



Lt. Gov. Ron Ramsey and House Speaker Kent Williams gaveled the Senate and the House into session in advance of a special session called by Gov. Phil Bredesen to focus on education. See more General Session photos on pages 8 and 9.

106th reconvenes; Governor calls Special Session

The Legislature has convened the second session of the 106th Tennessee General Assembly, with the Senate beginning its first floor session of the year with a moment of silence for former Senate Speaker John Wilder, who died on Jan. 1.

Both the House and the Senate were gavelled into session in advance of a special session called by Gov. Phil Bredesen to focus on education.

In a joint session of the Tennessee General Assembly, Bredesen urged swift passage of a range of education-reform proposals designed to spur improvement in Tennessee's education pipeline - specifically, improving student performance and graduation rates at both the high school and college levels. Collectively, the proposals are known as the "Tennessee Education Innovation Plan."

The "Tennessee First to the Top Act of 2010" will make changes in law as part of the state's push in the

U.S. Department of Education's Race to the Top competition. Second, the "Complete College Tennessee Act of 2010" will make changes in law needed to improve college completion rates, which lag behind the nation.

"The stars have aligned this year to create opportunities to make significant improvements in public education in Tennessee. When that happens, we're obligated as public officials to seize the moment," Bredesen said. "That moment is now."

K-12 Education

The first opportunity is the federal government's Race to the Top competition. The American Recovery and Reinvestment Act, signed into law by President Obama in February 2009, provides \$4.35 billion for the Race to the Top Fund, a competitive grant program designed to encourage and reward states that are implementing ambitious plans in four core education reform areas:

1. Adopting standards and assessments that prepare students to succeed in college and the workplace and to compete in the global economy;
2. Building data systems that measure student growth and success, and inform teachers and principals about how they can improve instruction;
3. Recruiting, developing, rewarding and retaining effective teachers and principals, especially where they are needed most; and
4. Turning around the lowest-achieving schools.

Tennessee is viewed as competitive in Race to the Top by national education-reform groups as a result of key successes in recent years, including the adoption of career- and college-ready high school standards through the American Diploma Project. Tennessee is also recognized for having one of the nation's oldest and most robust data-
See EDUCATION on Page 6

Bart Gordon to retire from U.S. Congress

After more than a quarter-century of public service to his home state of Tennessee, U.S. Rep. Bart Gordon announced his plans to retire from Congress when his current term ends in 2010.

"I feel honored that the people of Middle Tennessee have allowed me to serve them for the past 25 years," said Gordon. "Every decision I have made in Congress has been with their best interests in mind. I hope the people here at home feel that I have served them as well as their good advice and views have served me."

"When I was elected, I was the youngest member of the Tennessee congressional delegation; now, I'm one of the oldest. In fact, I have members of my staff who weren't even born when I took office. That

tells me it's time for a new chapter."

Gordon, the dean of the state's congressional delegation, is the second Tennessee Representative who will not seek re-election. Rep. John Tanner previously announced his plans to retire. Gordon said he made his decision after consulting with his wife, Leslie.

"Turning 60 has led me to re-evaluate what's next. I have an 8-year-old daughter and a wonderful wife who has a very demanding job. I am the only child of my 83-year-old mother, Margaret. They have made sacrifices to allow me to do what I love by serving in Congress, and now it's my turn," said Gordon.

Strengthening families has been a common thread throughout Gordon's time in Congress. During
See GORDON on Page 5



U.S. Rep. Bart Gordon

Conducting effective DUI roadblocks

BY MELISSA ASHBURN
MTAS Legal Consultant

Many law enforcement agencies conduct roadblocks aimed at reducing the number of intoxicated drivers and alcohol-related accidents on our roads. It may be months before these agencies learn whether the arrests and seizures made at those roadblocks will be upheld. Based on numerous Supreme Court rulings over the years, it is likely that arrests and seizures will be found unconstitutional and charges brought will be dismissed. To avoid this outcome, law enforcement agencies must plan carefully and conduct roadblocks in such a manner that the prosecution of charges brought against persons arrested in the operation will be sustained.

The United States Supreme Court and the Tennessee Supreme



Stopping a vehicle and questioning its occupants constitutes a seizure, even if the purpose of the stop is limited and the questioning is brief.

Court have held that stopping a vehicle and questioning its occupants constitutes a seizure, even if the pur-

pose of the stop is limited and the questioning is brief. *Coolidge v. See ROADBLOCKS on Page 6*

Transportation Committee recommends restrictions on city traffic safety cameras

BY JOHN HOLLOWAY
TML Government Relations

In its final meeting prior to the start of the 2010 legislative session, the House Transportation Committee voted on and approved a series of legislative recommendations designed to regulate the use of traffic enforcement cameras by local governments—red light and speed cameras.

The following is a summary of actions taken by the committee which will be drafted and filed in the form of legislation in the coming days.

All new contracts and renewals of existing contracts will have to meet state standards to be determined by a working group of representatives from the Tennessee Department of Safety, Tennessee Department of Transportation, the Tennessee Police Chiefs Association and the Tennessee Sheriffs Association. The standards recommended by this group will then be subject to the approval of the House Transportation committee.

A POST certified officer of the respective law enforcement agency must review all video evidence from a traffic enforcement camera and make a determination if a violation occurred.

The state comptroller's office shall conduct a study of traffic enforcement cameras that shall include:

- A list of all municipalities and

counties employing traffic enforcement cameras

- The impact the cameras have had on driver behavior by looking at the history before and after the installation
- The method of funding including the nature of contracts between the government agency and a camera vendor
- The utilization of funds resulting from violations

A two year moratorium will be levied on new contracts or renewal of existing contracts.

No local government may place and operate a traffic enforcement camera after Jan. 1, 2011, on any highway receiving state financial aid unless:

- All engineering solutions to enforce traffic safety have reasonably been exhausted;
- Any contract shall provide only for payment of services rendered and no payment shall be based on a percentage of revenue from traffic citations;
- First offense shall be \$10, second offense \$25, third and subsequent offenses \$50 with a maximum \$10 court cost.

The comptroller's office may conduct audits as deemed necessary.

The Chattanooga S-curve is exempt from the two-year moratorium.

Once filed, this legislation will go through the regular legislative process for approval by the Tennessee General Assembly.

TML Legislative Conference scheduled for March 8 - 9



Hotel deadline for group rate Feb. 10

Make plans now to attend the Tennessee Municipal League's Annual Legislative Conference, slated for March 8 - 9 at the DoubleTree Hotel Downtown Nashville.

The two-day conference provides an excellent forum for city officials to interact with their legislators and to be updated on the many legislative issues currently being addressed by the 106th Tennessee General Assembly.

City officials are also encouraged to use their time in Nashville to attend Monday evening floor

sessions and to schedule time to visit with their legislators.

The voice of Tennessee's municipal governments must be heard in the legislative process, and the TML Legislative Conference is a key opportunity to communicate that message.

To register on line, go to TML's web site at www.TML1.org. Contact the TML offices at 615-255- 6416 for more information. **Deadline for hotel registration is Feb. 10.** To reserve a room and to receive the group rate, contact the DoubleTree at (615) 244-8200.

MTAS bids adieu to longtime Legal Consultant Dennis Huffer

BY VICTORIA SOUTH
Communications Coordinator

Born in Winchester and growing up on a rural farm in Lynchburg, Tenn., Dennis Huffer learned all about the rewards of working hard and doing the right thing. He also developed a healthy sense of humor.

"Growing up on a farm, we were isolated and didn't hear about a lot of different professions," Huffer, 58, muses, kicking back in his trademark rocking chair at the MTAS Nashville office.

"I only knew of three: teacher, lawyer and dentist. Early on, I picked dentist. I guess I just thought dentist rhymed well with Dennis. But, later on I developed an interest in politics so I thought I'd have to be a lawyer to help people. I think it was a good choice."

Huffer will retire January 29, after 33 years of serving the state's municipalities.

Graduating from Moore County High School and receiving his Bachelor of Arts degree in English from Middle Tennessee State University, Huffer received his Doctor of Juris Prudence from the University of Tennessee College of



Dennis Huffer teaches a class at the Elected Officials Academy for the Municipal Technical Advisory Service.

Law in 1976, the same year he was admitted to the Tennessee Bar. Then, in 1977, he delved into the various legal aspects of local government when he began working with the County Technical Assistance Service (CTAS).

Moving over to the Municipal Technical Advisory Service (MTAS), Huffer worked primarily on municipal ordinance consulting until 1989, when he left to become Director of Legal Services for the TML Risk Management Pool.

"I really enjoyed working with Dennis for more than 20 years," recalls Randy Williams, Risk Management Pool director of client service
See HUFFER on Page 6

NEWS
ACROSS
TENNESSEE



BY TML STAFF REPORTS

ALCOA
Aluminum manufacturer ALCOA is eliminating 90 jobs at its operations in the Smoky Mountains foothills. The latest layoffs come a year after ALCOA eliminated 450 jobs and stopped production on two pot lines. ALCOA also said it was cutting 145 jobs at its plant in Evansville, Ind.

CLARKSVILLE
Clarksville has learned it is gaining 300 new jobs at the automotive braking systems manufacturer formerly known as Bosch. The plant on International Boulevard in the city-county Corporate Business Park, to be renamed Akebono after a corporate buyout, will make a \$13.5 million investment in new equipment beginning next year and increase its payroll from just under 300 to a total of about 700 workers.

JOHNSON CITY
Mullican Flooring announced plans to expand production at its Johnson City plant. The company announced it will build a new solid pre-finished hardwood floor production line. The move will add 25 jobs in the first quarter of 2010 and 50 jobs over the next two years. Mullican Flooring is about to celebrate its twenty-fifth year in business.

KINGSPORT
Kingsport's Public Water System has earned the highest Directors Award from the Partnership for Safe Drinking Water, demonstrating a commitment to providing maximum protection against microbial contaminants. There are currently only two other utilities in Tennessee that have achieved the Directors Award, Knoxville Utilities Board (KUB) and Tennessee American Water – Chattanooga and only six water systems in the United States have earned Phase IV recognition. The Partnership is a voluntary organization involving six organizations – including the Environmental Protection Agency and American Water

Works Association – in partnership with more than 200 surface water utilities throughout the country.

LA VERGNE
The Department of Housing and Urban Development (HUD) AHEPA National Housing Corporation received an honor for “providing affordable senior housing to the elderly through the Section 202 Program of the National Housing Act of 1959 (supportive Housing for the Elderly).” AHEPA National Housing Corporation operates AHEPA 343 Apartments, located at 121 Mason Circle in La Vergne. The complex is five years old and currently houses approximately 52 residents in 50 apartments. The apartments were only one of two complexes chosen in the Southeast Region, according to Kathy Sanders with AHEPA 343. A 50th Anniversary Celebration was held at the complex. Guests include the Atlanta HUD Director, Nashville HUD and staff, local dignitaries, elected officials, Board President James Mitchell, and AHEPA Management Company CEO Paul Hulse.

