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Municipal E-News

Municipal Technical Advisory Service (MTAS)

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MTAS

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MTAS Municipal E-News

NOVEMBER 2012 • ISSUE 42

CITY SPOTLIGHT:

NOLENSVILLE

Williamson County

Incorporated in 1838

2012 Population: 5,861

2000 Population: 3,099

Municipal Management Consultant

Dana.Deem@tennessee.edu

NEW PUBLICATIONS

Publications updated with the latest state and federal laws, new and revised acts, training resources and other significant material available for municipal employees. [READ](#)

CLASS LISTINGS AND INTERACTIVE TRAINING CALENDAR

Mark your calendar! MTAS training events and conferences are listed here along with information and how to register for upcoming training events on your Solution Point account. [READ](#)

RESEARCH/INFORMATION CENTER NEW MATERIALS

MTAS' Research and Information Center is always adding new materials to its collection. See what's new for this month. [READ](#)

PAST ISSUES OF THE MUNICIPAL E-NEWSLETTER

[READ](#)

FROM THE EXECUTIVE DIRECTOR

By Jim Thomas, Executive Director

I am happy to tell you that Rick Whitehead will become MTAS assistant director effective November 1.

[READ](#)

VOTING LAWS – BE PREPARED FOR NOVEMBER'S PRESIDENTIAL ELECTION!

Under state law (T.C.A. § 2-1-106), any person who is entitled to vote in an election held in Tennessee is entitled to take a reasonable amount of time off from work, up to three hours, in order to vote during the time the polls are open in the city where the employee is a resident. [READ](#)

IS YOUR CITY COLLECTING PAYMENTS ELECTRONICALLY?

By Ellen LoCurto-Martinez, MTAS Research Assistant, Ph.D. Candidate, Political Science, UT Knoxville, and Penny Austin, Assistant Director, Information Systems, Division of Local Government Audit

As technology advances and more and more, customers prefer to pay bills electronically; many cities have opted to collect revenues through the city's website. [READ](#)

ADMINISTRATIVE HEARING OFFICER TRAINING

The Administrative Hearing Officer training is a means for municipalities to acquire training for designated officials who are seeking to become administrative hearing officers. [READ](#)

ROBERT'S RULES OF ORDER NEWLY REVISED: THE PHRASE THAT PAYS – WORDS TO USE WHEN MAKING DIFFERENT MOTIONS

By Margaret Norris, MTAS Municipal Management Consultant

Believe it or not, *Robert's Rules of Order Newly Revised* is an easy to use reference manual, and there are several sections in it that make navigation of difficult situations a lot simpler. [READ](#)

ALL TENNESSEE CITIES CAN TAKE ADVANTAGE OF THE ALLIANCE'S "OnDemand" STORE

As part of the MTAS-sponsored statewide membership in the Alliance for Innovation (AFI), you have access to their latest service to members – OnDemand. [READ](#)

THE WORK OF TENNESSEE CITIES IS SHOWCASED AT PERFORMANCE MEASUREMENT CONFERENCE

On September 21, 2012, Tennessee Municipal Benchmarking Project (TMBP) Coordinator Sarah Young of MTAS participated in the Public Performance Measurement and Reporting Network Conference in Trenton, New Jersey. [READ](#)

MTAS AND TENNESSEE TECH UNIVERSITY CONDUCTS LIVINGSTON 2035 VISIONING SESSION

On October 13, 2012, 30 community leaders representing the city of Livingston, Chamber of Commerce and Overton County conducted their first strategic planning session in 20 years. [READ](#)

From the Executive Director

By Jim Thomas, Executive Director

I am happy to tell you that Rick Whitehead will become MTAS assistant director effective November 1. Currently, Rick is serving as a management consultant in the Jackson MTAS office. He will be “officially stationed” in the MTAS headquarters office in Knoxville and should be there full time by December 1. In the meantime, he will be splitting time between Jackson and Knoxville as he transitions from the consultant to assistant director position. The MTAS assistant director serves as the agency’s chief operating officer.



Jim Thomas

Rick’s professional career has given him 14 years’ experience in city management and administration in both Tennessee and Alabama prior to joining MTAS. Since 2004, Rick has served in the MTAS management consultant role. He holds a bachelor of arts and doctorate degrees from the University of Alabama and a masters of public administration from Auburn University.



