



Anderson County Courthouse

County Spotlight: *Anderson*

Population: 71,330
County Seat: *Clinton*

Did you know...

The Tennessee Valley Authority launched its first major construction project in 1933 with the building of Norris Dam. The dam provided jobs, flood control and electricity to Anderson County.

*Oak Ridge was originally a "secret city," built by the federal government during World War II to help develop uranium for the atomic bomb that the United States dropped on Japan.**

*For more information, visit:
www.tnhistoryforkids.org
<http://tennesseencyclopedia.net>

Obtaining Used or Secondhand Goods and Equipment without Competitive Bidding

We are often asked whether a county may obtain used goods or equipment without going through a competitive bidding process. The answer is yes. The procedures that must be followed depend on whether the property is being obtained from a private individual or entity, or from another governmental entity. The two statutes discussed below apply in all counties regardless of any other purchasing laws the county may be under.

From Private Individuals and Entities – T.C.A. § 12-3-1003 was amended last year to authorize counties to purchase used or secondhand goods, equipment, materials, supplies, or commodities from private individuals and entities without public advertisement and competitive bidding as long as the county documents the general range of value of the item through a listing in a nationally-recognized publication, or through an appraisal by a licensed appraiser. The price paid must be within 10% of the documented range.

From Governmental Entities – Under T.C.A. § 12-3-1005, counties are authorized to purchase, trade, or receive as a gift any used or surplus personal property from another governmental entity without public advertisement and competitive bidding, upon approval of the governing bodies of each governmental entity involved in the transaction. Governmental entities include counties, cities, metropolitan governments, state government, federal government, and any instrumentality of the foregoing. (This law also authorizes counties to establish procedures for disposing of their surplus personal property to another governmental entity by sale, gift, trade, or barter upon any terms and conditions the governing body may authorize, without regard to any other laws governing the disposition of surplus property.)

Salary Supplement Information for Certified Public Administrators

According to the State of Tennessee Treasury Department, *Certified Public Administrators* eligible for salary supplements from the state will receive these payments no later than
October 31, 2008.

Attention, Clerks of Court!

Are You in Compliance with CDL Conviction Reporting?

The following information is provided by the Tennessee Department of Safety:

- Federal regulations require reporting Commercial Driver's License (CDL) citations to the Department of Safety within **30 days** from the date of the conviction.

*see FMCSA Part 384: State Compliance with Commercial Driver's License Program, §384.209 Notification of Traffic Violations.

- Beginning on **September 30, 2008**, all CDL conviction notifications to the Department of Safety are required to be made **within 10 calendar days** of date of the conviction.

- If Tennessee fails to comply with the new reporting regulation, the Federal Motor Carrier Safety Administration may reduce our federal highway dollars by 10%!

- If you currently submit your convictions electronically (TNSYS, Bridge, email), you do NOT have to mail the paper conviction.

- If you are currently mailing your convictions, the Department of Safety will provide a website where you can log on and submit your convictions! No paper or mailing will be necessary.

*You will send your saved conviction information to: Paul Battenfield at the Tennessee Department of Safety Information Systems Department:
Paul.Battenfield@state.tn.us or 615-251-5268

- If your office currently has all previous conviction information saved on a database, excel spreadsheet, etc., the Safety Information Systems Department will be able to upload that information to the website. No duplicate information entry will be required.

Understanding what "masking" a CDL conviction means

- Masking a CDL conviction means that a conviction for a CDL license holder was downgraded to a less serious offense or deferred or plea bargained.

- If a CDL license holder pays the citation fine without appearing in court, that is the SAME as pleading guilty! Report that conviction within 10 days!

- Federal prohibition against masking CDL convictions is applied only to **moving** violations, not parking violations.

- Per Tennessee Code Annotated, the dismissal with costs for a registration violation would not be prohibited under Tennessee law.

- Federal and state law prohibits masking of CDL convictions by sending convicted persons to traffic school.

- Federal rules prohibit the dismissal of a violation with fine and costs paid, even if the judge does not require traffic school.

Representatives from the Tennessee Department of Safety will explain how to properly file CDL violations during the clerks' association meeting at the COAT conference on October 16, 2008.

The Department of Safety will also make presentations at the clerks' regional meetings.

CTAS Website Features

COUNTY FIRE PROTECTION FUNDING OVERVIEW:

A spotlight on county fire protection funding has been compiled and is now available on the CTAS website. To view the spotlight, visit www.ctas.tennessee.edu and click on the Spotlights heading on the right side of the page.

FINDING TENNESSEE STATUTES:

When you read something about a statute in this newsletter or in any publication, you may want to see the actual text of the statute. These statutes are found in the Tennessee Code Annotated (T.C.A.). Do you know where to find the latest version of Tennessee Code online? Go to the CTAS website and look under Legislative Information, where you will find a link to the Tennessee Code. There you will find the most recent version of all Tennessee statutes, free of charge. This is also a good way to check to see whether a statute has been amended recently.

NEWSLETTER ARCHIVE NOW ON THE WEB:

Current and past issues of *County Officials E-News* are now available on the CTAS website. To access the issues, visit www.ctas.tennessee.edu and click on the Newsletters heading on the right side of the page.

