



Municipal Technical
Advisory Service

INSTITUTE *for* PUBLIC SERVICE

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IN THIS ISSUE

- 1 **What is Your Future and Who Are You Inviting as Traveling Companions?**
- 2 **2019 FLSA Final Rules Released**
- 3 **Barry Brady Act of 2019**
- 4 **Property Reappraisal Can Be Tricky**
- 5 **MTAS on the 10 Most Common Audit Findings for Tennessee Municipalities**
- 6 **Meet Eric Spencer, new MTAS Finance & Accounting Consultant in West Tennessee**
- 6 **TREEDC News Fall 2019**
- 9 **Training Impact 2019**
- 10 **It's a "Brand" New Day at MTAS!**

NEW RESOURCES

Newly Elected Official's Guide to Taking Office. Stephanie O'Hara

You just won an election for your municipal office. Now what? Sample oath templates for boards, judges and other offices are included for Tennessee municipal use. [Download](#)

Residential Sprinkler ISO Fact Sheet

[Download](#)

Dispatcher Psychological Examinations and Firefighters as Auxiliary Police Officers Survey | [Download](#)

All new materials added to MTAS' Knowledgebase can be found here: [View](#)

All new materials added to MRLn (MTAS Research Library Online) can be found here: [View](#)



UPCOMING TRAINING CLASSES

<http://www.mtas.tennessee.edu/training-calendar-0>

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What is Your Future and Who Are You Inviting as Traveling Companions?

October was a whirlwind of activity for me. The flurry began with a trip to Memphis where I began a year-long leadership program with the University of Tennessee. One of the quotes I jotted down was made during a session on diversity and inclusion. The quote was credited to Verna Myers: “Diversity is being invited to the party. Inclusion is being asked to dance.”

I traveled from Memphis to Montgomery Bell State Park to catch the second half of the Naifeh Center for Effective Leadership alumni event. There, I heard a speaker say that followers want leaders who give direction, protection and order. I thought this was obvious, but upon reflection, realized that I’d never heard it explained quite so succinctly before. This makes a lot of sense. Who will follow someone who doesn’t know where he or she is going?



The following week, I attended an administrative retreat with my fellow Institute for Public Service colleagues. I listened to a presentation on communications where I heard an acronym for team: Together Everyone Achieves More. This made me think about the Verna Myers quote on inclusion from earlier in the month. Aha, a theme was starting to form.

The third week of the month took me to Nashville for the International City/County Association annual conference. I was one of 5,500 participants; yet the message I heard from one of the keynote speakers seemed directed right at me: You get to pick who you walk with. She meant that we have the option to choose whom we surround ourselves with. She suggested that each of us should have a mentor who is half our age to keep us in touch with the future. Aha, another inclusion moment and a reference to having intention for the future.

The month ended for me at an Opening Doors seminar. This was a multi-day program on diversity and inclusion. It was a great conclusion and reinforcement to all the other thought provocation I experienced earlier in the month.

I hope I can provoke some thoughts as I leave you with a few questions. Even if you are not in a leadership position, you probably have a leadership role in some aspect of your life. How will you use that influence to improve or broaden the opportunities for someone else? Who will you ask to dance and where will you lead them on the dance floor? Is your dance a two-some or is it a line dance that involves many? What is your future and who are you inviting as traveling companions?

Sincerely

Margaret Norris

Margaret Norris
MTAS Executive Director

1

2019 FLSA Final Rules Released

Richard Stokes, MTAS Human Resources Consultant

On May 23, 2016, the U.S. Department of Labor issued final rules that raised the standard salary level of \$913 per week. On November 22, 2016, the United States District Court for the Eastern District of Texas issued a preliminary injunction, enjoining the department from implementing and enforcing the 2016 final rules. On August 31, 2017, the district court granted summary judgment against the department. The court held that the 2016 final rule's salary level exceeded the department's authority and that the entire final rule was therefore invalid.

On July 26, 2017, the department published a Request for Information (RFI) asking for public input on what changes the department should propose in a new Notice of Public Rule Making (NPRM) on the Executive, Administrative or Professional (EAP) exemption. After receiving over 200,000 comments, the department issued its NPRM, proposing to update and revise the EAP regulations. The department estimated that 1.3 million currently exempt employees would become non-exempt resulting in an estimated \$298.8 million in extra pay for workers.



The department has formally rescinded the 2016 final rules and replaced it with a new rule that updates the part 541 earnings threshold. The department has set a new standard salary level of \$684 per week/\$1,368 biweekly/\$1,482 semimonthly/\$2,964 month (equivalent of \$35,568 per year). The department has also set the Highly Compensated Employee (HCE) annual compensation amount at a new level of \$107,432. **The new salary rates are effective January 1, 2020.**

The department announced that there would be no automatic future increases and that there are no changes to the duties test at this time.

