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**JOURNAL**

December 2008

Volume 66, Number 6

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# The Alabama Municipal JOURNAL

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December 2008 • Volume 66, Number 6

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## Contents

<i>A Message from the Editor</i> .....	4
<i>The Presidents's Report</i> .....	5
Alabama Officials Elected to NLC Board	
<i>Municipal Overview</i> .....	7
Year End Executive Committee Meeting Minutes	
<i>The Legal Viewpoint</i> .....	9
The Municipal Police Force	
<i>Company Profile: NAFECO</i> .....	15
<i>League Staff Responds to Thousands of Election Calls</i> .....	19
<i>Legal Clearinghouse</i> .....	20
<i>2009 Premium Discounts Available from MWCF</i> .....	23
<i>Remarkable Recycling Facts: Paper</i> .....	23
<i>AMROA Membership</i> .....	24

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# A Message from the Editor

Much of my childhood and adolescence was spent in a True Value Hardware in rural southeastern North Carolina. Owned and operated by my mother, she built her store from the ground up when I was 9 and my brother was 7. It was a large, unremarkable, olive-colored metal box of a building located about a mile and a half north of our town's only stoplight. Armstrong's True Value was a beacon to those in hardware distress. Mother's clientele consisted mainly of hard-working country folk – dusty farmers forever in need of a thingamajig, doohickey or whatchamacallit as well as cotton mill workers, school teachers, preachers, mechanics, the rare electrician and plumber, a slew of do-it-yourselfers and, of course, the never-ending supply of “kin” – blood relatives, like it or not. Many of her established customers lived in the surrounding county, a farm-washed area of more than 800 square miles and 30,000 people.

In a time before widespread credit card debt, Wal-Mart on every corner, Internet commerce and daily UPS home deliveries, Mother's humble store was the quintessential resource for everything from paint to plumbing, fasteners to fertilizer, sandpaper to seeds – and the perfect setting for jawing over an icy Coca-Cola and a moon pie. The glass bottle vending machine was stocked with Coke, Tab, Sun-Drop and a choice of Grape or Orange Crush. An assortment of nabs, oatmeal cream pies, peanuts and moon pies was available for purchase by the cash register, which was really nothing more than an oversized calculator with a money drawer. Weather-worn farmers in faded overalls would frequently stop in for a cold drink and a quick reprieve. For that purpose, Mother strategically placed several upturned logs near the checkout counter to serve as make-shift stools – so her customers could sit just long enough to finish their Coke without paying a 10-cent deposit on the bottle.

Open six days a week from 8:00 a.m. until 5:00 p.m., True Value was my after-school stomping ground. If we weren't suffering through homework, my brother and I stocked shelves, swept floors, cleaned windows, fought over reloading the Coke machine and assisted customers (as best we could). In the spring and summer months, we helped move a variety of vegetable plants and assorted flowers outside to the front of the store each morning and back inside each evening. Sometimes we'd visit with the lawn mower and small engine mechanic who had a shop at the back of the store. Other times, we'd catch tadpoles in the big ditch along the far side of the property.

Shortly after opening her True Value, Mother became a Sears Catalog agent and dedicated the right front quadrant of the store for that purpose. A long counter was located adjacent to checkout and designed to display catalogs on either side so the customer could easily flip through the various publications while the clerk (which was Mother; her one full-time employee; my Dad on Saturdays; or me when I was old enough) followed along on the other side and recorded the items for purchase on a special order form. Opposite the counter were adjustable metal shelves along the front wall where the Sears packages were stored alphabetically by last name for customer pickup. Hanging overhead from clothesline wire would be any number of two-sided Sears flyers announcing the current promotion: “National Home Appliance SALE!”, “Back to School SALE!” or something equally impressive and appropriate depending on the time of year.

The catalog counter was my favorite area of the store. I had zero interest in tools, paint, plumbing fixtures and hardware doodads, but I really enjoyed looking through the “Big Book” catalogs and helping customers with their orders, via phone or in person. All our clothes came from the Sears catalog, as my family had neither the time nor the proximity for actual shopping excursions. The Sears “Christmas Wish Book” was highly anticipated each year by my brother and me as well as several cousins who were also our playmates. During the weeks leading up to Christmas, we'd meticulously study its enchanted pages, circling pictures of the fabulous

trifles and marvelous playthings we hoped to receive from Santa. Two or three coveted selections were always waiting near the tree Christmas morning.

This holiday season, as you hang wreaths, decorate trees, wrap piles of presents and prepare for family and friends, take a few moments to close your eyes, breathe deeply and think back to your own childhood. What do you see? I see myself lying on my belly in front of the wood heater in our den, circling items in the Sears Wish Book with great anticipation ... *Merry Christmas and God bless!*



Carrie

# The President's Report



Melvin Duran  
Mayor of Priceville

## Alabama Officials Elected to NLC Board of Directors During 2008 Congress of Cities in Orlando

The National League of Cities (NLC) is governed by a Board of Directors, made up of the president, first vice president, second vice president, all past presidents still in government service and 40 other members. Twenty members of the Board of Directors are elected each year during the Annual Business Meeting to serve two-year terms. In addition, the president, first vice president and second vice president are elected to one-year terms during the Annual Business Meeting.

Cynthia McCollum, former councilmember from Madison who has been extremely active with the League for nearly 20 years, gave one of two key-note

addresses during the opening session on November 13. Cynthia was the first elected official from Alabama to serve as president of NLC. She ended her term 12 days early when she left elected office on November 3.

Councilmember Debbie Quinn of Fairhope began the second half of her two-year term on the NLC board and Mayor Jim Byard of Prattville was elected to a two-year board position during the Business Meeting on Saturday, November 15. Both Debbie Quinn and Perry Roquemore, our executive director, served on NLC's Nominating Committee this year.

Our League is also fortunate to have two members serving on the NLC Advisory Council: Mayor Ted Jennings of Brewton and Mayor Leon Smith of Oxford. The Advisory Council is composed of municipal officials who have served a term on the NLC Board of Directors and who continue to serve in elected office. The local elected officials who make up the Advisory Council play an instrumental role in guiding NLC's efforts and meet at least twice a year to discuss and chart new progress regarding NLC's agenda.

In addition to the elected leadership and the Advisory Council, NLC relies on standing committees to develop municipal policy and explore issues which are critical to our nation's cities and towns. A number of Alabama officials have been active on various NLC committees and I encourage each of you to consider serving on one of NLC's policy and

*continued on page 22*



Cynthia McCollum, NLC immediate past president and former Madison councilmember addressed delegates during the Opening Session on Nov. 13 at the Congress of Cities in Orlando.

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# Municipal Overview



Perry C. Roquemore, Jr.  
Executive Director

## Year End Executive Committee Meeting Minutes

The Year End Executive Committee Meeting of the Alabama League of Municipalities was held on Thursday, October 16, 2008. The meeting was presided over by Mayor Melvin Duran of Priceville, League President. Mayor Charles Murphy of Robertsedale gave the invocation.

