

The Alabama Municipal JOURNAL

November 2007

Volume 65, Number 5

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Municipal Achievement Awards p. 20

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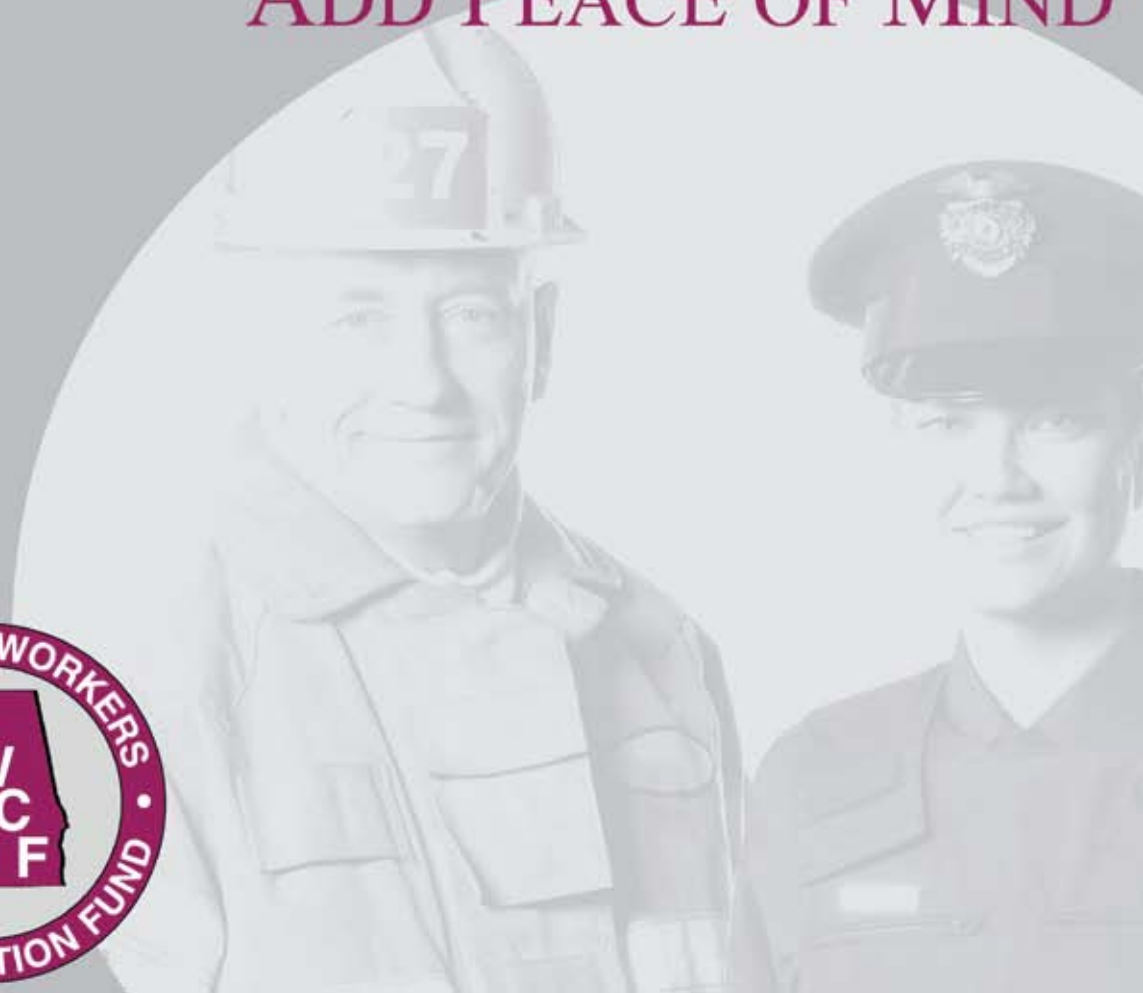
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See details online at www.alalm.org

A Message from the Editor



Despite extreme drought conditions throughout most of the Southeast, November has arrived with much appreciated (somewhat) cooler weather. Football is rampant; holiday decorations will soon add a twinkle to our municipal streets; parades, parties and festivals abound; and we'll all attempt to balance frenzied schedules as we stuff ourselves on turkey, dressing, mashed potatoes, sweet tea and pecan pie. But when and why did this special season of family, friends and endless food originate? Here's a quick primer to refresh our memories.

The first official Thanksgiving Proclamation was issued by the Continental Congress in 1777. In 1789, President George Washington designated a national thanksgiving holiday for the newly ratified Constitution so Americans could give thanks for having "been enabled to establish constitutions of government for our safety and happiness, and particularly the national one now lately instituted, for the civil and religious liberty with which we are blessed..." On October 3, 1863, President Abraham Lincoln issued a proclamation declaring Thanksgiving a Federal holiday on the last Thursday in November as "a day of Thanksgiving and Praise ... to heal the wounds of the nation and to restore it as soon as may be consistent with the Divine purposes to the full enjoyment of peace, harmony, tranquility and Union." Since then every U.S. President has always made an official Thanksgiving Proclamation on behalf of the nation.

Leading up to the Thanksgiving Holiday and the Christmas shopping season, the League's calendar remains active. Several staff members will attend the National League of Cities' Congress of Cities in New Orleans November 13-18 where Councilmember Cynthia McCollum of Madison will be elevated to NLC president. In addition, the League and its Executive Committee has endorsed two candidates for the NLC Board of Directors: Mayor Jim Byard of Prattville and Councilmember Debbie Quinn of Fairhope. Mayor Byard was first elected to the City Council in 1992 and has served as mayor since 1999. He is a League past president (2004-2005) and currently serves on the League's Executive Board as well as the Board of Directors for the Alabama Municipal Funding Corporation (AmFund). Councilmember Debbie Quinn has been in office since 1997 and chairs the League's Committee on Finance, Administration and Intergovernmental Relations. Both she and Mayor Byard have earned their basic and advanced CMO designations.

The Legal staff again reminds you that your business license ordinance must be in compliance with the Business License Reform Act on or before January 1, 2008. Also, the highly anticipated Elections Manual has been edited and should be ready for distribution very soon.

Information and applications for the 2008 Municipal Achievement Awards can be downloaded from our website at www.alalm.org. This program is designed around excellence in local government and recognizes successful, innovative municipal projects that improve the quality of life for citizens and add value to the community by establishing partnerships and building community support. Every League member municipality is eligible to enter. Achievement award winners will enjoy statewide recognition at the League's 2008 Annual Convention in Birmingham this May. In addition, winners will be featured in a video shown at Convention, spotlighted in this publication and given a plaque recognizing their accomplishment. **All entries must be received in the League's office by 4:30 p.m. on December 3, 2007.**

I hope to see many of you at the Congress of Cities in New Orleans. Happy Thanksgiving!

Carrie

The President's Report



Charles W. "Sonny" Penhale
Mayor of Helena

Business License Reform Act: Is Your Municipality in Compliance?

As we're nearing the end of 2007, it is important to remind everyone that your business license ordinances need to be in compliance with the Business License Reform Act *before* the end of this year. Many of you have adopted changes to your ordinance or are embarking on the task as this article goes to print. While there are provisions of the new law that are uniform to all Alabama municipalities, there is still a lot of autonomy for municipalities in terms of what rates the businesses in your jurisdiction will pay. You are also free to determine the basis of those rates. Many of you will go with a gross receipts basis but the law still allows for you to charge flat rates if you choose.

Because we are all unique, there is no "one size fits all" ordinance and, therefore, there is no way to avoid the process of rolling up your sleeves and taking a careful and thorough look at your ordinance to make sure it is in compliance with the new law. The League has made available a suggested ordinance that was prepared by a group of revenue officers and municipal attorneys. Keep in mind that this ordinance is a kitchen sink ordinance that thoroughly covers most, if not all, the requirements of the act. *The League strongly encourages municipalities to consult with their local attorney before adopting any changes to their business license ordinance.*

Of course, once our business license ordinances are finally in place we'll barely have a chance to catch our breath before we jump headfirst into municipal elections.

As many of you know, the vast majority of our cities and towns will be holding elections in 2008. The League has already started preparing us for the process through its CMO training program held this past September. The League's attorneys will conduct training with our municipal clerks November 28-30, 2007. I strongly encourage you to send your clerks to this invaluable training. For more information please contact Tommy Pow or Penny Williamson at the University of Alabama Continuing Studies Program at **205-348-9066** or **205-348-3014**.

For municipalities planning on using paper ballots during the 2008 municipal elections, please keep in mind that the vast majority of elections in Alabama are now conducted using electronic voting machines and most election suppliers are set up to provide materials based on those machines. As a result, it may be cost prohibitive for you to continue with paper ballots due to the change-over costs for the supplier to produce materials for a paper ballot process. You should check with your supplier. If you choose to switch from paper ballots to electronic machines, you will need to pass an ordinance to do so. Please contact the League's legal department if you have questions on this or other election-related issues.

Despite our hectic municipal agendas, have a wonderful Thanksgiving and take time to enjoy your families and friends as we gather to give thanks for our many fortunes. ■

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Municipal Overview

2007-2008 Committee on State and Federal Legislation



Perry C. Roquemore, Jr.
Executive Director

This month's issue of the *Journal* contains the minutes from the League's five policy committees, which met this past August and September. These committees meet annually with resource advisors to review existing League policy and the national policy and to adopt revised goals and recommendations in the respective areas of each committee. The Committee on State and Federal Legislation meets prior to each Regular Session of the Alabama Legislature to consider the recommendations of the standing committees and to develop the League's legislative program. The committee is scheduled to meet at League Headquarters on November 8.

In addition, The Committee on State and Federal Legislation carefully studies proposed legislation which may prove harmful to municipal government. While the Legislature is in session, the committee may meet to assess the progress of the League program and to review potentially dangerous legislation. The committee has the additional duty of meeting at the annual League convention to review resolutions prepared for submission at the annual business session and to receive suggested resolutions from individual delegates.

Congratulations to the following for their appointment to the Committee on State and Federal Legislation:

Chair: Councilmember Charles Woods,
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Vice Chair: Mayor Bobby Bright, Montgomery (26)

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A Program of the Alabama League of Municipalities

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Councilmember Bob Echols, Gadsden (10)
Mayor Barry McCulley, Homewood (18)
Mayor Larry Fluker, Evergreen (23)

READ THIS!

ALL municipal business license ordinances must be in compliance with the Business License Reform Act on or before January 2008.

A summary of the law as well as a suggested ordinance and other information is available at the League's website: www.alalm.org. Please check the webpage regularly for updates. If you need further assistance, contact a League attorney at 334-262-2566 ASAP.

