supervisory skills as well as good communication skills to fill the position of city manager. The person filling the position reports to the mayor and city council and is responsible for the administration of all city services and departments as well as the supervision of the general fund and water/wastewater budgets and a full-time staff of 18. The ideal candidate must have experience in budgeting, control of revenues and expenditures, and management of complex departments with multiple functions and be a good team player. Eight or more years of increasingly responsible supervisory, managerial experience; computer literacy; residency within the city limits during tenure; and a valid Tennessee driver's license or the ability to obtain one are required. A bachelor's degree in public administration or closely related field or equivalent experience is preferred. Salary range: \$43,000-\$46,000 plus excellent benefits. Send resume and references to: City of Norris, Attn: Mayor Sharon B. Wallace, P.O. Box 1090, Norris, TN 37828. EOE.

CODE ADMINISTRATOR

BRISTOL. The city of Bristol is accepting applications for the position of code administrator who will be responsible for ensuring adherence to, and compliance with the 2006 International Code, all applicable city, state and federal code and regulatory requirements for both residential and commercial sectors including regulatory standards, inspection activities, and permitting and licensing functions regarding new and existing structures throughout the city. A high school diploma or GED, supplemented by eight to 10 years progressively responsible experience in building, inspection and code enforcement, and all appropriate certifications for the management position in all respective trades/disciplines as designated under the provisions of the Tennessee Building Code, or an equivalent combination of education, training, and experience are required. The person hired must have a valid Tennessee driver's license. Salary range: \$1,684.62-\$2,111.54 biweekly. Apply to: Human Resources, P.O. Box 1189, 801 Anderson Street, Room 204, Bristol, TN 37621-1189. EOE. Women/minorities/disabled encouraged to apply.

COMMUNITY DEVELOPMENT DIRECTOR

BRISTOL. The city of Bristol is seeking qualified applicants for the position of community development director who will

report to the deputy city manager and whose responsibilities will include providing professional leadership that will positively affect both department and community; performing complex administrative and supervisory work involving the planning, code enforcement, MPO, and community development divisions; and being responsible for day-to-day management and administration of this multi-faceted department with 17 employees and a budget of \$1,700,000. A master's degree in planning, public administration, geography, or related field is required along with seven to 10 years of progressive public management experience, preferably within a municipal government organized under the council-manager form of government, or any equivalent combination of education, training, and experience which provides the requisite knowledge, skills and abilities. Management experience in planning, community development block grant program, and building code administration are desired as is grant application and administration experience. Must possess knowledge and proficiency in PC operation and geographic information systems. Competitive salary DOE. Send resume and application, available at www.bristoltn.org, to: City of Bristol, Human Resource Department, P.O. Box 1189, Bristol, TN 37621-1189. Position open until filled. EOE.

FIRE CHIEF

TULLAHOME. The city of Tullahoma, population 17,994, is seeking applicants for the position of fire chief whose responsibilities will include planning, managing and directing the activities of the fire department, preparing and monitoring the annual budget, maintaining department rating. Applicants should have progressively responsible management experience including knowledge of fire suppression and prevention strategies. A bachelor's degree in fire science, public administration, or related field is preferred in addition to fire officer training. Salary range: \$50,545-\$61,000 plus benefits. Send resume with cover letter to: City of Tullahoma, Attn: Human Resources, P.O. Box 807, Tullahoma, TN 37388; email: cbrice@tullahoma-tn.com. Deadline: May 31. EOE.

PARKS AND RECREATION DIRECTOR

BLACK MOUNTAIN, N.C. The town of Black Mountain seeks a visionary, experienced and energetic individual for the position of parks and recreation director who will oversee all recreational and facility needs including programs, parks, and an expanding network of greenways for the town located 15 minutes from Asheville in the heart of the Blue Ridge Mountains. The successful candidate will be a strong manager, excellent communicator, and a key member of the town's management team. Graduation from a recognized college or university with a degree in recreation administration, public or business administration, or related fields preferred. Salary range: \$44,449-\$60,684 with starting salary DOQ. Submit required town application form, available at www.townofblackmountain.org, and resume to: Recreation Director Applications, 102 Montreat Road, Black Mountain, NC 28711. Position open until filled. EOE.