Mayor Duran thanked members for being present following a tough election year. He stated that his hat was off to those who become involved in public service and feels our state is well represented by many dedicated municipal officials who undertake a difficult job where the rewards are not so great. Vice President Roy Dobbs, Mayor of Berry, encouraged all public officials to pull together and make their community a better place to live. He asked for continued support and prayer in these trying times.

The President called upon Council Member Cynthia McCollum of Madison, President of NLC, to present a report on recent activities of the National League of Cities. She stated that there is currently a monetary crisis across the country. People are finding it difficult to obtain credit. The Big 7 Group of state and local government associations met in Washington to point out to the leadership that state and local governmental are "where the rubber meets the road". NLC and other local government groups have asked both campaigns to establish an Office of Local Government Affairs. Both campaigns have promised to do so.

She also announced the new NLC Drug Card Program which would allow NLC direct member cities and towns to obtain discount drug cards and distribute them to their citizens. The cards are free and will assist uninsured or underinsured citizens with the cost of their medications. She invited all members to attend the 2008 Congress of Cities in Orlando, Florida, on November 11-15<sup>th</sup>.

Mr. Joe Garrett of the Alabama Department of Revenue was introduced. Mr. Garrett was asked to attend the meeting to give some insight on the 60% drop in Financial Institution Excise Taxes (FIET) which are shared with municipalities. He said that the percentage drop varied by municipality due to local banking conditions. The payments are made in March and July of each year. He said that if your local bank is a branch of a statewide bank, your FIET taxes are determined on the taxes paid by the bank on all branches throughout the state. He pointed out that refunds requested by one bank could eat up the tax paid by the parent bank.

During the discussion, it was suggested by members of the committee that the League investigate the possibility of amending the law to provide that net operating losses be carried forward rather than as currently handled. Such a change in procedure would help cities to budget FIET tax revenues.

During my report, I reminded committee members that the NLC Congress of Cities will be held in Orlando, Florida, on November 11-15, 2008, at the Orlando World Center Marriott. If you would like to read more about it you can go to the NLC website **[www.nlccongressofcities.org](http://www.nlccongressofcities.org)**. The Alabama reception will be on Friday, November 14<sup>th</sup> from 5:30 to 6:30 p.m. A mail out has been sent to all registered attendees so that they can register for this event. The board endorsed the candidacy of Mayor Jim Byard, Jr. of Prattville for a seat on the NLC Board of Directors. Council member Debbie Quinn of Fairhope currently serves on the board.

I reported that municipal elections were completed with the runoff on October 7th. When the League receives all of the results from our membership, we will publish the information on the web site and also publish a new Directory of Officials.

*continued on page 17*

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# The Legal Viewpoint

By Tracy L. Roberts  
Assistant General Counsel



## The Municipal Police Force

The Code of Alabama gives the municipal council the authority to organize and establish a police force under the general supervision of the chief of police. Many municipalities have their own police department and many rely on the Sheriff's Department for law enforcement. A county is not responsible for police protection within municipalities, located within the county, that have established their own police force. Further, the sheriff does not have a duty to enforce municipal ordinances. AGO 1998-188.

Alabama law gives sheriffs and their deputy's law enforcement authority over the entirety of their respective counties. This authority is not limited or restricted inside the city limits of a municipality that is located within the sheriff's respective county. A county sheriff is not required to obtain permission or prior approval of a municipal government or police department before it may perform law enforcement operations within the limits of a municipality. If a speed limit is set by state statute or by the Alabama Department of Transportation, a citation could be prosecuted as either a municipal offense (where state offenses are adopted by reference) or a state offense. But if the posted speed limit was set or altered by municipal ordinance, the case would have to be initially prosecuted as a municipal offense. AGO 2008-063.

Section 11-43-16, Code of Alabama 1975, authorizes municipalities to hire deputy sheriffs as part-time police officers. Absent a county personnel rule prohibiting such service, a deputy sheriff may serve as a part-time police chief while he is off duty from the county. AGO 1994-023. A municipality may not contract with a sheriff to provide police protection where the contract delegates to the sheriff the municipality's police power. AGO 1991-317. A municipality may not contract with a sheriff to provide police protection in a portion of the police jurisdiction, if the contract would, in essence, delegate the municipal police power to the sheriff. AGO 2000-050.

A municipality may authorize its chief of police to enter into a contract with other municipalities for the creation of a unified investigative agency to investigate major felonies

occurring within the municipalities which are parties to the contract. AGO 1988-334. However, a municipality may not contract with another municipality to provide police protection and enforce the second municipality's ordinances. AGO 1996-080. There is no statutory authority for one municipality to contract with another municipality for police protection services. AGO 1991-105.

Municipalities have no authority to impose a fee for providing police protection. AGO 1993-164. A city cannot appropriate funds to subsidize a contract between a detective agency and the City Merchants Association. But, the city may contract with the detective agency to provide police protection. AGO 1982-583 (to Hon. John H. Smith, September 30, 1982). A city may organize a reserve police force of private citizen volunteers who have no powers of arrest other than those of private citizens generally. However, the city is liable for the torts of its reserve police officers under the doctrine of respondeat superior. AGO to Hon. Morgan Reynolds, November 3, 1976.

Pursuant to Section 15-10-7, Code of Alabama 1975, a private person may arrest another for any public offense and take him without unnecessary delay before a judge or magistrate, or deliver him to a state or local law enforcement officer, who must take the arrestee immediately before a judge or magistrate. However private citizens who make such arrests do not enjoy the immunity from tort liability that covers a law enforcement officer. *See*, Section 6-5-338, Code of Alabama 1975.

### Basic Authority

The creation of a police department is at the discretion of the municipal governing body. The basic authority for municipalities to establish a police department is found in Section 11-43-55, Code of Alabama 1975, which states that "...the council shall have power to establish a police force and to organize the same under the general supervision of the chief of police, and to provide one or more station houses and to require all things necessary for the maintenance of an efficient police department."

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shall have general supervision and control over all other officers and affairs of the city or town, except as otherwise provided in this title..." Section 11-43-81, Code of Alabama 1975. The council may not assume direct control over the police department. AGO to Hon. A.J. Cooper, May 6, 1977. The city council may give city police officers the duty of serving as watchmen in the city jail. AGO 1979-220 (to Hon. William Anglin, June 11, 1979). A city may require all of its police officers to reside within the limits of the municipality. AGO 1982-018 (to Hon. Kelvin Cumbie, October 20, 1981). A city may purchase a mobile home in order to provide living quarters for the police/fire chief and his family so that the city may provide adequate police and fire protection to its citizens. The provision of living quarters will be deemed a portion of the compensation of the police/fire chief. AGO to James O. Powell, November 1, 1976. A city and a member of the City Police Department, may enter into a rental agreement allowing the officer to live rent-free in a mobile home owned by the city and located on city property in exchange for the officer providing security for the city property during the officer's off-duty hours, when the arrangement is subject to a rental agreement made a part of the officer's employment contract with the city, and clearly sets out the obligations of all parties concerned; and further, where a public interest is served. AO NO. 2007-06

### **Police Chief**

Section 11-43-5, Code of Alabama 1975, authorizes the municipal governing body to appoint a chief of police and to prescribe the duties of the chief. Ordinances and resolutions relating to the establishment and organization of a police force take precedence over the executive power of the mayor in policy matters. AGO 1984-153 (to Hon. Roger D. Burton, February 3, 1984). A mayor cannot prevent a police chief from performing his duties as a law enforcement officer by ordering him not to arrest a person or by ordering him to "drop charges" against certain persons. The mayor does have the legal authority to remit fines and costs, commute sentences, and grant pardons following conviction for violation of municipal ordinances. AGO to Hon. Hayden R. Battles, March 29, 1976.

