

City Spotlight: Lexington



According to writer Terry Mancour, Lexington has more bar-be-que restaurants per-capita than any other city in the United States. But the people of Lexington have much more to be proud of than bar-be-que. Quality schools and healthcare, great public services, excellent recreation opportunities and low crime make Lexington a great place to raise a family. The leadership of Lexington works hard to maintain a business-friendly environment for both commerce and manufacturing.

Date of Incorporation:
1824

Population:
7,652

County:
Henderson

Grand Division:
West Tennessee

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Tennessee Lawful Employment Act

Richard Stokes,
Human Resource Consultant
The Tennessee Lawful Employment Act (TLE) (HB 1378/SB 1669) was signed into law June 7, 2011, and requires all employers in Tennessee to demonstrate that they are hiring and maintaining a legal workforce either by enrolling and verifying the employment eligibility of all newly-hired employees through the federal E-Verify program or request all newly-hired employees to provide identity and employment authorization documents.



Additionally, if your city hires non-employees, such as independent contractors, you are required to request and maintain a copy of either a valid Tennessee driver's license or photo ID license. The employment verification provisions apply to all state and local government agencies no later than January 1, 2012.

To verify individuals using E-Verify, you must enroll in E-Verify and use E-Verify to verify all new hires. You are not required to use E-Verify, but if your city uses E-Verify, it is a defense to a charge of hiring illegal aliens.

Upon enrollment in E-Verify, you must display or distribute both the English and Spanish "Notice of E-Verify Participation" and the "Right to Work Poster." Both notices are found in E-Verify after you log in under "View Essential Resources."

A record of results generated by E-Verify must be maintained for three years from the date of hire or one year after termination, whichever is later. If you elect to verify the employment eligibility of newly hired employees by requesting an identity and employment authorization document, you must retain this documentation for three years after the documentation is received or for one year after the employee (or non-employee) terminates, whichever is earlier.

The penalties for violations are stiff and can range from \$1,000 for a first offense up to \$5,000 for the third and subsequent offenses. Additional information about TLE and E-Verify can be found [HERE](#).

MTAS Training Events and Conferences

ELECTED OFFICIALS ACADEMY LEVEL I

Clarksville City Hall

September 23 5 - 9 p.m.

- Ethics and Open Meetings
- Foundations and Structure of Municipal Government

September 24 8 a.m. – 2 p.m.

- Municipal Finance Overview
- Economic Development
- Introduction to Charter, Code and Open Records Law

ELECTED OFFICIALS ACADEMY LEVEL II

September 12

- Human Resources (Knoxville)

September 28

- Public Works (Jackson)

STORMWATER ADMINISTRATIVE HEARINGS

How do you defend and collect penalties? How do you avoid problems if a decision is appealed? This class provides municipal/county attorneys, public officials and municipal staff an understanding of administrative law and the fundamental components of administrative hearings. Instructors will discuss procedures of particular hearings such as: storm water, water and waste water and property maintenance. During this highly interactive class, participants will view a video of administrative hearing procedures and witness a mock session that will illustrate the do's and don'ts of administrative hearings. You are not limited to "\$50 a day for the bad guys." With the administrative penalty process, you can assess much higher penalties – in the case of storm water, for example, \$5,000 per day per violation. This important class is recommended for elected officials, appointed officials, city attorneys, city recorders, codes enforcement officials, and utility and public works directors and managers.

September 26 Franklin

September 27 Athens

September 28 Kingsport

September 29 Knoxville

October 3 Jackson

THE CHANGING EMPLOYMENT ARENA COURSE

This course will address the effects on employment of the recent American with Disabilities Act (ADA), Family Medical Leave Act (FMLA) amendments and the new Genetic Information Nondiscrimination Act (GINA) legislation. Other EEOC issues pertaining to retaliation and religious discrimination in the workplace as it relates to employment will also be addressed.

October 4 Knoxville

October 6 Jackson

October 12 Franklin

Other Events

MARK YOUR CALENDARS!

September 7-8 OSHA 10-Hour General Industry Workshop, UT Center for Industrial Services, Nashville

September 12-23 Railroad Track Inspection and Safety Standards–Tennessee Transportation Assistance Program (TTAP), Worcester, Mass.