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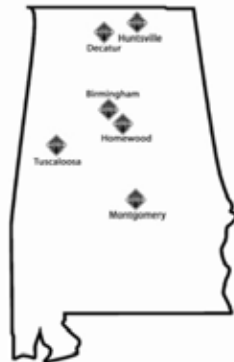
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The Legal Viewpoint



By Ken Smith
Deputy Director/General Counsel



Parliamentary Procedure for Smaller Entities

Section 36-25A-5 of the Alabama Open Meetings Act (OMA) requires that all meetings of entities subject to the OMA must be conducted according to rules of parliamentary procedure. Any municipal board or agency that has the power to expend or appropriate municipal funds must conduct open meetings pursuant to the requirements of the OMA. Additionally, the OMA applies to any instrumentality, including separate corporations, whose membership is composed of at least a majority of members who were appointed by the municipality. Thus, most municipal boards and committees are covered and must apply some type of parliamentary procedure rules.

But what does this mean? The main purpose behind parliamentary procedure is to conduct meetings in an orderly and harmonious manner. The detail required for larger or more formal meetings (such as council meetings) may not be necessary or desirable for small boards. Municipal committees and boards are formed to investigate or exert authority over specific areas of government. Because these meetings are often attended by a small number of individuals, adhering to the detailed rules of a manual such as *Robert's Rules of Order* or *Mason's Manual of Legislative Procedure* could possibly hinder participation in the meeting. As long as the rules followed enable the entity to conduct business in a timely and orderly manner, those rules then satisfy the requirement of applying some form of parliamentary procedure.

Many people mistakenly believe parliamentary procedure rules must be complicated and difficult to understand and apply. The opposite is true. In fact, even *Robert's* recognizes the need to modify its own rules when the entity conducting the meeting is small. However, even though the rules may be simplified, the entity must still conform to some set of rules and structure. Even if the Open Meetings Act didn't require following rules of parliamentary procedure, those attending a meeting have a right to know how business will be conducted and that business will be done "by the book" – whatever "book" or policy will be followed.

This article examines parliamentary procedure with the goal of helping those serving – or who will serve – on smaller,

less formal boards adopt and apply rules of procedure.

Principles of Parliamentary Procedure

It is essential, of course, that the rules be adopted in advance so the attendees know what to expect during the meeting. Rules should not be developed "on the fly" or applied in an ad hoc manner. Advance notice may be as simple as announcing that the entity will follow *Robert's* or some other manual. Be aware, however, that the complete version of *Robert's* is more than 700 pages long. If the entity does not have a trained parliamentarian, the group may spend so much time looking up answers to ensure sure they are properly following the manual that, again, the meeting will be hindered rather than moving forward smoothly. And, as noted above, parliamentary procedure should not make the meeting more difficult.

The primary principle of procedure is to facilitate the transaction of business and to promote cooperation and harmony. Procedure should not be used to entangle and confound the uninformed but, rather, to expedite business, to avoid confusion and unfair advantage and to protect the rights of members. Several basic procedural rules have been developed to assure the simplest and most direct procedure for accomplishing a purpose is observed.

First, motions have a fixed order of precedence and only one motion may be considered at a time.

Second, all members have equal rights, privileges and obligations. The presiding officer must be impartial and should use his or her authority to protect and preserve the equal rights of all members to propose motions, speak, ask questions, vote, etc.

Third, the ultimate authority in an organization is vested in the majority. A primary purpose of procedure is to determine the will of the majority and to carry it out. Once a question has been voted upon, the decision becomes that of the organization. Each member should accept and abide by the result.

Fourth, the minority is entitled to the same consideration and respect as members who are in the majority. The protection of the rights of all, both majority and minority, should be the

concern of each member.

Fifth, each member is entitled to full and free discussion. Each has the right to express his or her opinion fully and freely without interruption and interference within the framework of the rules.

Sixth, each member is entitled to know the meaning and effect of each question presented. The presiding officer should keep the pending motion clearly before the assembly at all times. Upon request, the presiding officer should explain any procedural motion and its effect so every member may understand the proceedings.

Last (but not necessarily the least important principle), all meetings must be characterized by fairness and good faith. Trickery, dilatory tactics, dealing in personalities and railroading are, or should be, taboo. Fraud, unfairness or absence of good faith may be grounds for a court to invalidate action taken.

I Move we Do . . . Something!

Despite the length of *Robert's* and other procedural manuals, a basic understanding of the rules of parliamentary procedure is not difficult. In fact, there are relatively few rules that must be grasped. At least 95 percent of all the situations that might conceivably arise in the conduct of an average meeting by the governing body of a municipality can be summarized briefly.

First, it is important to realize that entities and boards can act only by taking a tally of the membership. In most cases, the majority rules although statutes may change voting requirements in some instances; in these cases, please consult your attorney.

There must then be a mechanism for bringing matters before the consideration of the members. That mechanism is the motion.

Motions are designed to help the entity determine consensus on issues. In order to facilitate orderly consideration of these matters, motions are classified and ranked so the entity can deliberate them in proper order. For instance, it would be a waste of time for a board to vote on a motion before considering any amendments to that motion. Until the amendments are dispensed with, the main motion under consideration is not in a final form. Similarly, if several of the members desire to have a committee consider a matter, the motion to refer the issue to the committee should be voted on first. If it passes, there is no need to even consider the main motion.

Rules governing motions are definite and logical. If a member understands the purpose of a motion, he or she can usually reason out the rules governing it. The following questions should be asked about each motion: What is its precedence? Can the motion interrupt the speaker? Is a second required? Is it a debatable motion? Can it be amended? What are the requirements to pass this particular motion? To what other (usually previous and pending) motion does this motion

apply? What other motions (which could be proposed) can be applied to the motion? Motions fall roughly into four types – main, subsidiary, incidental and privileged motions.

Only One Main Motion May be Pending. One of the most common misunderstandings of parliamentary procedure is that there can be only one motion pending at a time. Instead, there can be only one “main” motion pending at one time. However, there may be many other motions of a different character applied to the main motion all pending at one time.

Definition of Main Motion. The main motion seeks to accomplish some concrete objective or specific item of business on the agenda. It introduces an action to the group for its consideration. It is always debatable and amendable, and it ranks below all other motions. Once the main motion is made, it is subject to three other classes of motions.

Subsidiary Motions. The first of these is the subsidiary motion. Subsidiary motions can be made only when there is a main motion on the floor. This type of motion is supplemental to the main motion. Examples of a subsidiary motion would be to amend, alter, postpone or temporarily dispose of the main motion. Subsidiary motions rank right below privileged motions, and above the main motion. When a subsidiary motion is made, it must be disposed of before the main motion can be disposed of.

Incidental Motions. The next group of motions to which a main motion is subject are the incidental motions. These are often procedural in nature, dealing with matters such as the method of voting, closing nominations or an appeal of a decision of the chair. “Incidental” carries with it the thought that it is a minor or subordinate factor rather than a primary or major one. Again, this motion must also be disposed of before the main motion can be acted upon.

Privileged Motions. These motions are considered the most urgent and generally deal with special or important matters not related to pending business. The motion to adjourn, or a motion related to the comfort of the meeting facility, would be considered privileged motions. Once more, this type of motion must likewise be disposed of before a main motion can be acted upon.

Unclassified Motions. Some motions, of course, are considered as unclassified motions. These include motions to “reconsider,” “take from the table,” “to ratify,” “to rescind” and others.

Most motions require a seconding motion. It makes little sense to consider matters that are not supported by at least two members. All that is required is for a member to say, “I second the motion.” Requests of the presiding officer do not require seconds. For example, point of order, inquiry and withdrawal of a motion or question of privilege do not require seconds. Seconds of motions may be required by local agreement or customs notwithstanding the general rule.

Enumeration of Subsidiary Motions. It is also important

to know which motions take precedence over the other, when they yield to another motion and similar matters. Here are several of the most commonly used subsidiary motions in the order of their priority. They are as follows:

- Lay on the table
- The previous question
- Limit or extend debate
- Postpone debate until a specified time
- Refer to the committee
- Substitute for the whole
- To amend the amendment
- To amend the main motion
- To postpone indefinitely

Any one or all of these motions could conceivably be applied to any pending main motion. These motions would have to be disposed of before the main motion could be acted upon.

Enumeration of Incidental Motions. In some respects, these incidental motions are similar to subsidiary motions in the sense that they apply to the matter or question immediately pending before the meeting.

- Leave to withdraw motion
- Parliamentary and other inquiries
- Division of question
- Division of vote
- Objection of consideration of question
- Suspension of rules
- Point of order
- Appeal

Since these motions arise out of the pending question, it is logical that they must be disposed of before the main motion out of or because of which they arose. While they take precedence over the main question and most of the subsidiary motions, they yield to and are subordinate to all privileged motions.

Enumeration of Privileged Motions. Privileged motions differ from both the subsidiary and the incidental motions because they do not necessarily relate directly to the pending question. They have to do with the efficient functioning of the meeting and usually pertain to its orderly progress in a manner which will promote the good and welfare of the group as a whole. The most commonly used privileged motions, in the order of their priority, are the following:

- Motion fixing time to which the meeting shall adjourn
- Motion to adjourn
- Motion of recess
- Question of privilege
- Call for the order of the day

These motions take precedence not only over the main motions, but over the subsidiary and incidental motions as well. Consequently, they must be disposed of before proceeding with business.

Unclassified Motions. For all practical purposes,

unclassified motions should be treated as main motions. All of them pertain to taking further action upon some matter which has already been previously considered and either acted upon favorably or adversely or upon which final action has been deferred. Among the most commonly used are the following:

- To take from the table
- To ratify
- To rescind
- To reconsider

It may help to think of motions according to their objectives:

Motions to change – Such as to amend or to refer to a committee.

Motions to delay – Such as to postpone consideration to a specific time or to lay on the table.

Motions to limit debate – Such as the motion to limit or to move the previous question.

Motions to suppress the question – Such as to object to the consideration of the question, to postpone consideration indefinitely or to lay on the table.

Motions to bring question to immediate vote – Such as the motion for the previous question.

Motions to take further action on a matter – Such as the motion to ratify, to rescind or reconsider.

Chart

In addition to deciding the order in which motions can be considered, it is also important to know when motions can be made; whether a second is required; whether the motion is debatable; who determines the result of the motion (chair or membership and the vote required); and whether the motion can be reconsidered.

The chart on page 15 lists some of the more common motions and can help board members determine which actions can be applied to various motions. Motions at the top of the chart generally must be dispensed with before motions lower on the chart can be considered.

