

# THE ALABAMA MUNICIPAL **JOURNAL**

October 2003

Volume 61, Number 4

## **Annual Committee Day Held September 4, 2003**



Deborah Rigsby, Senior Legislative Counsel for the National League of Cities, was the featured speaker during the Opening Session of Committee Day.



Nancy Worley, Alabama's Secretary of State addressed committee members during the Committee Day luncheon.

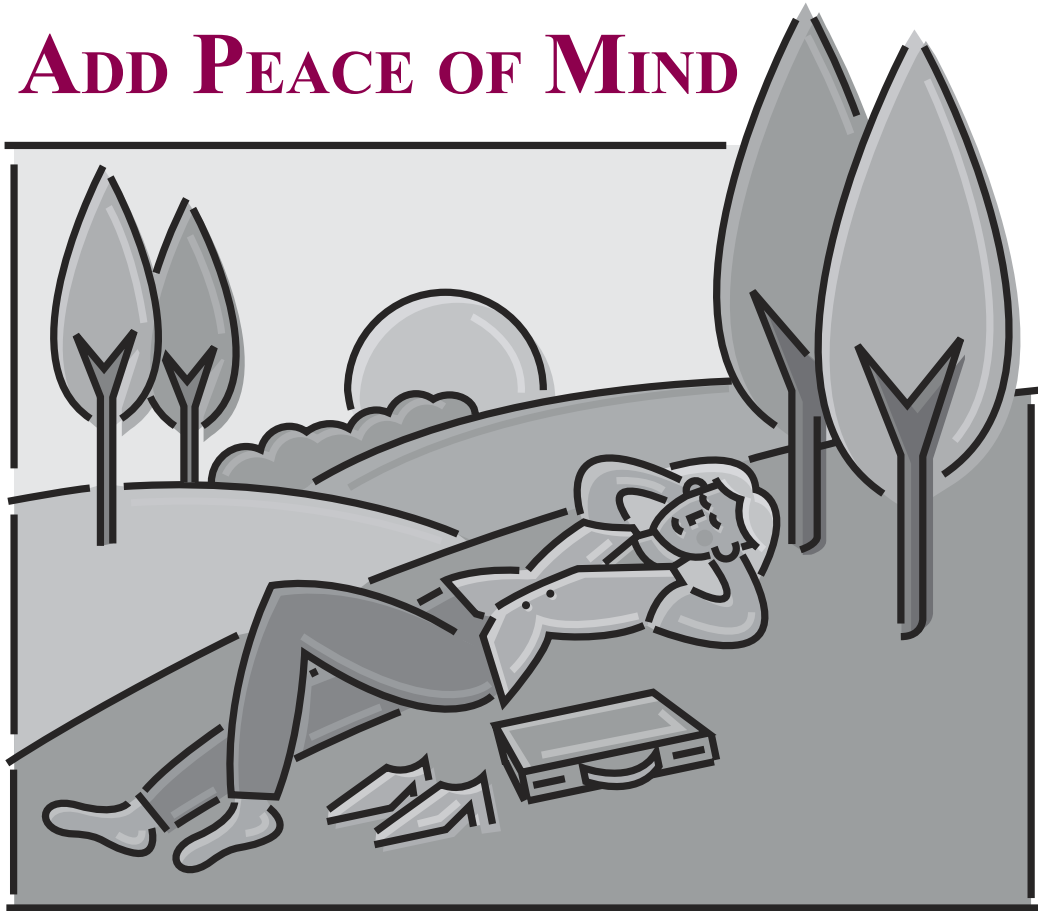
### **Inside:**

- **Members of the League's Policy Committees**
- **Minutes of the League's Five Standing Committees**
- **2004 Municipal Elections Calendar**

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# THE ALABAMA MUNICIPAL JOURNAL

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October 2003 • Volume 61, Number 4

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## Municipal Clerks Receive CMC Designation

Congratulations to the following Municipal Clerks who were awarded the designation of Certified Municipal Clerk (CMC) between April and July 2003:

- Cornelius Burrows, City Clerk, Brundidge
- Linda Lake, Town Clerk, Moundville
- Maryann Merchant, Deputy Clerk, Mobile
- Faye Roland Douglas, Town Clerk, Malvern
- Grace Robinette, Town Clerk, Locust Fork
- Charles T. Swann, City Adm./Clerk, Northport

These clerks join 142 active Municipal Clerks in Alabama who currently hold the designation of "Certified Municipal Clerk." The following advanced to the Master Municipal Clerk Academy Program:

- Peggy Bates, City Clerk, Pelham

- Dawn S. Clapp, City Clerk, Fayette
- Wanda S. Southern, Asst. City Clerk/Court Clerk, Haleyville
- Brenda Roberts, City Clerk, Springville
- Richard Williams, City Clerk/Treasurer, Muscle Shoals
- Debra E. Hood, City Clerk, Haleyville

Congratulations are also in order for Mary Lynn Williams, City Clerk/Treasurer, Spanish Fort, for advancing to the second level in the Master Municipal Clerk Academy. The most prestigious of honors goes to Paula Smith, City Clerk, Birmingham, who graduated from the Master Academy and received her Master Municipal Clerk designation.

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# The President's Report

Dan Williams  
Mayor of Athens

## Put Everything on the Table!

- Cut education administration costs.
- Cut the number of community colleges.
- Cut state employee bonuses for working beyond retirement.
- Sell state-owned chain of liquor stores.
- Parole five to six thousand nonviolent criminals each year.
- Reduce state troopers to four-day work weeks and 150 driving miles per day.
- Lower income ceiling for Medicaid qualifications.
- Eliminate unspecified state programs.
- Cut funds to private colleges.
- Cut funds to non-state agencies.
- Base future budgets on prior-year revenues.
- Cut contract employees and advisors.
- Cut consultants.
- Cut staff in every state department.
- Cut number of vehicles.
- Freeze travel for all state employees and teachers.
- Limit the Legislature to one session every two years.

These are just a few of the cuts and reductions that have been recommended to Gov. Riley and the Legislature since the largest proposed tax increase in Alabama history was shot down 68 percent to 32 percent on September 9, 2003. Gov. Riley had a hand-picked, blue ribbon group of the most intelligent advisors that he could hire to come up with the plan to solve all our woes. He now has every citizen in the state giving him free advice as to how he can fix the fiscal problems of our state.

Disgruntled special interests and a perception that the state needs an accountability overhaul before it can handle a tax increase spelled the defeat of Amendment One. Most voters feel the Governor should have initiated reforms before raising taxes. One voter said, "The governor tried to solve a budget shortfall, repair a tax structure and fund education in new ways that were never done before."

Gov. Riley said, "Voters have sent a message that tax payers want accountability and trust from their government.

We want you to reduce the size of government before you ever come back and ask for another dime."

If that was the message sent by voters, the Governor learned it and this now gives him the credibility to take a meat cleaver to Montgomery and make cuts to bring the fiscal problems under control. Believing him to be a compassionate man, I feel he will try to make cuts that will affect as few as possible and give some protection to the most vulnerable segments of our citizenry. This is not to say the cuts will not be drastic and hurtful; but cuts must be made.

On the other hand, however, some in our state's educational leadership have come across as being heavy-handed and somewhat determined to reprimand the taxpayers through cuts that will hurt the school children. The lopsided defeat of Amendment One may cause a six to eight percent cut in education; and there are some, such as State School Superintendent Ed Richardson, who blame the taxpayers for penalizing teachers for producing the highest test scores in the state's history instead of rewarding them. Richardson said he is immediately cutting textbooks and teacher supplies; and next spring 4,000 teachers and 2,000 support personnel will lose their jobs. He predicts class size increases; increases in the number of dropouts; and test score declines. He said it will take the state 10 years to recover.

It seems to me that Dr. Richardson may be a bit too forthright in delivering the bad news – continually emphasizing enormous cuts rather than stepping up to the plate and encouraging everyone in education to do their best in these adverse times and purposing to have school for our children in spite of these adversities.

I know you can't do more with less forever, but if the moms and dads of our little school children who have lost jobs and still suffer from the current economic decline had not sucked it up and continued to care for their children, who else would have? The state's educational leadership needs to look to these parents and learn from them, rather than threaten to shut down our schools. What is going to be done with the billions of dollars now going to our schools? I'm sure if these funds were turned over to the counties and municipalities, we would at least have the doors open and some teachers present.

I hope cool heads prevail when the Governor and Legislature meet in February for the Regular Session to do their jobs. Let us encourage them to do their best for everyone and purpose, as a body, to bring our state's fiscal house into control and implement a program of fiscal responsibility and accountability for our state government which will carry on forever. ■

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Mayors, Council Members, Purchasing Agents, City Clerks

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# Municipal Overview

By  
PERRY C. ROQUEMORE, JR.  
*Executive Director*

## League Policy Committees Composed of Municipal Officials Throughout the State

The League has five policy committees: Finance, Administration and Intergovernmental Relations; Energy, Environment and Natural Resources; Community and Economic Development; Transportation, Public Safety and Communications; and Human Development. These five committees have been in existence for many years and are composed of members from all regions of the state.

On September 4, 2003, – Committee Day – members of the five committees met at the Montgomery Civic Center with numerous state and federal resource advisors to study the League’s Policies and Goals and to recommend new or amended policy statements. After lunch, and once the resource advisors completed their presentations, the committees reconvened to amend and adopt their policy statements. The revised policy statement developed by the committees on Committee Day are then sent to the Committee on State and Federal Legislation for use in adopting the League Legislative Package for the Regular Session.

Five credit hours for the League’s CMO Program (which could be applied to the Basic, Advanced or Continuing Education requirement) were awarded to attendees who stayed for the entire meeting on Committee Day. The Proposed Policies and Goals for 2004 – which are used by the League’s staff to lobby issues affecting municipalities in Congress and the State Legislature – will appear in the November issue of the *Journal*.

The League wishes to thank the following persons who were appointed to the League’s five policy committees for 2003-2004:

### **Finance, Administration and Intergovernmental Relations**

**Chair:** Mayor Charles Murphy, Robertsdale  
**Vice Chair:** Mayor Jay Jaxon, Eufaula

### **Members from Congressional Districts:**

1. Council Member Mervin Huff, Brewton  
Council Member John Gwin, Daphne  
Mayor Tim Russell, Foley  
Mayor Michael C. Dow, Mobile  
Council Member Iris Gay Ethridge, Orange Beach  
Council Member Wanda Finch, Spanish Fort
2. Mayor Dan Blalock, Abbeville  
Mayor Frank Houston, Coosada  
Council Member Robert D. Powers, Eufaula  
Mayor Fred M. McNab, Pinckard
3. Council Member Margie Sanford, Childersburg  
Mayor Lew Watson, Lincoln  
Council Member Gary Fuller, Opelika  
Mayor Barbara Patton, Opelika  
Mayor Leon Smith, Oxford  
Mayor Charlie Fagan, Piedmont
4. Council Member John Larry West, Double Springs  
Mayor Steve Means, Gadsden  
Mayor Gordon Dunagan, Good Hope  
Council Member Gwyneth Jones, Guin  
Mayor James D. Townson, Guntersville  
Council Member Wayne Dunkin, Priceville  
Mayor Melvin Duran, Priceville  
Council Member Scot Nelson, Winfield
5. Mayor John Lewis, Bridgeport  
Council Member Clarence Logston, Courtland  
Mayor Loretta Spencer, Huntsville  
Council Member Cynthia McCollum, Madison
6. Mayor Debbie Martin, Centreville  
Mayor Barry R. McCulley, Homewood  
Dr. Simpson Berry, Council Member, Irondale  
Council Member Joe Powell, Tuscaloosa  
Mayor Charles McCallum, Vestavia Hills
7. Council Member Dorothy J. Davidson, Bessemer  
Council Member Elias Hendricks, Birmingham  
Council President Lee Loder, Birmingham  
Mayor Ben Smith, Butler