Rick Whitehead

The MTAS advisory committee will hold its annual retreat October 25-26 at Fall Creek Falls State Park. In addition to receiving update reports from staff in all operating activities of MTAS, the committee will hear of the finalization of the MTAS, IPS and university strategic plans, overview reports of MTAS’s sister agencies in IPS and a discussion led by Dr. David Folz of what today’s graduate students in public administration look like and how they are preparing to become public servants in the future.

During this very busy time of the year, with professional association meetings, elections and looming holidays all around us, know that MTAS understands where you are and stands ready to be a partner in getting through it all. Let us know where and when we can help. Best of luck to all ... and thanks for your interest in MTAS

Voting Laws – Be Prepared for November’s Presidential Election!



Under state law (T.C.A. § 2-1-106), any person who is entitled to vote in an election held in Tennessee is entitled to take a reasonable amount of time off from work, up to three hours, in order to vote during the time the polls are open in the city where the employee is a resident. Your city may provide for more time off. The employer may specify the hours the employee may be absent, and the employee is required to apply for voting leave to the employer before noon of the day before the election. Employee cannot be penalized or suffer a reduction in pay due to the absence. The only exception to this requirement — if the employee’s work period begins three or more hours after the opening of the polls or ends three or more hours before the closing of the polls, then the employer is not required to allow any time off from work. State law sets the minimum requirements for voting leave. Check your local personnel policies. Leave policies for all city offices are filed in City Hall.

Additionally, cities need to be concerned about the impact of the Hatch Act on political activities of their employees. The Hatch Act of 1939 (“Hatch Act”) was originally enacted to prevent federal employees from participating in partisan political activity, thereby curtailing corruption in the political process. In 1940, the law was expanded to cover state and local employees whose salaries are paid, in part, by federal funds or whose duties are connected to federally funded activities.

The prohibitions contained in the Hatch Act can be summarized as follows:
Covered employees may not be candidates for public office in a partisan election; use official authority or influence to interfere with or affect the results of an election; or directly or indirectly coerce contributions from subordinates in support of a political candidate.

Typically, the Hatch Act would apply to police officers and firefighters, as most city police departments receive Department of Justice grants and fire departments get the Homeland Security grants. If some of the employee’s wages come from federal funds, then the question becomes whether or not their primary duties are tied into the purpose of the grant funds.

Is Your City Collecting Payments Electronically?



By Ellen LoCurto-Martinez, MTAS Research Assistant, Ph.D. Candidate, Political Science, UT Knoxville, and Penny Austin, Assistant Director, Information Systems, Division of Local Government Audit

As technology advances, and more and more customers prefer to pay bills electronically, many cities have opted to collect revenues through the city's website. The state of Tennessee allows this practice; however, it has placed some guidelines on municipalities. The following is the pertinent statute with "MTAS How-to" comments added for clarification and guidance.

To access the full text of the statute, go to the Lexis Nexis website at <http://www.lexisnexis.com/hottopics/tncode/>. (Click "I agree" and the Code will open.)

T.C.A. § 47-10-119. Commercial Instruments and Transactions. Uniform Electronic Transactions. Filing of pre-implementation statement and post-implementation review.

(a) Any local governmental public official including, but not limited to, officials of counties, municipalities, utility districts, other local governmental entities and those offices enumerated under § 8-22-101, implementing an electronic business system that provides for the sending and receiving of electronic records that contain electronic signatures and/or authorizations shall file a statement with the comptroller of the treasury at least thirty (30) days prior to offering such service. The statement shall contain the following information:

MTAS How-to: *The "statement" is a letter which advises that you are going to implement this system; there is no form.*

Mail the letter to: Penny Austin, Assistant Director, Information Systems, or Jim Arnette, Director of Local Government Audit, Suite 1500, James K. Polk Building, Nashville, TN 37243. You can also e-mail the letter to Penny Austin at penny.austin@cot.ten.gov.

You will receive a letter noting that the purpose of the legislation is to keep the state abreast of the new technologies implemented in the office and is not an approval of the software and it would be subject to audit. This 'audit' is mainly to ensure that there are no control deficiencies.