Committees and other entities should determine the rules they will followed in their meetings and, if necessary, any amendments to the rules they wish to adopt. Armed with this knowledge, a member of any board can protect his or her rights to participate in the debate and know how and when to communicate their desires. Presiding officers can determine the will of the membership while protecting the rights of the minority.

This chart is based on *Robert's* and should be considered only as a general guideline. If the entity in question follows a different parliamentary procedure manual, the rules may be different. Additionally, local and state laws may modify these rules. ■

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MOTION (in order of precedence)	Interrupt Speakers to Make?	Second	Debatable	Amendable	Can it be Reconsidered?	Vote
Adjourn	N	Y	Y	Y	Y	Majority
Recess	N	Y	Yes if Question Before Body When Made	Y	N	Majority
Question of Privilege	Y	N	N	N	N	Chair
Personal Privilege	Y	N	N	N	N	Chair
Parliamentary Inquiry	Y	N	N	N	N	Chair
Point of Information	Y	N	N	N	N	Chair
Proceed to Orders of the Day (Agenda)	Y	N	N	N	N	Chair
Lay on the table	N	Y	N	N	N	Majority or (2/3)
Previous Question (Close Debate)	N	Y	N	N	Only on Negative Vote	2/3
Limit or extend debate	N	Y	Y	Y	Y	2/3
Postpone to a certain time	N	Y	Y	Y	Y	Majority
Refer to committee	N	Y	Y	Y	Only If Committee Hasn't Started	Majority
Amend	N	Y	If motion amended is Debatable	Y	Y	Majority
Postpone Indefinitely	N	Y	Y	N	Only on Affirmative Vote	Majority
Main Motion	N	Y	Y	Y	Y	Majority
Reconsider	Not While Speaking	Y	If motion reconsidered is Debatable	N	N	Majority
Rescind	N	Y	Y	Y	Only on Negative Vote	2/3 or (majority)
Amend Motion Previously Adopted	N	Y	Y	Y	Only on Negative Vote	2/3 or (majority)

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2008 Premium Discounts Available from MWCF

As medical care costs continue to rise, the Municipal Workers Comp Fund (MWCF) works to keep your premiums as low as possible. In 2007, 42% of the 621 MWCF members received a full 10% off their premium by appointing a Safety Coordinator, signing a *Statement of Commitment, Post Accident Drug Testing Agreement* and having an approved Medical Protocol in place.

2008 Statement of Commitment

The *Statement of Commitment* is a two-page document comprised of safety standards that each member endeavors to follow. It is updated annually and mailed to every MWCF member in November. If it is signed and returned by **December 1**, a 3% discount will be reflected on the 2008 – 2009 billing. This two-page document must be renewed each year.

Post Accident Drug and Alcohol Testing Program

The Municipal Workers Comp Fund provides an additional 3% discount for those members that commit to a *Post Accident Drug and Alcohol Testing* program. In order to qualify, a member must sign a “Participating Commitment”, which will be enclosed with the above-mentioned document, and have such program certified by their attorney that the member’s drug and alcohol policy is Fourth Amendment compliant. Unlike the *Statement of Commitment*, this document does not have to be renewed each year.

Medical Protocol

Another 3% discount is available to those members who establish and implement a *Medical Protocol*. This program is a great benefit to both the member and the claims management team. A sample protocol is included in the mail out for those members without one on file. For further information regarding this discount, call Tom Roper or Matt Graham at Millennium Risk Managers at **1-888-736-0210**.

MWCF members who participate in all three of these programs will receive a bonus 1% discount giving those members a full 10% discount on their annual premium for 2008! All members are encouraged to watch for the *Statement of Commitment* information packet coming to you in November and return it promptly to take advantage of these benefits. It will also be available for downloading on our website by going to the MWCF page at www.alalm.org. ■

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LEGAL CLEARINGHOUSE

NOTE: Legal summaries are provided within this column; however, additional background and/or pertinent information will be added to some of the decisions, thus calling your attention to the summaries we think are particularly significant. We caution you *not* to rely solely on a summary, or any other legal information, found in this column. You should read each case in its entirety for a better understanding.

ALABAMA COURT DECISIONS

Alcoholic Beverages: The decision of a municipality in denying an application for a liquor license is subject to judicial review and is reversible only if it is shown that the municipality acted arbitrarily in denying the application for a liquor license. *Phillips v. City of Citronelle*, 961 So.2d 827 (Ala.Civ.App.2007)

Arrests: Defendant's arrest on a warrant, which had been issued for contempt of court for failure to pay child support, was unlawful, and, thus, defendant was not in custody for purposes of third-degree escape when he fled from police officer. Warrant was not for a commission of a felony or a misdemeanor and officer did not have warrant in his personal possession. *Edwards v. State*, 961 So.2d 914 (Ala.Crim.App.2006)

Courts: Defendant who pleaded guilty to a crime waived his right to challenge the charging instrument based on a misnomer. The defendant never moved to dismiss the charge on the ground that the indictment contained his brother's name, which was the name the defendant gave to police when he was arrested. The defendant did not move to withdraw his guilty plea, and, thus, by pleading guilty, the defendant waived any non-judicial defects in indictment. A misnomer in the charging instrument is not a jurisdictional defect or a failure to charge an offense. *State v. Savage*, 961 So.2d 181 (Ala.Crim.App.2006)

Elections: Absentee ballots retrieved from a United States Post Office without a postmark could not be counted in mayoral election. Additionally, identification requirements of statute governing absentee ballot would not be set aside to remedy an elections manager's failure to notify voters of their errors in time for remediation. *Washington v. Hill*, 960 So.2d 643 (Ala.2006)

Gambling: Electronic "readers," together with a computerized gaming network, constitute "slot machines." *Barber v. Jefferson County Racing Ass'n, Inc.* 960 So.2d 599 (Ala.2006)

Officers and Offices: Remedy of quo warranto action, pursuant to section 6-6-591 of the Code of Alabama, lies to challenge a person's right to hold office based on grounds of ineligibility. The office holder's obtaining a pardon, while in office, for prior conviction did not cure his ineligibility for public office. *Reed v. State ex rel. Davis*, 961 So.2d 89 (Ala.2006)

Tort Liability: An employee's federal court claims did not toll state law claims where the state claims were not asserted in federal court. *Rester v. McWane, Inc.*, 962 So.2d 183 (Ala.2007)

Zoning: The Planning Commission's denial of a request to subdivide a residential lot creating a flag lot was not arbitrary and capricious. A planning commission's decision should not be invalidated unless it is clearly arbitrary and unreasonable, having no substantial relation to the public health, safety, morals, or general welfare. *Chandler v. City of Vestavia Hills Planning and Zoning Com'n*, 959 So.2d 1124 (Ala.Civ.App.2006)

Zoning: The issuance of a business license to a day care provider did not estop the city from enforcing its zoning ordinance prohibiting day-care centers within a residential "R-1" district. *Squires v. City of Saraland*, 960 So.2d 651 (Ala.Civ.App.2005)

Zoning: Alabama Code section 6-6-227 requiring service of a copy of the proceeding on the Attorney General if the declaratory-judgment action challenges the constitutionality of a municipal ordinance does not apply to an action challenging a government actor's enforcement of a municipal ordinance. *Squires v. City of Saraland*, 960 So.2d 661 (Ala.Civ.App.2006)

Zoning: Enforcement of a zoning ordinance regarding an in-home day care was not discriminatory. To establish that a "strong inference of discriminatory prosecution exists" on an equal-protection claim regarding enforcement of a zoning ordinance, the party alleging such discrimination must show (1) selectivity in enforcement, (2) intentional selectivity and (3) selectivity based on an unjustifiable standard. *Squires v. City of Saraland*, 960 So.2d 666 (Ala.Civ.App.2007)

Tracy Roberts
Assistant General Counsel



Zoning: Following the city public works director's denial of their application for building permits, property owners were required to exhaust their administrative remedies by seeking review before the city's board of zoning adjustment. Administrative remedies should be exhausted prior to bringing a declaratory judgment action against the city alleging an enforceable right to operate a mobile-home park as legal nonconforming use under the city zoning ordinances. *Cook v. City of Columbiana*, 961 So.2d 835 (Ala.Civ.App.2007)

Zoning: An Act passed by the Legislature expanding the territorial boundaries of city's zoning power did not violate a provision in the Alabama Constitution prohibiting special or local laws that conflicted with general laws of the state. This is true even though the general statute governing zoning only granted to each municipality the power to zone within its corporate limits. The act addressed an existing local need not addressed by general zoning statutes. The purpose of the act was to protect a parkway, ensure the orderly growth of the area and enhance the safety of the traveling public; general zoning laws did not address the city's need to ensure the orderly growth of a major public thoroughfare in an area outside its corporate limits. *Bradley Outdoor, Inc. v. City of Florence*, 962 So.2d 824 (Ala.Civ.App.2006)

UNITED STATES COURT DECISIONS

Search and Seizure: A County deputy acted reasonably when he terminated a car chase by ramming his vehicle's bumper into the vehicle of a fleeing motorist, even though that action posed high likelihood of serious injury or death for the motorist given the actual and imminent threat to lives of any pedestrians present, to other motorists and to officers involved in the chase resulting from motorist's conduct. The deputy did not violate the motorist's Fourth Amendment right against unreasonable seizure, notwithstanding motorist's contention that the threat to public safety could likewise have been avoided had police ceased their pursuit. *Scott v. Harris*, 127 S.Ct. 1769 (U.S., 2007)

DECISIONS FROM OTHER JURISDICTIONS

Search and Seizure: An investigatory stop of a defendant's moving car, based on the police officers' suspicion that he had committed a past misdemeanor offense was not reasonable under the Fourth Amendment. No public safety concerns or other exigent circumstances were present; the defendant's interest in personal security against government intrusion was outweighed by the officers' interest in investigating whether defendant violated a noise ordinance; and the officers failed to use alternate, less intrusive methods of identifying the defendant. The officers could have gone to the residence at which the car was previously parked and inquired as to the driver's identity; they could have waited for defendant to return to the area; or they could have run a routine license check on the car. *U.S. v. Grigg*, --- F.3d ----, 2007 WL 2379615 [C.A.9 (Idaho) 2007]

ATTORNEY GENERAL'S OPINIONS

Ad Valorem Taxes: The five mill special school tax levied and collected by the City may be taken into account by the County Commission in determining the rate of the tax required to be levied pursuant to Section (a) of Amendment 778 of the Alabama Constitution. Once, however, the City's five mill tax levy and collection has expired, the Covington County Commission or other governing body must levy and collect any additional ad valorem property taxes required so as to ensure a full ten mills of funding. AGO 2007-139

ETHICS COMMISSION ADVISORY OPINIONS

AO No. 2007-15: This opinion gives a detailed discussion of the relationship between Alabama Power Company employees who are also public officials and/or who have family members who are public officials/public employees and what is and is not considered a "thing of value" in relation to the Ethics Law and those individuals. ■

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In accordance with the Alabama State Bar requirements, no representation is made that the quality of the legal services to be performed is greater than the quality of legal services provided by other lawyers.

