

THE ALABAMA MUNICIPAL **JOURNAL**

November 2003

Volume 61, Number 5



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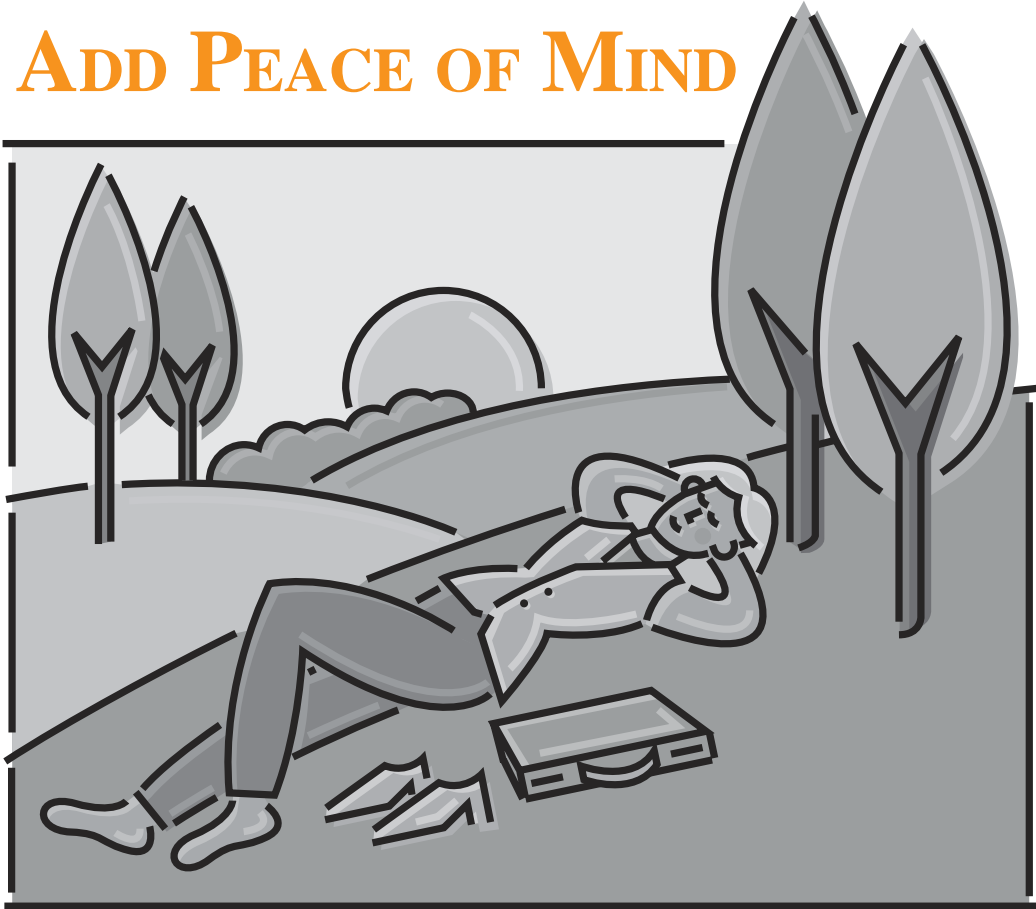
Inside:

- Final Report: 2003 2nd Special Session
- What Every Candidate Should Know About Municipal Government
- Proposed Policies and Goals for 2004

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AMROA Installs New Officers

The Alabama Municipal Revenue Officers Association elected new officers for 2003-2004 during the AMROA 2003 Annual Conference and Business Meeting in Pelham. The new leaders of the organization were installed as follows:

- President, Ronne Harvell, CMRO, Decatur;
- President-Elect, Pat Hyland, CMRO, Mobile;
- Vice President, Gary Muns, CMRO, Florence;
- Secretary, Bill Fetner, CMRO, Orange Beach;
- Treasurer, Tina Boyles, CMRO, Decatur;
- Paul Arnold, CMRO, CNLO, Chairman of the Board, Mobile;
- Vincent Brown, CMRO, Director; Tuscaloosa;
- John Hand, CMRO, Director, Tuscaloosa;
- Mike Morgan, CMRO, Director, Pelham; and
- Freddie Thomas, CMRO, CNLO, Director, Robertsdale

Also, the most recent graduates of the Certified Municipal Revenue Officers Institute were recognized. They were:

- Ralona Davis – City of Tuscaloosa
- Cathy Jensen – City of Trussville
- Veena Kaul – City of Huntsville
- Rhonda Rhudy – City of Trussville
- Carmen Smith – City of Huntsville
- Kathy Woodward – City of Orange Beach
- Cyndi Herren – City of Northport

In attendance at the meeting were also the two newest Certified National Licensing Officials from Alabama municipalities. They were Frank Lopez (Hoover) and Joan Lindsey (Daphne).


In addition to many outstanding presentations concerning the technical and technological aspects of municipal revenue administration, the site of the 2004 AMROA Annual Conference and Business Meeting was announced. Information about the conference to be held at The Grand Hotel at Point Clear on August 18-20, 2004, can be obtained by contacting Dr. Tommy Pow at tpow@ccs.ua.edu. ■

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The President's Report

Dan Williams
Mayor of Athens

So You Think You've Heard It All

So you think you've heard it all, huh? I thought I had after watching all the recall activities in the California Gubernatorial recall election. Well, not anymore.

Back in the summer I picked up a two-year old copy of *Readers Digest* at City Hall. I opened it to a story of a small town in one of the New England states, maybe New Hampshire. The story was about a lady's efforts to get her town to have a "night off" night. She succeeded in convincing the local government to back her idea and eventually they set a date where there would be a night that kids had no homework, no ball games, no cheerleader practice, no band, no movies, no church activities, no nothing. Everyone had to stay at home on that night and do family activities. It was very successful and they were going to do it again in the future.

The next day I see on the Internet that the City Council of Denver, Colorado – population 560,000 – have had a petition presented to put an initiative on the November 2003 ballot to "ensure public safety by adopting and promoting stress-reducing techniques or programs." Can you believe this? Denver, Colorado is going to vote on a proposal for the city government to reduce and relieve stress!

I couldn't believe it so I e-mailed a Denver city official who verified that Denver peace activist, Jeff Peckman, needed 2,458 signatures on a petition for this initiative and got 2,462. Needless to say the city official wasn't pleased about the election. I suggested to the official that he get the old *Readers Digest* and work with Mr. Peckman to see if a "night off" night would satisfy him. He later e-mailed me and said that the idea was great but the ballot proposal was legally set and the election must be held. He also said when the Council voted to place it on the ballot, Councilwoman Rosemary Rodriguez quipped, "I'm getting stressed out over this bill".

I found that Mr. Peckman has suggested soothing music in public places, improved nutrition in kids lunches and other things like Sitar music. Sitar music?? What the heck is Sitar music? I like guitar music by Alabama's own late, great Hank

Williams, but can you imagine walking downtown in Montgomery, passing the Hank Williams museum, and hearing the strange strains of Sitar music coming over the public address system? And this is what Denver will vote on in November.

Denver is the mile-high city with an average of 300 days of sunshine each year, always ranks near the top of various quality of life surveys and more than 60 percent of its residents have public library cards. Some would say that Denverites already know where best to relieve stress.

This initiative is ridiculous, of course, but I think I can see similar initiatives coming to all of us here in our own cities and towns. Voters didn't put us in office to deal with fantasy and frivolousness and that's what this is. Reducing and controlling stress depends upon living a responsible life. Those who tend to plan carefully, tend to not get into as many stressful situations. Stressful situations give us the feeling of powerlessness – of having no control over what happens. Personal empowerment reduces stress; abdication of personal responsibility increases stress. If we pass on to government the responsibility of reducing stress, it encourages people to take less responsibility for themselves and pretend that politicians are in control. When people hand over their responsibility to politicians, the problems do not disappear – generally they grow worse, and people become accustomed to letting other people deal with their problems.

We face this problem as elected officials every day. There are folks who call upon their Mayors and Councils regularly to get them to make some neighbor mow his grass, rake his leaves, take down his Christmas lights, stop his dog from barking, paint his house a different color and a thousand other things. Many of the ordinances we pass and attempt to enforce in our cities deal with these areas because no one wants to confront his neighbor with criticism. Don't they all tell you, "Don't use my name."? As you well know, we can't solve all their problems and so the situation for everyone involved usually becomes very stressful. I'm not saying that we shouldn't give our attention to our constituents' problems, but as local elected officials we didn't take them on to raise. If we wanted to do that, we would run for Congress.

People become less responsible and less able to cope with their own problems when they depend upon others to solve them – and government often screws things up even worse. Maybe the voters in Denver will pass this initiative and we will see how the Mayor and City Council will reduce stress. I think the best way a Denverite could reduce stress would be to completely ignore and stay away from all the public hearings and debate the city will sponsor to see what kind of programs need to be implemented as a result of the initiative. If the Mayor and Council really want to stay out of this mess and reduce stress, they should do what any smart government would do to reduce stress: cut taxes. ■

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Municipal Overview

By
PERRY C. ROQUEMORE, JR.
Executive Director

Final Report: 2003 2nd Special Session

The 2nd Special Session of 2003 adjourned sine die on September 26. The session was called by Governor Riley for the purpose of adopting the General Fund Budget and the Education Budget and various appropriation bills for the new fiscal year which began on October 1. The Legislature enacted a \$1,204,370,187 General Fund Budget and a \$4,238,839,660 Education Budget.

This Final Report lists those bills of interest to municipalities that were enacted during the special session.

General Bills Passed

The following is a brief summary of each of the general bills enacted during the special session that impact cities and towns.

General Fund Budget (HB1, Act 2003-437). This bill provides appropriations for ordinary expenses of the executive, legislative and judicial departments. This bill contains a League-supported appropriation of \$568,598 to the Water Pollution Control Authority to continue the State Revolving Fund for Wastewater Treatment.

Pardons and Paroles/Restoration of Voting Rights (HB3, Act 2003-415). To amend the law relating to the board of pardons and paroles by providing for four special board members to serve for three years, by allowing the board to sit in panels of three for the purpose of determining pardons, remission of fines and forfeitures, paroles and the restoration of rights of convicted felons and by providing a procedure for the restoration of eligibility to register to vote of former probationers, parolees, and inmates who have satisfactorily completed conditions of their sentence, including probation, parole, incarceration, and community corrections as determined by the board of pardons and paroles based on court records, records of the department of corrections, and the board of pardons and paroles; to create a legislative oversight committee for the board of pardons and paroles; and to provide for an effective date.

Education Budget (SB8, Act 2003-438). This bill provides appropriations for the support, maintenance, and development of public education.

Alabama Underground and Aboveground Storage Tank Trust Fund (SB10, Act 2003- 483). To amend Sections 22-35-4 to 22-35-7, inclusive, and Section 22-35-9, Code of Alabama 1975, relating to the Alabama Underground and Aboveground Storage Tank Trust Fund, to provide for the future, long-term protection of the soils and waters of the State of Alabama from releases from certain underground and aboveground storage tanks; to place time limits on the Alabama Department of Environmental Management's review, approval, and disapproval of plans for investigation, free product removal, risk assessment, corrective actions, and other plans requested by the department; to eliminate the Alabama Underground and Aboveground Storage Tank Trust Fund Advisory Board and replace it with a nine-member board to manage the trust fund, to be called the Alabama Underground and Aboveground Storage Tank Trust Fund Management Board.

Utility Service Vehicles (SB22, Act 2003-478). To amend Section 32-9A-2, Code of Alabama 1975, relating to commercial motor vehicles and the application in this state of U.S. Department of Transportation motor carrier safety regulations; to provide certain exceptions for utility service vehicles and other motor vehicles engaged solely in intrastate commerce, to vehicles responding to emergency situations, and under certain other conditions.

Driver's License – Notification of Suspension, Cancellation or Revocation (SB39, Act 2003-430). This bill amends Section 32-6-17 of the Code of Alabama 1975, to repeal the provision requiring the Department of Public Safety to notify by certified mail any person whose driver's license has been suspended, cancelled, or revoked.

Proposed Constitutional Amendments

HB14, Act 2003-408 – Economic & Industrial Development powers for Etowah County & municipalities located therein

HB28, Act 2003-409 – Economic & Industrial Development powers for Baldwin County & municipalities located therein

SB1, Act 2003-414 – Elected officials of Mobile County allowed to participate in Employees' Retirement System

SB9, Act 2003-433 – Greene County bingo

SB38, Act 2003-413 – Tom Beville Reservoir Management Area Authority

Local Bills

HB27, Act 2003- 425 - Baldwin County tobacco taxes

HB50, Act 2003- 469- Mobile County Judge of Probate

continued next page

HB52, Act 2003-470 - Escambia County Commission compensation

HB70, Act 2003-481 - Talladega County subdivision regulation

HB79, Act 2003-532 - authorizes wet-dry referendums in Monroe County municipalities of 5,000 or more inhabitants

HB85, Act 2003-527 - Bibb County Sheriff – Service of Process Fund

HB86, Act 2003-435 - Prattville Sales and Use Tax distribution in Elmore County portion of city

HB87, Act 2003- 467 - Butler County Commission single-member districts

HB89, Act 2003-431- Madison County – Sunday sales of alcoholic beverages

SB3, Act 2003- 439- Dallas County Board of Registrars compensation

SB 7, Act 2003-466 - Dallas County Judge of Probate compensation

SB12, Act 2003-530- authorizes wet-dry referendums in Clarke County municipalities of 5,000 or more inhabitants

SB13, Act 2003-531- authorizes wet-dry referendums in Monroe County municipalities of 5,000 or more inhabitants

Annexation Bills

HB41, Act 2003-423 - Daleville

HB53, Act 2003-427- Atmore

HB74, Act 2003-429- Lincoln

SB14, Act 2003-426- Atmore

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ENVIRONMENTAL OUTLOOK



By Gregory D. Cochran
Director, State and Federal Relations

Alabama and Florida Seek Invalidation of Water Settlement Agreement

Lawyers for Alabama and Florida asked U.S. District Judge Karon Bowdre last month to declare a proposed settlement agreement stemming from the long-running tri-state water-sharing dispute invalid. Since 1992, the states have agreed to a truce to come up with a long-term water sharing agreement. In 1997, Congress and the legislatures of the three states adopted a legal agreement to establish the talks.

The two states joined in challenging the proposed settlement entered into by the U.S. Army Corp of Engineers involving water allocation in Lake Lanier, a federal reservoir north of Atlanta. The settlement stems from a case out of federal court in Washington in which lawyers for Alabama and Florida say efforts to secure water for Georgia come at the expense of Alabama and Florida. They also contend it violates a 1990 court order out of the Northern District of Alabama.

Much debate has focused on concerns of keeping Georgia from taking too much water to quench the needs of the growing Atlanta metropolitan area. Alabama and Florida sued in 1990, but the court stayed the case to allow the states and the Corps to resolve the dispute.

Alabama, Georgia and Florida have been negotiating for 13 years on how to share water sources. Negotiations have been extended time after time. A deal could not be hammered out involving the Appalachian-Chattahoochee-Flint, and that case is expected to be headed to the U.S. Supreme Court. Two river systems – the Alabama-Coosa-Tallapoosa River Basin and the Apalachicola-Chattahoochee-Flint River Basin – are the centers of long-running water wars. Alabama and Georgia came to an agreement in August concerning the Alabama-Coosa-Tallapoosa river basin.

City of Montgomery's Urban Forests Worth Millions

According to an analysis conducted by American Forests, trees within the city of Montgomery provide an estimated \$548,450,836 per year in benefits and services. Many of the values used in the analysis include air pollution removal, stormwater runoff prevention and control and water quantity (recharge). The analysis also combined land cover data, as well as data about soils, precipitation and elevation. By processing the data in established models developed by the U.S. Department of Agriculture researchers, American Forests can estimate the dollar value of the trees in any area of the United States. In a related story, American Forests also reported that U.S. cities have lost more than 20 percent of their trees in the past 10 years, due primarily to urban sprawl and highway construction.

Rep. Bachus Promotes Cahaba Wildlife Refuge Expansion Plan

Rep. Spencer Bachus and local environmental advocates are proposing an additional 26,500 acres be added to the Cahaba National Wildlife Refuge in Bibb County. If enacted, the current Wildlife Refuge boundaries would increase from 3500 acres to 34,000 acres, making it the second largest refuge in Alabama. According to the Nature Conservancy of Alabama, the three major landowners in the expansion area are timber companies who have “conceptually” indicated they would be willing to sell the land for a fair market price. Land will only be bought from willing sellers.

The Cahaba River basin supports 69 rare and imperiled species and 131 fish species – more than any river its size in North America. It is also home to the Cahaba lily. The proposed expansion extends north, south and east from the current refuge area. Once it is completed, the refuge would run from the Bibb/Shelby county line to just north of Centreville and slightly eastward along the Little Cahaba River.

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By Ken Smith
Deputy Director/Chief Counsel

THE LEGAL VIEWPOINT

What Every Candidate Should Know About Municipal Government

This article is not intended as a guide for qualifying and running for municipal office. The League publishes a manual called *Procedures for Holding Elections in Mayor-Council Municipalities* which covers issues related to campaigning and holding the election. Rather, the goal of this article is to inform potential candidates as to the structure of municipal governments in Alabama as well as to the limitations and restrictions on municipal power. An understanding of these rules can prevent future embarrassment from discovering that a campaign promise can't be fulfilled.

Potential municipal candidates must be aware of the laws governing the municipality in which they choose to run for office. The provisions discussed in this article apply generally to any municipality with a mayor/council form of government. Many state laws, however, apply to only certain municipalities. It is up to the candidate to be sure that the rules and regulations set out in this article govern their municipality.

The League encourages municipal clerks to make copies of this article to make potential candidates aware of the regulations that will govern their actions as municipal officials. This article may also serve as a refresher for elected officials who are presently in office.

What is a Municipality?

Throughout history, all governments have been created for a combination of two reasons: protection and convenience. Originally, of course, individuals banded together to protect themselves from invading armies and bands of marauders. Today, governments provide other forms of protection: job rights, a cleaner environment and other safeguards which are deemed important to a better life-style.

They provide an element of convenience by performing many services which individuals themselves may not be willing to perform, such as construction and maintenance of roads, disposal of garbage and promotion of the arts.

Local governments provide a means for citizens to have a direct say in which services are needed and how those services should be provided through the process of electing representatives. Representatives, who are chosen from the pool

of willing citizens, meet and discuss how the municipality can best meet the needs and desires of their citizens.

When these elected officials meet, however, it is important for all parties to understand that in Alabama, all municipal powers flow directly from the state legislature. Alabama operates under what is known as the Dillon rule. This rule provides that municipalities have no powers beyond those that are given to them by the state. The authorization must be either explicit or clearly implied from the language of a state statute or constitutional provision.

Briefly, Alabama is governed by a document that was first passed in 1901, although it has been amended many times since. This is the Alabama Constitution. Laws in the Constitution are passed by the legislature, but only become effective following a vote of the public. The Constitution provides a framework for the adoption of laws by the legislature. Legislative acts cannot conflict with constitutional provisions. If there is a conflict, a new constitutional amendment must be adopted and approved by a vote of the people.

In addition to the Constitution, the legislature meets at least annually – more often if special sessions are needed – to pass general and local laws. Many of these laws apply directly to the operation of municipal governments. Any action taken by a municipal government cannot conflict with these legislative actions. Beyond that rule, however, is a further limitation. Not only do municipal actions have to comply with these statutes and the Alabama Constitution, under the Dillon rule, there must be legislative authority for the municipality to take the specific action in question.

So, when a potential candidate decides that some action needs to be taken, he or she must examine the laws to ensure that the municipality has the power to act in the way desired. If not, the municipal official may first have to obtain legislative authority. Depending on what the official wants to do, this may require either a local act, a general act or possibly even the adoption of a constitutional amendment.

continued next page

The Extent of Municipal Power

Municipalities are established by incorporation through the procedures set out in the Code. Municipalities grow through annexations. The methods of annexing property are also provided for in the Code.

Municipalities are divided into cities and towns on the basis of population. If the municipality has less than 2,000 citizens, it is a town. Once the population reaches 2,000, however, the municipality is defined as a city.

Municipalities may exercise two types of power: legislative and corporate. Legislative powers affect the public generally. In exercising these powers, the municipality acts very much as an arm of the state. Corporate powers are more comparable to those of a private corporation and are exercised to benefit the municipality in its proprietary capacity.

Municipalities also have authority to exercise certain powers within their police jurisdictions. The police jurisdiction is a legislatively created area outside the corporate limits of a municipality. The size of the police jurisdiction is either a mile-and-a-half, or three miles, depending on the population of the municipality. It ensures orderly development beyond the municipal limits and allows the municipality to protect persons who live within these areas.

Municipalities can levy certain types of taxes in the police jurisdiction in order to pay for services which are provided in the area. Additionally, municipalities can enforce criminal ordinances in the police jurisdiction. Construction and development can be regulated through the application of municipal building codes and subdivision regulations. Municipalities can also provide a wide range of services to citizens within the police jurisdiction.

Appropriations

A common area of contention between municipal officials and their constituents concerns appropriations. Many taxpayers, understandably, want to have a direct say in how their tax money is spent. However, citizens must understand that municipal expenditures are limited by state law.

Perhaps the most common barrier to municipal spending is Section 94 of the Alabama Constitution of 1901. This Section is commonly referred to simply as Section 94. It prohibits municipalities from giving anything of value to any private individual or group of individuals. The prohibition also bars donations to private, nonprofit corporations, even if these organizations benefit the public. Section 94 is the reason municipalities cannot pave driveways or parking lots on private property. The rule is also why government property cannot be given away.

