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## RESOLUTION

### ADOPTED BY EXECUTIVE COMMITTEE OF THE TENNESSEE MUNICIPAL LEAGUE

IN REGULAR SESSION ON June 9, 1949.

RESOLVED, That the Executive Committee of the Tennessee Municipal League, in its statutory function as cooperative agency for the Municipal Technical Advisory Service, recommends the following:

1. That the Service provide editorial assistance, in the form of a managing editor, to permit publication of a monthly magazine by the League, in cooperation with the Service. It is proposed that the magazine be entitled: "Tennessee Town and City," that the League Secretary be editor and business manager, and that costs of printing and mailing be paid from proceeds of advertising.
2. That the Service and the League establish a Joint office in Nashville, when establishment of a Nashville office of the Service is feasible, provided the offices shall be independently operated for appropriate joint facilities such as a library.
3. That the Service provide Legal Counsel to the League.

(Certified Copy)

/s/ Herbert J. Bingham

Executive Secretary  
TENNESSEE MUNICIPAL LEAGUE

Dated: June 29, 1949

It was also unanimously agreed that the new LEAGUE MAGAZINE would be entitled: "TENNESSEE TOWN AND CITY," and that publication would begin as soon as possible, after advertising and editorial assistance could be secured.

After full discussion of League-University relations concerning operation of the Advisory Service, Mr. Grashot MOVED and Mr. McConnell SECONDED THE MOTION that the following resolution be adopted. THE MOTION PASSED.

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## RESOLUTION

### ADOPTED BY THE EXECUTIVE COMMITTEE OF THE TENNESSEE MUNICIPAL LEAGUE

IN REGULAR SESSION ON August 18, 1949.

RESOLVED, That the Executive Committee of the Tennessee Municipal League, in its statutory function as the cooperating agency for the Municipal Technical Advisory Service, recommends the following concerning the SERVICE.

1. That the "Memorandum of Understanding Between the University of Tennessee and the Tennessee Municipal League for Operation of the Municipal Technical Advisory Service" be amended only after discussions between the statutory cooperating and operating agencies;
2. That the ranking consultants employed by the Service in the fields of public works and public finances shall, in addition to other qualifications, have broad management of operating experience in municipal government in their respective fields, and that, as a matter of policy, emphasis in allotment of Service funds shall be made with the object of employing experienced consultants for key positions;
3. That the University Departments and Bureaus heretofore carrying on independent consulting, information, or research programs in behalf of municipal governments prepare budgets and work programs for their activities in the municipal field, in order to facilitate planning a university program of service to municipal governments which may be integrated or coordinated with the program of the Advisory Service;
4. That the principal Advisory Service Consultants be listed by the League as League Consultants in its "Technical Information and Service Department," provided the League does not acquire any right to administrative direction of such personnel.

(Certified Copy)

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Herbert J. Bingham, Executive Secretary  
TENNESSEE MUNICIPAL LEAGUE

The Secretary submitted a mimeographed statement outlining a proposal for publication of a League Magazine. The proposals were first consulting with Mayor Watkins Overton of Memphis.

The Executive Secretary reported that membership in the League as of October 10 was 123 paid-up members, which was 31 more members than the League had at the same time last year. It was agreed that the Executive Secretary should initiate correspondence with delinquents and non-member cities, and advise members of the Executive Committee to contact the officials of the neighboring cities about League membership.

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The Executive Secretary submitted a financial report on the League and *Tennessee Town & City* magazine. It was agreed that officials of member-cities should lend every possible assistance in building up the advertising revenues of the magazine, which operated at a deficit of \$310.26 for the first eight months of publication.

There being no further business, the meeting was adjourned by unanimous consent.

/s/ Herbert J. Bingham, Exec. –Sec’y., TML

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October 23, 1950

Mr. F. C. Lowry  
Dean of University Extension  
The University of Tennessee  
Box 8540, University Station  
Knoxville 16, Tennessee

Dear Dean Lowry:

Enclosed is an executed copy of the "Memorandum of Understanding Between The University of Tennessee and the Tennessee Municipal League for operation of the Municipal Technical Advisory Service" submitted with your letter of October 17. A copy signed by President Brehm has been retained for our files.

I have executed this memorandum under authority granted me by the Executive Committee of the Tennessee Municipal League by a Resolution adopted on November 14, 1948. In its various stages of drafting the memorandum has been reviewed by the Executive Committee of the League and appears to be satisfactory in every respect.

