

City Spotlight: Hartsville/Trousdale consolidated government



Nestled in the northern portion of Middle Tennessee, this rural county's current population is scattered over its beautiful hills and lush valleys. Farming, largely tobacco, was the economic base that formed this county, and it is still prevalent today. The county seat is located in Hartsville. Trousdale is the smallest county in the state with 75,000 acres.

Date of Incorporation:

Hartsville: 1833

Consolidated Gov.: 2001

Population:

Hartsville and

Consolidated Entity: 7,259

County:

Trousdale

Grand Division:

Middle Tennessee

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From the Executive Director

By Steve Thompson, Executive Director

As we move into what appears to be a very hot summer, I'll take just a few moments to talk about a few of the many issues that we are bringing forward through MTAS.



Steve Thompson

STRATEGIC PLAN – The strategic plan for the next five years with MTAS is finalized and posted on our [website](#), and we have met our commitment that this would be developed with your involvement and input. In brief, the plan includes a team approach with our partners and customers to:

- Review and refine the services and solutions that cities need.
- Develop and deploy new tools to help you to take advantage of developing opportunities.
- Strengthen our partnerships with TML and the municipal professional associations.
- Strengthen services to meet the challenges of increasing urbanization of the state.
- Continue to build MTAS as the resource for cities, towns and state agencies on municipal services in Tennessee.

BALDRIGE AWARD – As an agency of the Institute for Public Service (IPS), we have started down the road to performance excellence through the Baldrige process and are preparing our Level 3 application through the Tennessee Center for Performance Excellence. The agencies of IPS are committed to this improvement and the Baldrige process, and if your municipality has an interest in making the same commitment, let any of our staff know of your interest.

BUDGET – The MTAS budget has been approved through the legislature and the UT Board of Trustees, and despite the same financial challenges that municipalities face, we expect to expand our focus on municipal and urban research, provide greater support for the training effort and continue our focus on exceptional technical consulting and support.

BUILDING BETTER CITIES – Every city should have been contacted to help build a database on 28 measures that highlight the needs and capabilities of the cities and to help us to identify the needs that we need to address as an agency. This is really a multi-year effort to measure whether or not MTAS is helping to make sweeping improvements for Tennessee cities. I have seen some of the early reports from consultants and am pleased that a number of cities already meet most of the service measures of this program. We will be evaluating the information and using this to shape our services; so, please help your consultant with the collection of this data.

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From the Executive Director

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TRAINING – Gary Petree, program manager for training, is leaving MTAS to pursue his doctorate in higher education administration. I hope you will join our staff in wishing Gary the best as he continues to sharpen his professional skills and makes this major move in his career. Gary has provided exceptional leadership and expertise to the university and the customers of MTAS, and the staff will miss his guidance and input.

On July 16, I will take the role left vacant with Mike Tallent's retirement as assistant vice president for IPS, and Jim Thomas has accepted appointment as the executive director of MTAS. Jim will share his feelings with you soon, and we both look forward to working with you as we improve services for the cities and towns of Tennessee.

A Guide for Building Construction and Property Maintenance Code

A recent "Collegedale Building and Property Maintenance Study" by MTAS Municipal Management Consultant Ron Darden can be used as a guide for using the new Administrative Hearing Officer (AHO) Program.

Cities with property maintenance issues or those cities considering the new Administrative Hearing Officer Program may want to review the study. Included in the study are the following:

- Administrative Hearing Ordinance
- Standard Housing Code Requirements
- Supplemental Property Maintenance Inspection Procedures
- Administrative Inspection Warrant
- AHO Citation Form
- Special Police Powers for Inspectors
- Creating a Board of Appeals for New Construction
- Notice of AHO Hearing
- AHO Notice of Findings
- Sample Notice of Lien for Property Clean Up
- Sample Notice of Lien for Dilapidated Property Repairs
- Abandoned Construction Act
- Residential Building Construction Inspector Checklist
- Modular Home Zoning

The study also includes recommended procedures for building code enforcement and property maintenance standards enforcement. A copy of the study can be accessed on the MTAS Knowledgebase or you may [CLICK HERE](#).