Section 94 is a frequent source of friction for elected officials, especially for those who are new to the operations of public entities. This is because often the groups requesting financial help from the municipality do provide a valid community service, and there is an inherent desire to assist them. Many are charitable organizations. For the purposes of Section 94, though, it is crucial to distinguish between the public and private nature of the group, and many traditional entities are considered private, not public. It doesn't matter under Section 94 that the group is non-profit. If it is private (which generally means that it was not directly created

by a public organization), the municipality may not donate funds to it without finding a public purpose behind the donation. Courts have created a four-part test for determining if an expenditure serves a public purpose:

“The Court should *first* determine the ultimate goal or benefit to the public intended by the project.

Second, the Court should analyze whether public or private parties will be the primary beneficiaries.

Third, the speculative nature of the project must be considered.

Fourth, the Court must analyze and balance the probability that the public interest will be ultimately served and to what degree.”

In *Slawson v. Alabama Forestry Commission*, 631 So. 2d 953 (Ala. 1994), the Alabama Supreme Court stated that, “The paramount test should be whether the expenditure confers a direct public benefit of a reasonably general character, that is to say, to a significant part of the public, as distinguished from a remote and theoretical benefit ...”

Section 94, though, does not prohibit municipalities from contracting with private companies and individuals for services. For example, although a municipality cannot give money to the Girl Scouts of America, the municipality may compensate the Girl Scouts for legitimate services they perform for the municipality. Bear in mind that the service being performed generally must be a service that the municipality could perform itself.

Similarly, Section 94 does not ban appropriations to public organizations which serve the municipality. For instance, municipalities may contribute funds to public schools their citizens attend. However, municipalities may not make donations to band booster clubs or other private clubs organized by students or parents because these are private groups.

Municipalities must also comply with the State bid law. The bid law prohibits expenditures (with certain exceptions which are listed in the Code) of more than \$7,500.00 (\$50,000 for public works contracts) without first soliciting competitive bids. However, cities and towns may contract with other public agencies or purchase items through a state contract without first obtaining bids.

There are, of course, other provisions governing municipal expenditures that are too numerous to discuss here. What is important is for potential candidates to understand that they must examine expenditures to ensure that what he or she wants to do is legal.

Citizen Petitions

Citizens often draft and circulate petitions to be presented to the municipal governing body. What is the legal effect of these petitions?

Of course, in some cases the Code requires the council to act on petitions which contain a certain percentage of citizen signatures. In these cases, the council must follow through on all statutory requirements. These situations, though, are rare. Usually, the council is not required to act on, or even debate, requests submitted by petition. At best, a petition serves as a means of bringing the issue before the council.

Certainly, citizens have the right to make requests of the governing body. And, just as clearly, the number of signatures

on a petition has a practical political effect. In most cases, however, a council may deny a petitioner's request, or refuse to even consider it.

Even where a municipal council will consider a citizen petition, it is important that candidates realize that they cannot delegate the authority to make legislative decisions to the citizens themselves. Frequently, elected officials want to allow citizens to vote on issues. The legislative power of a municipality, though, cannot be delegated to the citizens. For instance, in Opinion No. 91-00262, the Attorney General held that a city council may not make zoning in a particular district subject to a referendum of the residents. In fact, a city may not sponsor and hold a non-binding referendum using city employees and officials to work on the election, even if the cost of the referendum is paid for with private funds. 94-00001. But, a private group may conduct a non-binding referendum for a municipality, although the municipality may not participate other than as private citizens and the council cannot agree to be bound by the referendum. 97-00257. Of course, under state law the municipality must submit some questions to the voters to make the final decision. A candidate must be sure whether a referendum is required, or even allowed, prior to agreeing to allow the public to vote on specific issues.

The Division of Duties Between Elected Officials

One of the most misunderstood aspects of municipal government is the separation of powers between the mayor and the council. Like government on the state and federal levels, municipal government is divided into three separate but equal branches: executive, legislative and judicial. Each of these branches has distinct duties, powers and restrictions on how far it can intrude into the affairs of the other branches.

At the municipal level, the mayor serves as the head of the executive branch. As such, the mayor is responsible for overseeing the day-to-day operations of the municipality. He or she oversees municipal employees, makes sure that bills are paid on time, executes municipal contracts and, in general, performs many of the same functions as a C.E.O. of a private corporation.

In municipalities of less than 12,000 inhabitants, the mayor also presides over council meetings and serves as a member of the council. In these cities and towns, the mayor may vote on any issue before the council, introduce measures and participate in debates to the same extent as members of the council.

In cities with populations of more than 12,000, the mayor is not a member of the council. However, he or she has a veto over any permanent action taken by the council. The council can override the veto by a two-thirds votes.

The council is the legislative branch. Candidates must understand that individual councilmembers, acting alone, have no greater power or authority than any other citizen of the municipality. The council can only act as a body at a legally convened meeting.

The council has authority over the finances and property of the municipality. The council establishes policies, passes ordinances, sets tax levels, determines what sorts of services the municipality will offer and has authority over all other legislative aspects of municipal government.

Council Meetings

Problems frequently arise over public participation in council meetings. This is probably due to the misconception of a council meeting as a public hearing. It is not. A council meeting is intended as a gathering of elected officials brought together to conduct the affairs of the municipality. The meeting is open to the public not so much to obtain citizen input, but to allow the public to observe the affairs of government to ensure appropriate and legal representation by their elected officials. Citizens have no right to speak at a council meeting, although most councils do set aside a time for public comment. The Sunshine Law grants citizens the right to be present at public meetings, but does not grant them an absolute right to express their views at the meeting. A public body may establish reasonable guidelines governing public participation in the meeting. 98-00134.

There are three different types of council meetings. The time of regular meetings – which are held once or twice monthly, again depending on the population of the municipality – is established by the council at its organization meeting and is usually set out in the council's rules of procedure. Adjourned meetings are merely continuations of earlier deliberations which were delayed until a later time. A quorum must be present for the council to take action, and for the Sunshine Law to require opening the gathering to the public. See, Section 11-43-48, Code of Alabama, 1975, and *Auburn University v. The Advertiser*, ___ So. 2d ___, 2003 WL 21205832 (2003).

Most controversies concern special meetings. Special meetings are called pursuant to a procedure set out in the Alabama Code. The controversy usually arises over the type notice the Code requires in order to conduct a special meeting.

All elected officials must receive notice of the meeting and have the opportunity to attend. This guarantees all citizens the right to participate in the affairs of the government through their representatives. Additionally, in *Slawson v. Alabama Forestry Commission*, 631 So. 2d 953 (Ala. 1994), the Alabama Supreme Court held that the Alabama Sunshine Law requires that reasonable notice be given to the public of special meetings, unless an emergency exists.

Similar problems arise over public records. Clearly, most records maintained by a municipality are public. However, controversies over what this means are common. Everyone is not entitled to see public records any time they wish. The municipality is entitled to establish reasonable procedures governing access to public records. Citizens who wish to view public records must follow these procedures. The custodian of records may ask for a reason for viewing the records, and must be convinced that the reason is legitimate. Also, the municipality may charge for making copies.

Additionally, not all records are public. Some records, such as on-going police investigation files, some material in personnel records and similar records which contain information not for public consumption, are not open to the public. Further, individual councilmembers and the mayor generally have no greater right to inspect municipal records than do any other members of the public.

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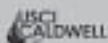
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Lorelei A. Lein
League Counsel

Legal Notes

COURT DECISIONS

Tort Liability: The statutory caps of \$100,000 per injured person and no more than \$300,000 per occurrence applicable to municipal corporations for bodily injury claims do not apply to claims for property damage against a municipality. *City of Prattville v. Mary Corley, et al.*, — So.2d — (No. 1020076, Ala. 2003).

Tort Liability: Expert testimony that maintenance problem of city’s drainage system caused flooding on a homeowner’s property was not substantial evidence linking flooding on the property to the negligence of the city in maintaining drainage system, as the expert was unaware of any specific maintenance problems, expert’s process of elimination would logically support inference that flooding resulted from a blockage, but blockage did not necessarily mean negligent maintenance, expert did not review any work-crew reports, there was no evidence of city’s maintenance plan, and there was no evidence that the city was placed on notice of drainage problems and subsequently failed to respond. *Locke v. City of Mobile*, 851 So.2d 446 (Ala. 2002).

DECISIONS FROM OTHER JURISDICTIONS

First Amendment: County policy barring use of a community center for home schooling or other private courses intended to meet state educational requirements, while allowing informal community education activities, is a status based, viewpoint neutral distinction between speakers in a limited public forum that is reasonably related to the center’s designated purpose as a place for recreation and informal community enrichment and thus does not violate the First Amendment to the United States Constitution. *Goulart v. Meadows*, 72 L.W. 12 (No. 02-1962, 4th Cir. 2003).

Public Records: Neither the contents of public employees’ personal e-mails nor automatically created “headers” for

such e-mails are public records subject to disclosure under Florida’s public records statute by virtue of their placement on a government owned computer system. *Florida v. Clearwater, Fla.*, 2003 WL 22097478 (Fla. 2003).

ATTORNEY GENERAL OPINIONS

Capital Improvement Fund: Whether a structure is a capital outlay project that is properly funded with Capital Improvement Trust Fund money depends on the characteristics of the structure. A fixed marquee sign that is a permanent structure built to advertise local municipal events and public notices would be a capital outlay structure and therefore it would be appropriate for capital improvement fund money to be used for the construction of such a sign. 2004-003.

Officers and Offices: Whether a council member is a resident of the city is a factual question to be determined by the city council based upon the particular facts and circumstances. A council member does not vacate his residency by a temporary absence unless he has the intent to abandon his residency and establish a permanent residence elsewhere. 2004-005.

ETHICS COMMISSION OPINIONS

AO NO. 2003-45: A former electrical inspector for a city may operate an electrical business within the city limits upon his retirement from the city; provided that he has no direct dealings or interaction with the city for a period of two years.

AO NO. 2003-47: A coordinator/bookkeeper for a city foster grandparent program, upon retirement, may not, for a period of two years, return to work for the city on a part time basis for the program, as she holds a position of authority with the program.

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The Legal Viewpoint

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Relationships with Boards

Not all municipal services are provided by the municipality itself. Many are provided by municipal boards. Some of these boards are separately incorporated, while others are not. Municipalities have the authority to create a broad range of boards to control particular functions. Perhaps utility boards provide the most common example.

Boards are usually created when the governing body takes on the duty of performing so many functions that its needs to give the responsibility to another entity so that it can adequately provide for the other needs of the citizens. Once a board is created, its powers are specified by the statute under which it was organized. The council may not change the duties of the board from those set out in the statute. Nor can a council create boards that are not authorized by the legislature. Although a council may create an advisory board, it cannot delegate power over any municipal function in its control unless the legislature has given them that authority. An advisory board can only make recommendations to the council, which it must enact itself.

Frequently, municipal officials are asked to remove board members or to order the board to take certain actions. Municipal citizens must understand that once a board is created, it has the sole power to act and the council has no power to make demands on the members of the board. Members of these boards are appointed for terms and generally they cannot be removed until their terms expire. This is especially true for separately incorporated boards.

It is important to understand the difference between an incorporated and an unincorporated board. Incorporated boards usually cannot be dissolved until some event defined in the Code occurs. Frequently this is the payment of the debts of the board. Therefore, members of incorporated boards are totally independent from council members. Unincorporated boards may be dissolved by a governing body although the council may not change the duties of the board from those set out in the Code.

Conclusion

This article does not answer every conceivable question regarding municipal government, nor could it. Municipal government is multifaceted. It is difficult to even list all the functions performed by municipalities, and even harder to explain the laws which govern their operation. Multi-volume sets of books have been written which provide only a brief overview.

However, what is often overlooked is the community nature of a municipality. Although municipal governments are legally recognized entities with a certain amount of control over the affairs of their citizens, municipalities are still communities. They are organized by citizens who feel a need for the services and protection the government provides. In order to make the government effective, elected officials, and the citizens they represent, must work together in a spirit of cooperation, cooperation based on an understanding of what the municipality is permitted to do under state law. The League hopes this article will help foster this spirit of cooperation. ■



Federal Legislative and Regulatory Issues

Mary Ellen Wyatt Harrison
Staff Attorney

Some Rural Communities to Receive Grant Funds for Defibrillators

The Department of Health and Human Services (HHS) is providing 49 states and the territory of Guam with \$11.6 million to increase the chances of survival for heart attack victims in rural communities. The Alabama Department of Public Health received \$230,684 for the program. The Rural Access to Emergency Devices grants are administered by HHS' Health Resources and Services Administration (HRSA). The funds can be used to purchase automated external defibrillators for emergency medical services, fire and rescue services, health clinics, nursing homes and schools in rural areas, as well as train emergency and community personnel how to use them.

Congress Passes Homeland Security Funding Bill

The final bill for Department of Homeland Security funding passed the floor of Congress. The bill includes billions in funding to state and local governments for first-responder programs and other security functions. The bill passed 417-8 in the House and by a voice vote in the Senate. The \$29.4 billion appropriated is more than \$1 billion above what President Bush requested. Local and state governments are set to receive approximately \$4.2 billion for first-responder programs; \$9 billion for border protection; and \$5.2 billion for the Transportation Security Agency and the Federal Air Marshal Program. Of the \$4.2 billion appropriated for first responder grants, \$1.7 billion will be available through the Department's Office of Domestic Preparedness for basic formula grants where states must "obligate not less than 80 percent of the grant to local governments within 60 days after the grant award." Other funding areas include: \$500 million for State and local law enforcement terrorism prevention grants; \$725 million for high-threat, high-density urban areas; \$750 million for firefighter grants; \$180 million for Emergency Management Performance Grants; \$60 million for Urban Search and Rescue; \$50 million for the Metropolitan Medical Response System; \$60 million for competitive training grants; \$135 million for the National

Domestic Preparedness Consortium; and \$80 million for technical assistance, and national exercises.

House Subcommittee Approves Bill to Help States Collect Taxes on Internet Cigarette Sales

The House Judiciary Subcommittee on Courts, the Internet and Intellectual Property passed a bill that will give states the authority needed to enforce the Jenkins Act. The Jenkins Act requires cigarette sellers to report interstate cigarette sales. If the House bill passes, states' efforts to prosecute vendors who sell on the internet and evade state taxes will be bolstered. Titled the Internet Tobacco Sales Enforcement Act, the bill was passed by the House Judiciary Subcommittee on Courts, the Internet and Intellectual Property on October 2, 2003. The number of the house bill is H.R. 2824.

What the Internet Tax Non-Discrimination Act Means for Local Governments

Both HB 46 and SB 150 on the Internet Tax Non-Discrimination Act have been introduced. They purport to make three simple changes to the Act: (1) make the moratorium permanent; (2) eliminate the grandfather clause; and (3) include broadband access in the preemption. Ultimately, these three changes have the potential to reduce state tax revenue by an estimated \$4 to \$9 billion annually. As far as municipalities are concerned, the bills threaten two traditional municipal powers:

- the ability to impose telecommunication taxes or to apply local utility taxes to the provision of telecommunications services
- the ability of local governments to impose franchise fees as "rent" for use of public rights-of-way on companies, such as telecommunications and cable service providers that use public property for private profit.

It is imperative that municipalities work with their representatives and senators to make sure that these two traditional powers are not weakened by this legislation.

continued next page

Ban on Internet Access Taxes Passed by House

The United States House passed a permanent ban on all state and local taxes on Internet in September. The bill number is House Bill 49. The new language clarifies that all types of Internet access – ranging from dial-up connections and high-speed DSL to cable modems – cannot be taxed. This means that DSL internet access offered by local telephone companies will be exempt from all state and local telephone and utility taxes if the moratorium is made permanent. The only states that expressed opposition were the states that were under a grandfather clause that allowed them to continue to collect the taxes that they had imposed prior to the 1998 passage of a moratorium. The nine states that impose a communications tax on Internet connections stand to lose \$80 million to \$120 million a year. The Congressional Budget Office estimates that the states of Hawaii, New Hampshire, New Mexico, North Dakota, Ohio, South Dakota, Tennessee, Texas, Washington and Wisconsin will lose between \$80 million and \$120 million a year in lost tax revenue. Senate Bill 150, which is titled **Internet Tax Non-discrimination Act of 2003**, is still in committee. The Senate Bill being considered will (1) permanently ban taxes on Internet access and on multiple or discriminatory taxes on electronic commerce; and (2) repeal the ban exception for a tax on the sale or use of Internet services that was generally imposed and actually enforced prior to October 1, 1998.

Subcommittee Conducts Hearing on Streamlined Sales and Use Tax Act

The U.S. House Judiciary Committee's Subcommittee on Commercial and Administrative Law conducted a hearing on October 1, 2003. The introduction of the Streamlined Sales and Use Tax Act (H.R. 3184) on September 25, 2003, prompted the hearing. The Act will give Streamlined Sales and Use Tax Agreement member states authority to compel remote sellers to collect and remit sales and use tax on sales to purchasers in those states.

Several supporting retailers said that the Act will equalize competition between online and traditional retailers and simplify sales tax collection. Several opponents of the legislation also spoke at the hearing. Their arguments consisted of the following: 1) consumers will see the collection of sales tax on remote sales as a new tax, rather than enforcement of current state sales tax laws; 2) dollars that are in private pockets will go to public ones if H.R. 3184 passes, negating the tax relief passed in the 108th Congress; 3) collection of the tax on remote sales will also hurt rural consumers who depend on the Internet for purchases; and 4) keeping records and verifying that the tax is collected could jeopardize online privacy. Finally, they argued that the act will harm economic growth and hurt

new businesses, because new businesses rely on Internet commerce to compete with national chains.

Streamlined Act Introduced in U.S. Senate

The Streamlined Sales and Use Tax Act has been introduced in the U.S. Senate as S. 1736. The Act was introduced in the Senate by Senator Michael Enzi (R-Wyo.) with 12 original cosponsors. However, the versions introduced by the House and Senate are identical. In his introductory remarks, Senator Enzi said that he was prepared to work with retailers and lawmakers to address any remaining concerns about the legislation. The Senate bill has been referred to the Senate Finance Committee. The House bill is in the House Judiciary Committee, where a subcommittee hearing was held on it on October 1, 2003.

Legislation Would Simplify Use, Sales Taxes

The Simplified Sales and Use Tax Act was introduced in the House of Representatives by Ernest Istook (R-Okla.) and William Delahunt (D-Mass.) last week. The Act is a bipartisan bill that will grant Congressional approval of the streamlined sales tax compact that has already been adopted by 20 states to provide a uniform system of administration for the country's more than 7,500 diverse sales tax jurisdictions – each of which has different definitions of what is taxable. The 20 states have adopted legislation to simplify their sales tax systems as a first step toward Congressional passage of the Simplified Sales and Use Tax Act that would permit states and local governments to require the voluntary collection of sales tax by remote sellers, such as catalogue and Internet-based retailers. Senators Mike Enzi (R-Wyo.) and Byron Dorgan (D-N.D.) are expected to introduce a companion bill to the Simplified Sales and Use Tax Act in the Senate soon. Overall, financially strapped local and state governments lost between \$9 and \$13 billion each year during the past three years in uncollected sales tax due to remote sales. Currently, a seller must have a

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Finance, Administration and Intergovernmental Relations

Recommendations presented in this article were adopted by the League's FAIR Committee during the 2003 Committee Day on September 4, 2003. Words printed in **bold type** indicate new language adopted by the Committee. Lines or words struck through indicate language proposed for deletion. The Proposed Policies and Goals will be subject to further review and final ratification by delegates to the 2004 League Convention in Birmingham, May 22-25, 2004.

F-1. Finance: Federal and State Revenues

F-1.1. That the League urge the Alabama Congressional Delegation to oppose any Federal legislation which would impose an unfunded mandate on municipal governments.

F-1.2. That the League should support legislation to amend the law which limits municipal license taxes on banks so as to establish a new taxing structure which would be equitable to all municipalities that have banks located or doing business within their jurisdictions.

F-1.3. That legislation be adopted to give municipalities authority to levy a license tax on telephone companies at the same rate of 3% of gross receipts being levied presently on other public utilities.

F-1.4. Preserve authority of municipalities to levy reasonable license taxes on gasoline.

F-1.5. That the League seek authority for cities and towns to collect taxes or payments in lieu of taxes from contractors undertaking projects on property owned by federal, state or county agencies located within the municipality. That the League and its membership urge Alabama's Congressional delegation to support legislation needed to provide equitable payments in lieu of taxes on federal properties located in our cities and towns.

F-1.6. That the Committee keep under surveillance the distribution of state financial institution excise tax revenues, and should the federal government deregulate the banking industry, there should be a conference of representatives from the League, the banking industry, and the State Revenue Department to consider changes that might be needed in the taxation of financial institutions to protect both the industry and the revenue structure of the state and local governments.

F-1.7. That all state-shared revenues be preserved with particular emphasis placed on preserving the municipal share of state gasoline taxes. ~~and ending diversion of state-shared ABC profits-~~(September 2003)

F-1.8. That the League is directed to seek the establishment by the State of Alabama of a fund to provide loans of reasonable interest and duration to counties and municipalities for use as matching moneys for federal agency grants to disaster relief.

F-1.9. That the League carefully monitor any proposed legislation or constitutional amendments relating to state taxes to make sure municipal interests are protected.