- (1) A description of the computer hardware and software to be utilized;
- (2) A description of the policies and procedures related to the implementation of the system;

MTAS How-to: *This includes the overall policies such as who will use the system and what the charges will be. In the case of an on-line auction site, the state is also interested in the business rules applied by the software.*

- (3) Documentation of the internal controls that will ensure the integrity of the system;

MTAS How-to: *This should be a narrative of how access to the system is granted, who has access and other internal controls implemented such as a reconciliation process.*

- (4) A description of the local governmental public official's personnel who will be responsible for the implementation of the system;

MTAS How-to: *This should detail who is developing the software. In most cases, this is a third party vendor. Job titles or department listings are okay when discussing who will process the transactions; you do not have to list individual names unless you choose to do so.*

- (5) A description of the types of records and transactions to be electronically communicated, as well as a description of the transaction and/or record authorization process including a description of any electronic signatures to be used;

(continued on page 4)

Is Your City Collecting Payments Electronically?

(cont'd from page 3)



MTAS How-to: This should detail the types of transactions processed. For example, if this is an on-line system for paying property taxes, this section would state the type of payments accepted – credit card, electronic check, etc. It should also include a description of the process for handling these transactions, i.e., how files are transmitted.

(6) The estimated cost of the system including development and implementation costs; and

MTAS How-to: Estimate approximate costs to be incurred, implementation and maintenance.

(7) The expected benefits and/or the estimated cost savings, if any, of conducting business by electronic means.

MTAS How-to: Outline expected benefits, i.e., reduced staffing time, less paper usage, reduced amount of cash being handled, etc.

(b) A local governmental public official who implements an electronic business system shall provide to the comptroller of the treasury a post-implementation review of the system between twelve (12) and eighteen (18) months after the date a statement described in this section has been filed with the comptroller. The review shall include:

MTAS How-to: This would be a letter submitted to either Penny or Jim; see section (a) above for contact information.

(1) An assessment of the system by the local governmental public official;

MTAS How-to: For example, 'this new collection process has improved staff efficiency and saved on paper/postage.'

(2) Responses from a survey of users of the system; and

MTAS How-to: For example, 'we surveyed our customers, and they are satisfied with the process.'

(3) Any recommendations for improvements to the electronic business system.

MTAS How-to: If you have any, please include; otherwise 'no recommendations' is fine.

Hopefully this article offers you some guidance in how to comply with this state law. If any city plans to conduct a survey of your customers regarding electronic payments, for an example of survey questions you may go to the following website: <http://kingsporttn.gov/utility-customer-survey>. We thank the city of Kingsport for sharing their survey.

We especially want to express our gratitude to Penny Austin, assistant director, Information Systems at the Division of Local Governmental Audit, for guiding us through the statute for the benefit of cities and towns in Tennessee.

Should you have additional questions, contact your MTAS municipal management consultant.

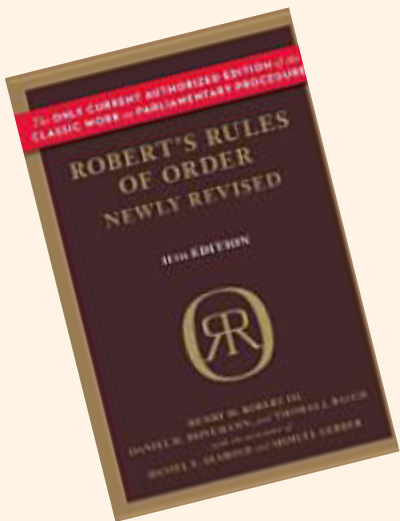
Administrative Hearing Officer Training

The Administrative Hearing Officer training is a means for municipalities to acquire training for designated officials who are seeking to become administrative hearing officers. After this training, these officers will have jurisdiction to hear violations of certain locally adopted codes, including building and property maintenance.

December 6 • Nashville

[CLICK HERE](#) for information or to register.

Robert's Rules of Order Newly Revised: The Phrase that Pays – Words to use when making different motions



By Margaret Norris, Municipal Management Consultant



Margaret Norris

Believe it or not, *Robert's Rules of Order Newly Revised* is an easy to use reference manual, and there are several sections in it that make navigation of difficult situations a lot simpler. One component of the charts, tables and lists includes “Sample Forms Used in Making Motions.” There are 86 listed, but I will only highlight the most commonly used ones at city hall (with the action paraphrased).

