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Municipal E-News

Municipal Technical Advisory Service (MTAS)

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## Municipal E-News: Issue 3: June 2009

MTAS

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Photo compliments of Sevierville Chamber of Commerce

## City Spotlight: Sevierville

*Sevierville is named for John Sevier, a frontiersman, soldier, war hero, statesman and, in 1796, the first governor of Tennessee.*

**Date of Incorporation:**

1795

**Population:**

12,541

**County:**

Sevier

**Grand Division:**

East

**Web site:**

<http://www.seviervilletn.org>

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## Tennessee Municipal Benchmarking Project: Fiscal Year 2008 Annual Report

*Melanie Purcell, MTAS Assistant Director*

This report marks the seventh year of the Tennessee Municipal Benchmarking Project (TMBP) and covers the fiscal year July 1, 2007, through June 30, 2008. Thirteen cities participated in developing the report, which covers four service areas. The project traditionally has reported on specific measures and cost data for police, fire, and solid waste collection. This year, an initial survey of benefits employees and retirees also was included.

Participating cities range in population from 13,334 to 155,554 with a wide variety of service levels and practices, particularly in solid waste collection and disposal. The average responses have fluctuated with the number and specifics of participating cities each year. In general, average police and fire costs have increased just over 8 percent and 9.75 percent per year, respectively. Personnel costs, including salaries and benefits, comprise the largest type of expenditures. Solid waste collection and disposal costs have decreased by nearly 27.5 percent over the same period. There are numerous distinctions between individual cities, and caution must be exercised in drawing conclusions from the data given the unique nature and expectations of each community. There is not enough data yet to find statistically significant correlations, but the data allows us to observe trends over time and possibly identify opportunities for improvements in outcomes.

Benchmarking is a critical part of performance measurement as it provides comparative data by which to analyze trends and situational conditions. Multicommunity benchmarking provides the broadest scope of data and many opportunities for best practices to be explored for applicability to individual communities. The 13 participants in FY 2008 have invested tremendous effort in measuring and managing their service performances and are to be commended for being on the forefront of quality municipal administration. Detailed analysis is provided in the full report, available through the University of Tennessee Municipal Technical Advisory Service.

For more information on the TMBP, check the MTAS Web site at <http://www.mtas.tennessee.edu>.

## An Idea You Can Use: “1-Stop Shop Development” For Plans Review in Carrollton, Texas

Ron Darden, MTAS Management Consultant

Time is of the essence for business relocations and expansions. The city plays a key role in the timing of projects that create jobs for the community. It is critical to all parties involved that a project be approved efficiently, resulting in an expeditious and predictable outcome. Carrollton, Texas, guarantees one-stop for a permit and a complete plan review within 11 days.

A business-friendly city, Carrollton ranks in the top cities in the region in creating the highest number of new jobs, the total new development square footage, and the number of businesses moving to town, including the expansion of current businesses.

To see how Carrollton provides the timely “1-Stop Shop,” go to <http://www.cityofcarrollton.com/index.aspx?page=406>.

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## Training Consultant Ken Cox Leaves MTAS

Over the past 16 months Ken Cox has worked on several MTAS training programs. During this time he has concentrated on the Certified Municipal Finance Officer (CMFO) Program, which is a collaborative effort between MTAS and the state comptroller’s office focused on educating our cities’ financial officers.



From writing curriculum to designing tests, Cox has been instrumental in the successful launch of this new program. In his words, “I have never worked with a more talented and dedicated group of professionals. I am sure the CMFO program will succeed in meeting the needs of our finance officers across Tennessee.”

With his departure on May 29, 2009, Cox will return to his life-long passion of technical education. We wish him the best in these endeavors and express our sincere appreciation for his substantial contributions to this important program.

For more information on the CMFO program, please contact your MTAS finance consultant.