**Technical Advisors:** City Administrator Chris Miller, Bay Minette and Administrator/Manager Alan Pate, Hoover

### **Committee on Energy, Environment and Natural Resources**

**Chair:** Council Member Debbie Quinn, Fairhope  
**Vice Chair:** Council Member Arthur Davis, Calera

*continued next page*

**Members from Congressional Districts:**

1. Mayor Ted Jennings, Brewton  
Mayor Rannel Presnell, Citronelle  
Council Member Nell R. Gustavson, Daphne  
Council Member Joseph Kirkpatrick, Elberta  
Council Member Mike Ford, Fairhope
2. Council Member Sherroll Tatom, Brundidge  
Council Member Richard Pate, Lowndesboro  
Council Member Victor Long, Millbrook  
Council Member Pep Pilgreen, Montgomery  
Council Member Joe R. Outlaw, Ozark
3. Mayor Don McClellan, Alexander City  
Council Member Charles Woods, Childersburg  
Council Member Doris J. Box, Collinsville  
Council Member Sadie Britt, Lincoln  
Council Member Billy J. Pearson, Lincoln  
Council Member Rodney Mitchum, Valley
4. Mayor Charles O’Rear, Attalla  
Council Member Edward Chambers, Jr., Blountsville  
Council Member Robert Wilson, Falkville  
Mayor Phil Segraves, Guin  
Council Member Gary Gray, Guntersville  
Mayor Sue L. Glidewell, Rainbow City  
Council Member Jerry Groce, Russellville
5. Council Member Richard Showers, Huntsville  
Mayor Jan Wells, Madison  
Mayor Ian Sanford, Sheffield  
Council Member James Douglas, Woodville
6. Mayor James Moore, Adamsville  
Council Member Roderick Royal, Birmingham  
Mayor Harvey Fretwell, Northport  
Mayor Joan D. Ford, Ragland  
Council Member John L. Garrison, Trussville
7. Council Member Sarah W. Belcher, Bessemer  
Mayor Austin Caldwell, Demopolis  
Mayor Edward Daniel, Marion  
Mayor John F. Bradshaw, Moundville  
Council Member Alberta S. Dixon, Thomasville

**Technical Advisors:** Clerk Steve Hicks, Enterprise and City Administrator Cheryl Hall, Linden

**Committee on Community and Economic Development**

**Chair:** Mayor Bob Bunting, Ozark

**Vice Chair:** Council Member Lee Garrison, Tuscaloosa

**Members from Congressional Districts:**

1. Mayor Howard Shell, Atmore

Mayor Harry Brown, Daphne  
Council Member Wallace Sabin, Loxley  
Council Member Jerry Lundy, Mount Vernon  
Council President Ron Davis, Prichard  
Council Member Brentley Kendrick, Robertsdale  
Council Member Carol R. Hall, Spanish Fort

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Mayor Al Kelley, Millbrook  
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Council Member Thomas Edwards, Valley
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Mayor B. J. Meeks, Childersburg  
Council Member Charles R. Lane, Lincoln  
Mayor H. S. Coulter, Phenix City  
Mayor Betty S. Ziglar, Roanoke
4. Mayor W. R. McKinzey, Aliceville  
Mayor Roy Dobbs, Berry  
Council Member David A. Cooper, Guin  
Council Member Leamon Jarmon, Guntersville  
Mayor Jack Lacey, Henagar  
Mayor Donald Goetz, Jasper  
Council Member Don Gentry, Phil Campbell  
Mayor Freida Eubank, Phil Campbell  
Council Member Craig Grissom, Russellville  
Council Member Robbie Richardson, Russellville  
Mayor Wally Burns, Southside  
Council Member Mike Westbrook, Winfield
5. Mayor Clif Knight, Hartselle  
Council Member Jimmie S. Slay, Littleville  
Council Member Frank Stevens, Sheffield
6. Council Member Carole Smitherman, Birmingham  
Council Member Bertrum Miller, Birmingham  
Mayor James “Tac” Whitfield, Leeds  
Mayor Mike Jefcoat, Morris  
Mayor Al DuPont, Tuscaloosa  
Mayor Jerry Cochran, Warrior
7. Council Member Jesse Matthews, Sr., Bessemer  
Council Member Valeria Abbott, Birmingham  
Council Member Thomas Moore, Demopolis  
Council Member Robert Thomas, Northport  
Council Member Roberta Jordan, Pine Hill  
Council Member Jean T. Martin, Selma  
Mayor Shelton A. Day, Thomasville

**Technical Advisors:** City Administrator Perry Wilbourne, Foley and City Manager Sam Gaston, Mountain Brook



## **Committee On Transportation, Public Safety And Communications**

**Chair:** Council Member Don Moore, Uniontown

**Vice Chair:** Council Member Lewis Washington, Sr., Wetumpka

### **Members from Congressional Districts:**

1. Council Member Cary Barton, Brewton  
Council Member Michael Waltman, Citronelle  
Council Member John L. Lake, Daphne  
Council Member Roger Adkinson, Flomaton  
Council Member George E. McCall, Jr., Prichard  
Council Member Joseph M. Kitchens, Robertsdale  
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Council Member Sidney Butler, Saraland
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Mayor Wess Etheredge, Daleville  
Mayor Chester Sowell, Dothan  
Council Member Fred Watts, Millbrook  
Council Member Jerome Dudley, Ozark  
Mayor Jim Byard, Prattville  
Mayor Bobby Payne, Tallassee  
Council Member Hal Miller, Tallassee
3. Council Member Charlene Holloway, LaFayette  
Council Member Marshall Shaddix, Oxford  
Council Member Cecil E. Hanson, Jr., Piedmont  
Council Member Mack Arthur Bell, Roanoke  
Council Member Tammi Holley, Roanoke
4. Mayor Gary L. Livingston, Eva  
Council President Robert Echols, Gadsden  
Council Member Johnnie E. Veal, Haleyville  
Council Member Bill Stewart, Gadsden  
Council Member Jim Peterson, Guntersville
5. Mayor Dan Williams, Athens  
Council Member JoAnn S. Thomas, Florence  
Mayor Gerald McGee, Lexington  
Mayor David H. Bradford, Muscle Shoals  
Council Member Ross F. Palmer, Rogersville
6. Mayor George Roy, Calera  
Mayor Billy Joe Driver, Clanton  
Mayor Wayne Tuggle, Graysville  
Council Member Owen Drake, Leeds  
Mayor Bobby Hayes, Pelham  
Council Member Randy Dell Kay, Ragland  
Council Member Willis Britt, Thorsby
7. Council Member Marva Gipson, Aliceville  
Council Member Joel Montgomery, Birmingham

Council Member Carol Reynolds, Birmingham

Council Member Johnnie Davis, Greensboro

Mayor Jack Fendley, Pennington

Mayor Harry Mason, Pine Hill

Council Member Rita S. Franklin, Selma

**Technical Advisors:** Administrative Assistant Donna Treslar, Pelham and City Clerk Jimmy Tatom, Frisco City

## **Committee on Human Development**

**Chair:** Council Member Thomas Owings, Brent

**Vice Chair:** Mayor Randall Shedd, Fairview

### **Members from Congressional Districts:**

1. Mayor Tim Kant, Fairhope  
Council Member Eloise Clarke, Jackson  
Mayor G. Richard Long, Jackson  
Council Member Howard Rubenstein, Saraland  
Council Member Joe Thomas, Spanish Fort
  2. Council Member Isabell Boyd, Brundidge  
Council Member Karen Davis, Dozier  
Council Member Mary E. Williams, Headland  
Council Member William Scott, Mosses  
Council Member Fredrick J. Macready, Prattville
  3. Council Member Gwendolyn D. Coley, Alexander City  
Council Member Bess Yarbrough, Centre  
Mayor Charles S. Rogers, Oak Grove  
Council Member Norma S. Martin, Oxford  
Council Member James Harris, Wedowee
  4. Mayor Donald E. Green, PhD., Cullman  
Council Member Wayne Sellers, Guntersville  
Council Member Sonata Howell, Guntersville  
Mayor Barbara Coffey, Moulton  
Mayor Jim Klein, Snead  
Council Member Robert Earnest, Winfield
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Mayor Harold D. Chandler, Rogersville
  6. Mayor Bernard Kincaid, Birmingham  
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  7. Council Member Edward Scott, Adamsville  
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- Technical Advisors:** City Administrator Jimmy Gould, Alabaster; City Administrator Jeff Moon, Orange Beach and City Administrator Tony Rivera, Gulf Shores

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# ENVIRONMENTAL OUTLOOK



By Gregory D. Cochran  
Director, State and Federal Relations

## Study of the Turkey Creek Vermillion Darter

The vermilion darter, whose only habitat is a small portion of the upper reaches of Turkey Creek in northeast Jefferson County, has been placed on the U.S. Fish and Wildlife Service’s endangered species list. This summer’s count indicates that the population in the seven-mile stretch of Turkey Creek continues to decline.

A 12-person recovery team presented its findings last month at Samford University. The recovery team included representatives from the Jefferson County Storm Water Management Authority; the U.S. Fish and Wildlife Federation; state government officials; the Society to Advance the Resources of Turkey Creek; and the Black Warrior-Cahaba Land Trust. Members of the team that spent the summer counting vermilion darters in Turkey Creek are getting ready to spend the winter working on a plan to save the tiny fish.

The team does not count every fish, but takes samples from throughout the length of the known habitat. They estimated that there are 250 to 500 fish – down from an estimated 1,800 to 3,000 when the last count was made in 1998. Now scientists must determine whether or not this decline is a part of a cycle. The estimated decline may be something that happens and then rebounds. Sampling needs to continue next year to see if there is a rebound.

There have been successes and failures in similar situations. Many feel an important key to success is education. The biologists believe the main problem is silt in the streams. This species of fish lives only a year and a half to two years. If one spawning season is lost to silt, a large portion of the population cycle is potentially lost.

The research team will return to Turkey Creek next spring where they hope to will see a rebound in the darter numbers. If not, a plan will be developed of possibly introducing the species into another area, or even developing

a colony in captivity to be introduced when an acceptable habitat is found.

### ADEM Drinking Water and Wastewater SRF Programs

Over \$850 million in State Revolving Fund (SRF) loans have been granted by ADEM since 1989. ADEM is continuing to work at reducing paperwork and red tape involved in applying for SRF funding. The use of SRF programs helps perpetuate the program and allows ADEM to receive administration fees for managing the programs. Congressional Report shows Alabama is fourth in the country on return on federal investment. Regionally, Alabama is seventh in state investments and second in loan activity. ADEM does not require repayment of SRF loans until construction project is completed. Alabama has received \$234 million in EPA grants for the Clean Water State Revolving Loan Program which required \$46 million in state matching funds. Alabama has only appropriated \$16 million so ADEM has supplemented this shortfall by purchasing bonds to make the state match. Currently, the CWSRF has 154 outstanding loans valued at \$730 million and the DWSRF has 68 loans valued at \$127 million. The Wastewater/Drinking Water Certification Program has certified over 3300 operators in Alabama. ADEM is considering on-line training programs and staff reductions for Grade III sewage treatment facilities.

### More than 200 Trees Identified as Alabama Champion Trees

There might be advantages to having a “champion” tree in your backyard and at least one disadvantage: you can’t climb it. One family recently was recognized for having the largest American beech in Alabama. The family owning the land received a marker and a certificate for the tree, which is 153 feet tall and has a circumference of 140 inches.

*continued next page*

The beech is one of more than 200 trees on the Alabama Forestry Commission's latest list of Alabama Champion Trees, which are the largest known examples of their species in the state. Baldwin County has the most champions at 30, followed by Madison County with 25.

