

## City fiscal conditions take a turn for the worse

Declining property taxes impact city budgets

BY CHRIS HOENE and  
AMANDA STRAUB  
*Nation's Cities Weekly*

Citing a perfect storm of rising home foreclosures, declining home values, and spiraling costs, such as the increasing cost of health care premiums, the National League of Cities (NLC) today released its annual report on city fiscal conditions, which finds a troubling list of developments that will likely affect the financial health of cities over the next several years.

NLC's report, *City Fiscal Conditions in 2008*, found that the decline in property tax revenues (3.6 percent from the prior year, in inflation-adjusted terms) is having an impact on the fiscal health of local governments. Unlike the previous economic downturn in 2001, when property tax revenues were able to

buffer the effects of declining income and sales tax receipts, the weak housing market is likely to affect city budgets until 2010.

Moreover the report found that other sources of revenue are headed downward as well, with sales tax receipts declining by 4.2 percent and income tax revenues expected to decline by 3.3 percent in inflation-adjusted dollars in 2008 compared to 2007.

As a result, 64 percent of city finance officers surveyed expect cities to have a harder time meeting fiscal needs in 2008, and 79 percent forecast even bigger problems ahead in 2009.

"Even if economic conditions improved immediately, the nation's cities are likely to be realizing the effects of the current downturn through 2010," said Michael A. Pagano, co-author of the report and Dean of the College of Urban Planning and Public Affairs at the University of Illinois at Chicago. "The See **BUDGETS** on Page 3

## Knox online forum a first for Tennessee officials

BY VICTORIA SOUTH  
*TML Communications Coordinator*

The political buzz in Knox County is not on everyone's lips; it's on their computer screens. A new online forum linked to the Knox County web site allows commissioners to chat freely day or night about government business without breaking the law.

A pilot project fueled by an amended Public Meetings Act signed by Gov. Bredesen May 2008, counters a previous lawsuit levied against Knox County for violations of the Sunshine Act, according to Rep. Bill Dunn, the main sponsor of the bill.

Ironically, Dunn said he got the idea for the forum from his children.

"A summer steering committee met to discuss how to improve the Open Meeting laws," said Dunn. "Two sides were arguing—the elected officials, who said they need to discuss things — and the public, who said they need to know what is being discussed. One night, I observed my children using instant

messaging on the Internet to communicate with their friends, yet I could see what was being said."

The resulting site addresses the communication challenges by allowing officials to discuss matters with one another, while allowing the public to log on and see what is being said. Only commissioners may post messages on the site, which remain public record for one year. The pilot project has a sunset provision of three years, according to Dunn.

"Some use the site more than others," concedes Dunn. "Yet, those who are using it should be more influential in the meetings because they will be able to steer the discussions, which will also be beneficial to their constituents. Some of our commission meetings were lasting until 1:00 or 2:00 in the morning because no one wanted to say anything."

According to Dunn, members of the news media are enjoying the convenience of the site.

"They can see what's going on with just a few clicks without having See **FORUM** on Page 6

## Automated metering improves efficiency, service in Kingsport

BY VICTORIA SOUTH

Gone are the days of manual water meter readings at every residence and business in Kingsport. All systems are on go for the city to replace 36,213 standard water meters with a high-tech Automated Meter Reading System (AMR) capable of radiating meter readings to passing vehicles within a half-mile radius.



Reading water meters manually is over in Kingsport, as the city installs a new Automated Meter Reading system (AMR) which radios readings to vehicles within half-mile.

Installation of the system, which should begin in October and run through next summer, will significantly reduce city fleet fuel consumption and require less manpower, while identifying possible water leaks more quickly and efficiently.

"We've ordered the equipment and identified the staging area," said Public Works Director Ryan McReynolds, confirming that the contract falls within the Kingsport annual water department maintenance budget with no extra cost to the customer.

The contract with Johnson Controls, guarantees the city a savings of \$909,503 each year along with increased efficiency, according to McReynolds.

"With the AMR system, if a customer calls with a complaint, the CSR can actively engage the meter and diagnose the problem by phone," he explains.

During the installation process, water customers should experience a brief disruption of about 30 minutes, during the water shut off.

According to McReynolds, city employees no longer required to walk through every neighborhood in Kingsport, should reap the safety benefits as well.

"The positions were hard to keep filled," McReynolds notes, citing a number of occupational hazards and worker's comp reports from poison ivy to back injuries associated with the job.

While the AMR manufacturer currently indicates a 99 percent reading accuracy with a 20-year life cycle for the meter itself, the system could also be upgraded in the future with improved transponders eliminating the need for a service vehicle altogether.

"Every system is different and with any project, there is angst and consternation — butterflies in the stomach," McReynolds said.

"In one or two years, we will be able to fully see how it works out. However, in years to come, this system should be the norm."

## Advisory council works to set fee schedule for open record copies

BY CAROLE GRAVES  
*TML Communications Director*

With input from local governments, Tennessee citizens, and members of the press, the Office of Open Records Counsel (OORC) and the Advisory Committee on Open Government (ACOG) are working to develop a set of fees for records custodians to go by when charging for copies of records.

OORC was directed to establish a fee schedule of reasonable charges as part of changes adopted last session to Tennessee's Open Records law. Public Chapter 1179, Acts of 2008, directs the OORC to consider, among other factors: population size of the community; complexity of the request; man hours involved in retrieving the documents; redaction and other costs of preparing document for duplication; cost of duplication; costs of mailing if requestor is not returning for retrieval; and other costs deemed appropriate.

Earlier this month, the OORC and the ACOG held a public hearing to give interested parties an opportunity to comment on the



Photo by Victoria South

Chad Jenkins, TML deputy director, and Ann Butterworth, director of Office of Open Records Counsel, review submitted input on the fee schedule for public records copies. Jenkins serves on the Tennessee Advisory Committee on Open Government.

proposed fee structure. Nineteen people spoke during the public hearing and some 150 submitted written comments by e-mail.

Under the proposal, records custodians could charge up to 20 cents for a standard black and white copy and 50 cents for a color copy.

Several city officials that provided input stated that 20 cents per copy was too low and did not cover the cost for materials.

"We know from tracking expenses on paper, ink cartridges, maintenance on copy machines, See **RECORDS** on Page 6

## TML members consider 2009 legislative agenda

City officials from across the state met in Nashville earlier this month to consider legislative initiatives for the upcoming 2009 session.

The meeting was part of the Tennessee Municipal League's legislative policy process whereby cities submit new policy proposals for members to consider and rank by priority. The list is then submitted to TML's Legislative Committee for consideration and onto the full Board of Directors for final approval.

Among those initiatives considered include addressing infrastructure needs, establishing minimum training requirements for firefighters, and streamlining the approval process for installations of new traffic signals.

The meeting also featured briefings by TDOT on transportation funding issues; the Office of Open Records Counsel on the de-



Photo by Victoria South

TML Executive Director Margaret Mahery speaks before members of the Policy Committee regarding the 2009 legislative agenda.

velopment of best practice policies for public records; and information on the Fair and Accurate Credit Transaction Act (FACTA) provided

by the Municipal Technical Advisory Service.

See Pages 4 and 5 for photographs of the meeting.

## Innovation Valley kicks off \$16 million economic development campaign

BY VICTORIA SOUTH

Good fences may make good neighbors, but not when it comes to regional economy, according to members of Innovation Valley Inc., a partnership comprised of business and community leaders from across the Knoxville and East Tennessee region.

To accentuate the point, the group's five-year, \$16 million regional economic development campaign kicked off simultaneously at the Airport Hilton in Blount County, the Knoxville Convention Center in Knox County, and Pollard Technology Conference Center in Oak Ridge, connected by live streaming video.

"East Tennessee has what it takes to meet the challenge, to recruit and train the best team and rise to the occasion," said Bruce Pearl, University of Tennessee men's basketball coach, working the crowd into a frenzy at the Knoxville Convention Center amidst a flurry of Big Orange colored streamers.

"We've got to work together to be successful, to be at the top of the game."

"It's all about a regional impact," agreed innovation Valley Board Chairman Dr. Thomas Mason of UT-Battelle in Oak Ridge, emphasizing global competitiveness.

"It doesn't make any sense for us to devote our energy and resources to working against one another. The real competition is not down the road, it's around the world."

"Site-selection companies don't look at where the county line stops when selecting locations for expan-



Hallerin Hill, local radio and television personality, acts as emcee/host at the Innovation Valley campaign kick off in Knoxville. In the foreground, Hill is joined by UT basketball coach Bruce Pearl and Knoxville businessman Jimmy Haslam, Innovation Valley Board member.

sion," added Rhonda Rice, executive vice president for the Knoxville Chamber.

"They may talk about Knoxville, but may be looking at sites in another county."

Organizers announced the group has already raised \$4.2 million toward their goal.

Future goals for Innovation Valley include:

- Education and workforce development;
- Technology and entrepreneurship;
- Global marketing;
- Business retention and expansion;

- Public policy; and
- Resources for living

Innovation Valley succeeds Jobs Now! A campaign that ended last year that ultimately created 40,000 jobs and \$2.8 billion in new capital investment.

Partners with Innovation Valley include: the Blount County Chamber of Commerce, Knoxville Chamber, Loudon County Economic Development Agency, Oak Ridge Economic Partnership, The Roane Alliance, and Tellico Reservoir Development Agency.

# NEWS ACROSS TENNESSEE



## BY TML STAFF REPORTS

### COLLIERVILLE

To maintain profitability in the current housing market, California-based IPS Corp. is consolidating a portion of its U.S. operations to its facilities in Collierville and expanding its local footprint. IPS, which manufactures and distributes plumbing, adhesive and other specialty building products, has expanded its Collierville distribution facility by 48,000 square feet to 124,800 square feet as the company restructures its U.S. distribution points.

### FARRAGUT

Farragut is offering a \$1,000 reward for information leading to the arrest and prosecution of anyone involved in the poisoning of a large swath of land near the Campbell Station Road on-ramp to Interstate 40. The town's Board of Mayor and Aldermen voted unanimously to approve a plan for replanting trees along the strip of defoliated land. Investigators from the Tennessee Department of Transportation determined that, sometime within the last few years, a powerful poison known as "spike herbicide" was used to poison plants and trees in a 100-yard-long-by-50-foot-wide strip of land. TDOT later cleared the dead trees, leaving a barren strip of land visible from the interstate.