■ NEW MTAS PUBLICATIONS

STATE-SHARED TAXES AND APPROPRIATIONS

By Brad Harris, Finance and Accounting Consultant
Based on economic projections for FY 2013, municipalities are expected to receive approximately \$106.25 per capita for the fiscal year beginning July 1, 2012. | [READ](#)

CHANGES IN FEDERAL AND STATE REIMBURSEMENT RATES FOR TRAVEL (2012)

By Brad Harris, Finance and Accounting Consultant
Summary of changes in the federal and state lodging and meals reimbursement rates for travel. | [READ](#)

ISO OFFERS FREE SERVICES TO FIRE CHIEFS

By Dennis Wolf, Fire Management Consultant
ISO uses the Fire Suppression Rating Schedule (FSRS) to evaluate a community's fire protection and establish the Public Protection Classification (PPC) grading. The rating evaluates the capabilities of the communications center, fire department and water supply. Fire chiefs should use the FSRS as a planning tool to assist them in developing a strategic plan for improving fire services and to justify and budget for improvements in fire protection. | [READ](#)



Parliamentary Procedure: Robert's Rules of Order— Debate – Part I



Margaret Norris

By Margaret Norris, Municipal Management Consultant
Did you know that there are rules governing debate in *Robert's Rules of Order Newly Revised*? The rules also are called decorum, and if they are followed, debating will not become disputing, bickering, quarreling or fighting. There are enough of these rules that half will be covered this month and the rest in August.

Rule number one is “Confining Remarks to the Merits of the Pending Question.” (§ 43, p.392). This means that comments should be relevant to the matter at hand. Don't digress, and make sure whatever you have to say directly relates to the motion that is being discussed.

Rule number two is “Refraining from Attacking a Member's Motives.” (§ 43, p.392). *Robert's* suggests that you debate the measure – not the member (your fellow elected official). It goes further to say, “The moment the chair [mayor] hears such words as ‘fraud,’ ‘liar’ or ‘lie’ used about a member in debate, he must act immediately and decisively to correct the matter and prevent its repetition.” (§ 43, p.392). Feel free to disagree with the suggestion to adopt an ordinance, but

don't disagree with Alderman Smith who presented the idea or made the motion.

Rules three and four are used more often in larger assemblies and not in small and more casual settings. They are “Addressing All Remarks through the Chair” and “Avoiding the Use of Members' Names.” (§ 43, pp.392-3). *Robert's* prefers an air of formality that doesn't allow interruptions, requires getting permission from the mayor to speak and calling each other by titles (Madam Mayor, Mr. Council Member) rather than first names.

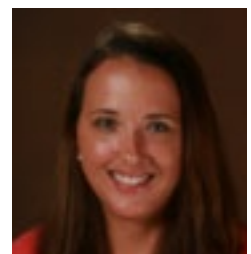
The fifth method of maintaining decorum is “Refraining from Speaking Adversely on a Prior Action Not Pending.” (§ 43, p.393). In other words, let sleeping dogs lie and accept that once something has passed, even if you disagreed, support the majority and move on.

Look for this column next month to read about refraining from speaking against a motion you made and three other rules.

Employers Asking for Social Media Passwords

By Bonnie Jones, Human Resource Consultant

Recently, a number of disturbing national trends surrounding social media and employment applications have surfaced. Most notably, employers have been asking applicants to provide their social networking account information and passwords. Currently, the U.S. Attorney General is looking into the legality of this, and federal legislation is expected to follow. Some states, such as Maryland, have already moved to make these practices illegal.



Bonnie Jones

In the meantime, your city should be aware that improper use of social media information on applicants and employees may result in claims alleging discrimination, negligent hiring, violation of privacy and open record conflicts.

