

City Spotlight:

Dover



Built in 1851, the Dover Hotel, now known as the "Surrender House," was the site of the unconditional surrender of General Buckner to General Grant in 1862. The house is located in the middle of the town of Dover.

Date of Incorporation:

1805

Population:

1,442

County:

Stewart

Grand Division:

Middle

**MTAS Municipal
Management Consultant:**

Gary Jaeckel
gary.jaeckel@tennessee.edu

The University of Tennessee
Municipal Technical Advisory Service
600 Henley Street, Suite 120
Knoxville, Tennessee 37996-4105
Phone 865-974-0411
Fax 865-974-0423
<http://www.mtas.tennessee.edu>

Water Loss Percentage Set by State Review Boards

In accordance with TCA 7-82-702 and 68-221-1009(a), the Utility Management Review Board and the Water and Wastewater Financing Board have set an excessive water loss percentage at 35 percent.

That means that any water system reporting a water loss of 35 percent or higher (using the current method) in its annual financial statements will be referred to the appropriate board for further action. This determination was made at the joint meeting of the boards held on October 7, 2010.

The boards also voted at the joint meeting on October 7, 2010 to adopt the American Water Works Association (AWWA) water loss methodology for any audited financial reports received by the Comptroller of the Treasury after January 1, 2013.

Between now and January 1, 2013, audited financial statements may include both methods, but the current percentage method **MUST** be included for an statements received by the comptroller before January 1, 2013.

For further information or questions on how this impacts your city, please contact Steve Wyatt or Brett Ward, MTAS utility operations consultants.

Water and Wastewater Financing Board Web site:

<http://www.tn.gov/comptroller/lf/wastewater.htm>

Utility Management Review Board Web site:

<http://www.state.tn.us/comptroller/lf/utility.htm>

Not Receiving MTAS E-mails?

If you are not receiving e-mails from MTAS, you may want to check your spam folder or junk mail folder. All of our e-mail should come from the "tennessee.edu" domain. If you would like to make sure that you receive e-mail from us, please add this domain to your white list. Likewise, if you would like to receive our publications e-mails and electronic newsletters you will need to add our campaign providers network "e2ma.net" to your white list.

If you have any questions on this topic, please contact Justin O'Hara, MTAS IT consultant at justin.ohara@tennessee.edu or 865-974-0628.

MTAS Staff Highlight



**Kay Stegall, MTAS
Finance and
Accounting Consultant**

Kay Stegall graduated from the University of Tennessee at Martin in 1988 with a bachelor of science degree in business administration with an emphasis in accounting. She moved to Nashville and worked for the Comptroller of the Treasury's Office of State Audit for approximately five years. While at the Comptroller's Office, she participated in numerous audits of state departments and colleges and universities. Next, she went to work for the Internal Audit Department of Nashville/Davidson County Metropolitan Government where she worked for nearly three years before relocating to west Tennessee.

Stegall has been licensed as a certified public accountant since 1993 and a certified government finance manager since 1996. She worked for Alexander Thompson Arnold accounting firm in west Tennessee for 13 years prior to coming to work for MTAS as a finance and accounting consultant two and a half years ago. While at the accounting firm, she managed the governmental audit practice and was responsible for overseeing the performance and issuance of over 150 governmental and non-profit audits each year. Since coming to work at MTAS, Stegall has devoted much of her time to the development and delivery of the Certified Municipal Finance Officer program.

Stegall has been married to Richard for 22 years and they have two daughters. Rachel is a sophomore at UT Martin majoring in animal science/pre-vet. Rachel is a competitive barrel racer and has won several state champion titles over the past four years. Alyssa is a seventh grader who plays middle school soccer and basketball.

Stegall may be contacted at kay.stegall@tennessee.edu or 731-884-7058

From the MTAS Executive Director...



The quality services of MTAS (and CTAS, the County Technical Assistance Service) provide a great model of support for local government in this state, and I hear from the mayors and managers across the state that the services of MTAS are often critical to the delivery of service for these municipalities. Thank you, and this organization exists to support you.