September 13 Advanced Topics in Signal Timing – Tennessee Transportation Assistance Program (TTAP), Knoxville

September 18-21 American Public Works Association International Public Works Congress and Exposition, Denver, Co.

September 20 Basic Traffic Studies –Tennessee Transportation Assistance Program (TTAP), Nashville

September 20-23 Occupational Safety and Health Standards for Construction (OTI 510), UT Center for Industrial Services, Knoxville

September 21-23 Tennessee Association of Municipal Clerks and Recorders Certified Municipal Clerk and Master Municipal Clerk Academy, Murfreesboro

September 22 Advanced Topics in Signal Timing – Tennessee Transportation Assistance Program (TTAP), Chattanooga

September 23-28 International Personnel Management Association – Human Resources Annual Conference, Chicago, Ill.

September 29-30 Tennessee Urban Forestry Conference, Nashville

TULIP TENANT USER LIABILITY INSURANCE PROGRAM

For more information on this program from the TML Risk Management Pool,

[CLICK HERE.](#)

2010 Salary Survey Available

Richard Stokes, Human Resource Consultant

Some Tennessee cities have responded to the call, and the 2010 MTAS Salary Survey will finally be available starting Monday, August 29. Tennessee cities were solicited to enter their 2009/2010 salary data into the MTAS Salary Survey database. The deadline for submission was January 22 even though it was extended several times.

The data has been reviewed for consistency and is available to begin generating reports. To generate a report, cities must use their survey password provided to them to access the database. Once logged on to the site, there is an option to run reports. When the link is clicked, cities will have the ability to generate a copy of the total document including all salary data, or they can specify specific positions, population ranges, cities and/or a variety of other possibilities.

This year, only 82 cities responded to the survey yielding a response rate of only 24 percent compared to last year when the response rate was about 30 percent. The low response rate may be attributed to the lack of salary increases the past couple of years and the acknowledgement that the data in the salary survey is still a public record open for public scrutiny.

The average salary range reported in this year's survey was a minimum and maximum range of \$37,004.26 to \$54,016.74. The average actual salary was \$45,260. The 2010 salaries represent a -2.02 percent change over 2009 data. The 12-month period ending April 2011 showed inflation as measured by the U.S. Consumer Price Index (CPI) was 3.2 percent. This is significant in light of current financial instabilities. *A World at Work 2010-2011 Salary Budget Survey* reports that a number of factors, particularly high unemployment, are combining to keep salary increase budgets low.

Thanks to everyone who took time to enter their data.



Parliamentary Procedure: Robert's Rules of Order— When do you need a two-third's majority?

Margaret Norris, Municipal Management Consultant

Most of the time, for a motion to pass all that is needed is more than half. However, according to *Robert's Rules of Order Newly Revised 10th Edition*, there are instances when more than a simple majority of votes is needed to pass a motion.

1. Amend or rescind constitution, bylaws or rules of order, previous notice also being required.
2. Amend or rescind something previously adopted (other than constitution, bylaws or rules of order), if notice has not been given.
3. Close nominations.
4. Close the polls.
5. Depose from office where trial is not required and notice has not been given.
6. Discharge an order of the day before it is pending.
7. Discharge a committee if notice, or a partial report, has not been given.
8. Extend time for consideration of pending question or time until scheduled adjournment or recess.
9. Expel from membership, notice and a trial being also required unless the offense is committed in a meeting of the assembly.
10. Limit or extend limits of debate.
11. Make a special order.
12. Previous question.
13. Reconsider in committee when someone who voted with the prevailing side is absent and has not been notified that the reconsideration will be moved.
14. Refuse to proceed to the orders of the day.
15. Suspend the rules.
16. Take up a question out of its proper order, or take up an order of the day before the time for which it has been set (tinted p. 46).