### FRANKLIN

The Franklin Gateway Marker was the first in the ground for Tennessee's Civil War Trails program. The gateway marker acts as a map to other Civil War sites in the Franklin/Williamson County area, which highlight Hood's 1864 Campaign. The ceremony to unveil and install the marker was held in front of the Williamson County Historic Courthouse on the square.

### GERMANTOWN

The city recently finished a seismic-risk assessment to determine which structures need to be fixed, replaced or retrofitted in the event of an earthquake. The study looked at 23 of the city's buildings. Structural Engineer Mike Griffin with Missouri-based CCS Group Inc. and engineers with Allen & Hoshall raised ceiling tiles, climbed into attics, checked water heaters, inspected roofs, reviewed plans and looked for bracing for interior partition walls and anchors attached to electrical, mechanical and communications equipment. Because the city is in the county's Hazard Mitigation Plan, Griffin urged the board to develop a more specific addendum addressing the city's plans explaining that such work would help Germantown gain more federal or state grant funds.

### GOODLETTVILLE

State Rep Debra Maggart, who represents Hendersonville, Gallatin, and sections of Goodlettsville, donated a \$1,000 to the city toward funding the historic Mansker's Station. In June, it was announced that budget cuts would force the city to close the site, which includes the Bowen-Campbell Plantation House. In mid-July, City Manager Jim Thomas announced Mansker's Station would continue to operate through June 30, 2009, with limited

funding while the city conducted a search for an organization capable of taking over the cost and administration of the site.

### KINGSPORT

Electronics retailer Best Buy has filed for a building permit for an estimated \$2.4 million store at the new Kingsport Pavilion. The retailer will build its new 25,000 square foot prototype store at 2716 East Stone Drive, becoming the third outlet in the Tri-Cities region. It is expected that the Kingsport store will place more of an emphasis on technology and less on appliances at its newest location.

### KINGSPORT

Home prices in the Kingsport-Bristol metropolitan area rose at an annual rate of 4.75 percent in the year ending June 30, the 14th-highest percentage out of 291 areas nationwide. Johnson City's metro wasn't far behind with a 2.86 percent gain. The figures, released by the Office of Federal Housing Enterprise Oversight, showed a nationwide annual decline in value of 4.8 percent.

### KNOXVILLE

The National Science Foundation has awarded the University of Tennessee \$16 million to create a high-tech math and biology institute at the Knoxville campus. The National Institute for Mathematical and Biological Synthesis is expected to draw more than 600 mathematicians and biologists from around the world to participate in workshops and conferences. They will study pressing problems such as animal disease and wildfire control. UT competed with 18 other research institutions for the grant. The institute will partner with the Great Smoky Mountains National Park, the U.S. Department of Agriculture, computer technology company IBM and software developer ESRI.

### LA VERGNE

Music City Optical Media Inc., will be closing putting about 200 employees out of work. The company had been in operation for about 15 years and offered a full line of CD and DVD replication, printing, packaging, and distribution services.

### MEMPHIS

The Tennessee Air National Guard along with Gov. Phil Bredesen dedicated its new \$245 million, 320,000-square-foot facility at Memphis International Airport this month. Built along 118 acres, the new base is located near the southeast corner of Memphis International Airport on 4607 Galaxy Drive. Three super-size hangars will house the Lockheed C-5 Galaxy, the largest plane in the U.S. Air Force fleet. The Air National Guard's mission is to ensure public safety by deploying staff in times of emergency, like the recent hurricanes that swept the Gulf Coast.

### MT. JULIET

Developers of a 176-acre industrial park east of Mt. Juliet are projecting hundreds of new jobs. Panattoni Development Company Inc., a Sacramento-based company, plans to

build out the \$125 million Beckwith Farms project in three phases over five years. It will sit near the new Beckwith Road interchange at Interstate 40. Construction on the \$40 million first phase will be complete in early 2009.

### NASHVILLE

The past year has been a rocky one for the U.S. economy, and while Nashville has fared better than some cities, it remains in the middle of the pack. The Music City ranked 35th on a list of the 100 hottest job markets — a drop from 26th place in 2007, according to a new Bizjournals.com study. As of June, Nashville had 672,200 private-sector jobs, up less than 1 percent over the past year. Over the past five years, the number of jobs in the city has grown 10.9 percent, outpacing the national growth rate of 6.3 percent since 2003.

### RIVES

Ethanol Grain Processors LLC is preparing to open its \$160 million corn-to-biofuel conversion plant in October. The plant sits on 230 acres in Rives, about 35 miles north of Dyersburg. When operations begin, the plant is expected to employ about 40 people and to process up to 36 million bushels of corn per year into 110 million gallons of denatured ethanol and 320,000 tons of dried distillers grains. The future economic impact of the plant for rural northwest Tennessee is predicted to be enormous.

### SMYRNA

Smyrna is preparing to embark on a \$29 million project to upgrade its water treatment plant, a move that will handle continued growth in the current service area for another five years. The expansion is set to begin this year with engineering plans. Construction will begin in fiscal 2010 and be completed the following year. Smyrna has experienced considerable growth, climbing from 29,983 residents in 2003 to 38,073 residents in 2008.



Paris and Henry County Leaders broke ground last month on a new Tennessee Department of Children's Services facility.



David Wilson, Goodlettsville Area Chamber of Commerce director, and State Rep. Debra Maggart announce a \$1,000 donation toward Historic Mansker's Station.

### TULLAHOMA

The Air Force has announced the cancellation of a program called Common Battlefield Airmen Training before it ever got off the ground. Arnold Air Force Base in Tullahoma was a finalist for hosting the new mission, which was also to bring 800

civilian jobs to the area. CBAT, as it is called, would have been a five-week crash course for Airmen to learn hand-to-hand combat. When fully up and running, 14,000 airmen would have gone through the program each year.

## NATIONAL BRIEFS



### BY TML STAFF REPORTS

**Road safety concerns and aging baby boomers with driver's licenses prompted the U.S. Department of Transportation to order the replacement of all road and highway signs nationwide** with a fluorescent, reflective material that is more visible, especially at night. States and their municipalities must replace any signs that do not meet the new standards by 2015 and 2018, depending on the sign type. Tennessee and many Nashville-area municipalities have already begun installing the newer signs, but thousands of the older, dimmer versions remain.

The Fed's "beige book," a survey of economic conditions from the 12 regional Fed banks released every six weeks, shows that economic activity has weakened across most of the country since late July. The survey reported a notable slowdown in consumer spending that suggests the third quarter is off to a rough start.

**A new video game, Zero Hour, America's Medic, developed by the U.S. Department of Homeland Security and George Washington**

**University is predicted to render standard local government emergency personnel training, such as accident and disaster reenactments, obsolete.** Its scenarios and exercises cover everything from a large scale transit accident to the release of an unknown biological agent and a nuclear attack. The game, released in September, can be downloaded from the NEMPSI website for \$14.95.

**With the nation's highway fund running out of money faster than expected, the Bush administration pulled a political U-turn and urged Congress to approve an \$8-billion rescue plan** that the White House had previously opposed. The fund has been drained as high gasoline prices have led motorists to cut back on their driving and buy more fuel-efficient cars, reducing the gasoline tax revenue that supports highways. To address the shortfall, the House overwhelmingly voted in July to transfer money from the government's general fund. The Senate approved the measure following the August recess.

**The source of trouble in the mortgage market has shifted from subprime loans made to borrow-**

**ers with bad credit to homeowners who had solid credit but took out exotic loans with ballooning monthly payments.** The Mortgage Bankers Association says more than four million American homeowners with a mortgage — a record 9 percent — were either behind on their payments or in foreclosure at the end of June. As the economy falters and home prices keep falling, concern is building about a second wave of mortgage defaults flooding the market through 2010.

**A comprehensive investment plan to improve energy efficiency in the United States would generate almost 45,000 jobs in the next two years,** according to a new study sponsored by a progressive think tank. The report, titled "Green Recovery: A Program to Create Good Jobs and Start Building a Low-Carbon Economy," says a \$100 billion spending package would generate two million jobs during the next two years, particularly helping the construction and manufacturing sectors. The report advocates funding the program through a combination of tax credits, loan guarantees and public spending.

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## First month of new budget year \$56.5 million short

State revenue collections for August were \$771.2 million, or 4.70% below August 2007 collections.

"While we budgeted zero growth in franchise and excise taxes and 2.37% in sales tax collections for the year, the month of August was well below the estimates," Finance and Administration Commissioner Dave Goetz said. "With one month of collections coming in at negative growth rates, we hope collections for the rest of the year can balance the poor collections in August."

On an accrual basis, August is the first month in the 2008-2009 fiscal year.

August collections were \$56.5 million less than the budgeted estimate. The general fund was under collected by \$50.1 million and the four other funds were under collected by \$6.4 million.

Sales tax collections were \$21.3

million less than the estimate for August. The August growth rate was negative 1.27%.

Franchise and excise taxes combined were \$25.7 million below the budgeted estimate of \$41.2 million.

Gasoline and motor fuel collections decreased by 4.20% and were \$4 million below the budgeted estimate of \$71.3 million.

Tobacco tax collections for the month were under collected by \$2.7 million.

Inheritance tax collections were \$1.1 million over the budgeted estimate.

All other taxes were under collected by a net of \$3.9 million.

The budgeted revenue estimates for 2008-2009 are based on the State Funding Board's consensus recommendation adopted by the second session of the 105th General Assembly in May of 2008.

## City fiscal conditions take a turn for the worse

**BUDGETS** from Page 1

sharp decline in property tax receipts erodes a critical buffer that has helped cities through economic downturns for the last three decades."

On the spending side, increases of 3.0 percent in 2007 were met with flat or declining revenues, according to the report. Taken together, city finance officers project a budget gap of 2.8 percent in 2008, with revenues declining by 4.3 percent and spending declining by 1.5 percent in inflation-adjusted dollars over 2007.