As we continue to further receive and interpret survey responses, and gain information on how we meet our mission and goals, we are also evaluating the basic and expanded services of MTAS. There certainly are opportunities for service enhancements, and as you work with MTAS consultants, please share your insights on how support for Tennessee cities can be improved. And as you visit other places in Tennessee and across the country, reflect on and identify the infrastructure and services that you see. As you do, please help us to identify the features that your city may need to be, or remain, a unique and special place. Knowing cities as you do, you are uniquely situated to help identify streetscape or aesthetic enhancements, master planning efforts, or council goal-setting efforts that MTAS can support to make your work most productive.

On behalf of the staff at MTAS and the Institute of Public Service at the University of Tennessee, we appreciate your work and support, and look forward to further improvements in the coming years.



Steve Thompson, Executive Director
steve.thompson@tennessee.edu
865-974-0411

Parliamentary Procedure and Your Council Meeting: Rights and Responsibilities of the Chair (Mayor)



Margaret Norris, MTAS Municipal
Management Consultant

Last month this segment of the newsletter touched on the rights and responsibilities of the person who makes a motion. This month the topic is the rights and responsibilities of the chair, or mayor. Generally, it is the mayor's duty to call the meeting to order; determine if a quorum is present; guide the governing body through the agenda items; recognize elected officials when they would like to have the floor; state the question (restate the motion that was made) and put each motion to a vote; protect the council or board from frivolous or dilatory motions; expedite business; decide whether a motion passed or failed; rule on inquiries of parliamentary procedure; sign acts and orders of the governing body; and declare the meeting adjourned.

Additionally, it is the mayor's job to maintain discipline and decorum during the meeting. If a citizen (or in some cases an elected official) gets out of hand, the mayor should interrupt, bang the gavel if necessary, address the situation, tell the person that he or she is out of order, and ask him or her to stop the disruptive behavior. If the individual refuses, the mayor may ask the offender to leave the room or the mayor may ask the sergeant at arms (typically, a police officer or the chief) to escort the person from the room or building.

Your charter will dictate to a large degree the rights of the mayor to make motions, and to participate in discussions and voting, so be sure to check your charter. Whatever rules your charter has will preempt any Robert's Rules of Order procedures. Some charters allow the mayor to vote on motions while others only allow the mayor to vote in tie situations and some charters give the mayor veto power.

MTAS Training November 2010

Municipal Administration Program Planning and Zoning: A Closer Look

Lakeland	November 3
Jackson	November 4
Collegedale	November 9
Knoxville	November 10
Johnson City	November 12
Franklin	November 30

Certified Municipal Finance Officer Program Chapter 9. Purchasing and Risk Management

Athens	November 3
Jackson I	November 3
McMinnville	November 3
Jackson II	November 9
Morristown	November 9
White House	November 10

Basic Municipal Court Clerk Class. Fall 2010

Knoxville	November 3
Johnson City	November 4
Bartlett	November 9
Jackson	November 10
Cookeville	November 16
Smyrna	November 17
Collegedale	November 18

MTAS Building Codes Requirements Compliance Online Course

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

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

Educating Elected Officials For 10 Years: MTAS’ Elected Officials Academy

For more than 10 years the Municipal Technical Advisory Service (MTAS) has been educating elected officials on the essentials of municipal government in Tennessee through its Elected Officials Academy (EOA).

The EOA is a program designed exclusively for municipal elected officials. The course content covers various aspects of municipal leadership, and is composed of two levels. The first level consists of five, two-hour sessions. The second level offers 12, two-hour sessions, of which officials need to complete eight. Level one includes such courses as Foundation and Structure of Municipal Government, Charter and Codes, Open Records, Economic Development and Finance for Elected Officials. Level two covers topics such as Human Resources, Legislative Issues, Media Relations and Parks and Recreation.

“When I look at the many quality services of MTAS, I think first of the EOA—through the EOA we support elected officials and good government,” said MTAS Executive Director Steve Thompson. “We outline the framework for decisions and the systems available to cities and towns, we answer many of the questions that they have and that they face from constituents, and we provide a forum for introduction to and discussion with other local leaders facing the same issues and concerns in Tennessee. The Elected Officials Academy is a critical and foundation service of MTAS and the University of Tennessee.”