LEBANON
Permobil, a world leader in developing and manufacturing custom-made powered wheelchairs, recently broke ground on a 120,000 square foot, \$12 million North American Operations Center in Lebanon's Park 840 industrial park. This project is the largest, single capital investment Permobil has made since it was founded more than 40 years ago. Construction is slated for completion in Summer 2010. The company anticipates growing in the next three to five years and wanted to increase manufacturing efficiencies. Permobil currently has about 90 employees at its Eastgate facility in Lebanon. In addition to those employees, they also have 40 sales representatives and regional sales managers in the field. In the next three to five years they expect to double their workforce.

MANCHESTER
A new ink manufacturing plant has opened its doors in Coffee County. The Newell Rubbermaid Liquid Manufacturing and Technology Center will employ about 60 people from the old plant in Shelbyville. The factory handles the design, testing, and manufacturing of inks. More jobs should be added during the next three years.

MEMPHIS
Shoe and apparel manufacturer Nike plans to add 450 jobs with a return center at its former distribution center. According to news reports, most of the new jobs would pay under \$25,000 per year in wages and benefits. The new return center would bring local employment by Nike to 2,250 and its total payroll to \$11 million.

MEMPHIS
Technicolor has laid off 105 workers from its Memphis DVD distribution center. The Company spokesman said the cuts were due to a reduced demand for DVDs. The layoffs leave Technicolor with 1,727 full- and part-time workers at the center.

MURFREESBORO
A partnership between MTSU and China's Hangzhou Normal University will mark the opening of a school of Chinese study at MTSU, the Confucius Institute (CIMTSU), with the goal of increasing cross-cultural cooperation and education between the two countries. MTSU is one of only two U.S. schools to be granted a Confucius Institute in 2009, joining the ranks of 80 other schools across the country and 282 schools world wide. MTSU will be receiving \$500,000 over the course of five years by the Chinese government in order to support the CIMTSU, which will be managed by both MTSU and HNU officials.

MURFREESBORO
With a score of 99, Murfreesboro's water department has earned the designation 'approved' from the Tennessee's Division of Water Supply after a Sanitary Survey was conducted between Oct. 14 and 15. The 99 is a nine point increase over the 90 the system scored in 2008. State inspectors were especial-



Two-time Tony Award winner and recent Emmy winner, Paris actress Cherry Jones tests the waters alongside Lisa Rhodes, Tim Williams, Susan Jones, Caroline Gurton and John Nichols in support of the New Year's Day Polar Plunge to benefit the new Boys and Girls Club in Paris.

ly impressed that little interruptions in service, either quality or quantity, were experienced as the department upgraded its water plant.

PIKEVILLE
A small manufacturer became a star when its owner switched on one of the largest solar electric systems in the Volunteer State, and the first sun power producer in Bledsoe County. Life Line Foods, the county's largest manufacturer, has installed 128 solar panels on the roof of the family owned liquid dietary supplements factory. The manufacturer received a 25 percent incentive grant from the USDA Rural Energy for America Program incentive, as well as other helps that ultimately paid for about 75 percent of the \$200,000 solar system's purchase and installation. The grid-tied system is expected to generate half of the company's electric power and will feed into the utility lines of Volunteer Energy Cooperative, and the TVA.

NASHVILLE
Mayor Karl Dean and Police Chief Ronal Serpas celebrated the graduation of Police Recruit Class 61 as they were sworn in as Nashville's 28 newest police officers. The pair also welcomed the 53 members of Police Recruit Session 62, the class that represents the first increase in the authorized strength of the Metro Nashville Police Department in six

years. Fifty of the police officer trainees are being funded by an \$8.6 million federal stimulus grant that will pay their full salaries and benefits for a period of three years. The receipt of the grant allowed the police department's sworn positions to grow from 1,315 to 1,365. Members of Class 62 will graduate in early April 2010.

NASHVILLE
Nashville has inched closer to hosting a World Cup soccer match and gaining unprecedented access to international tourist dollars with the announcement that the city is one of 18 cities in the U.S. bid for the world's largest sporting event. Now, the city must impress international officials enough to help the U.S. beat out other nations to host the 2018 or 2022 World Cup. Even if the U.S. doesn't win, not all cities in the bid will host matches.

SEVIERVILLE
This holiday season, the city's Trees/Trails and Beautification Board offered the "Give a Tree/ Take a Tree" program. Residents dropping off live Christmas trees for recycling received three free tree saplings. The seedlings were donated by the Trees/Trails and Beautification Board. The Christmas trees were mulched and reused for an alternate daily cover at the Sevier Solid Waste landfill.

Funding Board sets state's FY 2010, 2011 revenue estimates

The State Funding board expects the revenue growth rates to range between negative 1.50 percent and negative 0.25 percent for fiscal year 2010 and 1.7 percent to 2.2 percent for fiscal year 2011.

The Funding Board's revenue estimates are used by the administration and legislature in determining steps necessary to close the current year budget, ending June 30, 2010, and in preparing the budget for state government for the new fiscal year beginning July 1, 2010. The estimates are based on the assumption that there will be no increases or decreases in the state's tax rates or its schedule of fees, fines or other charges.

Funding Board members heard presentations from the Tennessee Department of Revenue, the General Assembly's Fiscal Review Committee and Tennessee economists representing the three grand divisions of the state about their expectations for the revenue situation over the next fiscal year.

Following those presentations, the Funding Board staff worked throughout the week to develop a consensus for revenue estimates. Funding Board members chose to take a cautious approach.

"Estimating the state's revenues is one of the most difficult tasks that we have," said Comptroller Justin P. Wilson, who serves as the Funding Board's Secretary. "But it's also one of the most important tasks we have. We want these numbers to be as accurate as they possibly can be, given all of the

unknown variables that go into economic forecasting."

"With this economy, it is difficult to predict what's going to happen this week, much less six to 18 months into the future," said Treasurer David H. Lillard Jr., another Funding Board member. "There is some consensus that the economy is in the process of rebounding, but it is possible the recovery of state tax revenues will be constrained for a longer time because credit is tight for individuals and small businesses and the rate of personal savings is still high. Because of that uncertainty, I think most Tennesseans would agree it is prudent to be cautious in forecasting our estimates."

"The Funding Board will continue to closely monitor Tennessee's tax revenues each month. Another meeting will be held in the spring to review and possibly revise the estimates if conditions warrant that prior to final adoption of the Fiscal Year 2011 budget," said Secretary of State Tre Hargett, another Funding Board member.

The Funding Board also estimated that the state lottery's revenues will experience little to no growth over the next four fiscal years. The Board agreed on a range of lottery revenue projections that call for 0 percent to 1 percent growth through the fiscal year that ends June 30, 2014.

In addition to Wilson, Lillard and Hargett, the Funding Board members are Governor Phil Bredesen and Finance and Administration Commissioner David Goetz.

PEOPLE

BY TML STAFF REPORTS

A bill to rename the Somerville post office after former Tennessee Lt. Gov. **John Wilder** has cleared its final legislative hurdle by passing the U.S. Senate. Rep. Marsha Blackburn sponsored the bill with Rep. Steve Cohen of Memphis. Recently deceased, Wilder, a Democrat from Mason, was Senate speaker for 36 years; retiring from the Legislature in 2008.

Gov. **Phil Bredesen** has been named co-chair of Achieve Inc., a bipartisan nonprofit based in Washington, D.C. The board is comprised of six governors and six leading chief executive officers.

Rep. **Vance Dennis** has been appointed as Chairman of the House Civil Practice and Procedure Subcommittee. A Dennis Hardin County native, Rep. Dennis continues to serve on the House Health and Human Resources Committee, the House Judiciary Committee, and the House Public Health Subcommittee. He is also the Vice-Chairman of the House Republican Caucus Task Force on Crime.

Rep. **John Mark Windle** is at Camp Shelby, Miss., where the Army National Guard's 278th Armored Cavalry Regiment is training for deployment to Iraq in February. Windle, 47, an attorney who has served in the House since 1991, missed the 2005 legislative session while deployed in Iraq. He is a lieutenant colonel.

Ann Butterworth, assistant to the Tennessee Comptroller of the Treasury for Public Finance Justin Wilson and his voting representative on the Tennessee Housing Development Agency's board of directors, was elected as President of the 2009 – 2010 National Conference of State Housing Boards (NCSHB) Board of Directors. Butterworth is responsible for reviewing and responding to local, state and national legislative and regulatory actions making an impact on public finance in Tennessee. Butterworth also serves as Director of the Office of Open Records Ombudsman.

PJ Snodgrass has joined the Municipal Technical Advisory Service staff as a training consultant. Snodgrass comes to UTAS from the University of Tennessee Information Technology Department. Her most recent experience is as Assistant Director of the IT Business Office.

Longtime Chancery Court Judge **Howell Peoples** of Chattanooga is resigning March 31. Peoples has been a judge for 32 years. Gov. Bredesen will name his replacement based on recommendations from the Judicial Selection Commission.

Mike Morrow has been named administrator of the year by the Tennessee Chapter of the American Society for Public Administration. Morrow has worked 34 years for the state and is a deputy commissioner in the Department of Finance and Administration. He was named administrator of the Tennessee Recovery Act Management Office.

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Daniel S. Foglton
Senior Business Development Director

14861 N. Scottsdale Road
Suite 109
Scottsdale, Arizona 85254

Cell: 803.466.0628
Tel: 480.368.0900 ext. 246
email: dan.foglton@atsol.com
Fax: 480.607.0901
Online: www.atsol.com

Rain gardens: calming the storm in Tennessee

BY VICTORIA SOUTH
TML Communications Coordinator

Rain drops keep falling on your head? Not a problem; it’s the contaminants distributed by stormwater runoff that can affect the environment unfavorably. Stormwater that flows over land or impervious surfaces such as paved streets, parking lots, building rooftops, and along industrial and construction sites collects debris along with chemicals, grease, sediment and other pollutants.

Unlike sanitary wastewater, these contaminants can harm the water quality of a community’s rivers and streams. With so much at stake, in addition to mandatory EPA Phase I and Phase II regulations, the Environmental Council of the States (ECOS) passed a resolution in 2007 to encourage the use of green infrastructure to mitigate the impacts of sewer overflows and as a tool to protect public health and the environment.