## MTAS Staff Highlight

### Meet Ron Darden, MTAS Management Consultant

Ron Darden has served as a MTAS municipal management consultant for 7-1/2 years. He provides municipal consulting services to cities located in Davidson, Williamson, Maury, Marshal, Giles, Lawrence, Wayne, Perry, Hickman, Lewis, and Humphries counties. Darden also coordinates the quarterly Middle Tennessee City Manager’s meetings as well as the Middle Tennessee City Manager Internship Program.



A graduate of Middle Tennessee State University with a major in business management, Darden has held certifications in water distribution and wastewater collection systems. He is a graduate of the UT IPS Local Government Leadership Program. Prior to his public service career, Darden was a retail manager, a manufacturing plant manager and a general contractor with a BC classification.

Darden brings a broad range of municipal government experience to his position at MTAS. He has worked as city manager, city administrator, public works director and program coordinator. While serving as a two-term alderman operating under an executive committee system in Tullahoma, Tennessee, Darden served as chairman of the public safety, utility, street, sanitation, and recreation committees. He also served on a city finance committee during his terms as an alderman. While serving as a city administrator, was chairman of a development review committee using a one-stop permitting system.

While serving on a local government legislative board, Darden was a member of a regional planning commission, industrial development board, housing authority, airport authority, utility board, beer board, landfill commission and a consolidated communications commission. His experience includes serving as a member of the technical and executive

*(Continued on page 5)*

## Have You Updated Your FMLA Policies?

Bonnie Curran, MTAS Human Resources Consultant

The Department of Labor's Wage and Hour Division has published the final rule under the Family and Medical Leave Act. The final rule, which took effect January 1, 2009 updates and clarifies FMLA regulations and includes revisions that come as part of the National Defense Authorization Act for FY 2008.

Here are some highlights of the changes, but note that this list is not all inclusive:

- **Serious Health Condition:** New regulations clarify that the patient must be incapacitated for more than three consecutive full calendar days and require continuing treatment, which means treatment on "two occasions" within first 30 days; the first visit must be within first seven days; and the treatment must include an "in-person" visit to a health care provider.
- **Chronic Health Condition:** Requires at least two in-person visits with health care provider in one year.
- **Next of Kin:** New regulations narrow definition of "next of kin."
- **Release of FMLA Claims:** Allows employees to release their past FMLA claims voluntarily without court or DOL interference.
- **Employer Notice Obligations:** Requires employees to follow employer's usual and customary call-in procedures (absent unusual circumstances).
- **New Medical Certification Forms**
- **Certification Deficiencies:** Requires the employer to notify the employee when medical certifications are incomplete or insufficient.
- **Clarification and Authentication of Medical Information:** Clarifies "who" and "when" the employer may contact a health care provider to obtain additional medical information.
- **Break-In-Service Rule:** Clarifies how an employer must credit months worked.
- **Caring for Family Member:** Employee requesting leave to care for a family member does not have to show that they are the only caregiver to care for the family member.

- **Qualifying Exigency Leave:** Clarified to apply only to National Guard and military Reserves. Does not apply to regular armed forces.

Contact MTAS HR Consultants Bonnie Curran at [bonnie.curran@tennessee.edu](mailto:bonnie.curran@tennessee.edu) or 615-532-4948, or Richard Stokes at [richard.stokes@tennessee.edu](mailto:richard.stokes@tennessee.edu) or 615-532-4936 for more information.

## Raising the Local Option Sales Tax in Cleveland, Tennessee

Janice Casteel, City Manager, Cleveland, Tennessee, and Margaret Norris, MTAS Management Consultant

When cities would like to raise the local option sales tax, they must take the issue to the voters for approval, as dictated by T.C.A. § 67-6-706. The city of Cleveland desired to increase its sales tax to the allowed 2.75 percent maximum and launched an educational effort for approval of the initiative.

Cities are not permitted to spend money advertising for an election campaign, so the city manager spoke with civic clubs, school organizations, and anyone else who would listen to educate voters on why the increase was needed and what the city would do with the money. The city tied the 0.5 percent tax increase to capital projects and equipment, not salaries and operational expenses.