The mayor may appoint the police chief where the ordinance is silent as to appointing powers. The council may appoint the police chief if power is retained. AGO to James E. Hart, March 29, 1973. The mayor may not appoint an assistant police chief unless the council passes an ordinance giving him authority to do so. AGO to Hon. Paul Shipes, March 4, 1974. If there is no civil service or merit system provision to the contrary, a municipality may contract with a corporation for the services of an individual to perform the duties of police chief. AGO 2001-104.

The chief of police holds an office of profit. *See*, AGO to

Hon. Larry Moody, November 18, 1975. A councilmember may not serve as a police officer for the municipality he or she serves, even if there is no compensation for acting as a police officer. AGO 1997-115. A person may not serve on the city council or as mayor pro tem for one municipality while also serving as police chief for another municipality. AGO 2002-109. The council may abolish the position of police chief and create the Department of Public Safety by ordinance, so long as the police chief is not an elected official. AGO to Hon. Ted Northington, December 13, 1973.

### **Certified Law Enforcement Officers**

The Alabama Legislature has prescribed minimum standards for police officers and these are codified in Sections 36-21-40 through 36-21-51, Code of Alabama 1975. The Alabama Peace Officers Standards and Training Commission (APOSTC) supervise the certification of Alabama law enforcement officers. Nothing requires police officers to be sworn in before making arrests, provided they have undergone the proper training. AGO 1991-314. APOSTC requires law enforcement officers to complete 480 hours of Minimum Standards training and a minimum of 12 hours of agency-approved continuing education annually. Municipal police chiefs must receive a minimum of 20 hours of APOSTC approved executive training annually. The appointment of a police officer who serves over 9 months without completing the required training is null and void. *See*, AGO to Hon. Leon T. Waits, September 22, 1975 and AGO 1983-547 (to Hon. T. Walter Oliver, Jr., September 10, 1982).

The training mandated by Sections 36-21-40 through 36-21-51, Code of Alabama 1975, is required to be reimbursed by a municipality who hires an officer within 24 months after another municipality has paid for that training. The costs of any extra training the municipality elects to provide are not required to be reimbursed by the hiring municipality. AGO 1991-195. The 24-month period for reimbursing police training costs in Section 36-21-7, Code of Alabama 1975, is computed from the time an individual completes the APOSTC training. AGO 1997-117.

Law enforcement officers are granted specific due process rights pursuant to Sections 11-43-230 through 232, Code of Alabama 1975. If a city employee meets the definition of a law enforcement officer as set forth in these statutes a city must afford that person certain due process rights and the city must establish written due process procedures applicable to any pre-disciplinary hearing. Every municipality must provide a pre-disciplinary hearing prior to the suspension or termination of its law enforcement officers, however nothing shall preclude a municipality from placing a law enforcement officer on leave with pay until the person or body holding the hearing has made a decision on the matter.



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Pursuant to Section 11-43-232, Code of Alabama 1975, these statutes do not apply to any municipality with an established due process procedure for law enforcement officers already in place on July 14, 2001, so long as the municipality has maintained that due process procedure.

Additionally, each municipality with a population of 5,000 and above according to the most recent federal decennial census must establish a merit system for certified law enforcement officers pursuant to Sections 11-43-180 through 11-43-190 of the Code. The chief of police and the deputy chief may be exempted from this merit system. These provisions do not apply to municipalities that had established merit systems as of August 23, 1976.

### **Reserve Police Officers**

Authority for establishing a reserve police force is granted by Section 11-43-210, Code of Alabama 1975. A city may organize a reserve police force of private citizen volunteers who have no powers of arrest other than those of private citizens generally. The city is liable for the torts of its reserve police officers under the doctrine of respondeat superior. AGO to Hon. Morgan Reynolds, November 3, 1976.

Reserve police officers generally serve without pay and perform some of the tasks ordinarily performed by trained police officers. However, reserve officers are not an alternative to a fully-trained force. State law limits the duties of reserve officers. But by allowing volunteers to perform the permitted functions, trained officers are free to concentrate more on the tasks they were trained to perform.

Obviously, each municipality will have to decide for themselves if reserve officers are a realistic option. Many factors will vary locally. Other considerations, though, must be examined by all municipalities with reserve police forces. This summary is intended as a guide through some of the benefits and potential pitfalls of creating a reserve police force. A suggested ordinance for the creation of a reserve police force is available from the League upon request.

### **Duties of Reserve Officers**

Section 11-43-210, Code of Alabama 1975, is very specific as to the duties reserve officers may perform. Reserve officers may patrol to detect, prevent and suppress crime or to enforce traffic laws, provided they operate under the direct supervision of a trained law enforcement officer. They may also direct traffic and render crowd control assistance at public gatherings and municipal functions.

Municipalities have no authority to grant reserve officers any additional powers. Reserve officers may not "fill in" for regular officers during off-duty hours. Unless certified by APOSTC, reserve officers have no powers of arrest beyond those possessed by all citizens. Only persons who have the

training mandated by Section 36-21-46(3), Code of Alabama 1975, have authority to arrest, under color of law, while acting as a law enforcement officer.

Prior to the adoption of Section 11-43-210, the Attorney General had ruled that reserve police officers may perform routine traffic and crowd control functions at public gatherings, may assist regular police officers in security jobs such as checking doors on businesses and public buildings, and may assist regular officers in the performance of routine patrol and enforcement activities. AGO 1988-356. Now, though, a reserve officer who is performing patrol duties must be physically accompanied by a certified law enforcement officer who maintains direct control and supervision over him or her at all times. Reserve officers whose only control and supervision by a certified law enforcement officer is by radio contact may not perform any patrol operations. AGO 1992-350.

### **Eligibility and Training of a Reserve Officer**

Section 11-43-210(b), Code of Alabama 1975, establishes the minimum standards for reserve officers appointed after April 12, 1990. Applicants must submit a written application certifying that they are at least 19 years old, of good moral character and reputation, and that they have never been convicted of a felony or a misdemeanor involving force, violence or moral turpitude. Applicants must also agree in writing to undergo a fingerprint and background search.