ACTION

- Adjourn
- Adopt, accept or agree to a report
- Amend a pending motion
- Amend something previously adopted
- Approve minutes
- Change or depart from an adopted agenda
- Close debate
- Close nominations
- Delay a vote on something
- Limit debate for a meeting
- Limit debate on a pending question
- Make a main motion
- Make a motion go away
- Make a nomination
- Reconsider
- Rescind, repeal or annul
- Take a recess
- Vote by roll call
- Withdraw a motion

PHRASE

- I move to adjourn
- I move that the report be adopted
- I move to amend by adding (or inserting, or striking out, etc.)
- I move to amend the resolution relating to ..., adopted at the September meeting, by ...
- I move that the minutes be approved as read [or “as corrected”].
- I move to suspend the rules and take up ...
- I move the previous question
- I move that nominations be closed.
- I move to postpone the question to the next meeting.
- I move that during this meeting debate be limited to five minutes for each member
- I move that debate be limited to one speech of three minutes for each member
- I move that ...
- I move that the resolution be postponed indefinitely
- I nominate George Beall.
- I move to reconsider the vote on the motion relating to ...
- I move that the resolution relating to ... adopted on [date] be rescinded.
- I move to recess for five minutes
- I move that the vote on this question be taken by roll call
- I move that I be permitted to withdraw the motion.

All Tennessee Cities Can Take Advantage of the Alliance's "OnDemand" Store



As part of the MTAS-sponsored statewide membership in the Alliance for Innovation (AFI), you have access to their latest service to members – OnDemand.

OnDemand is a web based store where you have access to webinars, white papers, innovation bundles, digital documents and other materials provided by AFI. Many of these materials are FREE to Alliance members. And if you are a city official or staff member in Tennessee, you are a member of the Alliance for Innovation.

Check out the OnDemand store at

<http://ondemand.transformgov.org/store/provider/provider09.php>.

If you have any questions about the Tennessee membership, contact Frances Adams-O'Brien, librarian, at frances.adams-obrien@tennessee.edu.

If you have questions on the use of the OnDemand service, contact Toni Shope, eastern regional director of the Alliance, at tshope@transformgov.org.

The Work of Tennessee Cities Is Showcased at Performance Measurement Conference

TENNESSEE MUNICIPAL BENCHMARKING PROJECT

On September 21, 2012, Tennessee Municipal Benchmarking Project (TMBP) Coordinator Sarah Young of MTAS participated in the Public Performance Measurement and Reporting Network Conference in Trenton, New Jersey. The conference was sponsored by the Rutgers University School of Public Affairs and Administration in partnership with the State of New Jersey and included nearly 300 participants from across the United States and other countries. Attendees were largely from New Jersey, New York and Florida.



Sarah Young

Young was a panel presenter in the afternoon break-out session. Her presentation included a general description of the TMBP, a discussion of challenges in the project and highlights of participant success stories. She used improved fire response times from the city of Cleveland and full funding of OPEB costs by the city of Brentwood as examples of best practices identified. She spoke briefly about the town of Collierville's use of TMBP data as a public relations aid. Young fielded questions related to how TMBP establishes benchmarks, secures reliability of comparable data and recognizes best practices.

Other presentations on Young's panel covered the successful use of 311 for performance management in Hempstead, New York, and use of evidence-based outcomes to improve education retention rates in Louisiana. Both Young and her co-presenter from Hempstead focused on the "positive rather than punitive" role of performance management initiatives in improving municipal service delivery. "It was a privilege to promote the outstanding work of Tennessee's cities at this national forum," said Young. "Municipalities from across the country can learn from the excellent examples set by cities in the TMBP."

The Tennessee Municipal Benchmarking Project is celebrating 10 plus years of growth in 2012. It is a comparative performance measurement project housed in the Research and Information Center of the UT Municipal Technical Advisory Service.

MTAS and Tennessee Tech University Conducts Livingston 2035 Visioning Session

On October 13, 2012, 30 community leaders representing the city of Livingston, Chamber of Commerce and Overton County conducted their first strategic planning session in 20 years. MTAS Consultants Margaret Norris, Rex Barton, Pat Hardy, Warren Nevad, Dana Deem and Tennessee Tech University Associate Director Dennis Tennant collaborated to facilitate brainstorm sessions relating to what the community needs to do within the next 20+ years.