Additionally, it was stressed that the extra tax would be 25 cents for every \$50 spent, and even on the most expensive purchases, the tax would be no more than an additional \$8.

The city also partnered with the city school system and agreed to give one-third of the additional revenue to the schools as long as the county's sales tax rate was below the city's rate. The schools were instrumental in helping the initiative pass.

Furthermore, the city encouraged voter registration and voter turnout for the special election. In the end, the measure passed with 1,235 voting FOR the increase and 937 voting AGAINST the increase.

The city of Cleveland has provided sample documents related to this campaign. Click here to view documents: [Referendum materials](#) | [Brochure](#)

## In the Courts ...

*Dennis Huffer, MTAS Legal Consultant*

### ***Scrap metal dealers denied preliminary injunction against ordinance***

Memphis scrap metal dealers are not entitled to an injunction against enforcement of a Memphis ordinance regulating scrap dealers. Among its requirements, scrap dealers must tag and hold scrap metal they acquire for 10 days. The court held that the scrap dealers were unlikely to prevail on the merits of their claims that the ordinance was a burden in interstate commerce, among other constitutional claims. *Tennessee Scrap Recyclers Association v. Bredesen*, 556 F.3d 442 (6<sup>th</sup> Cir. 2009).

### ***City's revocation of towing license upheld***

Federal law does not pre-empt local towing regulations requiring display of the local wrecker permit and the amount of the drop fee, and city's revocation of the license for these violations is upheld. *City Towing & Transport Inc. v. Metropolitan Government of Nashville and Davidson County* (Tenn. Ct. App. Feb 3, 2009).

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## From the Attorney General ...

*Josh Jones, MTAS Legal Consultant*

**Opinion No. 09-34:** Suggests that a police officer has the authority to cite the operator of a motor vehicle for operating the motor vehicle in an unsafe manner caused by using a cell phone or other handheld device.

**Opinion No. 09-38:** Clarifies that there is no statutory authority for a local government to hold an advisory referendum election on the question of instituting the Property Tax Freeze Act of 2007.

**Opinion No. 09-40:** Concludes that records showing the amount of inspection fees paid by each retail liquor store in a municipality are open for public inspection.

**Opinion No. 09-41:** Opines that the sale of beer to a minor or person not presenting proper identification does not rise to the level of "baseness, vileness, or depravity" required for an offense to be classified as a crime involving moral turpitude.

## Tennessee Renewable Energy and Economic Development Council

*Warren Nevad, MTAS Management Consultant*

The Tennessee Renewable Energy and Economic Development Council (Council) is a newly formed statewide nonprofit organization chartered to promote renewable energy and economic development opportunities for communities across Tennessee. The founding members of the Council executive committee include mayors of Pikeville (Bledsoe), Crossville (Cumberland), Gainesboro (Jackson) and a Graysville (Rhea) commissioner.

MTAS and McBee Bailey & Associates assisted the Council with developing its bylaws. University of Tennessee President Emeritus Dr. Joe Johnson is chairman of the Council's advisory board. The Council plans to become an active resource by collaborating with the state and private industries on biodiesel production and recycling programs, cellulosic ethanol commercialization, and solar and wind energy development.

The Council's work is important for Tennessee and its agricultural industries to demonstrate national leadership by actively promoting and investing in renewable energy. The work the Council has undertaken is essential to bridge the gap between the investments already made in our state and the additional networking, coordination, facilitation and market development needed to ensure successful development of renewable energy as an industry and create jobs for Tennesseans.

The Council will hold its first meeting on June 10, at 10 a.m. at Fall Creek Falls State Park in Pikeville, Tennessee.

Please contact Warren Nevad, MTAS Municipal Management Consultant, at [warren.nevad@tennessee.edu](mailto:warren.nevad@tennessee.edu) or 865-974-9839 if you are interested in joining the Council or seeking more information.