MUNICIPAL ACHIEVEMENT AWARDS

All League member municipalities, regardless of size, are encouraged to enter the League's 2008 Municipal Achievement Awards.

This program is designed around excellence in local government and recognizes successful, innovative municipal projects that improve the quality of life for citizens and add value to the community by establishing partnerships and building community support. Every League member municipality is eligible to enter. If your municipality's population is less than 20,001, you have the choice of competing in either a population or subject category. Municipalities of more than 20,001 must compete in one of four subject categories: Economic Development, Public Safety, Public Works or Public Service.

Achievement award winners will enjoy statewide recognition at the League's 2008 Annual Convention in Birmingham this May. In addition, winners will be featured in a video shown at Convention, spotlighted in this publication and given a plaque recognizing their accomplishment. Entry forms and brochures were mailed to mayors and clerks the week of September 10th. An entry form has also been included on page 23 of this publication and a complete packet can be downloaded from our website at www.alalm.org.

Entries must be received by December 3, 2007.

OBITUARIES

Bob Shackelford

Hackleburg council member, Bob Shackelford passed away on Tuesday, August 14, 2007. Shackelford served two terms as councilmember, one term in the 1970s in addition to his current term that began in 2004.

John Bennett “Bennie” Bentley

John Bennet “Bennie” Bentley, former Sylacauga councilmember, died September 14, 2007, after an extended illness. He was 85. Bentley served in the U.S. Army during World War II as a sergeant and squad leader in the 394th Infantry from 1942 to 1945. He fought in the Battle of the Bulge, receiving several decorations, including the Purple Heart and Bronze Star. He was very active in his community, owning and operating a grocery store and Bentley’s Laundromat and Cleaners for 40 years. He also served on the Board of Directors for the Salvation Army, as a member of the Utilities Board and Civil Service Board and was an active member of the local Kiwanis Club.

Bucky Howe

Bucky Howe, four-term Guntersville City Councilmember, died October 10, 2007. He was 74. Retired as a sergeant major in the Army’s Special forces, Howe served in the Korean War and three tours as a Green Beret in the Vietnam War.



enough said.

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Please check **only one box in one category**
(you cannot enter in both categories):

Population Category

- 1-1,000 pop. 5,001-10,000
 1,001-5,000 pop. 10,001-20,000

Subject Category

- Public Safety Public Works
 Economic Development (includes community development and planning programs)
 Public Service (anything not covered by any of the previous categories)

Municipality's name and address

Mayor's Signature*

Mayor's Printed Name

Contact Person (*main contact for any questions, as well as setting up the video shoot if the project wins*)

Contact's Telephone Number

Email Address

Title of Project

Remember to include three photographs depicting the project for use in the Achievement Award video. Photos may be attached to the entry.

**Note: The mayor's signature indicates his/her commitment to or appointment of a representative to attend the League's Municipal Achievement Awards Ceremony during the 2008 League Convention in Birmingham should your municipality win an award.*

Attach a copy of this form to the front of each of the six copies of the written entry.

Remember: entries should be sent **certified mail** and must be postmarked by Monday, December 3, 2007. **Hand-delivered entries must be received in the League's office by 5:00 p.m., Monday, December 3, 2007.**

Mail entries to: Municipal Achievement Awards, ALM, PO Box 1270, Montgomery, AL 36102. For more information, contact Carrie Banks at 334-262-2566 or via email at carrieb@alalm.org.

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Committee Minutes

Finance, Administration and Intergovernmental Relations

By: Perry C. Roquemore, Jr., ALM

The Committee on Finance, Administration and Intergovernmental Relations of the Alabama League of Municipalities met on Thursday, August 30, 2007, at League Headquarters. Councilmember Debbie Quinn of Fairhope, Chair, called the meeting to order at 9 am. Those members present were: Councilmember Debbie Quinn, Fairhope, Chair; Councilmember Henry E. Uptagrafft, Brewton; Mayor Charles Murphy, Robertsdale; Mayor Lomax Smith, Cottonwood; Councilmember H.H. Kuykendall, Lincoln; Councilmember Jean B. Burk, Lincoln; Mayor Carroll L. Watson, Lincoln; Mayor Leon Smith, Oxford; Mayor Charlie Fagan, Piedmont; Councilmember Elaine W. Junkin, Guin, Councilmember Burns Saint, Russellville; Mayor John Lewis, Bridgeport; Mayor Jerri McClain, Mooresville; Councilmember Katherine E. Ennis, Helena; Councilmember David Hooks, Homewood; Councilmember Karyl Rice, Pelham; Councilmember Reginald N. Wilson, Midfield; and Councilmember Charles Allen, Thomasville. Resource advisors present were: Mr. Ashton Stuckey of the Frazer Lanier Company; Mr. Will Martin, Property Tax Division, Alabama Department of Revenue; Mr. Eric Locke, Administrative Office of Courts; Mr. Bob Hill, Alabama Alcoholic Beverage Control Board; Mr. Angelo Trimble, Alabama Coalition Against Domestic Violence; Mr. Joe Cowen, Mr. Dan Bass, Ms. Donna Joyner and Ms. Debbie Lee, Sales, Use and Business Tax Division, Alabama Department of Revenue. Also present was League Director Perry C. Roquemore, Jr.

Ashton Stuckey of the Frazer Lanier Company was called upon for his presentation. Mr. Stuckey said the extraordinary credit boom enabling a very large number of first time homebuyers and corporate mergers has come to an end. Many people who would have qualified in the past to buy homes are having trouble now. Stocks have been on a roller coaster path and interest rates on treasuries are down while interest rates on everything else are up. In 2001, interest rates dropped radically. At the same time, foreign money was buying U.S. debt at an ever-increasing rate. These low rates encouraged lending to less-qualified borrowers on increasingly risky terms. Both long-term and short-term interest rates were very low. Due to all the dollars flowing in from overseas, the expected results of long-term rates rising did not occur.

By 2006, 40 percent of all mortgage loans were no-doc loans. There were also many "piggyback" loans to cover

down payments. By 2006, 35 percent of all mortgage loans included piggyback loans. By 2007, the figure had dropped to 27 percent. Six years ago, Standards and Poors said that mortgages with piggyback loans were no more likely to go into default than others. Today, as interest rates have risen and home prices have fallen, Standards and Poors has changed its opinion. Securities backed by these mortgages began to lose value because of the difficulty in knowing what the default rates were. Many hedge funds have also failed.

According to Mr. Stuckey, all of this has come to a head in the last few weeks. This has led to a massive flight to quality. Since bond insurers also insure mortgage debt, their stock prices have been dramatically hit. There is a huge amount of uncertainty as nobody knew how to value this debt. Today's market provides a good opportunity for investors, but it is not a good time for issuers. We are in a period of very little liquidity. Some improvement has been seen in the last few days and it is hoped that the tax-exempt market will continue to improve after Labor Day. The Federal Reserve has cut the discount rate and is poised to cut the Federal Funds Rate in an effort to help the situation. Corporate profits continue to be good. The stock market, while down 1,000 from the year's high, is still up for the year.

The chair thanked Mr. Stuckey for his presentation. She then called on the representatives of the Sales, Use and Business Tax Division of the Alabama Department of Revenue. Those present were Joe Cowen, Division Director; Dan Bass, Assistant Division Director; Donna Joyner, Supervisor of Special Projects; and Debbie Lee, Local Tax Supervisor. Mr. Cowen said the department has a state-of-the-art online system for filing sales tax returns and payments. They are also developing a state-of-the-art accounting system capable of delivering statistical information very quickly. These technological innovations have reduced state costs. He told the committee the streamlined sales tax project has run off the track due to disagreements between states and various businesses. The Commissioner is not very interested in the streamlined sales tax at this time. The department administers local taxes for a number of jurisdictions. In 2005, they developed an online management reporting system to furnish tax information to local jurisdictions. The Department of Revenue won a national award for this online system. The department spent a lot of money in developing the system and is willing to share the system with local taxing jurisdictions.

He told the committee that their NSA Program, which provides electronic tax filing and collection, is open to non-State administered municipalities. The City of Huntsville has been using the system. Money collected and the tax forms are sent directly to the city for a cost of \$1.21 per transaction.

Donna Joyner said that since October 2003, 4.9 million returns have been processed with a 99 percent compliance rate. All taxpayers owing \$750 or more in taxes must file electronically. In FY2006, 67 percent of sales, use, lodgings and rental taxes were filed electronically. In the current fiscal year, 93 percent of the taxes are collected electronically. The system keeps processing-related costs down and the money matches up much quicker.

HJR 9 was enacted by the State Legislature in 2007 to establish a legislative committee to study the feasibility of establishing an electronic system for collection of municipal business license renewals. The League has two appointees on this study committee: Linda McKinney of Tuscaloosa and Lori Lein of the League staff. The committee will begin meeting shortly and will make its findings at the 2008 Regular Session.

Dan Bass pointed out that Alabama is a member of the Multi-State Tax Commission, which works with all Fortune 500 companies, and also shares information with the Southeast Tax Administrators. The State collects \$1.54 billion in sales taxes with one billion coming from businesses with home offices located outside the state. He said this to point out the importance of municipalities having out-of-state audit programs.

Debbie Lee told the committee that the department is required by law to maintain a database of all city tax rates. Municipalities were also reminded that state law requires each municipality that changes a tax rate or enacts a new tax to send a copy of any ordinance and the new tax rates to the Alabama Department of Revenue. She also reminded officials that taxpayer information is confidential and municipalities must follow Section 40-2A-10, Code of Ala. 1975.

The chair thanked the speakers from the Alabama Department of Revenue for their presentations and then called upon Mr. Eric Locke of the Administrative Office of courts. Mr. Locke thanked the League for its help with municipal judges and municipal judge training and invited municipal officials to contact him or Sam Wingard at the Administrative Office of Courts if they feel they have a potential problem with their municipal courts. He said his office will make a site visit if necessary. Mr. Locke can be contacted at 334-954-5046. Mr. Wingard's number is 334-954-5113.