“Most cities deal with three utilities,” said Beau Herring, former stormwater coordinator and director of codes in Spring Hill. “Stormwater is the fourth and I predict will be the number one priority for cities in the future.”

Spring Hill’s recently installed rain garden funded through the Tennessee Environment Council (TEC) and the Tennessee Department of Agriculture is already making an educational and environmental impact at Harvey Park, where a blue-line stream, McCutcheon Creek, flows consistently throughout the year. The garden will reduce the amount of polluted runoff entering the creek, which is vital since all of the city’s creeks are on the state’s endangered list, listed as 303D Impaired Streams.

“We want to set an example for developers and residents and demonstrate how rain gardens work,” said Herring. “We also want people

and compost, acts like a sponge where the water is absorbed and cleaned before it leaks out onto the ground.

“When a rain garden is installed, the area goes from an eyesore to a beautiful garden that enhances the community,” says John McFadden, TEC executive director.

With the strong possibility of Tennessee following in the footsteps of other states, such as Kentucky and West Virginia in incorporating green infrastructure into environmental requirements, environmental groups such as TEC are encouraging and helping cities to utilize best practice methods such as rain gardens.

“We are going to be working with stormwater partners through a series of educational courses geared toward smaller cities,” McFadden continues. “Part of the problem across the state is directly linked to development and landscaping; the creation of flash flooding along asphalt and rooftops. Also, flooding along creek channels is eroding the soil and widening the channels.” Rain gardens in developed areas help to capture and control this type of flooding,” McFadden notes.

According to the TEC website, sediment is the leading cause of water pollution in Tennessee. It is estimated that nearly 40 percent of the sediment entering the state’s streams is from creek bank erosion.

TEC volunteers planted trees along McCutcheon Creek in the Duck River watershed as part of the TEC Watershed Support Center. Each month, TEC offers opportunities for volunteers to help with stream restoration, greenways and rain garden projects and/or tree planting outings. The group is currently coordinating the Tennessee Tree Project, with a goal to plant 1 million trees by 2020 and to engage as many Tennesseans as possible in the process. Information is available at <http://www.tectn.org/>



Spring Hill’s new rain garden at Harvey Park is an example of how cities are voluntarily incorporating “green infrastructure” to help filter stormwater runoff and combat environmental pollution. Stormwater pollutants can include trash and debris, sediment, paint, oil and other hazardous substances that infiltrate and contaminate lakes and streams.



Before the rain garden project at Spring Hill’s Harvey Park, stormwater flooded this depression near a blue line stream, McCutcheon Creek. A blue line stream is one that flows continuously throughout the year.



Unlike sanitary wastewater, stormwater contaminants can harm the water quality of a community’s rivers and streams.

to know that they can put small rain gardens on their own property.”

As a best management practice initiative (BMP) in green infrastructure, a rain garden is a shallow, constructed depression planted with deep-rooted native plants and grasses. When the garden receives the runoff from hard surfaces such as a roof or driveway, it holds the water briefly and filters it before it reaches creeks and streams. The rain garden at Harvey Park treated with a mixture of porous materials, dirt, sand,

[display_headline.php?id=51](#). Visit the TEC events calendar at <http://tectn.org>.

Last year, the Tennessee Department of Environment (TDEC) awarded a total of \$100,000 to four cities for rain garden projects: Nashville, Knoxville, Athens and Lakeland. Utilizing a \$30,000 grant from TDEC, TVA and the Southeastern Watershed Forum, Athens immediately set to work building a 100 percent green parking lot to address a runoff problem the lot shared be-

tween the city and the YMCA.

Part of the parking lot development includes a rain garden, which became an Eagle Scout project.

Athens has vowed to build 250 rain gardens in the future and encourage infiltration of storm water run off.

“With an EPA Wetland Grant we are going to develop promotional video and brochures on rain gardens,” said Shawn Lindsey, Athens Public Works director. “We will also offer a grant to our residents for city crews to design, excavate, and give homeowner composted wood and leaf mulch to use in a rain garden. Our goal is to give away or encourage the construction of 250 rain gardens and other infiltration technologies in the next two years.”

According to Herring, rain gardens should become commonplace in Spring Hill. The city plans another large rain garden project in November and plan to install a rain garden for each municipal project in the future as an example for residents and developers.

“When it comes to stormwater we didn’t do it right years ago,” said Herring. “Now we are a perfect example of what not to do and how to make it right.”

For more information about rain gardens or other stormwater alterna-

What is a rain garden?

A rain garden is a garden which takes advantage of rainfall and stormwater runoff in its design and plant selection. Usually, it is a small garden which is designed to withstand the extremes of moisture and concentrations of nutrients, particularly Nitrogen and Phosphorus, that are found in stormwater runoff.

Rain gardens are sited ideally close to the source of the runoff and serve to slow the stormwater as it travels downhill, giving the stormwater more time to infiltrate and less opportunity to gain momentum and erosive power.

On the surface, a rain garden looks like an attractive garden. It may support habitat for birds and butterflies, it may be a formal landscape amenity or it may be incorporated into a larger garden as a border or as an entry feature.

What makes it a rain garden

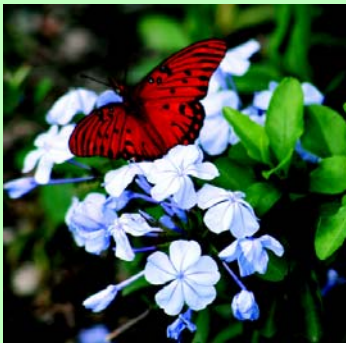


Photo by Victoria South

is in how it gets its water and what happens to that water once it arrives in the garden. Below the surface of the garden, a number of processes are occurring which mimic the hydrologic action of a healthy forest. Stormwater is cleaned and reduced in volume once it enters the rain garden. Multiple rain gardens over an area will have a positive cumulative effect on both the volume and quality of stormwater runoff.

Low Impact Development Center, Inc.

tives, visit the Rain Garden Network at www.raingardennetwork.com For more information about local stormwater management efforts,

visit the Tennessee Stormwater Association at <http://tnstormwater.org>

The Tennessee Stormwater Association, MS4 regulations

Todd Spangler, immediate past president of the Tennessee Stormwater Association (TNSA) discusses stormwater management and how the association benefits city and county Municipal Separate Storm Sewer Systems (MS4) programs.

TT&C: What initiated the development of the TNSA?

TS: The TNSA was developed in order to provide a link between MS4’s that was only present in a few localized areas previously. TNSA is helping to pull together MS4 communities from every part of the state and give us a forum to share ideas and assist each other in maintaining and improving our storm water programs.

TT&C: In what ways does the association interact with and help municipalities?

TS: TNSA’s main goal is to provide educational materials for MS4 communities to utilize within their storm water programs. This is accomplished by acting as a clearing house of information developed by

our various members and by outside groups.

We are also going to be creating new educational materials for use by our members and will be creating a state wide stormwater educational message for our members and will try to match, as funds are available, the funds that each MS4 spends toward that statewide message to help broaden the effectiveness of that message.

TT&C: How has development contributed to the increase of pollution in stormwater?

TS: Development as a whole has contributed to the increase of pollution in our storm water mainly due to the reduction in pervious surfaces like fields and forest land. The stormwater community has just recently begun focusing more on efforts to minimize and treat polluted runoff. In a lot of ways this can be done in conjunction with infrastructure that was developed under the old methodology.

Methods to improve stormwater quality are varied and will be different for different areas of the

state let alone the nation. In some areas infiltration is an excellent method of helping to improve the quality of storm water runoff. However, in other areas this method can create additional problems that are far worse than the benefit received by altering the ground water table or destabilizing foundations when soil becomes over saturated.

Because of this TNSA is working hard to make sure that any new regulations leave enough room to adjust local regulations to meet the needs of the geographical area that a community finds itself in.

TT&C: Does the association foresee a regulations change requiring developers to incorporate green infrastructure in the immediate future?

TS: This question brings to light another function of TNSA. We are the voice of MS4 communities to the statewide public and to the Tennessee Department of Environment & Conservation (TDEC) which issues the permits by which we operate. It is through TDEC that regulations are formed that

govern our programs. TDEC was instrumental in helping to establish our association, so they could better understand the issues and concerns of the local MS4s when developing new regulations as passed down from the EPA.

The relationship between TDEC and TNSA has been a wonderful opportunity for each group to better understand the other and for us all to work together to make sure the regulations related to stormwater are developed in a manner that improves storm water quality but also is done in a way that is most achievable by local government.

There is a new permit that will be coming out for the Phase II communities, that is all MS4’s other than Memphis, Nashville, Knoxville, and Chattanooga, (which are Phase I communities).

We anticipate that additional requirements will be included in this permit that will push for greener, or lower impact design of development in the future. To what extent that will be I cannot say at this time but, it will definitely be

creating an environment that will be encouraging green infrastructure in our local communities.

TT&C: In what ways can municipalities provide incentives for developers and residents to use BMP’s such as rain gardens in order to manage stormwater effectively?

TS: Well the first and easiest answer is to require a certain level of treatment for development and then to help provide ways to accomplish that, such as rain gardens. In a lot of MS4 communities, the community has developed a StormWater Utility. Within these utilities, a credit or reduction in fee can be granted for the installation of BMP’s such as rain gardens.

Overall, though I think education is the best long term approach. When the public becomes aware of the benefit that these types of BMP’s have on our environment and quality of life, they will begin requiring these types of things from the developers and communities in which they live.

STATE BRIEFS



BY TML STAFF REPORTS

Tennessee has been selected by the National Governors Association Center for Best Practices (NGA Center) to participate in the Policy Academy on State Strategies to Achieve Graduation for All. The state will receive \$50,000 to develop a dropout prevention and recovery work plan that supports the development of state policies and practices designed to increase graduation rates. As part of the Academy, Tennessee will receive an in-depth data analysis of the location and scope of the dropout problem in the state, use information from the analysis to identify project activities and participate in Policy Academy meetings. The program will help clearly identify the dropout problem; assess gaps in student supports for preventing students from dropping out of school and for recovering students that drop out, create a dropout prevention and recovery action plan for implementation that includes possible tactics such as state policies, executive orders, advisory councils, legislation or regulatory reforms.

The editors of *Business Facilities* magazine, a national economic development publication, have named Tennessee the magazine's 2009 State of the Year for the number of new jobs created and amount of capital investments made during the calendar year. The New Jersey-based magazine also named the Hemlock Semiconductor project in Clarksville, Tennessee, its 2009 Silver Award winner for Economic Development Deal of the Year, citing the company's announced investment of \$1.2 billion and the creation of 500-900 new jobs. *Business Facilities* editors said Tennessee won the honor "due to an aggressive and creative development effort that defied the economic downturn with a series of multi-billion-dollar projects." Cementing Tennessee's position on top were back-to-back announcements that the world's two largest polysilicon manufacturers, Hemlock Semiconductor and Wacker Chemie AG, would both locate major production facilities in the state.