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### *Mission:*

*The mission of the Council is to provide leadership and promote renewable energy and economic development by connecting technology and energy with sustainable rural economic development through a regional network of local communities that actively provide assistance, share ideas, resources and information.*

## Chattanooga Employees Complete MMA Level III Practicum Work

Gary Petree, MTAS Training Consultant

Eighteen city of Chattanooga employees completed their practicum work on April 30, 2009, to become the first group of employees from that city to earn the MTAS Municipal Management Academy (MMA) Level III certificate. The practicum serves as a capstone event for MMA participants.

It requires an application of knowledge and skills covered in previous MMA training sessions, and it requires teamwork in a group effort focused on improving public service to citizens or improving the public service work environment. The practicum process provides an opportunity for participants to showcase their interest and ability to serve in levels of greater responsibility.

Level III training started with sessions on project management, budget and finance, performance measurement, and several brainstorming sessions to identify and hone ideas for practicum work. The brainstorming generated 24 ideas for ways to direct their efforts toward improving service to the citizens of Chattanooga. Four ideas were finally chosen, and groups of participants formed to work on each one. Since 17 of the participants in the first Level III group were from the Chattanooga Police Department, all of the practicum work focused on law enforcement issues.

Three of the four groups focused their work on crime prevention. Their efforts yielded a plan to provide support and assistance to victim participation in parole hearings, a system to access DMV information to help crack down on suspended and revoked license offenders, and a witness information training program to help bank and small business employees cope with an armed robbery scenario. The fourth group developed a new department policy and program to promote health and wellness through fitness standards for police officers.

Only one of the 18 participants came from outside the police department. Liz Henley is the city's 311 call center coordinator. She said, "At first I didn't think I wanted to get involved with this level since it was going to be longer classes and more work, but it was a great

learning experience and I appreciate the opportunity I had to participate. I have always appreciated the police department, but now I have a better understanding of their thoughts and concerns." Only three other cities in Tennessee have employees who have completed Level III: Dyersburg, Franklin and Johnson City.

For information contact Gary Petree at [gary.petree@tennessee.edu](mailto:gary.petree@tennessee.edu) or 865-974-9830.

*(Darden continued from page 2)*

committees of both the Metropolitan-Nashville and Chattanooga Metropolitan Planning Organizations focusing on transportation planning. While serving as a city manager in the Chattanooga area, Darden was a member of the Chattanooga/Hamilton County Growth Coordinating Committee, chairman of the Chattanooga/Hamilton County Joint Economic and Community Development Board, and co-chairman of the Chattanooga Tax Equity Committee.

Darden served in the U.S. Army Medical Service during the Vietnam War. His hobbies include gardening, fishing, hunting, and reading. Darden and his wife, Judy, reside in Murfreesboro.

Darden may be contacted at [ron.darden@tennessee.edu](mailto:ron.darden@tennessee.edu) or at 615-532-4942.

## MTAS Training Classes and Events

### Certified Municipal Finance Officer Program Governmental Accounting II

Spring Hill	June 2
McMinnville	June 10
Athens	June 10
Jackson	June 10
White House	June 17
Morristown	June 17
Jackson	June 18

### Elected Officials Alumni Event Chattanooga

June 13

For more information, please visit the MTAS Web site at <http://www.mtas.tennessee.edu>.

## TAMCAR April 2009 Spring Institute and Academy

*Kurt Frederick, MTAS Training Consultant and  
TAMCAR Institute Director*

The Tennessee Association of Municipal Clerks and Recorders (TAMCAR) celebrated its fifth year of the combined Institute and Academy May 5 through 8, 2009, at the Cool Springs Embassy Suites in Franklin, Tennessee.

Each year TAMCAR provides the Academy and Institute in the spring and in the fall. This spring there were 120 participants from across the state. Institute participants received 17.5 hours toward their state and international certification requirements, and Academy participants receive 13.5 hours toward state and international certification.

Sessions related directly to the position of city clerk and recorder and covered topics ranging from open records law to local government budget issues.