PUBLIC WORKS DIRECTOR

MONTEAGLE. The town of Monteagle is recruiting a public works director to manage its public works facilities and programs including gas, water, streets, and other related activities as may be directed by the board of mayor and aldermen. A four-year degree in public or business administration with five years experience in public works is required and the person hired must obtain certification in Water Quality Distribution Grade I within one year. Salary range: \$36,500-\$42,000. Send resume and required application, obtainable from the city recorder's office, to: Joy Sturtevant, P.O. Box 127, Monteagle, TN 37356. Position open until filled. EOE.

WATER TREATMENT PLANT OPERATOR

SPARTA. The city of Sparta is accepting applications for the position of water treatment plant operator who will be working mostly nights and weekends. The person hired must have a high school diploma or GED, a valid driver's license, and Tennessee Grade IV Water Plant Operator Certification. Application forms and job descriptions are obtainable at Sparta City Hall, 6 Liberty Square, Sparta 38583 or by emailing llspivey@citylink.net. Phone: 931-836-3248. EOE.

ZONING ADMINISTRATOR

MT. JULIET. The city of Mt. Juliet is accepting applications for a zoning administrator position. Duties include reviewing applications for variances, conditional use permits, subdivisions, and zoning ordinance amendments; preparing planning commission recommendations; interpreting city's zoning ordinance; coordinating zoning issues with other departments; maintaining records; and attending planning commission and zoning appeal meetings. Salary range: \$31,808-\$42,619 plus benefits. Submit resume to: City of Mt. Juliet, Human Resources Director, P.O. Box 256, Mt. Juliet, TN 37121. Fax: 615-754-5742. EOE.

POLICE OFFICERS

MC MINNVILLE. The city of McMinnville is seeking qualified applicants for two police officer positions. Successful applicants must have a high school or GED diploma; successfully complete a police basic training course as certified by the POST Commission within six months; ability to qualify with approved firearms; possess a valid Tennessee driver's license; ability to lift and carry 100 pounds; and be able to work different schedules and varying times. A post-offer drug screen, physical, and psychological test is required. Bilingual and certified police officers preferred. Salary range: \$24,564.80-\$36,524.80 DOQ plus benefits. Applications available at City Hall, Personnel Office, 211 W. Colville Street, McMinnville, TN 37110. Phone: 931-473-1209; email: fblack@mcminnvilletenn.com; Web: www.mcminnvilletenn.com. Deadline: June 1. EOE.

State announces \$200,000 innovation grants for Main Street communities

The Tennessee Department of Economic and Community Development (ECD) has awarded Innovation Grants totaling \$200,000 to 20 certified Main Street Communities to develop new, innovative projects for their communities. Each Main Street Program will receive \$10,000, with each community matching 20 percent. The grant supports the development of new, innovative projects, programs, activities and technology that exhibit best practices in downtown revitalization.

"Making an investment in these communities helps our state maintain a positive business climate, creating an environment where companies can grow and succeed, and providing more Tennesseans with higher-paying, better-skilled jobs," said ECD Commissioner Matthew Kisber.

The following is a list of the communities that were awarded the grant and their innovative projects the grant will fund:

Bristol: Promote Bristol as the birthplace of country music. The grant will be used to develop downtown maps and audio equipment and brochures for downtown walking tours.

Cleveland: Develop green space/park in downtown Cleveland. The grant will fund professional design services.

Collierville: Fabricate four bronze historical markers for downtown churches and develop downtown informational brochures. The grant will be used to manufacture the historical markers and the printing of the brochures.

Columbia: Create an interactive Web site for the Columbia Main Street business district. The grant will fund the design, development and maintenance of the Web site.

Cookeville: Redevelop and improve accessibility of downtown parking. The grant will fund resurfacing, lighting and landscaping at the downtown parking lot.