Additionally, the department has announced that non-discretionary bonuses and incentive payments paid on an annual or more frequent basis may be used to satisfy up to 10 percent of the standard salary level. Such bonuses include, for example non-discretionary incentive bonuses tied to productivity or profitability. If an employee does not earn enough in non-discretionary bonuses and incentive payments in a given 52-week period to retain his/her exempt status, the department permits a catch-up payment at the end of the 52-week period. The employer has one pay period to make up the shortfall.

Here is a link to the release from the Labor Department that includes a link to the final regulations - [https://www.dol.gov/whd/overtime2019/.](https://www.dol.gov/whd/overtime2019/)

Contact Richard Stokes, MTAS Human Resources Consultant at richard.stokes@tennessee.edu or at (615) 532-4956 if you have questions or need additional information.

“Barry Brady” Act of 2019



MTAS has prepared a report with recommendations and forms for implementing the 2019 “Barry Brady Act (Public Chapter 490). The “Barry Brady Act” or Public Chapter 490 amends T.C.A. § 7-51-201 by adding subsection (d) which outlines specific types of cancers that are presumed to have been acquired as the result of employment in the fire service and the eligibility requirements for firefighters seeking to be covered by the presumption. This public chapter outlines specific employment, pre-employment, and annual medical monitoring that a firefighter must undergo in order to be covered by the presumption.

Complete Report:

<http://www.mtas.tennessee.edu/knowledgebase/barry-brady-act-report-recommendations-tennessee-municipalities-public-chapter-490>

MTAS Pre-Employment Physical Medical Examination form:

<https://www.mtas.tennessee.edu/knowledgebase/barry-brady-act-report-recommendations-tennessee-municipalities-public-chapter-490>

NFPA 1582 Standard Medical Requirements for Firefighters and Fire Department Physicians form:

<https://www.mtas.tennessee.edu/knowledgebase/nfpa-1582-standard-medical-requirements-firefighters-and-fire-department-physicians>

Property Reappraisal Can Be Tricky

Brad Harris, MTAS Finance & Accounting Consultant

Every four to six years cities in Tennessee go through a property reappraisal process. The process usually results in a new certified tax rate for the county and all cities within the county that assess property tax. The process can have an effect on the budget process, and specifically the property tax rate adopted along with the budget.

A new certified tax rate often is less than the old certified rate. A reappraisal should be 'revenue neutral'; that is, the rate is calculated at the level that will produce the same property tax revenue from properties previously on the tax roll as was billed for the previous year. If property values increase, then the tax rate has to decrease so that property tax does not change. Cities are usually notified in May – July after reappraisal of their new certified tax rate.



The governing body must officially determine the certified rate. When preparing a budget and adopting a property tax rate, four options are available: 1) reduced the old rate to some level below the new certified rate (rarely done); 2) adopt the new certified tax rate; 3) keep the old certified rate, likely higher than the new certified rate; or 4) adopt a new rate higher than the old and new certified rates.

If a city chooses to simply use the old rate, or adopt a rate higher than the new certified rate, it has exceeded the new certified rate and certain action must be taken. When this occurs the city must arrange publication of a newspaper notice: "Notice of public hearing to consider whether to exceed the certified tax rate." At the conclusion of the public hearing the governing body may proceed to adopt the actual tax rate. A copy of the newspaper affidavit of publication should be sent to the Tennessee State Board of Equalization within 30 days of publication, and if the certified tax rate is exceeded, send a certified copy of the property tax resolution.

Cities need to know when they are due for reappraisal so that adopting a tax rate can be done correctly and timely.

A reappraisal schedule by county is provided by the state at <https://comptroller.tn.gov/office-functions/pa/tax-resources/assessment-information-for-each-county/reappraisal-schedule.html>.

Questions? Contact Brad Harris, MTAS Finance & Accounting Consultant at brad.harris@tennessee.edu.

MTAS on the 10 Most Common Audit Findings for Tennessee Municipalities (Parts 6 & 7 of 10 part series)

Al Major, MTAS Finance and Accounting Consultant

Books not Closed Within 60 Days (Part 6)

TCA Section 9-2-102(b) states, “It is the duty of all local governments that are subject to the audit requirements of the comptroller of the treasury and that handle public funds to close their official accounting records and to have those records available for audit no later than two months after the close of their fiscal year.”