As you perhaps know, the Executive Committee of the League in a conference with Governor Browning on October 12 received a firm commitment from the Governor to continue MTAS appropriations for the next biennium. I believe we have successfully overcome the chief difficulties accompanying the launching of a new and unique organization. May I express my personal appreciation and that of the League for the progressive and cooperative spirit of the many University officers which has made MTAS possible.

Very cordially yours,

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Herbert J. Bingham  
HJB:d

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**MEMORANDUM OF UNDERSTANDING**  
**Between**  
**THE UNIVERSITY OF TENNESSEE**  
**and**  
**THE MUNICIPAL LEAGUE**  
**for operation of the**  
**MUNICIPAL TECHNICAL ADVISORY SERVICE**

**I. Establishment of The Municipal Technical Advisory Service.**

The Municipal Technical Advisory Service is established by a legislative act, Chapter 261, Public Acts of Tennessee, 1949, which provides that the Advisory Service be located in the Division of University Extension and operated by the University of Tennessee, in accordance with the general policies of the University as determined and fixed by the University's Board of Trustees and Administration, provides an earmarked appropriation for the Service, defines the general objectives and responsibilities of the Service, provides that the Service shall be operated by the University in cooperation with the Tennessee Municipal League, and recognizes the Municipal League as the official agency or instrumentality of cities and towns of the State.

**II. Effective Date.**

The Municipal Technical Advisory Service was inaugurated on July 1, 1949; the sales tax appropriation allocations began with the sales tax collections of April, 1949, available on or about June 1, 1949. The employment of an Executive Director and other key personnel is to be completed, and the program initiated, as soon as practicable after availability of funds.

**III. Source of Revenues.**

The Advisory Service is financed by an earmarked appropriation of seven-tenths of one percentum of the one-eighth municipal share of the sales tax, approximately \$35,000 per year, and a matching appropriation of \$35,000 per year from the General Fund revenues of the State; a total appropriation of approximately \$70,000 per year.

**IV. Location of Service Unit Facilities and Personnel.**

Advisory Service headquarters will be located in The University of Tennessee. However, it is recognized that it may be necessary eventually to locate some of the offices, facilities and personnel of the Advisory Service in other areas of the State than the main University campus in order to expedite and facilitate the conduct of program responsibilities of the Advisory Service.

**V. Organizational Structure.**

1. General policy governing the administration of the Municipal Technical Advisory Service program, and the personnel of the Advisory Service, are subject to the authority of the President of the University and the University's Board of Trustees, acting through the Dean of University Extension.
2. The Advisory Service is located in the Division of University Extension and is designated as the Municipal Technical Advisory Service of The University of Tennessee.

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3. General policy of the Advisory Service shall be determined by a Council of seven members composed of a representative of the Tennessee Municipal League and one representative of each of the following University departments and units: Engineering Experiment Station of the College of Engineering, The Legal Aid Clinic of the College of Law, Bureau for Sociological Research, Bureau of Business Research of the College of Business Administration, The Bureau of Public Administration, and The Division of University Extension. The Council shall have authority to recommend to the Finance Committee of the University in the regular manner a budget of the funds of the Advisory Service and to determine the general policies of the Service, consistent with over-all policies of the University.

4. The Advisory Service shall be directed by an Executive Director. He shall have full authority to disburse funds within the budget as approved by the Board of Trustees of the University and in accordance with the policies adopted by the Council. He shall also have the authority to recommend to the Administration of the University and to the Board of Trustees of the University personnel for employment by the Advisory Service. The Executive Director and all personnel employed by and for the Advisory Service shall be subject to the same conditions of employment as other personnel of the University. The Executive Director shall have the responsibility for directing the day to day work of the Advisory Service and of any personnel assigned to it. The Executive Director and the Advisory Service organization shall have such aides and clerical personnel as may be required in the efficient and expeditious administration of its program responsibilities.