In light of several federal laws including, but not limited to, GINA (Genetic Information Non-Discrimination Act); it is critical that employers not seek out information via social media that is not applicable to the essential functions of the job. In some cases, an employer simply viewing protected information about an applicant can have illegal implications.

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Employers Asking for Social Media Passwords

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If an employer elects to use social media profiles as part of a background check, it is recommended the employer get signed consent, which outlines exactly what information the city is looking for and how it will be used in the hiring/employment process. In addition, employers should have a designated trained professional, who is not involved in making hiring decisions, review this information and should only pass on information to the hiring authority if it is essential to the job (i.e., poor communication skills, conflict in resume, etc.). All other information ascertained that is not job related should not be shared with hiring authorities and must be redacted.

This will help to ensure that personnel decisions are not made based upon non-work related or discriminatory information such as disability status, genetic history, ethnicity, age, etc.

Here are a few guidelines that will keep your city out of hot water:

- Employers should never ask for an applicant/employee's social media user name or password.
- Employers should never ask for an applicant/employee's login information to their accounts during the interview process.
- Employers should avoid asking the applicant/employee if he or she uses certain social media sites, unless the question is job related.
- Employers and hiring authority should not "friend" an applicant or an employee unless the accounts are both job related (i.e., city business) and of a non-personal nature.
- Employers should not create social media accounts for the purpose of searching for information that is not intended to be public or that is a violation of the social media site's terms and conditions.
- Employers should never try to bypass or manipulate a user's privacy settings for the purpose of gaining information and access to an applicant/employee's information.
- Employers should not use technology or third-party applications to draw out information from applicant/employees profiles for purposes of gaining access to the individual's information.
- If an employer elects to use social media searches as part of the hiring/employment process, a policy should be created stating exactly what information will be searched for and eventually used.

WHAT IS FAIR GAME?

- Employers may have a policy that restricts access to social media sites while on the job.
- Employers may have a policy that allows them to use public social media profiles in their applicant screening.
- Employers may follow their own policies and make employment decisions based on job-related discoveries on public social media sites.
- Employers have the right to prohibit use of city logos, uniforms, photos, etc. from employees personal social media sites
- Employers have the right to investigate claims of harassment or misuse of city property via social media.
- Employers have the right to prohibit behavior that is harmful to the city or its employees and may interfere with the city's operation, the employee's job or department's function.

OTHER CONCERNS

Workplace harassment can take place on or off the clock and happens frequently via social media avenues. Employees should be aware that potentially harassing activity (on or off the clock) may be subject to open records laws and court subpoenas.

FIRST AMENDMENT RIGHTS

Employers may not infringe on an employee or applicants' First Amendment rights. Employees have the right to express personal opinions on their personal social media pages when off the clock, even if the employer doesn't agree with them. It is important to note that not all personal views on social media are protected from impact on an employee/applicant's job status.

In closing, employer policies should not be so overly broad that they prohibit activity allowed by federal laws such as the discussion of working conditions, wages and other concerted activity.

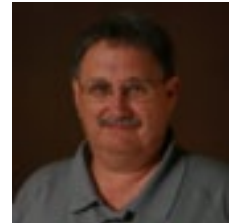
While the laws are still being deliberated, most legal and human resource professionals agree that spying on applicants and employees sends a poor message that violating an applicant/employee's privacy is an acceptable business practice.

For a copy of MTAS' publication and sample policy on social media and employment law, [CLICK HERE](#).

Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act; Analysis and Sampling Procedures



Brett Ward



Steve Wyatt

By Brett Ward and Steve Wyatt, Utility Operations Consultants

On May 18, 2012, EPA published the final rule modifying the testing procedures approved for analysis and sampling under the Clean Water Act. This regulation is effective June 18, 2012.