The areas affecting city budgets the most heavily include prices and inflation (including energy prices), which were identified by 98 percent of respondents. Increases in infrastructure (85 percent) and public safety spending (83 percent), and employee-related costs for wages (95 percent), health care (86 percent), and pensions (79 percent) were also cited as budget-busters.

To meet budget shortfalls, half of the cities responding (49 percent) have increased fees, while 28 percent have increased the number or types of fees and 23 percent increased the level of impact and development fees.

Regionally, cities in the West are being hit hardest, with 74 percent of finance officers stating that their cities are worse off in 2008, followed by cities in the Midwest (67 percent), Northeast (61 percent) and the South (53 percent). The situation also varies depending upon local tax authority. Finance officers in cities reliant upon the property tax were most likely to say their cities are worse off (75 percent), compared to cities that utilize a mix of sales and property taxes (60 percent), or cities that use a mix that

includes a local income tax (52 percent). The pessimistic assessment is registered regardless of city size. Sixty-nine percent of the nation's largest cities reported a lessening ability to meet needs, 68 percent for cities with populations 100,000-299,999, 65 percent for cities 50,000-99,999, and 61 percent for cities with populations under 50,000.

"Cities have implemented creative solutions for making do with less, while managing their budgets responsibly in the face of legal requirements that they be balanced annually," said Donald J. Borut, executive director of the National League of Cities. "There is, however, only so much cities can do when faced with the macro-economics of a housing market in crisis, flat revenues and soaring health care and energy costs. It's time we recognize that we must support strong cities if we are to expect to benefit from a healthy, growing economy. Federal and state policies need to support local economies if we want to improve the national outlook."

The City Fiscal Conditions Survey is a national mail survey of finance officers in U.S. cities. Surveys were mailed to a sample of 1,055 cities, including all cities with populations greater than 50,000 and, using established sampling techniques, to a randomly generated sample of cities with populations between 10,000 and 50,000. The survey was conducted between April and June 2008. The 2008 survey data are drawn from 319 responding city finance officers, for a response rate of 30.2 percent. The responses received enable NLC to generalize about all cities with populations of 10,000 or more.

## Rowland is Cleveland's longest-serving mayor

BY BETH FOSTER  
Cleveland Daily Banner

On Sept. 8, Tom Rowland made history. He became the longest-serving mayor in the city of Cleveland's history.

First elected in 1991, Rowland said he never imagined at that time he'd reach the milestone he passed during a break between the City Council's work session and voting session.

During the break, he'd gone outside with a few Council members and city employees to look at a fire truck. He said to them, "Well, we made history 8.5 minutes ago."

And he told them he'd become the longest-serving mayor.

No one paid much attention.

"I thought, 'Oh, well, that's my little bit of history,'" he said.

During the formal swearing-in ceremony for the re-elected City Council members later that afternoon at the Museum Center at Five Points, when Steve Hartline of WCLE Mix 104.1 took the program from the mayor, Rowland said he still didn't realize anything was about to happen.

"I thought Steve was just going to say something about the City Council members being sworn-in."

However, people had been paying attention to the mayor's history-making achievement and what followed was a program recognizing Rowland for his 17 years of service to the city.

The program included congratulatory statements from officials from all levels of government, city, state and national.

State Rep. Kevin Brooks presented Rowland with Gov. Phil Bredesen's congratulations as well as the governor's designation of Rowland as an Honorary Tennessee Colonel Aide de Camp.

"There are a generation of us serving today," Brooks said, "who couldn't serve if we weren't standing on the shoulders of great men and women like my friend Mayor Tom Rowland."

Rowland had tears in his eyes and his voice broke as he thanked the crowd that had gathered for the recognition.

He continued to say he had been so "blessed" in his service to have a wonderful City Council and great employees. "I truly don't know what to say," Rowland said. "I appreciate all of you and love all of you. It's been a great ride and I want to ride a little bit longer."

Rowland lived just about everywhere before coming to Cleveland in 1964.

He was born in Florida, but his father worked for a hotel chain. The chain would buy new properties and it was his dad's job to move to those places and get the business up and going. The family moved about every two years.

Rowland came to Cleveland to work for WCLE radio station, of which he eventually became co-owner.

On March 13, 1991, after 27 years of service, Kenneth Tinsley resigned as city commissioner of parks, recreation and fire to take a position as a city employee.

The following day, Mayor Bill Shultz called Rowland to ask him if he wanted his full name or just "Tom Rowland" on his oath of office. Rowland didn't know what he was talking about.

Shultz said, "No one has called



Photo courtesy of the Cleveland Daily Banner

Cleveland Mayor Tom Rowland autographs a special limited edition of the *Cleveland Daily Banner* for City Manager Janice Casteel marking his tenure as longest-serving mayor in the city's history

you ... We're going to appoint you to fill out this unexpired term."

It was quite a surprise, Rowland said, but it was only for six months.

When it came time for the mayor's re-election, Shultz decided not to run and encouraged Rowland to seek the position.

And the rest is history.

"At the time I was elected," Rowland said, "I had attended more City Commission meetings as a reporter (for the radio station) than anyone on the Commission. During my campaign, I said I was ready to go to work and I understood the system."

His campaign slogan was "in touch."

"I felt like I knew the community and knew what the needs were."

Besides a desire to serve his community, it was the setting of goals, surrounding himself with good people to meet those goals and then enjoying the accomplishments that Rowland said kept him in the position for so long.

Rowland set seven goals when he ran for office in 1991. All but one of those has been achieved.

The goals were: Build a museum center in Cleveland, attain three-star community status, establish greenway or walking trails, begin a city transportation system, seek a passenger rail service, build a new general aviation airport, and obtain Tree City USA, hire an urban forester and establish a no-topping zone.

The efforts to secure rail service is the only one of the goals that has not yet been met. The problem is, Rowland said, Amtrak is not doing any expansion.

Rowland said the part of his job he enjoys most is being able to say, "Yes, we can do that," when constituents ask the city for assistance. The hardest part is not being able to help everyone.

"It's difficult to explain to some-

one that we just don't have the money to do what they're asking."

Rather than just saying no, Rowland said he always tries to explain why he can't help and to point people to other resources.

His service in various state and national committees has enabled him to develop contacts and connections that help him to know what resources are available.

Currently Rowland serves as vice chair of the Tennessee Advisory Commission on Intergovernmental Relations, vice chair of the Tennessee Municipal Bond Fund, past president of the Tennessee Municipal League, director of the Tennessee Valley Association of Government, chairman of the Cleveland Metropolitan Planning Commission, the only mayor as a member of the Homeland Security Council, member of the Tennessee Rail Advisory Commission, a director of the Southeast Development District, a director of United Way, a director of Cleveland-Bradley County Chamber of Commerce, member of the Economic Development Council, member of the Industrial Development Board, a director of the Tennessee Municipal League, co-chair of the Tennessee-Virginia Amtrak Initiative, member of the Veterans Nursing Home Council, member of the Cleveland-Bradley County Greenways Board, member of the Convention Center Task Force, member of the Volkswagen Task Force, co-founder/board member of Cleveland 100, member of the 911 Communications Board, member of the Keep America Beautiful Board, member of the Advisory Board of Municipal Technical Advisory Service of UT and a member of two standing committees of U.S. Conference of Mayors -- the public justice committee and the arts committee.

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## TML requests E-mail addresses

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

Please send any changes in your contact information to Mona Lawrence, by fax at 615-255-4752, by e-mail to mlawrence@TML1.org, or call 615-255-6416.

## TMBF Board to meet Oct. 7

Notice is hereby given that the Board of Directors of the Tennessee Municipal Bond Fund will meet in regular public session on Tuesday, Oct. 7, 2008, at 9:00 a.m., local time, in the Fifth Floor Conference Room of the Tennessee Municipal Bond Fund, 226 Capitol Blvd., Suite 502, Nashville, TN., 37219, for the purpose of considering and transacting all business which may properly come before said Board. Some board members may participate by telephonic means, which will be audible to any member of the public attending such meeting. If reasonably possible, an agenda will be available on Thursday, Oct. 2, at the offices of TMBF. Additional information may be obtained by calling 615-255-1561.

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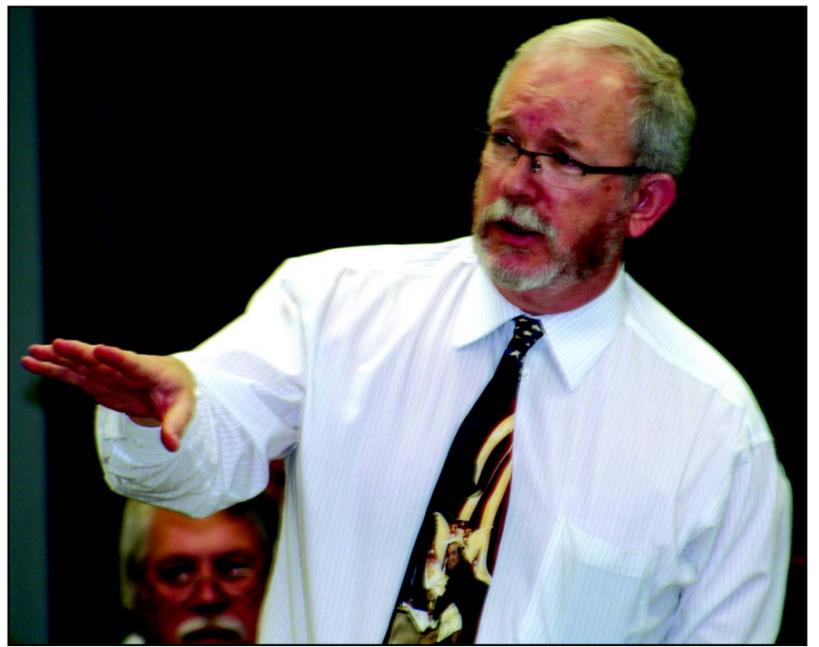
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# Policy Committee: Working through TML initiatives for 2009



Keith McDonald, Bartlett mayor



Paul Hendricks, Signal Mountain mayor



Janice Casteel, Cleveland city manager and Mike Tallent, MTAS executive director



Roger Campbell, Maryville assistant city manager



Ron Washington, Murfreesboro councilman



Shirley Fox Rogers, LaFollette councilmember, and Amy Fitzgerald, Oak Ridge public information officer