5. Each technician and specialist shall be a member of the staff of the appropriate department, college, bureau or unit of the University, but shall be assigned to the Advisory Service on a full-time basis. When additional full-time consultants are required in any of the specialized fields of municipal government and administration, they shall be employed specifically for the work of the Advisory Service and assigned to work full-time under the Executive Director of the Advisory Service. The Advisory Service may draw on other University personnel whenever desirable and feasible by a memorandum of understanding with the department, college or other unit of the University involved, subject to a report to the Council, and such personnel shall be under the administrative supervision of the Executive Director while employed in the work of the Advisory Service. Full-time personnel shall be jointly recommended by the head of the appropriate University college, department, bureau or unit, and the Executive Director of the Advisory Service, and such personnel will be employed in the manner set forth in V, 4, hereof. Under policies determined by the Council and approved by the President of the University, the Executive Director may enter into agreements with other agencies including the various University colleges, departments, bureaus and other units for joint research studies and other projects requiring the personnel and resources of the Advisory Service and such other agencies, provided always that such agreements have the prior approval of the President of the University or of the Board of Trustees of the University.

## **VI. General Policies.**

1. The Municipal Technical Advisory Service will concentrate on furnishing services of immediate and direct benefit to municipalities and their officials.

2. The Advisory Service will have sufficient full-time personnel, either on its staff or available on contract from the various University colleges, departments, bureaus and units, to carry out an effective field consulting program.

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3. The Advisory Service shall operate a management service program of a factual and technical nature, and may make studies and furnish technical information or service for application in the drafting of proposed legislation; provided, however, that the Advisory Service will not sponsor or participate in any program for the purpose of influencing the passage of state or federal legislation.

4. The Advisory Service will work with and through the municipal governing bodies, mayors, and other municipal officials; it will not work independently with unofficial groups, or with subordinate administrative and policy groups without the authority of the municipal governing body.

#### **VII. Relationships With Other University Units or Agencies.**

The relationships between the Advisory Service and the cooperating University colleges, departments, bureaus and units shall be defined by policies as established by the Council and approved by the President of the University. The Executive Director shall have full authority to carry out the general policies and to execute in detail the budget as adopted, and shall exercise direct supervision over the use of Advisory Service funds and the work of all personnel assigned to the Advisory Service.

#### **VIII. Relationships With the Tennessee Municipal League.**

1. The direct participation of the Tennessee Municipal League in the Advisory Service program shall be secured by one member representation on the seven-member Council.

2. The statutory provision that the work of the Advisory Service be carried on “in cooperation with” the League shall be defined as follows: (a) League representation on the Council; (b) as a general policy projects, publications, and activities of the Advisory Service shall be identified as being done “in cooperation with the Tennessee Municipal League”; (c) a mutually acceptable working relationship will be developed for cooperation between the League and the Advisory Service, which will preserve the full authority and integrity of the Advisory Service and its personnel; (d) where practicable and mutually agreeable, the Advisory Service and the League will cooperate in carrying out service functions, such as assistance in the publication of a municipal magazine, for example.

#### **IX. The Program.**

The program of the Advisory Service shall be developed, after careful study, on the basis of need and experience in this and other states. The Advisory Service will concentrate most of its personnel activities in technical field consultation and assistance on specific municipal problems. However, the Advisory Service will cooperate with other University colleges, departments, bureaus and agencies, in preparing reference type materials, in operating an information service, and other similar activities of a general nature.

#### **X. Selection of Personnel.**

The principal consultants in major technical fields of municipal activity will, insofar as possible, be employed solely on the basis of highest qualifications as to training, experience, and desirable personal characteristics. Adequate salaries will be offered to attract outstanding personnel for such key positions, within limitations imposed by budgetary restrictions and other pertinent considerations. However, all such personnel shall be subject to the same conditions of employment as other personnel of the University.

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As the program of the Advisory Service is developed, job descriptions, including a listing of desirable qualifications, will be prepared at the earliest opportunity, to be used as a guide in selecting such personnel.

**XI. Status and Intent of This Memorandum of Understanding.**

This Memorandum represents an agreement between the Tennessee Municipal League and The University of Tennessee, to provide for the establishment and operation of the Municipal Technical Advisory Service. It is understood, however, that this Memorandum of Understanding shall be carried out within the funds provided by the State as set forth in Section III, above, and such other funds as may be available.

Since this Memorandum of Understanding does not provide a complete operating structure and procedure, it is subject to revision by formal amendment upon agreement between the University and the Tennessee Municipal League. Further, this Memorandum is not considered so binding and inflexible as to limit the full authority of the University to administer the Advisory Service and its program activities.

It is agreed, however, that any changes affecting policy matters included in this Memorandum will be incorporated in writing in form minutes or by-laws of the Council for purposes of information and guidance of those concerned with the administration of the Advisory Service.