#### Peach-Colored \$20 Bills Introduced in October

Expect to see a lot of the new peach-hued U.S. \$20 bill starting this month. The bill was introduced at U.S. banks and businesses Oct. 9. The Federal Reserve and Treasury will flood the U.S. and overseas outlets with up to 900 million of the new notes this month, issuing only the new \$20 through the end of October and withholding previously circulated \$20s until November.

The idea is to get consumers, businesses and money handlers accustomed to the pretty new note. Officials say adaptation of machinery, training of retail employees and other preparations have been under way for months, though, and there shouldn't be any notable problems. The bill's front features the familiar Andrew Jackson portrait, with a new peach background and without its old oval border. The bill also sports a new blue eagle and a green tint near the right and left edges. The back of the bill features a similar multihued scheme.

The government hopes several new features – especially the watermark, a small design in one corner that changes color from copper to green, and a security thread – will make it tougher for counterfeiters to copy the bill and easier for clerks and consumers to spot fakes. Officials say counterfeiting has actually declined somewhat since the introduction of the last round of new notes in the 1990s, from \$54 million in 1995 to about \$44 million in 2002. Only about one to two U.S. notes in every 10,000 is a fake. But cheap computers and printers keep raising new risks, officials believe. ■

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**VIEWPOINT**

Lorelei A. Lein  
League Counsel

# 2004 Municipal Elections Calendar

(All citations are to the Code of Alabama, 1975)

In most cases, the dates printed in this publication represent the final deadline for performing the listed duties. The League urges officials and candidates to accomplish these duties well in advance of the deadline.

**Electronic Voting Rule** – Ordinance establishing the use of electronic vote counters must be adopted. No deadline is set, but the ordinance must be adopted far enough in advance to meet other election deadlines. §17-24-3.

**References are to dates in the year 2004 unless otherwise indicated.**

- August 24, 2003** First day candidates for municipal elections can begin to raise money. §17-22A-7(b)(2). Under general law, there is no limitation on the amount an individual may contribute to the campaign of a person running for municipal office. However, a corporation is limited to giving \$500 per candidate per election. §§10-2A-70.1 and 10-2A-70.2.
- February 24** Last day for the council to change the salaries for officials who will be elected in August. §§11-43-2 and 11-43-80.  
  
Last day for the council to decide whether to elect councilmembers at large or from districts. §§11-43-2 and 11-43-63. **NOTE:** Municipalities which elect officials from districts established by court order must obtain an order from a court of competent jurisdiction to change this.
- March 31** Last day for councils elected at large to number the places for election purposes. §11-46-22.
- May 24** Last day for the council to change its district lines. §11-46-23. Last day for the council to change the location of designated voting places or add an additional voting place. **NOTE:** Municipalities which elect officials from districts established by court order must obtain an order from a court of competent jurisdiction to change this.
- May 26** Last day a person can become a resident of the municipality and district and still be a candidate for election. Candidates must reside in the municipality and the district for a period of 90 days before the election. §11-46-25(g); §11-43-63.

*continued next page*

- June 25** Section 11-46-28 was amended to provide that the polls be open from 7:00 a.m. to 7:00 p.m. and that a municipality may set those times under Eastern Standard Time if necessary. Changing to or from Eastern Standard Time would necessitate pre-clearance at least 60 days prior to the election.
- July 1** Last day on which the council may adopt an ordinance establishing qualification fees. §11-46-2.
- July 6** Mayor gives notice of the election on the first Tuesday in July. §11-46-22(a).
- Candidates may begin qualifying once notice is published. Qualifying forms are available from the municipal clerk. §11-46-22(a).
- NOTE:** The Fair Campaign Practices Act requires all candidates to file with the PROBATE JUDGE a list of from two to five persons who will serve as their campaign committee. Candidates may serve as their own committee, but must still file a form to this effect with the PROBATE JUDGE. THIS FORM MUST BE FILED WITHIN FIVE (5) DAYS OF QUALIFYING TO RUN FOR OFFICE. **THIS FORM MUST BE FILED REGARDLESS OF WHETHER THE CANDIDATE HAS REACHED THE \$1,000 THRESHOLD UNDER THE FAIR CAMPAIGN PRACTICES ACT.** Forms are available from the probate judge, Secretary of State or the municipal clerk. §17-22A-4.
- ALSO, the Ethics Law requires candidates to file a statement of economic interests with the MUNICIPAL CLERK. THIS STATEMENT MUST BE FILED ALONG WITH THE QUALIFYING FORM. A candidate for municipal office may request a five day extension to file the statement of economic interests. The request must be made through the MUNICIPAL CLERK. The statement of economic interests must be filed with the MUNICIPAL CLERK within the five day extension. **THE CLERK IS REQUIRED TO REMOVE FROM THE BALLOT THE NAME OF ANY CANDIDATE WHO FAILS TO FILE THE STATEMENT OF ECONOMIC INTERESTS BY THE DEADLINE.** Incumbents do not have to file the statement of economic interests as they are required to submit an annual report which is on file with the ETHICS COMMISSION. §36-25-15.
- July 12** 45-day pre-election campaign disclosure report due. Must be filed with the PROBATE JUDGE. If the candidate has not raised or spent at least \$1,000, no disclosure report is due. Forms are available from the probate judge, Secretary of State or municipal clerk. §17-22A-8(a)(1).
- July 20** Last day to qualify to run for municipal office. The qualifying form must be filed by 5:00 p.m., Central Daylight Time, with the MUNICIPAL CLERK. Forms are available from the clerk. §11-46-25(g).
- Mayor must cause the printing of the ballots. §11-46-25.
- Mayor must file a list of qualified voters with the clerk. If the mayor is a candidate in the election, the council must appoint a qualified person to perform this duty. Sections 11-46-36 and 11-46-37.
- Mayor must file a list of qualified voters to the absentee election manager. §17-10-5.
- July 25** Last day to place a voting machine on display. §11-46-31.



Last day for sample of the ballot or vote card to be placed on display In municipalities using vote tabulators that require voters to fill out a card or paper ballot to be read by the tabulator. §11-46-31

**July 26**

Last possible day for candidates to file with the PROBATE JUDGE a statement showing the names of their campaign committee. §17-22A-4.

Last day for the clerk to forward statements of economic interests filed by candidates to the Ethics Commission. §36-25-15.

**July 27**

Last day for the mayor (or other person assigned to this duty) to deliver absentee ballots and supplies to the clerk. §17-10-12.

**August 9**

Last day for the council to appoint election officials.

**NOTE:** The clerk must notify the persons chosen as election officials and must hold an election school for them. The clerk must notify the official at least 48 hours before the school is scheduled. §§11-46-27 and 11-46-30.

**August 10**

**Electronic Voting Rule**—First day to test electronic vote counters. The test must be conducted as close as practicable to the date of the election. The test is open to the public. Forty-eight (48) hours notice of the test must be given. Rule 307-X-1-.04; 17-24-9(a).

**August 13**

First day to file the 5 - 10 day pre-election campaign disclosure form with the PROBATE JUDGE. Forms are available from the probate judge, the Secretary of State, or the municipal clerk. §17-22A-8(a)(1).

**August 14**

Last day for the mayor to publish lists of the election officers and the voting places to which they are assigned. Section 11-46-27.

**August 19**

Last day for a voter to apply for a regular absentee ballot. §17-10-3(a).

Last day to file the 5 - 10 day pre-election campaign disclosure form with the PROBATE JUDGE. §17-22A 8(a)(1).

Last day to publish the list of qualified voters. §11-46-36.

**August 23**

Last day for a voter to apply for an emergency absentee ballot if he or she is required by his or her employer to be out of the country on election day. §17-10-12(c).

The clerk, along with two watchers, must inspect and seal voting machines which will be used in the election. §11-46-33.

If an absentee ballot is returned by mail, it must be postmarked by August 23. The deadline for hand-delivery of absentee ballots is 5:00 p.m. on August 23. §17-10-23.

**August 24**

**Election Day.** Regular municipal elections are held on the fourth Tuesday in August. §11-46-2. Candidates may appoint a poll watcher to observe voting procedures in the polling place. The appointment must be made in writing, signed by the candidate, and filed with the election officials at the polling place. §11-46-35.

*continued next page*

**Electronic Voting Rule**—Central vote counters must be tested on election day before and after precinct results are tabulated. Precinct counters must be tested according to the manufacturer’s instructions to ensure that they are set at zero and to prepared for voting. Rule 307-X-1-.04.

**NOTE:** Section 11-46-28 has been amended and provides that the polls be open from 7:00 a.m. to 7:00 p.m. and that a municipality may set those times under Eastern Standard Time if necessary. Changing to or from Eastern Standard Time would necessitate preclearance at least 60 days prior to the election. (June 25, 2003)

Deadline for returning absentee ballots by mail or an emergency absentee ballot for a registered voter who requires emergency treatment by a licensed physician within 5 days of the election is 12:00 noon on August 24. §17-10-23; §17-10-12(b).

Election officials must meet at their respective polling places at least 30 minutes before polls open. §11-46-28.

The clerk must ensure that all ballots, boxes and supplies are provided at each polling place, or if machines are used, that proper supplies are provided at each polling place. §11-46-33.

**August 25**

The council must canvass the election results before 12:00 Noon. Sections 11-46-46 and 11-46-55. If a candidate receives a majority of the votes cast for the office, the council issues a certificate of election. If no candidate receives a majority, the council shall order a run-off election to be held. §§11-46-46 and 11-46-55. **ANYONE WITH STANDING TO CONTEST THE ELECTION MAY REQUEST A RECOUNT WITHIN FORTY-EIGHT HOURS OF THE OFFICIAL CANVASS OF THE ELECTION RESULTS.**

**August 30**

Last day a candidate may contest the results of the general election. §11-46-69.

**August 31**

Last day for the mayor (or other person assigned to this duty) to deliver absentee ballots and supplies to the clerk for the run-off election. §17-10-12.

**Electronic Voting Rule** – First day to test electronic vote counters for the run-off election. The test must be conducted as close as practicable to the date of the election. The test is open to the public. Forty-eight (48) hours notice of the test must be given. Rule 307-X-1-.04; §17-24-9(a).

**September 3**

First day to file the 5-10 day pre-election campaign disclosure report with the PROBATE JUDGE. Forms are available from the probate judge, Secretary of State and the municipal clerk. §17-22A-8(a)(1).

**September 9**

Last day for a voter to apply for a regular absentee ballot. §17-10-3(a).

Last day to file the 5-10 day pre-election campaign disclosure report with the PROBATE JUDGE. §17-22A-8(a)(1).

**September 13**

Last day for a voter to apply for an emergency absentee ballot if he or she is required by his or her employer to be out of the country on election day. §17-10-12(c).

The clerk, along with two watchers, must inspect and seal voting machines which will be used in the election. §11-46-33.

If an absentee ballot is returned by mail, it must be postmarked by September 13. The deadline for hand-delivery of absentee ballots is 5:00 p.m. on September 13. §17-10-23.

- September 14** Run-off Election Day. Candidates may appoint a poll watcher to observe voting procedures in the polling place. The appointment must be made in writing, signed by the candidate, and filed with the election officials at the polling place. §11-46-35.
- Electronic Voting Rule** – Central vote counters must be tested on election day before and after precinct results are tabulated. Precinct counters must be tested according to the manufacturer’s instructions to ensure that they are set at zero and to prepared for voting. Rule 307-X-1-.04.
- Deadline for returning absentee ballots by mail or an emergency ballot for a registered voter who requires emergency treatment by a licensed physician within 5 days of the election is 12:00 noon on September 14. §17-10-23; §17-10-12(b).
- September 15** The council must canvass the election results before 12:00 Noon. §11-46-46.
- September 20** Last day a candidate may contest the results of the run-off election. §11-46-69.
- October 4** Newly elected municipal officials take office on the first Monday in October following the election. §11-46-21(c). Council meets for its organizational session. §11-43-44.
- December 22** Last day for candidates who were not involved in the run-off election to raise money to pay off their campaign debts. §17-22A-7(b)(3).
- January 12, 2005** Last day for candidates who were involved in the run-off election to raise money to pay off their campaign debts. §17-22A-7(b)(3).