Jim Conners, Oak Ridge city manager, and Honna Rodgers, Signal Mountain Town manager



Chris Dorsey, Red Bank city manager



Royce Davenport, McMinnville mayor



Gary Palmer, Farragut assistant town administrator, and Dot LaMarche, Farragut councilmember



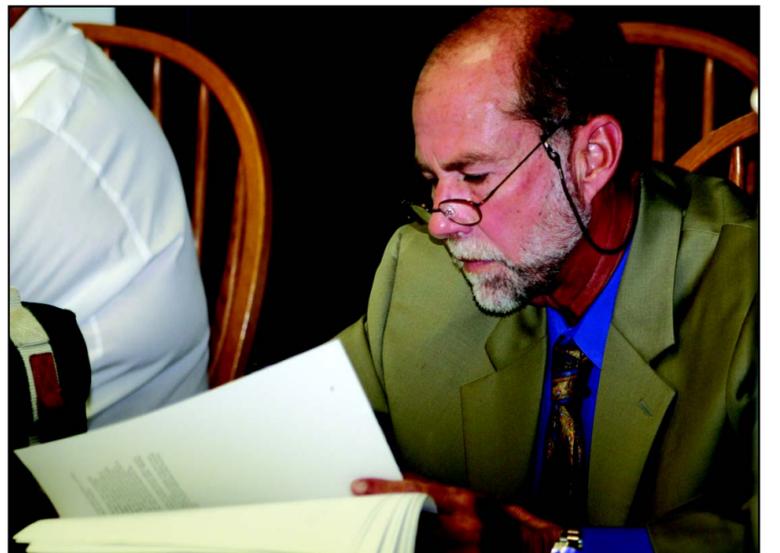
Bones Seivers, Tennessee Municipal Bond Fund president and CEO, and Tom Beehan, TML president and Oak Ridge mayor



Sally Oglesby, Crossville city clerk



Mike Walker, Brentwood city manager



Mark Johnson, Alcoa city manager



Dennis Wolf, Germantown fire chief



Walter Winchester, McKenzie mayor, and Charlie Beal, McKenzie city recorder

At right: John Proffitt, Athens mayor; Bill Getner, Columbia mayor; and Bo Perkinson, Athens councilmember



## STATE BRIEFS

### BY TML STAFF REPORTS

**The Tennessee Valley Authority is taking over security at its nuclear power plants.** The nation's largest public utility has contracted guard services for its Browns Ferry, Sequoyah and Watts Bar nuclear stations in Alabama and Tennessee since 2002 from Pinkerton Government Services. TVA has paid about \$159 million over six years for a contracted security force of about 500 employees. The return to an all-TVA guard force should occur over the next fiscal year. TVA Chief Nuclear Officer Bill Campbell said the agency's decision to employ its own guards is intended to improve "management controls and lines of communications with the security work force."

**\$4.75 million in federal 21st Century Community Learning Center grants were awarded to twenty-two school systems and community organizations** to open a total of 74 sites across the state. Grants are awarded to programs seeking to raise achievement of low-income students and students at underperforming schools through enrichment programs operated outside the school day.

**\$6,106,000 has been awarded to Tennessee to enhance crime victim services throughout the state.** The funds, awarded through the Victims of Crime Act, are provided from the Crime Victims Fund established by the Office for Victims of Crime, a federal agency within the U.S. Department of Justice.

**Tennesseans filled 99.7 million prescriptions at retail pharma-**

**cies for \$5.5 billion in 2007, ranking it 11th in the nation for total prescriptions,** according to a new study released by the Kaiser Family Foundation. Tennessee's consumption averages beat nearly every national average. Per capita, Tennesseans filled 16 prescriptions at retail drug stores. The national average is 12.

**Tennessee is warning parents delinquent on child support payments that they risk losing driver's licenses, professional licenses and hunting and fishing licenses if they don't pay.** Letters from the Department of Human Services are being delivered to parents across the state behind at least \$500 and haven't made a payment in more than 90 days. Professional licenses that could be revoked include: registered nurses, real estate agents, security guards and teachers. Parents can prevent revocation if they contact their local child support offices to set up payment plans or repay the past due amounts.

**New laws detailing who can buy and sell scrap copper have pushed many would-be thieves and unsavory scrap yards out of state and onto the Internet,** police said. Since the state passed new laws making it harder for someone to sell stolen scrap metal, especially the globally valuable copper, police detectives have had their eyes on Web sites like Craigslist where buyers are promising cash the same day for the metal. Detectives are monitoring the online copper market and have been conducting sting operations to limit the practice.

**A new generation of Tennesseans are identifying themselves as Na-**

**tive Americans,** pushing the growth rate of that group higher than that of the general population. Recent U.S. Census estimates show three Middle Tennessee counties — Davidson, Sumner and Williamson — ranked among the top 500 counties in the nation for Native American population growth from 2000-07. In the U.S. overall, those identifying themselves as at least partially Native American grew from 4.1 million to 4.5 million in the same period.

According to the Tennessee Department of Transportation, **The cost of graffiti on the state's interstates and highways, overpasses, bridges and signs is adding up to hundreds of thousands of dollars in taxpayer money, funds that could be spent improving the roads.** A typical overpass sign can cost up to \$1,000 while replacing the sign costs even more. Graffiti is often gang related, and may escalate in the form of turf wars when gangs tag or add to another gang's graffiti. Currently TDOT cleanup crews are taking pictures of graffiti and sending gang related photos to local police departments.

**The number of rabid raccoons in Southeast Tennessee continues to increase.** While skunks are the most-common carriers of rabies in Tennessee, raccoons have overtaken bats to become No. 2 in 2007 and 2008, based on U.S. Department of Agriculture Wildlife Services statistics. Rabid raccoons may be coming into Tennessee from Georgia, North Carolina and other surrounding states. Statewide, 23 rabid raccoons were found through the end of August, compared to 14 in the same time frame in 2007 and 1 in 2006. Veterinarians are emphasizing the importance of making sure dogs, cats, ferrets and other animals that could come in contact with racoons, are up to date on their shots.



Photo by Victoria South

Goodlettsville City Manager Jim Thomas speaks with TML Deputy Director Chad Jenkins during the Open Records Policy Committee meeting. Thomas was one of 19 individuals who requested to speak at the public hearing for the purpose of developing a fee schedule.

## OORC works to set fees for copies of public records

**RECORDS** from Page 1

that 25 cents per single sided copy and 40 cents for a duplex copy is more appropriate," said Jim Thomas, Goodlettsville city manager.

"Brentwood has charged 25 cents per page for a long time," said Mike Walker, Brentwood city manager. "Twenty cents seems low. I would be surprised if there are many cities that charge less than 25 cents."

In factoring in labor costs, the OORC proposed a two-tiered threshold. For departments with less than 20 employees, the first two hours of labor would be free. For public entities with more than 20 employees, up to four hours of labor would be free. The majority of those who provided input said the two-tier system was too complex and that one set of guidelines should apply to all public entities regardless of the department size.

"The overall concept is good, especially as it recognizes the need to recover staff costs for non-routine records," said Ed Craig, Shelbyville city manager. "But I don't see a good reason for the tiers. It is true that with the smaller staff the disruption has a greater impact, but unless you conclude that a city should staff a position to fulfill non-routine requests, the larger staffs are burdened with the time lost from their normal jobs as well. If a request is such that it takes more than one man-hour to fill it, then the requestor should bear that cost."

Members representing the press association are of a different opinion, however. Alan Johnson, representing the Tennessee Coalition of Open Government of which he Associated Press is a member, testified that no labor cost should be assessed.

"Public records belong to the public; government business is the people's business," said Johnson. "Tennessee citizens pay taxes that

pay for the salaries of records custodians, so citizens should not be required to pay labor. Only the actual cost of a copy should be assessed."

Citizen comments mostly focused on the inconsistency of charges from one government entity to the next and even one department to the next within the same agency, and is one of the primary reasons the fee guidelines are being established.

The fee schedule is expected to be finalized by Oct. 1 and will be posted on OORC's web site. The schedule is to be used as a guideline and is not mandated by law.

OORC is also charged with developing policies for frequent and multiple requests, with a targeted completion date of Nov. 17.

Two city officials conveyed situations where large requests were made and fulfilled, but the citizen making the request never picked up the copies.

"Earlier this summer a citizens group requested credit card receipts for one year from city and county governments across the state. After a city complied with the request and made the copies, the request was never picked up," said Roger Horner, Brentwood city attorney.

"The city of Mt. Juliet has encountered situations where requestors have made voluminous requests and, then, failed to pick up the information once they learn of the labor and copying costs," explains Jason Holleman, Mt. Juliet city attorney. "In light of this situation, the city of Mt. Juliet urges and supports a clause that requires payment for labor and copying costs, regardless of whether or not the information is picked up by the requestor and that prohibits further requests until such time as the requestor has paid all outstanding balances for labor and copying costs for prior requests."

## Knox launches online forum

**FORUM** from Page 1

to go downtown for a meeting," he said.

"Public feedback has been very positive," agreed Knox County Mayor Mike Ragsdale. "The web site has resulted in a more open form of government and we always want complete compliance with the Sunshine Laws."

According to the *Municipal Advocate* "Striving for Online Excellence" the elements of municipal web sites considered to be exemplary by today's standards include:

- Helping citizens feel a connection with their local government;
- Serving as models of transpar-

- Striving to empower and educate citizens; and
- Raising the level of government accountability

"We're still looking at open meetings in a broad way," Dunn said, noting that other counties have expressed interest in becoming part of the pilot project, while other entities could qualify as well.

"If duplicated, cities, schools, and other groups are also subject to the Sunshine Laws," he said.

To visit the Knox County online forum, click the "Commission Forum" section on Knox County's web site, [www.knoxcounty.org](http://www.knoxcounty.org).

## PEOPLE IN THE NEWS

### BY TML STAFF REPORTS

**Janice M. Holder, 58,** of Memphis sworn in Sept. 2, become the first woman state Supreme Court chief justice, now one of 20 women chief justices nationwide. The chief justice, who serves for two years, assigns opinions to the other four judges and does a multitude of administrative duties.