As Tennessee grapples with budget cuts and declining revenue, state officials say an incentive plan to collect unpaid business taxes, coupled with a tax crackdown,

could bring in several million additional dollars each year. The state took over collections from local clerks this summer and discovered that as many as 100,000 Tennessee businesses had not been paying taxes on gross receipts, many of them for several years. "What we found was kind of surprising," Revenue Commissioner Reagan Farr told lawmakers. The state is offering to waive penalties if businesses voluntarily register and pay three years of back taxes with interest before being contacted by the state. Companies that wait to be contacted will have to pay six years to 10 years of back taxes plus interest and penalties.

About \$1.1 million in federal stimulus money will be used to create 100 temporary jobs in Hancock County, where an estimated 1,800 people have been looking for work. Fifty of the jobs will be maintenance worker positions with the Tennessee Department of Transportation. The other 50 positions will be either with private employers or with local government. Hancock County Mayor Greg Marion said he and others will be recruiting private employers, including restaurants and gas stations, to participate. There is a possibility the county will be able to hire some people to serve as firefighters in a county where there are currently only volunteers. The federal stimulus money will pay salary and benefits for the positions, which will continue until Sept. 30.

State unemployment fell slightly in November, according to the Tennessee Department of Labor and Workforce Development. State unemployment for November was 10.3 percent, down from October's 10.5 percent. The Tennessee unemployment rate mirrored a similar national decline, but still lags behind the national November unemployment rate of 10 percent. The November unemployment rate one year ago was 7.2 percent. The state reported the following significant job gains between October and November as 7,300 in retail trade; 1,800 in professional and business services, and 1,300 in health care and social assistance. The state also reported significant decreases, including the loss of 1,800 jobs in durable goods manufacturing, 1,300 in arts and entertainment and 1,000

jobs in mining and construction. Year-over-year, health care and social assistance jobs grew by 7,500, federal government jobs grew by 1,500 and local government educational service jobs grew by 1,100.

A study ranked Tennessee as the fourth-happiest state in America based on the answers of Tennesseans and what researchers called objective measures of good living. The Centers for Disease Control polled more than 1.3 million people across the country, and only three states, Louisiana, Hawaii and Florida, ranked higher in happiness than the Volunteer State. The places where people are most likely to report happiness also tend to rate high on studies comparing things such as climate, crime rates, air quality and schools.

This winter TDOT will use beet juice mixed with salt and salt brine at various locations across the state to improve the ability to remove snow and ice from state roads and interstates. Beet juice is a by-product of the beet after the sugar has been extracted. The department is also evaluating the effectiveness of larger snow plows and some new tools for applying salt and de-icing agents. "The beet juice compound will help the salt stick to the roadway for a longer period of time which will make the salt and salt brine more effective and will help reduce the amount of salt used by TDOT," said TDOT Chief Engineer Paul Degges. "The beet juice should also help reduce the amount of salt that bounces off the roadway when applied by the trucks." TDOT currently has more than 160,000 tons of salt and more than 1.1 million gallons of salt brine ready for use. The department has budgeted more than \$12 million this year for snow and ice removal operations across the state.

The state's traffic fatalities during the New Year's holiday weekend declined this year, according to the Department of Safety. Preliminary reports indicate 10 people were killed in Tennessee traffic crashes during the 2009-2010 New Year's holiday weekend, compared with 12 fatalities during the 2008-2009 holiday weekend. This year's statistics are from the 102-hour period from 6 p.m. Thursday to midnight Sunday.

Black men in Tennessee are unemployed at a rate nearly three times higher than the state's overall working population. And while the recession brings more clients of all races to job search and readiness programs, the racial and gender disparities are pronounced in those offices and made clear to many black men. November unemployment data, the latest figures available for Tennessee and the nation, show about 18 percent of black men in the U.S. and 28 percent in Tennessee are unemployed, compared with about 9 percent of all workers in the U.S. and 10 percent in Tennessee.

Gov. Bredesen has rejected a worst case scenario for the state to save money through the early release of thousands of prison inmates. The governor said that the proposals to release up to 3,000 inmates convicted of nonviolent felonies would not have a lasting impact because the vacated spaces would be filled by inmates held in county jails.

Six Tennessee schools have been selected to compete for the 2010



The town of Erwin borrowed \$1.3 million from the Tennessee Municipal Bond Fund for municipal improvements including a new public works facility. Seated are Mayor W. Don Lewis and City Recorder Randy Trivette; standing are Alderman Gary Chandler, TMBF President and CEO Charles "Bones" Seivers, TMBF Representative Joe Muscatello, and Vice Mayor James G. Tilson.

Blue Ribbon Schools award. The national award recognizes academic excellence. To compete, schools must be invited by the U.S. Secretary of Education. Schools competing this year are Grundy County High School, Bethpage Elementary in Sumner County, Cowan Elementary in Franklin County, Douglass School in Memphis, Big Sandy School in Benton County and Townsend Elementary in Blount County. The schools all have at least 40 percent of students from economically disadvantaged backgrounds. In addition, they have either performed in the top 10 percent in the state or made exceptional progress on state assessments. Winners will be announced in the fall and will be honored at a ceremony in Washington.

TN Infrastructure Alliance recently completed a statewide, 95-county "Truck Tour" to raise awareness and support for Tennessee's infrastructure needs. The alliance highlighted the Tennessee Advisory Commission on Intergovernmental Relations' report: *Building Tennessee's Tomorrow: Anticipating the State's Infrastructure Needs*. "Infrastructure is the very foundation of society, and its development and maintenance is one of the primary responsibilities of government," said Pete DeLay, alliance chairman. "Without basic infrastructure services - drinking water, sewer systems, flood control, a transportation network - the delivery of other services, such as education and health care, fire and police protection, are impossible."

This year marks the 100th birthday of the University of Tennessee Extension and 4-H in Tennessee.

The extension offers educational outreach and services to the state's farmers, families and youth. A year-long observance will stress farming accomplishments. Today, as part of the UT Institute of Agriculture, UT Extension operates an office in every county. With nearly 302,000 4-H members statewide, Tennessee has one of the largest such memberships in the country.

A consortium of state and federal agencies, including the U.S. Department Of Agriculture Forest Service - Cherokee National Forest, along with several private organizations in Tennessee, have signed a Memorandum of Understanding as part of an ongoing effort to safeguard the state's resources from the potential impact of the most threatening non-native invasive plants. The MOU establishes a clear path for a strategic plan to be developed, pooling resources to prevent these species from getting a foothold in Tennessee. In addition, the MOU outlines the provision for a public information point source and a citizen reporting system if these species are detected.

January has been proclaimed "Radon Action Month" to help educate Tennesseans about the dangers of radon exposure and encourage actions to identify and to address radon problems in the home. Radon test kits are available through home improvement and hardware stores and the American Lung Association or by calling the Tennessee Radon Hotline at 1-800-232-1139. For more information about the Tennessee Radon Program, visit Environment and Conservation's Web site at www.tn.gov/environment/ea/radon

NATIONAL BRIEFS



BY TML STAFF REPORTS

Sales of previously occupied homes surged in November to the highest level in nearly three years, spurred by federal subsidies for starter homes and a massive Federal Reserve push to drive down mortgage rates. The strong figures were driven by a race to take advantage of a tax credit of up to \$8,000 for first-time homebuyers. The credit has since been extended to next spring, but the government initially planned to end it Nov. 30. The pace of home sales is now up 46 percent from its bottom in January and still 10 percent shy of its peak from four years ago, according to data released by the National Association of Realtors.

The Internal Revenue Service (IRS) plans to start registering all paid tax preparers in the country, as well as requiring continuing education and exams, a system that may take a few years to put in place. The IRS estimates more than a million people offer tax preparation services. Most offer sound advice, IRS Commissioner Doug Shulman said, but many don't, and the agency knows little about them. The exams and education requirements won't apply to certified public accountants and attorneys, who have their own regulating bodies. But individuals and companies who train their own employees, such as H&R Block and Jackson Hewitt Tax Services, will be affected by the changes.

BY RICHARD PHEBUS
MTAS Finance Consultant

The Internal Revenue Service announced on Dec. 3, 2009, a change in the optional standard mileage rate for the calendar year beginning Jan. 1, 2010. The optional rate may be used to reimburse employees for the use of personal vehicles in the course of business activities.

The rate changed to 50 cents per mile for all business miles driven after Dec. 31, 2009. This is a reduction in the standard mileage rate of 55 cents per mile that was in effect

for 2009. You can go to IRS Revenue Procedure 2009-54 at the IRS Web site (<http://www.irs.gov/pub/irs-drop/rp-09-54.pdf>) for an electronic copy.

Municipalities that reimburse employees for business use of their personal vehicles based on the federal optional standard rate should revise their travel policies to reflect this change if necessary. For those municipalities that reimburse employees for business use based on the state of Tennessee mileage rate, the current rate effective July 1, 2009 is 51 cents per mile.

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Money available through Tennessee Downtowns improvement program

The Tennessee Department of Economic and Community Development has launched a new program, Tennessee Downtowns, a competitive community improvement program for cities and counties seeking to revitalize traditional commercial districts. The program is open to communities with downtown commercial districts established at least 50 years ago and ready to organize efforts for downtown revitalization based on the successful “Main Street Four-Point Approach to Downtown Revitalization.”

Applications are available online at www.tennesseemainstreet.org, and must be completed by **Feb. 5, 2010**.

Tennessee Downtowns is part of ECD’s Tennessee Main Street Program and will award up to six innovation project grants. Successful applicants will also receive an 18-month program of technical assistance which includes training on downtown revitalization and historic preservation, an introductory site visit, attendance at a two-day downtown revitalization workshop and a grant of up to \$15,000.

“Tennessee Downtowns is a natural extension of the Main Street program and serves as a valuable

introduction for communities across the state to the critical concept of downtown revitalization,” said ECD Commissioner Matt Kisber. “I encourage communities to apply for this innovative program and take the first steps toward a rebuilding a thriving central business district.”

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

“A vibrant downtown is a crucial piece of the economic development puzzle for communities of all sizes,” said Rick Meredith, assistant commissioner for Community Development at ECD. “A groundbreaking program like this one will help communities to lay the foundation for sustainable economic growth.”

“The National Trust Main Street Center is very proud to see our partner in Tennessee adding such an innovative program which brings the resources of the Main Street Four

Point Approach to a larger number of communities,” says Lauren Adkins, assistant director for field services at the National Trust Main Street Center. “This program shows great promise and continues the strong record of success that Tennessee Main Street has achieved in recent years.”