Attendees who completed six institutes providing the required educational hours for state certification are pictured below:



*Anita Hughes (Lakeland), Arlene Presley (Lafayette), Christie Odenwald (White House), Bobbie Matlock (Savannah), Roseanne Peppers (Smyrna), and Shirley Dancy, Gates City Recorder and TAMCAR President.*

For more information regarding the Institute or Academy, contact Kurt Frederick, TAMCAR Institute Director, 615-253-6385 or <http://www.tamcar.org>.

## New Resources for Cities

Each item below is also a hyperlink that will take you to the actual document on the MTAS Web site.

### Local Option Sales Tax Referendum Materials

*Janice Casteel, City Manager, Cleveland, Tennessee,  
and Margaret Norris, MTAS Management Consultant*  
[Referendum materials](#) | [Information brochure](#)  
(See article on page 3 of this newsletter for more information)

### Hiring a City Manager

*Margaret Norris, MTAS Management Consultant*  
MTAS was asked for assistance in hiring a replacement city manager. These materials include an evaluation system for council members to review the cover letters and resumes.

### City Judge Appointment Procedures from the City of Brentwood

The city of Brentwood has provided these materials to assist other cities in standardizing their appointment procedures for city judges. Items include city judge application, a resolution for appointing a judge, and overview of the Brentwood Municipal Court.

### Sample RFP: Automated Fixed Speed Photo Enforcement Program

*Gail Cook, MTAS Finance Consultant*

A request for proposal for an automated fixed speed photo enforcement program developed by MTAS for the city of Bluff City.

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Remember that all of our newly produced and acquired materials can viewed each month on the MTAS Web site at <http://www.mtas.tennessee.edu>.

If you would like to receive our monthly list of new materials via e-mail, please contact Becky Smeltzer, MTAS Technical Services Librarian, at [becky.smeltzer@tennessee.edu](mailto:becky.smeltzer@tennessee.edu).

## Elected Officials Academy Level 1 and Level 2 in Norris, Tennessee

Margaret Norris, MTAS Management Consultant

A group of local elected officials gathered at the Norris city hall over the last three months to learn about the



Standing left to right: Wayne Jessie, Tazewell; Tim Hester, Jack Black and Chris Mitchell, Norris. Seated left to right: Sheila Buckner, Luttrell; Vickie Heatherly, Caryville; Loy Johnson and Joy Wilson, Norris.

basics of city government and their role in leading their municipalities.

Representatives from the cities of Norris, Tazewell, Caryville and Luttrell completed Elected Officials Academy (EOA) Level I on April 9 after meeting for five consecutive Thursday evenings. They learned about the foundations and structures of local

government, city charters, codes, ordinances, open records, local government finance, ethics, open meetings, and economic development.

A majority of these Level I participants were willing to return for EOA Level II. One city representative had to decline attending, but Joe Gallagher, an alderman from Louisville, was eager to fill that slot. The participants attended

courses on risk management, personnel, parks and recreation, police, fire, planning and zoning, public works, and a capstone course on resources and tools available to elected officials. These dedicated public servants deserve commendation for their eagerness to learn and devotion to the job.

### Comments from Attendees

“This course is invaluable to all municipal leaders. The context was relevant, stimulating and highly applicable to my job in the city government. Without question this course should be required for all municipal officials. Fulfilling your responsibilities in city government is

(Continued on page 8)

## IPS Agencies Share Emergency Service Expertise

Queena Jones, IPS Information Specialist

Law enforcement personnel; fire and emergency medical service first responders; and city, county, and university administrators met in April at the University of Tennessee, Knoxville, for a homeland security exercise involving a simulated shooting and bombing on campus.

While more than 150 people went through a scenario's timeline and discussed probable response tactics, area hospitals and medical responders simulated the



treatment of more than 250 student victims in a functional emergency exercise. UT Medical Center received the largest influx of student “victims,” who were health science students and their teachers from area high schools.

The exercises were designed to assess the level of preparedness of Knoxville-area emergency responders by testing plans, protocols and response in dealing with mass injuries and casualties.