The EOA began in 2000 after MTAS consultants and elected officials knew training was needed to help these officials hit the ground running when they took office. Now, 10 years and over 700 officials later, the EOA continues to be in demand across the state.

“Level one is an excellent overview of information that most elected officials don’t have a handle on when they take office,” said David Rutherford, city administrator in McMinnville. “The information and training are there, all they have to do is take advantage of it. It is so much easier to serve when they are informed of what they can and cannot do.” Rutherford said he “begs” all of McMinnville’s elected officials to attend EOA sessions.

Margaret Feieraband, mayor of Bristol, attended EOA when she served on city council. She said she also recommends the training to her council members.

“It helps people get up to speed quickly, which is great in today’s world where we’re so busy. You receive the information from an objective viewpoint, and it’s presented in a very professional manner,” she said. “You are also put with your peers from across the state. You get to know them as friends and fellow city officials.”

A Look at the EOA Numbers for Current Officials ...

Level I Completions	478
Level II Completions	181

Completions by Population of Municipality

Population	Level I	Level II
100,000 +	1.67%	2.76%
50,000–100,000	1.46%	1.10%
25,000–50,000	8.79%	11.05%
10,000–25,000	17.57%	14.36%
5,000–10,000	20.29%	25.41%
2,000–5,000	17.99%	17.68%
Less than 2,000	32.22%	27.62%

(Continued on next page)

(Elected Officials Academy continued from page 4)

Pat Hardy was one of the original MTAS consultants who knew that elected officials would benefit from such training. “Nearly every person you talk to who has been through an EOA will tell you how much they learned, and how much they enjoyed interacting with other officials from surrounding cities,” he said. “Many express excitement at attending a ‘live’ event, where they can ask questions and interact directly with those who teach, and with other learners like themselves. And they love attending an event where they learn the facts straight from experts, and then have the opportunity to learn from the experiences of others.”

“It’s always easy to tell if someone has been through an EOA because they have a keen awareness of the broader set of responsibilities that go along with community governance, as opposed to the singular agenda they may have been elected to resolve. Many, many times you’ll hear participants say, ‘I wish my whole board were here,’” recalls Hardy.

Former Training Consultant Sally Thierbach, current Training Consultant Kurt Frederick, and current IPS Assistant Vice President Mike Tallent were also among the original MTAS consultants who recommended the idea of providing such training.

Municipal Management Consultant David Angerer said he was a city manager in two states before he came to work for MTAS and neither state offered anything similar to the EOA.

“I can safely say that officials who complete EOA training are much more prepared to handle the difficult duties of their office and serve the public,” Angerer said.

“I can safely say that officials who complete EOA training are much more prepared to handle the difficult duties of their office and serve the public”

MTAS Management
Consultant David Angerer

Elected Officials Academy Edges Communities Toward Three-Star Benchmark

Susan Robertson, Institute for Public Service Information Specialist

Early in the history of the Elected Officials Academy (EOA), MTAS partnered with the Tennessee Department of Economic and Community Development to associate the department’s Three-Star program with the academy.

The Three-Star program helps rural and urban Tennessee communities achieve excellence in community development by emphasizing foundational steps and targeting community strengths to improve quality of life and grow jobs. Participating communities are guided through a strategic program of essential planning, issue prioritization, action planning and measurement. Communities that show performance excellence in the program will be awarded with incentives and grants to address their development issues.

“In order for communities to make their benchmarks (toward Three-Star), an elected official from every board in a county must attend the EOA,” said Dana Deem, municipal management consultant with MTAS. “The Three-Star Program is one of the few programs within economic development that gets communities thinking regionally and working together. Many communities will work together to achieve goals within Three-Star when they are not even on speaking terms.”

For more information on the Three-Star Program, visit http://www.state.tn.us/eec/CD_three_star.html.