For purposes of implementing the requirement of this statute, “closing the books” refers to making those journal entries necessary to close an accounting cycle and prepare the records for a new accounting cycle.



This may appear easy to accomplish but we must use modified accrual accounting, or accrual for enterprise funds, which utilize a “60 day period of availability.” In essence, some revenues and expenses must be accrued up to 60 days after June 30. This may introduce more estimations into those journal entries in order to complete the books closing within two months of year end.

Have competent, trained accounting personnel who can ensure financial records, reports, statements and supporting schedules are ready for audit in a timely manner.

Violation of Three-day Bank Deposit Law (Part 7)

Every municipal official handling public funds is required to deposit those funds as soon as practical, but no later than three working days after the receipt of those funds, (TCA Section 6-56-111).

Most cities make daily deposits but some small towns do not receive money every day or even every week.

Since Sunday is not a working day, making deposits on Wednesday and Friday/Saturday should prevent any violation of this law.

This law applies to any amount. This is mostly an internal control issue.

This series will review the 10 most common audit findings as reported by the Tennessee State Comptroller’s Office. All published parts in this series can be read here: <https://www.mtas.tennessee.edu/knowledgebase/10-most-common-audit-findings-tennessee-municipalities>

If you have questions or need assistance, contact MTAS at 865-974-0411. Also, visit our website at www.mtas.tennessee.edu.

Meet Eric Spencer, new MTAS Finance & Accounting Consultant in West Tennessee

Eric Spencer has joined MTAS as a Finance and Accounting Consultant for West Tennessee. A lifelong resident of Martin, he attended the University of Tennessee at Martin where he earned a bachelor of science in business administration/accounting and a master of accountancy degree. Eric has over 21 years of accounting experience in both public and private sectors. Most recently, he spent the last seven years as a controller at a privately held corporation in the online education/training industry. Prior to that, he spent several years with a CPA firm working on governmental audits and, of course, tax.

Eric and his wife Mandy have four children who keep them extremely busy. When they aren't running to and from school events, sports practices and drum lessons, they try to find time to work around the house. They live in a 101-year old house that sits on four acres outside of Martin, so there is always something to be done. Eric and Mandy still make it a priority to get to the Great Smoky Mountains National Park several times a year on backpacking trips. Eric and his family are members of First Baptist Church in Martin where they are active in the children and youth ministries, teaching a class on Wednesday nights.



TREEDC News Fall 2019

Warren Nevad, MTAS Municipal Management Consultant and TREEDC Executive Director

TREEDC Partners With Technological University of the Philippines

The Tennessee Renewable Energy and Economic Development Council (TREEDC) Mayor/President Dwain Land recently entered into an agreement with Technological University of the Philippines (TUP) to create and develop a Pilot Philippine Infrastructure and Energy Efficiency Program. This program will interconnect clean energy-related technologies such as solar, lighting, phase change materials and water conservation to help TUP realize their energy goals. This pilot will utilize TUP students and TREEDC members to lower TUP's energy footprint and showcase TUP's energy efficiency program in the Philippines. Special thanks to the University of Tennessee Municipal Technical Advisory Service (MTAS) and the 108 Tennessee mayors of TREEDC for their efforts.



TREEDC celebrates partnership with TUP in Manila, Philippines

TREEDC News Fall 2019 (continued)

6TH Annual TREEDC-Tennessee Tech Conference: Speakers Confirmed

The Tennessee Renewable Energy and Economic Development Council (TREEDC) announced that several Tennessee mayors will share their successes in renewable energy at the annual conference on December 12-13, 2019 at Tennessee Tech University. McKenzie Mayor/Tennessee Municipal League President Jill Holland, Chattanooga Mayor Andy Berke, Knoxville Mayor Madeline Rogero and Franklin Mayor Ken Moore will speak at the conference. Jim Tracy, Tennessee director of U.S.D.A. Development, Molly Cripps, assistant commissioner of Tennessee Department of Environment and Conservation (TDEC), and Amy Henry, TVA sr. manager of enterprise relations will also speak at the conference.

This conference will feature mayoral panels highlighting best practices in economic development, energy efficiency and innovation in renewable energy. We will have presentations regarding community toolboxes and batteries for renewables. Attendees will also hear from leaders with state and federal government about the future of renewable energy. The conference will also include special awards.

We have included our agenda draft and registration link https://epay.tntech.edu/C20205_ustores/web/classic/product_detail.jsp?PRODUCTID=1459&SINGLESTORE=true to our conference. We are looking forward to catching up with everyone at our evening reception at 37 Cedar in Cookeville. Please call Mayor Dwain Land at 423-718-34 if you have questions.