Dayton: Create two gateway signs to designate the downtown commercial district and residential neighborhood. The grant will be used for the manufacturing and installation of the signs.

Dyersburg: Develop an initial farmer's market which will include a test market and concepts to build a permanent facility. The grant will fund equipment for 25 booths.

Fayetteville: Develop new signage for the downtown business district, including a gateway signs and directional signage. Create a promotional item for downtown.

The grant will fund the manufacturing of the gateway and directional signs and the design and production of a promotional item.

Franklin: Create directional signage for the 15-block National Register District of Downtown Franklin. The grant will fund the design, fabrication and installation of signage.

Greeneville: Build directional signage throughout downtown. The grant will fund the fabrication and installation of two-sided directional signage in downtown Greeneville.

Jackson: Promote downtown Jackson at Pringles Park, a double A professional baseball stadium. The grant will fund the design and fabrication of a canvas pavilion at the stadium.

Johnson City: Develop gateway signs for the downtown district. The grant will fund the fabrication, installation and labor for two gateway signs.

Kingsport: Cultivate awareness about downtown Kingsport. The grant will fund Web site development and the use of several marketing tactics including: advertising, billboards and brochures.

Lawrenceburg: Increase awareness of downtown Lawrenceburg through street enhancements and marketing strategies. The grant will fund the development of a Web site, brochures, downtown signage and planters.

McMinnville: Create a design center at the Main Street office to assist building owners with renovations of historic buildings and public improvements. The grant will fund

3-D technology, including equipment and professional fees, to encourage downtown businesses to renovate historic downtown buildings.

Tiptonville: Renovate historic Strand Theater in downtown district. The grant will fund the renovation of the historic marquee.

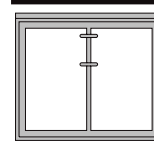
Union City: Develop a marketing package for downtown Union City. The grant will fund directional signage, web site design and brochures.

The Main Street program is a statewide program that provides communities with technical assistance and guidance in developing long-term strategies that promote economic development, historic preservation and growth in traditional commercial districts across Tennessee.

The program requires certified Tennessee Main Street communities to meet National Accreditation standards which include broad-based community support for the program, a comprehensive work plan, a sufficient operating budget and adequate staff and volunteer support.

The Main Street "Four-point Approach to Downtown Revitalization" is a comprehensive, incremental, self-help economic strategy that focuses on developing public-private partnerships to enhance community livability and job creation, while maintaining the historic character of their downtown district.

For more information visit ECD online at <http://www.state.tn.us/eecd/comdev/mainstreet.htm>.



COMING UP

May 17: The Cookeville location for UT-MTAS Municipal Administration Program Economic and Community Development class is rescheduled for May 29.

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

May 30-June 1: Governor's Conference on Biofuels at Montgomery Bell State Park. Registration: \$200. For more information and registration visit www.tdec.net.

June 1: Federal Communications

Commission summit on interoperable emergency communications in Washington. Available as a live webcast at www.fcc.gov beginning at 9 a.m. and ending at 4 p.m. Contact: Leon Jackler at leon.jackler@fcc.gov.

June 10-12: TML Conference, Knoxville Convention Center. Online registration available at www.TML1.org.

June 11: Tennessee Municipal Attorneys Association Summer Seminar, 8 a.m. to 5 p.m.; Knoxville Convention Center. Dinner on June 10 at Chesapeake's on Henley Street, Knoxville. Registration form available at www.tmaa.us.

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Rep. Sontany's story begins and ends with neighborhoods

Her business career and community concerns led to the Metro Council and Tennessee House

BY GAEL STAHL
Editor

Janis Baird Sontany was born and raised in the same neighborhood where she now serves District 53 in the Tennessee House of Representatives.

She now lives in the house that her master carpenter grandfather, Dennis Baird, built in 1935 for the family where he and her grandmother raised two sons. Her father, Reece Baird, was assistant superintendent of maintenance with the Metro Board of Education during his 37-year career with Metro government. Her mother was a homemaker busy rearing four daughters and a son and always very involved in their school activities.