All political advertisements must be clearly marked with a statement that the communication is a paid political advertisement. This statement must contain information which adequately identifies the person or committee that paid for or authorized the ad.

**NOTE:** Candidates who are not elected should dissolve their campaign committees by filing a form with the PROBATE JUDGE. The Fair Campaign Practices Act requires all candidates who fail to dissolve their campaign committees to file an annual report listing all contributions or expenditures with the probate judge. Forms are available from the probate judge, the Secretary of State, or the municipal clerk.

**DISCLAIMER:** This election calendar is provided as a service to candidates running in the general municipal election and those officials responsible for conducting the municipal election to be held on August 24, 2004, with a run-off on September 14, 2004, if necessary. *Use of this calendar is at the sole risk of the candidate. It is the responsibility of the candidate to verify the dates on which forms are due. The Alabama League of Municipalities and the municipality and/or official that may distribute this form disclaim any responsibility or liability for failure to comply with any filing requirement or any other election law.*

**For more information on municipal election laws, visit the League on-line at [www.alalm.org](http://www.alalm.org).**

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# Legal Notes

Lorelei A. Lein  
League Counsel

## COURT DECISIONS

**Boards:** A writ of mandamus is not the proper remedy for an individual seeking to compel a water board to provide service when there exists other adequate remedies available to the individual. *Water Bd. Of the City of Madison v. Anderson*, 850 So.2d 1230 (Ala. 2002).

**Courts:** Mandamus is the proper remedy, after jeopardy has attached, for review of a circuit court's dismissal of charges against a defendant due to a city's failure to timely transmit records from municipal court. *Ex parte City of Tarrant*, 850 So.2d 366 (Ala.Crim.App. 2002).

**Zoning:** Replacement of an existing sign face with a tri-vision sign face, whereby a motor is installed that allows the sign to display three different advertisements in a short period of time, is not an expansion of a non-conforming use in violation of a city's zoning ordinance, since neither the motor nor the speed with which advertisements are changed increases the extent, number, volume, or scope of the sign. *Ex parte Lamar Advertising Co., Inc.*, 849 So.2d 928 (Ala. 2002).

## DECISIONS FROM OTHER JURISDICTIONS

**First Amendment:** A special fee charged by New York City ranging from \$25.00 to \$100.00 for performances, athletic competitions, and other events in the city's parks that involve more than 20 people is unconstitutional because the discretion vested in the parks commissioner in assessing the fee is too broad and unguided to overcome the presumption of invalidity tied to prior restraints on speech protected by the First Amendment. *Transportation*

*Alternatives Inc. v. New York City*, 340 F.3d 72 (2<sup>nd</sup> Cir., N.Y. 2003).

## ATTORNEY GENERAL OPINIONS

**Bid Law:** A city that uses a zoning classification imposing strict use and development restrictions designed to achieve specific aesthetic and functional objectives within classified property may negotiate a development contract with a property owner whereby the owner agrees to construct and, where appropriate, convey to the city various on and off-site road and drainage improvements. Such an agreement would not violate Section 94 of the Constitution of Alabama because the contract contains mutual benefits nor does the contract violate the bid law because the city is not making the improvements to the property directly. 2003-213. NOTE: This opinion relates directly to the City of Mountain Brook's Zoning Ordinance and a specific contract entered into by the City of Mountain Brook.

**Bid Law:** If a personal service or personal property to be provided to a Class 7 or 8 municipality will not exceed \$3000, and if a company partially owned by a council member, his spouse, or dependent child is the sole domiciled vendor of the service in the municipality, a city may proceed to contract under Section 11-43-12.1(a) of the Code of Alabama 1975 with the business. The council member whose spouse or dependent child is involved with the city should seek an opinion from the Ethics Commission concerning the extent the council member may be involved in the decision-making process of the business. 2003-216.

*continued next page*

**Historic Preservation:** A person residing outside the corporate limits of a city, but within its police jurisdiction, should be considered as residing within the city's "territorial jurisdiction" for the purposes of Section 11-68-3(a) of the Code of Alabama 1975 relating to historic preservation commissions. 2003-224.

**Utilities:** Just because a city amends its utility rate ordinance to provide for a lower commercial rate that businesses previously never had the benefit of does not create a just and equitable claim for those small businesses entitling them to a refund. 2003-236.

**Councils and Councilmembers:** When a city council specifically requests that a special meeting be held on a specific date and at a specific time, Section 11-43-50 of the Code of Alabama requires the mayor to call for the meeting on the date and time requested by the council. 2003-237.



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# Federal Legislative and Regulatory Issues

Mary Ellen Wyatt Harrison  
Staff Attorney

## Ban on Internet Access Taxes Passed by House

The United States House passed a permanent ban on all state and local taxes on the Internet in September. The bill number is House Bill 4.

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.

The Senate Commerce, Science and Transportation Committee approved a similar measure in July; however, that bill would keep the grandfather clause in effect for three more years, which should give states and municipalities more time to replace the revenue they now gain from Internet access taxes.

## The 2004 Budget Process was Challenging for Cities

At press time Congress was moving to adopt the FY 2004 budget before October one, and local governments faced a continuing struggle. Specifically, the Community Oriented Policing Services (COPS) program faced significant cuts in the area of hiring new law enforcement officers. This program is especially important to cities when they are forced to provide heightened security in light of the most recent terrorist attacks.

Under the COPS hiring program, local law enforcement agencies can get grants to cover 75 percent of the salary and benefits for new entry-level officers for three years up to a maximum salary of \$75,000. By law, half of the hiring funds must go to cities and towns with populations of less than 150,000.

Additionally, key programs in education under No Child Left Behind and the Individuals with Disabilities Act continue to be under funded. Another program that may see significant cuts is Amtrak.

See the “Federal Legislative and Regulatory Issues” article in November issue of *The Alabama Municipal Journal* for a full discussion of the Budget for the 2004 fiscal year.

## States Cut Billions in Aid to Cities and Towns

For the 2004 fiscal year, states cut approximately \$2.3 billion in revenues to cities and towns. The cut is a 9.2 percent decrease from 2003, which is the largest in a

*continued next page*

decade and represents a trend in decreasing state and federal aid to cities.

Obviously, if this trend continues, it will hamper cities ability to deliver the goods and services that their residents need.

The decline in revenues in 2004 points to the depth of the state-local fiscal crisis and expands upon the findings of an NLC report released in May 2003. The May 2003 report showed that state revenues would fall by 2.1 percent in 2003 after marginally growing in 2002.

The information in this section was taken from a recent study, "Fiscal Crisis Trickles Down as States Cut Aid to Cities," conducted by the National League of Cities and can be viewed at [www.nlc.org](http://www.nlc.org).

### Affordable Housing

The federal HOME, HOPE VI, Section 8 and other key federal housing programs play an integral part in helping many Americans reach their dream of home ownership.

At press time, the House has allocated \$4.6 million to the Community Development Block Grant program. The

House has also proposed to fund the HOME program at just over \$2 million.

There were requests from the White House to eliminate the HOPE VI program. It appears that the House has agreed to continue to fund the program but only at \$50 million dollars. In 2003, the program was funded at \$574 million.

To date, the House has proposed to fund Section 8 tenant based vouchers at \$13.26 billion, which is an increase from the 2003 budget.

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# Development of Statewide GIS Program Moving Slowly

*Reported by Perry C. Roquemore, Jr., League Executive Director*

The Committee on Finance, Administration and Intergovernmental Relations of the Alabama League of Municipalities met on Thursday, September 4, 2003, at the Montgomery Civic Center. Mayor Charles Murphy, Robertsdale, Chair, called the meeting to order at 10:00 am. The League Director was asked to call the roll. Those members present were: Mayor Charles Murphy, Robertsdale, Chair, Mayor Jay Jaxon, Eufaula, Vice Chair; Mayor Michael C. Dow, Mobile, Council Member Iris Gay Ethridge, Orange Beach, Council Member Wanda Finch, Spanish Fort, Mayor Frank Houston, Coosada, Council Member Robert D. Powers, Eufaula, Mayor Fred M. McNab, Pinckard, Mayor Lew Watson, Lincoln, Mayor Barbara Patton of Opelika, Mayor Leon Smith, Oxford, Mayor Charlie Fagan, Piedmont, Mayor Steve Means, Gadsden, Mayor Gordon Dunagan, Good Hope, Mayor James D. Townson, Guntersville, Council Member Wayne Dunkin, Priceville, Mayor Melvin Duran, Priceville, Council Member Scot Nelson, Winfield, Mayor John Lewis, Bridgeport, Mayor Debbie Martin, Centreville, Mayor Terry Oden of Mountain Brook, Dr. Simpson Berry, Council Member, Irondale, Council Member Dorothy J. Davidson, Bessemer, Mayor Ben Smith, Butler, Council Member Charles Allen of Thomasville, and City Administrator Chris Miller, Bay Minette. Resource advisors present were: Mr. Bob Young of the Frazer Lanier Company; Tom Payne, Administrative Office of Courts; Mr. Allen Elrod, Property Tax Division, Alabama Department of Revenue; Mrs. Donna Joyner, Revenue Manager of the Local Tax Section, Sales, Use and Business Tax Division, Alabama Department of Revenue; and Mr. Bob Hill, ABC Board. Also present was League Legislative Liaison Hal Bloom and League Director Perry C. Roquemore, Jr.

Mayor Murphy welcomed those in attendance and thanked members for coming to this important meeting. Mayor Jaxon also welcomed everyone.

Mr. Bob Young of the Frazer Lanier Company was called upon for his presentation. He stated that the bond market is an important aspect of municipal financing. There has been a gradual decline in rates since 2000. Three months ago there was a really sharp drop in interest rates and municipal borrowers were borrowing at literally a 50-year

low. Suddenly the rates started moving back up with a steep ascent and today we are close to the average rates for the last three years. According to Mr. Young, we are still in a good market with historically good rates. Even with the increase, excellent interest rates are available for municipal borrowers. It should also be remembered that municipal bonds are one of the safest instruments.

Mr. Young asked for continued support of Policy Position F-2.7, which relates to the federal limitation on advance refundings. He stated that there have been a number of instances where a second advance refunding would have been extremely beneficial to municipal borrowers, but the federal laws limiting municipal government entities to only one advance refunding have precluded them taking such action. He said that it should be left to local officials to determine how many times they want to refund indebtedness. Corporations are not precluded and he stated that the Treasury's excuse that our securities are tax-exempt is, in his opinion, flimsy at best.

Mr. Young suggested that the Committee adopt a new policy position to support Congressional efforts to increase the amount of tax-exempt industrial revenue bonds that may be issued by a company. The present \$10,000,000 limit has been in effect for some time and, of course, the cost of constructing manufacturing plants and purchasing equipment has gone up significantly.

Mr. Young stated that it is very important that municipalities look at developing a 3 to 5-year capital improvement program. Rating agencies believe it is important to perform some financial forecasting. Municipalities should forecast expected revenues and expenditures for at least three years in advance. He also asked the Committee to urge all governmental agencies to move quickly to complete their annual audits. In the '90s, the Securities and Exchange Commission promulgated "continuing disclosure", which requires that underwriters make sure their clients submit financial statements to four repositories on an annual basis. His office has had many instances where audits are not delivered any earlier than six to nine months after the fiscal year. He suggested that cities and towns have their books in order so that the auditor

*continued next page*

can come in in November and complete the audit in January. He further stated that an audit delivered in March or thereafter is merely filling a legal requirement and not providing any guidance to the municipality as to where it stands financially and what suggestions the auditor might have.

