



Bradley County Courthouse

County Spotlight: *Bradley*

Population: 87,965
County Seat: *Cleveland*

Did you know...?

Blue Hole Spring inside Bradley County's Red Clay State Historic Park was once used for water supply by the Cherokee Indians during their council meetings.

Bradley County is home to eleven Fortune 500 companies, as well as another five businesses listed in the "Top 1000."

**For more information, visit:*

<http://tennesseencyclopedia.net>

<http://state.tn.us/environment/parks/RedClay/>

Change Announced in COCTP Ethics Policy

Understanding and employing ethical conduct is extremely important in the administration of county government. To this end, the University of Tennessee County Technical Assistance Service (CTAS) has required two hours of ethics training for full-time elected officials who are certified public administrators and desire to become recertified as part of the County Officials Certificate Training Program (COCTP). After reviewing this policy, CTAS felt the requirement was too narrow in scope because it excluded other county officials who would also benefit from ethics training.

After consulting with the COCTP Continuing Education Committee, we have decided to extend the ethics requirement to all county officials. However, instead of making ethics a requirement for recertification, it would become a requirement to become certified. In other words, if any county official desires to become a certified public administrator, they must take the two hours of ethics that will be incorporated into the Capstone Event.

Effective July 1, 2009, the following changes in the recertification process will become effective:

- (1) For any county official who is recertifying in the COCTP, the two (2) hours of ethics training is no longer required. Officials must still take sixteen (16) hours of training each fiscal year.
- (2) For any county official who desires to become a certified public administrator in the COCTP, they will receive two (2) hours of ethics training at the Capstone session.

CTAS will continue to offer ethics training and encourages officials to attend the sessions, but it will no longer be a requirement. Also, ethics training for newly elected county officials will be offered at the County Officials Orientation Program (COOP) in 2010.

If you have any questions about this policy, please contact CTAS Training Manager Robert Schettler at (615) 253-6378.

NEW SALARY SUIT CASE

Burrus v. Wiseman, 2009 WL 782818 (Tenn.Ct.App., 2009)

In this case, eight county officials filed a combined salary suit seeking judicial authorization to hire additional staff and to increase salaries and benefits. The county mayor and the county officials entered into a consent order, and the county commission attempted to intervene. The trial court denied the commissioners' attempt to intervene.

On appeal, the appellate court upheld the trial court's denial of the commissioners' attempt to intervene, but vacated the consent order entered into by the parties due to procedural and substantive errors.

From this case we learn:

- 1) the county mayor is the proper party defendant;
- 2) the county commission may not intervene in a salary suit;
- 3) the mayor must file an answer as required by the statutes; and
- 4) the trial court must hold a hearing on the petition as required by the statutes.

We also learn that the county property assessor, administrator of elections, and judges are not authorized by law to file a salary suit.

New AG Opinion on Dismissal of Administrators of Elections

The Attorney General issued an opinion last week stating that a court could find that the dismissal of a county administrator of elections solely on the basis of political party affiliation constitutes a violation of the person's constitutional rights under the First and Fourteenth Amendments, unless the county election commission can show that they have delegated broad discretionary policymaking authority to the administrator. The full text of the opinion can be found on the Attorney General's web site: <http://tn.gov/attorneygeneral/op/2009/OP/OP52.pdf>

Last year in *Ellis v. Bradley County* (double-click  to view), the 6th Circuit held that the county election commission is a state entity with regard to hiring and firing of the county elections administrator, and therefore the state is responsible for their actions. Under the reasoning of that opinion, the county should not be held liable if the administrator is wrongfully terminated. However, regardless of whether or not the county could incur liability, the county election commission should be made aware of this opinion before they take any action to terminate an administrator of elections solely for political party affiliation.

CTAS Debt Analysis Services

With recent changes in the economy and particularly in light of recent occurrences in the financial sector, counties are facing more challenges in debt management than ever before. Many of you may have seen an article recently published in the *New York Times* regarding complicated debt instruments issued by Tennessee counties (to read the article, click [here](#)). Some counties may have discovered that their debt is tied up in derivatives, creating financial problems for the county. Other counties may simply want to review their debt to determine whether changes need to be made, and engage in long-range planning for future needs.

CTAS provides debt analysis services to assist counties in analyzing existing debt and planning for new debt to be issued. This debt analysis is a long-range plan for the expenditures required for debt and revenues necessary to fund debt instruments. The analysis can also include determining whether refunding existing debt would be beneficial to the county.

CTAS strongly encourages counties to use a Request for Proposals (RFP) process when issuing new debt. CTAS is available to assist counties in developing RFPs and analyzing the proposals received.

If you would like to take advantage of CTAS's debt analysis services, please contact your CTAS County Government Consultant.

Economic Development Workshops

Have you ever wondered what families, organizations and businesses are looking for in order to move to your community? Do you want to know how to make your county more marketable to those who are looking to move there? Is your county presenting the image you really want to present? Economic development workshops being offered next month will address these issues and provide answers to many more.

The workshops will be delivered in six locations across the state. For dates, locations, and registration information, select the "Training" tab from the main menu on the CTAS web site (www.ctas.tennessee.edu) and click on "Classroom Training."

This course is offered by the University of Tennessee Municipal Technical Advisory Service (MTAS), but is eligible for four hours of Category A or Recertification credit as part of the County Officials Certificate Training Program (COCTP).

Have comments or suggestions for this newsletter?
Contact Claire Marsalis at claire.marsalis@tennessee.edu.

CALENDAR OF EVENTS

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| April 21-23 | COCTP Capstone, Montgomery Bell State Park |
| May 1 | Economic Development Workshop, Knoxville |
| May 4 | Economic Development Workshop, Johnson City |
| May 5 | Economic Development Workshop, Collegedale |
| May 7 | Economic Development Workshop, Franklin |
| May 12 | Economic Development Workshop, Bartlett |
| May 12-15 | County Clerks Spring Conference, Franklin |
| May 13 | Economic Development Workshop, Jackson |
| May 13-15 | COCTP Capstone, Montgomery Bell State Park |
| May 13-15 | State Court Clerks Education Seminars, Nashville |
| May 19 | COAT Board Meeting, Nashville |
| May 19-21 | Trustees Spring Meeting, Chattanooga |

New I-9 Form Now in Effect

As of April 3, 2009, the U.S. Citizenship and Immigration Services (USCIS) will begin enforcing the use of the new Form I-9. The new form is dated 2/2/09 and replaces the previous form dated 6/5/07.

Employers are required to complete Form I-9 for all newly hired employees to verify their identity and authorization to work in the United States.

You can access the new Form I-9 by clicking [here](#).

County Officials E-News is a monthly newsletter provided by the University of Tennessee County Technical Assistance Service in an effort to promote better county government through direct assistance to county officials and their associations.

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