INTERACTIVE LEARNING ON THE CTAS WEBSITE:

Wondering how to use the CTAS web site? CTAS has a demo that will show you — and tell you — what is on our web site and how to use it. Go to www.ctas.tennessee.edu and click on CTAS Reference Materials, then scroll down to the lower right side of that page. There you will find the CTAS Web Site Demo. Be sure to turn on your audio so you can hear the instructions. While you're there, check out the tutorial on the Sunshine Law (Open Meetings Act). It's a quick exercise that will give you the basics on the requirements of the Sunshine Law.

Upcoming COCTP Training Opportunities:

- *Improving Mutual Aid in TN (Re-cert only)
 - *Ethics (COAT Conference)
- *Open Records Law (COAT Conference)
 - *Voicing Opinions (COAT Conference)
- *Crisis Communications Workshop (B)
- *Emotional Intelligence Workshop (B)
- *Drug Fund Workshop (Limited Enrollment)

To register and view course details, visit:

www.ctas.tennessee.edu

NOTARY PUBLIC UPDATES FOR COUNTY CLERKS

Fees: With the changes in county clerk fees in 2008 Public Chapter 924 came an increase in the fee to file a bond, which will affect the fee for notary bonds. The new fee is \$2.00 (increased from \$1.50). This is the only change in fees in connection with notary public applications this year.

Notary Misconduct: We are often asked where complaints of notary misconduct should be directed. The Tennessee Attorney General has opined that a notary public is a state official, not a county official. Complaints of criminal misconduct by a notary should be directed to the District Attorney General of the judicial district in which the alleged conduct took place. Op. Tenn. Atty. Gen. 07-157 (11/26/07). As state officials, notaries are subject to removal from office under the ouster statutes found in T.C.A. § 8-47-101 *et seq.* In addition, every notary public is required to file a surety bond under T.C.A. § 8-16-104, and a person injured by the misconduct of a notary may make a claim under the notary's bond in accordance with T.C.A. § 8-19-301. The full text of the Attorney General opinion cited above can be found here: <http://www.tn.gov/attorneygeneral/op/2007/OP/OP157.pdf>

Notary Information: Notaries are state officials, but there is no state office that provides assistance to notaries with regard to their duties and responsibilities as a notary. We have found a very helpful website that may be of assistance. The American Society of Notaries is a nationwide organization of notaries public, and their website contains a wealth of information for notaries. You might want to refer notaries to this website: <http://www.asnnotary.org/>

COUNTY PRIVATE ACT UPDATES

Private Acts are acts passed by the state legislature that affect a particular county. CTAS compiles and maintains thorough records of all the private acts in effect for a particular county. These compilations are continuously being updated. The following is a listing of the private acts that have been updated in 2008. The new compilations can be accessed from the CTAS website under "Legislative Information."

- Bedford
- Benton
- Blount
- Bradley
- Campbell
- Cannon
- Carroll
- Cheatham
- Clay
- Crockett
- Decatur
- Dickson
- Dyer
- Fayette
- Fentress
- Grainger
- Hamblen
- Hamilton
- Hawkins
- Henry
- Lincoln
- Maury
- Meigs
- Montgomery
- Robertson
- Tipton
- Wayne
- Weakley
- Williamson
- Wilson

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

CALENDAR OF EVENTS

- Sept 18 Improving Mutual Aid, Knoxville
- Sept 18 TCCA Regional Meeting, Jackson
- Sept 18 TCHOA Region II Meeting, Chattanooga
- Sept 23 TCCA Regional Meeting, Cookeville
- Sept 25 TCCA Regional Meeting, Paris Landing State Park
- Sept 23-25 Capstone, Montgomery Bell State Park
- Sept 25 Crisis Communications Workshop, Jackson
- Sept 30 Crisis Communications Workshop, Franklin
- Oct. 13-17 COAT Annual Conference, Memphis
- Oct. 14 Drug Fund Workshop, Knoxville
- Oct. 15 Drug Fund Workshop, Johnson City
- Oct. 16 Drug Fund Workshop, Collegedale
- Oct. 20 Assessor of Property Conference, Montgomery Bell State Park
- Oct. 21 Drug Fund Workshop, Bartlett
- Oct. 22 Drug Fund Workshop, Jackson
- Oct. 29-31 TCSA 55th Annual Fall Conference, Memphis
- Oct. 30 Drug Fund Workshop, Franklin

Make Plans Now to Attend COAT/TCSA Fall Conferences

Both the County Officials Association of Tennessee (COAT) and the Tennessee County Services Association (TCSA) will hold fall conferences this October in Memphis.

The COAT Conference is scheduled for October 13-17, 2008 at the Memphis Hilton Hotel. For conference registration information, email coat.jones@tncounties.org or call (615) 253-6700.

The TCSA Conference will be held at the Peabody Hotel on October 29-31. To register and view the complete conference agenda, visit the TCSA website: www.tncounties.org.

CTAS will offer COCTP training opportunities at both conferences.

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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