The changes adopted are:

“New and revised EPA methods and new and revised methods published by voluntary consensus standard bodies (VCSB), such as ASTM International and the Standard Methods Committee; updated versions of currently approved methods; methods reviewed under the alternate test procedures (ATP) program; clarifications to the process for EPA approval for use of alternate procedures for nationwide and regional use; minimum quality control requirements to improve consistency across method versions; corrections to previously approved methods; and revisions to sample collection, preservation, and holding time requirements. Finally, EPA makes changes to three effluent guideline regulations.”

All wastewater laboratories will be affected by this modification to the existing rule. The major changes for most wastewater labs are a better (still not real clear) explanation of ammonia distillation. In a round-about way, it says that “a high quality nitrified effluent” does not need to be distilled prior to testing.

You will need the 21st or newer edition of *Standard Methods*. The 20th edition is not approved for BOD, chlorine, pH, and DO; and the 18th and 19th editions are “unapproved” for these and other tests.

The change that will impact the most relates to lab quality assurance (see page 29813). Under 136.7, there three QA options. Most labs will follow (b) following the QA procedures in “Method Used” and Chapter 1 of *Standard Methods*. Look at your lab QA program for areas of improvement. For assistance concerning this modification, contact: MTAS — Brett Ward brett.ward@tennessee.edu or Steve Wyatt steve.wyatt@tennessee.edu; TAUD — Dewayne Culpepper or Dan Martin; Fleming Training Center — Shannon Pratt; TDEC Regional Field Offices — Performance Audit Laboratory Inspectors.

Mark your calendar!

TTU to Host 2nd Annual Free Renewable Energy Workshop for Upper Cumberland Students, Citizens and Businesses



Tennessee Tech University (TTU), the city of Cookeville, PHG Energy and MTAS have partnered with the Tennessee Renewable Energy and Economic Development Council (TREEDC) to organize a community-wide forum at the 2nd annual TREEDC event on Friday, July 27. The forum will run from 8:30 a.m. until after lunch at TTU STEM Center.

MTAS and TTU Associate Director of External Relations Dennis Tennant have developed a comprehensive renewable energy educational agenda for area clean energy stakeholders. Clean energy topics to be explored include compressed natural gas, solar energy, solid wastes to clean energy and biomass gasification. Attendees also will hear from Pathway Lending regarding energy efficiency loan programs.

The forum is free to the public and includes a continental breakfast and lunch. [CLICK HERE](#) to register and ensure a seat. Seating is limited to 150 attendees.

TENNESSEE MUNICIPAL BENCHMARKING PROGRAM

Goodlettsville Joins the TMBP

John Crawford, TMBP Marketing Coordinator

We are pleased to announce that the city of Goodlettsville has joined the Tennessee Municipal Benchmarking Program (TMBP) for the 2012 project cycle. MTAS program representatives Frances Adams-O'Brien, Sarah Young and John Crawford, along with MTAS Management Consultant Gary Jaeckel met last week with Goodlettsville leadership to present the program and discuss the city's potential participation in this year's project. City Manager Tim Ellis, Public Information Officer Mary Laine Crawford and representatives from all of the city's service areas were in attendance. In addition to a thorough review of the process of data collection and service area measurables, a discussion of the value added benefits

of sharing best practices and lessons learned with other comparable Tennessee cities was of particular interest to the Goodlettsville team. The ability to make apples to apples comparisons to cities right here in Tennessee was a key factor in driving their interest in the project. City Manager Tim Ellis stated, "After reviewing the program and determining all of the benefits it could provide to the City of Goodlettsville, it became clear that it would be very advantageous for us to take part in the TMBP."

Please join us in welcoming the Goodlettsville team to the project and we look forward to their participation in the upcoming year!

New MPA Intern Joins the Team: Stuart Starr

Stuart Starr joined the Tennessee Municipal Benchmarking Program (TMBP) team at the end of May and has hit the ground running! Stuart is pursuing a master's in public administration from East Tennessee State University (ETSU) and will work with MTAS through the summer.