During her career, she worked for four major corporations – General Electric in Dallas, United Cities Gas in Nashville, Donnelly Printing Company, which has a printing plant in Gallatin, and DuPont Company, which has four major manufacturing sites in Tennessee, with multiple sites throughout the world. She also served two terms in the Metro Council – her first term serving under the leadership of then Mayor Phil Bredesen and her second term under the leadership of Mayor Bill Purcell.

Sontany went to work after high school graduation at General Electric Company here in Nashville and after one year, transferred to their regional offices in Dallas, TX where she worked for four years before returning to Nashville. She and her husband lived on a farm in Williamson County for 10 years, during which time both of their daughters were born. Sontany worked for United Cities Gas Company for approximately ten years in downtown Nashville and during that time attended night classes at then UT Nashville.

From 1979 to 1983, she worked in a sales office for Donnelly Printing Company in Brentwood and in late 1983, began her career with DuPont. She worked in a staff position and had the opportunity to spend time working on Capitol Hill monitoring issues of importance to the chemical industry. It was there that she developed her interest in the world of politics.

During her career with DuPont, the company encouraged all its employees to get involved in their community, and therefore, allowed her to devote 20 percent of her time to her Metro council service. When she decided to run for the House, she could no longer serve in the government affairs office and transferred to the DuPont Old Hickory site to spend her last five years in customer service. Her business career ended with downsizing and outsourcing. "They sent my job to Spain and didn't ask me to go with it."

Having always worked for major corporations, Sontany enjoyed good benefit packages, including health benefits. She is aware of how many of her constituents do not receive the benefit packages workers used to have. "Health benefits are very important now, she says, "almost as important as the salary."

Sontany was a member of the Tennessee Municipal League for the eight years she served on the Metro Council (1995-2003), which has a two-term limit. She represented the Glencliff-Antioch area southeast of downtown.

In 2003, she began serving her first term in the Tennessee House of Representatives. During her first term, she was secretary of the Family and Children Committee in addition to being a member of the Health and Transportation committees.

Since 2004, she has served on the powerful Finance Committee and is secretary of the Judiciary Committee. She serves as chair of the House Criminal Practice and Procedure Subcommittee, which considers most all bills that affect the criminal statutes (i.e., DUI legislation, gun legislation, etc.). She has recently been appointed to the Joint Select Committee on Children and Youth.

TT&C: Do you remember, as a girl, what you wanted to be when you grew up?

JBS: I always wanted to be in the business world, to be able to have a career and be a mom as well. Back when I first entered the workforce, you had to keep the two lives separate and not have one impact the other. Being at United Cities Gas when the children were born, I did



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We are working on a comprehensive rewrite of our state blasting laws. Middle Tennessee has a different geology than the rest of the state.



Photos by Gael Stahl

I'm a member of each of the 17 neighborhood associations in my district. They are one way I stay connected to my constituents.

what you were supposed to do. You went to your job from 8 to 5, then to that other job at home in the evening.

TT&C: What gave rise to your interest in local government?

JBS: I first developed an interest in government policy while working for DuPont in their Government Affairs Office. I wasn't a lobbyist – I had a staff position and spent some time in Legislative Plaza. I decided then I wanted to run for Metro Council. I joined the Nashville Women's Political Caucus in 1984 and served as president in 1991-92. One of the goals of NWPC is to encourage women to run for office or get involved in political campaigns.

All politics being local, it was a local issue that got me involved in my community. When I moved into my grandparents' home, I had a Pollyanna attitude that it was going to be just like it had been when I was a little girl. The neighborhood had changed. There was a codes issue I was concerned about so I tried to get help from the current council member. I didn't get the results or attention that I thought I needed and started looking at how I could resolve the issue myself. I resolved it and then decided that I would run for council in 1995, never thinking I would win, but having been a long time member of the NWPC, I thought I could say that I had done it and that I would encourage other women to do so. After nine weeks of knocking on all the doors of the registered voters in the district, I took office in 1995 and was re-elected in 1999.