In addition to training reserves as to how to use a weapon, reserves should be trained regarding their duties. Adequate training is the best way for a municipality to protect itself from liability resulting from the actions of reserve officers. The better trained an officer is the less likely he or she is to negligently perform assigned duties.

APOSTC offers a training course for reserve officers. Municipalities have the option of whether or not to train their reserve officers. However, it should be noted that failure to train may be the basis for a cause of action against a municipality. In *Clanton v. Harris*, 489 U.S. 378 (1989), the United States Supreme Court held that inadequacy of police training may serve as the basis for municipal liability under Section 1983 if the failure amounts to deliberate indifference to the rights of persons with whom the police come into close contact. Training all officers, including reserves, will help prepare them for the varied situations they are likely to encounter while on active duty.

The fact that a reserve officer is a volunteer does not shield the municipality from liability. During the 1991 Regular Session, the Alabama Legislature passed Section 6-5-336(d), Code of Alabama 1975, which provides civil immunity to any public volunteer who serves without compensation. While this section protects reserve officers who serve without pay, the municipality remains liable for

the actions of its reserve officers. AGO 1993-085.

Municipal liability for reserves may be very broad. Probably the greatest potential for damages is caused by permitting a reserve officer to carry a weapon. According to Section 11-47-210(e), reserve officers may carry firearms if the required permits are obtained and the municipality consents. A reserve officer may use the weapon only to the extent allowed by municipal regulations. Municipal governing bodies should deliberate thoroughly before permitting reserve officers to carry weapons. Liability may ensue for any injury an officer causes to a third party, even if the injury is unintentional. Injuries resulting from the mishandling or accidental firing of a weapon are often severe. Damage awards are generally too hefty for this decision to be made lightly. Injuries cannot be foreseen and often result from unusual circumstances.

While space does not permit a full discussion of the potential liabilities of having reserve officers, there is no question that municipalities are liable for negligent actions committed by their reserve officers. This includes actions for state torts under Section 11-47-190, Code of Alabama 1975, and claims for civil rights violations brought pursuant to 42 U.S.C. Section 1983. For more information on the extent of municipal liability, please see the article entitled “Municipal Liability” included elsewhere in this publication.

### **Workers Compensation and Reimbursement**

Municipalities should also ensure that their workers compensation carrier covers reserve officers. Otherwise, the municipality may be directly liable to the officer for any injury he or she suffers while on duty. The League’s municipal workers compensation program covers reserve officers for an annual fee. However, some workers compensation companies do not cover reserves or volunteers.

Additionally, municipal officials should be aware that in some instances, reserve officers may be entitled to compensation from the state if they are killed in the line of duty. *See, e.g.*, Section 36-30-1, Code of Alabama 1975.

### **Selected Cases and Attorney General’s Opinions**

- The Alabama Supreme Court held that a municipality could be held liable under state law for improperly training an officer that beat a prisoner incarcerated in the city jail. *Birmingham v. Thompson*, 404 So.2d 587 (Ala. 1981).
- A police officer may not act as prosecutor in municipal court. AGO 1983-336 (to Hon. H.A. Alexander, May 30, 1983).
- Pursuant to Rule 4.3, Alabama Rules of Criminal Procedure, a municipal police officer, after arresting a person without a warrant, has the authority to cite and release the person or release the person upon

execution of a secured appearance bond in an amount set according to the established bail schedule. Security for the bond must be deposited with the court clerk. AGO 1992-152.

- A municipal council may authorize the police chief to escort local school organizations, even if this requires travel outside the police jurisdiction. AGO 1995-148.
- In municipalities with populations of 5,000 or more, the chief of police is responsible for complying with the provisions of the Community Sexual Offender Notification Act. The sheriff performs these functions in all other municipalities and in unincorporated areas. Under this Act, no criminal sex offender may reside with a child 18 years old or younger. There is no exception created for relatives or stepchildren. AGO 1996-285.
- Other than contempt violations, municipal law enforcement officers may arrest for violations of municipal ordinances where a warrant has been issued, even if the warrant is not in the actual possession of the officer. AGO 1996-322.
- Unpaid reserve police officers are not required to take a leave of absence to run for office pursuant to Section 17-1-7, Code of Alabama 1975, unless the council adopts a procedure requiring them to take leave to run. AGO 1997-034.
- The United States Supreme Court has held that police officers who allow media members to accompany them into a residence while a warrant is executed violate the Fourth Amendment. *Wilson v. Layne*, 526 U.S. 603 (1999). *See also, Hanlon v. Berger*, 525 U.S. 981 (1998).
- A town is not required to pay a police officer, who voluntarily resigned, for appearing in court, when the officer was served a lawful subpoena to appear in court as a witness, after his resignation. AGO 2001-195.
- By rules adopted by the Alabama Supreme Court, the law enforcement duties of municipal law enforcement officers have been extended beyond the corporate or police jurisdiction limits for the purpose of executing search warrants addressed to them, and the statute, providing for arrest in the county within which the municipality is located, has been reaffirmed. AGO 2003-099.
- Where a private citizen is swearing out a complaint to a violation of Section 32-10-1 of the Code of Alabama 1975—which requires drivers of vehicles involved in accidents to remain at the scene—the driver must be charged on a Uniform Traffic Ticket and Complaint (“UTTC”) where no physical injury occurs because the violation is a misdemeanor traffic violation that does



not require custodial arrest. Where a law enforcement officer did not observe the commission of the offense, the complainant must have witnessed the violation. AGO 2003-166.

- Uncompensated reserved police officers do not hold an “office of profit.” AGO 2004-174.
- Municipal law enforcement officers may cite drivers in a municipal police jurisdiction for violating Section 32-5A-170 of the Code of Alabama 1975 (“Reasonable and Prudent Speed”) but they must specify the hazardous conditions present in the “Facts Relating to the Offense” box on the Uniform Traffic Ticket and Complaint (UTTC) to distinguish the charge from the provisions specified in Section 32-5A-171 of the Code of Alabama 1975. AGO 2004-061. NOTE: Municipalities are specifically prohibited from enforcing Section 32-5A-171 within the police jurisdiction.
- A municipal police officer is not required to take a leave of absence to be a candidate for the office of sheriff. AGO 2006-067.
- A police chief may not prohibit a constable from performing a statutorily proscribed duty within the police jurisdiction where the jurisdiction of the police and the jurisdiction of the constable overlap. A constable may perform those duties granted him or her by statute within the county. AGO 2007-018.
- A police officer’s attempt to terminate a dangerous high-speed car chase that threatens the lives of innocent bystanders does not violate the Fourth Amendment, even when it places the fleeing motorist at risk of serious injury or death. *Scott v. Harris*, 127 S.Ct. 1769 (U.S. 2007).
- Any witness to a traffic offense may swear out a complaint using a uniform traffic ticket and complaint pursuant to Section 12-12-53 of the Code of Alabama. The law enforcement officer or the magistrate may furnish witness, with a uniform traffic citation with a note as to the duty of the witness to appear before the magistrate. This opinion gives a good discussion of the procedure that should be followed in serving a citation on a person witnessed by a bus driver violating Section 32-5A-154(a) of the Code. AGO 2008-002.
- A provision of the 2002 Sarbanes-Oxley Act that criminalizes knowingly making false entries in records with the intent to impede or obstruct a federal investigation can apply to lies entered in a police use-of-force report. *U.S. v. Hunt*, 526 F.3d 739 (11th Cir. 2008).
- A municipality may limit its police department to providing only emergency services within its police jurisdiction if the revenue collected in the police

jurisdiction “reflects reasonable compensation” to the town for the cost of the emergency services provided. The monies collected must do no more than recoup the costs of providing the emergency response services. AGO 2008-007.