F-1.10. That the Alabama Congressional delegation be urged

to actively oppose any legislation which would require state and local governments to pay federal gasoline taxes and user fees on government-owned vehicles. Further, the Alabama Congressional delegation is urged to support legislation to eliminate the requirement that municipalities pay the federal gasoline tax and then apply for a refund of such taxes.

F-1.11. That the Alabama Congressional delegation be urged to support legislation to allow the levying and collection of state and local taxes on mail order and internet sales across state lines.

F-1.12. That the legislature recognize the importance of municipal government to the overall government structure of the state by allocating a portion of the state revenues generated by any future state lottery and/or casino gambling operations to all municipalities in the state.

F-1.13. That the League oppose the repeal of the Financial Institutions Excise Tax unless revenues lost by municipalities as a result of the repeal of this law are replaced.

F-1.14. That the League sponsor legislation to require actual purchase prices be placed on all deeds in the state.

F-1.15. That the League support deficit reduction efforts at the federal government level and urge the Congressional leadership to make representatives of municipal government equal partners in all discussions related to the federal budget and delivery of federal programs.

~~**F-1.16.** That the League urges the Alabama Congressional delegation to support legislation which would authorize the state legislature to establish a uniform state sales and use tax rate for interstate transactions to be shared with local governments; provided such legislation applies only to transactions conducted through the Internet or U.S. mails. Further, the League urges the Alabama Congressional delegation to oppose legislation which would apply such a statewide tax rate to purely intrastate transactions;~~

F-1.17.6. That the League urges the State Legislature to undertake meaningful state tax reform.

F-1.18.7. That the League encourages all municipalities to promptly send amended or new tax rates to the Alabama Department of Revenue as required by law.

F-2. Finance: Municipal Revenue-Raising Powers

F-2.1. That the committee urges the members of the Alabama
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Congressional delegation to oppose any legislation to further limit the deductibility of state and local income and property taxes in the computation of federal income taxes. Further, that the committee urges the reinstatement of the law allowing deductibility of state and local sales taxes.

F-2.2. That the members of the Alabama Legislature be urged to oppose any legislation which would establish a uniform statewide tax and prohibit municipalities from levying the tax on such products by ordinance.

F-2.3. That the League sponsor legislation to amend the state license limitation statute applicable to "Insurance Companies Other Than Fire and Marine" to provide that the 1% limitations shall be applicable to the full first year premium less return premiums, thereby removing the tax avoidance feature of issuing policies and collecting only a partial year premium during the license year. Further, that the League sponsor legislation to amend our statutes relating to municipal licenses on insurance companies so that licenses shall be computed on total premiums less return premiums collected during the preceding year without the qualification of when the policies are issued.

F-2.4. That the League study the use of impact fees by local governments in other states and to determine if use of impact fees by Alabama municipalities is feasible.

F-2.5. That the Alabama Congressional Delegation be urged to support passage of legislation, which provides that before the Bureau of Indian Affairs grants "protected trust" status to any new lands for an Indian tribe, the tribe must reach a binding agreement to collect and remit fuel taxes, sales taxes and excise taxes on sales to non-Indians on that land.

F-2.6. That the League ~~seek legislation to~~ provide that in all **future** instances where a municipality is required to collect fines, fees or taxes on behalf of a state agency, the municipality shall be entitled to deduct a 2-5% administrative fee before remittance to the proper state agency. (September 2003)

F-2.7. That the League urges the Alabama Congressional delegation to repeal that portion of the 1986 Tax Act which limits advance refundings by municipalities to one.

F-2.8. That municipalities in need of additional revenue be made aware of their authority to levy municipal rental or leasing taxes on the rental or leasing of personal property and of the fact that the Alabama Department of Revenue will collect these taxes for municipalities.

F-2.9. That the League support legislation to amend current law relating to municipal wet-dry elections so as to authorize any municipality having 500 or more inhabitants and a municipal police department to conduct a wet-dry election if the other provisions of the law are met. (September 2003)

F-3. Finance: Revenue Protection

F-3.1. That the League and its member municipalities cooperate with the Electric Cities of Alabama, the Public Gas Association of Alabama, and any other municipal utility organizations in opposing laws and regulations which would restrict the right of these utilities to serve customers within their municipal boundaries.

F-3.2. That the League Committee on Legislation strongly oppose any amendment to the state sales tax which would exempt

state institutions from ~~paying~~ **collecting and remitting** local sales taxes **on their retail sales.** (September 2003)

F-3.3. That municipal taxation and municipal charges for public services be totally exempt from price controls established by federal and state regulations.

F-3.4. That the League urge the members of the Alabama Congressional delegation to push for reinstatement of full immunity for municipal bond interest.

F-3.5. That legislation be supported which would make leasehold interest on property owned by tax exempt organizations taxable to the owner of the leasehold when such property is used for purposes other than that of the tax exempt owner.

F-3.6. That the League be in opposition to special tax exemptions, recognizing that such exemptions provide expensive revenue losses, discrimination, and costs of administration.

F-3.7. That the League strongly pursue legislation to totally exempt municipal corporations from the application of all state utility taxes.

F-3.8. That the exemption of food from municipal sales tax would drastically reduce the principal source of municipal revenues and cause a crisis in municipal revenue structures statewide. That the League strongly oppose all legislative proposals to this effect and that members advise the legislature and the governor of the perilous results which such legislation would cause for municipal government in Alabama.

F-3.9. That the League opposes all legislation which would place a burden of "double taxation" on the municipal citizen.

F-3.10. That the League opposes any legislation which would restrict the authority of municipalities to tax licensees of liquor ~~and wine~~ both within the corporate limits and police jurisdictions of Alabama municipalities. (September 2003)

F-3.11. That the League urges all municipalities to prepare a long range financial forecast.

F-3.12. That the League oppose the establishment of a federal sales tax, or a federal tax similar to a sales tax by whatever name applied to it. Further, that the League urge Alabama's Congressional delegation to support federal deficit correction through revision of the federal income tax laws and oppose any proposed new federal taxes such as sales taxes, flat taxes, and value-added taxes if unfavorable to municipal interests.

F-3.13. That the League recognizes the loss of sales and use tax revenues caused by increasing mail order and internet sales and supports efforts being made to find a mechanism by which state and local taxes on such sales may be collected. The League recognizes that the Streamlined Sales and Use Tax Project may provide a solution to the current situation and endorses the participation of the Alabama Department of Revenue in the Streamlined Sales and Use Tax meetings. However, the League opposes any solution which would require collection of all sales and use taxes by the Alabama Department of Revenue.

F-3.14. That the League calls for more stringent enforcement of the Federal Regulatory Flexibility Act of 1980, which directs federal agencies to scale regulations to the governmental jurisdictions which must follow them.

~~**F-3.15.** That the League opposes any pass-through provisions in that portion of the state general fund budget affecting the ABC Board if such pass-throughs would result in a~~

loss of revenue to the municipalities of the state. **That the League strongly encourages state and local revenue officials to diligently enforce existing laws governing the registration of mobile homes and the collection of taxes on mobile homes. (September 2003)**

F-3.16. That the League oppose any legislation that would limit the ability of municipalities to establish sales and use tax rates or any other tax rates.

F-3.17. That the League opposes any reduction in the State General Fund which would reduce the amount of funds available to match federal funds allocated for projects in Alabama municipalities.

F-3.18. That the League urges the members of the Alabama Congressional delegation to make sure that municipal interests are protected in any pending legislation involving the so-called "Information Superhighway." **That the League work with the Alabama Department of Revenue and other entities to develop legislation that would authorize joint taxpayer audits and the sharing of taxpayer information and tax entity resources. (September 2003)**

F-3.19. That the current law which exempts persons whose sole income is derived from federal Social Security from paying local garbage collection fees be amended to add the additional requirement that beneficiaries of the exemption must also be eligible to apply for food stamps.

F-3.20. That the legislature enact legislation to remove the ABC Board's authority to sell alcoholic beverages at retail. All wholesale sales of liquor and enforcement of the ABC laws should continue to be a function of the ABC Board. In order to adequately protect municipal revenues, any termination of state ABC stores should be accompanied by a state tax on liquor designed to produce the same amount of revenue as ABC Board profits generated in the FYE 1990. Revenue generated by this tax should be distributed to entities that currently receive distribution of ABC profits in the same manner as the current distribution formula. (September 2003)

F-3.21. That the League seek legislation to amend Act 2000-684, which relates to an exemption from sales and use and taxes for materials used by contractors on government projects, so as to provide for an adequate auditing of the exemption.

F-3.22. Current law provides that disaster assistance is to be provided as follows: 75% by the federal government, 10% by the state government and 15% by the local government. The League urges the state legislature to amend current law to provide that the local government share in any one fiscal year shall be either 15% or \$50,000, whichever is lower.

F-3.23. That the League supports the efforts of the Department of Revenue to implement a Statewide Geographic Information System (GIS) and encourage all state agencies and local governments to participate in this effort.

F-3.24. That the League commends the State Department of Revenue for allowing all municipalities to enter the Exchange of Information Agreements and that the League encourages its members to take advantage of this opportunity to improve revenue collection programs.

F-4. Finance: Industrial Financing

F-4.1. That the League strongly oppose federal regulation of industrial revenue financing that is not uniformly applicable to all issuing authorities nationwide. That the federal government should not use the unequal regulation of industrial financing as a vehicle to favor industrial growth in one region over another.

F-4.2. That the League sponsor an amendment to the Cater Act to prevent the use of industrial development financing to remove existing taxable industrial property from the tax rolls.

F-4.3. That the League strongly support the principle that disclosure requirements for the issuance of public securities be left to state and local control.

F-4.4. That the League support legislation to limit the use of IDBs to industrial projects only.

F-4.5. **That the League support efforts at the Congressional level to increase the amount of tax-exempt industrial revenue bonds that may be issued by a company. (September 2003)**

F-5. Administration: General

F-5.1. The adoption of legislation directing liberal construction of municipal enabling legislation.

F-5.2. To encourage the elimination of duplication of governmental services by joint effort.

F-5.3. That policy decisions relating to all programs at the local level be made by elected local officials.

F-5.4. That the League work to preserve the right of municipal governing bodies to provide additional compensation for officers and employees who are required to perform added duties and responsibilities.

F-5.5. That all municipal officials are encouraged to read the legal notices containing advertisements for local bills proposed for introduction in the state legislature.

F-5.6. That the League introduce legislation to amend the Alabama Open Meetings laws so as to codify the Supreme Court decision allowing municipal governing body discussions of pending litigation with legal counsel to be closed to the public. Such legislation should also provide an exemption for council discussions relating to the sale or purchase of real property and council committee meetings when the committee's members is less than a quorum of the council.

F-5.7. That the League support legislation to increase the preference allowed local bidders under the provisions of the competitive bid law from 3 percent to 5 percent.

~~That the League seek passage of legislation to amend the state public records laws so as to adequately cover electronic data.~~ **That the League urges all municipalities to keep their records in order so that they can be prepared for the auditor to come in soon after the fiscal year ends. The League further urges all municipalities to require the auditor to complete the municipality's annual audit within 120 days. (September 2003)**

F-5.9. That the League seek legislation to provide that persons acting as mayor during a lengthy absence from duty of the mayor shall receive the compensation established for the holder of the position of mayor during his or her time of service as acting mayor.

F-5.10. That the Alabama Constitution be amended to allow

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full-time municipal officials to participate in the Employees Retirement System of Alabama.

F-5.11. That the League urges all municipalities to enter into a written contract with their auditor for the annual audit. Further such contract should contain a deadline for completion of the audit and provide a penalty for failure to complete the audit by the date specified in the contract.

F-5.12. That Section 41-16-51, Code of Ala. 1975, which provides that the purchase of dirt, sand and gravel by county governing bodies from any county property owners in order to supply a county road or bridge project may be purchased without the necessity of bidding, so as to give a similar exemption to municipalities.

F-5.13. That Section 11-44G-2, Code of Ala. 1975, which relates to the filling of vacancies in the office of mayor in Class 7 or 8 municipalities, be amended to allow the council president to fill the vacancy in cities of 12,000 or more population.

F-5.14. That the League support legislation to amend the Public Records Law, the Sunshine Law, the Competitive Bid Law and the Public Works Law to provide an exemption from public disclosure for records, information or discussions concerning homeland security plans, procedures or other security related information which could be detrimental to the public safety or welfare if it was disclosed. (September 2003)

F-6. Administration: Labor Relations

F-6.1. That all municipalities, regardless of size, establish an ongoing personnel system to insure compliance with laws and regulations affecting municipal employer-employee relations, and also to document important information affecting such relations.

F-6.2. That the League continues to favor fair, uniform and equal treatment of all public employees and inasmuch as the public policy of this state, since its admission to the Union in 1819, with respect to collective bargaining has remained firm and unchanged, any legislation changing this policy should first be submitted to a vote of the people of this state. The League continues its opposition to any legislation which would give any group of public employees special or favored treatment, the effect of which treatment would be to discriminate against other employees. Further, that the League disfavors the withholding of employee union dues at the local level of government.

F-6.3. That legislation imposing restrictions on municipal employer-employee relations or providing special treatment for particular groups must be discouraged and opposed.

F-6.4. That legislation be introduced which would prohibit picketing in a manner which would impede the use of public safety vehicles with provision that any public employee engaging in such activities must be terminated from their public employment.

F-6.5. That the League strongly oppose the imposition of federal regulation of state and local government pension systems under ERISA. That the League recommend that local pension systems provide for realistic and equitable levels of retirement, survival and disability benefits; provide appropriate and timely reporting of the pension systems financial condition to plan participants, elected officials, taxpayers and other interested parties; establish a financing plan to assure adequate funding of future benefits and obligations as they are earned and accrued to

amortize any accrued or unfunded liability; and establish fiduciary standards for plan.

F-6.6. That the League staff research and prepare recommended grievance procedures to be followed by member cities and towns in dealing with their personnel.

F-6.7. That the League staff advise with members on labor problems and act as a clearinghouse on information relating to labor developments in municipal government in Alabama.

F-6.8. That the League give its full support to efforts for the repeal of the Davis-Bacon Act and that the League's position on this issue be made known to Alabama's Congressional delegation.

F-6.9. That the League strongly oppose any state legislation which would mandate overtime pay, hours or working conditions of municipal employees.

F-6.10. That the League oppose the reenactment of legislation that would mandate the payment of prevailing wage rates on public improvement projects financed by state or local funds.

F-6.11. That the Alabama Congressional delegation oppose all legislation which would require Alabama municipalities to come under OSHA regulations, and all legislation which would establish a so-called "Police Officers' Bill of Rights." (September 2003)

F-6.12. That the Alabama Legislature be urged to oppose any legislation proposing a so-called "Police Officers' Bill of Rights."

F-6.13:2 That the League urges every municipality to adopt a written policy prohibiting sexual harassment in the workplace. The League also encourages every municipality to provide instruction to all officers and employees of the municipality on the subject of sexual harassment.

F-7. Administration: Training

F-7.1. That all municipalities be strongly urged to establish municipal safety programs.

F-7.2. That all municipal governing bodies be urged to establish ongoing productivity programs to better monitor the costs of providing essential services to the people. That all municipalities be urged to implement the accounting, reporting and management procedures recommended in the revised *Alabama Municipal Finance Manual* prepared by the Office of Public Service and Research of Auburn University with cooperation of the League and the Alabama Society of CPAs.

F-7.3. That the League support the inclusion of additional instruction on court procedures in the training standards established by the Peace Officers Standards and Training Commission.

F-8. Administration: Annexation and Incorporation

F-8.1. That restrictions be enacted to prevent incorporation of new municipalities within the police jurisdiction of an existing municipality.

F-8.2. That the Legislature be requested to give priority attention to the need for a reasonable and adequate municipal annexation procedure for Alabama cities and towns regardless of the population or geographical size of the existing city.

F-8.3. That legislation be sponsored to provide a special procedure for the annexation of unincorporated territory used for

non-farm or non-residential purposes when such property has been completely surrounded by the incorporated area of a municipality for 5 or more years.

F-8.4. That the League and its membership seek federal legislation amending the Voting Rights Act of 1965 to provide for adjudication of issues arising therefrom in the federal district court of the local government affected rather than the District Court in the District of Columbia.

F-8.5. That the League opposes any federal statute which would limit the authority of municipalities to annex property.

F-8.6. That the League support legislation to remove annexed areas from special districts such as fire districts and park districts.

F-8.7. That the League opposes legislative annexation and de-annexation of property located within the limits of a municipality without the consent of the governing body of the affected municipality.

F-8.8. That members of the Alabama Congressional Delegation support amendment of Title 7 U.S.C. Section 1926 to allow a municipal government to assume the assets and liabilities of a rural association providing water and sewer to rural residents when the service area of the association is annexed into a municipality.

F-8.9. That the League sponsor legislation to provide that where two entities are competing to annex similar parcels of unincorporated territory, the entity which begins the annexation process first shall have exclusive jurisdiction over annexation of the subject property until such time as the annexation effort is either successful or until the effort fails.

F-8.10. That the League does hereby urge all municipalities upon the completion of an annexation to immediately notify their county taxing officials of the new municipal boundaries so that the proper taxes can be collected from the new municipal residents. (September 2002)

~~**F-8.11.** That the League seek legislation to require insurance companies doing business in Alabama to use ISO ratings to determine rates for fire insurance sold to property owners within the state. (September 2002)~~ **That the League continue to monitor insurance companies doing business in Alabama as to their use of ISO ratings to determine rates for fire insurance sold to property owners within the state. (September 2003)**

F-9. Administration: Liability, Workmen's Compensation, Unemployment Compensation

F-9.1. That Congress be petitioned to refrain from imposing liability on local officials and officers through federal legislation and endeavor to reduce potential exposure of local officials and officers to tort liability as a result of existing legislation. In particular the League urges the Alabama Congressional delegation to support "good faith" as a defense for municipal corporations.

F-9.2. That the League sponsor legislation to protect reimbursement unemployment compensation employers from payment of unemployment compensation to employees who leave their service and are later dismissed by a subsequent employer for a disqualifying cause.

F-9.3. That the League oppose legislation which would abolish the defense of contributory negligence and provide for

comparative negligence in civil liability actions in Alabama.

F-9.4. That the League oppose amendments to the Workmen's Compensation Law which would increase the allowance for attorneys' fees in contested cases, establish presumptions relating to service-connected illnesses, or make inordinate changes in the schedule of benefits provided by the Act.

F-9.5. The alarming increase in liability insurance costs for public entities prompts the League to recommend that all municipalities actively engage in the establishment of safe operating procedures to avoid liability and claims against the municipality.

F-9.6. That the League support legislation to amend Act 87-233, which exempts certain officers and directors from civil liability, so as to add housing authority directors to the list of covered officials.

~~**F-9.7.** Attorney General Opinion 2002-138 advised that jail personnel who are not physicians, pharmacists or registered or licensed practical nurses may not administer or dispense medications in jails. This opinion has created financial hardships for many smaller municipalities. The League is urged to seek legislation to amend the law on which this opinion was based so as to provide that jail personnel and school personnel may administer medications under limited circumstances. (September 2002)~~

F-10. Administration: Courts

F-10.1. That the League supports the separation of powers concept and therefore supports the proposition that the power to be exercised by a municipality should be determined by the legislative branch of government rather than the judicial branch.

F-10.2. That all municipalities support the educational programs of the Alabama Judicial College, a division of the Administrative Office of Courts, by encouraging annual attendance of judges, court clerks and magistrates, and other interested municipal officials, including police administrative officials, at judicial seminars. It is recognized that continuing education is vital to further improvement of the criminal justice system and to the stabilization of liability insurance rates for municipalities.

F-10.3. That all municipalities which have a municipal court, regardless of size, recognize that the court represents the judicial branch of government and as such serves a separate and distinct function from that of the law enforcement agency. Further, that each municipality adopt policies to ensure compliance with laws, rules and regulations effecting neutrality and independence of the municipal court and that the municipal court be budgeted as a separate department. Municipal governing officials and judicial officials are encouraged to study magistrates' work situations to ensure that they are free to exercise independent judgment in making probable cause determinations in the warrant-issuing process.

F-10.4. That municipalities review Alabama County Jail Standards, developed by the Alabama Sheriffs Association, and consider adopting, revising or developing jail standards to serve as a guide toward prevention of legal actions surrounding incarceration.

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F-10.5. That municipalities seek the assistance of the Administrative Office of Courts staff in updating administrative and recordkeeping procedures of the court to increase the effectiveness and efficiency of their courts and to satisfy legal requirements of court administration. Several forms included in this model system are mandatory forms.

F-10.6. That the League explore the possibility and feasibility of establishing circuit rider defenders, prosecutors and judges for municipal courts.

F-10.7. That all municipal governing bodies are hereby urged to promptly inform the League's staff of all court cases brought by or against their cities in state circuit courts and in federal district courts.

F-10.8. That all municipal courts, regardless of caseload, utilize a prosecutor as an officer of the court to insure the consistent and competent enforcement of municipal ordinances. The prosecutor should be available when needed.

F-10.9. That each municipality monitor the appointment of judges to assure that a vacancy does not occur due to the expiration of the terms of office. The term of office is two years for part-time judges and four years for full-time judges. The judge's term continues until a successor has been appointed and qualified. The judge should take the Oath of Office at the beginning of each successive term.