Main Street revitalization is a comprehensive, incremental, self-help economic strategy that also focuses on developing public-private partnerships to enhance community livability and job creation, while maintaining the historic character of the district.

For information about the Main Street Program and the Main Street Four Point Approach, visit www.preservationnation.org/main-street/about-main-street/.

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

For more information about Tennessee Downtowns, visit www.tennesseemainstreet.org.

Dyersburg implements 311 service

Last fall, the city of Dyersburg became the first non-metropolitan area in the state to implement 311 services for its residents. Phase II of the program became available to residents on Jan. 1.

Only the fourth city in Tennessee to provide the service, Dyersburg took its place alongside Chattanooga, Knoxville and Nashville/Davidson County and became the first city in West Tennessee to adopt the 311 calling number.

The service connects Dyersburg residents to city personnel for non-emergency situations and offers citizens a direct line to city departments.

“Three-one-one provides our citizens with one number to call for government service or to obtain information,” said Dyersburg Mayor John Holden. “This service will enable us to track customer requests and provide feedback allowing increased accountability.”

Phase I of the service, put into service in Dyersburg in November 2008, is used for non-emergency requests for police, fire and emergency medical services within the city. Residents who wish to talk to emergency responders in non-crisis situations may dial 311.

Phase II provides direct access to city departments and services. Beginning Jan. 1, residents were able to use the 311 service to contact the police, fire or EMS services for non-emergency situations; no-



tify the city concerning missed garbage pickup, potholes, problems with traffic lights and water leaks; or to ask questions about how to pay their water bill or property taxes.

“Through the 311 service, we have a vision to provide top-notch service to the public,” said Mayor Holden. “When residents dial 311, they will talk to a live person in our call center. Operators will process their complaints using software designed to handle citizen service requests. Residents can also go on the Internet and create their own trouble ticket. We will be able to track that ticket and it will automatically send an e-mail or call to the resident who created the ticket when the issue is resolved.”

Phase III of the system will include an automated work order system that will allow Public Works crews to receive and complete work orders in the field, with portable data devices.

Roadscapes grants for 12 communities

The state will award \$618,806 in Roadscapes Grants to 12 Tennessee cities. The grants will be used to assist local communities with landscaping improvements to area roadways. The Tennessee Roadscapes initiative was developed in 2006 as a partnership between community organizations across the state and TDOT to create inviting spaces through an integrated approach to roadside landscaping. TDOT funds 80 percent of the cost of a project with the grant recipient contributing the remaining 20 percent. Grants are derived from federal funds that are specifically earmarked for roadway enhancement projects.

The Tennessee Roadscapes program includes a variety of environmental stewardship and beautification programs: landscaping with naturalized flowers and native flowering trees; memorials and parks; roadside tree planting; exotic and invasive plant removal; litter cleanup and prevention education programs; Adopt-A-Highway and Adopt-A-Spot programs; and community landscaping at intersections, street corners, medians, entrances, and gateways.

Communities receiving the Roadscapes grants are:

•**Clarksville**, Montgomery County—\$83,635—The funds will be used to create landscaped signs welcoming in-bound travelers at each of the major highway entry points to the city. The goal of the project is to enhance these gateway entrances by creating a welcoming landscape. Five separate areas will be landscaped, one of which will be along the route visitors will take to the new Wings of Liberty Museum at Fort Campbell.

•**Cleveland**, Bradley County—

\$119,198— The funds will be used for landscaping approximately 1,500 feet of existing median along State Route 60 and will incorporate green infrastructure to mitigate stormwater runoff. The native plantings will include approximately 40 trees along with shrubs and bulbs. This project will use current bio-retention methods to control stormwater and improve water quality.

•**DeKalb County**—\$20,000—The funds will be used for four signs that will be placed at various entry points into DeKalb County.

•**Decaturville**, Decatur County—\$16,109—The funds will be used for landscaping, signs and a tree line along State Route 69, which serves as an entryway to the city. A double row of Tulip Poplars, the Tennessee State Tree, will be planted along the roadway to both beautify the area and improve the environment.

•**Dyersburg**, Dyer County—\$39,207— The funds will be used for landscaping and replacement signs at the four gateways to Dyersburg.

•**Erwin**, Unicoi County—\$107,068— The funds will be used for rail fences, native grasses and shrubs to improve the Interstate 26 interchange at exit 36. The project will create a gateway to Erwin and the state for travelers entering Tennessee from North Carolina along I-26.

•**Goodlettsville, Davidson and Sumner Counties**—\$81,031—The funds will be used for landscaping at Exit 96 on I-65 in Goodlettsville. Plantings at this large interchange will include large canopy trees, na-

tive grasses and wildflowers.

•**Greeneville**, Greene County—\$31,119— The funds will be used for landscaping for the creation of four scenic entryways into Greeneville’s historic locations. The project includes beautiful native landscaping and “Welcome to Greeneville” signs.

•**Kingsport**, Sullivan County—\$32,085—The funds will be used for landscaping work at four gateway entries to Kingsport. The project will include native plants and “welcome to” signage along four different state route corridors.

•**Lakesite**, Hamilton County—\$29,280—The funds will be used to establish a separate, welcoming identity for the gateway to Lakesite, a small community north of Chattanooga. This project includes a “Welcome to Lakesite” sign with surrounding landscaping.

•**Monterey**, Putnam County—\$18,900—The funds will be used for planting some 10,000 daffodil bulbs at two Interstate 40 exits (300 and 301). Once planted, the daffodil bulbs will reappear each spring and will continue to multiply each year providing a beautiful, naturalized landscape.

•**Mountain City**, Johnson County—\$40,891—The funds will be used for streetscaping along Main Street. In addition to beautifying the downtown area, this project will also improve pedestrian safety and create motorist visibility by placing trees and native flowers along the Main Street curb.

For more information about the Tennessee Roadscapes program, visit www.tn.gov/tdot/roadscapes.

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national leaders, members of the Administration and Congress, workshops to learn more about key issues and NLC’s federal policy positions, and a chance to flood Capitol Hill and advocate in favor of federal priorities for America’s cities and towns.

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For information, email: nlcregandhousing@jspargo.com; or call: 888-319-3864 or 703-449-6418

Congressman Gordon to retire

GORDON from *Page 1*
his service, he has consistently worked to improve the quality of life for working families by providing greater access to higher education; allowing workers to keep their jobs while managing a family emergency such as a sick child, spouse or parent; and working to preserve the American dream by ensuring today’s students have the strong math and science skills they will need for the jobs of the future.

His constituents have repeatedly recognized Gordon’s efforts by sending him back to the U.S. Capitol

to represent them - in 13 elections, Gordon has never lost any of the 15 counties in his district. In recent years, he has won re-election handily, earning 64 percent of the vote in 2004, 67 percent in 2006, and 74 percent in 2008.

Gordon was named chairman of the House Science and Technology Committee in 2007, becoming Tennessee’s first full committee chairman in 30 years. The congressman said he is grateful for the opportunity it presented to author landmark legislation such as the America COMPETES Act.

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Governor calls Special Session for Education

EDUCATION from Page 1
bases for tracking “student growth,” or a child’s improvement in the classroom over time.
In addition to removing limitations on the use of this Tennessee Value-Added Assessment System (TVAAS) data, the First to the Top Act includes measures to establish an Achievement School District to intervene in consistently failing schools, require annual evaluations of teachers and principals, create a 15-member teacher evaluation advisory committee to recommend guidelines and criteria to the State Board of Education, and to allow local school systems to create local salary schedules for teachers and principals with state approval.

Higher Education
The second opportunity comes as Bredezen concludes nearly year-long talks with a bipartisan group of state lawmakers on how to improve higher education in Tennessee, consisting of colleges and universities in the Tennessee Board of Regents and the University of Tennessee systems.
The Volunteer State lags the nation in completion of bachelor’s degrees, ranked 40th, and associate degrees, ranked 45th. On average, only 46 percent of full-time students at four-year schools graduate within six years, and only 12 percent of full-time community college students attain associated degrees within three years.
The Complete College Tennessee Act proposes key measures to improved Tennessee’s college-completion rates. “These strategies are a natural extension of K-12 education reform measures,” Bredezen said. “In fact, Race to the Top places a premium on states that aren’t simply focused on getting kids through high school, but also are looking at college enrollment.”
The legislation includes a new approach for funding higher education. Currently, the state’s antiquated formula for funding educa-

tion is based almost exclusively on enrollment.
“At a time when state resources are tighter than ever, we’ve got to prioritize how we spend those finite dollars and retool our funding formula to make it based on success and outcomes, including higher degree completion rates,” said Bredezen. “It’s the responsible thing to do for the budget and, more importantly, that change, as much as any other, will drive decisions at the campus levels and help really focus us on the core mission of college completion.”
In addition to changing the funding formula, the Complete College Tennessee Act makes community colleges a centerpiece of the state’s strategy by expanding common programs and common courses to promote consistency and quality across the two-year system, create a statewide transfer policy so any student who earns a two-year degree at a community college can move on to a four-year university as a junior, and requiring the Board of Regents and University of Tennessee to establish dual-admission and dual-enrollment policies at all two- and four-year colleges and universities.
Bredezen urged lawmakers to move swiftly to approve the plan.
“Our Race to the Top application is due at the U.S. Department of Education in Washington on January 19th - just one week from today,” Bredezen said. “In the November guidelines, the federal government made it clear: Those states that will be the most competitive will be the ones that have new policy changes in place at the time of the application. But I want to be clear, while our share of \$4 billion would be significant, there are no guarantees. Furthermore, money can’t be the main reason for making these changes. The fact is, we’ve been talking about these ideas for years. In 2010, this is the way the education world is moving. Tennessee can and should lead the way.”