- Any minor found in possession of tobacco or tobacco products may be prosecuted under Section 28-11-14 of the Code of Alabama. Disposition of any violation of this statute shall be within the jurisdiction of the district or municipal court and not the juvenile court. Violation of this statute shall not be considered a criminal offense, but shall be administratively adjudicated. AGO 2008-047. ■

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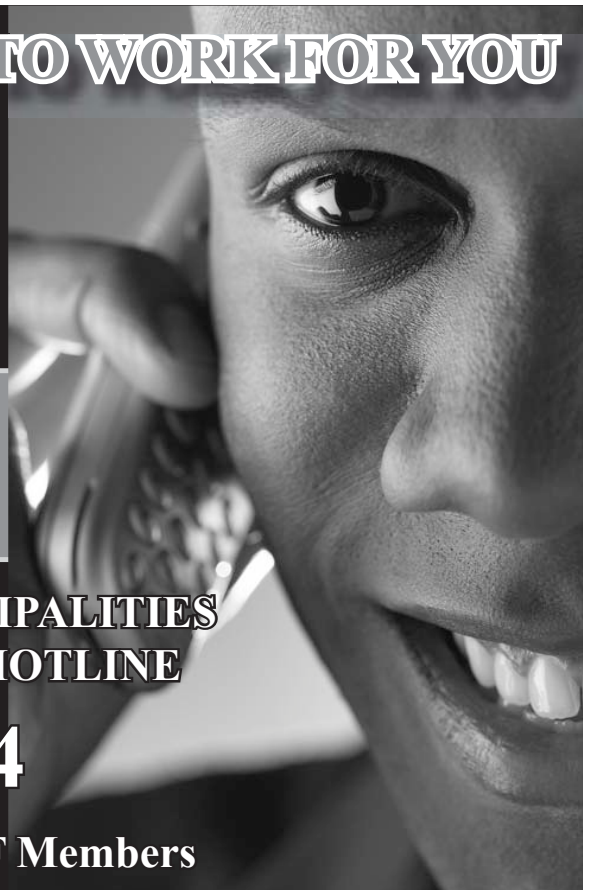
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## *Municipal Overview continued from page 7*

I announced two changes for the Municipal Workers Compensation Board. Council Member Cynthia McCollum of Madison and Mayor George Roy of Calera will no longer be in office. These vacancies will be filled by Council Member Thomas Moore of Demopolis and Mayor Charles W. “Sonny” Penhale of Helena.

Mayor Bobby Payne of Tallassee will no longer serve on the board of the Alabama Municipal Insurance Corporation. His vacancy will be filled by Council Member Dean Argo of Prattville.

Council Member Charles Woods of Childersburg will no longer hold a seat on AMFund Board. The Board has chosen Mayor George Evans of Selma to fill that seat.

Twelve seats on the Executive Committee became vacant in November. These seats were held by Council Member Isabell Boyd, Brundidge; Mayor Joe Roberson, Ohatchee; Mayor Charles Fagan, Piedmont; Mayor Charles O’Rear, Attalla; Council Member Robert Earnest, Winfield; Mayor Loretta Spencer, Huntsville; Council Member Cynthia McCollum, Madison; Council Member Wayne Dunkin, Priceville; Council Member Ed Scott, Adamsville; Council Member Bobby Phillips, Calera; Mayor Harvey Fretwell, Northport; and Mayor James Perkins, Selma. New members will be appointed before the next meeting in January.

Three Committee Chairs were unsuccessful in their reelection bids – Council Member Charles Woods of Childersburg (Committee on State and Federal Legislation); Mayor Cecil Williamson of Demopolis (Transportation, Public Safety and Communications); and Mayor Dan Deason of Scottsboro (Community and Economic Development). One Vice Chair lost her bid for reelection – Mayor Vanessa Hill of Greensboro (Human Development). The Vice Chairs of each committee will assume the Chair position. Vacancies in the Vice Chairs will be filled at the Convention in May. The League wishes to express its thanks to these officials for their hard work and dedication to the League.

The League held four Orientation Conferences for both veteran and newly-elected officials in late October in Birmingham, Montgomery, Huntsville and Mobile. Speakers made presentations to the 900 attendees on the following topics:

What is the League?

League Special Programs

The Municipal Year Ahead

Legal Powers of Municipalities

The Municipal Year Ahead

Borrowing Powers/Budgeting, Auditing & Reporting

Municipal Officials and the State Legislature

Conflicts of Interest and the Ethics Laws

Municipal Liabilities

Council Meeting Procedures

Open Meetings & Public Records

Revenue and Appropriation Powers

How to Use the League Legal Department

Dues notices for our September 1, 2008 - August 31, 2009 League Fiscal Year were mailed to members. To date we have received dues from **392** cities. Members are encouraged to get these returned to us as soon as possible. The League has **442** member cities and towns out of the **459** municipalities in the state.

The League’s five policy committees met in August and September and heard excellent presentations from a number of state and federal agency representatives. Once the presentations were completed, they developed the *Proposed Policies and Goals 2009*. The proposals will now go to the Committee on State and Federal Legislation as they develop the 2009 League Legislative Package.

The total enrollment in the League’s CMO Program since inception is **2840** officials. Active officials enrolled are **1462**. There have been **817** Basic CMO graduates to date. There have been **360** Advanced CMO Graduates. The League has also had several hundred orders for CMO courses on CDs. I thank Theresa Lloyd for the professional manner in which she runs the CMO Program.

I reported that the Southern Municipal Conference Board Meeting was held in Hot Springs, Virginia, in early September. The meeting was attended by Mayor Bobby Payne of Tallassee, Mayor Melvin Duran, your League President, and the Director. We heard excellent presentations on Immigration, OPEB, the 2008 elections, best lobbying practices and Trends in Local Revenues. The 2009 SMC Leadership Meeting will be held in Lost Pines, Texas, on April 23-25, 2009. All members of League’s Executive Committee will be invited to attend and were encouraged to do so. Future  
*continued next page*



## *Municipal Overview continued from page 17*

meeting dates were announced as follows:

- **NLC Congress of Cities** – November 11-15, 2008 – Orlando, FL
- **Committee on State & Federal Legislation** – December 4, 2008
- **Mid-Winter Executive Committee** – January 15, 2009
- **First Day of Regular Session** – February 3, 2009
- **Congressional City Conference** – March 14-18, 2009 – Washington, DC
- **Southern Municipal Conference Leadership Meeting** – April 23-25, 2009 – Lost Pines, TX
- **League Convention** – May 2-5, 2009 – Montgomery

I reviewed the Fiscal Budget for 2008-2009 and recommended several changes, which were adopted by the committee. Ms. Phyllis Ingram of Carr, Riggs and Ingram presented the annual audit report of the League's finances. She stated that the League was in excellent financial shape.