The Chair thanked Mr. Young for his presentations over the years. He then called upon Mr. Tom Payne of the Administrative Office of Courts for his presentation.

Mr. Payne commended the Committee for all of its policy statements relating to the municipal court system. He pointed out several policy statements relating to automation and coordination of court records. He said that the Administrative Office of Courts is moving toward electronic transmission of court records and driver histories. He advised municipal officials to look at all options when considering upgrades of computer hardware and software.

Mr. Payne commended the policy positions relating to collection of court fines and costs. He suggested that the municipalities aggressively seek collection of this money.

The Administrative Office of Courts offers numerous educational opportunities for municipal judges and municipal court personnel. One of the workshops is provided for municipal judges at the League's annual convention. He urged municipal officials to communicate with their court personnel. He asked that municipalities cooperate by allowing their judges and court clerks and magistrates time off to obtain required CLE hours.

He reminded those in attendance that the municipal court is supposed to be "neutral and detached" so that judicial decisions are made independent of the other branches of local government. He also encouraged independent audits of municipal court operations. Mr. Payne closed by declaring that his office is an "open door" office and welcomes inquiries from municipal officials on court-related matters.

The Chair thanked Mr. Payne for his presentation and called upon Mr. Allen Elrod, Property Tax Division, Alabama Department of Revenue, for his presentation.

Mr. Elrod stated that the Examiners of Public Accounts are now performing audits of the tax assessors on an annual basis. He said that the current four-year reappraisal program is being revamped so as to develop an annual reappraisal process. Since we collect property taxes in the arrears, under the four-year reappraisal program, some taxpayers could be paying taxes based on 5-year old property valuations.

The Alabama Department of Revenue needs sufficient tools and automation to provide adequate oversight of the ad valorem tax program. One of these tools would be a new state law to require actual purchase prices to be placed on real property deeds. Mr. Elrod expressed hope that legislation requiring this would be reintroduced in the upcoming special session. He also called for improvements

in the registration system for mobile homes and better collection efforts. Better enforcement of the laws relating to mobile home property taxes is also needed.

Development of a statewide GIS program is going slowly. A number of partnerships have developed between county and municipal governments to share in the costs of implementing this technology. The Federal governments needs information down to the parcel level for homeland security purposes. The State is participating with the U.S. Army in a pilot project on GIS technology. Mr. Elrod hopes the project will illustrate the value of completing the statewide GIS initiative to the Federal government.

The state is aggressively checking cell tower sites to make sure the property taxes paid on these site is classed as business property.

Mr. Elrod was thanked for his presentation. The Chair called on Ms. Donna Joyner, Revenue Manager of the Local Tax Section, Sales, Use and Business Tax Division, Alabama Department of Revenue, for her presentation. She stated that ADOR had just begun a new program of distributing sales tax revenues by electronic deposits to those entities for which they collect taxes. The Department no longer issues paper checks. Once they obtain banking information for the last 30 entities, the changeover will be complete. Distributions are now being made 1.2 days following receipt of tax money. She also informed the committee that beginning October 1, 2003, ADOR is mandating electronic filing of certain state and local tax returns. Under the new system, the return can be filed via the internet or telephone. ADOR cannot mandate electronic payment of taxes unless a certain monetary threshold is met. Taxpayers can remit payments via the internet or mail. The service, which is free to all, will substantially reduce the cost of collection paid by local governments. The fee charged by the State for collection of local taxes will be reduced again on October 1, 2003.

The Department is going in the direction of automation and is trying to let computers do much more of the work. Automation and mandated electronic filing will save the state approximately \$1 million per year. A project to allow applicants to complete their application form and receive state and local taxpayer account numbers online should be ready for implementation by March 1, 2004.

Ms. Joyner brought the committee up-to-date on the Streamlined Sales Tax Project (SSTP). A number of workgroups have been holding discussions on refining certain portions of the SSTP Report issued in November 2002. The Alabama legislative effort did not succeed due to a number of concerns expressed by local governments. Several of these workgroups are working on these issues. One major issue concerned the one tax rate per jurisdiction. This could

*continued page 28*

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# **FAIR** ——— continued from page 26

possibly be resolved by a new definition of “jurisdiction”. She stated that there were no plans to introduce a streamline sales tax bill in the upcoming special session. However, the issue will likely resurface during the 2004 Regular Session. She assumes the state groups will continue to work on the issue. She pointed out that a lot of progress was made last year on a shared audit pilot project until the project was placed on hold due to an opinion of the Attorney General which held that local governments were not subject to the same disclosure provisions as ADOR. It was suggested that a list be prepared of all the issues regarding streamlined sales tax. In closing, she stated that Revenue Commissioner Dwight Carlisle has committed to improve services provided by ADOR. The department website is [www.ador.state.al.us](http://www.ador.state.al.us).

The Chair thanked Ms. Joyner for her presentation. Bob Hill of the Alabama Alcoholic Beverage Control Board was then called upon. Mr. Hill told the committee that the ABC Board has regulated traffic in alcoholic beverages for many decades and has regulated the sale of tobacco products since 1997. Alabama is one of 19 states that controls and sells alcoholic beverages. The agency is self-supporting. Revenues earned go to the ABC Fund and are appropriated by the State Legislature pursuant to state law. For many years, the Legislature passed through a certain amount of ABC profits directly to the general fund thus reducing the amount of profits shared with local governments. The League’s Policy Position F-3.15, which related to this issue, can be deleted as recently-enacted legislation has eliminated this problem. In fact, it appears that municipalities will receive some additional revenue as a result of this legislation.

Alabama has 41 wet counties and 26 dry counties. There are 10 wet municipalities located within the 26 dry counties. The Board has issued approximately 12,000 licenses for alcoholic beverage sales. Applicants for liquor and wine licenses must obtain local government approval before the ABC Board will grant a license. Beer is treated differently. Local approval is not required, but local concerns will be considered by the ABC Board before a beer license is granted. The ABC Board warehouses liquor, but does not warehouse beer and wine.

The Chair thanked Mr. Hill for his comments. He then asked members to review the *Policies and Goals 2003*. Mr. Roquemore suggested several changes to the existing statement for clarity and accurateness.

Mayor Leon Smith of Oxford moved that the committee add a statement urging municipalities to have the records ready for their auditor and to require the auditor to complete the audit within 120 calendar days. The motion, which was seconded by Council Member Iris Ethridge of Orange Beach, passed unanimously.

Mayor John Lewis of Bridgeport moved that the committee add a new statement calling for improved procedures for motor home registration and ad valorem tax collection on motor homes. The motion, which was seconded by Mayor Melvin Duran of Priceville, was adopted unanimously.

Mayor John Lewis of Bridgeport moved that the committee add a new statement to amend state law so as to authorize any municipality with 500 inhabitants or more and a police department to hold a municipal wet-dry election. The motion, which was seconded by Mayor Ben Smith of Butler, passed unanimously.

Mayor John Lewis of Bridgeport moved that the committee adopt new statements concerning municipal employees working for municipal entities and to allow municipalities of less than 6,000 to meet only once a month. Both motions died for lack of a second.

Mayor Terry Oden of Mountain Brook suggested a new policy position to exempt certain documents and discussions relating to homeland security from the open meetings law, the bid law, the public records law, and the public works law. Mayor Leon Smith of Oxford moved adoption. The motion, which was seconded by Mayor John Lewis of Bridgeport, passed.

Mayor Melvin Duran of Priceville moved adoption of the amended FAIR Policy Statement. The motion, which was seconded by Mayor John Lewis of Bridgeport, passed.

There being no further business, the meeting was adjourned at 12:15 pm. ■

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# Birmingham the Only Non-Compliant Area for One-Hour Air Standards in the State

*Reported by Gregory D. Cochran, Director of State and Federal Relations*

The League's Committee on Energy, Environment and Natural Resources met at 10:15 a.m. on Thursday, September 4, 2003 with Council Member Debbie Quinn of Fairhope, Committee Chairman presiding. Other committee members present were Committee Vice-chair, Council Member Arthur Davis of Calera, Mayor Don McClellan of Alexander City, Mayor Sue Glidewell of Rainbow City, Mayor Austin Caldwell of Demopolis, Council Member Victor Long of Millbrook, Council Member Sadie Britt of Lincoln, Council Member Edward Chambers, Jr. of Blountsville, Council Member Gary Gray of Guntersville, Mayor Rannel Presnell of Citronelle, Council Member Billy J. Pearson of Lincoln, Mayor Charles O'Rear of Attalla, Mayor Jan Wells of Sheffield, Council Member Marvin Adams of Saraland, Mayor James Moore of Adamsville, Council Member Sarah Belcher of Bessemer, Council Member Alberta S. Dixon of Thomasville, and Council Member Sherroll Tatom, Brundidge. Resource advisors present were Ed Hughes, Water Division of ADEM; Aubrey White, ADEM SRF Program Manager; Lynn Garthright of ADEM Air Division; Larry Bryant, Solid Waste Division of ADEM; and Louie Cardinal, Thornton Farish. Also present was Gregory D. Cochran, Director of State & Federal Relations.

The Chairman called on Lynn Garthright of ADEM's Air Division for her comments. Ms. Garthright stated that ADEM is continuing to monitor air quality across Alabama and Birmingham is the only non-compliant area of the one-hour standard in the state. ADEM and Birmingham officials have implemented a plan to bring the area into compliance by the end of 2003. The eight-hour standards are a little more difficult to reach in areas of Alabama due to transportation patterns, geological makeup, industrial and community developments. NOx (combustible engine exhaust) regulations require controls to be in place by this summer and compliance met by 2007. President Bush's "Clean Skies Initiative" requires 70 percent cuts in NOx by 2018. Jefferson, Shelby and Morgan counties fail to

meet the standards at this time. All areas of the state are meeting compliance on PM10 regulations. PM2.5 regulations must be met by 2020.

The Chair called on Ed Hughes, ADEM Water Division. Mr. Hughes stated that EPA and ADEM are preparing municipalities for securing drinking water systems. Alabama drinking water authorities produce over 850 million gallons of drinking water daily with 94 percent in compliance. Drinking water systems serving a population greater than 100,000 should have submitted an assessment plan with emergency evaluation steps to ADEM by March 2003. ADEM has established a website to assist municipalities with the evaluation process. Several other water management regulations were released by June 2003 for nutrient levels and antidegradation standards to include streams, wetlands and reservoirs. EPA is requiring water systems to address Radon in drinking water. ADEM has identified 140 wells which exceed the Radon levels and must treat to remove.

The Chair called on Aubrey White, ADEM Drinking Water and Wastewater SRF Programs Administrator. Mr. White stated that over \$850 million in SRF loans have been granted by ADEM since 1989. ADEM is continuing to work at reducing paperwork and red tape involved in applying for SRF funding. The use of SRF programs helps perpetuate the program and allows ADEM to receive administration fees for managing the programs. Congressional Report shows Alabama is fourth in the country on return on federal investment. Regionally, Alabama is seventh in state investments and second in loan activity. ADEM doesn't require repayment of SRF loans until construction project is completed. Alabama has received \$234 million in EPA grants for the Clean Water State Revolving Loan Program which required \$46 million in state matching funds. Alabama has only appropriated \$16 million so ADEM has supplemented this shortfall by purchasing bonds to make the state match. Currently, the

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CWSRF has 154 outstanding loans valued at \$730 million and the DWSRF has 68 loans valued at \$127 million. The Wastewater/Drinking Water Certification Program has certified over 3,300 operators in Alabama. ADEM is considering on-line training programs and staff reductions for Grade III sewage treatment facilities.