Holder

Montgomery County Mayor **Carolyn Bowers** has been appointed to the state Energy Efficient Schools Council as a representative of local government for a two-year term. Bowers currently serves as president of the Metropolitan Planning Organization for Clarksville-Montgomery County, is the district chairwoman for the Homeland Security Council, serves on the Greater Nashville Regional Council and is a member of the Tennessee County Mayors Association.



Bowers

**Knoxville Mayor Bill Haslam** has been appointed by President Bush to the Advisory Council on Historic Preservation. Haslam is one of the newest representatives named to the 23-member body that was established by the National Historic Preservation Act of 1966 and serves as the primary adviser to the president and Congress on administrative and legislative initiatives aimed at protecting the nation's heritage. The council also includes representatives of the Departments of the Interior and Defense, as well as American Indian tribes. Haslam succeeds former Franklin Mayor Thomas R. Miller.



Haslam

**State Rep. Eric Watson** has been appointed to the transportation special joint committee to study the Tennessee transportation funding system. Watson, along with three other House members, will serve on the committee to study the transportation funding issues facing Tennesseans.



Watson

**NLC's Women in Municipal Government** constituency group will present its 2008 Leadership Award at its at NLC's Congress of Cities and Exposition in Orlando on Nov. 14. **Kay Senter,** past WIMG president and vice mayor of Morristown, will serve as an Honorary Co-Chair of the event.



Senter

**Joseph Lee,** former president of Memphis Light, Gas & Water, has been named deputy city parks director by Mayor Willie Herenton.

**Milton Hugh Hamilton, 75,** former majority leader of the Tennessee Senate who served as both a Democrat and Republican and later was appointed commissioner of Environment and Conservation, died at a Nashville hospital after a long illness.



Hamilton

**Oscar Edmonds,** state rep and former member of the Memphis City Council and Shelby County Commission, died following a stroke. He was 84.

## Good Risk Management is just Good Management



The TML Risk Management Pool is one of the largest providers of workers' compensation coverage in Tennessee. The Pool insures more than 40,500 of Tennessee municipal employees, including those who perform some of the most dangerous jobs like utility line workers, firefighters and law enforcement officers.

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Mayor, Bartlett

**Kevin Helms**  
City Manager, Fayetteville (TCMA)

**Jane Myron,**  
Vice Mayor, Johnson City (District 1)

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Mayor, Sparta (District 4)

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City Manager, Gatlinburg (District 2)

**Ron Washington**  
Council, Murfreesboro

**Ken Wilber**  
Mayor, Portland (District 5)

**PAST PRESIDENTS**

**Tommy Green** (2007) Mayor, Alamo

**Tommy Bragg** (2006) Mayor, Murfreesboro

**Bob Kirk** (2004) Alderman, Dyersburg

**Tom Rowland** (2002) Mayor, Cleveland

**Sam Tharpe** (2001) Vice Mayor, Paris

**Dan Speer** (1997) Mayor, Pulaski

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# Model Identity Theft Policy and FACTA Compliance: Recognizing the Red Flags

BY JOSH JONES  
MTAS Legal Consultant

In response to the growing threat of identity theft, the United States Congress passed the Fair and Accurate Credit Transactions Act of 2003 (FACTA) Public Law 108-159. This amendment to the Fair Credit Reporting Act charged the Federal Trade Commission with promulgating rules regarding identity theft. These rules require certain municipal departments to enact certain policies and procedures.

On Nov. 7, 2007, the Federal Trade Commission promulgated the final rules, known as "Red Flag" rules, which have an effective date of Nov. 1, 2008. A "red flag" is a pattern, practice or specific activity that indicates the possible existence of identity theft.

Red flags are indicators of fraud and include, but are not limited to the following:

- On alert, notification or warning from a consumer reporting agency;
- A credit freeze imposed by a consumer reporting agency;
- Address discrepancy notice from a consumer reporting agency;
- Irregular or suspicious account activity;
- Suspicious documents; personal identifying information inconsis-

tent with external information used for verification; and

- Personal identifying information associated with prior fraud.

Upon detecting a red flag, a municipality must take specific actions to quash or mitigate the threat.

The first step is to gather all related documentation and prepare a brief description of the situation. This initial investigation must be immediately forwarded to the preparing employee's supervisor. The supervisor must then determine the merits of the potential red flag. If the supervisor determines that the transaction is fraudulent, further action must be taken. These actions may include:

- Canceling the transaction;
- Notifying and cooperating with appropriate law enforcement;
- Determining the extent of liability to municipality; and
- Notifying the actual customer that fraud has been attempted

While identity theft is the responsibility of the entire municipal staff and requires board adoption, direct administration should be designated to a single person.

Logical choices for administrator are city recorder, finance director or IT director. The chosen director is also responsible for identity theft training. Training in all sections of the policy is mandated for all em-

ployees, officials and contractors who may come into contact with covered accounts.

Every affected municipality must develop and implement a written Identity Theft Prevention Program that is designed to detect, prevent and mitigate identity theft in connection with the opening of a covered account or any existing covered account.

The program must be appropriate to the size and complexity of the municipality and the nature and scope of its activities. The program must include provisions to:

- Identify relevant red flags for covered accounts signaling possible identity theft and incorporate those red flags into the program;
- Detect red flags that have been incorporated into the program;
- Respond appropriately to any red flags that are detected to prevent and mitigate identity theft; and
- Ensure the program is updated periodically to reflect changes in risks.

While MTAS does not currently endorse any specific training, they are compiling a list of available training providers. A growing number of public and private entities are offering identity theft training at a wide array of costs.

## Municipal Administration Program October Schedule

### Identity Theft (6418)



The November 2008 deadline for complying with the federal identity theft legislation, the Fairness and Accuracy in Credit Transactions Act (FACTA), is rapidly approaching. This course will provide municipal officials and employees a substantive overview of this legislation and its compliance requirements.

**Instructors**

Josh Jones, MTAS Legal Consultant and Richard Stokes, MTAS Human Resources Consultant.

**Who Should Attend**

All water, wastewater, solid waste directors along with city recorders, city managers, finance directors and human resource directors.

**Time**

Public administration courses be-

gin at 8:30 a.m. and conclude at 12:30 p.m.

**Dates and locations**

Oct. 3	Collegedale
Oct. 8	Bartlett
Oct. 9	Jackson
Oct. 13	Knoxville
Oct. 14	Johnson City
Oct. 15	Franklin

**Training Facilities**

**Bartlett** Bartlett Performing Arts and Conference Center, 3663 Appling Road  
**Collegedale** Collegedale City Hall, 4910 Swinyar Drive

**Franklin** Williamson County Exposition Center, 4215 Long Lane

**Jackson** West Tennessee Center for Agricultural Research, Extension, and Public Service, 605 Airways Boulevard

**Johnson City** Johnson City Public Library, 100 West Millard St.

**Knoxville** University of Tennessee Conference Center, 600 Henley Street

To register for this municipal administration program class, please visit the MTAS web site at [www.mtas.tennessee.edu](http://www.mtas.tennessee.edu) or contact Elaine Morrisey at [Elaine.morrissey@tennessee.edu](mailto:Elaine.morrissey@tennessee.edu) or 865.974.0411.

For program information, contact Kurt Frederick, MTAS Training Consultant, at 615.253.6385 or e-mail [kurt.frederick@tennessee.edu](mailto:kurt.frederick@tennessee.edu). Fees are \$25 per person per class for municipal employees and \$55 per person per class for all other participants.

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Covington, Cobb Parr Park. Bring the entire family and enjoy three days of live music, tractor pulls, demolition derby, and more. Admission is free. For entry forms and other information, visit the website [www.covingtontn.com/bbq.htm](http://www.covingtontn.com/bbq.htm).

**October 4: 12th Annual Celebration of Cultures Festival**  
Nashville Centennial Park. 10 a.m. to 6 p.m. Fun-filled day of music, dance, food, children's activities, and marketplace. More than 30 ethnic dance and musical performances featured on multiple stages, food vendors offering exotic foods from around the globe. Original art and imported hand-crafted items for sale, interactive music and dance programs, storytelling, nature activities, art projects, and more. Open to the public with free parking and admission. Downtown shuttle service available. For more information, visit the website: [www.celebrationofcultures.org](http://www.celebrationofcultures.org).

**Oct 25-26: 33rd Annual Mountain Makins Festival**  
Morristown historic Rose Center. Sat., 10 a.m. to 5 p.m. and Sun., 11 a.m. to 5 p.m. A folk life/crafts festival celebrating the traditions of Appalachia through traditional music and dance, storytelling, regional authors, fine art, juried crafts, skilled demonstrations, food, children's activities and more. Recipient of the Southeast Tourism Award of Excellence. Takes place inside and outside Rose Center, an 1892 school building, now a historical museum and cultural arts center. Join the 1st Annual Mountain Makins 8K Run. Participants will receive free Sat. admission to the festival. For more information, visit the website [www.rosecenter.org/mtnmakins.html](http://www.rosecenter.org/mtnmakins.html).

**COMING UP**

**Oct. 1: Youth Presidential Debate 2008.** Nashville Centennial Park, The Parthenon at 7pm. Moderated by John Seigenthaler, Sr., along with prominent politicians representing both presidential campaigns. For more information, visit the news link at [www.montgomerybell.edu](http://www.montgomerybell.edu).

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### ASSISTANT CITY RECORDER

**MURFREESBORO.** The city is seeking to hire an Assistant City Recorder/Chief Accountant who is a Tennessee licensed CPA with a minimum 5 years of professional accounting experience, preferably in governmental accounting or governmental auditing. Salary range is \$61,483-\$76,393 DOE. Responsibilities include budgeting, accounting, assisting with audit, purchasing, tax collection, and record keeping. Needs the ability to supervise and work well with others, work with complex financial information, understand the governmental environment, understand internal control issues, and use electronic spreadsheets as well as learning customized software. For a full job description and application please visit [www.murfreesborotn.gov](http://www.murfreesborotn.gov) or call 615-848-2553.