Mr. Locke also informed the committee of the certification program for municipal court magistrates. Magistrates are required to obtain 116 hours of training for

certification and must get 10 hours of continuing education annually. Mr. Locke was thanked for his presentation and the Chair called on Mr. Will Martin, Property Tax Division, Alabama Department of Revenue who commended the League for Policy Position F-1.14, which calls for the true purchase price to be required on all deeds. The department will offer legislation in the next session to implement this change. He also said that if the state continues to exempt properties from taxes, some new taxes will have to be implemented to pay for services provided to citizens. Since the tax abatement law was enacted, there have been 2,703 abatements for projects amounting to \$34 billion in capital investment in our state. A lot of these have not provided return revenues to the state.

He said that the Alabama Manufactured Housing Association has the responsibility of inspecting every manufactured home in the state. The Alabama Department of Revenue has developed a good working relationship with the Alabama Manufactured Housing Association and now receives a copy of every inspection report on every manufactured home installed in Alabama. The Department of Revenue compiles a report and shares it with local taxing officials so they can be sure the manufactured home is registered or appraised as required by law and the proper local taxes are collected. This relationship has resulted in a big increase in the number of manufactured homes going on the tax rolls.

The Department is continuing its effort to fully implement a GIS system for the state. The Alabama Department of Revenue and the Alabama Department of Transportation are working together to get our state GIS system in full operation. Virtual Alabama has now taken on a lead roll in the project. Once the system is operational, it will provide a wealth of information for all levels of government.

Property tax appraisers need to be adequately trained. Alabama has an award-winning program to train property appraisers; however, all counties are not taking advantage of this program and need to be encouraged to do so. Counties should put money in their budgets for this purpose.

Mr. Martin stated that the voters ratified a proposed constitutional amendment in November 2006 to guarantee a minimum of 10 mills school property tax in every jurisdiction. The department has sought help from PARCA on this new law which required 29 school districts to increase property taxes for schools. This additional millage should be collected in October.

Mr. Martin was thanked for his presentation. Mr. Bob Hill of the Alabama Alcoholic Beverage Control Board, the next speaker, told the committee the ABC Board has regulated traffic in alcoholic beverages for many decades and has regulated the sale of tobacco products since 1997. The Board's Responsible Vendor Program works with schools

to educate students on alcohol and tobacco. The board also works with employers to train their employees on the laws relating to sales of alcohol and tobacco products. A special emphasis is placed on laws relating to sales to minors.

Twenty-three of the state's 67 counties are "dry" and there are 17 "wet" municipalities located in these "dry" counties. Several bills have been proposed in the Legislature in recent years to lower the requirements for becoming a "wet" municipality. He mentioned that Thomasville had recently voted "wet" while voters in Athens defeated a proposal for that city to return to "dry" status. He said applicants located within the corporate limits or police jurisdiction of a municipality seeking an ABC license to sell table wine or spirits must receive municipal governing body approval before the ABC Board will issue the license. Applicants for a beer license are not required to obtain municipal approval but the ABC Board will make every effort to comply with municipal wishes on these matters, if possible. The State Legislature, by local legislation, can authorize Sunday sales after 2 am, draft beer sales and sales of beer in containers larger than 16 ounces.

The committee was informed that the ABC Board was moving a number of stores into nicer areas and opening new stores where the demand was high. There are three times as many private stores as state stores. Alabama is one of 18 states that control alcoholic beverages.

The chair thanked Mr. Hill for his comments and asked Mr. Angelo Trimble, Court Liaison, Alabama Coalition against Domestic Violence (ACADV), to give his report. Mr. Trimble gave members a copy of ACADV's Alabama State Plan. Page 97 of the Plan contains policy adopted by the League on this subject. Mr. Trimble said domestic violence continues to be a serious problem throughout Alabama and can involve every person in a municipality – not just police and court personnel. Domestic violence can reduce standards of living and quality of life. It affects hospitals, insurance costs and security in the workplace. It also can affect workplace productivity. Since domestic violence is a community problem, it requires a community response. A solution to domestic violence cannot be legislated. The community must recognize it is a serious problem before a solution can be found. He urged the committee to recommend a new policy position to read as follows:

"F-7.6. That all municipalities recognize the tremendous impact that domestic violence has on their resources and that municipal governing bodies support the designation of dedicated staffing in each department including, but not limited to, police, prosecution, court, and housing to monitor domestic violence cases and ensure compliance with laws, ordinances and court orders so victims of domestic violence and their families do not continue to live in abusive environments and that abusers are held accountable for their

abuse and violations of laws and court orders."

The chair thanked Mr. Trimble for his remarks and then asked members to review the Policies and Goals 2007. Mr. Roquemore and members discussed the policy statement and several new and amended policy positions were added. Mayor Charles Murphy of Robertsedale moved adoption of the amendments to the policy statement. The motion, seconded by Council Member Karyl J. Rice of Pelham, passed unanimously.

Amendments to the Policies and Goals for 2007-2008 adopted by the FAIR Committee on August 30, 2007

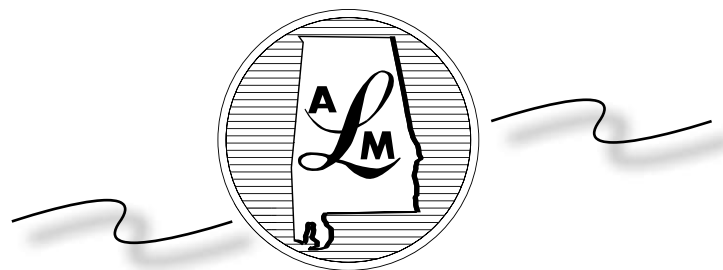
The following changes should be made to the FAIR Policy Statement and the statement should be renumbered where appropriate:

1. That the following new policy position be added: F-1.18. That the League reminds all municipal officials that state law requires each city or town to notify the Alabama Department of Revenue of any changes in municipal ad valorem, sales, use, lodgings, gasoline, or tobacco tax rates.

2. That the following new policy position be added: F-3.26. That the League encourages all member municipalities to take steps now to establish programs that will result in a more accurate census for 2010.

3. That the following new policy position be added: F-6.14. That the Alabama Congressional delegation oppose any proposed federal legislation that would mandate collective bargaining for municipal employees.

4. That the following new policy position be added: F-7.6. That all municipalities recognize the tremendous impact that domestic violence has on their resources and that municipal governing bodies support the designation of dedicated staffing in each department including, but not limited to, police, prosecution, court, and housing to monitor domestic violence cases and ensure compliance with laws, ordinances and court orders so victims of domestic violence and their families do not continue to live in abusive environments and that abusers are held accountable for their abuse and violations of laws and court orders. ■



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Committee Minutes

Energy, Environment and Natural Resources

By: Greg Cochran, ALM

The League's Committee on Energy, Environment and Natural Resources met at 9:00 a.m. on Tuesday, September 11, 2007, with Mayor Ron Davis, Prichard, Committee Chair presiding. Other committee members present were: Councilmember Joe Outlaw, Ozark; Councilmember June Reaves, Oxford; Councilmember Bobby Griffin, Blountsville; Councilmember Bryan Stone, Rainbow City; Councilmember James Jett, Warrior; Councilmember Hermon Graham, Florence; Councilmember Joseph Pampinto, Muscle Shoals; Mayor Dennis Stripling, Brent; Councilmember Allyn Krall, Homewood; Mayor Eugene Melton, Trussville; Councilmember Charles Woods, Childersburg; Councilmember John Schoen, Irondale; Councilmember Billy Pearson, Lincoln; Councilmember Bill Stewart, Gadsden; and Councilmember Dean Agro, Prattville. Resource advisors present were Dale Hurst, ADEM, Air Division; James Dailey, ADEM, SRF Program; Glenda Dean, ADEM, Clean Water Division; Dennis Harrison, ADEM, Drinking Water Division; Gerald Hardy, ADEM Land Division; and Dr. Dave Bolin, Alabama Oil & Gas Board. Also present: Gregory D. Cochran CAE, Director of Intergovernmental Relations.

The Chair called on Dale Hurst, ADEM Air Division Director. Mr. Hurst discussed the EPA standards of Ozone and Particulate Matter (2.5PMFine) and the attainment status saying all counties in Alabama had reached the attainment standards last year, only to have two counties slip back into non-attainment – Jefferson and Shelby. ADEM is currently working with these two counties on implementing a contingency plan to again reach attainment. EPA is mulling over the current PMFine standards and may implement a lower 8-hour standard by next year. Ten counties currently would not meet the new standard: Colbert, Lawrence, Morgan, Madison, Tuscaloosa, Russell, Mobile, Baldwin, Jefferson and Shelby. Mr. Hurst said only three counties – Jefferson, Russell and Etowah – were in non-attainment of the 24 hour standards. ADEM is working on a contingency plan to bring those areas into attainment by 2008.

The Chair called on James Dailey, ADEM SRF Program Director. Mr. Dailey announced that community water systems could apply for SRF monies to match EPA, CDGB and USDA Rural Development grants. ADEM is considering extending the term lengths from 20 years to 30 years for larger projects. Mr. Dailey further reported that the Clean Water

SRF Program has issued 180 loans valued at \$829,284,000 since 1989 and has issued 96 loans valued at \$253,120,000 in the Drinking Water SRF Program since 1999. In FY07, EPA provided Alabama's CWSRF with \$11,967,000 and the DWSRF with \$8,229,000. He concluded by telling the committee in 2007, ADEM awarded 10 CWSRF projects at \$34,615,000 and five DWSRF projects at \$25,560,000.

The Chair called on Dennis Harrison, ADEM Chief, Drinking Water Program. Mr. Harrison said that Alabama again ranks 2nd in the nation behind Rhode Island in quality of drinking water delivered by municipal systems. Rhode Island has only 71 public systems compared to Alabama's 750 public water systems. He said ADEM issued permits to 359 community, 30 non-transient, 64 transient, 96 construction and 69 segmental water systems in 2006 while performing 459 annual, 175 sanitary and 154 other inspection during the 2006 calendar year.

New monitoring of the chlorine levels in drinking water went into affect this year, with each level of compliance resulting in placement of one of four categories. Additional testing, monitoring and evaluating will depend on the category you're placed into by EPA. ADEM predicts that 95 percent of the ground water and 90 percent of the surface waters met the compliance standards. He concluded by saying EPA is considering more stringent standards and he is concerned these proposed standards would place up to 70 public water systems in non-attainment.