TT&C: Did you take any leadership roles during your eight years on the council?

JBS: When I was elected, Metro had the worst animal control facility and program in the nation. It was horrible. I was responsible, along with my colleagues for getting the funding to build a new animal control facility. We now have a state-of-the-art facility. It was relocated to my district on Harding Place. Now the council needs to step up and fully

“Another issue we are studying is the disparity of pay for women in this state. Women in Davidson County make 76 cents for every dollar that a man earns. Why should women not be paid the same as men who do the same job?”

fund and staff it so Metro can have a state-of-the-art program to match the facility. This is very hard to convince folks to do. The facility was funded during my first term and then built during my second term. It is an ongoing process.

TT&C: Any other accomplishments?

JBS: While I was on Metro Council, I served on the Personnel Committee. We commissioned a Mercer Study to assess our job classifications and pay scale to compare to comparable cities. After the study was completed, the Metro Council implemented the recommendations of the study which resulted in reclassification and salary increases for most all Metro employees. The State has done a Mercer Study and I hope we get to implement similar results for our state employees.

TT&C: Why did you run for a

House seat in 2002?

JBS: Getting to spend time on Capitol Hill while at DuPont monitoring legislative committees, etc., planted the desire. As I came to understand and enjoy what the political process was all about, I began to think about running for the legislature, but we had a great legislator representing our district at that time, John Arriola.

But while all politics is local, timing is everything. Running for the House at that time was not something I thought would fit my planned goals. However, when Fred Thompson decided not to seek re-election, it started a domino affect in our area. Bob Clement ran for Thompson's Senate seat, John Arriola ran for Clement's Congressional seat (losing to Jim Cooper) and I ran for John's seat in the House. I now represent District 53 stretching from I-24 east on Murfreesboro Road to Bell Road and from I-440 south on Nolensville Road to Harding Place and I also represent a portion of the Percy Priest Lake area.

TT&C: That means you, like the governor, started your career up here in January 2003, right after those miserable years of budget battles?

JBS: Yes, I came to the legislature after all the horn honking. I was fortunate, too, in working with Phil Bredesen during my first term in the Metro Council and during my second term with Bill Purcell, who was also in the Tennessee General Assembly and served as majority leader in the House. And, of course, now I have the opportunity to work with Bredesen again, as our governor. His inspired leadership has done tremendous good for our local community as well as for our state. I have always admired his no nonsense leadership style and accomplishments.

TT&C: In asking others what major accomplishments you had in the House, I was told you helped colleagues defeat SJR 127 in the Public Health Subcommittee that upheld the federal law. Any com-

ment?

JBS: That was the bill that would ban abortion for all women in Tennessee with no exceptions – not for rape, incest or the life of the woman which is very bad for women. I was one of five women legislators that voted against that bill. I don't believe that the government should be involved in the very personal decision regarding women's reproductive choices. That should be a decision made by the woman or the woman and her family or doctor.

TT&C: What are some of your major interests this year?

JBS: We are working on a comprehensive rewrite of our state blasting laws. Middle Tennessee has a different geology than the rest of the state. We are sitting on limestone layers. Because of this, most construction in this area requires blasting. We are actually sacrificing existing neighborhoods to build new neighbor-

hoods. State law allows the same strength blast in densely populated areas as it does in rural areas. Common sense should tell you that you don't need to be blasting in a densely populated area with the same strength as you would in a rural area. The proposed bill will add new blasting vibration standards to conform to national standards similar to standards adopted in surrounding states. There will also be clarification on insurance requirements of blasters and more stringent reporting standards. This bill is scheduled on the House floor this week.

TT&C: Any family bills or municipal type bills?

JBS: Because the family pet is a very important part of many families, I have a bill that extends orders of protection to include the family pet. This bill is not only about animals, it is about protecting children and families. The ASPCA and American Humane Association estimates that 75 percent to 85 percent of families admitted to Domestic Violence Shelters defer entering such shelters because of concern about abandoning their pet to their abusers. Many even refuse to go to shelters because of their love and concern for their animals. There is a proven link between violence toward animals and violence toward humans. This bill provides protection for family pets.

