

City Spotlight: Gallatin



Gallatin Public Library

*"In 1804 the first official horse race in Tennessee was held in Gallatin. Andrew and Rachel Jackson attended the race, in which Jackson ran his horse Indian Queen against Dr. R. D. Barry's horse Polly Medley. Although Jackson's horse lost the race, he became known as the leading breeder and racer in the state."*¹

Date of Incorporation:

1801

Population:

23,917

County:

Sumner

Grand Division:

Middle

**MTAS Municipal
Management Consultant:**

Gary Jaeckel
gary.jaeckel@tennessee.edu

¹. *Tennessee Encyclopedia of History and Culture*

The Hatch Act: Limitations on City Employee Political Activities

Melissa Ashburn, MTAS Legal Consultant

Federal employee partisan political activity was the original target of the Hatch Act of 1939, as Congress sought to prevent corruption surrounding elections. Only one year later, the law was amended to apply to state and local government employees whose wages and/or duties are tied to federal funds. Although off-duty free speech rights of government employees is preserved, the Hatch Act places strict limitations on the political activities of most city employees.

The Hatch Act applies to any city employee "whose principal employment is in connection with an activity which is financed in whole or in part by *loans or grants* made by the United States or a Federal agency..." 5 U.S.C.A. § 1501(4) (emphasis added). The number of city employees covered has expanded drastically over the years, due to numerous federal grants and loans made to local governments. Employees of any police or fire department receiving grants and/or loans from the Department of Homeland Security, the Department of Justice, or any other federal agency are subject to the limitations imposed by the Hatch Act. Also covered are employees of any city department that participates in activities that are funded, in whole or in part, by any federal loans or grants, even if those funds were received from a state agency.

Examples of employees who are commonly covered by the Hatch Act include city clerks (including deputy clerks and possibly city recorders), employees of housing authorities, officers and employees of development and transportation authorities, emergency services employees, firefighters, and police officers.

What does the Hatch Act prohibit? Covered employees may not:

- ⇒ Be candidates for public office in partisan elections;
- ⇒ Use official authority or influence to affect the results of an election; or
- ⇒ Directly or indirectly coerce subordinates to make contributions to political candidates. (5 U.S.C.A. § 1502(a).

Covered employees may not seek office in partisan elections. Determining whether or not an election is partisan is more difficult than simply identifying

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political primaries or candidates endorsed by political parties. The determination is rather based on whether or not there is any evidence that partisan political activities played any role in, or had any impact on, the election. This prohibition against being a candidate in partisan elections does not apply to incumbents running for re-election, governors or mayors. 5 U.S.C.A. § 1502(c).

The Hatch Act's prohibition against using official authority to influence elections is perhaps the most active area of enforcement of this law, at least in recent years. This prohibition is violated by employees making campaign endorsements in uniform or using official titles. An example of such activity occurred in 2008 when Lee County, Florida Sheriff Mike Scott spoke at an event honoring presidential candidate Senator John McCain and his running mate Alaska Governor Sarah Palin. Scott violated the Hatch Act by wearing his uniform and being introduced as "Sheriff Mike Scott." Federal employees may violate the Hatch Act by sending email messages from their work email accounts about upcoming elections. Certain executive branch federal employees are further limited in their political activities by provisions of the Code of Federal Regulations which have not been extended to local government employees at this time. It is prudent, however, for city employees to refrain from using their work email accounts or work cell phones for political communication.

Covered employees are also prohibited from soliciting subordinate employees for contributions to political candidates. The Office of Special Counsel which enforces the law explains:

These prohibitions are aimed at activities such as threatening to deny promotion to any employee who does not vote for certain candidates, requiring employees to contribute a percentage of their pay to a political fund, influencing subordinate employees to buy tickets to political fund raising dinners and similar events, and advising employees to take part in political activity. These prohibitions principally affect supervisors but are applicable to any covered employee. For

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From the MTAS Executive Director, Steve Thompson



I am very pleased to join MTAS as we work to serve and support the cities and towns of Tennessee, and look forward to working with you and your community.

Every copy of this newsletter should highlight some of the regulatory, legislative and operational issues to be addressed or met by the municipalities in this state, and I hope that this newsletter does so clearly and concisely. Our goal is to help you anticipate how to best meet the challenges of the future and we welcome any feedback you may have on how we are doing to achieve this goal.