It is further agreed that the basic organization and operating methods described in this Memorandum are tentative, and are subject to revision as provided herein. It is agreed that the sole criterion for the ultimate organization and operating procedures and program of the Advisory Service shall be effective service to municipalities of the State in accordance with the purposes and objectives as enumerated in the Act of 1949 by which the Municipal Technical Advisory Service was created.

This Memorandum of Understanding may be terminated at any time by mutual consent and agreement of the parties.

ACCEPTED

For The University of Tennessee  
/s/ C. E. Brehm  
President

For the Tennessee Municipal League  
/s/ Herbert J. Bingham  
Executive Secretary

TENNESSEE MUNICIPAL LEAGUE

Knoxville, Tennessee  
August 4, 1950

Nashville, Tennessee  
October 20, 1950

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## MEMORANDUM OF AGREEMENT

BETWEEN The University of Tennessee, Division of University Extension, Municipal Technical Advisory Service and Its Advisory Council,

AND The Tennessee Municipal League, Executive Board, and Executive Secretary.

RE: PUBLICATION OF THE TENNESSEE TOWN AND CITY, A Monthly Magazine to be published by the Tennessee Municipal League.

### **I. The Tennessee Municipal League—Functions and Responsibilities.**

1. Through its Executive Secretary, The Tennessee Municipal League will act as Editor and Business Manager of the *Tennessee Town and City Magazine*.
2. This is understood to mean that the League will assume full editorial responsibility for the policies and editorial stand taken on controversial issues as they may appear or be stated in the League's sections of the Magazine.
3. It will be the responsibility of the League, through its Executive Secretary acting as Business Manager, to handle advertising, printing, mailing and distribution of the magazine, including payment of all charges and costs in connection therewith.
4. The Tennessee Municipal League will assume primary responsibility for the preparation of all copy, including editorials, articles and features to appear in its sections of the magazine, and will have the right to approve, change or modify the layout of such sections.
5. Ownership of the magazine shall be vested in the Tennessee Municipal League, and shall be deemed to include all copyright privileges, except as hereinafter provided.
6. The League will furnish, free of charge, copies of the magazine, up to 25 copies of each issue, to the Municipal Technical Advisory Service of the University of Tennessee for distribution within the University.

### **II. The Municipal Technical Advisory Service—Functions and Responsibilities.**

1. The Municipal Technical Advisory Service will assume full responsibility for the preparation of materials to appear in a Technical Supplement section of each issue of the *Tennessee Town and City Magazine*.
2. It is understood that the Technical Supplement section as a separate, self-contained section within each issue, shall contain materials, including articles, features and news stories, of a non-political, factual and technical or professional nature. The Municipal Technical Advisory Service shall retain the right to reprint any materials appearing in the Technical Supplement for subsequent distribution as it may determine.

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3. The Tennessee Municipal League and its Executive Secretary, acting as Editor and Business Manager, will exercise no control or right of censorship over materials prepared by the Municipal Technical Advisory Service for the Technical Supplement section. A minimum of one-fourth (1/4) of the total inside pages (the two outside cover pages excluded) shall be available for the Technical Supplement section in each issue of the *Tennessee Town and City Magazine*. Additional pages may be allotted by the League to the Municipal Technical advisory Service for the Technical Supplement section in accordance with layout plans developed for a particular issue.

4. The staff of the Municipal Technical Advisory Service will assist, insofar as possible, in assembling and preparing municipal news items of current interest, personnel and equipment exchange notes, and other factual materials of general interest. Acting solely in a reportorial capacity, such staff members will submit such materials to the Executive Director, Municipal Technical Advisory service who, in turn, will forward such materials to the League's Editor and Business Manager. The said Editor and Business Manager may use any, all, or none of the materials so furnished in the preparation of the League section of the magazine as he may determine.

5. Incidental to its own publication responsibilities, the Municipal Technical Advisory Service will employ as a member of its staff a person capable of assisting in the preparation of the *Tennessee Town and City Magazine*, including the mechanics of layout, design, allocation of space and other details.

6. The Publications Officer, as described in 5 above, will receive copy from the Tennessee Municipal League and its Executive Secretary, acting as Editor and Business Manager, and proofread such copy for the discovery and correction of errors in English and composition, and will insert such materials in the layout of each issue of the Magazine, subject to the final approval of the League's Editor and Business Manager but nothing will be done to change the wording or meaning of such copy except to correct such errors.