TT&C: As a former council member, do Metro officials ask you to carry legislation or is the process different for large cities?

JBS: The process is usually different, although we do collaborate on some bills. We confer about issues where we have overlapping districts. Six council members have portions of their districts within the 53rd House district, and I work with those council members on common issues in those areas.

I also occasionally get e-mails from council members and our mayor about bills of interest here in the General Assembly. That's been especially true about the statewide cable bill proposal. A large number

of my constituents are contacting me about wanting competition.

TT&C: Of the 42 bills that you are prime sponsor, do any have municipal impact?

JBS: Two of my bills deal with holding parents accountable for their children's behavior. One holds parents accountable if their child has a second conviction of vandalism of public property. Parents should be required to make restitution. I live next door to Wright Middle School where 132 windows were shot out last summer. That one incident cost Metro Schools over \$10,000. If parents are unable to pay for damage done by their children, then they

should be required to do community service work along with their child.

I also have a bill that would allow a properly trained animal control officer to carry out a chemical capture or darting of an animal without having a veterinarian present. Currently a vet's presence is required for this but you can shoot an animal without having a vet present. My bill stipulates that if you are properly trained and have been certified, you don't have to have a vet present. This will, hopefully, help our officers in the more rural areas of Davidson County that have packs of dogs running at large.

TT&C: What does your bill do for children testifying in court?

JBS: That bill is awaiting an Attorney General's opinion that we hope to get in the next few days. The bill would allow videotape testimony of a child up to the age of 13 to be admissible evidence in court if there is suspected sexual or physical abuse. We requested the AG's opinion to make sure that it is constitutional. I think the bill makes sense for a small child because it may be two years before the case gets to court and a small child might forget some of the details of the incident. The bill does require the child be available for cross examination.

TT&C: What does your state employee insurance bill do?

JBS: Previously, state employees that have not elected to take the state's health care coverage have not been eligible for a \$20,000 life insurance policy. Due to some type of computer glitch, the state has not been able to integrate that feature into their program. My bill would require all employees be offered the life insurance coverage regardless of whether they are on the state's health insurance roll or not.

TT&C: Which of your long list of community involvements rate the most attention?

JBS: I'm a member of each of the 17 neighborhood associations in my district. They are one way I stay connected to my constituents. I did that when I was on Metro Council and I have continued to do so now that I am in the legislature. Those neighborhood associations were formed in the House District 53 over the last several years. I always tell folks, since each neighborhood is unique, working with your neighbors helps not only to sustain your neighborhood but will help identify solutions to problems.

TT&C: You belong to a lot of women's organizations, too.

JBS: I first became a member of the Nashville Women's Political Caucus in 1984 and was president in 1991-1992. I'm also a member of the Davidson County Democratic Women as well as WIN (Women in Numbers). These organizations promote the participation of women in the political process and encourage women to run for public office. We owe so much to those early women in Metro government who were also prominent in TML like Betty Nixon and JoAnn North over the last 20 or so years.

I became a Tennessee Economic Council on Women appointee in 2003. The Council was created by statute in 1998 to look at issues important to women in this state. We consider these issues from an economic standpoint. We have issued a report on the economic impact of domestic violence after conducting listening tours across the state. Not only is domestic violence damaging to the family from a social and personal perspective but it also had a significant economic impact, i.e., women often miss work and incur medical costs in addition to the emotional costs.

Another issue we are studying is the disparity of pay for women in this State. Women in Davidson County make 76 cents for every dollar that a man earns. Why should women not be paid the same as men who do the same job. Narrowing that gap is something the Council is studying at this time.

We are trying to make women more aware of the importance of voting. Regrettably, many women do not vote across this state. It is very important to vote so that they can be part of how public policy is determined.

I'm also a member of the Tennessee Coalition Against Domestic and Sexual Violence along with Senator Charlotte Burks.