### CITY ADMINISTRATOR

**FRANKLIN.** The city is seeking applicants for the position of City Administrator. The ideal candidate will be a proven local government manager or assistant with experience in fast growing communities. Must have proven ability to provide strategic visioning to the city as it continues to develop and progress. Requires a Bachelors degree and 10 years related experience. Some private experience will be considered. Competitive salary range with excellent benefits with beginning salary negotiable DOQ. Visit the city's web site [www.franklin.gov](http://www.franklin.gov). This position will be open until filled. EOE. To apply, please submit your confidential resume and cover letter to: Robert E. Slavin, President Slavin Management Consultants, 3040 Holcomb Bridge Road, Suite A-1, Norcross, GA 30071, phone: 770-449-4656, Fax: 770-416-0848, E-mail: [slavin@bellsouth.net](mailto:slavin@bellsouth.net); web: [www.slavinweb.com](http://www.slavinweb.com).

### CITY MANAGER

**EAST RIDGE.** The City of East Ridge is accepting qualified applicants for the position of City Manager. Qualifications: At least five years city management experience, plus leadership and team building skills. College degree required. Salary range \$85,000 - \$95,000, plus benefits and automobile. Send resume to: Curtis D. Adams, Hamilton County Commissioner/City Manager, City of East Ridge, 1517 Tombras Avenue, East Ridge, TN 37412, phone: 423-622-3352. EOE. TN Drug Free Workplace.

### CITY MANAGER

**OAK HILL.** The city seeks applications for the position of City Manager. Excellent benefits package. Commission- Manager form of government with manager reporting to the mayor and Board of Commissioners. The city manager will lead and direct all departments including administration, safety, planning and code enforcement, streets and public services. Require BA/BS in public or business administration, political science, public policy or related field. Prefer some municipal experience as manager or assistant manager in local government. Salary: DOQ/E. Position open until filled. The required city application is available from the assistant city manager. The application, with resume, cover letter, references and salary history should be submitted to: City of Oak Hill, 5548 Franklin Road, Suite 102, Nashville, TN 37220. The assistant city manager may be contacted by phone at 615-371-8291.

### COMMUNITY DEVELOPMENT

**PLANNER**  
**CLEVELAND.** The City is accepting applications for the position of Planner in the Commu-

nity Development Department. Qualified individuals will possess a minimum of a Bachelors Degree in urban planning or related field. Computer skills, GIS skills, and writing and analytical skills, public speaking, and customer service skills are very important. One (1) year experience in urban planning or highly related field desired. Experience in transportation and land use planning, masters degree, and AICP membership are desired. Valid Tennessee driver's license required. Duties include: Collecting and analyzing data, preparing reports and other planning documents; interpreting maps, drawings, and regulations for the purpose of making recommendations and providing information; staff support of the MPO, the Planning Commission, the Board of Zoning Appeals, and other city boards; responding to questions concerning transportation and land development regulations; making professional presentations; preparing components of the Long Range Transportation Plan, annexation studies, neighborhood planning reports, and zoning staff reports; reviewing subdivision plats and site plans; other duties as assigned. Submit a resume with letter of interest and references to City of Cleveland, ATTN: Personnel Department, P.O. Box 1519, Cleveland, Tennessee 37364-1519. Beginning salary \$40,799. Resumes may be sent to [jdavis@cityofclevelandtn.com](mailto:jdavis@cityofclevelandtn.com). EOE. Position open until filled.

### DIRECTOR OF FINANCE

**BENTON, ARKANSAS.** Benton Utilities is accepting applications for Director of Finance & Administration/Treasurer. This position has the dual role of planning, organizing, managing and directing the financial operations and services for the City of Benton General Funds under the direction of the Mayor and Benton Utilities under the direction of the Utilities General Manager. The incumbent serves in a managerial capacity to ensure compliance with all regulatory financial statutes/guidelines and quality of departmental services and also serves as the City's financial liaison to City Council and Council committees. Candidates must have a comprehensive knowledge of principles/practices/methods of public finance administration and utility administration; comprehensive knowledge of cost/revenue projection methods and techniques; comprehensive knowledge of investment options and risk management issues. Qualifications include a bachelor's degree and 8 years related experience or equivalent combination of education and experience and a minimum of 8 years of management experience. Application, complete job description, and benefit summary can be printed from the City of Benton website [www.benton.ar.gov](http://www.benton.ar.gov). Application with cover letter should be mailed to Kathy Kirk, Human Resources Manager, P. O. Box 607, Benton, AR 72018-0607; 501-776-5900, ext 106; fax 501-776-5912. Position is open until filled. EOE

### ENGINEERING ASSISTANT

**PORTLAND.** The City is searching for a qualified Engineering Assistant. This person will report to the City Engineer/Public Works Director. The employee performs general work in the design, construction, inspection, and maintenance of a variety of public facilities and utilities. Applicants must have graduated from an accredited college or university with a Bachelor's degree in Civil Engineering or Civil Engineering Technology. Salary range is \$34,075-\$47,705. For more information, contact Mary Lou Thompson, Human Resources Manager, at 615-325-6776. Applications at [www.cityofportlandtn.gov](http://www.cityofportlandtn.gov). Send resumes and applications to: Human Resources, City of Portland, 100 S. Russell St., Portland, TN 37148. Position open until filled.

### FINANCE ANALYST

**PORTLAND.** The city is seeking applications for the position of Finance Analyst. Graduate from an accredited, post-secondary college or

university, with a bachelor's degree in Accounting or Finance is required. This is an entry-level position requiring a minimum of one year of experience in the accounting field with a broad based knowledge of GL/AP/AR, purchasing and payroll. Candidate must be well versed in financial accounting software. This person reports to the City Recorder. Knowledge of governmental account preferred. Salary range is \$34,075-\$47,705. For more information please contact Mary Lou Thompson, human resources manager or Karen Johnson, city recorder at 615-325-6776. For application visit the website at [www.cityofportlandtn.gov](http://www.cityofportlandtn.gov). Send resumes and application to Human Resources, City of Portland, 100 S. Russell Street, Portland, TN 37148. Open until filled.

### FINANCE DIRECTOR/ASSISTANT TO THE MANAGER

**BLACK MOUNTAIN, N.C.** Salary: DOQ/E. The town is accepting applications for the position of Finance Director/Assistant to the Manager. Position reports to Manager and is responsible for administration of Finance, Water Administration and Information Services. Duties include: supervising the financial activities of the town; managing preparation of three-year financial plan (operating budget) and CIP; contract, grants, and project administration; and, other duties as assigned by the Manager. The town is hoping to find an experienced financial professional who has experience in, or is interested in expanding their skills into, other administrative areas. Combination of education and experience equivalent to graduation from an accredited college or university with major course work in finance, public administration or related field and extensive experience in municipal government. Salary range: \$52,083-\$78,104. Job description and application (required) available at [www.townofblackmountain.org](http://www.townofblackmountain.org). Return to: Town Clerk, Town of Black Mountain, 102 Montreat Road, Black Mountain, NC 28711. Position open until filled. EOE

### HUMAN RESOURCE DIRECTOR

**JOHNSON CITY.** The city is seeking a progressive and experienced human resources director to lead and direct the services and programs provided by the Human Resources Department. Minimum qualifications include the equivalent of a Bachelor's degree in business, management, or public administration with seven years of progressively responsible experience in human resources and health insurance administration. Responsible for planning, organizing, directing and coordinating the personnel activities of the City's 890 FTE employee workforce, including organizational training. Looking for an enthusiastic, responsive team-oriented individual with good management and organization skills, self-starter. Excellent interpersonal and communication skills are required. The hiring range is anticipated in the \$60k - \$75k range, with a very competitive benefits package. Visit the city's website at [www.johnsoncitytn.org](http://www.johnsoncitytn.org) for a detailed description of the position and how to apply. Open until filled. EEO/AA

### MUNICIPAL POLICE CHIEF

**ERWIN.** The town is accepting qualified applications for the position of Municipal Police Chief. This employee is responsible for the planning, organizing and directing of all activities of the Police Department, overseeing 10 full-time police officers and 1 full-time investigator. The employee is under the general supervision of the City Recorder and Mayor. Qualifications include: Graduation from an accredited high school or equivalent, preferably graduation from a college or university with major course experience in police administration or related field. Must possess a valid Tennessee driver's license. Must have five years experience in law enforcement administration. Must be POST certified. Salary DOQ plus excellent benefits. Application is a public record. Send resumes, obtain application or receive more information from: Town of Erwin, P.O. Box 59211 North Main Ave., Erwin, TN, 37650. Phone: 423-743-623. EOE

## Summary of 2008 Public Acts that affect municipalities

BY JOSH JONES  
MTAS Legal Consultant

**Public Chapter No. 1194 (SB2815) Leaving the scene of a boating accident:** Amends T.C.A. § 69-9-210 by creating the offense of leaving the scene of a boating accident. Creates a Class A misdemeanor when injury results and a Class E felony when death results. *Effective July 1, 2008*

### EASEMENTS

**Public Chapter No. 1075 (SB3349) Extending easements for utility lines:** Amends T.C.A. Title 54, Chapter 14, by permitting a person who has been granted an easement for a private road to later petition for additional land along the road for the purpose of extending utility lines to the enclosed land. *Effective July 1, 2008.*

**Public Chapter No. 885 (HB2610) LEA whistleblower protection:** Amends T.C.A. Titles 49 and 50. Prohibits any LEA from taking an adverse employment action against a teacher solely for refusing to participate in or refusing to remain silent about illegal activities. Creates a cause of action against any violating employer, and allows plaintiff to recover reasonable attorney fees and costs. Conversely, allows employer to recover reasonable attorney fees and costs where employee brings suit for any improper purpose, such as to harass the employer. *Effective July 1, 2008.*