Every issue that we face should be addressed strategically as well, and in our publications and newsletters we focus on how each of the issues and challenges can be addressed with services and training which meet multiple outcomes. MTAS works to solve immediate problems and do so in a way that resolves or avoids future issues. The Certified Municipal Financial Manager Program is an excellent example of this effort, as we both train for present challenges and build capacity in cities and towns to avoid future areas of concern.

MTAS offers outstanding technical assistance for the issues of today in the following areas: municipal management, finance and accounting, human resources, information technology, legal assistance, library services, public safety (police and fire), public utilities (water and wastewater), and public works. Consultants and staff deliver services one-on-one, online, and through our statewide training program for Tennessee municipalities.

Additionally, I hope that you will hold the MTAS staff in your area responsible for helping you to step back and address city issues strategically, using the opportunities offered by today's difficult economy to improve services and operations every day.

Look for regular messages from the MTAS Executive Director in future issues of the "Municipal E-News."

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instance, employees still may not coerce command or advise other covered employees to make political contributions or to contribute their time or anything of value for partisan political purposes.

The division of the Office of Special Counsel that enforces the law issues advisory opinions and publishes handbooks and posters as guidance for employees and employers. If the Office of Special Counsel determines that a violation of the Hatch Act has occurred, it will either issue a warning letter to the employee, or initiate prosecution.

Excellent resources are available on the agency Web site, at <http://www.osc.gov/index.htm>.

The agency may also be contacted by mail or phone:

Hatch Act Unit
U.S. Office of Special Counsel
1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505
800-854-2824 or 202-254-3650
202-254-3700 (fax)

Requests for Hatch Act advisory opinions may be made by e-mail to hatchact@osc.gov.

Covered local government employees should be made aware of the prohibitions of the Hatch Act and be instructed to carefully separate their political activities from their employment. Although these employees have the right to support candidates and voice their opinions, such activities should always occur on the employee's personal time without the use of any title, uniform or other indicia of office or employment.

Please contact your MTAS municipal management consultant or MTAS human resource consultant if you have questions regarding the Hatch Act provisions.

Free Online Course: New Building Codes Requirements Compliance

The "Tennessee Clean Energy Future Act of 2009" makes one- and two-family homes subject to inspection by either the state or local government. **The act went into effect on July 1, 2010** and requires a decision by local governing bodies. MTAS is offering this free online course, "Energy Codes Training" to assist you in making sure your building codes are in compliance with this new code.

There is no cost for this three-hour online course as this project is funded under an agreement with the Department of Economic and Community Development.

This course is a must for municipal officials who are responsible for compliance with International Residence Code and the Tennessee Clean Energy Future Act of 2009.

For information go to <http://www.mtas.tennessee.edu>.

MTAS Classes in August 2010

Municipal Administration Program. Public Acts

Smyrna	August	3
Jackson	August	4
Lakeland	August	5
Collegedale	August	10
Knoxville	August	11
Johnson City	August	12

Certified Municipal Finance Officer Program

Jackson I	August	3
Athens	August	3
McMinnville	August	4
Jackson II	August	10
Morristown	August	10

Municipal Management Academy Open Enrollment Courses

Human Resource Overview (MMA05)

Workplace Harassment and Workplace Violence (MMA06)

Knoxville	August	24
Collegedale	August	25

Tennessee Municipal Benchmarking Project: FY2009 Annual Report

Melanie Purcell, MTAS Assistant Director

The 2009 annual report marks the seventh year of the [Tennessee Municipal Benchmarking Project](#) (TMBP) and covers the fiscal year July 1, 2008 through June 30, 2009. Ten cities participated in the development of the report covering four service areas. The project has traditionally reported on specific measures and cost data for police, fire, and solid waste collection while for this year, an initial survey of benefits for employees and retirees was also included. Preliminary measures for human resources and parks and recreation were also developed. FY2010 includes revisions of these new measures. Additionally we are investigating measures for information technology, finance, and codes/building/planning.

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 6.5 percent and 7.5 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 just over two percent over the same period.

While police service demand per 1,000 population (calls for service and crimes reported per 1,000 population) stayed within the fairly narrow band of 110 and 120, demand in FY2009 did show a slight increase. Interestingly, the percentage of total vehicular accidents that involved injuries also indicated a small increase of 19.36 percent in FY2009. Total calls for fire service have remained fairly constant between 65 and 80 per 1,000 population.

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.

Tennessee Renewable Energy & Economic Development Council



(TREEDC) Announces 2011 Legislative Goals at Green Expo

MTAS Management Consultant/TREEDC Executive Director Warren Nevad presented the 2011 legislative goals for the TREEDC at the Center for Industrial Services (CIS) Green Expo workshop held in Jackson, Tennessee on July 12. In attendance at the Green Expo were more than 90 representatives from local government, industry, and the University of Tennessee. Other presentations were offered on the newly created Tennessee Solar Institute, TVA “Generations Partners” program, energy retrofits and wood gasification systems.