F-10.10. That each municipality review Rule 18, Alabama Rules of Judicial Administration, to determine if its warrant-issuing officials, known as magistrates, have been properly appointed and sworn in. Further that each magistrate, including the court clerk, complies with the provisions of Rule 18.1(B)(3) and (4) by enrolling in the mandatory Orientation and Certification Program within six months from the date of appointment and completing the certification program and certification maintenance in accordance with the guidelines established by the Administrative Office of Courts.

F-10.11. That the League encourage continuing education of governing officials regarding the judicial branch of municipal government and include such education as a part of its Education Program for Municipal Officials, as well as its annual conference. This would ensure that all officials have both a basic working knowledge and an opportunity to develop an in-depth understanding of the legal and procedural requirements of the judicial system at the local and state level.

F-10.12. That each municipal court support and utilize the Court Referral Program network by having alcohol and drug defendants assessed to determine the extent of any existing problems and referring such defendants to the appropriate community resources for education and treatment. Courts should utilize court referral officers to assess and monitor defendants to ensure that court orders are strictly followed.

F-10.13. That municipal courts and police departments be encouraged to make a special effort to reduce the number of inactive pending cases resulting from defendants' failing to appear in court to answer charges against them or failing to pay court-ordered fines and court costs and restitution. This should be a part of a statewide effort to collect delinquent court fees and should be coordinated with the efforts of the Department of Public Safety, Administrative Office of Courts and other

appropriate agencies.

F-10.14. That the League recognize and support the efforts of the Alabama Municipal Court Clerks and Magistrates Association. The Association has identified as one of its primary goals to raise the level of competence of municipal court clerks and magistrates through education. Further, the League encourages 100 percent participation in the mandatory training and education for municipal court clerks and magistrates.

F-10.15. That the League study the feasibility of legislation allowing municipalities the option to authorize the municipal court clerk to maintain a separate checking account for the purpose of receipting, maintaining and distributing cash bonds, restitution payments and other funds held in escrow other than statutory court costs which are distributed on a monthly basis by the municipal court clerk or treasurer. If determined to be feasible, it is recommended that the League prepare legislation and give priority support for such legislation.

F-10.16. That the League encourage each municipality to ensure that all funds paid as the result of a court order are properly distributed on a timely basis by the 10th day of the following month. Municipal officials desiring to determine if their courts are collecting and distributing proper amounts may contact the Administrative Office of Courts to request technical assistance.

F-10.17. That each municipality take necessary steps to ensure that juvenile offenders are properly identified and, where required by law, see that they are immediately transferred to the juvenile court. All records identifying juvenile offenders in the court and police departments must be treated as confidential.

F-10.18. That the Municipal Government Committee of the Legislature be asked to study the feasibility of establishing a system of mandatory training for jailers.

F-10.19. That municipalities recognize the severity of problems related to incarceration of prisoners and support state and local judicial efforts in working with other agencies to develop community-based alternatives to incarceration for nonviolent property offenders.

F-10.20. That each municipality planning and implementing automation in its court consult the Administrative Office of Courts to determine standardized features which facilitate communication with other courts and with state agencies, including reporting to the Department of Public Safety and the Criminal Justice Information System. The standardization of data elements and other computer features ensures fast and accurate reporting and retrieval of information for local court and law enforcement purposes. Further, the League encourages municipalities to automate their court records systems.

F-10.21. That each municipality encourage its judge(s) to implement the provisions of Section 14-6-22, Code of Alabama, 1975, by ordering defendants to repay the cost of incarceration upon conviction. The costs of housing should be determined by the proper municipal officials and may be assessed along with the actual cost of medical expenses.

F-10.22. That the League of Municipalities oppose any legislation which establishes or increases any court costs, penalty or assessment that does not go directly into municipal or state general funds, or that may be used directly for court improvement, or used to the benefit of Alabama's Fair Trial Tax

Fund. It is recognized that millions of dollars are collected by municipal and state courts that are paid directly to and expended by numerous agencies and organizations that are not funded, or accounted for, through the general fund budgeting process of any local or state governing body.

F-10.23. That the Alabama League of Municipalities commend the Chief Justice and the Administrative Director of Courts for increasing the involvement of municipal court officials in the planning and implementation of policies and guidelines for administration of the Unified Judicial System and further encourage the continued utilization of municipal representatives in all decision-making processes involving municipal courts.

F-10.24. That the Alabama League of Municipalities express appreciation to the Alabama Supreme Court for its action to improve the administration of justice in municipal courts through the adoption of mandatory certification of all municipal court clerks and magistrates. Further that the League and the Administrative Office of Courts seek ways to provide financial assistance to municipalities that may experience financial hardship in complying with the Supreme Court Order to ensure equitable access to the certification program by all municipalities.

F-10.25. That the mayor and council of every municipality are encouraged to monitor their municipal court for compliance with constitutional and statutory requirements for the court, by requiring regular reporting to the governing body by the court on its activities and through improved auditing requirements for compliance. Further each municipal governing body is encouraged to ensure that its court files timely reports as required by statute and by the Administrative Office of Courts.

F-10.26. That the League actively support passage of legislation creating and funding a Judicial Education Trust Fund and the use of such funds to support orientation and continuing education programs for municipal court judges, clerks, and magistrates.

F-10.27. That each municipality require its municipal judge(s) to attend education programs designed specifically to deal with issues relating to municipal courts and the judge's duties. Municipalities are encouraged to cover the cost of judges' attendance at such programs.

F-10.28. That the League assist the Administrative Office of Courts to develop amendments to the Alabama Bail Bond Act, or other current laws, so that municipalities are not negatively impacted by these laws.

F-10.29. That the League encourage education of judges, magistrates, prosecutors and police officers to ensure that police and victims are protected in family violence incidents and that victims are not subjected to a new hostility due simply to the frequency of their requests for assistance or their filings of complaints in court.

F-10.30. That municipalities encourage the use of volunteers in courts to assist in the efficient operation of courts. One such use could be in the location and management of defendants in delinquent cases. Volunteers may be considered for use to reduce the backlog of cases which regular staff cannot work through.

F-10.31. That all municipalities study the feasibility of instituting or supporting a community-based detention and community corrections program in their city or town.

F-10.32. That each municipality take measures to see that all court orders are enforced and consider utilizing Rule 38, Alabama Rules of Judicial Administration, which authorizes the Administrative Director of Courts to contract with any collection agent or agencies for the collection of delinquent assessments, costs, fees, fines or forfeitures that are due to be paid to the state, county or municipal government.

F-10.33. That each municipality take notice of Rule 4.11, Alabama Rules of Judicial Administration, establishing the duties of the municipal court clerk and ensure that its clerk is operating in accordance with the provisions of the Rule.

F-10.34. That the League support legislation to remove the restrictions on municipal enforcement of speed limit laws.

F-10.35. That the League actively oppose any legislation that diverts fines, penalties or forfeitures from municipalities to other agencies.

F-10.36. That the League support the development of auditing guidelines similar to those used by the State Examiner of Public Accounts for use by city auditors when auditing municipal courts. Further, a complete audit of all public funds collected by municipal courts should be conducted on an annual basis.

F-10.37. That the League support the development of automation guidelines for municipal court software programs recommended by a municipal court automation committee under the auspices of the Administrative Office of Courts.

F-10.38. That the League encourage municipalities to adopt an ordinance establishing a Correction Fund pursuant to Section 11-47-7.1, Code of Alabama 1975, which provides for the operation and maintenance of a jail facility, court complex or other juvenile facility. Further, the Correction Fund may be used for court personnel salaries, equipment and supplies required to maintain the court or jail.

F-10.39. That the League encourages municipalities to review the security of the courtroom to provide protection for citizens, officials and other personnel conducting official business after five p.m.

F-10.40. That the League encourages the establishment of a Domestic Violence Task Force in each community consisting of municipal and county officials to address how to deal with the rising occurrence of domestic violence in our neighborhoods and communities.

F-10.41. That the League support the Investment in Justice Act which is an additional court cost that includes designation of costs for education, training, advanced technology and data exchange. These funds will be available for court officials to receive training without burdening the municipality. Municipal judges should be strongly encouraged to pursue continuing legal education in the area of judicial administration.

F-10.42. That the League encourage the use of alternative sentencing to reduce the problem of jail overcrowding. Supervised probation is a growing trend that may assist the municipal courts in monitoring compliance of court orders. Further, this should strengthen the collection of court costs, restitution and fines for the municipality.

F-10.43. That the League urges municipal court participation in utilizing the State Judicial Information System as a centralized

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repository for statistical data relating to courts within the Unified Judicial System. Further, the League encourages use of shared information between intergovernmental entities.

F-10.44. That the League supports the efforts of the Alabama Municipal Judges' Association to seek a Supreme Court Rule change to require mandatory judicial training for Continuing Legal Education for all municipal judges sitting on the bench.

F-10.45. That the League urges each municipality which operates a jail and houses county inmates to have a written contract for the provision of such services. The contract should expressly provide responsibilities for the municipality and the county. It is also recommended that a similar contract be written when a municipality uses a county facility to house municipal prisoners.

F-10.46. That the League urges each municipality to have an audit conducted in the municipal court upon the expiration of the term of office of the municipal court clerk.

F-10.47 That the League seek legislation to amend Section 11-45-9, Code of Ala. 1975, which provides for the maximum fine for violation of municipal ordinances, so as to allow municipal fines to be the same as the maximum allowed by state law.

F-10.48. That the League recognize the need and support the use of court interpreters in all aspects of criminal proceedings at the municipal level.

F-10.49. That the League recognizes the need for expanding certain duties of municipal court magistrates.

F-11. Administrative: Elections

F-11.1. That the Fair Campaign Practices Act be amended so as to provide a more workable law.

F-11.2 That the League hold meetings with representatives of the Attorney General and the Secretary of State for the purpose of developing and passing legislation to improve the municipal election laws. At a minimum, the following changes should be made: (1) Amend Section 11-46-22, Code of Ala. 1975, relating to the notice of election; (2) allow adjustments to be made as to the number of voting machines or counters to be used in runoff elections; (3) establish separate absentee ballot laws and electronic voting laws for municipal elections; (4) eliminate the need to publish at the court house the list of people who have voted absentee; and (5) rewrite numerous other provisions that are ambiguous and vague.

F-12. Intergovernmental Relations

F-12.1. To oppose the passage of the Federal Interstate Taxation Act which would restrict the power of states and municipalities to collect licenses from businesses in interstate commerce.

F-12.2. That the League encourage continuing liaison between municipal and county governing bodies serving the same general area.

F-12.3. That the League supports the continued funding of state departments that are involved with programs at the local level to provide training and technical assistance to municipal employees and administrators.

F-12.4. That a preference for municipal government in the purchase of surplus state and federal property be sought.

F-12.5. That the work of regional planning commissions

should provide local and areawide technical planning assistance which must be subject to the decisions of locally-elected officials serving on such planning commissions, that the policy decisions of such planning commissions must be restricted to the planning functions; and the membership on such planning commissions must remain voluntary and such membership shall not be a condition precedent to the right of any municipality to participate in federal programs.

F-12.6. That all members of the legislature and the governor be advised and petitioned to include representatives from municipal government on all boards and commissions created by the legislature which regulate or control programs affecting urban citizens, and further that the legislature refrain from the adoption of laws, rules and regulations which impose financial burdens on municipal governments without providing state funds to cover the cost of such regulations and controls.

F-12.7. That the League continue and increase its assistance in the promotion of intermunicipal cooperation and assistance, especially in the area of training of municipal officers and personnel.

F-12.8. That the Committee endorses the A-95 review process and encourages all municipalities to participate in and support the process.

F-12.9. That the League sponsor annual joint meetings with the leaders of substate planning districts for the promotion of cooperation wherever possible.

F-12.10. That the League support state or federal regulation and funding of a hazardous waste removal program.

F-12.11. That the legislature remove statutory provisions which conflict with local code enforcement ordinances to the extent of such conflicts.

F-12.12. That the League urge members of the legislature to seek approval of local governing bodies before local legislation affecting the local unit of government may be introduced in the legislature.

F-12.13. That the League and its membership recognize Section 220 of the Alabama Constitution as construed by long-standing decisions of the Alabama Supreme Court to be essential to municipal administration, protection of the public interest, the orderly use of municipal streets and public ways, and to the economy of our cities and towns. Every effort must be made by the League and its membership to protect and preserve Section 220 and to strenuously oppose any and all efforts made to erode the underlying purpose of Section 220 as heretofore construed by the Alabama Supreme Court to the effect that Section 220 is a bill of rights granted to cities and towns to protect the use of their public ways.

F-12.14. That the federal and state governments should take no action which abridges the right of a municipality to franchise, regulate, or control any person or enterprise that provides services within that municipality. The League does, however, recognize that there may be certain limited circumstances in which Congress and the State Legislature may legislate in this area. When such legislation is enacted, it should be drafted in such a way as to leave municipalities the greatest possible autonomy.

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Energy, Environment and Natural Resources

Recommendations presented in this article were adopted by the League's EENR Committee during the 2003 Committee Day on September 4, 2003. Words printed in **bold type** indicate new language adopted by the Committee. Lines or words struck through indicate language proposed for deletion. The Proposed Policies and Goals will be subject to further review and final ratification by delegates to the 2004 League Convention in Birmingham, May 22-25, 2004.

E-1. Federal Aid/Mandates

E-1.1. (a) That any federal legislation directing the pass back of control of environmental problems to the states retain some degree of federal oversight to assure uniform national protection of the environment.

(b) That continued federal funding of at least half of environmental protection projects is essential in view of the federal government's mutual responsibility, along with that of state and local governments, over the environment.

(c) That the League urges the Alabama Congressional delegation to continue to monitor and support legislation which would require the federal government to reimburse state and local governments for the additional direct costs of complying with federal mandates imposed after the effective date of the act and prohibit federal agencies and courts from enforcing federal regulations which mandate additional costs unless Congress appropriates the necessary funds to reimburse state and local governments for the cost of implementation.

(d) That agencies of the federal government be mandated by the Congress to uniformly follow the Regulatory Flexibility Act of 1980 which directs federal agencies to scale rules and regulations to the size of the governments that must follow those rules and regulations and which requires a fiscal impact analysis of the rules and regulations proposed by federal agencies. Further, that the Congress is urged to close the loophole in the Act which allows heads of federal agencies to certify, without substantiation, that a proposed rule has no substantial impact on a significant number of small entities.

E-1.2. That the governor is urgently petitioned to consult with representatives of municipal government before implementing any program from the federal level which passes down any responsibility and/or funding in the field of environmental protection.

E-1.3. (a) That the Alabama League of Municipalities express to its U.S. Senators and Congressmen its concern over problems relating to understanding and construction of federal regulations relating to air, water, and solid and hazardous wastes control which pose delays and confusion.

(b) That the League work with members of the state legislature to create a better understanding by the members as to reasonable air, water, and solid and hazardous wastes disposal programs as they affect the industry and future industry of our state.

(c) That the League generally support programs to protect the urban environment.

E-1.4. The Alabama League of Municipalities requests that Congress and the National League of Cities study the feasibility of a federally-supported revolving loan fund to help finance solid waste disposal. The revolving loan fund should be similar in operation to the program enacted for wastewater treatment.

E-1.5. That the League seek an exemption from all ADEM fees for municipalities and municipal entities. Further, that the League opposes the proposal by ADEM to increase permit renewal fees for landfills, ~~and instructs the Executive Director of the League to write a letter to ADEM stating the League's opposition.~~ (September 2003)

E-1.6. The League urges the Governor, State Legislature and the Alabama Congressional delegation to appropriate funding for a statewide Geological Inventory Survey (GIS).

3-1.7. The League opposes ADEM legislation changing five-year solid waste landfill permitting renewal requirements to 30-year permits without improved accountability and oversight of landfill management and operations. (September 2003)

E-2. Pollution

E-2.1. That the League thank the Governor and the legislature for enacting legislation to create the Alabama Drinking Water Finance Authority. Further, the League urges the Governor and the legislature to fully fund the State Revolving Loan Program for drinking water established by this law. Many Alabama municipalities are confronted with the enormous costs of meeting federal Clean Water Act standards and federal grant assistance to meet these deadlines will, at best, be phased out over the next few years. It is imperative that the Governor and the legislature recognize that our state government is seriously deficient in failing to adequately assist local governments in our mutual responsibility of protecting the environment.

E-2.2. (a) That the Environmental Protection Agency and Congress are petitioned to re-examine the impact of the Clean Water Act requirements and the EPA's national municipal compliance policy in relation to the termination of the EPA Construction Grants Program and reduction in state revolving fund (SRF) capitalization appropriations. It should be further noted that the problem is not unique in Alabama but is typical of

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a condition that exists throughout the country.

(b) That clean water is as much in the national interest as in state and local interest and therefore the federal role in the federal/state/local wastewater treatment partnership must not be abandoned. Further progress toward clean water will depend upon the continued availability of federal funds and state matching funds. Title VI of the Clean Water Act should be funded at the maximum authorized.

(c) The Environmental Protection Agency's compliance policy should be modified so that municipal wastewater treatment compliance plans can be structured to achieve the level of compliance that is consistent with available federal and local financial assistance.

(d) Congress should restore the federal tax incentives for private financing of wastewater treatment facilities since such financing arrangements may reduce capital costs and expedite project construction.

(e) That the League and its member municipalities support the Municipal Water Pollution Prevention Program (MWPP) to protect the investments in municipal wastewater collection and treatment facilities. All municipalities are encouraged to complete and transmit a copy of the annual MWPP report to ADEM with the appropriate resolutions.

E-2.3. (a) That the League staff work closely with the staff of the Air Division, ADEM, in problems involving air pollution control in municipalities.

(b) That the League petitions the governor to appoint a representative of the League to the Environmental Management Commission when the appropriate vacancy on the Commission occurs.

E-2.4. (a) That the League staff maintain close contact with the Alabama Department of Environmental Management's Land Division in its implementation of federal laws and regulations, as well as state laws, governing solid and hazardous waste.

(b) That all municipal governments are urged to review and become familiar with the solid waste management plans under which their communities operate. Due to the increased cost of developing disposal sites, municipal officials should consider joint or consolidated operations in the planning process.

(c) That all municipal officials are urged to make the hard decision to charge collection and disposal fees adequate to fund their increasingly expensive waste management programs.

(d) That municipal officials are urged by the Land Division of ADEM to exercise caution before engaging a private contractor to make sure that such contractor is competent to handle their solid waste needs, and undertaking a cost study analysis of the present operation before entering into a contract with a private contractor. Local units of government should exercise caution in entering into contracts to ensure they do not lose local control and that long-term capacity is assured for disposal.

(e) Any contracts should require that price increases be based on economic indicators such as the Producer Price Index. Contractors should also be required to provide an audit made by an independent firm in requesting a price increase for collection and/or disposal. The League further recommends that all contracts between a municipal government and private solid waste contractors be reviewed by League attorneys and the

Alabama Department of Environmental Management before those contracts are executed.

(f) That in most areas, there is a strong need for continued city-county cooperation in solid waste management.

(g) That municipal officials are urged to investigate the advantages of using rollout containers and other methods of curbside pickup in their solid waste collection efforts.

E-2.5. (a) That Congress is strongly urged to fully fund the annual authorizations for the Superfund and underground storage tank clean-up programs contained in the Superfund reauthorization legislation enacted by the 99th Congress and signed into law by the president.

(b) That overlapping and conflicting federal hazardous materials regulatory policies should be eliminated and federal agencies involved in the regulation of hazardous materials (such as DOT, EPA, DOE, FEMA and NRC) should coordinate their programs much more closely. As a first step, the Department of Transportation, the Environmental Protection Agency and other appropriate federal agencies should consolidate their lists of hazardous materials, wastes and substances into a single comprehensive listing. In those instances where more than one federal agency regulates a hazardous material, waste or substance, the appropriate agencies should examine existing regulations and take steps to eliminate conflicting or inconsistent policies.

(c) The federal government should set stricter standards for hazardous wastes, hazardous materials and radioactive materials containers. A standardized hazardous materials and waste numbering system should be developed by the federal government.

(d) Shippers should be required to pre-notify all cities along a prospective route for shipments of extremely hazardous materials (including large quantity or Type B radioactive materials) or infrequently-shipped hazardous materials which would require special anticipatory emergency response preparation. For those hazardous materials which do not require special local preparations, information should simply be made available to the local communities along the potential route. Furthermore, federal, state, regional, and local governments should cooperate more closely in the development of a unified pre-notification system (such as a single manifest system) and in the exchange of shipment-related information. To improve the safety of truck transportation of hazardous materials, the federal government should create uniform national truck operation standards for drivers of vehicles transporting hazardous materials. Such standards should be issued by the Department of Transportation and administered by the state.

(e) Emergency response should continue to be the primary responsibility of state and local governments. State and local governments should participate, with the assistance of industry and the federal government, in education and training efforts. All municipal officials are urged to actively participate in the Local Emergency Planning Committee to make maximum use of resources provided by the Hazardous Materials Transportation Uniform Safety Act (HMTUSA) which provides grants to local governments for emergency planning and training for hazardous material incidents.

(f) In regard to high-level radioactive waste, the League recommends:

(1) local governments should be consulted in the designation of routes for the transportation of high-level radioactive waste and spent fuel through their jurisdictions. Where state governments seek the designation of alternative routing to the interstate system, they should be required by federal law to create a review and comment process that provides affected local jurisdictions with the opportunity to participate in the alternative routing decision. Guidelines for the routing of high-level radioactive waste, such as are contained in HM-164 for truck transportation, should also be established for the movement of such waste by barge and rail. The guidelines should include requirements that local governments be consulted in the designation of barge and rail routes through their jurisdictions. The federal government should be required to give general, not shipment by shipment, notification to affected local governments of the routes used and approximate frequency of shipments of high-level radioactive waste through their jurisdictions.