Tennessee Supreme Court Ruling Shifts Burden to Employer in Fired Worker Case



Josh Jones, MTAS Legal Consultant

On September 20 of this year, the Tennessee Supreme Court issued an opinion in *Gossett v. Tractor Supply Company, Inc.* greatly increasing a discharged employee's ability to bring a case for retaliatory or discriminatory discharge to trial. Going against decades of precedent this 3-2 split decision will almost certainly result in increased legal expenses for employers across the state.

Before *Gossett* when an employer defendant moved for summary judgment against an employee plaintiff in a discriminatory or retaliatory discharge suit, the burden was on the plaintiff to show a prima facie case that he or she was fired for illegitimate cause. Commonly known as the McDonnell Douglas framework, this line of reasoning based on a line of federal cases had been in place for decades. The court in *Gossett* abandons this framework and shifts the burden to the employer to show that the employee's allegation is false. The reasoning being that merely because the employer can show a legitimate reason for the dismissal does not preclude the existence of another illegitimate reason.

While this ruling may not have a substantial impact on the percentage of cases employees win, it will certainly increase the number of these cases that go to trial. Regardless, the costs to employers will be significant. More cases going to trial means more settlements and more legal fees. Municipal employers will not be spared.

Has Apple Addressed a Niche for Local Governments?



Does Apple have the niche local governments are seeking in their "paperless" efforts? In August, a USA Today article headlined, *iPads Saving Cities Paper Costs*, reported many localities are turning to iPads to conduct government business. The Alliance for Innovation recently asked the question in the Knowledge Network to explore the uses of this new robust device in the local government arena.

Cost efficiency, environmental friendliness and convenience are three reasons why localities are piloting this revolutionary product. The majority of those using iPads are testing them with their elected bodies, boards and senior staff to assist with the numerous amounts of paper before them annually. The ability to create PDF documents is nothing new but technology has enhanced the way documents can be viewed. Whether your locality is transitioning into or is already paperless, those localities currently using the iPads are reporting success.

The price tags on the iPads range from \$499 - \$829 based on the amount of memory, which version purchased, and whether it is Wi-Fi or 3G capable. The consensus among respondents seems to be for purchasing the Wi-Fi version and tapping into the organization and home wireless networks. Post Falls, Idaho has been paperless for years but migrated from laptops to iPads for their council and boards/commissions due to the less expensive price tag of the iPad. Manatee County, Florida assigned iPads to several IT staff to test with the goal of eliminating laptop computers in the administrator's office.

The savings in paper and print cost are helping many justify the upfront capital cost of purchasing the innovative technology for elected officials and senior staff. Beyond dollars saved, localities are using this as another step in demonstrating an environmentally responsible work place. Hampton, Virginia presented each council member with approximately 10,000 pages of information last year,

(Continued on page 7)

(iPads continued from page 6)

spending \$18,000 to produce agenda packets. This did not include the staff time to assemble the material or transportation costs to deliver. The iPads purchased by Hampton for seven council members and six senior staff will pay for themselves in six months. Likewise, Fremont, California estimates they will easily recoup their cost of purchasing five iPads for council use within the first six months.

While some argue the iPad is not a replacement for laptops, it does appear to have added value as a reader. Some of the advantages of the iPad reported are: a longer battery life; they are portable and lightweight; there is no log in or booting up; they are user-friendly; and have built-in memory.

News is floating that the iPad might impede transparency. State open records laws vary across the nation and iPads are raising concerns about the ability of council members to e-mail, text or chat during a meeting without those conversations becoming part of the public record. John Eagle, assistant city manager in Hampton, stated in his recent article, "The iPad adds nothing to the mix that is not already available. Text messaging and e-mail have already been available for years." Localities in California, Hayward and Redwood City, are addressing this through policies to prohibit council members from receiving or sending e-mail and text messages during council meetings.

If exploring the use of iPads, or another reader, localities piloting them recommend running the numbers and being objective. Do you know your paper, print and staff cost to produce agenda packets? Williamsburg, Virginia also considered purchasing them for their planning commission but the numbers didn't justify the expense. Also, assess the readiness of your council and staff. Are they tech-savvy or willing to learn new technology? Beyond these two questions, with the raised transparency concerns, acknowledging how the use of iPads relates to your state's open records laws is paramount.