Born in Albany, New York, Stuart attended Hudson Valley Community College in Troy, N.Y., and later Union College in Schenectady, N.Y. Stuart was chief operating officer of Advanced Idea Mechanics, Inc., a computer hardware and electronic design company located in Rensselaer Polytechnic Institute's Business Incubator Center. In 1998, Stuart was appointed MIS

director of Mildred Elley College of Albany, N.Y. As MIS director, Stuart also taught information technology (IT) classes and developed IT curriculum. Stuart relocated to Lenoir City in 2007 and managed computer operations for the financial aid office at Pellissippi State Community College in Knoxville. In 2011, Stuart received a bachelor's of science degree in interdisciplinary studies from ETSU with concentrations in political science and multicultural studies.

For the TMBP, Stuart is working on a project to prepare the project's 10 years of data for a conversion to a web-based application in the next two years and is doing a great job.

Salary Survey Open for Data Entry

Richard Stokes, Human Resource Consultant

The 2012 MTAS Salary Survey is now open for data entry. It is time to either update your city's salary data or input your city's data for the first time. Last year, only 82 cities responded to the survey, yielding a response rate of only 24 percent, the lowest in the survey's history.

We want to increase that number this year. Even if your city salaries haven't increased in the last year, we still want you to participate. Your city's information can benefit others.

If you have questions, contact your MTAS human resource consultants. The database is available for data entry until December 3, 2012.

State Board Adopts AWWA Water Loss Methodology

By Steve Wyatt, Utility Operations Consultant

At a joint meeting of the Water and Wastewater Financing Board and the Utility Management Review Board on June 6, 2012, the boards decided to reaffirm the October 7, 2010, decision to adopt the American Water Works Association (AWWA) water loss methodology for inclusion in any audited financial statements received by the Comptroller of the Treasury on or after January 1, 2013. The water loss methodology can be obtained from www.AWWA.org.

At the June 6, 2012, meeting the following was adopted by the boards:

- I. Require that the AWWA Excel spreadsheet (in the specific format created by utilizing the AWWA Free Water Audit Software) be submitted electronically in an Excel format. It is the intention of the boards that the AWWA Excel spreadsheet be filed by the contracted auditor in Excel format at the same time the annual audited financial statements are filed. The Excel spreadsheet is not considered audited information, but only submitted simultaneously. This requirement should not be confused with and does not replace the supplemental schedule (i.e., the single "Reporting Worksheet") included as part of the annual audited financial statements as required by *Tennessee Code Annotated*.
- II. In accordance with T.C.A. § 68-221-1010(d)(1) and T.C.A. § 7-82-401(h)(1), failure to include the required schedule constitutes excessive water loss and ... referral to the appropriate board. THEREFORE, failure to include the AWWA schedule in audited financial statements received by the Comptroller of the Treasury on or after January 1, 2013, will result in the System being referred to the appropriate Board.
- III. Further, utilities will be referred to the boards based on:
 - A. Incomplete AWWA water audit submitted anytime on or after January 1, 2013;
 - B. For audits received by the Comptroller of the Treasury from 1/1/2013 to 12/31/2014 – Validity score of 65 or less or non-revenue water as a percent by cost of operation system of 30 percent or greater;
 - C. For audits received by the Comptroller of the Treasury from 1/1/2015 to 12/31/2016 – Validity score of 70 or less or non-revenue water as a percent by cost of operation system of 25 percent or greater;
 - D. For audits received by the Comptroller of the Treasury from 1/1/2017 to 12/31/2018 – Validity score of 75 or less or non-revenue water as a percent by cost of operation system of 20 percent or greater;
 - E. For audits received by the Comptroller of the Treasury from 1/1/2019 to 12/31/2020 Validity score of 80 or less or non-revenue water as a percent by cost of operation system of 20 percent or greater.

Failure to achieve the designated levels will result in a referral to the board(s).

The requirements will be reviewed by the boards annually to ensure the desired results are being achieved. The levels are subject to change by approval of the board(s).