MTAS bids adieu to longtime Legal Consultant Dennis Huffer

HUFFER from Page 1
vices. “His municipal law expertise, legal opinions and reviews of legislation have enhanced the quality of local governance in Tennessee.”
Williams notes he’s glad he’s not going to be on the receiving end of one of Huffer’s famous retirement roasts. “They can be brutal,” he chuckles.
A voracious reader, Huffer is as likely to derive inspiration from T.S. Elliot as Rodney Dangerfield and is known for his sharp analysis and dry wit. It seems he inherited the position of office roaster following the roast of longtime MTAS Director Vic Hobday. “I wasn’t sure if he had a sense of humor or not,” Huffer said. “Later on, he said the same thing about me.” However, Huffer notes that each time he saw Hobday, the former executive director would mention the roast and how much he had enjoyed it.
Huffer resumed working as an MTAS legal consultant at the Nashville office in 2001. He has penned literally hundreds of MTAS publications and resource materials utilized by consultants and cities.
“You know, before there was Google there was Dennis Huffer,” said former *Tennessee Town & City* editor and close friend Gael Stahl. For writers, editors, or fact checkers, Huffer can answer questions in words that journalists and municipal officials alike understand. His insightful articles on difficult or confusing municipal issues he wrote for *Tennessee Town & City* were priceless.
“He excelled at tracking legislation,” Stahl continues. “And was often the green, yellow and red light alert determining which legislative bills should get the go ahead for cities.”
“In my short time as his colleague, I have learned more from Dennis than from the sum of my law school professors,” said fellow MTAS Legal Consultant, Josh Jones. “His red pen has pushed me to be a better writer and his unwavering efforts for substance over style remind me to keep my decisions merit-based as opposed to self interest.”
Jones estimates the loss of Huffer to the state’s municipalities as incalculable. “Likely, he has no idea of his influence on me person-

ally, MTAS and municipal governments across Tennessee, and even if he does, his humility would prevent him from acknowledging it. I will forever be better for my time with Dennis.”
Huffer will be sorely missed by the agency he has served so well, according to MTAS Executive Director Mike Tallent. “I have known Dennis for 30 years and I know of no one that surpasses his knowledge of municipal law. It is not just that he knows the law, but he can set it in context as to time, place and reasons for its existence. I wish Dennis the best in his retirement, but he will be missed by MTAS,” said Tallent.
“I have enjoyed working for cities throughout the years,” Huffer reminisces. “Working with a great organization such as MTAS gives a lawyer a good vantage point to help, not harm society.”
Serving as Executive Director of the Tennessee Municipal Attorney’s Association and Treasurer for the non-profit organization The Rochelle Center foundation, an organization dedicated to the betterment of disabled people, Huffer plans to stay active. He and his wife of 34 years, Patty, enjoy traveling to California every year to visit their godchildren.
“I’m not retiring,” Huffer emphasizes. “I’ll be working part-time for The Greater Nashville Regional Council, may publish a newsletter, and will be available for consulting work or perhaps as a city attorney.”
MTAS will host a reception for Dennis Huffer Friday, Jan. 29, from 10 am to noon in the TML street level conference room on Capitol Blvd. Dennis’ friends, co-workers, and customers are invited to stop by.

Conducting effective DUI roadblocks

ROADBLOCKS from Page 1
New Hampshire, 403 U.S. 443 (1971); *State v. Simpson*, 968 S.W.2d 776 (Tenn. 1998). The Fourth Amendment requires that searches and seizures be reasonable. Generally, for the seizure of a vehicle to be reasonable, there must be some type of individualized suspicion of wrongdoing justifying the stop.
A sobriety checkpoint aimed at removing drunk drivers on the road has been found permissible by the court, as well as a similar roadblock with the purpose of verifying drivers’ licenses and vehicle registration. *Michigan Dept. of State Police v. Sitz*, 496 U.S. 444 (1990); *Delaware v. Prouse*, 440 U.S. 648 (1979). The court has clarified such opinions, stating “in none of these cases, however, did we indicate approval of a checkpoint program whose primary purpose was to detect evidence of ordinary criminal wrongdoing.” *Indianapolis v. Edmond*, 531 U.S. 32, 37 (2000).
A central concern of the courts is whether the public interest served by the roadblock outweighs the interference with individual liberty. The only constitutionally allowed roadblocks are those carried out pursuant to a plan containing explicit, neutral limitations on the conduct of the individual officers executing the roadblock.
In *State v. Downey*, 945 S.W.2d 102 (Tenn. 1997), the Tennessee Supreme Court held that a sobriety roadblock that was not established and operated in accordance with predetermined guidelines resulted in an unreasonable search and seizure of the defendant. The court clarified that the ruling does not void all sobriety roadblocks:
a highway roadblock which is established and operated in accordance with predetermined guidelines and supervisory authority that minimize the risk of arbitrary intrusions on individuals and limit the discretion of law enforcement officers at the scene is valid under the Tennessee Constitution. *Downey* at 112.

What guidelines should be followed? The courts cite the Tennessee Department of Safety General Order 410-1* as containing the appropriate guidelines for sobriety checkpoints. The General Order applies only to the Highway Patrol, but it serves as a good form to follow for local jurisdictions drawing up their own procedures. Generally, the guidelines require that:
· Clear notice of the roadblock must be given to both the public at large and advancing motorists.
· Uniformed officers and patrol cars with flashing lights should be present.
· The area should be safe and visible and all cars traveling in both directions should be stopped, subject to traffic congestion. *Downey*, at 110-12.

In the Tennessee Supreme Court’s view, a very important criterion is that the decision to conduct the roadblock must not be made by the officers participating in the exercise, and officers on the scene cannot decide for themselves the procedures to be used in operating the roadblock. An opinion by the Supreme Court further emphasizes that the stated, predetermined purpose for the roadblock must be the actual purpose, and not merely a ruse used by the agency to detect ordinary criminal wrongdoing. *State v. Hicks*, 55 S.W.3d 515 (Tenn. 2001).
In *State v. Hicks*, municipal officers were participating in a roadblock organized by the Tennessee Highway Patrol to check drivers’ licenses and registration. A drug sniffing dog was present and some municipal officers were questioning motorists regarding a felon authorities were pursuing on rape charges.



A sobriety checkpoint aimed at removing drunk drivers on the road has been found permissible by the court, as well as a similar roadblock with the purpose of verifying drivers’ licenses and vehicle registration.

The defendant was directed to pull over by a municipal officer, not a trooper. The officer questioned him while a drug dog circled his car and alerted the officers to the presence of marijuana. The court found the seizure to be unconstitutional due to the unlawful delegation of State Highway Patrol authority to local officers, and also because the roadblock did not follow General Order guidelines in most respects.
If roadblock procedures adequately limit field officer discretion, the next test applied by the courts is whether the roadblock posed a risk of arbitrary intrusion on individual rights and liberties. The United States Supreme Court explains that the constitutionality of roadblock arrests requires a three-pronged test: (1) “a weighing of the gravity of the public concerns served by the seizure,” (2) “the degree to which the seizure advances the public interest,” and (3) “the severity of the interference with individual liberty.” *Brown v. Texas*, 443 U.S. 47, 50 (1979). In the *Downey* opinion the Tennessee Supreme Court determined that sobriety roadblocks, in particular, satisfy the first two requirements of this test. Note: This determination was not extended to roadblocks to check drivers’ licenses and registration, for which the State must satisfy the first two requirements of the three-pronged test. When reviewing sobriety checkpoints, the courts now focus on the third requirement, analyzing the “severity of the interference with individual liberty,” when deciding to uphold or dismiss charges.
This analysis of whether a sobriety checkpoint posed the risk of a severe intrusion on individual liberty focuses on the following factors (a) “whether cars traveling in both directions were stopped, unless traffic congestion requires permitting some motorists to pass through; (b) whether adequate safety precautions, such as warning approaching motorists of the roadblock and stopping cars in a safe and visible area, were taken; (c) whether uniformed officers with marked patrol cars with flashing emergency lights conducted the checkpoint; and (d) whether the public received advance publicity of the checkpoint, separate from, and in addition to, any warnings given approaching motorists.”
State v. Hicks, 55 S.W.3d at 533.
Not all of the above factors must be present for a sobriety roadblock to pass constitutional muster, however, as the Supreme Court states, “the absence of any of these factors does not necessarily invalidate a roadblock...” *Id.* The primary issue is whether the roadblock was operated in a manner that minimized the intrusion on individual liberty.
Roadblocks used for purposes other than catching drunk or impaired drivers must meet all three prongs of the test established by the which the seizure advances the pub-

lic interest,” and (3) “the severity of the interference with individual liberty.”].
Checkpoints set up to reduce crime or to enforce drivers’ license laws must have more specific purposes, which should be supported by statistical evidence that establishes compelling governmental interests served by such roadblocks.
In the case *State v. Hayes*, 188 S.W.3d 505 (Tenn. 2006), the Tennessee Supreme Court ruled that an identification checkpoint at the entrance to a public housing development was unconstitutional. The Court found that the State’s asserted interest in establishing the checkpoint to ensure residential safety by detecting and deterring unauthorized visitors was insufficient. The State offered no statistics or other evidence establishing a causal relationship between unauthorized visitors and risk or harm to residents.
The court also found that the checkpoint failed the *Downey* test, as no predetermined guidelines or supervisory authority existed, and the discretion of field officers was not sufficiently limited. The *State v. Hayes* opinion provides ample warning to law enforcement agencies to be very cautious and diligent when planning and executing identification checkpoints.
Although roadblocks can be effective in removing drunk drivers from the roads and for other purposes, careful planning and execution are vital to the overall effectiveness of the operation. Internal rules and procedures used by municipal police departments should be compared to General Order 410-1, and amended or revised accordingly, before planning a sobriety checkpoint. If a roadblock is used for other purposes, careful consideration should be given to the reasons for the roadblock, and whether the roadblock will meet the government’s purpose without violating constitutional rights.
*The General Order can be found on the MTAS website at www.mtas.tennessee.edu.

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NLC Small Cities Council explores innovative cost-containment efforts

BY JOHN MILLER
Nation's Cities Weekly

Identifying innovative cost-containment efforts taken by small cities in the economic downturn and strengthening the role of small cities in the development of NLC policies headlined the Small Cities Council (SCC) activities at the Congress of Cities recently held in San Antonio. In order to promote the exchange of ideas between the Small Cities Council and NLC's seven policy committees, representatives from the seven policy and advocacy steering committees attended the Small Cities Council Steering Committee meeting. During the meeting, which was chaired by Rod Hardin, councilor, Hermiston, Ore., the policy steering committee members provided policy committee updates, including accomplishments of the past year and a sense of legislative priorities going forward. The discussion also explored ways that the Small Cities Council could be more involved in NLC's policy and legislative initiatives. The discussion was continued at the Roundtable Luncheon open to all conference attendees from cities under 50,000 in population and led by Hardin and Small Cities Council Vice Chairs Clyde Schultz, council member, Beulah, N.D., and Bo Perkinson, vice mayor, Athens, Tenn., when representatives from the policy steering committees led a series of roundtable discussions on the legislative accomplishments and priorities of their respective policy committees. The participants, while hearing directly from the individuals who

completed the policy work for NLC, were able to voice the concerns and needs of their communities. Participants concluded that though small cities have diverse demographics and needs, they share many common concerns and issues. Small city officials indicated that it is getting harder to balance budgets, partially due to the increasing expense of public safety and education. They are also finding it difficult to create alternative revenue sources and sustainable cost containment programs, maintain aging infrastructure, fund specific solutions and programs to meet the specific needs of their communities and find the resources necessary to write grants and obtain federal funds. Concerns were expressed over decreased revenue sharing from states, and increased bureaucracy and reporting requirements for obtaining federal and state funding. Perkinson led an open microphone session entitled "Cost Containment Methods." During the session, he led a short discussion on the benefits of and the obstacles to developing realistic and sustainable approaches to cost containment and revenue creation. Participants then shared challenges facing their communities and the insightful solutions that were employed to deal with these challenges. Mayor Petrella Robinson of Brentwood, Md., talked about how Brentwood has been able to increase its support services to senior citizens and aid to families in need with very little expenses due to an innovative office space and staff sharing arrangement with county agencies.