7. The Publications Officer shall receive advertising copy as submitted by the Business Manager of the League Magazine, or directly from contracting agencies, and shall insert such advertising copy in the layout of each issue of the Magazine, in accordance with instructions from the Business Manager.

8. The Publications Officer will prepare, proofread, rewrite, assemble and in other ways assist in the publication of materials to appear in the Technical Supplement of the Magazine. He will work under the direct supervision of the Executive Director, Municipal Technical Advisory Service and his compensation will be paid in full directly by the Municipal Technical Advisory Service.

9. The Publications Officer, as time permits, will devote attention to other publications of the Municipal Technical Advisory Service, will supervise the Reference Library of the Service, and undertake such other duties and responsibilities as the Executive Director of the Service may assign; provided, the Publications Officer will make every effort to meet deadlines of the *Tennessee Town and City Magazine*, and the meeting of such deadlines will be taken into consideration as an administrative matter, in making other assignments by the Executive Director of the Municipal Technical Advisory Service.

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### III. Cooperative Working Relationships.

1. Within the broad framework of this Memorandum of Agreement, it is anticipated that administrative and policy questions will arise, inasmuch as this Memorandum is intended primarily to serve as a statement of intent.
2. Questions involving administrative matters, insofar as possible, are expected to be settled by direct conference and negotiation between the Executive Secretary, Tennessee Municipal League, acting as Editor and Business Manager of the *Tennessee Town and City Magazine*, and the Executive Director, Municipal Technical Advisory Service, as Editor of the Technical Supplement and Supervisor of the Publications Officer. In the event said Executive Director and the League's Editor cannot reach an agreement, such administrative questions shall be submitted in writing, with copies forwarded to the League's Editor or to the Executive Director, Municipal Technical Advisory Service, as the case may require, to the Magazine Sub-Committee, acting as an Editorial Board, for final decision, except as otherwise provided herein, said Editorial Board acting as a committee of and for the Advisory Council of the Municipal Technical Advisory Service. The League's Editor and the Executive Director shall each have the right to appear in person before the Editorial Board to present his views, opinions and recommendations on such controversial matters.
3. Questions of policy originating from the Tennessee Municipal League or its Editor, or from the Executive Director, Municipal Technical Advisory Service, shall be presented in writing to the Editorial Board, with a copy to be forwarded immediately to the aforesaid League or its Editor, or the Executive Director, Municipal Technical Advisory Service, as case may require. The League's representative or its Editor, or the Executive Director, Municipal Technical Advisory Service, shall each have the right to appear in person before the Editorial Board to present his views, opinions and recommendations on such questions of policy. In the event it is unable to reach unanimous agreement, the Editorial Board shall refer such policy questions for final decision to the Advisory Council meeting in regular or special session, which shall advise the University through the Dean of University Extension of its recommendation and the Municipal League through its Executive Secretary.
4. When questions of administration or policy arise which cannot be settled under the terms of this Memorandum to the mutual satisfaction of all parties concerned, consideration of its amendment by the Advisory Council, Municipal Technical Advisory Service, to provide final settlement of such questions shall be undertaken at the written request of the Editorial Board, the League Editor and Business Manager, or the Executive Director, Municipal Technical Advisory Service. Pending final action on a proposal to adopt such amendment, disputed administrative or policy questions shall be referred to the Editorial Board of the Municipal Technical Advisory Service for temporary, interim settlement in accordance with the provisions and intent of this Memorandum, to insure a basis for continuing working relationships, said Editorial Board acting for the Advisory Council. Such decisions of the Editorial Board shall be reported in writing to all members of the Advisory Council and shall be effective until ratified or modified by formal amendment of this Memorandum by the Advisory Council, subject to ratification and approval of the Tennessee Municipal League, acting by and through its Executive Board and Executive Secretary.

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5. This Memorandum of Agreement, and the participation of the Municipal Technical Advisory Service in the preparation of the monthly *Tennessee Town and City Magazine* in cooperation with the Tennessee Municipal League, may be terminated by either party upon 90 days written notice, following appropriate formal action by either the Executive Board of the Tennessee Municipal League, or the Advisory Council of the Municipal Technical Service.

/s/ F.C. Lowry, Dean of University Extension

For the Tennessee Municipal League

/s/ Herbert J. Bingham, Exec. Sec'y.

Approved by mail ballot of Executive Committee, Nov. 9, 1949.