The 2011 legislative goals were developed by the mayors of the TREEDC executive committee and TREEDC State Legal Affairs Coordinator/Jackson City Councilman Ernest Brooks. The mission of TREEDC is to promote renewable energy with economic development and best management practices for all Tennessee cities and counties.

The TREEDC mayors will collaborate with the Tennessee Municipal League and Tennessee County Services Association on legislation needed to bring sustainable economic development opportunities to all local governments in Tennessee.

TREEDC has established the following legislative goals:

- Reduce dependence on fossil fuels to protect the environment and natural resources in the State of Tennessee.
- Expand market opportunities for energy-related agricultural products.
- Provide education and training opportunities to compliment the emerging renewable energy industry in Tennessee.
- Increase the overall awareness and knowledge of renewable energy systems.
- Provide economic development opportunities for state and local



Innovation Corner

“Rainy Day Brush-Off” Wins Governor’s Environmental Stewardship Award

Farragut’s Engineering Technician Jason Scott is Major Contributor to Water Quality Forum Event

Farragut, through the [Water Quality Forum](#) of Knoxville, contributed a significant amount of financial and in-kind support to the 2010 Rainy Day Brush-Off Artistic Rain Barrel Competition. The rain barrel competition was recently awarded the 2010 Governor’s Environmental Stewardship Award for Excellence in

Environmental Education and Outreach. The purpose of this award is to recognize outstanding achievements by individuals, businesses, organizations and other agencies for successful environmental projects and conservation measures.

With notable contributions not only from Farragut but also from Knoxville, Knox County, the University of Tennessee and other Water Quality Forum partners, the Rainy Day Brush-Off event engages the regional visual arts community while producing a unique collection of artistic rain barrels and providing the community with an aesthetically compelling and easily accessible water conservation tool. To date, the event has contributed to the creation of over 80 artistic rain barrels and the installation of more than 2,000 functioning rain barrels in homes around Knox County.

Jason Scott, a Farragut engineering technician, played an

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Left to right, back row: Commissioner Jim Fyke (TDEC), Commissioner Ivan Harmon (Knox County Commission), John Shubzda (City of Knoxville), Jason Scott (Town of Farragut) and Paul Sloan (TDEC)

Front Row: Ruth Anne Hanahan (UT Water Resources Research Center), Melinda Watson (TVA) and Parci Gibson (Knox County)

The Resilient Response: Using Budget Games to Engage Citizens



Case Studies from the Alliance for Innovation

Increased public demand to reduce taxes and maintain current levels of municipal services creates a budget dilemma for local governments to meet resident expectations. Developing a shared responsibility for the work of government is a growing trend, and how local government involves citizens in the budgeting process to create an environment of shared priorities and appreciation for the trade-offs made is increasingly difficult. Below are two examples on how local governments are collaborating with citizens towards a shared vision to guide the tough decisions made in an environment of shrinking budgets and limited resources.

Sarasota County, FL wanted citizens to be more involved and familiar with county services and the budget challenges the board was called on to address. County staff developed a budget board game titled “Money Matters” where citizens could see directly for themselves how county priorities competed for public funds. Over a series of weekend meetings, residents were given “Monopoly” money and asked to decide how to spend it on county services. These interactive sessions not only taught important budget lessons to engaged citizens, but also helped the county prioritize services through the citizen input. In 2009, an online version of “Money Matters” allows residents to indicate their preferences for service levels in seven areas and see the impact on county budget and their current tax bill.

Clearwater, FL designed a similar “Community Budget Game” that allowed citizens to work with one another in prioritizing community programs and services. For the game, residents were placed in small groups and asked to cut a \$20,000 municipal budget by 10 percent. The budget was broken down into various categories with specific values and each group was asked to present a revised budget and their rationale for reductions. Two public meetings were held with over 100 residents in attendance. The mayor/vice mayor gave a budget presentation following the game activity. Interestingly, residents took

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Parliamentary Procedure and Your Council Meeting

How to Make a Basic Motion.



Margaret Norris, MTAS Municipal Management Consultant

One of the core elements in parliamentary procedure is the act of making a motion. According to *Robert's Rules of Order Newly Revised (10th edition)*, there are three general steps involved in making a motion:

- ⇒ a member makes a motion,
- ⇒ another member seconds it,
- ⇒ then the mayor states the question. Stating the motion simply means that the mayor repeats what just happened. This action opens the floor for debate on the motion. In other words, the mayor is allowing other elected officials to discuss it.