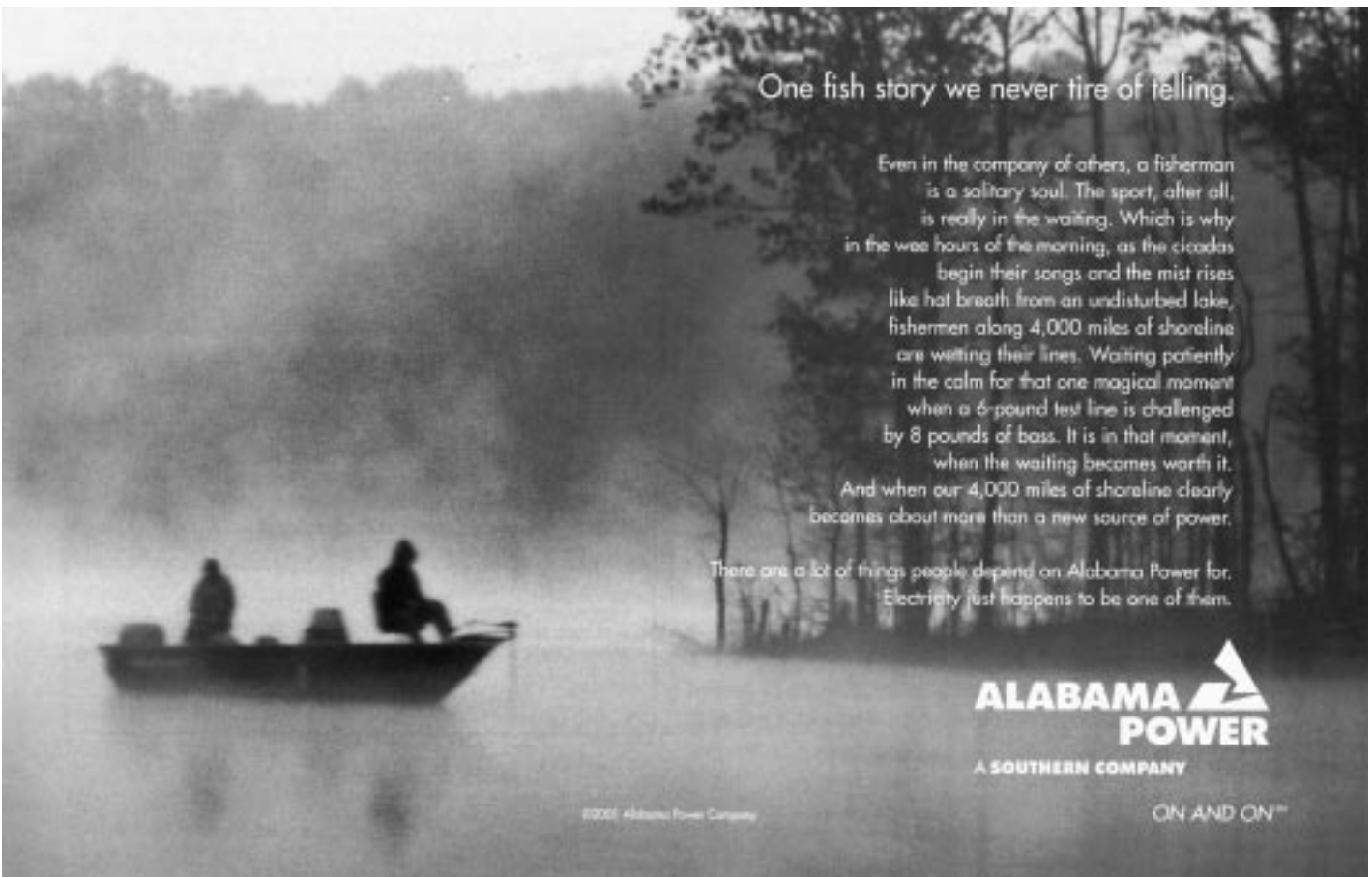
Mr. White discussed a newly created Brownfield SRF program. Legislation supported by the League of Municipalities was passed during the '03 regular session of the Legislature establishing the Brownfield SRF program. EPA has provided Alabama with a \$1 million grant to the Alabama Land Recycling Authority for the SRF program. EPA will provide an additional \$1 million grant upon the completion of the regulations in late '03.

The Chair called on Larry Bryant, Solid Waste Division of ADEM. Mr. Bryant praised the Scrap Tire Legislation supported of the League of Municipalities and passed by the Legislature during the '03 regular session. This legislation places a \$1 fee on each new tire sold with the proceeds to be used to investigate, cleanup and recycle used tire dumps around the state. The \$1 fee is split as follows: .93 cents goes to the Scrap Tire Fund; .05 cents to the tire retailer;

and .02 cents to ADEM for administration costs. ADEM has identified three major dumps with approximately 3-5 million tires per site. ADEM expects to collect \$4 million annually.

Mr. Bryant discussed the major rewriting of the Solid Waste Regulations. Highlighting some changes, 30 active permits in lieu of five-year permits. This was requested by the owners of landfills to lessen legal fees associated with the permitting process. Fees would be pro-rated annually instead of receiving them every five years upon approval of the renewal permit. Mr. Bryant suggested municipal officials review the Regional Management Plans. Most were developed in the early 1990s and, therefore, have expired. This has come to light in court cases challenging landfill permits.

Gregory D. Cochran thanked the resource advisors for their presentations. The steering committee convened to review and discuss the EENR policy statement. After discussion, Mayor Sue Glidewell made a motion to adopt the changes to the EENR policy statement. Mayor Don McClellan seconded the motion. ■



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## DOT's Multimodal Transportation Division Funds Nontraditional Highway-Related Projects

*Reported by Ken Smith, Deputy Director/Chief Counsel*

The League's Committee on Transportation, Public Safety and Communication met at 10:00 a.m. on September 4, 2003, at the Montgomery Civic Center in Montgomery, Alabama, with Chair Councilmember Don Moore of Uniontown presiding. Also present were Committee Vice Chair, Councilmember Lewis Washington of Wetumpka, and committee members Councilmember Michael Waltman of Citronelle, Councilmember Roger Adkinson of Flomaton, Councilmember George E. McCall, Jr., of Prichard, Mayor Ken Williams of Saraland, Councilmember Sidney Butler of Saraland, Councilmember Harry R. Hinson of Andalusia, Mayor Curtis Jackson of Autaugaville, Mayor Wess Etheredge of Daleville, Councilmember Fred Watts of Millbrook, Mayor Jim Byard of Prattville, Councilmember Charlene Holloway of LaFayette, Councilmember Marshall Shaddix of Oxford, Mayor Gary Livingston of Eva, Councilmember Johnnie E. Veal of Haleyville, Councilmember Bill Stewart of Gadsden, Councilmember Jim Peterson of Guntersville, Mayor Dan Williams of Athens, Councilmember JoAnn S. Thomas of Florence, Mayor Gerald McGee of Lexington, Councilmember Ross F. Palmer of Rogersville, Mayor George Roy of Calera, Mayor Billy Joe Driver of Clanton, Councilmember Owen Drake of Leeds, Mayor Bobby Hayes of Pelham, Councilmember Johnnie Davis of Greensboro, Mayor Jack Fendley of Pennington, Mayor Harry Mason of Pine Hill and Councilmember Rita Franklin of Selma. Technical Advisors present were Administrative Assistant Donna Tesslar of Pelham and City Clerk Jimmy Tatom of Frisco City. Also present was Sonny Bass, Assistant City Attorney of Birmingham.

Resource advisors present were Cecil Colson, Alabama Department of Transportation, John Robison, State Fire Marshal, John Eagerton, Alabama Aeronautics Department, Alan Benefield of the Peace Officers Standards and Training Commission (POST), Frank Lee of the Alabama Telecommunications Association (ATA) and Betty Meyer and Col. Roosevelt Lewis of the Aviation Council.

Councilmember Moore called the meeting to order and welcomed those present. He then called on Cecil Colson to make his presentation.

Mr. Colson pointed out that he works in DOT's multimodal transportation division, which is concerned with nontraditional

highway-related projects. This involves issues such as safety, rail-related projects, transportation-enhancement and landscaping. The most popular type projects seem to involve bike and pedestrian trails.

He stressed that the deadline for applications for projects for the next year is October 10, 2003, and encouraged all municipalities to send applications. He noted that his department is currently administering federal grants under the federal TEA-21 program. He pointed out that his department funds 80 percent of the projects, with 20 percent coming from the project sponsor. He emphasized that there is no cap on the amount that may be given, so applicants should ask for the funds they need.

He said that his department is presently involved in several projects, such as the Middle Bay Lighthouse, one of two lighthouses in Alabama. He said that they are also funding the windows and portico on Union Station in Montgomery and they have also landscaped along the by-pass in Montgomery. Other projects include the Anniston to Piedmont walking trail that attracts visitors from all over the world; a trail in Valley that conducts an annual Halloween event; visitor's centers across Alabama; and historic museums and centers.

John Robison spoke next. Mr. Robison said that the functions of his department include the investigation of fires, explosions, bombings and anything that happens in the course of a fire, bombing or explosion. They also transport bodies from the scenes of these events. He noted that all his officers are certified law enforcement officers and fire inspectors. The average level of experience in the department is greater than 27 years.

His department also responds to natural and manmade disasters. They track depressions, tropical storms and hurricanes; send a storm team ahead of storms; ride out storms with local officials; and assist following the disaster. They have the ability to immediately condemn buildings and can assist with medical transport, clearing roads, cutting trees or other functions needed following the disaster.

He noted that his department adopts state fire codes. He pointed out that these codes set a minimum enforcement level. Municipalities can adopt more stringent requirements, but not lessen these requirements. Where there are conflicts, the most stringent regulation applies.

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Mr. Robison referred to two new laws municipalities should be aware of. The first one is a new law concerning indoor pyrotechnical displays. A new law requires the fire marshal to inspect every show before it occurs, even if the local officials will also inspect it. The other law he mentioned deals with smoking in public places. Local law enforcement officers will be called on to write tickets for violations of this law and will have to investigate alleged violations.

Councilmember Moore next called on John Eagerton for his presentation. He stated that his department annually inspects and licenses airports. They also administer grant programs for airports. He pointed out that a good airport helps municipalities with economic development by attracting industry. He said that having an airport may not help, but not having one definitely can remove a location from a list of potential sites.

He said that Alabama has 84 airports that have an economic impact on the state of approximately \$4.7 billion per year. There are some 73,000 jobs tied to the airports with a payroll of about \$1.8 billion a year.

Mr. Eagerton also discussed the grant programs administered by his division. He said that the federal AIR 21 program is in the last year of a three-year authorization. Congress is considering a new bill with a four-year authorization period. This program, if created, will be called AIR 100. These programs fund projects at a 90/10 ratio. The state can match up to five percent (5%) of the local match, though, which has allowed funding for airport projects to increase. State funding, though, is capped at \$600,000, so his division is looking at alternative funding methods.

Alan Benefield spoke next. Mr. Benefield commended the League for its support and work with the Law Enforcement Advisory Commission, which helps direct and set rules for POST training. He noted that POST is funded through the state education budget and with court costs. He said that POST is working to reduce the costs of the state-mandated training for police officers and is open to ideas for improvements and encouraged local officials to let POST know about their local needs.

He said that the Iraq war has reduced the ranks of police officers in Alabama. POST has made training exceptions for officers who are called to active duty. To qualify for these exceptions, POST requires submission of a letter from the local chief law enforcement officer and a copy of the individual's orders.

Mr. Benefield also reviewed the training requirements of law enforcement officers. He stated:

- Officers must have 480 hours of training, but there are some exceptions where they are federally certified, state certified, military certified or have previous service.

- If they are certified from another agency, they can receive a waiver and complete 80 hours of training to become certified. He noted that this is a very difficult application process.

- If previously certified by POST and they have been out of Alabama law enforcement for more than two years, they may not be eligible to be reinstated. Upon reentry, officers will have up to one year to complete the 80 hours of recertification program; and if they fail to do so, they must obtain the 480 hours. Their activities while obtaining this certification, though, are not restricted like reserve officers.