**Public Chapter No. 1082 (HB2509) Ingress and egress to landlocked property:** Amends T.C.A. Title 54, Chapter 14, Part 1. Provides that if one of the parcels surrounding the land where an easement for ingress and egress is located is owned by the federal government, the petitioner is not required to make the federal government a party defendant to the action. However, if an objection is filed, the objection must be served upon all parties. Further, the objection must contain a plat that contains an alternative route to the one identified by the jury of view. Demand for trial by jury is the exclusive remedy for relief from a finding of a jury of view. Requires that when a court grants an order to open a road for ingress and egress for landlocked property, the width of the roadway must not exceed the width of the roads required by any subdivision regulations in

effect and jurisdictionally appropriate. If no subdivision regulations are in effect, the maximum width of the road will be 25 feet or 15 feet in counties with a metropolitan form of government. If a person who possesses an ingress and egress easement or has been granted a petition for a private road determines that additional land is needed for the purpose of extending utility lines to the enclosed land, the person must file a new petition so requesting. Court may grant the request and direct a jury of view to mark an area for utility lines for an additional 15 feet. *Effective June 3, 2008.*

### EDUCATION

**Public Chapter No. 612 (SB2629) Director of schools determines a teacher's fitness for reemployment:** Amends T.C.A. § 49-5-511 by granting the director of schools the authority to determine a teacher's fitness for reemployment. This authority was previously vested in the school board. *Effective March 11, 2008.*

**Public Chapter No. 647 (SB3284) Notice for amending director of schools term:** Amends T.C.A. § 49-2-203 (a)(14)(C) by requiring school boards to give ten calendar days notice before extending the contract of, terminating the contract of or removing a director of schools from office. *Effective March 25, 2008.*

**Public Chapter No. 683 (SB2612) LEAs can lease and sell property:** Amends T.C.A. § 49-2-203 (b)(10)(A) by granting local education authorities the authority to lease or sell buildings and property or portions of property. Any sale or lease must be preceded by a determination that the buildings and/or property are not being used or are not at present needed by the school system and that the lease or sale is in the best interest of the school system and the local community. *Effective April 2, 2008.*

**Public Chapter No. 888 (HB2891) Career and technical work experience programs:** Amends T.C.A. Titles 49 and 50. Permits the creation of work experience and career employment programs that provide study and employment in career and technical education programs for students 14 years of age or older, provided programs comply with state and federal law on employment of minors. Any LEA or public charter school desiring to offer such a program must apply for approval to the commissioner of education. *Effective May 8, 2008.*

**Public Chapter No. 898 (SB3024) School board ethics policies:** Amends T.C.A. Title 8. Considers county, municipal and special school districts as separate entities, governed by ethical standards established by their respective boards of education. Charges the Municipal Technical Advisory Service (MTAS) for municipalities, the County Technical Assistance Service (CTAS) for counties, and the Tennessee School Boards Association (TSBA) for school districts with disseminating models of ethical standards for officials and employees of their respective entities. School districts that adopt an ethics policy promulgated by one of the aforementioned entities are not required to file the policy with the commission, but must notify the commission in writing that the policy was adopted and the date the action was taken. *Effective April 12, 2008.*

## TML Board meets Oct. 7

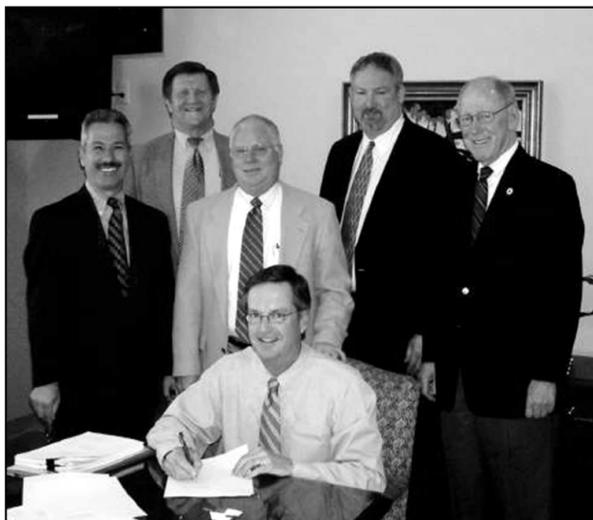
Notice is hereby given that the Board of Directors of the Tennessee Municipal League will meet in regular public session on Tuesday, Oct. 7, 2008, at 12:30 p.m., local time, in the TML Board Room at the street level of 225 Capitol Boulevard Building, in Nashville, Tenn., for the purpose of considering and transacting all business that may properly come before said board. If reasonably possible, an agenda will be available on Thursday, Oct. 2, 2007, at the offices of the Tennessee Municipal League, 226 Capitol Blvd., Suite 710, Nashville. Additional information concerning the above may be obtained from Mona Lawrence at 615-255-6416.



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# Fast starting Nashville Mayor Karl Dean readies city for bright future

BY GAEL STAHL

In late 2006, with the Metro Nashville mayoral campaign in full-swing, the time appeared ripe for Metro Law Director Karl Dean, a former public defender, to try to succeed Mayor Bill Purcell in September 2007.

Three candidates with lengthy political resumes had a formidable six-month head start. One was the son of a popular governor in the 1950s; a second was Nashville's vice mayor and Metro Council president at the time. A third was a councilman and former fire chief. A popular councilman and grandson of the first mayor of Metro Nashville/Davidson County in the 1960s was about to announce. Yet, voter excitement was slack. Many called for a fresher face, someone with wide vision to keep the city on a path to escalating its influence in the mid-South.

When Dean finally announced in December 2006, he never looked back. He resigned his job, poured sizable amounts of personal wealth into the race, and campaigned hard. He refused to make expensive, pie-in-the-sky promises to win voters and refused to take a vow, made by one of his opponents, to never raise property taxes. Still, Dean pulled off a first-place victory in both the August general election and the runoff on Sept. 11.

A year later, he's in love with the job. He describes leaving home every morning feeling happy to go to work 100 percent of the time and returning home happy "about 95 percent of the time."

Dean has roots in the high plains, New England, and the South. He was born in South Dakota to Midwestern parents. They moved 11 years later to Gardner, Mass., when Simplex Time Recorder Co. transferred his father, a sales manager, to its headquarters. The then small factory town of around 18,000 is world-renowned for its Colonial furniture and branded with the title of Chair Capital of the World. The world's largest chair stands in front of Gardner High School, where Dean graduated in 1974.

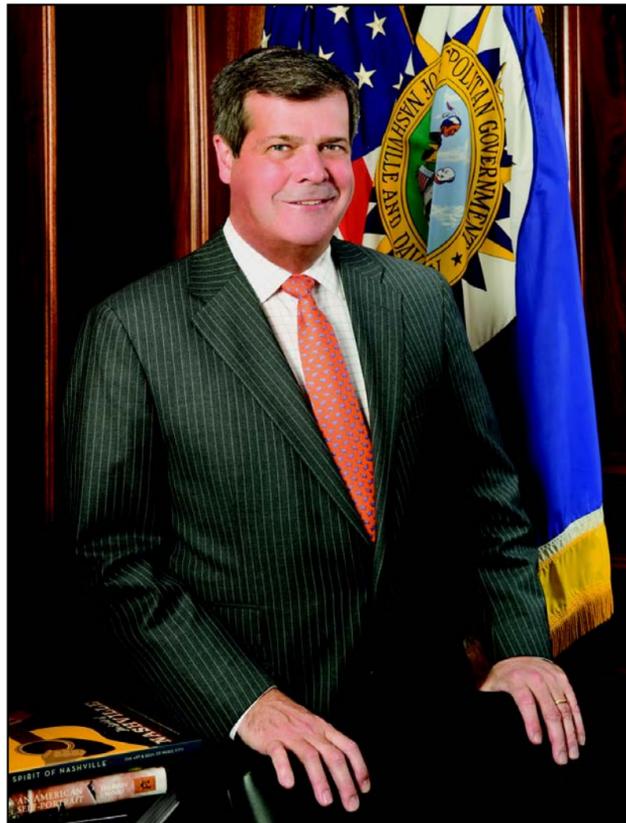
He'll never forget the year they moved. A lifelong Red Sox fan, his team clinched the 1967 pennant in the last game of the season, the thrill of a young life for the 11-year-old. Last month, the reigning 2007 World Series champs invited Mayor Dean to throw out the first pitch of a Fenway Park game while Dean was on a work-related trip to Boston. It was the most nervous and excited he's been about something in a long time.

Dean says his parents are the first and foremost influences in his life and that his mother being at home when he and his older and younger brothers were growing up had a lot to do with that. Also great was the influence of his hometown, not an affluent city (the high school was unaccredited) but one where teachers instilled in him a lifelong love for learning.

Wanting to experience a topnotch university and New York City, he went to Columbia University to major in political science for undergrad. To help pay for school, Dean spent his summers working at a paper mill along the Otter River, not far from Gardner where he grew up. He enjoyed the excitement of being in the middle of Manhattan. But after graduating, Dean wanted to be a lawyer and to experience another part of the country before settling down in New England for what he thought would be the rest of his life. With the encouragement of his professors, Dean decided to come to Nashville and to the Law School at Vanderbilt University.

At Vanderbilt, Dean met law student Anne Davis. They fell in love and graduated in 1981. Anne then served a federal clerkship with a judge in New York City while Dean worked for a law firm in Worcester, Mass., the county seat of Gardner. He saw her every weekend by means of a three-and-a-half-hour drive each way.

They married in 1983, the same year Dean became an assistant public defender in Nashville. He thrived from being constantly in court and, to add to his happiness, taught law and psychology and trial advocacy at Vanderbilt Law School as an adjunct professor. He taught there during most of his nine years as the elected public defender and all seven years as Metro law director. The hard, meaningful work of being an assistant public defender put Dean with outstanding lawyers, especially, Public Defender Jim Weatherly, one of the best trial lawyers Dean says



Mayor Karl Dean

he's ever seen. Dean worked hard to be the best trial lawyer he could be and ran for an open seat to replace a retiring public defender in 1990. He was elected without opposition and again in 1994 and in 1998.

In 1999, Dean completed Harvard's John F. Kennedy School of Government's program for Senior Executives in State and Local Government. The three-week program was geared to help state and local executives explore ways of providing government services as head of an agency or department or as an elected official. It charged him up and when, two months later, newly elected Mayor Purcell asked him to head up Metro's Law Office as law director, Dean accepted the opportunity to do something different.