(2) Inspection of vehicles carrying high-level radioactive wastes and enforcement of high-level radioactive waste regulations should continue to be the primary responsibility of state governments. However, local governments should be allowed to assist in enforcement efforts where they have the capacity and resources to do so.

(3) Local governments bear the major burden of the initial response to an accident involving high-level radioactive waste. However, ensuring that local governments have the resources and capacity to respond to such an accident is the responsibility of the federal government. To assist local governments in emergency response preparedness, the federal government should publish and distribute written materials providing both general and technical information for use by local government officials, offer emergency response training and technical assistance for local officials, require state governments to specify a clear definition of local government roles in emergency response under the state plan, assume primary responsibility for public education regarding accidents involving radioactive waste, provide local governments with appropriate emergency response equipment as necessary, and make federal financial assistance available to local governments for emergency response planning and program development.

(4) The total financial pool which provides compensation for losses in case of a nuclear accident must be increased by increasing the ceiling on each nuclear power plant's liability. Furthermore, the Congress should guarantee that compensation will be provided by the federal government if costs to victims exceed the available financial pool. Compensation for losses resulting from accidents at nuclear waste repositories and those involving the transportation of nuclear waste should be provided in a manner similar to compensation for losses at nuclear power generation facilities. Furthermore, state and local governments should be compensated for the costs which they incur in preparing for and responding to a nuclear accident. In order to encourage state and local participation in emergency response efforts, and to minimize the potential for lawsuits against these governments, state and local governmental liability should, under

the Price-Anderson Act, be explicitly waived in the event of a nuclear accident. Further, Congress should give consideration to amending the Price-Anderson Act so as to create a federal tort system for nuclear accidents.

(g) That all municipalities are urged to actively participate in the emergency planning and training available through their City-County Emergency Management Agency. Municipalities should assure that available special training concerning emergency response to radioactive materials and other hazardous materials is obtained by workers and emergency responders. The Hazardous Materials Transportation Uniform Safety Act (HMTUSA) now provides funding to the Local Emergency Planning Committee for emergency planning and training to emergency response organizations.

E-2.6. (a) That the League continue to promote education programs on the need for local beautification and litter prevention, and that all municipalities be urged to explore the possibility of forming local historic preservation and beautification committees.

(b) That all municipalities are urged to consider adoption of an ordinance which provides that upon a finding that litter detrimental to public health on land within the municipal boundaries, to order the owner or other person in charge of such land to remove the litter.

(c) That municipal officials urge their county governing bodies to assist in controlling the practice of dumping abandoned junk vehicles, household goods, furniture and appliances in rural areas. Further, that the legislature is urged to enact an enforceable law controlling non-permitted dumps.

(d) The League strongly supports legislation enacting mandatory statewide residential garbage/trash pickup. If the state does impose a statewide tipping fee, the fee money collected must be redistributed to the local entity or agency that is responsible for local garbage/trash collection and disposal. In the case of a private landfill, fees should be returned, on a per capita basis, to the city or county served by the private contractor.

E-2.7. (a) That the Committee supports enactment of a federal and/or state law to regulate use of non-returnable beverage containers.

(b) That the statutes of the State of Michigan and other states regulating non-returnable beverage containers be used as model legislation for League support in the Alabama Legislature as an Alabama law.

E-2.8. That the Committee strongly recommends the adoption of state legislation providing positive regulation of maximum allowable noise produced by motor vehicles or radios and sound systems and that the regulations be enforced. Municipalities are also urged to enact local noise abatement ordinances which contain provisions for enforcement.

E-2.9. That the League recognizes the problems associated with septage and grease disposal from residential and commercial septic tank systems, and urges all municipalities to explore feasible solutions for proper disposal in conjunction with local utilities, county governments, ADEM and county and state health departments.

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E-2.10. That the League urges the state legislature to adopt stringent anti-litter legislation modeled after successful legislation passed by states such as Colorado, Michigan and Texas. The League further urges that any anti-litter legislation passed carry strict penalties designed to stop the act of littering in the state.

E-2.11. That the League urge EPA to consider the cost of proposed rules on non-methane emissions from landfills and the detrimental effect of these proposals on municipal budgets.

E-2.12. That the League urge the Alabama Legislature to oppose any legislation mandating a municipality to purchase any stormwater, sewer, lagoon or other water system from a developer unless the water system meets the written and published standards of that municipality.

E-2.13. The League supports regulations requiring all privately owned wastewater, drinking water and storm-water systems to be constructed to the same requirements as those mandated on municipal governments.

E-3. Drinking Water

E-3.1. That the League urge the governor, the state legislature and the Community Development Division, Department of Economic and Community Affairs, to give priority to environmental-type projects in awarding discretionary and economic development grants under the Small City Community Development Block Grant Program.

E-3.2. That the Committee supports the NLC's National Municipal Policy Statement on Energy, Environment and Natural Resources, Section 2.05F8, entitled "Water Supply: Water Conservation," which states in part as follows:

6. *Water Conservation. Conservation should be made the cornerstone of federal policies and programs for water. In the future, all federal decisions to expand water supplies should start with the recognition that there are limitations on water resources. Federal feasibility studies should include rigorously-developed demand forecasts and consider, as precisely as possible, all environmental costs. Wherever possible, less costly, non-traditional alternatives, especially conservation measures, should be fully evaluated as options. Federal water projects funds should support and encourage water management, conservation and pollution control programs in all types of water use.*

8. *Municipal Water Uses. Federal programs to promote conservation in municipal water use should recognize the conservational value of improving and rehabilitating existing municipal delivery and storage systems and the differences in conservation strategies for local and regional situations. The federal government should not adopt uniform conservation requirements, but should promote and cooperate with state and local water conservation programs and authorities.*

Where national objectives are sought through local governments, any additional costs of federal mandates should be met with federal funds. Where local governments seek to develop new and/or innovative conservation programs in keeping with national interests and objectives, the federal government should make available an appropriate combination of technical and financial assistance for environmentally sound and safe local solutions.

E-3.3. That members of the Alabama Congressional delegation are petitioned to support legislation to enable the USDA Rural Development to expand its grant program and to liberalize the interest rates on its loan program to fund water systems for eligible municipalities.

E-3.4. That all cities and towns should take steps now to prepare themselves for potential water emergencies. Cities and towns should prepare an emergency plan which addresses contamination and interruption of water service due to droughts, floods or any other disaster.

E-3.5. Municipal officials should delineate wellhead protection areas and provide appropriate safeguards for groundwater resources through zoning or other measures.

E-3.6. Municipalities should be encouraged to actively seek out abandoned wells and work with landowners to properly treat, fill and cap private wells with assistance from and under guidelines prescribed by ADEM. A federal grant program is being developed to provide financial assistance.

E-3.7. Municipal officials should monitor regulatory changes proposed by EPA or ADEM and provide input reflecting the position of the provider of services.

E-4. Energy

E-4.1. (a) Municipal governments should take a primary role in implementing energy conservation and energy management, serving as an example for local industries and businesses and citizenry as a whole, should demonstrate the need for development of comprehensive energy conservation plans and the value in the reduction of an overall energy consumption.

(b) All municipalities are urged to take advantage of financial and technical assistance available under programs administered by the Science, Technology and Energy Division of the Department of Economic and Community Affairs. The League should maintain close contact with the Science, Technology and Energy Division and should request that the Division offer financial assistance to municipalities.

(c) All municipalities are urged to adopt the most recent ~~Southern Standard~~ **International Building Code**, specifically including the provisions relating to thermal and lighting efficiency and further consider adopting the revised code developed by the Science, Technology and Energy Division and the State Building Commission. (September 2003)

(d) All municipalities and counties are encouraged to explore the possibility of implementation of economically-feasible waste recovery and recycling systems but are further encouraged to exercise caution and to seek technical assistance from the Alabama Department of Environmental Management (ADEM) and the Science, Technology and Energy Division.

(e) Municipalities are further urged to help educate their citizens on waste management issues involving hazardous, radioactive and municipal wastes.

(f) Municipalities are encouraged to adopt energy efficient procurement practices and seek technical assistance from the State Purchasing Division and the Science, Technology and Energy Division.

E-4.2. Municipalities should cooperate with the emergency plans developed by the Science, Technology and Energy

Division and in the event of any fuel shortage, priority be given in the distribution of fuels necessary for the operation of all health, emergency and other municipal functions which bear directly on the health, welfare, and safety of the citizens of our cities and towns.

E-4.3. (a) The governor and legislature are encouraged to develop and implement an aggressive energy resource development program that is designed to increase the utilization of Alabama's vast energy resources in an environmentally safe and efficient manner. The state should work with private industry to seek markets for the state's coal, oil and gas, lignite, unconventional gas and other resources.

(b) The governor and legislature are further encouraged to provide adequate political and financial support to insure that the state realize the benefits of increased use of its energy resources.

(c) Municipalities are urged to support, and where feasible, participate in the development and use of synthetic fuels, coals, natural and unconventional gas and waste including biomass.

(d) That federal and state funding be provided to investigate and develop potential energy sources in Alabama.

E-4.4. As the price of conventional energy supplies rises, low-income, disabled, and elderly households will be less able to purchase fuel to meet basic needs. The federal government should increase both weatherization and fuel assistance to low-income, disabled and elderly households to offset rising energy costs. The federal assistance program should satisfy the following criteria:

(1) Local governments should participate in the design and implementation of the fuel assistance and weatherization program.

(2) Fuel assistance payments should be made from the federal government directly to energy suppliers. However, cities should be eligible grantees of weatherization funding.

(3) Institutions such as senior citizens centers should be authorized to participate in the weatherization program.

(4) Fuel assistance payments should be based on the total energy impact including heating, medically-necessary cooling and transportation needs.

(5) Excess fuel assistance funds should be reallocated to individuals for the purpose of home weatherization and energy conservation and every effort should be made to use existing delivery systems where possible.

(6) Sufficient funds should be authorized and appropriated to fulfill the objectives of the programs.

(7) Weatherization funding may be permitted by census tract and/or by individual building or dwelling unit.

E-4.5. The nation and its cities must have sufficient suppliers of natural gas. As a positive step to meet our natural gas needs, Congress should give authority to FERC to:

- Reimpose natural gas price controls if necessary.
- Give pipelines limited authority to abrogate and renegotiate current contracts.
- Allow pipelines to carry gas on a contract basis at an incentive rate where producers can find buyers directly, there is available capacity, and existing pipeline customers are not penalized but require that all contract carriage requests be reviewed by the Public Service Commission.

E-4.6. Cities and towns should investigate the possibility of using alternatively-fueled vehicles in their municipal fleets. Further, municipalities are encouraged to purchase and operate alternatively-fueled vehicles in all departments of city government.

E-4.7. That the federal government should encourage and support the development of hydroelectric power. The federal government should continue to own and operate the federal power marketing agencies and should not sell, transfer, exchange or otherwise dispose of them.

E-4.8. The League urges Congress to adopt legislation mandating only lateral drilling of gas wells within 15 miles of the shoreline.

E-5. Land Use

E-5.1. (a) That the Committee strongly endorses the establishment of state land use legislation which would preserve the authority of municipal control of land use within a municipality's corporate limits and planning jurisdictions, and cautions against federal land use legislation which would usurp vitally-important state and local controls.

(b) That municipal officials are urged to coordinate their planning and subdivision regulations with their county governing bodies proceeding under authority of Act No. 79-553, which authorizes counties to adopt subdivision regulations in those areas of the county beyond the control of municipal subdivision regulations. Further, that both municipal and county governments are urged to work with the State Department of Environmental Management in addressing the problem of uncontrolled rural subdivisions, and that all municipalities exercise their authority to create a planning commission and adopt subdivision regulations.

(c) That the USDA Rural Development be required to give priority to incorporated municipalities over unincorporated communities in the extension of water and sewer grants and loans. Further, that the assistance of the Alabama Congressional delegation be requested in bringing about review of FmHA regulations and revision wherever necessary to prevent uncontrolled suburban sprawl, which imposes a financial burden on counties which are financed principally through taxes paid by urban citizens and which also represents a heavy waste of energy.

(d) That the League should continue to express its concern over electric cooperatives which are contemplating or are presently engaged in the construction and operation of rural water supply systems. Further, that the League continue to question the wisdom of legislation granting this authority to electric cooperatives, especially as this affects the orderly growth and expansion of municipal corporate limits.

E-5.2. That environmental problems be given due consideration by all state agencies in the selection of sites for future state buildings, and by all school boards in the selection of sites for future school construction.

E-5.3. That the Surface Mining Control Act should be extended to include minerals other than coal.

E-5.4. That the federal government is urged to expand and speed up the procedure by which mineral rights to federal land are leased to commercial enterprises, while at the same time exercising

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due caution to insure protection of the environment.

E-5.5. (a) That this committee work with members of the League staff in developing recommendations and position statements directed at the numerous natural resources in Alabama.

(b) That the League support the Alabama Wilderness Coalition in its efforts to obtain permanent protection of Alabama's publicly-owned forest through their inclusion in the National Wilderness Preservation System.

E-5.6. The Alabama League of Municipalities urges the Alabama Congressional delegation to oppose any legislation which would preempt local land use controls within a municipality's corporate limits and planning jurisdiction.

E-5.7. The League supports the Brownfield Tax Abatement and Alabama Land Recycling Finance Authority legislation to promote polluted site cleanup and industrial recruitment to those properties. (September 2002)

E-6. Municipal Utilities

E-6.1. (a) That the League supports legislation to give every municipality and every incorporated municipal board operating an electric distribution system the right to serve all electrical customers within the present and future corporate limits of the municipality, with the provision of a fair and reasonable formula to compensate for the acquisition of customers presently served by other distribution systems.

(b) That the League most strongly impress upon the legislature the absolute importance of maintaining Section 220 of the Alabama Constitution of 1901, which protects the right of municipalities to require franchises for use of their streets for the construction or operation of any public utility or private enterprise.

E-6.2. That the League Committee on Legislation sponsor a bill to provide for an exemption from the state 4% utility tax for gas and electricity used for operating water and wastewater treatment facilities.

E-6.3. The League urges ADEM to notify any municipality of new and renewal water discharge permit request on stream segments that may affect the Total Maximum Daily Load (TMDL) of a municipal waste system on that same water segment in order to allow an affected municipality the opportunity to present information at a public hearing before the new or renewal permit is granted.

E-7. Training

E-7.1. (a) That the League urges ADEM and existing training organizations to maintain and fully fund the essential programs for municipal personnel in water and wastewater operator training. The League further urges that because of the many new standards and additional monitoring requirements imposed by the federal government, water and wastewater systems operators should remain up-to-date on current regulations and developments through continuing education. To aid in this regard, the League supports the concept of a central training facility in addition to maintaining and improving statewide training for water and wastewater personnel.

(b) That the Alabama Fire College continue an ongoing

program for training municipal firefighters and other personnel on how to cope with hazardous chemical spills.

(c) That municipal officials are urged to encourage their certified operators of treatment plants to take advantage of further training periodically provided in the area by the staff of the Technical Assistance Programs.

E-7.2. That the Committee on Energy, Environment and Natural Resources call on the League staff to work with the Alabama Fire College in providing training for municipal emergency personnel to cope with hazardous chemical spills.

E-7.3. ADEM is urged to develop an open burning application to be used by Fire Marshals and Fire Stations. The application should outline controls for open burning and be signed by permittees before an open burn permit is issued.

E-8. Vector (Pest) Control

E-8.1. That the League support the appropriation of state funds to establish a strong mosquito control program in Alabama, with particular emphasis on eliminating the source of mosquitoes.

E-8.2. That all municipal officials and personnel concern themselves with heavy concentrations of birds which, over a period of time, could result in the spread of the disease known as histoplasmosis. The disease is communicated from spores developed from bird droppings. Officials in municipalities having suspect areas are urged to contact the Division of General Sanitation and Vector Control of the State Department of Public Health for analysis.

E-9. Infrastructure Needs

E-9.1. That the League joins with the National League of Cities in expressing its concern over the deteriorating condition of the infrastructure in our cities and towns, and calls for the following:

(a) Proposal for a new multi-year infrastructure grant-in-aid program by Congress.

(b) To begin with a federally-funded inventory so that individual municipalities can determine their particular infrastructure needs.

(c) Federal creation of a domestic capital investment budget.

(d) Federal grants-in-aid to implement the infrastructure needs of municipal governments as established by the inventory or, in the alternative, to provide for federal assistance to enable states to establish state infrastructure banks to fund such programs.

E-9.2. That the Alabama League of Municipalities urges its Congressional delegation to introduce and support national legislation which allows states and/or municipalities to adopt flow control ordinances. Flow control ordinances are designed to ensure adequate tonnage so regional and municipal entities can finance and operate solid waste disposal facilities.

E-10. Environmental Insurance

E-10.1. That the League support amendment of the federal Products Liability Risk Retention Act to facilitate the creation of risk-sharing pools.

E-10.2. Municipalities should educate citizens living in flood-prone areas to participate in low-cost flood insurance programs such as the National Flood Insurance Program.

E-11. Funding for State Revolving Loan Fund for Municipal Wastewater Treatment

E-11.1. That the League urge the Alabama Legislature to appropriate all of the required 20% state matching money to fund the State Revolving Loan Fund for Municipal Wastewater Treatment. The urgency of this request is underscored by the fact that if the 20% matching money is not appropriated, federal aid to the Alabama revolving loan fund for municipal wastewater treatment will forever be lost to the state.

E-11.2. The League urges the Congress to fully fund such revolving loan programs and allow the full funding to continue over a period of time sufficient to meet the needs of drinking water systems throughout the country. The League urges the Alabama Legislature to appropriate all of the required state matching money to meet the requirements of the federal government to fund this proposed state revolving loan fund for drinking water systems. That the League encourages EPA to expedite and adopt reasonable and enforceable rules to implement the drinking water revolving loan fund.

E-11.3. That the League urges the Congress to pass the current proposal to triple federal funding of the Drinking Water and Wastewater SRF programs. (September 2002)

E-12. Recycling

E-12.1. The League urges each municipality in the state to develop and implement a program to recycle at least 10 percent of the solid waste products generated by residents, commercial establishments and governmental agencies within their communities. Further, incentives should be developed to encourage businesses to use recycled products.

E-12.2. The League urges each municipality in the state to develop and implement a local yard waste composting program and to seek technical assistance on composting from their local Alabama Cooperative Extension Service office.

E-12.3. The League further encourages each municipal government within the state to purchase and use products which have been made from recycled materials.

E-13 Interstate Water Compact

E-13.1 The Alabama League of Municipalities supports the concepts and goals of the Interstate Water Compact and the creation of the Interstate Water Basin Commission to develop an equitable interstate water sharing policy for the states of Alabama, Georgia and Florida. ■

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Transportation, Public Safety and Communications

Recommendations presented in this article were adopted by the League's TPSC Committee during the 2003 Committee Day on September 4, 2003. Words printed in **bold type** indicate new language adopted by the Committee. Lines or words struck through indicate language proposed for deletion. The Proposed Policies and Goals will be subject to further review and final ratification by delegates to the 2004 League Convention in Birmingham, May 22-25, 2004.

T. Transportation and Communications

T-1. General Transportation

T-1.1. That the League urge all municipalities to adopt ordinances controlling signs and billboards on rights-of-way to conform to the requirements of the Alabama Transportation Department.

T-1.2. That the League strongly urges a full-speed-ahead policy for construction of the Coosa-Alabama Waterway. Further, that the League encourages continued development of Alabama's inland waterway system.

T-1.3. That the League urges the Alabama Legislature to adopt stronger laws to regulate the hauling of loose material (sand, gravel, etc.) on public roads and highways.

T-1.4. That the state legislature adopt legislation to provide for a uniform sticker that can be used statewide for handicapped parking.

T-1.5. That the League supports the efforts of the Alabama Department of Transportation, regional planning agencies, transit agencies and the private sector in the establishment of ride share, carpool, vanpool, passenger rail, bicycle and pedestrian planning and implementation and other programs aimed at energy conservation and reduction of traffic congestion.

T-1.6. That the League encourages the federal and state governments to adopt regulations to strengthen the laws governing barge traffic on navigable waterways in Alabama.

T-1.7. The League strongly urges full-speed construction and completion of the Memphis to Atlanta Highway to go through North Alabama. The League also strongly urges the construction of a Montgomery to Meridian Highway using Highway 80 and Highway 14 to connect to I-85.

T-1.8. That the League supports efforts to create additional evacuation routes out of Pleasure Island in South Baldwin County.

T-1.9. That the League encourages municipal planning commissions to require subdivision developers to include pedestrian sidewalks in their developments.

T-1.10. That the League support legislation or a DOT regulation tying permitted vehicle weights on state roads to the weights established by the federal government for federal highways.

T-1.11. The League strongly supports the construction and

completion of all connecting link roads and bridges.

T-1.12. That the League oppose any legislation which would permit triple-trailer trucks on Alabama's streets and highways.

T-2. Federal Highway Aid and Regulation

T-2.1. Under the Transportation Equality Act for the 21st Century, smaller municipalities must meet traffic standards as set by the Alabama Transportation Department for such items as pavement markings, traffic flow, parking and similar requirements. The League encourages the Alabama Transportation Department to develop lenient standards appropriate to the circumstances where permitted by federal legislation. The League encourages the Alabama Congressional delegation to re-examine TEA-21 to allow states more flexibility in developing traffic standards.