The Chair called on Glenda Dean, ADEM, Water Program Deputy Director. Ms. Dean reported that 3274 waste water systems were permitted last year by ADEM. She said new regulations were being studied at EPA and ADEM to address water reuse issues, increase in permit fees and a revision of the NPDES regulations and that ADEM has adopted new mercury level regulations for Interstate and Intrastate Waters. EPA is requiring ADEM to test for mercury in all municipal drinking water systems before a new or renewal permit may be granted. She said our municipal systems are stressed by age, growth and development of new total maximum daily load TMDL regulations and she concluded by sharing there are 64 municipal systems presently covered in the Phase II Stormwater permitting regulations.

The Chair called on Gerald Hardy, ADEM Land Division. ADEM awarded four Brownfield grants this year: Cordova, Valley, Anniston and Freshwater Land Trust in Birmingham.

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Committee Minutes

Transportation, Public Safety and Communication

By: Tracey Roberts, ALM

The League's Committee on Transportation, Public Safety and Communication met at 9:00 a.m. on September 17, 2007, at League headquarters in Montgomery, Alabama, with Chair, Councilmember Bobby Phillips of Calera, presiding. Also present were committee members Councilmember Christopher Norman of Bay Minette, Mayor Michael Waltman of Citronelle, Mayor Tim Kant of Fairhope, Mayor Ken Williams of Saraland, Councilmember Larry Landrum of Satsuma, Mayor Wess Etheredge of Daleville, Councilmember Charlie Johnson of Luverne, Councilmember Fred Watts of Millbrook, Council Member Davy Lindsey of Opp, Councilmember Ben Little of Anniston, Councilmember Ed Hanson of Piedmont, Mayor Charles O'Rear of Attalla, Mayor Melvin Duran of Priceville, Councilmember Wayne Dunkin of Priceville, Councilmember Randy Brown of Winfield, Mayor George Roy of Calera, Councilmember Jeffrey Denton of Chelsea, Mayor Bobby Hayes of Pelham, Councilmember Willard Payne of Pelham, Councilmember Joe Matthews of Tarrant, Councilmember James E. Robinson of Trussville, Councilmember Marva Gipson of Aliceville, Mayor Jack Fendley of Pennington, Councilmember Annis Lavender of Aliceville and Mayor Harry Mason of Pine Hill. Also present were Tracy Roberts, Acting Secretary and Ken Smith, League staff.

Resource advisors present were Maury Mitchell, Alabama Criminal Justice Information Center (ACJIC); Mark Fowler, Alabama Cable Telecommunications Association; Ed Paulk, State Fire Marshal; Cecil Colson, Joe Watts and Mary Lou Crenshaw, Alabama Department of Transportation; Stephanie Blankenship, Aviation Council; and Yasmine Richardson, Alabama Department of Emergency Management.

Councilmember Phillips called the meeting to order and welcomed those present. He called attention to the Policies and Goals and encouraged participation. He then called on Maury Mitchell to make his presentation. Mr. Mitchell from the Alabama Criminal Justice Information Center (ACJIC) presented an overview of the agency using a PowerPoint presentation. He said that ACJIC is the information-sharing arm of the criminal justice system and that ACJIC spans every part of the criminal justice system. ACJIC has raised prices recently in order to increase speed of service and security of comm. lines. All law enforcement officers in

Alabama have access to an e-mail address through www.alacop.gov.

Mark Fowler of the Alabama Cable Telecommunications Association gave an overview of his association, saying that many cable companies are now offering cable, internet and phone service, known as the "Triple Play."

Ed Paulk is the new State Fire Marshal. He discussed building designs and fire codes and how violations put lives at risk. He emphasized that churches must comply with the same regulations and stressed the importance of creating and policing fire lanes.

Cecil Colson with the State Transportation Department emphasized rural transit and other projects the DOT is involved with and advocated for the Scenic By-ways program. He asked Joe Watts from the Scenic By-ways program to speak. Mr. Watts presented a slide show that described the program and explained the benefits of a scenic by-way such as (1) tourism and travel dollars, (2) encouragement of preservation and (3) recognition on maps. Mr. Watts included a handout covering the program and said further information can be found at www.alabamabyways.org.

Stephanie Blankenship with the Aviation Council presented two issues. The first involved tall structures. FAA regulations have no real enforcement authority; they point out violations but don't restrict them. She seeks help from the League in obtaining legislation to deal with this issue. She also wants help in asking Congress to continue to issue grants at 2.5 percent match.

Yasmine Richardson with the Alabama Department of Emergency Management gave a slide presentation and emphasized the EMA wants local governments to make sure they have what is needed to address local issues in the seven Alabama regions. She explained that Alabama has 133 emergency shelters with capacity to hold 44,000 people. There are 15 special needs facilities with a capacity of 1,475 and three pet shelters in Alabama.

Councilmember Phillips thanked the resource advisors for their valuable contributions. The Committee then discussed needed additions and deletions to the League policy statement. After discussion, Mayor Bobby Hayes of Pelham made a motion to adopt the recommended changes to the Transportation, Public Safety and Communication section of the policy statement. The motion was seconded

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There were 18 applications submitted for Alabama Land Recycling Revolving Loan Funds. He said the Land Division has permitted 184 landfills; there are 52 pending solid waste permits; and investigated 206 solid waste complaints. ADEM has removed over 700,000 scrap tires from illegal disposal sites and permitted 3000 scrap tire receivers, 89 transporters and 45 processors. They had identified over 800 illegal scrap tire disposal sites. He concluded by reporting ADEM is implementing new regulations for the Uniform Environmental Covenant Act adopted by the Alabama Legislature during the 2007 regular session which should be ready for public comment by December 2007.

The Chair called on Dr. Dave Bolin, Deputy Director, Alabama Oil and Gas Board. Dr. Bolin said the Alabama Trust Fund is in excess of \$3.3 billion. He is concerned some legislators would like to cap the fund and place the additional revenues into the State General Fund. The Alabama Oil and Gas Board commissioned a study to determine the affects this would have on the Alabama Trust Fund. The findings are not yet available.

Amended to the League's Energy, Environment and Natural Resources Policy Statement

Delete E-3.2 and amend E-12.1 so it reads: The League urges each municipality in the state to develop and implement a program to recycle at least ~~10~~ **25 percent** of the solid waste products generated by residents, commercial establishments and governmental agencies within their communities. Further, incentives should be developed to encourage businesses to use recycled products. (September 2007) ■

AMROA Workshop

The Alabama Municipal Revenue Officers Association is excited to announce the 2007 Workshop/Conference, **December 6-7, 2007** in Auburn. The theme of this year's conference is Strategies to Enhance Municipal Revenue. The conference will be packed with notable topics such as franchising, enhancing your mental capability, capturing escaped taxes, enhancing an active for life staff, dealing with bankruptcy, effect of the sales tax holiday, effect of the smoking ban and effect of abatements. For further information concerning this year's conference, contact Center for Governmental Services Auburn University at **334-844-4782**.

Committee Minutes

Community and Economic Development

By: Lori Lein, ALM

The Community and Economic Development Committee convened at 9:00 a.m. on Thursday, September 20, 2007, at the offices of the Alabama League of Municipalities in Montgomery, Alabama, with Chairperson Thomas O. Moore, Councilmember from Demopolis, presiding. Present at the meeting were: Committee Chair Councilmember Thomas O. Moore, Demopolis; Councilmember Anne Marie Sasser, Brewton; Councilmember Carolyn M. Doughty, Gulf Shores; Councilmember Edward H. Carroll, Sr., Orange Beach; Councilmember Brentley Kendrick, Robertsdale; Councilmember Newton Cromer, Saraland; Mayor Jerry B. Andrews, Andalusia; Councilmember Janet May, Montgomery; Mayor Bob Bunting, Ozark; Councilmember Andy Gilland, Ozark; Councilmember Winston T. Jackson, Ozark; Councilmember Gary Moore, Tallassee; Councilmember Ray Edwards, Valley; Councilmember Dianne Prestridge, Arab; Mayor Roy Dobbs, Berry; Councilmember Ben Reed, Gadsden; Mayor Phil Segraves, Guin; Councilmember Frita Fears, New Hope; Councilmember Jesse Matthews, Sr., Bessemer; Councilmember Tyrone Brown, Uniontown.

Resource advisors present included: Bob Young and Cindy Yarbrough from the U.S. Department of Housing and Urban Development (HUD); Beverly Helton from USDA Rural Development; Lee Sentell from the Alabama Bureau of Tourism and Travel and Shabir Olia from the Alabama Department of Economic and Community Affairs (ADECA). Also present was City Manager, Sam Gaston of Mountain Brook, technical advisor of the committee and Lori Lein, Deputy General Counsel for the Alabama League of Municipalities, secretary of the committee.

Following the roll call, Chair Moore advised the committee that Vice-Chair, Mayor Dan Deason of Scottsboro, would be unable to attend due to the death of a family friend and that he sent his regrets.

Bob Young, Region IV Regional Director of HUD addressed the committee first. Mr. Young sent greetings to the committee from HUD Secretary Alphonso Jackson and expressed his thanks for being invited to attend the committee meeting. He was excited to report that he would be awarding a large check to Tuskegee University this afternoon as part of HUD's program for historically black colleges and he was grateful the event coincided with attending the committee meeting. He specifically wanted the committee to be aware of HUD's Faith Based and Community Initiative

and introduced Teresa Chappell to discuss the program. Ms. Chappell said the initiative provides funding to local non-profit organizations for social services. The program is not about proselytizing but, rather, providing services to the poorest of the poor in our communities. For more information on the program, contact John Gemmell with the Birmingham HUD office at (205)731-2630, ext. 1010.

Mr. Young next addressed programs available through HUD relating to affordable housing; specifically, the FHA Secure program to assist people in danger of losing their homes due to the current mortgage industry problems. According to Mr. Young, Congress is currently working on modernizing FHA to further help people in the current mortgage environment. He next introduced Cindy Yarbrough, Birmingham Field Office Director, who discussed HUD's programs and provided a handout with HUD contact and resource information. Ms. Yarbrough reminded the committee that HUD was about more than sticks, bricks and mortar and provides programs and resources for the homeless, the elderly, people with disabilities and people living with AIDS. She encouraged the committee to make use of the resources and information available at www.hud.gov.

After some questions and answers, discussion was held regarding problems faced by municipalities in dealing with issues arising from Section 8 housing including absentee property owners and tenants in the housing who are unable to properly maintain the property. Mr. Young said that if the League established a committee to develop written concerns and suggestions he would address the issue as necessary through his office and in Washington D.C.