He also noted that law enforcement officers must maintain their training as well. This requires receiving 12 hours of training per year and re-qualifying with firearms. Police chiefs must obtain 20 hours of executive level training per year. If an officer is more than 24 hours delinquent in his or her maintenance, he or she will be subject to suspension and has 30 days to show cause as to why certification should not be revoked.

Mr. Benefield said problems have occurred concerning reserve law enforcement officers. These individuals do not have the power to arrest and their duties are limited. He said municipal officials need to be aware of these restrictions on the activities of reserve officers.

Frank Lee spoke next. He said that the ATA has been around for almost 30 years, helping cable companies. He said that ATA frequently serves as a liaison between customers and the cable companies, and he stressed that better customer service by cable companies is one of their key objectives.

Betty Meyer and Col. Roosevelt Lewis were the final presenters. Ms. Meyer stated that the Aviation Council represents aviation providers in Alabama, and that this year they are celebrating 100 years of aviation. She said that they are also exploring new ideas to improve airports and their economic impact. She noted that airports need a permanent source of funding.

Mr. Lewis said that many airports in Alabama are in bad shape and that much needs to be done. He said that local officials are important in seeing that improvements are made. He noted that DOT and FAA helped Tuskegee renovate their airport and build a museum for the Tuskegee Airmen that is projected to be one of the most visited tourist attractions in the state. He stressed that local officials must be aware of funding that is available. He encouraged the committee to adopt a statement seeking a permanent funding program for airports.

Councilmember Moore thanked the resource advisors for their valuable contributions. The Committee then discussed needed additions and deletions to the League policy statement. After discussion, Mayor Owen Drake of Leeds made a motion to adopt the recommended changes to the Transportation, Public Safety and Communication section of the policy statement. The motion was seconded by Councilmember Marshall Shaddix of Oxford. The recommended changes were adopted unanimously. ■



# CDBG Funding Reduced By \$1 Million

*Reported by Lorelei A. Lein, League Counsel*

The Community and Economic Development Committee met at 10:15 a.m. on Thursday, September 4, 2003, at the Montgomery Civic Center with Chairperson Bob Bunting, Mayor of Ozark, presiding.

Present at the meeting were: Committee Chair Mayor Bob Bunting, Ozark; Technical Advisor City Manager Sam Gaston, Mountain Brook; Mayor Howard Shell, Atmore; Mayor Harry Brown, Daphne; Council Member Jerry Lundy, Mount Vernon; Council Member Brentley Kendrick, Robertsedale; Mayor Rebecca Beasley, Clayton; Council Member Henry Wright, Centre; Council Member Charles R. Lane, Lincoln; Mayor Roy Dobbs, Berry; Council Member Leamon Jarmon, Guntersville; Council Member Don Gentry, Phil Campbell; Mayor Frieda Eubank, Phil Campbell; Mayor Clif Knight, Hartselle; Council Member Jimmie S. Slay, Littleville; Council Member Frank Stevens, Sheffield; Mayor Al DuPont, Tuscaloosa; Council Member Jesse Matthews, Sr., Bessemer; Council Member Thomas Moore, Demopolis

Resource advisors present included: David Hutchison, Alabama Development Office; Lee Flannory, Alabama Department of Economic and Community Affairs; Edward Coberly, U.S. Department of Housing and Urban Development; Mickey Cantey, USDA Rural Development; and Elizabeth Brown, Alabama Historical Commission.

Also present were Lori Lein, League Counsel, Alabama League of Municipalities and Carrie Banks, Communications Director, Alabama League of Municipalities.

David Hutchison, Assistant Director of the Industrial Recruitment Division with the Alabama Development Office (ADO) led the morning's discussion by pointing out to the committee that this month represents the 10<sup>th</sup> Anniversary of Mercedes Benz's presence in Alabama. He stated that this is significant to the entire state not just the Vance/Tuscaloosa area because, in many ways, it has put Alabama on the map. The Vance plant is the first plant out of Europe for Mercedes Benz and, with the completion of its expansion, will result in over 4000 Alabama jobs and over \$1B invested in the state. It is his opinion that the Mercedes presence in Alabama has paved the way for Honda, Toyota and Hundayi. He stated that the auto industry's presence in

Alabama has resulted in almost 30,000 jobs. Mr. Hutchinson briefly discussed the reorganization of ADO under the leadership of director Neal Wade, including the creation of the Business Development and Trade Department. According to Director Wade, ADO is looking to expand economic development beyond the I-65 corridor. Mr. Hutchinson reminded the committee of the availability of statutory incentives for not only new industry but for existing industry as well. While not suggesting any changes or additions to the committee's policies and goals, Mr. Hutchinson did address some specific policies and goals by way of encouraging the committee to continue to push for financial support of ADO. After taking questions from the committee, Mr. Hutchinson concluded his remarks by urging cities to participate in a county-wide strategic plan for economic development so that cities and counties are working together and have some idea of where they want to go collectively.

Lee Flannory of the Alabama Department of Economic and Community Affairs (ADECA) was the second resource advisor to address the committee. He gave a brief overview of the programs offered through the department – particularly the CDBG program. Mr. Flannory stressed that CDBG funding is being reduced every year. By way of example, he stated that funding of the program through HUD came in \$1M short this year. Apparently, last year they had approximately \$31M dollars to administer from HUD and this year they have only \$30M to administer. This is due, in part, to the increase in Entitlement Cities that are funded directly through HUD rather than going through the CDBG program administered by ADECA. According to Mr. Flannory, the program administered through ADECA has resulted in approximately \$600M dollars awarded since 1992 for approximately 1500 projects. Mr. Flannory then reviewed the various funds available including competitive funds, providing for funding of 41 out of 60 applicants this year; special funds for urgent need situations, applications for which are due this October; community enhancement funds with 64 pending applications; planning funds; and

*continued next page*

economic development funds to assist with infrastructure. Mr. Flennory also stressed the importance of municipal input at public hearings held prior to the award of CDBG funds. He stated that this input is key to the decision making process. The next public hearing will be in early October at ADECA. In addition, he stressed the importance of completing projects awarded. Failure on the part of municipalities to complete projects awarded in the time frame mandated by the grant could prevent the award of future money. He concluded by discussing several of the committee's policies and goals and addressing questions from the committee.

Edward Coberly, Community Planning and Development Representative with the U.S. Department of Housing and Urban Development (HUD), the third resource advisor to address the committee, informed the committee that this year the Community Planning and Development program provided \$50M dollars to the state of Alabama. Of that amount, \$30M went to the CDBG program administered by ADECA and the remaining \$20M went to entitlement cities and counties. HUD oversees and monitors all community planning and development money whether through ADECA's CDBG program or directly with the entitlement cities. Mr. Coberly stressed that in addition to the community planning and development program, HUD's economic development program presents opportunities for money and assistance. He briefly discussed the section 108 loan guarantee program and concluded his remarks by addressing HUD's newest program which administers money for faith based initiatives engaged in secular activities.

Mickie Cantey, with the USDA Rural Development, was the next resource advisor to address the committee. She said that USDA's mission is to partner with state agencies, local governments and private entities to help communities in rural areas to improve their quality of life. Program assistance is provided through direct or guaranteed loans, grants, technical assistance, research and educational materials. Ms. Cantey provided the committee members with information packets on the various programs offered by USDA and briefly highlighted some of those programs for the committee. She reminded the committee that the USDA's state director, Steve Pelham, is in the process of visiting all 67 counties around the state to provide them, and the municipalities located therein, with information relating to available USDA programs. The USDA team spends one day in each county, which is coordinated through a local contact person in the county. She encouraged the members to contact one of the four regional offices for information or assistance. Ms. Cantey concluded her remarks by advising cities to contact the appropriate area office for their

municipalities for further information and answered questions from the committee. Ms. Cantey had no recommended changes or additions to the committee's policies and goals.

Elizabeth Brown from the Alabama Historical Commission was the final resource advisor to address the committee. She reminded committee members of their ability to capitalize on their cities' images through historical areas and buildings. She stated that the Alabama Historical Commission had a model preservation ordinance available for use by cities and briefly discussed the historical preservation commission and the Heritage Tourism Program. With regard to contacting the Alabama Historical Commission for clearance letters, she advised contacting the commission by phone and follow up with a letter rather than just sending a letter. Contacting the commission by phone will greatly speed up the clearance process. She concluded her brief remarks by discussing the certified local government grant program administered by the commission and stated that, to date, there are 18 local governments certified. Ms. Brown had no recommended changes or additions to the committee's policies and goals. Present with Ms. Brown was Andrew Gerachis of the Commission's Main Street Program. Mr. Gerachis stated that at the present time there are 12 cities participating in the program.

At 11:55 a.m., Chair Bunting thanked the resource advisors for their presentations. The meeting was adjourned at 12:20 p.m. ■

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## Thirty-nine Physicians Currently Participate in Rural Alabama's Physician Placement Plan

*Reported by Twanna Miller King, League Legal Researcher*

The Committee on Human Development of the Alabama League of Municipalities met at the Civic Center in Montgomery, Alabama on Thursday, September 4, 2003 at 10:01 a.m. Council Member Thomas Owings of Brent, Chair of the Committee, called the meeting to order and thanked all those present for their attendance. The Chair then called upon the Vice Chair, Mayor Randall Shedd of Fairview for opening remarks as well. Council Member Nancy Sewell of Selma was commended for her two years of participation as Chairperson with the Committee on Human Development. The Chair also thanked Twanna King of the Alabama League of Municipalities for her years of participation with the Committee. The Chair continued by asking everyone to introduce themselves; the Secretary proceeded by calling the roll.

The following were present: Council Member Thomas Owings, Chairman, Brent; Mayor Randall Shedd, Fairview; Council Member Eloise Clarke, Jackson; Mayor G. Richard Long, Jackson; Council Member Joe Thomas, Spanish Fort; Council Member Isabell Boyd, Brundidge; Council Member William Scott, Moses; Council Member Fredrick J. Macready, Prattville; Council Member Gwendolyn D. Coley, Alexander City; Council Member Bess Yarbrough, Centre; Mayor Charles S. Rogers, Oak Grove; Council Member James Harris, Wedowee; Council Member Wayne Sellers, Guntersville; Mayor Barbara Coffey, Moulton; Mayor Harold D. Chandler, Rogersville; Mayor Charles W. Penhale, Helena; Council Member Nancy Sewell, Selma; Council Member Howard Robenstein, MD, Saraland. Twanna King, League Researcher, and acting recording secretary was also present.

The following were present as resource advisors: Ms. Frances Kennamer, Alabama Department of Public Health; Ms. Tina Hartley, Alabama Department of Senior Services; Ms. Nancy Jinright, Alabama Department of Human Resources; Dr. Eddie Johnson, Alabama Department of Education.

Ms. Frances Kennamer represented the Alabama Department of Public Health. She began by sending regrets from Dr. Williamson, MD, the State Health Officer, on his absence. Ms. Kennamer then stated that the Alabama Department of Public Health has many activities that touches lives on a community level; i.e., training and interaction in the event of terrorism. Handouts on this subject were made available.

Ms. Kennamer then addressed the policies and goals of the Committee on Human Development. Beginning with policy position H-6.2 - Ms. Kennaer stated that there were 39 physicians in total participating in the Physician Placement Plan for Alabama's rural areas and small cities and towns. Specifically speaking, Ms. Kennamer stated that there were approximately 25 patients for every physician in this program, and that these programs increased the revenue in some of these areas to as much as \$500,000. Of these physicians, 17 were repayment students, and 22 were J1 waiver staff or foreign physicians. Most of the waiver staff were specialized in areas such as cardiology, anesthesia, etc. Council Member Howard Robenstein, MD of Saraland commented that a big problem existed in the area of reimbursement, and physicians in the placement program were greatly underpaid. Ms. Kennamer also addressed policy position H-6.3, and stated that there needed to be more public awareness of HIV education.