Mayor Leon Smith of Oxford, President of the Municipal Workers' Compensation Fund, Mayor Bobby Payne of Tallassee, Chair of the Alabama Municipal Insurance Corporation, and Mayor Roy Dobbs of Berry, Chair of the AMFund Board presented the reports on the activity of their respective programs.

League Communications Director Carrie Banks presented the Media Department report. She brought members up-to-date on the Downtown and Small Towns project, the League's Quality of Life Awards Program and the League Photography Contest. She encouraged all member cities to become involved in all of these activities.

League Deputy Director/General Counsel Ken Smith gave the legal report. He asked members to send in suggested amendments needed to improve the municipal election laws. He also reported that the League had now taken over the operations of the Alabama Municipal Judges Association. He reported on three recent opinions of the Attorney General – 2008-125 (contracts for fire services); 2008-122 (non-binding referendums on municipal issues) and 2008-106 (public works bids). He mentioned that the League web site

has sample documents on the new "Red Flag" Rule.

Monty Paggeot, Director of Information Systems, brought members up-to-date on the League's IT system. He stated that the League has a new VOIP Phone System. He also emphasized data security and cost savings.

Director of State and Federal Relations Greg Cochran provided an update on the latest happenings in Washington. One item of major interest was the recent federal bailout and its possible effect on cities.

Legislative Liaison Hal Bloom discussed the upcoming legislative session and asked members to contact their legislators on League issues. He urged them to ask legislators to oppose legislation that would limit the power of municipalities to handle their own finances. ■



# League Staff Responds to Thousands of Election Calls

By: Ken Smith, Deputy Director/General Counsel

In a normal year, the League's legal department responds to between 8,000 – 10,000 inquiries from League members. In 2004, the legal department responded to a total of 4,154 questions from the date the election notice was posted and candidates began qualifying, through the date the newly elected officials took office. This year, 2008, the legal department answered a total of 5,707 legal inquiries during the four month period from July 1 (when candidates began qualifying) through November 3 (when the newly elected officials took office). Of course, there were a number of questions related to elections prior to July 1, and election questions continue to come in as there are still a couple of election contests pending.

These calls ranged from simple questions about the date for taking certain actions to more complicated issues for which there was no ready answer. New situations often had to be solved quickly – for example, the need to develop a quick process for preclearing electronic election devices and finding solutions to the challenges raised by the new provisional voting process – and the League's legal department worked closely with municipalities, state and federal election officials and, in some cases, the candidates themselves to find correct answers to these issues.

For my part, as supervisor of the legal department, I would like to extend my deep gratitude to all of our attorneys – Lori Lein, Tracy Roberts and our Executive Director, Perry Roquemore – for their efforts. This was my sixth municipal election and it seems that each election is more complicated than the last. I'm proud and happy to have the opportunity to work with a legal team like we have here. I'm prejudiced, of course, but I believe that we have the best legal department of any League in the country.

I would also be remiss if I failed to recognize the folks here in our office who answered the telephones. First off, I owe a deep debt of gratitude to Sharon Carr. Sharon is our Legal Services Administrator, and she bears the unenviable responsibility of keeping our legal department straight. In addition, most of our legal calls are routed through her, so during the election she had to forward calls to the proper parties, often juggling numerous ringing lines at a single time while trying to track down attorneys (and others) who weren't always sitting behind their desks.

Additionally, Cindy Price, Krystle Bell, Theresa Lloyd and others who filled in during peak hours did a fantastic job of fielding election calls and dealing with emergency election mail-outs while having to handle their own daily duties. In addition to the election calls, they had to handle other calls that came into the office while keeping up with their own work.

These individuals had to remain professional and polite, sometimes to callers who were not always treating them with the same respect. These staff members do a great job, and I applaud them and thank them for their efforts.

I would also like to thank Carrie Banks and Laura Whatley for their work in preparing our publications and keeping our website up-to-date. During the election, there was often a need to quickly get information out to our members and Laura always managed to post information on the website promptly and in a user-friendly manner. As always, Carrie and Laura did a fantastic job in working closely with our legal department to help prepare new information for release rapidly.

Thanks also to the Opinions Division of the Attorney General's Office and to the Secretary of State's Office for their assistance. And finally, a special thanks goes to the municipal clerks, poll workers and others who conducted the municipal elections across the state. They were the ones who had to implement the election laws while dealing face-to-face with the candidates, their supporters and the voters. Outstanding job by each of you!! ■



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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

**DUI:** The \$5,000 maximum fine provided in a city code for a DUI violation did not exceed the amount that the city was authorized to impose. Section 11-45-9, Code of Alabama 1975, provides that no fine for a violation of a municipal ordinance could exceed \$500, except, when enforcing the penalties prescribed in the DUI statute, the fine could not exceed \$5,000. *City of Decatur v. Lindsey*, 989 So.2d 1157 (Ala.Crim.App.2007)

**DUI:** By amending the DUI statute, the legislature restricted the use of prior DUI convictions for sentencing purposes to only those convictions that occurred within the five-year period immediately preceding the current conviction. Although the five-year requirement had previously been removed from the statute, the subsequent amendment to the statute clarifying that prior out-of-state DUI convictions were to be considered for purposes of sentencing reinstated the five-year requirement. *Hankins v. State*, 989 So.2d 610 (Ala.Crim.App.2007)

**Elections:** The Circuit Court did not have jurisdiction to hear an unsuccessful primary candidate's action alleging that the successful candidate violated the Fair Campaign Practices Act (FCPA) and seeking an injunction postponing the general election. To the extent the alleged violations occurred before the primary and runoff elections, the unsuccessful candidate was claiming that the successful candidate was ineligible to participate in those elections, and, thus, the candidate's action was an election contest, rather than a pre-election action filed before the general election, and he was required to follow the statutory procedure for contesting primary and runoff elections. *Roper v. Rhodes*, 988 So.2d 471 (Ala.2008)

**English:** A multi-language government document does not violate the constitutional amendment found in Section 36.01, Alabama Constitution of 1901, making English Alabama's official language. *Cole v. Riley*, 989 So.2d 1001 (Ala.2007)

**Ordinances:** Pursuant to the provision of a local act regarding the passage of ordinances in the City of Montgomery, the mayor has the power and authority to veto an ordinance adopting a yearly budget. The Montgomery mayor's veto power is attendant to "any ordinance," and ordinances dealing with matters not of permanent operation, such as a given year's budget, are within the scope of the city council's authority. *Bright v. Calhoun*, 988 So.2d 492 (Ala.2008)