Beverly Helton from USDA Rural Development addressed the committee next. She pointed out that USDA Rural Development was, in fact, associated with the Department of Agriculture but had nothing to do with agriculture, forest fires or food stamps. Rather, USDA Rural Development is about increasing economic opportunities and improving the quality of life for all rural Americans. Ms. Helton discussed the various programs available through USDA Rural Development including their Housing and Community Program – their only program available to individuals that assists with providing home buying. She then went through all of the programs that are available to governmental entities, including entities such as separately incorporated utility boards and volunteer fire departments.

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The programs include the Community Facilities Program, the Business Program, the Energy Program, the Business and Industry Program as well as other business programs including the Rural Business Enterprise Grants, Rural Business Opportunity Grants, Rural Economic Development Loans and Grants and the Intermediary Re-lending Program. Ms. Helton also discussed the success of the Business Incubator program, specifically mentioning the success of the incubator in Ozark and Troy and the newer programs in the Shoals area and the Selma area. She provided a list of municipalities who received funding in 2007 which amounted to approximately \$10.8 million. USDA Rural Development made no specific recommendations to the committee for its policies and goals but pointed out that many of the programs mentioned in the policies and goals could be funded in part with USDA Rural Development money.

Lee Sentell from the Alabama Bureau of Travel and Tourism addressed the committee after a short recess. Mr. Sentell provided a handout to the committee titled "100 Dishes to Eat in Alabama Before You Die" which was warmly received by the committee. He was pleased to announce that the Governor had designated 2010 as the "Year of Alabama's Small towns and Downtowns". The designation follows along with the Bureau's annual campaigns, including the Year of Alabama Food, the Year of Outdoor Alabama and the Year of Alabama Arts. He said these award winning campaigns are all about making Alabamians proud to live in Alabama. 2008 will be the Year of Alabama Sports and 2009 will be the Year of Alabama History. Mr. Sentell encouraged the committee to consider a policy encouraging municipalities to participate in the 2010 campaign and encouraged the League to be a sponsor of that campaign.

Shabir Olia of the Alabama Department of Economic and Community Affairs (ADECA) was the final resource advisor to address the committee. He addressed the committee's concerns and issues over Section 8 housing as discussed earlier with Bob Young from HUD and pointed out that the CDBG program was about building neighborhoods, not destroying neighborhoods and encouraged the League to proceed as recommended by Mr. Young. Mr. Olia pointed out that in 1982, when the CDBG program began, Alabama received \$33 million dollars to distribute and in 2007 the program received only \$26 million dollars. With inflation and population increases, Alabama essentially received 30 percent less than it received in 1982.

After reviewing some of the programs available through the CDBG program, Mr. Olia encouraged the committee to consider a policy urging Congress to support the CDBG program and increase funding resources for the program. He concluded by pointing out that ADECA has other programs in addition to the CDBG program which might be of use for

municipalities. Specifically, he mentioned the Emergency Shelter Grant Program and encouraged people to contact ADECA for further information. He also expressed concerns about the future of the CDBG program and suggested the committee adopt or amend its policies to suggest that Alabama's Congressional Delegation actively support the continuation of the program and its funding.

At 11:30 a.m., Chair Moore thanked the resource advisors for their presentations. After some discussion on the issue of Section 8 housing problems, Councilmember Jesse Mathews moved that the CED committee recommend to the League that a special committee be established to look at the issues facing municipalities with Section 8 housing and make recommendations to HUD as per Bob Young's recommendation. The motion was seconded by Councilmember Edward Carroll and the motion carried. The committee next turned its discussion to the policies and goals. The committee made the following recommendations for amendments to existing policies and goals as well as the following addition of new policies and goals.

Amended Policies and Goals

C-1.12. That municipalities are encouraged to individually evaluate establishment of historic preservation authorities and commissions, to inventory local cultural and historic assets, and to initiate other locally-based historic preservation initiatives. Further, municipalities are encouraged to consider the Alabama Historical Commission's Local Government Program as a source of funding for such inventories and to consider any eligible properties identified by the inventory for placement on the National Register of Historic Places. (amended September 2007).

C-3.5 That the League support the legislation which would establish a uniform state building code patterned after or identical to the International Building Code. (September 2005)

C-4.7 Recognizing that construction costs have increased while Community Development Block Grant (CDBG) funding has been reduced, the League strongly urges our Congressional delegation to continue actively supporting the CDBG program and to allocate increased funding to Community Development Block Grants the CDBG program. (amended September 2007)

C-4.12 The League urges ADECA to ~~continue to~~ actively consider a much larger funding level for the small and large city categories of the CDBG grants in a manner that will provide a more equitable distribution of funds between small and large municipalities. (amended September 2007)

C-4.13 That the League encourages Congress to increase funding to the State's Scenic Byway Program to promote tourism and economic development in areas along designated byways in Alabama and encourages municipalities to consider identifying and applying for scenic

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Committee Minutes

Human Development

By: Twanna Walton, ALM

The Committee on Human Development of the Alabama League of Municipalities met at the League headquarters in Montgomery, Alabama, on Friday, September 21, 2007. Councilmember Isabell Boyd of Brundidge, Committee Chair, called the meeting to order at 9:07 a.m. She began by welcoming all those present and introducing the League Director, Mr. Perry Roquemore, and the Human Development Committee Acting Secretary, Twanna Walton. She then asked the Secretary to call the roll.

The following persons were present: Councilmember Isabell Boyd, Brundidge, Chair; Councilmember George Evans, Selma, Vice Chair; Councilmember Henry Barnes, Bayou La Batre; Mayor Clark Cathey, Elberta; Council President Howard Rubenstein, Saraland; Mayor James E. Grimes, Elba; Councilmember Jannie C. Jordan, Hurtsboro; Councilmember Sadie Britt, Lincoln; Councilmember Patricia S. Pike, Lincoln; Councilmember James Harris, Wedowee; Councilmember Wayne Sellers, Guntersville; Councilmember Tayna Rains, Dutton; Mayor Tom Henderson, Center Point; Mayor Charles W. Penhale, Helena; Councilmember Edward Scott, Adamsville; and Councilmember Alberta Dixon, Thomasville.

Also present were state agency resource advisors: Mr. Tony Thacher, Alabama Department of Education; Mr. J. Walter Wood, Alabama Youth Services; Mr. Ray Clenney, Alabama Department of Economic and Community Affairs; and Ms. Julie Miller, Alabama Department of Senior Services.

The first resource advisor to speak was Mr. Tony Thacher of the Alabama Department of Education. He began by saying that, thanks to Dr. Martin, the Alabama Department of Education's mission statement had been reduced from twenty-six pages to a one page statement and a diagram titled the "Educational Ruler: Making and Measuring Progress Grade by Grade".

This ruler was based on criteria established by the studies of J. Schmink, professor at Clemson University. From these findings, the Alabama State Board of Education has established a policy that every student should have: (1) safe and disciplined schools; (2) quality teachers; (3) a challenging curricula; and (4) effective school leaders. The Educational Ruler states that such criterion prepares students for college, work and adulthood in the 21st century. He also said that six states have used results from 3rd grade literacy rates to best determine the prison needs when a class

graduates from high school. Mr. Thacher stated that every class of high school dropouts costs the nation \$6.8 billion dollars in lost tax revenues.

Mr. Thacher then addressed the Human Development Committee's Policies and Goals, as they related to the Board of Education's Educational Ruler. He commended policy position H-3.4, which relates to state and local governments providing funding in the area of arts and cultural programs. He said that it was very important that students participate in the arts. Such participation impacts different parts of the brain and increases one's brain power. As a result of encouraging this effort, the Alabama Department of Education began the Alabama Black Belts Arts Initiative. The purpose of this initiative (via grant funds) has been to assist in upgrading the arts and cultural facilities in some of Alabama's cities and towns.

The next policy positions Mr. Thacher addressed as they related to the Educational Ruler were H-3.5(b) and H-3.12. These two policy positions speak to the need for adequate funding of public libraries in Alabama and adequate training and accessibility of computers throughout the state for all teachers. The ALEX program was established to provide a means of accessing library resources remotely. This distance learning initiative has become an excellent online learning opportunity. The ALEX website is www.alex.edu.

Regarding these same two policy positions, Mr. Thacher also mentioned the Access program, a distance learning initiative that has landed across the nation. He also mentioned the AP Grant program, which offers college preparatory courses to Alabama's high school students. The ACT program informed the Board of Education that these programs are necessary for attaining competitive ACT scores for high school students. Mr. Thacher stated that the \$13 million AP Grant program was the largest grant that the Alabama Board of Education had received this year. Should a student pass an advanced placement (AP) course – they would receive college credit.

Mr. Thacher also mentioned the Technology Initiative (which is addressed in policy positions H-3.5(b) and H-3.12). This initiative enables students to have the experience in major corporations and the leadership of highly qualified teachers to enable them to develop their skills for college and their future careers. He also addressed policy position H-5.1 which addresses industrial and technical training for students. The Teach Alabama program brings career

technology education to high school students in Alabama and assists students who may not be on a technological track of study, but would still be equipped to manage in the workforce. The Alabama Board of Education's Alabama Talents program is the only state agency program in the United States to be certified. This initiative was established to provide an ample workforce to meet the job demands coming to the state.

Mr. Thacher informed the Committee of the Statewide Mentoring Program. This initiative was established as a supportive effort to assist first-year teachers. He also told about a statewide working program established in February of 2005 to determine the type of support a particular school needs.

Councilmember Isabell Boyd, Committee Chair, asked if there is a way to get rid of bad teachers. Mr. Thacher responded that it is hard to change the tenure process in the school system and that the current evaluation system was not working. The PEPE program has been designed to take the standards required for teaching (based on the particular grade) and give written evaluations to teachers. This process enables principals to see which teachers are exceptional, simply doing their jobs or not doing their job.

The next speaker was Mr. J. Walter Wood from the Alabama Department of Youth Services who discussed: (1) the structure of his department; (2) the administrative and decision process; and (3) the challenges his department faces. The Alabama Department of Youth Services is governed by an 18-member board comprised of various agencies including: senators, representatives and agency heads (such as DHR, Mental Health). The governor appoints one person from each congressional district.

Youth Services functions from a regulatory position. A class action lawsuit resulted in more beds and more youths in state custody to the extent that there are more than 1,000 kids in facilities. Previously, the Department of Youth Services was strictly an institutional business. Now, thanks to a strong desire to involve all parties working with youth serving time, \$15 million dollars is given back to towns, local children's policy councils, etc. to target challenges unique to their community and work with the local judges, public defenders, etc. to determine exactly what can be done to help one's local community.