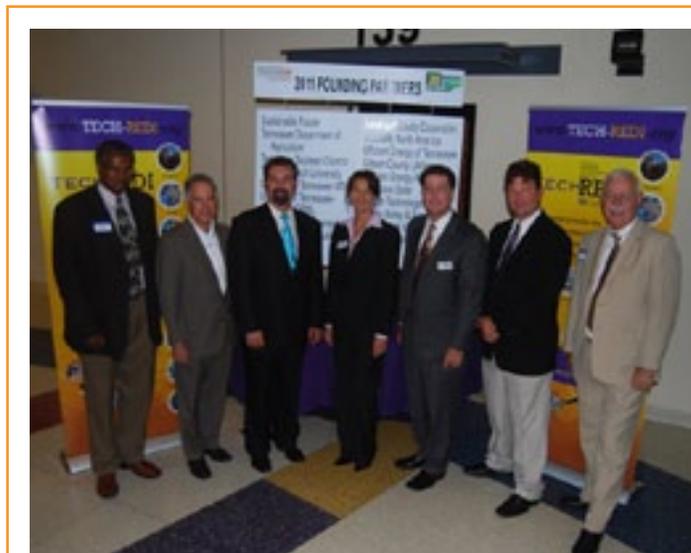
A two-third's majority vote is needed when the action may have a significant impact upon the organization such as when changing rules, limiting debate or limiting nominations. In addition, your charter or sometimes a state statute may require a two-third's vote. An example of a state law needing a two-third's majority vote is to approve an emergency purchase (T.C.A. § 6-56-205). Also, private act chartered cities must ratify their charter with a two-third's majority vote if the governing body does not subject the changes to a referendum.

Forum Looks at Clean Energy Development Ideas

Warren Nevad, *Municipal Management Consultant* The Tennessee Renewable Energy and Economic Development Council (TREEDC) partnered with Tennessee Tech University (TTU), Tennessee Valley Authority (TVA), UT Municipal Technical Advisory Service (MTAS) and the city of Cookeville to provide a free community outreach forum to 101 Upper Cumberland area citizens and clean energy stakeholders in July.

Attendees gathered to examine ways to fast track clean energy development such as green diesel, solar, cellulosic ethanol, biodiesel, TVA Green Power programs and electric car charging infrastructure in Tennessee. Mayors from Byrdstown, Pikeville, Livingston, Cookeville, Gainesboro, Roane County and Kingston also attended the forum. The objectives of this forum were to identify potential workforce development opportunities in clean energy

and to offer project guidance in developing appropriate feed stocks to convert into alternative fuels.



Left to right: Emanuel Bailey, TREEDC; Bill Owen, TREEDC; Pikeville Mayor Greg Johnson; TVA Group President Kim Greene; Warren Nevad, UT Municipal Technical Advisory Service; Dennis Tennant, Tennessee Tech; and Terry Strange, Hemlock Semiconductor.

TTU Associate Director of Extended Services Dennis Tennant and MTAS Management Consultant Warren Nevad put together the program that consisted of presentations from representatives with Hemlock Semiconductor, Frontline Bioenergy, Tennessee Solar Institute, 49 Green, Genera Energy, USDA Rural Development and Choice Solar and Geothermal.

Details on this program along with all other presentations from the forum are available [HERE](#).

The next TREEDC forum is scheduled for October 7 and will be sponsored by Monroe County Economic Development Board and East Tennessee TREEDC Coordinator/Ducktown Mayor James Talley. The final forum for 2011 is scheduled in Memphis on November 18.

Chattanooga Fire Station Earns LEED Certification

The Chattanooga Fire Department has recognized some of its own firefighters from time to time for saving lives. Now, its newest fire station at Enterprise South is being recognized for helping to save the planet.

Station 7, located at 6911 Discovery Drive, has achieved Gold Certification through the Leadership in Energy and Environmental Design (LEED) Green Building Rating System. LEED is the U.S. Green Building Council's (USGBC) leading rating system for designing and constructing the world's greenest and most energy efficient buildings.

Fire Chief Randy Parker accepted a plaque and certificate from USGBC officials that make the green designation official.

"We're honored to receive this recognition for building an environmentally friendly fire station," said Chief Parker. "In addition to being green, achieving LEED certification also means we're saving money through improved energy efficiency." Chief Parker said Station 7 is the first fire station in the state to receive LEED Gold Certification.