Topics explored included the environment, economic development, transportation, recreation, public safety and education. Participants listed the top 30 key long-term goals and then voted on the top 10 goals to be carried out from 2012 to 2035. The top 10 goals are:

- 1) Recruit hospitality facilities-hotel/conference rooms and restaurants
- 2) Develop a performing arts center/amphitheater arts and crafts
- 3) Develop a comprehensive greenway/sidewalk/bike path plan
- 4) Implement beautification improvements – eliminate dilapidated buildings nuisance/noise violations
- 5) Create a promotional campaign of Americana music
- 6) Create and staff a city leisure services department
- 7) Implement a job creation plan
- 8) Recruit entertainment facilities – theatres/bowling alley/skate park
- 9) Develop a teen center – bowling alley/skate park disc golf
- 10) Purchase of emergency alert system/early warning system

New MTAS Publications



▶ MUNICIPAL COURTS MANUAL (2012)

Rex Barton, MTAS Police Consultant; Melissa Ashburn, MTAS Legal Consultant; Karen Beyke, Contract Municipal Courts Consultant

The Municipal Courts Manual was developed by MTAS for municipal courts with the authority to enforce municipal ordinances. Some cities in Tennessee exercise concurrent general sessions court criminal jurisdiction. That is, they have the same authority as a state general sessions court and can hear cases involving state law violations as well as municipal ordinance violations. This guide will not attempt to address the procedures or requirements of courts with concurrent general sessions jurisdiction. [READ](#)

Also of interest to Municipal Court Clerks in Tennessee: MTAS Municipal Court Clerks Class | November 19-29, 2012 [READ](#)

▶ ISO BUILDING CODE EFFECTIVENESS GRADING SCHEDULE

Jody Dwyer, MTAS Contract Fire Consultant

This publication explains ISO's "Building Code Effectiveness Classifications." ISO's "concept is simple: municipalities with effective, well-enforced codes should demonstrate better loss experience when a catastrophe strikes. Buildings located in such communities, which are constructed according to current codes, should experience less severe loss." [READ](#)

▶ FINDING MONEY FOR MUNICIPAL PROJECTS IN TENNESSEE (2012)

Sharon Rollins, MTAS Technical Consulting Program Manager

Find out about the financing programs available for your city's water, wastewater, solid waste, brownfield remediation, recreation and training projects. Do you know the contact agencies, the advantages and disadvantages of the various programs, and terms? Do you know how to apply for funding? If not, this guide is for you. It points you to various financing programs available to Tennessee's local governments for water, wastewater, solid waste, and other project needs. [READ](#)

▶ GENETIC INFORMATION NONDISCRIMINATION ACT OF 2008 (GINA)

Bonnie Jones, MTAS Human Resources Consultant

The purpose of GINA is to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.. [READ](#)

MTAS Training Calendar



■ MUNICIPAL ADMINISTRATOR PROGRAM CLASSES

CODE ENFORCEMENT AND PROPERTY MAINTENANCE

8:30 a.m. to 12:30 p.m.

- Nov. 7: Franklin Williamson County Ag Expo Park, 4215 Long Lane
- Nov. 8: Knoxville UT Conference Ctr., 600 Henley St., 4th Floor
- Nov. 9: Collegedale Collegedale City Hall, 4910 Swinyar Dr.
- Nov. 14: Jackson . . . West Tennessee Research & Education Ctr., 605 Airways Blvd.
- Nov. 15: Bartlett Bartlett Station Municipal Center, 5868 Stage Road

BASIC MUNICIPAL COURT CLERKS CLASS

This class covers the general operation of a municipal court and updates on legislative changes impacting municipal courts. Specific topics include court docket preparation and maintenance, collection of litigation tax, submission of court action reports and record keeping requirements for municipal courts. Participants will learn how to establish a records process that conforms to state laws and regulations and learn how to perform court clerk functions efficiently and effectively.