Purcell had been two years ahead of Dean at Vanderbilt. Their paths never crossed there. Dean likes to explain that he and Purcell "first met in jail." They met there in 1983 while working as young public defenders. Being the city's law director, opened new perspectives for Dean who was involved in the day-to-day workings of Metro. He says the most valuable benefit was learning how all the departments work with each other and how very hard municipal employees work. The kind of thing a future mayor might appreciate.

Karl Dean and Anne Davis have three children. Their son Rascoe is 21. Daughters Frances and Wallen are 15 and 13.

**TT&C: Why did you choose the Public Defender Office instead of a big law firm?**

**KD:** On graduating law school, I worked for a large corporate firm. But it was when a client's kid got in trouble or a client's employee had some minor scrape with the law that they sent me to court to handle those things and I found out what I really enjoyed – going to court and interacting with clients. So, I was wanting to be a trial lawyer when Public Defender Jim Weatherly had an opening and hired me. The job, being in court a lot, was rewarding. I would certainly encourage any law student interested in trial work to be an assistant public defender or district attorney for awhile. I did it for 16 years, longer than most people do, seven as an assistant and nine as public defender.

**TT&C: Were you really so reluctant to run in early and mid 2006 that you had to be coaxed for weeks, even months?**

**KD:** I was interested in it, and people would talk to me about it. I kind of took my time thinking about it. I do love the city and thought the job of mayor, a job where every day you can make decisions that improve people's lives, would be something I'd enjoy. I thought how I was 50 at the time – I'm 52 now – and if it was something I was ever going to do, that would be the year. I didn't think I got in too late. I thought the race hadn't entirely jelled. There seemed to be a place for me. Once I decided, I never looked back and was at peace with the decision. The campaign was a long, intense, constant January-to-September kind of work that I was happy doing as a candidate.

**TT&C: You've faced a good 20 major issues in less than a year, many downtown development de-**

**isions including the building of a new Convention Center, challenging problems with the school system, and the lagging economy. Would you have run knowing all those and more would pop up?**

**KD:** I've never regretted running for mayor, not once. I ran with clear priorities that I really believe in and want to concentrate on – public education, public safety, and economic development. Nashville is a wonderful city with so much going for it. It has a fantastic future. One thing we need to get right in order to guarantee our future is to have a public education system that competes with surrounding counties and where all of our kids graduate from high school and are able to succeed in life. We must make sure we are a city where people not only work but where families want to live.

**TT&C: How sound are Nashville public schools?**

**KD:** We've done a lot of good things particularly in elementary school. Our reading scores are up in K-4. We have Metro high schools ranked in 'the top 25 schools in America' – Martin Luther King Jr. and Hume Fogg magnet schools. Other schools are doing very, very well, also.

The challenges we face are the schools with high dropout rates and that, as a system, we have not met all the No Child Left Behind (NCLB) standards for five consecutive years. The summer I was elected, Nashville was placed on Corrective Action because of NCLB, which gives the state more authority to be involved in our school system this year. We have an acting director of schools and the Metro Board of Education that have important roles running the schools.

What's changed is that the state Department of Education now has some of the administrative oversight of our schools and has made decisions about reassigning principals and reorganizing the front office. That has largely been a good thing. I support what Gov. Bredesen and the Department of Education are doing and appreciate the work that state Executive Director of Accountability Connie Smith has done. Her goal is totally the improvement of our schools by making difficult decisions.

As mayor, I want to be as involved in the operation of the schools as much as possible. As I understand the law, the Board of Education runs the schools and the city funds them. As mayor I have to be concerned with the welfare of the city. The welfare of the city is fundamentally linked to the welfare of our schools, so I am going to be involved. Despite this tough budget year for us, we cut everywhere else, but we funded schools – my top priority.

**TT&C: What was your Project For Student Success that held town hall meetings?**

**KD:** Shortly after I was elected, I put together that group of about 40 citizens to work on issues related to truancy and dropout rates. They worked for a finite period, reported back with good recommendations, and we're implementing them as we go. One was creating an Attendance Center in Nashville where truant kids will be taken to meet with case workers to make sure they get back on track instead of using Juvenile

Court. We're looking for other innovative ways in which to help keep kids in schools.

**TT&C: Perhaps your biggest effort to reform the city's schools is to bring two teacher recruitment programs to Nashville?**

**KD:** There is a lot of teacher turnover in the education profession so I'm looking for \$2 million from businesses, citizens, and nonprofits to help fund The New Teacher Project that helps recruit professionals looking for a career change to teach subjects like math. I hope to start it by October. Teach for America, a non-profit group, recruits some of the nation's top college graduates from all majors, not just high-need subjects like math. Teach for America usually takes two years to train and place teachers but is making an exception to place 30 teachers the first year and 60 for the 2010 school year. We need the donations immediately to get this started and local funds to kick in later to sustain it. We can't wait. We have to do everything we can to make schools better. These programs together are an incredible shot in the arm and send the message that we are interested in educational reform.

**TT&C: Why is public safety your second priority?**

**KD:** Public safety has to be a priority for Nashville, as it is for all cities. We want people to feel safe so they can take advantage of our great downtown, schools, and parks. While it was a tough budget year, the police and fire departments were cut less than 1 percent. This year, for the first time in five years, our police department will be fully staffed. We have just added three new ambulances to deliver increased emergency medical responsibility. Crime has gone down in Nashville for a fifth consecutive year. We're moving in the right direction.

**TT&C: Your third priority?**

**KD:** Economic development. I am absolutely convinced that if you have a city with good schools, you're going to see more public safety because kids will be where they need to be and not getting into trouble. If you have good schools and a safe city, you're going to have more economic development. Nashville is doing well. It's clear to me that Nashville's best days are yet to come.

**TT&C: Nissan moved its national headquarters to Franklin, not Nashville. Was that something the state was working toward rather than Nashville? Or was that before your time as mayor?**

**KD:** It was before my time but the state was very involved in recruiting Nissan to come to Tennessee. Nissan picked the Cool Springs area because it wanted to have a large campus. I would definitely like to see businesses like that in Nashville. And the fact that they are in Cool Springs is going to bring a lot of benefits for us in Nashville. Nissan employees, who have been working in the AT&T building downtown while the new headquarters was being built, will continue to take advantage of all the amenities Nashville offers and enrich our entire region.

For Nashville to be competitive in recruiting businesses, we need to be thinking regionally. As mayor, I have met frequently with mayors of the cities and counties surrounding Nashville/Davidson County. Transportation is the biggest issue we've been talking about trying to work together on. A big source of unity for the region is our working together to create a regional transit system that meets everybody's needs. Federal and state government funding agencies look for cooperation within the region, and transportation is the area where we're going to make our first big statement about regional cooperation.

**TT&C: Is it correct to say health care and tourism are the two anchors of the Nashville economy?**

**KD:** We are a healthcare center of the U.S. and growing internationally. The music industry is pretty important as is tourism, and publishing. Don't underestimate the importance of our higher education. We've got a lot of universities that create an enormous amount of employment and wealth. Nashville has such a diverse economy that we do better than some cities when the economy slows down.

**TT&C: What's your take on building a new downtown convention center?**

**KD:** Periodically a city needs to have enough confidence in itself to invest

in itself. A convention center is not like building a stadium to entertain ourselves. This is a facility that will attract a million visitors every year who generate non-property-tax revenue. It's going to create thousands of jobs and help the development south of Broadway. Our city is now competing nationwide for about 22 percent of the downtown convention business. With this new convention center, we will be able to compete for more than 80 percent. We're moving up to the big leagues.

Metro Council has approved the initial funds to begin the development work. We've hired architects, contractors and construction people to start the process with MDHA, our housing authority, leading the development of the plan and getting design ideas from the public. We're projecting the convention center to be done in 2012.

**TT&C: You made no short-sighted campaign promise like some did vowing never to raise property taxes. How were you able to lead Nashville through this dismal budget year when the state was making big cuts and staving off layoffs with retirement buy-out plans?**

**KD:** It was a tough year. We shielded education and public safety from budget cuts, but almost every other Metro department was cut 5 to 12 percent. We eliminated positions so as to lay off fewer employees. We were able to find different positions for some people. We got through it, but hopefully, the economy will improve.

Periodically, a government, like a family, has to tighten its belt, look around and figure out ways it can do its business in a cheaper way to get through a tough time. I don't know that Nashville is recession-proof and there's a clear slow down in state and local sales tax revenue. But housing values have held up in Nashville even though it is taking longer to sell a house. The subprime mortgage problem has not been as pronounced in Nashville. We haven't had as many foreclosures.

Compared to most cities we're doing well despite the slow down. Just look all around and see all the cranes at work downtown. The Gulch. South Broadway. East Nashville. Mid-Town out West End. Nashville is a dynamic vibrant place growing and expanding.

## Karl Dean reminds Council "who we are"

A year ago, Metro Council passed a resolution 23-11 to make English the official language of Metro government. Mayor Bill Purcell vetoed it, saying, "This is not who we are in Nashville."

This year, a Metro councilman is trying to get a charter amendment proposal on the November ballot that would amend the Metro charter to say all government services can be delivered in English only.

In August, Mayor Karl Dean delivered one of his finest speeches ever. He derided the initiative as divisive and unnecessary, changing some council votes in the process.

The speech was historic. Never before had a Metro mayor made a surprise request to appear before the council to speak to the merits of legislation that wasn't his. He then censured the English only initiative in the strongest language it had ever received.

Dean explained what the referendum is not – not a vote on immigration reform and not a harmless message of office holders, but a proposal that would hurt and discourage international visitors and possibly endanger them. It would hinder recruitment of foreign companies, "tie our hands in the global economy, detract from our appeal as an international tourist destination, and that will damage our reputation as a welcoming and friendly city."

"While the initiative is called English First," he said, "to be clear, the language of the amendment is so broad that it would restrict all government communications to English only," Dean said, "and I don't believe the extent of the impact such a law would have has been fully considered." He said the amendment is immoral and would have negative consequences that would be real and substantial.

He told the council that what the council thinks can make a big difference in the big picture and urged members to step up and remind citizens what Nashville really stands for and is about. Metro Council then passed the memorializing resolution asking Davidson County voters to oppose the English Only charter amendment, by a vote of 25-