City Manager David Miller of Forrest Hill, Texas, discussed how providing tax and fees rebates for new construction has enticed new development and tax-paying businesses to his community. Building upon the past success of the Small Cities Council Sharing Solutions series, brief descriptions of innovative cost containment or revenue generating programs can be submitted to NLC's Small Cities Council at miller@nlc.org. This information will be available to all NLC members searching for creative solutions to the challenges facing their communities. For more information, contact John Miller at 202-626-3186 or miller@nlc.org. During the council steering committee meeting, members reaffirmed that the primary purpose of the Small Cities Council is to ensure that the interests of small cities and towns remain relevant and integral to the values and mission of NLC. The steering committee intends to accomplish this by building stronger partnerships with other NLC committees, councils and membership groups; staying abreast of the current and future issues impacting cities and towns; tracking policy initiatives within NLC that are crucial to smaller communities; and facilitating networking opportunities and tools necessary for small city officials to share concerns, challenges and solutions. The first meeting of the Small Cities Council for 2010 will be held during the Congressional City Conference in March in Washington, D.C. For more information on the meeting or on how to participate with the Small Cities Council, contact John Miller at miller@nlc.org.

Municipal Administration Program February Schedule

Critical Safety Priorities

Instructors
Brett Ward, MTAS Utility Operations Consultant, Steve Wyatt, MTAS Utility Operations Consultant, and George Dalton, TML Risk Pool, Risk Services Consultant

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

Dates and locations
Feb. 10 Collegedale
Feb. 11 Franklin
Feb. 16 Jackson
Feb. 17 Lakeland
Feb. 24 Johnson City
Feb. 25 Knoxville

Training Facilities
Collegedale *Collegedale City Hall, 4910 Swinyar Drive*
Franklin *Williamson County Exposition Center, 4215 Long Lane*
Jackson *West Tennessee Center for Agricultural Research, Extension & Public Service, 605 Airways Blvd.*
Lakeland, *International Harvester*

Municipal employees face safety and liability exposures daily. Unfortunately, some of these exposures do lead to accidents and injuries. Furthermore, city leaders may not know the cause of these losses and how they affect the financial "bottom line."

This class will address employee safety and liability issues in the municipal workplace that negatively impact the health and safety of employees and the city's budget. Included in this course will be how to recognize routine work hazards; how to address hazardous behaviors; identifying elements of an effective safety program, and identifying and controlling critical municipal liability exposures.

Who Should Attend?
This course should interest city managers, elected officials, risk managers, safety coordinators, HR directors, finance directors, department heads, and any other municipal official who is responsible for the safe operation of city services.

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To register for this municipal administration program class, please visit the MTAS web site at www.mtas.tennessee.edu or contact Elaine Morrissey at Elaine.morrissey@tennessee.edu, or 865.974.0411. For program information, contact . Fees are \$25 per person per class for municipal employees and \$55 per person per class for all other participants. Submit payment with your registration. MTAS must receive payment in order to confirm your attendance for the class. MTAS can no longer accept payment/registrations at the door.

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

ASSISTANT CITY ADMINISTRATOR
SEVIERVILLE. The city is seeking applicants for the position of Assistant City Administrator. Requires any combination of education and experience equivalent to a bachelor's degree from an accredited college or university with a major in business/public administration or a closely related field; Master's degree is preferred; must have working knowledge of federal, state, and local laws, rules and regulations pertaining to local government operations. Beginning salary range is \$68,473 + excellent benefits. To learn more about the city, visit the website at www.seviervilletn.org. Send resume to City of Sevierville, Attention: Kristi Inman, HR Manager, P.O. Box 5500, Sevierville, TN 37864-5500; fax, 865/453-5518; e-mail to kinman@seviervilletn.org, by Fri., Jan. 29, 2010. EOE.

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SAVANNAH. The city is seeking applicants for the exempt position of Staff Accountant. The position duties will involve all aspects of city financial management and will require comprehensive understanding of city government and public utility finance. The position will work closely with the Board of Commissioners and City Manager to formulate and oversee implementation of budgets and all aspects of financial operations for the city. A bachelor's degree in Accounting, Finance, Public Administration, or a related field with comparable work experience is required. Certified Public Accountant or Certified Municipal Finance Officer credentials will be required within 18 months, as outlined in the Municipal Finance Officer Certification and Education Act of 2007. Salary based on comparative regional governmental positions and candidates qualifications. TCRS retirement along with excellent benefits. Resume review will begin Feb, 16, 2010, and resumes will be accepted until position is filled. Please submit a letter of interest, resume, salary history and professional references to: City Manager, City of Savannah, 140 Main Street, Savannah, TN 38372.

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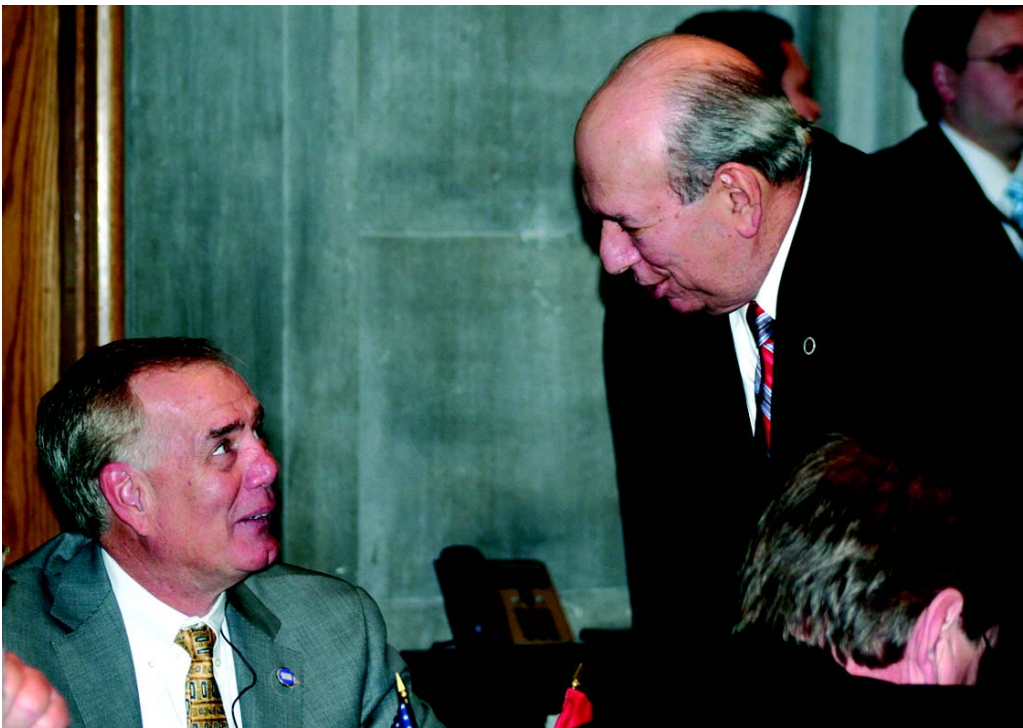
The city of Murfreesboro closes a \$103 million loan, the largest in TMBF history.

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

The House reconvenes in 106th General Session



Speaker Kent Williams and Rep. Jon Lundberg



Rep. Pat Marsh and Speaker Emeritus Jimmy Naifeh



Rep. Charles Curtiss



Reps. Gary Odom and Johnny Turner



Rep. Ulysses Jones



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Reps. Jimmy Eldridge and Steve McManus



Reps. Eric Watson and Bob Ramsey



Reps. Brenda Gilmore and Richard Floyd



Rep. Dennis Ferguson

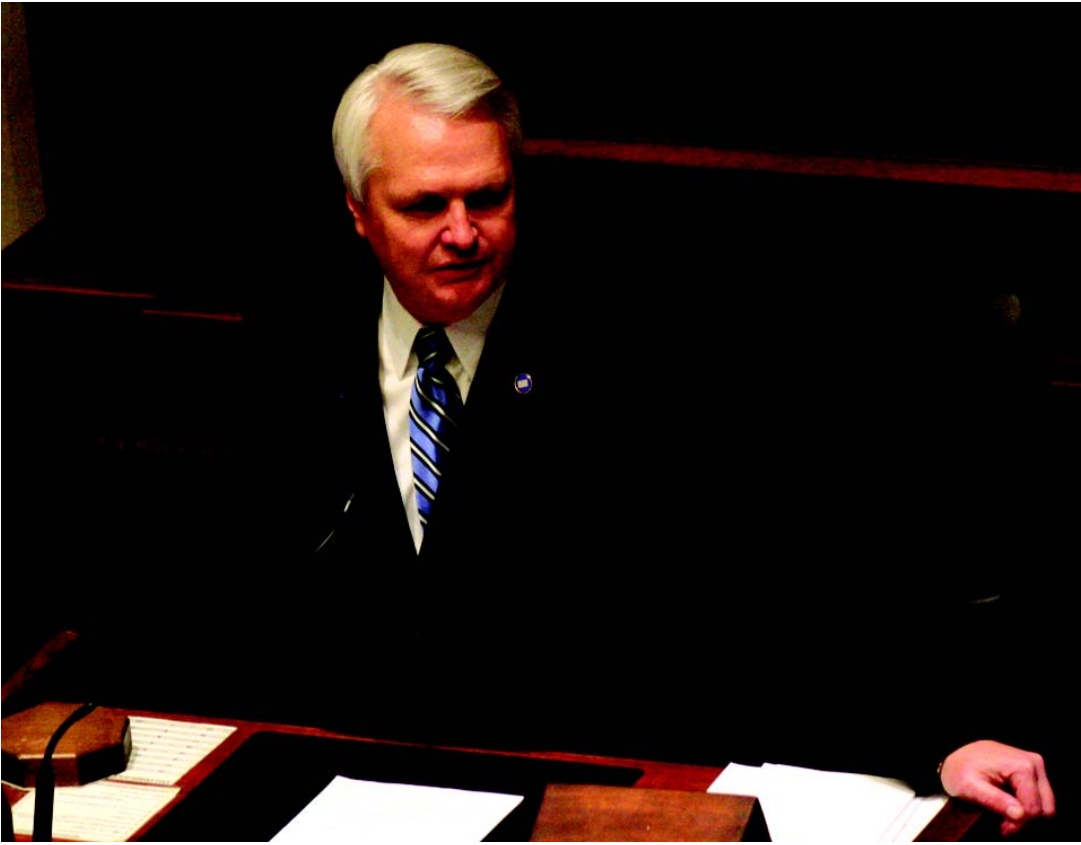


Rep. Richard Montgomery



Rep. Curtis Johnson

The Senate reconvenes in 106th General Session



Lt. Gov. Ron Ramsey



Sens. Mark Norris and Ken Yager



Sens. Dewayne Bunch and Bo. Watson



Sens. Doug Overbey and Thelma Harper



Sens. Diane Black and Bill Ketron



Sens. Jamie Woodson and Brian Kelsey



Sens. Steve Southerland and Mike Faulk



Far left: Sen. Tim Burchett; left: Sen. Jack Johnson; above left: Sen. Douglas Henry; above; Sen. Joe Haynes