Station 7 was designed by Franklin Architects to achieve LEED certification for energy use, lighting, water and material use as well as incorporating a variety of other sustainable strategies. LEED verifies environmental performance, occupant health and financial return.

Green features of Station 7 include the following:

- Energy conservation measures such as a solar hot water system, ultra-efficient mechanical systems, appliances and lighting, heat reflective roofing, natural light and occupancy sensors.
- Energy efficient measures should equate to a 52 percent savings in utility costs compared to a standard fire station.
- Water conservation measures include rainwater collection system for irrigation and toilet flushing, water conserving showerheads and faucets.
- All interior finishes and cabinetry have little to no volatile organic compound (VOC) content.
- Re-used asphalt and concrete were used on site as a fill material.
- Property was landscaped with native trees and plants to reduce watering needs.
- Stormwater (runoff) is collected and filtered on site before discharging into the municipal system.
- 87 percent of all construction waste was diverted from a landfill.



Chattanooga Mayor Ron Littlefield (center) and Fire Chief Randy Parker (left) accept the glass plaque from the U.S. Green Building Council. To the right of Mayor Littlefield is Bob Franklin with Franklin Architects, and behind them are many other people in the public and private sector who played a role in the design and construction of this environmentally friendly fire station.

ABOUT LEED

The LEED Green Building Rating System is a feature-oriented rating system that awards buildings points for satisfying specified green building criteria. The six major environmental categories of review include Sustainable Sites, Water Efficiency, Energy and Atmosphere, Materials and Resources, Indoor Environmental Quality and Innovation and Design.

Certified, Silver, Gold and Platinum levels of LEED green building certification are awarded based on the total number of points earned within each LEED category. Chattanooga's Station 7 earned LEED Gold Certification with 63 points.

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NEW MTAS PUBLICATIONS:**Updated Guide to COBRA (2011)**

Bonnie Jones, Human Resource Consultant

This guide is updated to include information about health care reform, also called the Patient Protection and Affordable Care Act, as well as new reporting requirements for employers. | [READ](#)

Interest Rate Set at 7.25 Percent Effective July 1, 2011, on Delinquent Taxes Collected or Administered by the State of Tennessee

William Haston, Finance and Accounting Consultant

The rate of interest effective July 1, 2011, through June 30, 2012, has been set at 7.25 percent, which is the same as for the current year (FY 2011). | [READ](#)

Hotel-Motel Tax in Tennessee Cities (2011)

Ron Darden, Municipal Management Consultant

The proceeds from the hotel-motel tax can be used for purposes authorized in your enacting ordinance, private act or general law. | [READ](#)

OSHA Changes Forms and Procedures for Reporting Occupational Injuries and Illnesses (2011)

Richard Stokes, Human Resource Consultant

The 2002 Occupational Safety and Health Administration (OSHA) recordkeeping rules require employers, subject to the rules, to record and report work-related fatalities, injuries and illnesses. | [READ](#)

Relocation of Utilities for State Highway Construction (2011)

Ron Darden, Municipal Management Consultant

State statutes allow cities a maximum of 120 days to mark the drawings and develop a time schedule for relocation of utilities. | [READ](#)

Title VI Training

As a direct recipient of federal assistance, the Tennessee Department of Transportation (TDOT) is required to comply with Title VI laws, related statutes and regulations. It is necessary that any agency receiving federal and/or state financial assistance from TDOT, receive training on transportation related Title VI laws and regulations.

You may register your Title VI Coordinator by using the online registration form (link below) or contacting us directly.

Each session consist of the following three components:

- Overview and Compliance
- Limited English Proficiency (LEP)
- Environmental Justice

**2011 TDOT CIVIL RIGHTS OFFICE
TITLE VI SEPTEMBER TRAINING**

**All sessions will begin at 9 a.m.
and conclude at 3 p.m.**

SEPTEMBER 15 – CHATTANOOGA (EST)
TDOT Region 2
4005 Cromwell Road

SEPTEMBER 16 – NASHVILLE (CST)
TDOT Region 3
6605 Centennial Boulevard

To register for training, [CLICK HERE](#).

For more information, contact us at
(615) 741-3681
or toll free at 1-888-370-3647.