T-2.2. The committee urges the members of the Alabama Congressional delegation to give serious consideration to the following programs and principles:

(a) That airport construction and operation and interstate, primary and secondary highway construction and maintenance are functions which impact the national defense and interstate commerce and, therefore, are responsibilities which must be shared by the federal as well as state and local governments.

(b) That our state and local governments cannot assume the full cost and responsibility for the funding and maintenance of our highway and airport systems. Further, the requirement that the states bear the costs of this responsibility creates an inequality which must be taken into account by the federal government if our nation is to have a viable transportation system.

T-2.3. The Committee urges the members of the Alabama Congressional delegation to remember that the development of an efficient and economical mass transit system for our nation is essential for the promotion of the nation's economy and for the conservation of energy. Local governments are unable to meet the capital requirements of establishing such systems alone. Serious thought should be given to the denial of funds for the establishment of mass transit systems that cannot be funded or operated with revenues derived from the system and such federal, state and local operating subsidies as might be available.

T-2.4. The Committee urges the members of the Alabama Congressional delegation to remember that:

(a) Local governments in our state in urbanized areas will be seriously hurt if Federal Highway Act funding in such areas is terminated;

(b) That there is a serious need for assistance with secondary highway funding in our cities and towns of less than 5,000 population;

(c) That Davis-Bacon Act requirements relating to highway and mass transportation constitute unnecessary burdens, seriously reducing the productivity of funding for transportation systems.

T-2.5. The Committee urges the members of the Alabama Congressional delegation to remember that block grant funding to the states for transportation functions must include mandatory pass-throughs for the benefit of local governments where such funding has been available under past programs. Our cities and towns do not have the financial capacity to pick up the costs for such programs which have previously been funded with federal subsidies.

T-3. State Highway Aid and Regulations

T-3.1. That the League call on the Alabama Transportation Department to maintain the entire rights-of-way of state highways located within corporate limits of municipalities including the removal of debris and trash from such rights-of-way.

T-3.2. Continuation of state maintenance of federal-state primary routes through cities and towns where interstates parallel them.

T-3.3. That the League petitions the Alabama Transportation Department to interpret its duties under Section 23-1-100 through 23-1-113 of the Alabama Code of 1975, pertaining to the maintenance of municipal streets which serve as an alternate route in cases where an impediment along such connecting link roads makes it inaccessible to truck traffic.

T-3.4. That the League opposes the use of highway funds or the interest derived from the investment of such funds for other than mass transit, street, highway, road or bridge enhancement projects or other uses provided for under TEA-21.

T-3.5. That the state legislature establish permanent weighing stations throughout the state.

T-3.6. That the League urges the Alabama Transportation Department to reconsider its recent decision to begin assessing municipalities fees for bridge inspections.

T-3.7. That the League oppose any state legislation which would interfere with the right of municipalities to manage and control the use of rights-of-way and the right to receive compensation for use of their rights-of-way.

T-4. Mass Transit

T-4.1. That the legislature is urged to adopt legislation to establish state financial and planning assistance for public transportation.

T-4.2. That the League urges Alabama's Congressional delegation and the U.S. Department of Labor to reconcile requirements of the Federal Mass Transportation Act with the realities confronting hard-pressed municipalities when they attempt to assume the additional burden of absorbing defunct commercial transportation systems in order to meet the need for such service for their citizens.

T-4.3. That the League supports the statewide association of mass transit programs.

T-4.4. That the state legislature be urged to adopt legislation to exempt public transportation providers from non-safety regulations of the State Public Service Commission.

T-4.5. That the League support the efforts to obtain for local mass transit systems a portion of the funds paid by major oil companies to the state for fuel overcharges.

T-4.6. That the League supports efforts by the Alabama Transportation Department to obtain passage of statewide enabling legislation for mass transit systems.

T-4.7. That the League support legislation to coordinate activities among all state agencies involved in the mass transit field to provide transportation services in a cost-effective and coordinated manner.

T-4.8. That the League supports legislation that would permit municipalities to provide incentives to members of the private sector for funding mass transit systems.

T-4.9. The League encourages the Alabama Medicaid Agency to provide non-emergency transportation to Medicaid recipients at no cost to municipalities.

T-5. Railroads

T-5.1. The protection of the public at grade railway crossings and the construction of a minimum number of viaduct and subgrade crossings to insure access of emergency vehicles to all parts of the community.

(a) That the League urges the railroad industry to make every effort to keep from blocking traffic unnecessarily at railroad crossings.

(b) That the League express serious concern for the manner in which railroad tracks are maintained within municipal limits and invites legislative attention to making railroads subject to punitive damages where evidence shows negligence in maintenance of tracks.

T-5.2. That the League supports the efforts of the Southern Rapid Rail Transit Commission and urges strong consideration of other states' request to be included in the pact.

T-5.3. The League supports legislation requiring railroads to maintain rights-of-way within municipal limits.

T-5.4. That the League encourages railroad companies operating in Alabama to appoint a person to serve as liaison between municipal officials and the railroads.

T-5.5. The League supports legislation relative to efforts to improve rail/highway grade crossing safety.

T-5.6. The League supports legislation relative to efforts to prevent private individuals from trespassing on railroad rights-of-way.

T-5.7. That the League supports transportation by Amtrak throughout the state and encourages the reestablishment of the route from Huntsville to Mobile.

T-5.8. The League supports efforts to gate all railroad crossings.

T-6. Airports

T-6.1. That all municipalities are reminded that Part 105 of FAA regulations provides that the owner or management of an airport has the authority to regulate parachute jumps at such airports. Further, if a municipality leases facilities to a fixed base

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operator, such lease should include restrictions on this matter.

T-6.2. That the League supports statewide legislation to increase funding for continued operation of our state airport assistance program by removing or increasing the cap placed upon the aviation gas tax revenues.

T-6.3. That the federal government should assume the responsibility of licensing and regulating ultralight aircraft. Further, the state legislature is urged to adopt legislation to provide for mandatory reporting of ultralight accidents to the State Aeronautics Department.

T-6.4. The League encourages all municipalities to regulate the height of towers and other incompatible land uses around airports through the application of their zoning laws, height regulations, other codes and the use of eminent domain.

T-6.5. That the League supports efforts to require all owner/operators of airports with 30 or more aircraft based on the premises to provide fire suppression response.

T-6.6. That the League support the efforts of the Aeronautics Department in developing a statewide heliport systems plan to include a network of all-weather hospital heliports in addition to establishing public-use downtown heliports in each of the major urban areas.

T-6.7. The League encourages Alabama's Congressional delegation to support efforts to enact a multi-year funding program for the Airport Improvement Program and to support an annual Airport Improvement Program funding level of \$3 billion or more.

T-6.8. The League supports legislative efforts to provide a permanent source of funding for airports in Alabama. (September 2003)

T-7. Transportation Planning

T-7.1. The preparation and distribution of a set of minimum standards for design and construction of streets and public facilities in municipal subdivisions, and to encourage cooperative action by counties in this effort. Further, that all municipalities are urged to require hold-harmless agreements from subdividers before accepting drainage easements.

T-7.2. That the state legislature introduce and adopt enabling legislation that allows municipalities to restrict development on rights-of-way for proposed or planned roadways or other transportation-related improvements and that developers be required to pay for any transportation improvements that are required directly or indirectly as a result of the development.

T-7.3. That the League supports efforts by municipalities to obtain county maintenance of all designated county roads which pass through municipalities.

T-7.4. That the League supports regular recurring, accurate inventories of highways, streets, roads, bridges and public ways with accurate reports relating to their condition, cost of repair, and what jurisdiction has responsibility for maintenance.

T-7.5. That the League supports a regular, accurate inventory of moneys available for highway, road and street construction and maintenance by jurisdiction.

T-7.6. That the League support coordination between Alabama Department of Transportation, county road building authorities, regional planning commissions, county planning commissions, and municipal planning commissions. The League urges the Alabama Department of Transportation and county

agencies to notify municipalities of transportation improvements within municipal corporate limits.

T-7.7. That the developers of any major development (shopping center, office complex, etc.) be required by the city to conduct a traffic impact study identifying the effect of the development on existing roadways and intersections and that a professional traffic engineer approved by the city should be hired by the developer to make such a study.

T-7.8. That the League encourages local governments to work with private industries and businesses to help promote and pay for highway development and supports legislation providing municipalities more autonomy in this area.

T-8. Transportation Training

T-8.1. That the League commends the Alabama Transportation Department and its district offices, Auburn University, the University of Alabama, and the state technical schools and junior colleges for undertaking training programs for street construction and maintenance and the operation and maintenance of heavy equipment, and urges that such training programs be continued and expanded.

T-8.2. That the Committee join with the Committee on Energy, Environment and Natural Resources in calling on the League staff to work with the Alabama Fire College and other appropriate agencies in providing training for municipal emergency personnel to cope with hazardous chemical spills. The League encourages the State Fire College to provide weekend courses for the benefit of volunteer firefighters.

T-8.3. That the League urge the federal government to create uniform national truck operation standards for drivers of vehicles transporting hazardous materials. Such standards should be issued by the Department of Transportation and administered by the state.

T-9. Fuel Taxes

T-9.1. Preservation of the authority of municipalities to levy and collect local gasoline taxes and also preservation of the state-shared gasoline tax distribution to cities and towns in its present form.

T-9.2. That the Committee favors full retention of the federal tax on motor fuels placed in the Highway Trust Fund primarily for streets, roads, bridges, highways and mass transit. The Committee is opposed to efforts to transfer funds from the federal highway program when the federal interstate program is complete for any purpose other than highways and roads.

T-9.3. That the revenues derived from any county-wide fuel tax be distributed in a manner so as to ensure that fuel taxes collected from municipal citizens are spent within the corporate limits of the municipality in which collected.

T-9.4. That the League opposes the use or transfer of any additional federal or state gasoline tax funds or the interest derived from the investment of such funds for any purpose other than mass transit, street, highway, road or bridge enhancement projects.

T-10. Utilities

T-10.1. That the League seek improvement of means of procuring rights to cross railroad rights-of-way with municipal utilities.

T-10.2. That the League strongly encourages utility companies to share duct runs for all new utility lines when the lines are installed.

T-10.3. That the League opposes regulation of cable television in the State of Alabama by the Alabama Public Service Commission.

T-10.4. That the League seek legislative remedies to improve procedures for the installation of county and municipal utilities on state and federal rights-of-way.

T-10.5. The League urges Congress and the courts to guarantee that telephone companies which provide cable services in the same manner as cable companies must meet the same criteria currently required of cable companies, particularly regarding municipal franchise rights.

T-10.6. That the League opposes federal government interference in local zoning decisions and attempts to control rights-of-way for telecommunications purposes. The League encourages telecommunications operators and municipalities to cooperate in the location of towers to promote fewer, jointly-shared, shorter towers. Municipalities should be provided an opportunity to locate local government services on the towers.

T-10.7. That the League encourages enforcement of laws which prohibit the theft of cable services.

T-10.8. That the definition of 'Person' in Section 37-15-2 of the Code of Alabama be amended to include counties in this definition. This would require counties to notify underground utility facility operators of their intent to perform an excavation or demolition.

P. Public Safety

P-1. General Public Safety

P-1.1. The Committee urges the members of the Alabama Congressional delegation to give serious consideration to the following programs and principles:

(a) That crime is a nationwide problem and crime control should be the responsibility of the federal as well as state and local governments.

(b) That safety on streets and highways is a national concern and the responsibility for such safety should not be placed strictly on state and local governments.

(c) The development of an efficient system to aid local communities in times of natural disasters is essential for the security and defense of the United States. State and local governments are unable to meet the monetary requirements of providing disaster aid alone.

P-1.2. Any withdrawal of services and taxes from the police jurisdiction should be made to coincide with the license tax year of the municipality. Any municipality which abolishes services in the police jurisdiction should notify ISO Inc., of Atlanta, Georgia, of such changes as soon as possible.

P-1.3. That the League recognizes the importance of the Department of Forensics in the investigation of crimes. That the State of Alabama be required to fund the Department of Forensic Sciences and that municipalities not be required to pay any portion of the Department's operating costs.

P-1.4. That the League continue to explore the tort liability situation so as to determine the possibility of further legislation in

this area to provide immunity for particular functions.

P-1.5. That the League urges all members to use the Attorney General's Office of Consumer Protection.

P-1.6. That the League cooperate with the Alabama Fire Chiefs Association and the Alabama Police Chiefs Association.

P-1.7. The League supports legislative efforts at the federal level to prohibit the practice of hauling garbage or other contaminants in the same trucks used to transport meat, poultry, produce or other food products.

P-1.8. That the League encourages municipal fire departments to educate citizens on the prevention of fires.

P-1.9. The League encourages the Legislature to provide for the purchase of license tags for trailers used to haul items on public roadways which are not currently licensed under Alabama law.

P-2. Public Safety Training

P-2.1. The League recognizes the need for increased funding of the Alabama Peace Officers Standards and Training Commission.

P-2.2. That all municipalities are urged to undertake the upgrading of local law enforcement capability through increasing the size and capability of the local law enforcement departments and through in-service training and re-training of personnel to specifically include firearms re-qualification. The Committee feels that voluntary guides would be helpful to municipalities in establishing the size of the force, minimum equipment and capability of officers but emphasizes that such guides should be voluntary, not mandatory. Further, the state should insure continued operation of the police academies with funding.

P-2.3. That the League is urged to bring all interested parties together in an effort to draft and obtain passage of legislation regulating private security guards and private investigators acceptable to all parties.

P-2.4. That the League strongly recommend to all municipalities that they establish a strong program of public relations in the public safety area and that they recognize the importance of good public relations. Further, that all cities and towns be encouraged to strive for community involvement within the public safety function. Further, that public relations be made an important part of the curriculum at the training academies for law enforcement personnel and firefighters.

P-2.5. That all municipalities strongly consider using a contract as a condition of employment in hiring firemen and law enforcement officers before sending them to the training academies.

P-2.6. That the League urges all members to request their police officers to avoid high speed chases unless they are reasonably certain that a felony has been committed. Further, the League suggests that all municipalities require operators of municipal vehicles to complete the defensive driving course.

P-2.7. That the League continue to urge the Governor, in filling vacancies on the Alabama Peace Officers Standards and Training Commission and the Alabama Fire College and Personnel Standards Commission, to appoint elected municipal officials to represent municipal interests in establishing standards for municipal law enforcement and firefighting personnel.

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P-2.8. The committee recommends a continuing planned statewide high school information program on law and all aspects of law enforcement, including the establishment of cadet police forces.

P-2.9. That the League supports state funding of the Alabama Fire College and Personnel Standards Commission to reimburse municipalities for training of recruits.

P-2.10. That the League supports the utilization of more state funds for training paid and volunteer firefighters to meet minimum standards through the Alabama State Fire College at Shelton State.

P-2.11. That the League urges the maintenance of future funding to fully implement the Peace Officers Standards and Training Act at the state level.

P-2.12. That the League encourages the state legislature to appropriate adequate funding to pay for training of volunteer firefighters if such training is ever mandated by state law.

P-2.13. The League opposes any effort to eliminate programs through which reserve police officers can obtain the full 480 hours of police training by attending training courses on weekends.

P-2.14. That the League recommends certification training for police and E911 dispatchers.

P-3. Safety Programs and Regulations

P-3.1. That the Committee on Legislation support passage of a state law which would require all common carriers carrying combustible materials to display a placard on the side of such common carrier naming the material carried, the person to contact in case of emergency, and directions for combatting uncontrolled burning of such materials, and prescribe safe procedures for carrying such materials, including driver training, and providing penalties for violation of such a law.

P-3.2. That the League encourages the initiation and fostering of a strong safety program in every municipality with safety education being a large part of such programs.

P-3.3. That the League supports the enforcement by the State Fire Marshal of regulations relating to all storage tanks for gasoline and other fuel as are necessary to insure the safety of the public.

P-3.4. That all municipalities be urged to adopt a strong anti-fireworks ordinance. The state legislature is urged to abolish legislation which authorizes the transportation, storage and sale of fireworks within the state.

P-3.5. That municipalities in the State of Alabama require all operators of city-owned vehicles to demonstrate they are qualified to operate such vehicles.

P-3.6. That a strong gold and silver law be adopted by the state legislature.

P-3.7. That the League supports efforts to clarify the confusion concerning transportation of motor fuel to remote locations to refuel other vehicles. The state fire code permits this while state revenue laws prohibit it.

P-4. Emergency Management

P-4.1. That the League urges municipalities wishing to lend aid to sister municipalities during times of disaster contact the State Department of Emergency Management before sending

materials or manpower to stricken areas.

P-4.2. That the League urges telephone companies with 911 service to monitor problems with such services and to correct such problems. Further, the League urges municipalities to actively improve their 911 services through the enhanced system (E911).

P-4.3. That all municipalities are urged to develop or revise their Emergency Operations Plans (EOPs) to focus on mitigation, preparedness, response and recovery actions for all major hazards in the community. Further, that the League encourages all jurisdictions to revise applicable ordinances and to be active members of the local emergency planning committee as required under Title III, Superfund Amendments and Reauthorization Act (SARA), generally known as the "Emergency Planning and Community Right-to-Know Act of 1986."

P-4.4. That the Alabama State Legislature be urged to adopt a dam safety act.

P-4.5. That the League cooperate with the Alabama Emergency Management Council (AEMC) to elevate the posture of emergency management activities in local jurisdictions.

P-4.6. That the State Legislature adopt legislation to increase funding for emergency management activities at the local and state levels to cope with growing natural and technological hazards.

P-4.7. That municipalities provide a share of the financial support and cooperation with counties in the development of joint city-county emergency management agencies to support a comprehensive emergency preparedness program for all jurisdictions including hazard mitigation, planning, emergency response and recovery from disasters.

P-4.8. That municipalities actively participate in emergency planning and training of emergency responders using grants to their Local Emergency Planning Committees under the Hazardous Material Transportation Uniform Transportation Act.

P-4.9. That all municipalities review and assure that local initiatives are established and maintained which focus on mitigation efforts to reduce or eliminate hazards in their communities. Under the FEMA Disaster Mitigation Act of 2000 (Sec. 322), all communities must have an adopted mitigation plan to receive funds under the Hazard Mitigation Grant Program (HMPG) for disasters declared after November 1, 2003. (September 2002)

P-4.10. That all municipalities follow the procedures in the Alabama Emergency Operations Plan and assure that requests for activation of mutual aid agreements and/or requesting state assistance (equipment and services) during emergencies are processed through the local emergency management agencies to the Alabama Emergency Management Agency (AEMA). Further, when mutual aid is required from, or to be offered to, other states, the process must be coordinated through AEMA in accordance with the ~~Southern Regional~~ **Emergency Management Assistance Compact**. (September 2003)

P-4.11. The League encourages FEMA to continue funding a combination of pre-disaster and post-disaster mitigation funding rather than implementing only a pre-disaster funding program. (September 2002)

P-4.12. That municipalities actively participate with the city-

county emergency management agency and broadcasters (TV, radio, and cable systems) to plan for and use the new Emergency Alert System (EAS), formerly the Emergency Broadcast System, during emergencies and disasters.

P-5. Drug and Alcoholic Problems

P-5.1. That all municipalities continue efforts to control drug abuse with special emphasis on cutting off the supply; that the League urge assistance for drug abuse programs in small communities, the establishment of drug abuse programs for correctional institutions, the linking of drug abuse programs with community-based programs, a regional concept for drug control, usage of the Department of Forensics in the investigation of drug-related crimes, and the utilization of all agencies including ABC officers.

P-5.2. That the League oppose any legislation which proposes to revise Title 28 of the Code of Alabama relative to alcoholic beverage control which would restrict municipal powers in this area.

P-5.3. That the League oppose any attempt by the federal government to restrict any assets that local governments now receive from the seizure of property used in drug operations.

P-5.4. That the League encourages law enforcement officials to wait until after a defendant's first hearing to take controlled substances to the Forensics Department for analysis.

P-5.5. That the League supports the efforts of the Forensics Department to certify local officers to conduct misdemeanor marijuana analyses, provided the cost to municipalities is not unreasonable.

P-5.6. That the League encourages officers to obtain an analysis of only the most serious controlled substance in a case where a variety of drugs were confiscated and merely report that other drugs were present.

P-6. Highway Safety

P-6.1. That the state legislature is urged to amend its law which prohibits charitable roadblocks so as to eliminate all local discretion in the matter. Further the legislature is encouraged to adopt laws to regulate all other solicitation of charitable donations.

P-6.2. That the League supports state legislation on:

- (a) vehicle inspection;
- (b) motorcycle headlight law;
- (c) a requirement for a complete drivers test upon each renewal of a driver's license after the age of 70;
- (d) classifications of drivers licenses and performance testing in the type vehicle for which the drivers license is issued;
- (e) control of jacked-up (elevated) rear ends in passenger cars;
- (f) to require certification, training and licensing of motorcycle operators;
- (g) to prohibit the operation of high-riders or jacked-up pickup trucks on public roads;
- (h) to require bicycle riders to wear helmets.

Further, that the League opposes any legislation which would repeal the law which requires motorcycle riders to wear helmets.

P-6.3. That the League supports continued state support for the drivers' education program.

P-6.4. That the League oppose any changes in the DUI laws which would lessen their effectiveness.