Photos by Victoria South

Tennessee political giant John Wilder dies at 88

He was one of most influential senators ever to support civil rights and equality, to eradicate the boll weevil threat, to achieve judicial election reform, and in the creation of the state Board of Education

BY GAEL STAHL

John Wilder, the wily non-partisan Senate speaker who outmaneuvered Democrat and Republican caucus majorities for two decades, has died.

No one would ever accuse John Wilder of being partisan. He worked with either party, but no party controlled him. In the beginning, he served two years in the Senate in the 1950s as a Democratic appointee. He ran again in 1966 and served another two-year term. The local Democrat Party asked him not to run for reelection to a four-year term in 1968 and counted him out. He ran anyway, won, and was elected Senate speaker three years later. None of his 77 predecessors had served more than seven years. He set a national record by continuing for 36 years, 1971-2007. He retired in 2008 and died of a stroke on Jan. 1, 2010.

The governor, as he was often called, would be counted out by Senate colleagues three times. In 1987 and 1989, the Senate Democratic Caucus nominated someone else for speaker. Both times, with Republican help, he found the votes needed to continue as speaker. In 2005, Wilder defeated the majority Republican Caucus candidate with help from Republicans. Then in 2007, the tables turned when a Democrat voted for Republican Sen. Ron Ramsey to be speaker and Wilder counted himself out after that session.

Wilder was first elected speaker the day the first Republican governor in 50 years, Winfield Dunn, was inaugurated. He helped Dunn pass his state budget in 1973 over objections of Democratic colleagues. In 1979, Democrats Wilder and House Speaker Ned McWherter led a move to oust Democrat Gov. Ray Blanton three days early by swearing in Republican Lamar Alexander for fear that Blanton would grant questionable pardons. After 1987, Wilder appointed members of both parties to committee chairs and, as usual, helped ease the legislation of Democrats and Republicans alike into law. *Governing* magazine lauded him for his “civil and effective bipartisan leadership of the Senate.” It said his governing style—live and let live, “Let the Senate be the Senate”—was without parallel in other states.

Wilder’s background led directly to accomplishments related to his career roles as farmer, businessman, and lawyer. He was proudest of the legislation he passed in agriculture, business, judicial reform, and education. Specifically, he led the fight to eradicate the boll weevil plague that threatened to destroy the cotton industry, the adoption of a merit-selection “Tennessee Plan” of state Supreme Court justices to reduce the influence of politics and campaign fundraising in judicial elections, and for the creation in 1992 of an independent State Board of Education to set policy for elementary and secondary schools.

The Wilder story began in 1887 when his family, one of West Tennessee’s biggest landowners, began its agribusiness in Fayette County (east of Memphis). That year, his grandfather founded the Longtown Supply Co. Their empire included a 6,000-acre cotton and cattle farm, a cotton gin, warehousing, a general merchandise company store, and a service station. The company financed real estate and crop production and, eventually, Wilder had considerable if not controlling interest in 20 banks in Tennessee and Kentucky. He groomed his sons John Shelton Wilder Jr. and David Morton Wilder to succeed him.

Fayette County is a majority black county. In the 1960s, when black residents got the right to vote, the white establishment retaliated against those who registered. So many citizens lost their farms and means of sustenance that they set up tent cities. It took courage and some business common sense for Wilder to go against the grain, but he continued doing business with his sharecroppers, making farm loans to them, and worked to resolve the standoff. Army Bailey, a founder of the National Civil Rights Museum, calls Wilder “a spiritual man, statesman, humanitarian and friend of the common people” without whose help “there would be no National



Civil Rights Museum.” Wilder also helped change the minds of county officials who didn’t want to participate in federally funded Head Start kindergartens and preschools for black children. He later said, “Equal opportunity runs through the sinews of everything I believe.” Wilder was also the first to take the lead in establishing the county’s first anti-poverty program and was also a prime mover in the construction of interracial Fayette-Ware High School.

Wilder married Marcelle Ann Morton at age 20, studied at the UT College of Agriculture, interrupted those studies in 1943 to serve in the

U.S. Army, then worked in the family lending business, and drove to Memphis State University School of Law at night where he graduated and was admitted to the bar in 1957. He served two years in the Senate, was a prominent attorney in his hometown of Somerville, was a county magistrate (now commissioner) for 18 years (1952-1970), kept up his business interests, and ran for the Senate again in 1966.

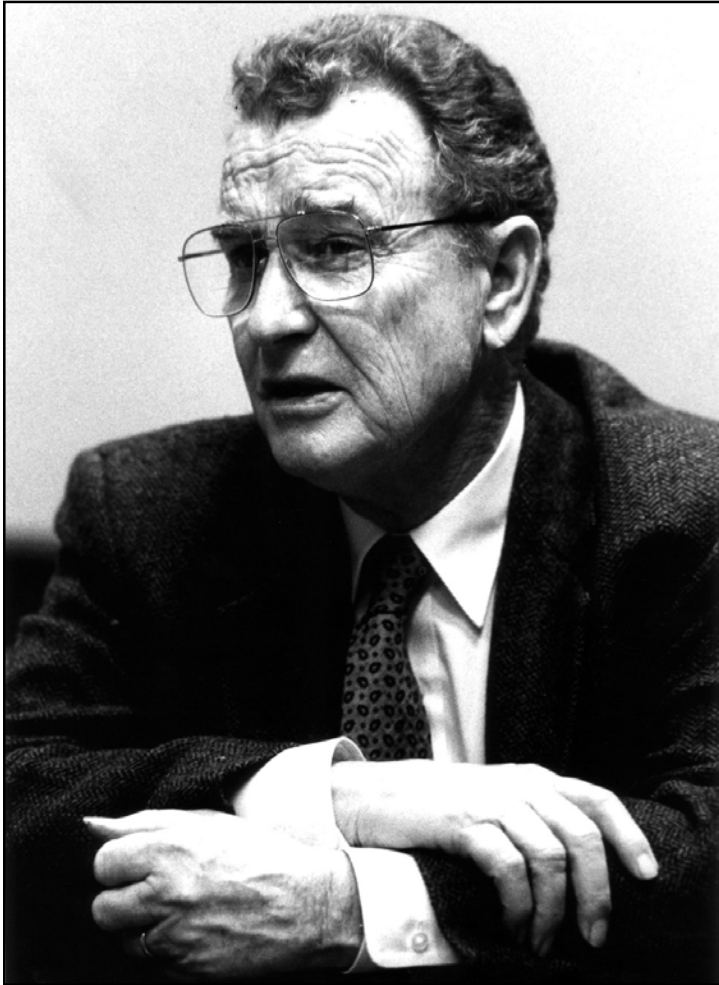
During an interview with TT&C in March 1984, Wilder spoke of his belief in the cosmic order of the universe that rules all. He said, quietly but firmly: “I believe there is a

law in the cosmos that is the truth. It will prevail, but not without obstacles. It is a strong force. I don’t want to put any additional burden on local property owners.” That pretty much sums up his style of thinking and speaking. He went on to say he was opposed to the federal estate tax. Thereafter, he often used the word cosmos to justify decisions.

An avid aviator since 1947, he held advanced pilot ratings. He flew his twin-engine Twin Comanche Piper Twin, “Jaybird,” everywhere he could, especially to and from Nashville during sessions and for legislative and state boards’ meetings. He exercised daily. All his life he ran, walked, or bicycled vigorously.

Gov. Phil Bredesen, who worked with Wilder for years, called him one of the toughest men he ever knew. He tells how when Wilder fell, cut himself, and lost a lot of blood before they got him to the hospital, he visited the lieutenant governor in the intensive-care unit. Wilder had a ventilator tube in his throat. “That was on Friday,” Bredesen said. “The following Monday, he flew his plane back to Nashville.”

Wilder’s governing style and sometimes confusing speaking style were not above criticism, especially in later years. He knew it, and told TT&C that his Fayette County accent had been mocked ever since he was at UT. He says his speaking style came from being raised in a primarily African-American community and from his parents talking that way. He said that a person’s



emotions and feelings communicate better than one’s speaking style.

His unique leadership style did not appeal to everybody. But those who worked most closely with him valued him. Sen. Doug Henry, 83, who was already in the Senate when Wilder arrived, says that “John Wilder single-handedly made the Tennessee Senate, while he was there, what a Senate should be.”

The Senate was the greatest love of Wilder’s life next to Marcelle, who died in 2004 at age 83. Even before he was elected speaker, he fought for legislative independence back when the General Assembly was little more than a rubber stamp for governors. Legislative independence, gained in 1996, would prove to be one of the most significant changes in state government history.

Even a rare lapse by the former speaker/lieutenant governor could have a good effect. In 1997, he quietly nursed a bill to help a small local community to incorporate as a municipality overriding existing annexation law. The result of the controversy that followed led to a sweeping urban-growth law that has become a national model for local cooperation and economic planning and ended hundreds of annual annexation lawsuits.

Since his death, various top officials in state government have described and praised Wilder in pungent terms calling him everything from enduring and controversial to innovator, unique, honest, crafty, nonpartisan, disjointed (some of his over the top phrasings came to be called “Wilderisms”), as ruling with a light touch, and as a Tennessee institution—the very definition of a gentleman legislator. He was a wondrous work of art, no doubt about it.

Local, state, and federal officials came to love him, even when they wanted to replace him. One thing for sure, they never counted the old man out until the last vote was cast.