In the area of Epidemiology, Ms. Kennamer stated that there were 20 reported cases of West Nile virus in Alabama; with three proving to be fatal. There were also three cases of Eastern and Equine encephalitis virus. Ms. Kennamer provided an Alabama county map outlining these cases. She continued by stating that sexually transmitted diseases (STD's) were downward statewide; with particular emphasis on Montgomery county which reported 138 cases of early syphilis last year, and declined to 39 this year. Ms. Kennamer did make mention of an increase in measles cases. However, this increase, she stated, involved children who were, in fact, too young to be immunized. She also stated that there was a lack of public awareness in the area of tuberculosis (TB), and that a TB101 course was presently being launched to address that problem.

Regarding the environment - Ms. Kennamer stated that the Coastal Beach Monitoring Program had be instituted in June of 2003. This program regulates the public pools throughout Alabama. She also made mention of Calhoun County's public health challenges; i.e., the burning of saran gas; PCB contamination; and a mediation problem regarding lead.

*continued next page*

Ms. Kennamer also mentioned training in the area of bioterrorism. Course BT101 has begun throughout Alabama with 26 cities and 666 fire and emergency management participating. Ms. Kennamer also stated that a protective training course was being initiated for over 840 pharmacists throughout Alabama.

There was Committee discussion regarding the consequences if the state budget was cut. Should the state budget be cut, Ms. Kennamer stated that needy programs such as the ALL KIDS, Children's Health Insurance Program (CHIP) would suffer dramatically. The CHIP program provides low-income children with health insurance. Ms. Kennamer stated that the program currently had 60,000 children enrolled; at this point all enrollments had been frozen. Council Member Wayne Sellers of Guntersville expressed that the state of Alabama was to be commended for being the first state to have a health plan for children and that money was needed to keep this program in place.

Ms. Tina Hartley was the next resource advisor to speak. She represented the Alabama Department of Senior Services. Ms. Hartley began by informing the Committee that her department was established under the Older Americans Act, and that special emphasis was placed on assisting individuals who had great social and economic needs. Such Alabamians include rural, low-income and minority seniors.

Ms. Hartley continued by giving an overview of the various services that the Alabama Department of Senior Services provides. She stated that the nutritional Meals on Wheels program provide 18,000 meals daily to Alabama seniors. The transportation program provides van services to and from the doctor's office, the stores, etc. She continued by stating that the Alabama Cares program provides education and support to caregivers of the seniors and for respite care.

Ms. Hartley also informed the Committee of the Ombudsman program which seeks to protect those individuals living in nursing homes, assisted living facilities and boarding homes on a monthly basis. Ms. Hartley updated the Committee on the *ElderConnect Alabama* database program. She stated that this program is currently four years old, and is now operational on a statewide basis. A Committee member asked if the information was currently available online. Ms. Hartley responded by stating that it was not at this time but it is a future endeavor.

Regarding the Elder and Disabled Waiver program, Ms. Hartley stated that her Department provides this service to seniors and persons with disabilities whose needs would otherwise require them to live in nursing homes. Ms. Hartley also updated the Committee on the Senior Health Insurance Program (SHIP). She stated that this program provides Medicare and Medicaid recipients with information, counseling and assistance on their benefits, their claims and their long-term care insurance. Council Member Nancy Sewell inquired if the SHIP information could be accessed online. Ms. Hartley

stated that if a senior called 800AGELINE, the agency in their area would be accessed with direct information for them.

Ms. Hartley also mentioned to the Committee the Senior Medicare Patrol program, which identifies and assists older persons in the areas of medical fraud and abuse. She also discussed the Senior Rx program which assists seniors in filling out paperwork for low-cost or free prescriptions.

Ms. Hartley stated that the state of Alabama has nearly 800,000 seniors and that in 20 years these numbers would double. At this time, the Alabama Department of Senior Services serves only seven percent of the 800,000 seniors though programs such as the Title III program and the medical waiver program. Ms. Hartley continued by stating that her department is currently trying to get more funds to provide more services and provide web education so that individuals can access their own information.

Regarding the policies and goals of the Committee on Human Development, Ms. Hartley stated that her department disagreed with policy position H-4.4, which discusses the need for more certified beds in nursing homes. Council Member Wayne Sellers of Guntersville supported policy position H-4.4. Council Member Robenstein of Saraland, also commented that the time that many patients spend in nursing homes is short-term but when the need arises, available beds are truly needful.

Council Member Robenstein of Saraland also inquired on how his municipality could find funding for constructing their first senior center and inquired as how to begin the process of building it. Ms. Hartley stated that she would send him whatever information she had available. Another discussion went forth from the Committee on the soon retiring elderly were having to assume care for their parents.

The next resource advisor to address the Committee was Ms. Nancy Jinright from the Alabama Department of Human Resources. Ms. Jinright began by stating that while the Director, Mr. Fuller, was unable to attend Committee day, she was pleased to attend, and praised a fellow colleague, Council Member Wayne Sellers of Guntersville on his fine work as an area County Director with the Department of Human Resources. She also praised the Committee's policy and goals.

Ms. Jinright began by giving an overview of her agency. The Alabama Department of Human Resources is a social services agency, with six program areas. She also stated that with a one billion-dollar budget, her department employs nearly 4,400 merit system employees. As with other presenters and Committee members who have earlier discussed the ramifications of the budget being cut, Ms. Jinright urged the Committee to vote accordingly. Ms. Jinright continued by informing the Committee that her department administers their programs at the Gordon Persons building, on the second floor; the number is (334) 242-1160.

Ms. Jinright stated that since the Consent Decree case, her department has moved from being a system of care to

one of the best child welfare programs in the nation. She continued by stating that the Alabama Department of Human Resources receives 80 percent of its funding from the federal government; particularly from the U.S. Department of Health and Human Services and the U.S. Department of Agriculture. Addressing the Committee's policy and goals H-1.2, Ms. Jinright stated that her department agreed with this statement.

Ms. Jinright continued by stating that her department focuses on six programs. Of these programs, nearly one-fourth of the citizens in Alabama are touched. The first program Ms. Jinright mentioned was the Adult Protective Services program; where its focus is to protect adults (particularly, seniors), the young, the mentally disabled and the physically disabled from abuse and neglect. Regarding the Committee's policy position H-4.2, the Department of Human Resources does pay for some of the senior day care centers. She also addressed in agreement policy position H-4.8 that acknowledges concern in the increase in elderly abuse cases.

The second program Ms. Jinright discussed was the Child Day Care program. This program provides free or subsidized childcare. Ms. Jinright stated that the Alabama Department of Human Resources assists 39,000 children in this area. She also stated that if the TANF (Temporary Assistance for Needy Families program) were reduced of funding leveled, it would affect the child care of many of the children her department assists. Ms. Jinright stated that her department also inspects and licenses childcare facilities. She also commended policy position H-2.6.

The third program Ms. Jinright addressed was the Child Support program. This program she stated assists in helping establish paternity, and enforce legal orders for child support. The Alabama Department of Human Resources has assisted in over 39,000 child support cases. In her departments' ability to intercept passports, many individuals who had not been paying child support have been caught.

Ms. Jinright also mentioned the TANF program. This program assists 18,000 of Alabama's single mothers and children. She also mentioned that policy position H-2.5 could be adjusted in its wording. Ms. Jinright stated that her department supported policy position H-2.3.

Ms. Jinright also addressed policy positions H-2.15 and H-2.12. Policy position H-2.12 urges the Alabama Department of Human Resources to make the printed copies of their directory of assistance available in all public buildings. Ms. Jinright stated that due to the high cost of printing, the directories are not available in every public building; however they are available online. The website for the Alabama Department of Human Resources is [www.dhr.state.al.us](http://www.dhr.state.al.us). Mayor Richard Long of Jackson commented on the concern that many of the persons needing the services that the Department of Human Resources offers do not have online access. Council Member Wayne Sellers stated that many local agencies have copies of the directories. The Committee

suggested that copies of the directories should be made available in the buildings where potential clients aggregate.

Regarding policy position H-2.13, Ms. Jinright differed with the context of the policy position, which stated that the standards for directors of the Department of Human Resources in each county are well trained. She also stated that H-2.5 needed clarity, in that it was not entirely true.

The last resource advisor to speak was Dr. Eddie Johnson from the Alabama Department of Education. Dr. Johnson began by stating that the Department of Education has worked with great effort to accomplish seven goals – ranging from high academic standards for the student, to safety and discipline for the students, to adequacy amongst the teachers, and more. Dr. Johnson also stated that new programs have been initiated which have strong concentrations in the following: reading, math and science, the fine arts and career technology. Such efforts Dr. Johnson stated were initiated to ultimately enhance Alabama's Department of Education. Dr. Johnson also stated that the Department of Education was also working to comply with the 2001 federal law "no child left behind". In this stance he stated that if a school system is not doing their part to maintain high standards, the parents had the right to move their children to more suitable schools. He also mentioned the "highly qualified teacher" program. Dr. Johnson also stated that these goals and initiatives could be downloaded at [www.alsde.ed.s.edu](http://www.alsde.ed.s.edu). Regarding the policies and goals on Education, Dr. Johnson stated that policy position H-3.6 refers to a new separate office; the Post Secondary Education office. Dr. Johnson also addressed policy positions H-3.13 and H-3.14. He did conclude by also stating that if the budget was not passed, the Department of Education would be forced to cut each one of their programs; which would set the Alabama Department of Education back 25 years.

After the resource advisors were excused, the Committee discussed policy changes. Upon a motion and a second, the attached recommended changes to the Human Development Policy Statement were approved. There being no further business, the meeting was adjourned at 12: 20 p.m. ■

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# Speaking of Retirement

## Know Your Limitations For Postretirement Employment

Once you are a retiree of any RSA agency, there are very strict guidelines that must be followed when it comes to **Postretirement Employment**. Knowing these limitations can save you a lot of hassle and worry. You can read the guidelines for Postretirement Employment in your Member Handbook or on the RSA Web site at [www.rsa.state.al.us](http://www.rsa.state.al.us). Go to either ERS or TRS; go to Retiree Information; and click on the question *Will Working After Retirement Affect My Retirement Benefit?*

Listed below are important points to remember if you are working or planning to work for an RSA agency after your retirement from the RSA. If you have any doubt whatsoever about your postretirement employment, call the ERS or TRS immediately.

- Retired members cannot be employed or under contract for **permanent, full-time** employment with an ERS or TRS member agency. For example, an ERS retiree employed with a TRS agency as a bus driver must terminate his or her retirement benefit. A bus driver is considered to be a full-time position.
- The retiree's compensation cannot exceed the limitation on earnings. The limits are subject to change from year to year based on the Consumer Price Index. For calendar year 2003, the limitation is \$18,000. In the year of retirement, the limitation is \$1,500 per month.
- If the retiree exceeds the limitation on earnings, the retirement benefit will be suspended for the remainder of the calendar year. If the retiree is subject to a monthly earnings limitation, the benefit will be suspended for the remainder of the month.
- A retiree who is reemployed full-time for a minimum of two years is eligible to request reenrollment in the ERS or TRS. Upon approval, the member would pay the contributions plus interest of the two-year period of non-contributing service and begin contributing on future compensation.
- There are no limitations on earnings for a retiree employed in private industry, private education or a non-participating RSA agency.

Not knowing exactly what your options and guidelines are can cause you problems and even have your benefit suspended. Do not let it happen to you. Keep yourself updated and educated on the rules governing Postretirement Employment and do not forget to call the ERS or TRS if you are ever in doubt.

Prepared by the Communications staff of the Retirement Systems of Alabama.  
To have your questions answered in "Speaking of Retirement", please address them to  
Mike Pegues, Communications, Retirement Systems of Alabama, 135 South Union St.,  
P. O. Box 302150, Montgomery, Alabama 36130-2150.

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