**Streets and Roads:** Acceptance by a governmental entity was unnecessary for public dedication of roads in a subdivision outside the city limits. By completing and recording the plat in compliance with statutory requirements, the developer dedicated the roads to the public. A road can be made public in one of three ways: (1) a regular proceeding for that purpose, (2) a dedication of the road by the owner of the land it crosses, with acceptance by the proper authorities or (3) the way is generally used by the public for twenty years. *Harper v. Coats*, 988 So.2d 501 (Ala.2008)

**Tort Liability:** A citizen's tort claims against a city accrued, and limitations period began to run, on the date of his injuries. The citizen's tort claims for false arrest and false imprisonment against city and its police chief in his official capacity arising out of an altercation with the police chief at a town hall meeting accrued, and the six-month period for presentation of claims against municipalities began to run, on the date of the citizen's arrest. *Locker v. City of St. Florian*, 989 So.2d 546 (Ala.Civ.App.2008)

## UNITED STATES COURT DECISIONS AFFECTING ALABAMA

**Employment Arbitration:** An employer's mandatory "open door" dispute resolution process for its employees that requires arbitration of all employment related disputes was upheld. *Lambert v. Austin Ind.*, --- F.3d ---, 2008 WL 4481444 (11<sup>th</sup> Cir.2008)



Tracy L. Roberts  
Assistant General Counsel



**Family and Medical Leave Act:** A public school employee who was fired for not completing a performance improvement plan while he was on approved leave may pursue Family and Medical Leave Act interference and retaliation claims against his former employer. *Martin v. Brevard County Public Schools*, --- F.3d ---, 2008 WL 4403009 (11<sup>th</sup> Cir.2008)

**Housing:** A city did not violate the Fair Housing Act's ban on disability discrimination by enforcing an occupancy-turnover zoning rule against clients of a substance abuse clinic living nearby in a single-family dwelling zone. *Schwarz v. City of Treasure Island*, ---F.3d ---, 2008 WL 4498944 (11<sup>th</sup> Cir. 2008)

#### DECISIONS FROM OTHER JURISDICTIONS

**Property:** A Washington city did not affect a Fifth Amendment taking when it required property owners seeking to develop their property to upgrade the size of their storm pipe. *McClung v. Sumner*, --- F.3d ---, 2008 WL 4349848 (9<sup>th</sup> Cir.2008)

#### ATTORNEY GENERAL'S OPINIONS

**Commercial Development:** The transfer of land by a commercial development authority to a private person, firm, or corporation, originally acquired from the state and transferred to the authority through one or more transactions between governmental entities, is subject to the competitive bid requirements of the Land Sales Act, except if transferred for the purpose of promoting the economic and industrial development of the county or municipality or for the purpose of constructing, developing, equipping, and operating industrial, commercial, research, or service facilities of any kind under Section 94.01 of the Recomplied Constitution of Alabama, and in compliance with section 94.01(c) of the Constitution if transferred for less than fair market value. AGO 2009-008 and AGO 2008-009

**Fire Protection:** The Alabama Forestry Commission which maintains a statewide communications system used for dispatching employees and equipment to fight wildfires which is also used to dispatch and coordinate the activities of approximately 1000 volunteer fire departments, is exempt under section 41-4-290 of the Code of Alabama, from regulations of the Alabama Department of Finance in the acquisition of two-way radio communications equipment, systems, or networks to be used in furtherance of the Commission's public safety and administration of criminal justice purposes. AGO 2009-007

**Mayor:** A vacancy in the office of mayor will occur at the beginning of the next term of office, generally the first Monday in November. The vacancy must be filled according to the provisions of section 11-43-42 of the Code of Alabama. The candidate for mayor who received a majority of the votes, but who was not issued a certificate of election because he failed to file a report of contributions and expenditures before the date of the election, may not be appointed to fill the vacancy in the office of mayor in a city with a population of 12,000 or more. In a city with 12,000 or more in population, the president of the council elected at the organizational meeting of the council will automatically fill the vacancy in the office of mayor. This person may, however, be appointed to fill a vacancy on the council that will be created when the vacancy in the office of mayor is filled from the council. AGO 2009-004

**Open Meetings Act:** Board meetings of a Health Care Authority formed under section 22-21-310, et seq., Code of Alabama 1975, are not subject to the Open Meetings Act. AGO 2009-006

**Voter Registration:** The Board of Registrars may examine each applicant and ask for further proof of citizenship even if a completed voter registration form is submitted by the applicant. The Board of Registrars may refuse registration if an applicant fails to provide the additional proof of citizenship requested by the Board. The Board of Registrars shall require the name, address, and telephone number of an interpreter who assists an applicant in completing the voter registration form. A voter identification card issued by the County Board of Registrars that includes the name and address of the voter on the card is an "other government document" that may be used by the voter as voter identification under Section 17-9-30 of the Code of Alabama, so long as it contains both the name and address of the voter. AGO 2009-002

## *President's Report continued from page 5*

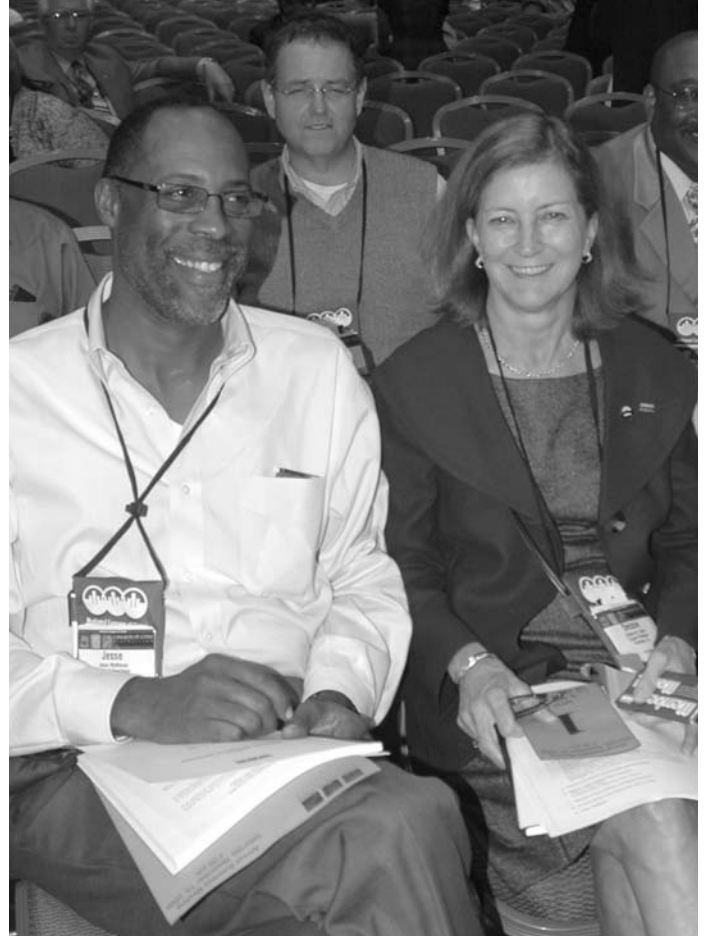
advocacy committees if you have an interest. The deadline for serving on a committee in 2009 has passed; however, mark your calendars to turn in an application next November for placement in 2010. An elected official must be from an NLC member city to hold a leadership position (chair or vice chair) or to serve on a committee, council or panel:

### **Policy and Advocacy Committees**

- Community & Economic Development
- Energy, Environment & Natural Resources
- Finance, Administration & Intergovernmental Relations
- Human Development
- Information Technology & Communications
- Public Safety & Crime Prevention
- Transportation Infrastructure & Services

### **Member Networking Councils**

- Central Cities Council
- First-Tier Suburbs Council
- Small Cities Council
- University Communities Council



### **CityFutures Panels**

- Community & Regional Development Panel
- Democratic Governance Panel
- Equity & Opportunity Panel
- Public Finance Panel

### **Other NLC Advisory Groups**

- Corporate Partners Leadership Council
- Council on Youth, Education and Families
- International Council
- Leadership Training Council

For more information on this process, visit NLC's website at [www.nlc.org](http://www.nlc.org). ■

**Photos:** (Left) Councilmember David Hooks of Homewood and Mayor Jim Byard of Prattville and (above) Councilmember Jesse Matthews of Bessemer and Councilmember Debbie Quinn of Fairhope at NLC's Annual Business Meeting during the Congress of Cities on November 15, 2008.



# 2009 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 2008, 42% of the 624 MWCF members received a full 10% off their premium by appointing a Safety Coordinator and signing a *Statement of Commitment, Post Accident Drug Testing Agreement*, and having an approved Medical Protocol in place.

## 2009 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 out to every member of MWCF during the month of November. If it is signed and returned by December 1<sup>st</sup>, a 3% discount will be reflected on the 2009-2010 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 mailout for those members not yet having 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 2009! **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 from our website by going to the MWCF page at [www.alalm.org](http://www.alalm.org). ■

## REMARKABLE RECYCLING FACTS: PAPER

- Recycling 1 ton of paper saves 17 trees, 2 barrels of oil (enough to run the average car for 1,260 miles or from Dallas to Los Angeles, 4,100 kilowatts of energy (enough to power the average home for 6 months), 3.2 cubic yards of landfill (one family-size pickup truck), and 60 pounds of air pollution.
- The item most frequently encountered in municipal solid waste (MSW) landfills is plain old paper – on average, it accounts for more than 40% of a landfills contents. Newspapers alone can take up as much as 13% of the space in US landfills.
- Landfill studies have unearthed 35-year-old newspapers that were still legible. If all of our newspaper was recycled, we could save about 250,000,000 trees each year.
- Americans make nearly 400 billion photocopies a year – about 750,000 copies per minute of every day. U.S. fax machines send 30+ billion faxes each year.
- Each year enough paper is thrown away to make a 12-foot wall from New York to California.
- Making recycled paper is 60% cheaper than making virgin paper and generates 95% less air pollution.
- Each ton of recycled paper can save 17 trees. These trees can absorb a total of 250 pounds of carbon dioxide from the air each year. Burning that same ton of paper would create 1500 pounds of carbon dioxide.
- Schools and workplaces generate the most paper that can be recycled.

Sources: [www.cityofmobile.org](http://www.cityofmobile.org) • [www.ecocycle.org](http://www.ecocycle.org) • [www.cleanair.org](http://www.cleanair.org)

**\*Remember to recycle your holiday wrapping paper and greeting cards.**

**One year's worth of America's holiday cards would fill a football field 10 stories high!**



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Extends an open invitation to all Alabama municipalities that are not currently members of AMROA to join our organization of municipal

employees that promote professional development of municipal employees responsible for the collection, enforcement, and administration of municipal revenues.

AMROA has its own website ([www.amroa.org](http://www.amroa.org)) and partners with both the University of Alabama and Auburn University to conduct educational, training, and certification programs for its members.

Contact AMROA President Gwen Hall, Revenue Director, City of Mobile for further information at **(251) 208-7111**.

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We're Talking Delivery...**



**“KME & NAFECO  
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Our New Fire Apparatus”**



**...to Fyffe Fire/Rescue  
Congratulations**

“Being this is only the second new fire apparatus purchased by the Town of Fyffe (the first was in 1964), the decision to purchase a KME from NAFECO was not taken lightly. However, after comparing other apparatus, KME was the clear choice. We were able to purchase a top of the line apparatus at a very reasonable price. Ronald Woodall, Doris Thrasher and the entire staff at NAFECO have been great to work with. Even though the Town of Fyffe has had to wait 44 years, KME & NAFECO have made this small town proud of our new fire apparatus!”

*Fire Chief Thomas Ridgeway  
Town of Fyffe Fire/Rescue*



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# Judicial Correction Services

## Court Fine & Defendant Supervision



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- Court Administrator  
Large Municipal Court

"JCS has improved our court operations greatly with their professionalism and by the amount of monies collected."

- Court Clerk  
Large Municipal Court

"We are now collecting more than 90% of our fines, and I see far fewer return visits from those I sentence to probation."

-Judge  
Georgia Municipality

### Benefiting the Community...

"JCS has provided great cooperation with the County to cut these overhead costs that have been growing...It's everyone's goal not to have to build more jails. That and these high costs of keeping someone in jail are a big drain on county resources that can be better used elsewhere."

- Former Director of  
Corrections  
Large Florida State Court

"We have saved on jail expenses and issued fewer warrants."

- Court Clerk  
Large Municipal Court

"...we found that a full service probation provider like JCS can be instrumental in controlling the growth of the jail population and assuring the appropriate use of expensive jail cells."

- Judge  
Alabama Court

### Benefiting the Defendants...

"JCS has helped me understand the bad decisions I have made in my life. Through their guidance I have been given a chance to start over."

- Emma G., Defendant  
Florida State Court

"...thank you for getting me into a treatment program. I'm loving my sobriety. It's a wonderful life. It does work One Day At A Time."

- Danny B., Defendant  
Marshall County, Alabama

"Thank you for everything. Even though you did not have to do it, you did it anyway and it was much appreciated. You kept me out of jail."

- Craig A., Defendant  
Foley, Alabama

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# AMFund

To assist municipalities throughout the state, the Alabama League of Municipalities (ALM), has developed the Alabama Municipal Funding Corporation (AMFund) to provide low-cost financing to ALM Members.

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- ♦Administered by your League!

For more information, visit [www.alalm.org](http://www.alalm.org) or contact AMFUND Marketing Director Greg Cochran at 334-262-2566 or via email at [gregc@alalm.org](mailto:gregc@alalm.org).

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