- Nov. 19: Johnson City Carnegie Hotel, 1216 W. State of Franklin Rd.
- Nov. 20: Knoxville UT Conference Ctr., 600 Henley St., 4th Floor
- Nov. 28: Bartlett Bartlett Station Municipal Center, 5868 Stage Road
- Nov. 29: Jackson . . . West Tennessee Research & Education Ctr., 605 Airways Blvd..

[CLICK HERE](#) for information on these courses, as well as many others or to register. If you have any problems, contact the MTAS office at (865) 974-0411.

Mark Your Calendar!

NOVEMBER 2012						
SUN	MON	TUE	WED	THU	FRI	SAT
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

DECEMBER 2012						
SUN	MON	TUE	WED	THU	FRI	SAT
30	31					1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

TENNESSEE ENTREPRENEURSHIP AND SMALL BUSINESS DEVELOPMENT COURSE

Wednesday, November 7, 2012 1 – 5 p.m. (check in from noon to 1 p.m.)
 Thursday, November 8, 2012 8:30 a.m. - 4:30 p.m.
 Homewood Suites by Hilton, 706 Church Street, in downtown Nashville

Promoting entrepreneurship and small business development is a growing strategy for job creation and economic development in Tennessee communities. The University of Tennessee Center for Industrial Services (CIS) is offering the Tennessee Entrepreneurship and Small Business Development Course. The course is designed to help economic development practitioners, government leaders and others interested in economic development at state, regional and local levels understand the economic impact of small businesses on local and regional economies; identify needs of entrepreneurs and small businesses and available resources to assist them; and develop effective networks and strategies to support entrepreneurship and small business development.

What will I learn?

- Understand the economic impact of small businesses on local and regional economies.
- Identify needs of entrepreneurs and small businesses and available resources to assist them.
- Develop effective networks and strategies to support entrepreneurship and small business development.

How to Register?

Register at www.cis.tennessee.edu/edtraining.
 Registration questions?
 Contact Patty Wells at (615) 253-6371,
 or e-mail at patricia.wells@tennessee.edu.

For additional course information,
 visit www.cis.tennessee.edu/edtraining,
 or contact
 Dr. Andre Temple, Course Director,
 at (731) 425-4740
 or andre.temple@tennessee.edu.

UT IPS LOCAL GOVERNMENT LEADERSHIP PROGRAM

November 13-15 • Knoxville

[CLICK HERE](#) for information

TN PRIMA (PUBLIC RISK MANAGEMENT ASSOCIATION) ANNUAL CONFERENCE

November 14-16 • Nashville • Holiday Inn Express Downtown

[CLICK HERE](#) for information

TENNESSEE RENEWABLE ENERGY AND ECONOMIC DEVELOPMENT COUNCIL (TREEDEC) FORUMS

RENEWABLE ENERGY FORUM: November 16 • Memphis • Christian Brothers University
 GEOTHERMAL BEST PRACTICES: November 28, 2012 • Nashville (Location TBA)

[CLICK HERE](#) for information

NATIONAL LEAGUE OF CITIES CONGRESS OF CITIES AND EXPOSITION

November 28-December 1 • Boston • Boston Convention and Exposition Center

[CLICK HERE](#) for information

TENNESSEE PUBLIC WORKS INSTITUTE "STORMWATER MANAGEMENT"

December 3-6 • Murfreesboro • Doubletree Hotel by Hilton

The Stormwater Management school is new and will use APWA's module.

The class will help prepare anyone wishing to take the APWA Exam to receive national certification as a Stormwater Manager.

More information on the exam may be obtained from APWA's website at www.apwa.net.
 Registration information is available from the TCAPWA website at <http://tennessee.apwa.net>.

TENNESSEE ASSOCIATION OF CHIEFS OF POLICE CONFERENCE

December 5-7 • Nashville • Maxwell House Hotel

[CLICK HERE](#) for information

UT NATIONAL FORENSIC ACADEMY™ BEST PRACTICES SYMPOSIUM

December 12-14 • Nashville • Downtown Hilton

[CLICK HERE](#) for information

THE UNIVERSITY of
TENNESSEE **UT**

MUNICIPAL TECHNICAL
 ADVISORY SERVICE

The Municipal E-News is produced by the Municipal Technical Advisory Service, an agency of the University of Tennessee Institute for Public Service, in an effort to meet the challenge of providing timely, valuable information and assistance to Tennessee cities to build better communities.
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