McDonald and Broughton Recognized at TML Conference

At the 2012 Tennessee Municipal League Conference (TML), two people who are friends of MTAS were recognized at the awards breakfast in Knoxville.

Bartlett Mayor Keith McDonald was recognized by TML as its Mayor of the Year. Mayor McDonald is a long-serving member and past chairman of the MTAS Advisory Board.



Keith McDonald

Also, Bristol City Manager Jeff Broughton was recognized by the Tennessee City Management Association as its City Manager of the Year.



Jeff Broughton

MTAS congratulates both for being recognized on their achievements in their cities and contributions to all of Tennessee's towns and cities.



Ducktown and Franklin Switch to Solar

By Warren Nevad,
Municipal Management
Consultant
Two Tennessee
Renewable Energy

and Economic Development Council (TREEDC) member cities recently began the quest to save energy by becoming involved in solar alternatives. Franklin and Ducktown have installed solar development projects. As a result of these endeavors, both cities will earn revenue and be better stewards of the environment.

According to TREEDC Director Warren Nevad, Franklin should be commended for being municipal role models in creative solar financing when the city does not have to provide upfront investment. Franklin is leasing an acre of land at the wastewater treatment facility to Nashville-based Energy Source Partners, who designed, permitted, funded and installed the ground-mounted 200 kilowatt array.



“A unique aspect of this project is that the city used land that otherwise would be worthless and parlayed that into revenue generation property,” Nevad said.

Franklin did not commit any funds, nor will it be responsible for maintaining the system. All of the power generated from Franklin’s solar array is sold back to TVA and transmitted to the electric grid, with the revenue being split 80/20 in favor of Energy Source Partners. Once the company has been paid off, the revenue will be split 80/20 in favor of the city.

“This project is a public/private partnership that allows the city of Franklin to generate revenue and generate renewable energy that lowers its carbon footprint,” said Ron Merville, president and CEO of Energy Source Partners. “Franklin will lead by example as a city committed to being a better steward of their resources and their environment.”

Franklin is considering adding solar to additional municipal properties as well.

Ducktown’s project is a 28-kilowatt solar photovoltaic system on city property. The solar development project team, consisting of Ducktown’s employees, Mage Solar, PV Racking, DC Electrical, TREEDC, Southeast Tennessee Development District and Farmer-Morgan, was able to construct a 28-kilowatt system on city-owned land adjacent to an old landfill.

The system is expected to produce an average of \$8,000 per year for the city at a cost of \$100,000 funded through an Energy Efficiency Community Development Block Grant. In the future, Ducktown plans to build a 200-kilowatt solar farm and is working to become completely dependent on solar. According to Nevad, Ducktown proves that no city is too small to become a giant in renewable energy. Ducktown was recently given the award for Excellence in Renewable Energy by the Tennessee Municipal League (TML).



Mark Your Calendar! MTAS Training Events and Conferences

MUNICIPAL LEGISLATIVE UPDATE AUGUST 2012

The Municipal Legislative Update from MTAS will provide a summary of legislation of municipal impact passed during the 2011 session of the Tennessee General Assembly.

The legislative summaries will cover a myriad of city concerns including personnel, law enforcement, tort liability, code enforcement, utilities, land use and many others.

This course will be conducted by Municipal Technical Advisory Service legal consultants and will offer participants the opportunity to ask questions about any new legislation.

Aug. 16 Jackson
Aug. 23 Knoxville
Sept. 6 Franklin

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

TENNESSEE FIRE CHIEFS ASSOCIATION

July 14 - 17 Nashville

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

TENNESSEE PERSONNEL MANAGEMENT ASSOCIATION WEST TENNESSEE MEETING

July 19 - 20 Memphis

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

PLANNING COMMISSIONER TRAINING (EAST TENNESSEE DEVELOPMENT DISTRICT)

July 31 Knoxville

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



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MTAS1702 • E4-1050-000-059-12

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