P-6.5. That the Alabama Congressional delegation be urged to oppose further efforts to expand earmarking of **OHHS Office of Highway Traffic Safety** funds. (September 2003)

P-6.6. That all municipalities be encouraged to take advantage of **OHHS Office of Highway Traffic Safety** programs when offered. (September 2003)

P-6.7. That the League oppose efforts to enact legislation which would permit sheriffs to designate vehicles as emergency vehicles.

P-6.8. The League encourages the state legislature to adequately fund the Forensics Department to maintain the latest state-of-the-art equipment and training to enable the Department to acquire accreditation and certification of the Department and its scientists. The League further encourages the legislature to authorize full use of this equipment.

P-6.9. That the League support legislation to provide municipalities with the authority to photograph cars which fail to stop at red lights and send tickets to the vehicle's owner.

P-6.10. The League encourages the Legislature to reexamine the law prohibiting municipalities from issuing speeding tickets in the police jurisdiction. (September 2002)

P-7. Fire Protection

P-7.1. That emergency firefighting vehicles equipped to fight fires be required to be equipped with air horns or equivalent equipment.

P-7.2. That all municipalities should take steps to make their citizens aware of the regulations adopted by the State Fire Marshal requiring smoke detectors in all residences.

P-7.3. That all municipalities should adopt ordinances making it against the law to threaten to burn. The League supports legislation that would make it a violation of state law to threaten to burn.

P-7.4. That all municipalities are urged to establish fire prevention and electrical codes with adequate and regular inspections and that all inspectors and code enforcement officials should be required to have sufficient training.

P-7.5. That the League continues liaison with ISO Inc., of Atlanta, Georgia, with regard to fire insurance ratings. The League encourages the Insurance Department to work with insurance companies and ISO, Inc., to develop a more flexible standard for establishing fire insurance ratings.

P-7.6. That municipal officials and firefighter personnel be educated as to the need for working with other municipalities toward establishment of uniform fittings for all fire apparatus, including fire hydrants and pumper fittings.

P-7.7. That neighboring units of local government establish fire containment plans for mutual assistance in times of emergency with special effort being made to assure that all units are using compatible equipment, and that all municipalities maintain close coordination between firefighting units and utility departments and boards. That the League further supports the creation of a statewide fire network similar to that used by police officers.

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P-7.8. That all municipalities are urged to encourage all members of public fire departments, both career and volunteer, to utilize the courses offered by the National Fire Academy in order to advance the professional development of fire service personnel engaged in fire prevention and control activities. The League supports these courses as a cost-effective way to enhance the ability of local agencies who want to enhance their personnel's ability to protect their local communities and citizens.

P-7.9. That all municipalities take steps to provide effective and efficient public fire protection services, operated on a sound basis to prevent fires and reduce risks to lives and property, to deal with actual incidents, and to be prepared for situations that may be anticipated to occur by utilizing NFPA 1201 Recommendations for Developing Fire Protection Services for the Public as published by the National Fire Protection Association.

P-7.10. The League supports state legislation prohibiting convicted arsonists from serving as firefighters in Alabama.

P-8. Criminal Justice

P-8.1. That the League strongly supports Congressional funding for criminal justice programs including the Edward Byrne Memorial Grant Program.

P-8.2. That the state legislature not adopt any further legislation calling for additional court costs.

P-8.3. That municipalities recognize the importance of the Criminal Justice Information System and promote a reasonable use of the programs, and that the League support use of CJIS funds to defray the cost of local compliance with this program. Further, that the League requests the governor and the legislature to appropriate sufficient funds for CJIS.

P-8.4. That all municipalities explore the possibility of implementing crime prevention programs such as "Neighborhood Watch," "Crimestoppers," and "Silent Witness."

P-8.5. That the League opposes the carte blanche release of sentenced prisoners throughout the criminal justice system.

P-8.6. That the League opposes any change to the habitual offender law.

P-8.7. That the League recommends to the state legislature that a law be adopted to prohibit prostitution within the state.

P-8.8. That the League supports efforts of the State Forensics Department to have local physicians assist coroners when investigating suspicious deaths. Funds for training local physicians should be provided by the state.

P-8.9. That the League supports efforts of the State Forensics Department to have all fire deaths examined by the Department.

P-8.10. That the Department of Forensics should continue to be responsible for transporting dead bodies, should be responsible for returning the body to the county of origination, and that the state should properly fund the Department to perform this function.

P-8.11. That the committee calls for rigid enforcement of the federal law making it an offense for a person to cross state lines for the purpose of inciting riots and civil disturbances.

P-8.12. That the League supports the DNA Felon Databank

P-8.13. That the League supports the Firearms Evidence Databank System.

P-8.14. The League supports federal funding for the Forensic

Improvement Act for the creation of natural evidence testing standards.

P-8.15. The League supports efforts of the Forensics Department to develop an interstate compact for the shared testing of forensics evidence.

P-8.16. That Section 11-47-7.1 of the Alabama Code be amended to allow for more liberal uses of these funds. Particularly, municipalities should be permitted to use this money for the construction and operation of municipal jails, police departments and court complexes.

P-9. Juvenile Justice.

P-9.1. That the League strongly supports legislation to curb criminal acts by juveniles and to make parents responsible for such criminal acts in situations where the parents could have reasonably prevented them and to make parents responsible for any damages which result from such criminal acts.

P-10. Jails

P-10.1. That the municipal and county governments of Alabama, individually and through their state organizations, recognize the problems of jail conditions and cooperate in the adoption of proposed plans to improve the conditions.

P-10.2. That all municipalities adopt a policy of taking felons to the county jail rather than the municipal jail.

P-10.3. The Attorney General has ruled in Opinion 2002-138 that only physicians, pharmacists or licensed or registered practical nurses can dispense or administer medication in municipal jails. The League **supports efforts to alleviate the financial burden this imposes.** ~~encourages the Legislature to reexamine this situation to help alleviate the financial burden this imposes.~~ (September 2003)

P-11. Law Enforcement Personnel

P-11.1. That the Committee on Public Safety reiterate the League's standing policy in opposition to any legislation which would give any group of public employees special or favored treatment and thereby discriminate against other public employees. Further, that the League continue to go on record opposing legislation requiring uniform wages, salaries, and fringe benefits for policemen and firemen, but in event the legislature passes such legislation, the League must insist that state subsidies be provided to pay for such increased benefits.

P-11.2. That municipalities are urged to upgrade recruitment of law enforcement officers through improvements of salaries and working conditions and the use of affirmative action plans in recruitment and are strongly encouraged to run a background check for prior felony convictions on all applicants.

P-11.3. That the League support legislation to amend present state law to permit employees retired from the State Retirement System to accept employment with municipalities covered under the State Retirement System without giving up any of their benefits. (September 2002)

P-11.4. That all municipalities should exercise caution in letting their police officers and fire inspectors and investigators work in other job-related activities, including work for private

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Human Development

Recommendations presented in this article were adopted by the League's HD Committee during the 2003 Committee Day on September 4, 2003. Words printed in **bold type** indicate new language adopted by the Committee. Lines or words struck through indicate language proposed for deletion. The Proposed Policies and Goals will be subject to further review and final ratification by delegates to the 2004 League Convention in Birmingham, May 22-25, 2004.

H.1. Federal Programs

H-1.1. That Alabama's Congressional delegation be petitioned to consider the following positions of the League relating to this subject in reaching their conclusions on human resource development responsibilities and funding:

(a) That in the shift of federal welfare programs to the states, commensurate funding be made available also. Further, if cuts are to occur, the League urges Congress to consider a gradual decrease of monies for Food Stamps, TANF and other key welfare programs to allow state and local governments to absorb these programs on the local level without penalizing the truly needy.

(b) That the League strongly urges continued federal financial support for programs for the aged especially in the area of emergency funds to cover excessive fuel bills for the elderly poor.

(c) That the League urges Congress to take a close scrutiny of the Social Security system to find an equitable method of fulfilling the original purpose of the program. Further, that the League feels that the following programs are important enough to local communities to merit continued federal funding: ACTION, summer youth programs, the Library Services and Construction Act, child and adult day care centers, general health care, nutrition centers, and community action agencies.

(d) That the League endorses the National League of Cities' call for a unified federal approach to social service delivery to replace the currently fragmented and often underfunded programs and services.

(e) That the League supports the concept of the White House Conference on Libraries and Information Services.

(f) That the League strongly supports legislation to fund access to virtual libraries.

H-1.2. The League re-emphasizes its opposition to federal and state governments passing mandatory legislation without commensurate funding. Further, that the League urges that local governments be given the authority to deal with local problems locally.

H-1.3. That the League urge the State of Alabama to allocate a portion of any federal funds for dealing with the war on drugs to the municipalities.

H-2. Community Services and Welfare

H-2.1. That the League urges more strongly than ever that every municipal official become familiar with the human resource needs of his or her community and existing programs available to meet those needs.

H-2.2. That the League strongly supports the continuation of the Food Stamp Program, TANF and aid to low income senior citizens as not only valuable programs for the state's poor, but also as a source of local revenue. Further, that the League strongly supports the Director of the State Department of Human Services' program to prosecute abusers of the Food Stamp Program.

H-2.3. That the League strongly supports the involvement of municipal officials in as many human resource development programs as are financially possible, and the establishment of local human resource interagency councils for the evaluation and coordination of human resource development programs with strong participation by locally-elected officials.

H-2.4. That the League supports adequate state funding to maintain the Community Services Block Grant program in all 67 counties.

H-2.5. With respect to welfare, the League supports ~~an integrated benefits program that decreases welfare benefits to recipients who find jobs by a sliding scale of reduction of benefits instead of the current system of immediate cutoff of benefits. Further, that the League strongly supports the fact that Social Security and Unemployment Compensation are not welfare programs and instructs Congress not to treat them as such.~~ **the present benefits program which reduces benefits to recipients who find jobs. (September 2003)**

H-2.6. That the League sees the following programs especially deserving of support: child care programs, senior care programs, health care centers, information centers, nutrition programs for those persons with mental retardation and mental disabilities, and special education programs.

H-2.7. That the League encourages every municipality to work closely with the State CSBG office to encourage pooling of administrative costs and cooperation between counties to counteract the expected cuts in funding and to comply with the state legislation without cutting off services to the needy.

H-2.8. In view of the excellent organization and delivery of services of Alabama municipalities from the new Community Services Division of the Department of Economic and Community Affairs, the League strongly recommends that the administration continue the program in its present form in the future.

H-2.9. That the League opposes any federal legislation which would make each state liable for all over-expenditures in the federally-funded welfare programs rather than the current system of penalizing those states which have high error rates.

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H-2.10. That the League heartily endorses the Low Income Home Energy Assistance Program and encourages all municipalities to cooperate with state and county administrators of the program to find various free facilities from which to operate locally.

H-2.11. That the League urges all municipal utilities to begin an energy assistance program similar to the one now operated by Alabama Power Company, Alabama Gas Company and the Red Cross to aid the elderly poor in paying their utility bills.

H-2.12. That the League encourages the Human Resources Department to make printed copies of their Directory of Assistance available in all public buildings, showing where assistance could be obtained in public buildings, showing where assistance may be obtained. A list of these resources is also available on-line. (September 2003)

H-2.13. That the League strongly urges county Human Resource Boards to set and maintain higher accountability standards for directors of the Department of Human Resources in each county.

H-2.14. That the League strongly urges the Department of Human Resources to continue to vigorously enforce the collection of child support from noncustodial parents.

H-2.15. That the League supports the Expanded Food Nutrition & Education Program (EFNEP) and it's availability at every county extension center.

H-2.16. That the League supports the Food Bank Program administered by ADECA.

H-2.17. That the League strongly supports the statewide implementation of the 211 system. (September 2002)

H-3. Education and Cultural Resources

H-3.1. That the League urges the preservation of the authority of municipal governing bodies to appoint city boards of education.

H-3.2. That the League supports state legislation to appropriate sufficient funds to meet the goals established by the Governor's Conference on Libraries.

H-3.3. That the League supports the authority of local school boards to establish and administer school programs at the primary and secondary levels. Further, that the League re-emphasizes its opposition to federal and state mandates passed without commensurate funding.

H-3.4. (a) That the League urges local government encouragement of and participation in arts and cultural programs to promote a high sense of value of city life through such programs as crafts fairs, local theatre productions, and art exhibits.

(b) That the League encourages local governments to consider using local arts and humanities programs as rehabilitative outlets in such areas as special education programs, drug abuse clinics, jails and prisons, and counseling centers.

(c) That municipal governments in Alabama are urged to recognize the arts as a vital and enriching service and make the arts available to all of their citizens, every municipality is encouraged to establish a public agency or body specifically concerned with promoting the arts; municipal governments working together with the public should help to effect a new state

goal: That no Alabamian shall be deprived of the opportunity to experience the beauty of life through the arts by barrier of circumstances, income, background, remoteness, or race; that grassroots activity at the community level be recognized as a vital contribution which for many citizens is a key part of the educational process; and that every city strive to provide adequate facilities for presenting the arts.

(d) That the League urges cooperative effort by schools, parent-teacher organizations, municipalities and appropriate state agencies to establish afterschool cultural activity programs and affordable extended daycare programs for students for furthering the child's cultural exposure and provide a deterrent from the danger of unsupervised activity.

H-3.5. (a) That the League urges the State of Alabama to support the efforts of local communities to provide adequate public library service with sufficient state funding for local public libraries.

(b) Furthermore, the League urges municipalities to encourage their citizens to fund and support access to virtual libraries.

H-3.6. That the League urges the State of Alabama to provide opportunities and for funding of GEDs and vocational training for inmates' education in state prisons.

H-3.7. That the League encourage their school systems to affiliate with the solid waste management programs including "Keep America Beautiful."

H-3.8. That the League encourage municipalities to become more aware of Act 95-313, which established an accountability plan for education overseen by the State Department of Education, and Act 95-314, which implemented a Foundation Program for the annual funding of public schools of the state to the extent necessary to provide educational opportunities according to the State Constitution for all students in every local school district. Further, the League encourages municipalities to do all that is necessary to assist in the implementation of these acts.

H-3.9. That the League urges the Legislature to raise the minimum age for dropping out of school from 16 to 18 years of age.

H-3.10. That the League urges ad valorem and other tax reforms to increase revenues for education.

H-3.11. School-based or linked services programs have been successfully demonstrated in two municipalities in Jefferson County. These programs link health and social services programs to education for adolescents. The League encourages municipalities to increase more programs in this area.

H-3.12. That the League encourages school boards to provide adequate training and accessibility of computers for all teachers.

H-3.13. That the League supports continual efforts to reduce the widespread increase in adult illiteracy by encouraging municipalities to participate in the establishment of group literacy programs in their communities.

H-3.14. That the League urges the State of Alabama to provide opportunities and funding for juveniles' education in youth detention centers and alternative schools.

H-3.15. That the League urges the State of Alabama to support legislation that would allow contiguous municipalities with total populations of at least 5,000 to band together to form

their own school systems. (September 2003)

H-3.16. That the League encourages the Legislature to create a separate board governing public two-year colleges, and such board districts be selected in the same manner as the Alabama Congressional Districts. (September 2003)

H-4. Senior Citizens

H-4.1. That the state closely monitor compliance with state laws that license and regulate residential facilities for senior citizens.

H-4.2. That the State of Alabama should establish day care centers for the senior citizens.

H-4.3. That the League encourages cities to take a leading role in the location of senior citizen independent care facilities in their communities.

H-4.4. There is a critical need for more certified beds in nursing homes and, therefore, we recommend additional funding for that purpose. We also recommend a review of the allocation formula for determining eligibility for the beds in each county.

H-4.5. That the League encourages more home and community based care.

H-4.6. That the League supports the Information and Referral Program that has been adopted by the Alabama Department of Senior Services.

H-4.7. That the League supports outreach group coalitions to inform the senior citizens of existing services.

H-4.8. That the League views with extreme concern the increase of elderly abuse cases reported in our state and nation and strongly encourages the appropriate local and state agencies to continue to make their full resources available to correct this growing problem.

H-4.9. That the League supports training programs for principle caregivers of senior citizens or senior citizens who are caregivers. Such programs should better enable the principle caregivers to confront the problems and frustrations as they care for the senior citizens. These programs should also decrease the number of senior care abuse cases and negligence within the family.

H-4.10. That the League supports the provision of tax incentives to private corporations in the construction industry ~~when they are~~ for building housing for the senior citizens. (September 2003)

H-4.11. That the League encourages municipalities to support adult day care facilities and transportation needs for disabled persons in their communities. (September 2002)

H-4.12. That the League urge municipalities to utilize the ~~state's Insurance Information Service~~ **State Insurance Information Service (SHIP)** to assist the elderly and disabled citizens in making needed decisions regarding insurance, such as long term care insurance. (September 2003)

H-4.13. That the League encourage municipalities to take a leading role in developing elder-friendly communities, so as to accommodate the growing aging community. (September 2002)

H-5. Employment and Training

H-5.1. (a.) That the League lends its full support to the system of industrial training and retraining programs designed to prepare

employees for industries which either already exist or are willing to locate in or near the community. Further, that the League urges the expansion of high school career technical education to include industrial training as well as coordination of these programs with job placement agencies and local industrial development boards.

(b.) In order to provide a quality workforce, local municipalities are urged to encourage individuals to enter training, education and careers in the social and health fields. (September 2002)

H-5.2. That the League supports the concept of meaningful employment and re-emphasizes that the major human resource need in Alabama today is employment. Also, that the League recommends that existing industry work toward expansion and increased employment and that employment and training be even more active to avert threatened increased unemployment.

H-5.3. That the League urges the State Department of Education to give greater emphasis and funding to its technical assistance programs, with particular emphasis on training of supervisory personnel and in safety programs for all government employees.

H-5.4. That the League endorses Equal Opportunity.

H-5.5. That the League supports passage of permissive legislation to allow municipalities the option to utilize part-time, flexi-time or four-day work weeks as economy measures.

H-5.6. That the League believes that the Unemployment Insurance program should be returned to its original purpose of partial wage replacement. Benefits should comply with existing federal guidelines.

H-5.7. That the League urges Congress and the Department of Labor to be made aware that Alabama needs to maintain their flexibility of the use of the federal funds under all titles pertaining to the Workforce Investment Act.

H-5.8. That the League supports the concept endorsed by NLC of tying unemployment benefits to job training programs, but only under certain conditions. First, that only the last weeks of unemployment compensation be tied to re-training programs, and second, that the expense of paying for such education cannot be mandated onto the unemployed worker nor the state or local government.

H-5.9. That the League urges all agencies concerned with the Workforce Investment Act to keep their local governments informed as to developments in this program.

H-5.10. That the League urges each municipality to provide information to all employees regarding issues related to family violence, with particular efforts to train their police departments.

H-5.11. That the League urges municipalities to explore new partnerships for youth training programs with schools, local civic clubs and businesses and industries.

H-6. Health Care

H-6.1. (a) That the League urges the Alabama Legislature and the Governor to continue to meet the state's commitment to fund the Medicaid Program and seriously to consider state legislation aimed at reducing the escalating costs of health care in Alabama.

(b) That the League encourages citizens to take a greater role

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in their own health maintenance.

(c) That the League urges all municipal officials to enter into an ongoing dialogue with the medical care personnel in their communities to formulate long-range health care plans. Further, that these plans be forwarded to the State Health Planning and Development Agency for inclusion in the statewide health care delivery plan.

H-6.2. (a) That the League strongly endorses and gives its full support to the physician placement plan for rural areas and small cities and towns undertaken by the College of Community Health Sciences of the University of Alabama and the Alabama Office of Rural Health and the League supports the coordination of all such programs by state medical schools and the Medical Association of the State of Alabama to bring maximum health services to the areas of greatest need.

(b) That small municipalities are further urged to seek the assistance of the Alabama Office of Rural Health in their recruitment efforts and to investigate assistance under the Certified Clinic Program administered by the Department of Health and Human Services.

(c) That municipalities are encouraged to contact the Governor's Office or the Alabama Office of Rural Health for full information on its programs.

H-6.3. That the League encourages Alabama municipalities to provide AIDS education, physical fitness programs, drug and AIDS testing for all employees to pinpoint potential work-related health conditions and to combat the rising costs of workmen's compensation and sick leave.

H-6.4. That the League supports the use of preventive health maintenance to combat stress, illness, and accidents in the municipal workforce.

H-6.5. That the League urges strict licensing, supervision and inspection of boarding houses and other private elderly facilities. (September 2002)

H-6.6. As employers, local governments should undertake training of the entire municipal workforce with attention to employees whose level of interaction with the public makes it important that they understand the dynamics of AIDS transmission.

H-6.7. That the League urges the Board of Education to maintain health education as a priority area of instruction.

H-6.8. (a.) That the League strongly urges the state Legislature to appropriate sufficient funds to control the West Nile virus in our municipalities

(b.) That the League encourage municipalities to support awareness about bioterrorism. (September 2002)

H-7. Mental Health and Mental Retardation

H-7.1. That the League strongly urges the Alabama Legislature to meet the responsibilities of the state government to provide adequate funding for operation of Alabama's mental health system and specifically include funding for operation of regional mental health and mental retardation districts and mental health and mental retardation facilities.

H-7.2. (a) That the League urges the State Department of Mental Health and Mental Retardation to devote more time and effort to programs directed at the prevention of the problems

arising from excessive use of addictive prescription drugs.

(b) That the League, recognizing the fact that television advertisements promoting drugs exert a strong influence on the impressionable minds of our youth, encourages stations to develop and show education programs on the dangers of drug abuse to balance other television presentation.