TREEDC Member Chattanooga Plays Green Ball

The Chattanooga Lookouts, Cincinnati's Double-A farm club, held Green Power Night in late August. In doing so, they became the first minor league team to host a 100-percent carbon-neutral game. The Lookouts commemorated the occasion by suiting up in green jerseys, a distinct deviation from their normal red and white color scheme.

Green Power Night is the result of a partnership between the Lookouts, The Tennessee Renewable Energy and Economic Development Council (TREEDC) members Electric Power Board (EPB), city of Chattanooga and the Tennessee Valley Authority (TVA). The Lookouts' home of AT&T Field was powered via locally-generated solar energy credits. The solar energy comes from EPB's Solar Share, a community solar energy installation located on Chattanooga's Holtzclaw Avenue.



Green Power Night at the Chattanooga Lookouts Field

TREEDC News Fall 2019 (continued)

TREEDC Member Knoxville Reduces Energy Emissions

The city of Knoxville recently reached its goal of reducing municipal greenhouse gas emissions by 20 percent from a 2005 baseline. Now, officials within the city’s sustainability office are outlining new emission goals to reduce community emissions 80 percent by 2050. Erin Gill, Knoxville sustainability director has worked diligently to explore emission reduction opportunities such as energy efficiency improvements in city buildings, LED streetlights projects and compressed natural gas for its fleet.



As part of the 2050 planning process, the city is encouraging citizens to efficiently use transportation and electricity. From reducing food waste to switching to energy-efficient vehicles or appliances, city officials say Knoxville residents can reduce emissions and save money in the process. Click [here](#) to read the full story. Congratulations, Knoxville.

Enexor BioEnergy Announces Expansion of Franklin (TN) Operations

Officials with the city of Franklin and Enexor BioEnergy recently announced the expansion of the renewable energy company’s Franklin operations, a move expected to represent a \$5 million investment and yield approximately 50 jobs over the next two years.

Founded in 2015, Enexor has developed a small-scale, renewable energy system that converts organic and biomass waste into clean electricity as well as hot and chilled water. This combined heating and power system has broad applications for commercial, industrial and institutional use, according to the release. Enexor anticipates it will begin manufacturing its renewable bioenergy system by year’s end in the facility, which it will lease. The company plans to export its systems to countries in Europe, Africa, Asia and Latin America.

2019 MTAS TRAINING IMPACT

Elected Officials Academy (EOA)



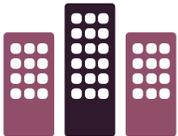
6 programs delivered
131 individuals participated
54 cities represented

Certified Municipal Finance Officer (CMFO)



11 programs delivered
70 individuals participated
45 cities represented

Municipal Administration Program (MAP)



13 programs delivered
1,164 individuals participated
266 cities represented

Municipal Management Academy (MMA)



11 programs delivered
246 individuals participated
19 cities represented

It's a "Brand" New Day at MTAS!



Gotham **ABCDEF** *abcde* *fgh*
 Sentinel **ABCDEF** *abcde* *fgh*
 Tungsten **ABCDEF** *abcde* *f*



We are proud to share our new look! The UT Institute for Public Service (IPS) and MTAS have been undergoing a rebrand for the past few months, and we are excited to share the results with you, our customers, key stakeholders and partners.

The use of the new logo and visual identity is underway and can be seen on our website and social media. We will continue to update our other communication tools, class materials and more over the next few months.

During the IPS strategic planning process, customers told us that we need to do a better job of telling our story. The rebranding project is a result of work on this strategic goal. The intent is to create an identity that is uniquely MTAS, yet also ties us directly into the identity of the UT Institute for Public Service and its six agencies.

If you have any questions or comments, email Margaret Norris, MTAS Executive Director at margaret.norris@tennessee.edu.

UPCOMING CONFERENCES

MARK YOUR CALENDAR! TREEDC 6TH ANNUAL CONFERENCE

2019 TREEDC State and National Renewable Energy 6th Annual Conference

December 12 & 13, 2019

Hosted By Tennessee Tech University

This conference will feature mayoral panels featuring best practices in economic development, energy efficiency and innovation in renewable energy. Attendees will also hear from leaders with state and federal government agencies about the future of renewable energy. Conference will also include special awards.

Registration Options

- Individual Registration | \$60
- Day of conference | \$75
- Booth Registration | \$225
- Reception and meals sponsor| \$1000



Contact: mayorland@gmail.com for more information.

Registration link: https://epay.tntech.edu/C20205_ustores/web/classic/product_detail.jsp?PRODUCTID=1459&SINGLESTORE=true

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