Mr. Wood said that last year was a particularly good year for his department during the legislative session, where \$4 million dollars was given for community support efforts. The large financial support came from the Legislature to enable funds to be funneled back to the communities to help keep kids out of trouble versus work to fill more beds. Counties, such as Shelby County, used their allocated funds for a Develop Alabama Youth Day.

According to Mr. Wood, there are too many youth being

incarcerated who haven't committed a state offense. Many of these youth come from families who could no longer handle them. This is why programs such as CHINS (children in need of supervision) have been established. This effort was not established to give money back to the state, but to put the money back into the communities. These funds assist communities in establishing after school programs, Boy's and Girl's clubs and other programs designed to keep children off the streets in their neighborhoods. He added he has seen wonderful progress in places such as Mobile, which has provided programs in conjunction with their mental health department and their Girl Scout program.

Mr. Wood added that his department is working hard to develop facilities which house only children under 18 who have committed crimes. Unfortunately, this is not the case at this time. Serious juvenile offenders receive a minimum of a one year sentence. This comprises less than 5 percent of the population; this year it was only 1 percent. The rest of the population consists of kids who have not committed violent crimes. These are children who have skipped school, etc. and their parents, the schools and judges are just tired of fooling with them. These children could have been helped at home, but are now put in state custody with gang members from larger cities and they come out after serving their time worse than they were when they entered the facility because of their exposure to those involved in more serious criminal behavior.

A third challenge Mr. Wood said his agency is addressing involves circumstances where some children in custody have had premarital sex with a friend, gotten caught and are now regarded as juvenile crime sex offenders. Within this same vein there are some cases where children as early as 10 years old may have been sexually inappropriate but are now regarded as 'rapists' or housed with actual rapists. Mr. Wood stated that his agency is working to set up another facility to separate the younger children (10 years old, etc.) in state custody from youth who are as old as 17. The Legislature tapped into \$11 million dollars of bonds being issued in an effort to build a separate facility for young sex offenders and for girls.

Mr. Wood also touched on the danger of what he called "wholesale institutionalized care" based on the idea that no one can raise your children like the child's very own family. He commended counties such as Escambia County for establishing an after-school program for 200-300 of the children in the county. The Children's Policy Council has created a list as to what various cities and towns need. He encouraged the Committee to reconsider their attitude about children who are in trouble.

Mr. Ray Clenney from the Alabama Department of Economic and Community Affairs' Workforce Development Division was the next resource advisor. His agency is

funded under the Workforce Investment Act. It operates under federal law and regulations and receives very little state funding. He also said that the amount his department receives is based on a formula for workforce development which assists adults, youth and dislocated workers.

Mr. Clenney shared with the committee that over the past 30 years, the amount of federal funds given to his department had declined. In 1976, \$100 million dollars was allotted to his department. These funds were primarily used to fund the public service employment workforce program. During the 1980s and 1990s the amount of federal dollars was reduced to \$50 million dollars. This year, Mr. Clenney said his department was only given \$37 million dollars from the federal government for workforce development in the state of Alabama. This budget is used to provide service at the forty-two career centers throughout the state of Alabama. Five career centers are located in the Jefferson county area, and one center is located in every other county. Services include providing assistance to dislocated workers of businesses which have closed throughout the state of Alabama. The career centers also work with those persons who have been laid off and only have their existing career skills that will not allow them to move forward. This effort also includes providing job training. Mr. Clenney added that to help individuals help themselves ultimately helps the economy.

He said that people came for service at one of the area career centers one million times last year. He also mentioned the Incumbent Worker Training Program where a career center receives an application from a company that needs help due to their plant closing. Individual training is also extended; particularly in offering assistance at two-year colleges throughout Alabama. He said that when a plant closes, a Rapid Response Team works with those workers who will be displaced and informs them on various matters such as pension programs.

Mr. Clenney also told the Committee of an economic consortium between Alabama and Mississippi. Fifteen million dollars was received for this grant. This wired grant was a workforce innovation established to help move the workforce in the direction where the economy has a need. This is being done to help a region find its particular niche. A similar program has also been established in North Alabama and South Tennessee. He said cities can become involved by participating on one of the state workforce investment boards or on one of the 10 local regional advisory councils, which advise state boards.

The last speaker was Ms. Julie Miller from the Alabama Department of Senior Services. She currently works as the Department's Program Division Chief and has enormous experience with the local area agencies. She said the federal government will soon not be available to address the needs

of seniors. This matter would soon be the responsibility of not just the federal government, but the state and the local governments. Ms. Miller also added that there needed to be a lot more cooperation between agencies.

Ms. Miller informed the Committee that her department's budget was only \$17 million dollars for this year. She said the Department of Senior Services would not be able to do its job without local partnerships. There are 13 local area agencies on aging and the state monitors funds from the federal government and any plans that these local area agencies may have. She also added that there had been no cuts in federal or state funding. One problem she did discuss was the increasing elderly population in Alabama – yet no monies to service this increasing number. The amount only covers the cost of living, which does not financially allow for any new programs. She also commented on the decreasing number of individuals eating at senior centers. The larger numbers come from those who are home-bound who need community services. The focus will be on the 'real' needs of seniors. Those interested can visit www.datasbase.org.

The Chair thanked every resource advisor for their participation. After engaging in lengthy discussions about its policies and goals, the Human Development Committee made several policy changes to the Human Development Policy Statement. Councilmember Wayne Sellers of Guntersville moved adoption of the changes, and Council President Howard Rubenstein of Saraland seconded the motion. The statements were approved. There being no further business, the meeting adjourned at 12:10 P.M.

New Policies

H-1.1 (f). That the League urges the Alabama Congressional delegation to support passage of the Wellstone Act.

H-3.18. That the League requests the Alabama Congressional delegation to support amendments to revise the "No Child Left Behind Act".

H-3.19. That the League supports the Alabama Department of Education's continuing efforts to review and improve the state's teacher tenure laws.

H-3.20. That the League encourages state and local school boards to apply for the "Cops and Schools" grant.

H-6.12. That the League supports the state's efforts to correct the problems of youth obesity and urges consideration of youth physical education in the schools.

H-7.8. That the League encourages municipalities to participate in the "National Night Out" program designed to help communities stand up against crime and drugs.

Amended Policies

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

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by Mayor Charles O'Rear of Attalla.

Proposed Changes Transportation, Public Safety and Communication Policy Committee

Amend **T-1.7** to read: "The League strongly urges full-speed construction and completion of the Memphis to Atlanta Highway to go through North Alabama. The League strongly urges the construction of a Montgomery to Meridian Highway using Highway 80 and Highway 14 to connect to I-85. The League also urges construction of a North-South corridor from the Tri-Cities area to Mobile.

Add **T-1.13** to read: "The League supports stronger enforcement of laws concerning transportation of steel rolls."

Add **T-1.14** to read: "The League supports the establishment of a direct Northerly route for Hurricane Evacuation."

Add **T-1.15** to read: "The League encourages the timely completion of I-759-W to Ala. Hwy. 77 and requests the Ala Highway Department include this in its 10 year plan."

Amend **T-2.1** to read: "Under the Transportation Equality Act for the 21st Century Safe Accountable Flexible Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), smaller municipalities must meet traffic standards as set by the Alabama Transportation Department for such items as pavement markings, traffic flow, parking and similar requirements. The League encourages the Alabama Transportation Department to develop lenient standards appropriate to the circumstances where permitted by federal legislation. The League encourages the Alabama Congressional delegation to re-examine ~~TEA-21~~ SAFETEA-LU to allow states more flexibility in developing traffic standards.

Amend **T-3.2** to read: "The League encourages continuation of state maintenance of federal-state primary routes through cities and towns where interstates parallel them."

Amend **T-3.3** to read: "That the League petitions the Alabama Transportation Department to interpret its duties under Section 23-1-110 through 23-1-113 of the Alabama Code of 1975, to permit the maintenance of municipal streets which are used as alternate routes when a connecting link roads becomes inaccessible to truck traffic due to an obstruction or DOT construction."

Amend **T-5.1** to read: "The League urges the protection of the public at grade railway crossings and the construction of a minimum number of viaduct and subgrade crossings to insure access of emergency vehicles to all parts of the community. (a) That the League urges the railroad industry to make every effort to keep from blocking traffic unnecessarily at railroad crossings. (b) That the League express serious concern for the manner in which railroad tracks are maintained within municipal limits and invites legislative attention to making railroads subject to punitive damages where evidence shows negligence in maintenance of tracks."

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

Amend **T-9.1** to read: "The League supports preservation of the authority of municipalities to levy and collect local gasoline taxes and also preservation of the state-shared gasoline tax distribution to cities and towns in its present form."

Amend **P-4.1** to read: "That the League urges municipalities wishing to lend aid to sister municipalities during times of disaster contact their local Emergency Management Office and then contact the State Department of Emergency Management before sending materials or manpower to stricken areas." ■

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~~in all 67 counties.~~

H-3.4(b). That the League encourages local governments to consider using local arts and humanities programs as rehabilitative outlets in such areas as special education programs, drug abuse clinics, **adult daycare centers**, jails and prisons, and counseling centers.

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

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

H-6.9. That **the League urge Congress to continue and expand the “All Kids” health program. Further, t**The League strongly urges local municipalities to take the lead in promoting and encouraging enrollment in the “All Kids” health program to those children who do qualify. (September ~~2006~~ **2007**) ■

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byway designation for applicable roadways. (amended September 2007)

New Policies and Goals

C-1.19 That the League seek legislation to amend Section 11-52-30(b) of the Code of Alabama relating to subdivision regulations to allow any municipality with a city engineer, whether employed full-time or by contract, to approve subdivision regulations in lieu of the county engineer. (September 2007)

C-2.10 That the League become an official sponsor of the Alabama Bureau of Tourism and Travel’s 2010 Small Towns and Downtowns Campaign. (September 2007)

All the above changes/additions were moved for approval by Mayor Roy Dobbs of Berry and seconded by Mayor Phil Segraves of Guin. The committee then unanimously approved the motion. Chair Moore thanked the committee members for their participation and adjourned the meeting at 11:45 p.m. ■

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Photo Format:

Entries should be **vertical**, color images and submitted in JPEG or TIFF format in a resolution high enough for print quality purposes. Photos must be submitted on a cd. The page size is about 8.5 x 11 and the image should be at least 150 dpi at this size (1,200 x 1,500 pixels), although 300 DPI (1800x1200 pixels) is preferred. **Submissions that are not print-quality size will be disqualified.**

Return of Photos

Photo files will not be returned. Please do not send your only file of a photo.

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ALL ENTRIES MUST BE SUBMITTED BY NOVEMBER 16, 2007

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