The drill was coordinated by Tennessee Homeland Security District 2, the UT Municipal Technical Advisory Service (MTAS) and the Federal Bureau of Investigation (FBI), Knoxville Field Office.

**Gary West, MTAS' fire management consultant**, was the lead facilitator for the tabletop discussions that included groups of police, fire and emergency medical service first responders, UT administrators and communications staff, 911 dispatchers, city and county officials, local hospitals, and state and federal agencies such as the FBI.

Mike Hill and Deidra Phillips of the UT Law Enforcement Innovation Center facilitated the discussions among the law enforcement group. **Rex Barton, MTAS' police management consultant**, Kevin Lauer of the UT County Technical Assistance Service (CTAS) and Walter Idol of the UT Center for Industrial Services (CIS) were

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(Emergency Services continued from page 7)

among the observers and evaluators for the exercises. Idol primarily assessed the activities at UT Medical Center.

Via live Web cast, emergency officials around the state took part in the exercise. Additional participants included Tennessee Department of Health, Knox County Mayor's Office, Knox County Health Department, Knox County Sheriff's Office, Knoxville-Knox County Emergency Management Agency, Knoxville Mayor's Office, Knoxville Police Department, Knoxville Fire Department, Rural/Metro Knox County, UT Police Department, Fort Sanders Regional Medical Center, East Tennessee Children's Hospital, Parkwest Medical Center, St. Mary's Medical Center North, St. Mary's Medical Center, Baptist Hospital West, Blount Memorial Hospital, Fort Sanders Hospital - Loudon, Methodist Medical Center of Oak Ridge, Lakeshore Mental Health Institute and Peninsula Hospital.

(EOA Norris continued from page 7)

impossible to do intelligently without being exposed to this course." *Joy C. Wilson, City Council, Norris (EOA Level I)*

"The Elected Officials Academy has left me with an abundance of knowledge to guide me on my journey as an elected official. Every elected official should take advantage of this academy." *Vickie Heatherly, Alderman, Caryville (EOA Level II)*

"I found having a variety of presenters to be an excellent way to keep audience interest high. All presenters were knowledgeable, prepared and did well. I have learned a lot this weekend – Thanks!" *Loy Johnson, City Council, Norris (EOA Level II)*

For more information on EOA visit the MTAS Web site at <http://www.mtas.tennessee.edu>.

## Calendar of Events

### June 8

Tennessee Digital Government Summit (Nashville)

### June 10

Tennessee Renewable Energy and Economic Development Council (Fall Creek Falls State Park)

### June 14

TMAA Summer Seminar at TML Annual Conference (Chattanooga)

### June 14-15

TML Annual Conference (Chattanooga)

### June 18-20

Southeastern Association of Fire Chiefs (Myrtle Beach, South Carolina)

### June 28-July 1

GFOA 103rd Annual Conference (Seattle, Washington)

### July 11-July 14

Tennessee Fire Chiefs Association Annual Conference (Nashville)

## Sustainable Tourism Workshops...

The Tennessee departments of Economic and Community Development and Environment and Conservation are sponsoring sustainable tourism workshops. Sustainable tourism offers communities numerous benefits including a newfound respect for traditional ways of life, employment opportunities, economic growth, a competitive advantage and an authentic visitor experience. Sign up now and see what other communities are doing.

**June 16** | Baxter | DelMonaco Winery & Vineyards

**November 16** | Jackson | Casey Jones Village

**November 17** | Memphis | Pink Place Museum

To sign up for this free course (space is limited), contact Patricia Gray at [patricia.gray@tn.gov](mailto:patricia.gray@tn.gov) or 615-741-9004.

For additional information, go to

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

"Municipal E-News" is provided by the University of Tennessee Municipal Technical Advisory Service in an effort to meet the challenge of providing timely, valuable information and assistance to Tennessee cities to build better communities.

If you have any questions or comments related to this newsletter please contact Frances Adams-O'Brien at [frances.adams-obrien@tennessee.edu](mailto:frances.adams-obrien@tennessee.edu)

... in cooperation with the Tennessee Municipal League