Article provided by the Alliance for Innovation.

References

Alliance for Innovation Knowledge Network. http://transformgov.org/en/knowledge_network/questions/question/20371

Hampton's Experiment with iPads Draws Attention of National Media, Other Cities. Hampton Chronicle, August 12, 2010.

<http://www.hamptoncommons.com/ipad-story>

iPads Saving Cities Paper Costs. USA Today, August 10, 2010.

http://www.usatoday.com/news/nation/2010-08-09-ipad-government_N.htm

Latest MTAS Publications

Changes in Federal and State Reimbursement Rates for Travel (2010) | [Read](#)

Dick Phebus, MTAS Finance and Accounting Consultant

City Recorder Certification Update | [Read](#)

Margaret Norris, MTAS Municipal Management Consultant

Unemployment Insurance: Who is not Covered? | [Read](#)

Gail Cook, MTAS Finance and Accounting Consultant

All current MTAS publications are available in the Publications Catalog on the MTAS Web site at

<http://www.mtas.tennessee.edu/public/web.nsf/Web/Read+Pubs>.

East Tennessee Renewable Energy Forum



Warren Nevad, MTAS Municipal
Management Consultant

The Tennessee Renewable Energy and Economic Development Council (TREEDC) held its first membership symposium in East Tennessee on October 22, 2010 at Roane State Community College. More than 80 attendees from 29 cities, 16 counties and 7 states met to discuss current programs and future statewide developments in renewable energy. Participants took advantage of educational and networking opportunities that focused on growing the renewable energy industry in Tennessee. The 3 panel type presentations consisted of local government best practices, alternative transportation fuels and renewable electric generation. Topics ranged from cellulosic ethanol, biodiesel, propane, compressed natural gas, electric cars, municipal and county best practices to gasification, wood torrefaction and solar energy.

The attendees were treated to a tour of a Net -Zero Energy home owned by Sustainable Future founder David Bolt. Special thanks to Parks Wells with the Tennessee Soybean Promotion Council for sponsoring the refreshments and lunch. TREEDC President/Pikeville Mayor Greg Johnson advised the membership that plans are underway to have similar forums in the Johnson City and Chattanooga areas in 2011. To date, TREEDC has hosted forums in Memphis, Jackson, Franklin and Fall Creek Falls.

For information on TREEDC, contact Nevad at warren.nevad@tennessee.edu. Membership benefits include access to TREEDC green business networks, newsletters, sponsorship and presentation opportunities at future forums, green jobs listing, and notification of grant opportunities, legislative policy development, and tracking services.

To read the complete report, [click here](#).

Mark Your Calendar!



November 2-5

Tennessee Fire Safety Inspector's
Association Conference (Murfreesboro)

November 10

Introduction of Traffic Signals. Tennessee Transportation
Assistance Program. National Transportation Research
Center (Knoxville)

November 17-19

TN PRIMA Conference (Nashville)



Health Care Corner

October 14, 2010 | Bonnie Jones, MTAS Human
Resource Consultant (updated 10/21/2010)

IRS Defers Reporting of the Cost of Health Care Coverage

The IRS has made an announcement that defers employers' burden of reporting the cost of health care coverage under a group sponsored health plan until 2012 (W-2s issued in 2013). For 2011, reporting will be optional and there will be no penalties assessed for those who elect to wait until reporting becomes mandatory.

For more on this, read here:

[Article from HR Morning news feed](#)

[IRS Press Release October 12, 2010](#)

[Draft W-2 Form](#).



Recommended Reading

"The New Health Care Legislation: What it Means for Cities" A presentation at the Fall 2010 Tennessee City Managers Association (TCMA) Conference. | [View](#)

The "Municipal E-News" is provided by the Municipal Technical Advisory Service of the University of Tennessee Institute for Public Service, in an effort to meet the challenge of providing timely, valuable information and assistance to Tennessee cities to build better communities.

If you have any questions or comments related to this newsletter please contact Frances Adams-O'Brien at frances.adams-obrien@tennessee.edu.