Here is how this generally works in a board or council meeting:

- ⇒ Alderman A: “Mayor, I make a motion to adopt ordinance number 10-3 on first reading.”
- ⇒ Alderman B: “Second.”
- ⇒ Mayor: “It is moved and seconded to adopt ordinance number 10-3 on first reading. Is there any discussion?”

Other points to know about making a motion include: a member of the governing body can only make a motion when there is no other pending business; the person who wants to make a motion should first get permission from the mayor to speak (obtain the floor); and no discussion should happen about the motion until after the mayor states the question. Finally, motions should not be negative, that is to say you should not make a motion to not do something. For example, if you do not like ordinance number 10-3 you would not make a motion to not adopt it; rather, you would simply vote against its adoption. The same is true for proposals and presentations that need either approval, acceptance or rejection.

Next month, the parliamentary procedure topic will be **seconding** motions.

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deeper budget cuts than required. Although there is always a constituency for any municipal service that is cut or reduced, residents were able to get a much clearer picture of what elected officials face when making cuts in municipal services. Elected officials' confidence for making tough budget decisions was strengthened as they saw residents also struggling to establish budget priorities.

Over the past year, through studying hundreds of case studies and talking with thousands of local government staff, the Alliance for Innovation has identified six key strategies that local governments are using to position themselves to meet the demands of the future. Sarasota County and Clearwater are just two examples of detailed case studies that can be found at

http://transformgov.org/Wiki/Fiscal_Fixes_Resilient_Responses_to_the_Fiscal_Crisis

New MTAS Publications

Auditor Communication, Did You Know?

Kay Stegall, MTAS Finance and Accounting Consultant

Municipal elected officials and municipal management should be aware of the communications that auditors should make related to the annual audit.

[Read](#)

Revision to Employment Eligibility Verification

Form I-9 | *Richard Stokes, MTAS Municipal Human Resource Consultant*

The U.S. Citizenship and Immigration Service (USCIS), formerly Immigration and Naturalization Services (INS), released a revised Employment Eligibility Verification Form I-9 on August 7, 2009. The revision basically removed several documents from the List of Acceptable Documents and added a new form. [Read](#)

Free Pilot Program: Job Descriptions, Classification and Compensation

Municipal Evaluation Systems (MES) (<http://www.municipalevaluationsystems.com>) and The Temple Group have teamed up to create a system allowing your city to recreate job descriptions, conduct classification, and evaluate employees using job-duty-specific criteria.

MES is currently seeking cities and towns to test and contribute to the system during and after development **at no charge**. Cities may choose to participate with a single department, several departments, or city-wide.

Participating cities will provide feedback that will assure the system meets all expectations while also receiving use of the finished program for one year and a discount of 50 percent for two years.

Cities interested in participating should contact Bob Dziewulski at 800.969.9523 or bob.dz@municipalevaluationsystems.com.

Note: MTAS is not endorsing this service, we are simply making you aware of the opportunity.

(Farragut Award continued from page 5)

integral role in this year's Rainy Day Brush-Off event, providing art direction which included the coordination of 30-plus visual artists; photography, design and printing of the official poster; Web site and Facebook page design and management; sponsorship solicitation; and securing the Knoxville Museum of Art as the event venue.

For more information on the Rainy Day Brush-Off, please visit <http://www.waterqualityforum.org> or contact Jason Scott at jason.scott@townoffarragut.org or 865-966-7057.

Calendar of Events



August 1–6

International Association of Arson Investigators Annual Conference (Pigeon Forge)

August 2–5

“Maintenance Technologies for Public Works” Class
Tennessee Public Works Association (Murfreesboro)

August 4–6

“Business of Running a Utility” Class
Tennessee Association of Utility Districts (Gatlinburg)

August 9–10

Tennessee Public Fire Educators Conference (Murfreesboro)

August 15–17

Tennessee Alternative Fuels and Bio Energy Conference (Montgomery Bell State Park)

August 15–18

American Public Works Association Annual Conference (Boston)

August 24–28

International Association of Fire Chiefs: Fire Rescue International Annual Conference (Chicago)

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governments through the creation and utilization of renewable energy systems.

For more details on these goals, please visit the MTAS Web site at:

<http://www.mtas.tennessee.edu/public/web.nsf/Web/Economic+Development>.

“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.