(c) That the League urges that a special emphasis be placed on prevention and education programs on alcohol and drug abuse and on the treatment of such abuse.

H-7.3. (a.) That the League urges all member municipalities to recognize that alcoholism on the part of employees can represent a tremendous drain on their productivity but that alcoholism is also a treatable disease and that all municipalities are urged to follow the highly successful example set by several municipalities and major industries of Alabama in undertaking the Employee Assistance Program for the rehabilitation of alcoholic personnel.

(b.) That the League encourage municipalities to urge all citizens to seek alcohol and substance abuse treatment from service providers which is available. (September 2002)

H-7.4. That the League urges the state legislature to continue to support all of the programs operated by the State Department of Mental Health and Mental Retardation. Further, that the private sector and local governments coordinate with the Department of Mental Health and Mental Retardation to improve vocational training and employment opportunities for those persons with mental illness or mental retardation.

H-7.5. That the League urges municipalities to encourage local civic groups and citizens to support homes for those persons with mental illness and/or mental retardation.

H-7.6. That the League supports the need to educate the general public on mental health and retardation.

H-8. Youth

H-8.1. That the League endorses the Economic Education Program of the Council on Economic Education to educate young people in the basic principles of business and private enterprise.

H-8.2. That the League recommends that all municipal officials make even greater efforts to maintain communications with the youth of their communities. Further, that the League encourages municipalities to sponsor youth civic clubs as a means to this end.

H-8.3. That the League views with extreme concern the increase of child abuse cases in our state and nation and strongly encourages the appropriate local and state agencies to continue to make their full resources available to correct this growing problem. Further, that child neglect is viewed with equal concern and that the above-mentioned agencies address their resources to correcting the problems of child neglect as well as child abuse.

H-8.4. That the League supports the full funding and full operation of the State Department of Youth Services.

H-8.5. That the League recognize efforts made by the Coalition for Healthy Adolescents in Alabama (CHAA) to address evils that beset today's youth--in particular, teenage pregnancies, illegitimate births, and alcohol and drug abuse. The League strongly urges the Alabama Legislature to appropriate money to establish an educational program through whatever agencies it deems most fitting to prevent these problems.

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Community and Economic Development

Recommendations presented in this article were adopted by the League's CED Committee during the 2003 Committee Day on September 4, 2003. Words printed in **bold type** indicate new language adopted by the Committee. Lines or words struck through indicate language proposed for deletion. The Proposed Policies and Goals will be subject to further review and final ratification by delegates to the 2004 League Convention in Birmingham, May 22-25, 2004.

C-1. Planning

C-1.1. That the League establish a strong on-going liaison with regional planning commissions for coordination of technical advice and assistance for local governments. The League offers strong support for increasing state funding of regional planning commissions to enable them to provide adequate planning assistance for local governments.

C-1.2. That municipalities be given permissive legislative authority to zone their police jurisdictions.

C-1.3. That a state statute be adopted to specifically authorize municipalities to control unzoned areas in newly-annexed territory pending the adoption of appropriate zoning for newly-annexed areas.

C-1.4. That every city establish minimum standards for public improvements that must be met before approval of subdivisions within their jurisdictions. Further, that subdividers planning subdivisions beyond municipal corporate limits of a city but within the planning jurisdiction of the city be urged to include restrictive covenants in their recorded plats for the protection of purchasers of their lots. Municipalities are urged to provide subdividers with model protective covenants for their consideration in the preparation of their plats.

C-1.5. That the League encourages every community to establish long-range plans for land use and capital improvements which include privatized capital improvements needs and estimated costs. Such plans will provide preparedness in the event special public works programs become available.

C-1.6. That the League urges municipalities to establish planning commissions and implement zoning ordinances and subdivision regulations.

C-1.7. That all municipalities be encouraged to establish standards to cover the location of mobile and manufactured or modular homes within their jurisdictions. We urge the League to assist in the development of these standards to assure that they meet legal challenges.

C-1.8. That the League strongly supports the continued efforts of the Alabama Planning Association's Planning Institute to train local officials, planning commissioners and zoning administrators.

C-1.9. That the League strongly supports efforts to educate the public as to the importance of zoning and subdivision controls through resources such as the regional planning commissions. Municipalities are urged to work with their County Commissions in the development of such controls.

C-1.10. That the League strongly encourages the Legislature to study municipal zoning and planning enabling laws and to make a recommendation for improvement of such laws.

C-1.11. That the League strongly encourages its members to consider historical areas in their local zoning and planning process.

C-1.12. That municipalities are encouraged to individually evaluate establishment of historic preservation authorities and commissions, to inventory local cultural and historic assets, and to initiate other locally-based historic preservation initiatives.

C-1.13. That the League propose legislation to make it clear that a municipal governing body may withdraw its planning jurisdiction to less than the five-mile limit currently established by state law.

C-1.14. That the League encourages ADECA to reinstate the Prepared Cities Program. (September 2002)

C-1.15. That the League supports state legislation regulating private sewage providers and sewage systems and establishing standards for construction and continued operation of such providers. (September 2002)

C-1.16. **That the League strongly encourages the Alabama Legislature to authorize the creation of Central Business District Boards with the authority to protect the architectural integrity of downtown commercial buildings and ensure that their use promotes economic growth and prosperity. (September 2003)**

C.2. State and Federal Programs

C-2.1. That the League encourages efforts to standardize and clarify the application requirements of various federal program agencies, and the simplification of rules and regulations relating to civil rights, equal employment opportunity and requirements of private lending institution sign-offs as a condition of eligibility for loans from those agencies.

C-2.2. That the League strongly recommends to our Congressional delegation that they actively pursue adequate funding for federal economic development programs including those of the Renewal Community Initiative, the U.S. Department of Housing and Urban Development, the USDA Rural Development, the Delta Regional Authority, the Crescent Authority and the Appalachian Regional Commission. (September 2002)

C-2.3. That the League urges the legislature of Alabama to be concerned with the federal phase-out of local government programs to the end that state funding be provided for local

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government programs affecting public health and welfare.

C-2.4. That the League recognizes that the condition of public facilities in Alabama and throughout the nation has become seriously deteriorated to an extent that it is not accurately known. It is urged that a federal program be funded to accurately tabulate the current needs for public facility rehabilitation nationwide according to uniform reasonable standards, and that provision be made to keep such tabulation current on a periodic basis. Further, that a multi-year federal infrastructure grant-in-aid program be established to assist state and local governments in the rehabilitation of their public facilities in accordance with the needs assessment program.

Further, the League supports the re-establishment of the Federal Public Facility Loan Fund and the idea of creating federal and state domestic capital investment budgets.

C-2.5. The League urges more federal assistance to state and local governments in promoting international business.

C-2.6. That the League applauds the **Alabama Legislature and Congress** for its leadership in the field of historic preservation and urges the continuation of historic preservation programs both at the federal and state levels of government. Particularly, the League urges that tax incentives be made available for residential preservation as well as commercial preservation. (September 2003)

C-2.7. The League should educate its members as to the availability of the Your Town Program.

C-3. Housing

C-3.1. That the League is opposed to housing authorities that would establish housing in a municipality or its police jurisdiction without a resolution of approval by the local governing body involved.

C-3.2. That both the federal Congress and the state legislature be urged to consider all alternatives to take action to alleviate the difficulty in financing housing in Alabama and the nation. The League urges that the Home fund administered by the Alabama Housing Finance Authority distribute more money to be used to finance home ownership for single families.

C-3.3. That lenders throughout the state be urged to use the HUD 203(k) program for rehabilitation of existing homes.

C-3.4. That the Committee favors legislation which would allow municipalities to establish housing finance authorities.

C-3.5. That the League support the legislation which would establish a uniform state building code patterned after or identical to the Southern Standard Building Code.

C-3.6. That the Community and Economic Development Committee reiterates the recommendation of the Energy, Environment and Natural Resources Committee in strong opposition to federal land use planning legislation.

C-3.7. That the League encourages the Legislature to adopt required standards of certification for code enforcement officers. Furthermore, that the code enforcement officers be required to be certified three years after the enactment of such legislation or three years after the officers are hired.

C-3.8. That the League supports continuation of the public housing program as a separate program and strongly urges the continuation of federal public housing operating subsidies. The

state and local governments in Alabama are not financially able to take over the responsibility of public housing construction and operation.

C-3.9. That the League go on record as continuing its strong opposition to all efforts that would discontinue the allowance of home mortgage interest payments as deductions in the computation of individual state and federal income tax returns.

C-3.10. The Alabama Multifamily Housing Consortium is encouraged to expand its efforts to involve more financial institutions in its consortium so as to increase resources available to finance affordable housing in local communities. Further, that local municipalities are encouraged, where affordable housing is needed, to cooperate with housing sponsors and developers seeking financing from the Alabama Multifamily Housing Consortium by providing planning and zoning assistance, advice, local expertise and/or resources to increase the supply of quality rental housing.

C-3.11. That the League urges the Alabama Legislature to pass a state Fair Housing Law that is equivalent to the Federal Fair Housing Law in order to realize funding opportunities currently unavailable to the state.

C-3.12. That the League urges the state and local governments to pursue grants which will help address the abatement of lead based paint hazards in housing, as authorized by the Lead Based Paint Poisoning Prevention Act.

C-3.13. That the League encourages HUD to establish specific policies concerning the upkeep, maintenance and responsibilities of Section 8 Housing and their presence in the community. (September 2002)

C-4. Community Development

C-4.1. That the League encourages its members to work toward urban conservation, historic preservation and revitalization of its downtown area, and to seek technical assistance and advice from the Main Street Program and the Certified Local Government Program of the Alabama Historical Commission.

C-4.2. That close lines of communication be established between municipal and county governing bodies for joint efforts toward community development and fringe area services and that counties be encouraged to work more closely with municipalities in rural development.

C-4.3. That the League support the adoption of statutes authorizing municipalities to finance off-street parking facilities through revenue bond issues.

C-4.4. That the need for a viable annexation statute becomes more acute as time passes. The League strongly urges an all-out effort on the part of its members, the legislature and the state administration to produce a workable answer to this need at the earliest possible time. Furthermore, this committee urges the League Committee on State and Federal Legislation to make a viable annexation statute a top priority.

C-4.5. That every municipality is urged to work with and encourage the private sector to increase its efforts in the field of community development.

C-4.6. That the League pledges its cooperation and support of the efforts of the community development directors of the state toward better community development in Alabama's cities and

towns.

C-4.7. Recognizing that construction costs have increased while Community Development Block Grant funding has been reduced, the League strongly urges our Congressional delegation to allocate increased funding to Community Development Block Grants.

C-4.8. The League urges ADECA to reinstate giving bonus points to municipalities who are applying for CDBG grants but who have never received such a grant be continued. (September 2002)

C-4.9. The League encourages municipalities to provide recreational opportunities for low and moderate income areas.

C-4.10. That ADECA continue to recognize the essential need that municipalities have to use in-kind (personnel and equipment) as local match for CDBG projects.

~~The League encourages ADECA to return to the previous point rating required for downtown revitalization projects.~~
That the League urges ADECA to allow the use of inmates for consideration of in-kind services (personnel) as local match for CDBG grants on the same rate scale allowed by federal law. (September 2003)

C-4.12. The League urges ADECA to **continue to** consider a much larger funding level for the small and large city categories of the CDBG grants. (September 2003)

C-4.13. That the League encourages Congress to increase funding to the State's Scenic Byway Program to promote tourism and economic development in areas along designated byways in Alabama. (September 2002)

~~The League urges the Alabama Insurance Commission to require all insurance companies to adhere to ISO ratings. (September 2002)~~
continue to monitor the use of ISO ratings by insurance companies. (September 2003)

C-4.15 That the League urges the Alabama Legislature to provide financial support for the Alabama Base Realignment and Closure Commission (BRAC). (September 2003)

C-5. Economic Development

C-5.1. The League strongly encourages the Governor and the legislature to take necessary action to create a fund which can guarantee, or partially guarantee, loans for economic development to industries which need assistance and are deemed worthy because of the jobs and corporate taxes they will provide. The fund should be made available to both new industries moving into the state as well as for expansion of existing industries.

C-5.2. That the League continues to urge the repeal of state industrial park acts which threaten the orderly growth and development of our cities and towns.

C-5.3. The League offers its full support to assist The Alabama Development Office, The Alabama Department of Economic and Community Development, The U. S. Department of Housing and Urban Development, all institutions of higher education, the Alabama Association of Regional Councils and the Economic Development Association of Alabama in the continuation of a training program for industrial development representatives. Further, the League urges all municipal officials to assist the Alabama Development Office in its efforts to procure legislation that may be needed from time to time to improve our

state attractiveness to potential businesses and industries.

C-5.4. That the League encourages every city and town to establish an Industrial Development Board **or authority.** (September 2003).

C-5.5. Municipal governing bodies and their industrial development boards are encouraged to work more closely with their existing industries and to assist whenever possible in expanding such industries, and to create an economic development plan that defines the types of industries and industrial infrastructure a city needs.

C-5.6. That the League urges continued strong effort to bring about industrial development and more jobs for the state and its people and continued interest in the development of small or minority businesses and industry.

C-5.7. The League urges the Alabama Legislature to budget adequate funding for the ~~Alabama Department of Economic and Community Affairs~~ State Industrial Development Board program for the development of industrial parks (including speculative buildings) and the ~~site preparation~~ **industrial development grant program.** (September 2003)

C-5.8. The League urges the Alabama Department of Economic and Community Affairs to continue the allocation of economic development funds from the Community Development Block Grant program.

C-5.9. The League continues to urge the State of Alabama to take a leadership position concerning industrial development. Due to factors beyond their control, rural areas are at a tremendous disadvantage competing in this environment. The State should stress total economic development in all areas.

C-5.10. The League encourages promotion of the state through the Alabama Department of Tourism and Travel. Out-of-state visitors bring a significant amount of revenue into our local cities and towns.

C-5.11. That the League urge continued state support and funding for locally- and regionally-based economic development tools, such as business and industrial incubator programs, revolving loan funds and venture capital funds.

C-5.12. That the League urges the Legislature to put sufficient resources into the education and training of all Alabamians so as to assure their future in the workplace.

C-5.13. The League supports the on-going economic development planning process currently led by the Alabama Commerce Commission and the Alabama Association of Regional Councils.

C-5.14. That the League strongly encourages the Alabama Legislature to authorize incentive policies aimed at attracting commercial and retail growth. Furthermore, it supports legislation creating a state fund which can be used to assist in providing needed infrastructure for desirable commercial and retail businesses, based on the number of jobs and the amount of state and local taxes generated. (September 2003) ■

TPSC Proposed Policies and Goals continued from page 40

security agencies, during off-duty hours.

~~P-11.5. That the League opposes legislation to provide a bill of rights for police officers. (September 2003)~~

~~P-11.6.5. Stress is an unavoidable factor faced by many municipal employees. The League understands the need for treatment for medical conditions related to on-the-job stress. However, the League opposes legislation requiring municipalities to incur extra costs or grant additional leave time to employees above that currently provided for stress-related disorders.~~

~~P-11.7.6. The League encourages all municipalities with police departments composed of more than one officer to make sure that the top ranking officer in the department has satisfied the training and re-training requirements prescribed by state law for all police chiefs.~~

~~P-11.8.7. That the League encourages municipal police chiefs to utilize the Forensics Department's Violent Crime Response Unit. ■~~

Environmental Outlook continued from page 9

Nature Conservancy of Alabama and Forest Service Join Forces

Last month, the Nature Conservancy of Alabama and the USDA Forest Service signed an agreement to work together on issues that are critical to Alabama's National Forests, such as acquiring additional lands, protecting rare and significant species and ecological restoration.

The Nature Conservancy has identified all of the national forests in Alabama as eco-regional portfolio sites, meaning they are priorities for conservation and crucial to protecting the state's biodiversity. The master agreement will cover work done in the forests and on approximately 2,000 acres managed by the Conservancy at 15 sites throughout Alabama. Some of the ongoing efforts that will be conducted by the two groups include expanding the use and understanding of prescribed fire; combating invasive, non-native species and reestablishing native species; increasing public support for biodiversity; and restoration of the longleaf pine ecosystem. For additional information about this important new partnership contact, Keith Tassin, the Nature Conservancy at 205-251-1155 ext. 104.

Coastal Cleanup Volunteer Numbers Up

According to *The Mobile Register*, this year's annual coastal cleanup volunteer participation increased by an estimated 1,300 people. The numbers are quite impressive. An estimated 4,500 volunteers at 24 sites in Mobile, Baldwin and Escambia counties collected between 90,000 to 95,000 pounds of trash along about 300 miles of Alabama coastline and waterways. ■

HD Proposed Policies and Goals continued from page 44

H-8.6. That the state legislature is urged to provide funding for the Workforce Investment Program to be operated in all 67 counties.

H-9. Child Care

H-9.1. The League strongly urges local municipalities to take the lead in promoting and encouraging enrollment in the "All Kids" health program to those children who do qualify.

H-9.2. The League strongly supports involvement of business and industries in establishment of child care facilities, benefits and programs for employees.

H-9.3. The League encourages local governments to:

- review current ordinances, land use provisions and regulations that could be a hindrance to the development of child care in local communities, and encourage new legislation to promote such development;
- develop a local policy on child care;
- develop a database to ensure that sufficient information is gathered on the child care needs of city residents;
- encourage greater dialogue between Head Start and other day-care providers and public kindergartens;
- begin dialogue with local school boards and appropriate local bodies for collaborative ventures in addressing local child care issues; and
- provide incentives to business and developers for tying in child care with their development activities.

H-9.4. That the League strongly urges flexibility as to the dates of payment of the various fees due from child caregivers.

H-10. Disabilities

H-10.1. That the League urges municipalities to support citizens with disabilities, including developmental disabilities, to live, work, learn and play in communities of their choice.

H-10.2. That the League encourage the state Legislature to provide funding in support of citizens with disabilities, including developmental disabilities, to assist them in adapting to the communities of their choice. (September 2002) ■

FAIR Proposed Policies and Goals continued from page 26

F-12.15. That all members of the Alabama Legislature are urged to refrain from introducing and to adamantly oppose legislation which would restrict or interfere with municipal operations and actions whether governmental or proprietary.

F-12.16. That the members of the Alabama Congressional Delegation be petitioned to vigorously oppose any cuts in the Alabama Army and Air Force National Guard or in the Naval Reserve or any other reserve military units.

F-12.17. That the ABC Board adopt regulations to require that all alcoholic beverage license applicants file their applications initially with the appropriate office of the local jurisdiction in which the business is to be located. ■

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Joseph F. “Jiggs” Nelson

Joseph F. “Jiggs” Nelson, former Mayor of Bayou La Batre, died August 27, 2003, at age 83.

Nelson had served 12 years in city government, including time on the Bayou La Batre City Council and six years as mayor. He had been actively involved in politics since 1946. He served in the U.S. Navy and was a member of the Veterans of Foreign Wars. He was appointed by Gov. George Wallace in 1983 to a six-year term on an Alabama Department of Conservation Advisory Board. He retired from the Alabama State Department Conservation Marine Resources Division as Chief Enforcement Officer in 1982.

He is survived by his sisters, brothers, nieces and nephews and numerous other family members. ■

J. Ernest Jackson

J. Ernest Jackson, former mayor of Flomaton, died September 22, 2003. He was 89.

Jackson began his political career in 1942 when he was first elected to the Flomaton Town Council. His local political career included three terms on the Council and one term as mayor. In 1966, Jackson was elected to the Alabama Senate representing Escambia and Baldwin Counties. He also served as a delegate to the 1964 Democratic National Convention.

Jackson was active in Flomaton First Baptist Church and was a past moderator of the Escambia Baptist Association.

He is survived by his wife, son, stepson and stepdaughter. ■

William “Bill” Hill

William “Bill” Hill, former councilmember of Childersberg, died September 27, 2003. He was 70.

Hill served on the Childersberg Council from 1976 to 1984. He was mayor pro tem during those eight years and as Police Department liaison. He was an agent with State Farm Insurance. ■

The League extends its deepest sympathy to the families of our municipal colleagues.

Federal Legislative Issues

continued from page 18

physical presence in a state before the seller can be compelled to collect sales and use tax. If a seller agrees to comply with the multistate compact authorized by the Simplified Sales and Use Tax Act, then the seller must collect the tax in any state that is a member of the compact. The participation of both states and vendors in the compact is currently on a voluntary basis. Businesses and associations that are actively involved in implementing the Agreement, however, include Wal-Mart, J.C. Penny, Target, the International Mass Retail Association and the International Council of Shopping Centers.

Transportation Funding Bill Gets Five-Month Extension

President Bush recently signed the extension of the Transportation Equity Act for the 21st Century (TEA-21) which would have expired on September 30. The short-term extension is designed to give legislators additional time to draft a new six-year reauthorization bill after the current law expires. For local governments, the five month extension provides the opportunity to keep pressing the municipal transportation agenda – more flexibility, more funding and more authority at the local and regional level. The five-month extension authorizes the federal government to keep operating at almost half of its full year budget authority until the extension runs out in March 2004. Passage of the five-month extension means that transportation departments will not have to contend with strict deadlines in TEA-21 that would have cut off funding for new federal highway projects. Had TEA-21 expired, all federal funding for transportation would have ceased. The TEA-21 extension provides about \$14.8 billion for highways and almost \$3.1 billion for mass transit projects. ■

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